



Sussex County Council Public/Media Packet

**MEETING:
December 4, 2018**

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**Sussex County Council
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Georgetown, DE 19947
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

A G E N D A

DECEMBER 4, 2018

10:00 A.M.

**AMENDED on November 30, 2018 at 10:30 A.M.¹

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

William Pfaff, Economic Development

1. Discussion related to Economic Gardening

10:15 a.m. Public Hearing

Wellesley Annexation of the Sussex County Unified Sanitary Sewer District
(West Rehoboth Area)

John Ashman, Director of Utility Planning

1. Longneck Holdings for Comfort Inn & Suites by Choice Hotels

A. Infrastructure Agreement



Councilman I.G. Burton III

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

Janelle Cornwell, Planning and Zoning Director

Consideration and approval of the Proposed Ordinance entitled “AN ORDINANCE ADOPTING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008”

Old Business

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XIX, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”

Conditional Use No. 2126 filed on behalf of Nikolajs Lituinenkous

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS” (Tax I.D. No. 233-11.00-172.00) (911 Address: 30028 Vines Creek Road, Dagsboro)

Change of Zone 1855 filed on behalf of Kirk Salvo, KH Sussex, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS” (Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02) (911 Address: None Available)

Grant Requests

- 1. Beacon Middle School for the choir’s travel expenses**
- 2. Beacon Middle School for the band’s travel expenses**
- 3. Delaware Lions Foundation for Humanitarian Service Projects**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

Adjourn

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 27, 2018 at 8:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to include Land Acquisition under Executive Session. The agenda amendment was required to discuss a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL
COMPREHENSIVE PLAN WORKSHOP

OCTOBER 15, 2018

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

The following were present:

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

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

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

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

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

The Plan Certification Process was reviewed.

The workshop adjourned at 12:07 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

Link:

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 27, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 27, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Todd F. Lawson	County Administrator
J. Everett Moore Jr.	County Attorney

Mr. Cole and Mr. Wilson were absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 652 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to amend the agenda by deleting "Executive Session – Pending Litigation pursuant to 29 Del. C. §10004(b)" and "Possible Action on Executive Session Items", and to approve the agenda, as amended.

Motion Adopted: 3 Yeas, 2 Absent.

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

Minutes

The minutes of November 13, 2018 were approved by consent.

**Public
Comments**

Correspondence

**YMCA OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**CLOTHING OUR KIDS, MILLSBORO, DELAWARE.
RE: Letter in appreciation of grant.**

**WOODBIDGE HIGH SCHOOL MARINE CORPS JROTC,
GREENWOOD, DELAWARE.
RE: Letter in appreciation of grant.**

**READ ALOUD DELAWARE, LEWES, DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Hearing
(continued)**

**RONALD MCDONALD HOUSE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**THE ARC OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**WEST SIDE NEW BEGINNINGS, WEST REHOBOTH CHILDREN &
YOUTH PROGRAM, REHOBOTH, DELAWARE.
RE: Letter in appreciation of grant.**

**DELAWARE GUIDANCE SERVICES, LEWES, DELAWARE.
RE: Letter in appreciation of grant.**

**COMMUNITY RESOURCE CENTER, REHOBOTH BEACH,
DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comments**

Public Comments

Paul Reiger commented on the vacancy on the Planning and Zoning Commission after Doug Hudson takes office as Sussex County Councilman. Mr. Reiger also commented on Board of Adjustment cases, i.e. size of projects.

Dan Kramer commented on the vacancy on the Planning and Zoning Commission that will occur after Doug Hudson takes office as Sussex County Councilman.

Martin Ross commented on the County's approach to affordable housing and suggested the formation of a working group to identify modifications to an ordinance that would allow for impactful and integrated solutions. Mr. Ross also commented on projected residential growth in the 2018 Comprehensive Plan. Mr. Ross requested that the Council reconsider its decision to remove the Agribusiness overlay areas.

Robert Viscount stated that he represents the concerns of about 65 people and he commented on the following: impact of multiple land use projects in the area, procedural errors and gaps relating to changes in land use, i.e. public notice and access to information, and a land use loop hole relating to assisted living facilities.

**M 653 18
Approve
Consent
Agenda
Items**

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

- 1. Wastewater Agreement No. 1064
Sussex County Project No. 81-04
Middle Creek Preserve – Phase 1
Angola Neck Sanitary Sewer District**

**M 653 18
Approve
Consent
Agenda
Items
(continued)**

- 2. Wastewater Agreement No. 1032-1
Sussex County Project No. 81-04
Lewes Crossing – Phase 8 (Plan Approval and Construction Record)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- 3. Wastewater Agreement No. 990-5
Sussex County Project No. 81-04
Ocean View Beach Club – Phase 3B
Bethany Beach Sanitary Sewer District**
- 4. Wastewater Agreement No. 638-19
Sussex County Project No. 81-04
The Estuary – Phase 2-1 (Construction Record)
Miller Creek Sanitary Sewer District**

Motion Adopted: 3 Yeas, 2 Absent.

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

**Public
Hearing/
Proposed
Bond
Ordinance/
Western
Sussex
Regional
SSD**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,634,748 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

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

There were no public comments.

The Public Hearing and public record were closed.

**M 654 18
Adopt
Ordinance
No. 2617**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2617 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,634,748 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Public
Hearing/
Proposed
Ordinance/
Relating
to the C-4
District**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”.

Ms. Cornwell reported that during the implementation of the new C-4 zoning district, staff identified inconsistencies/impediments in the Code and that this proposed ordinance addresses those. One of the items to be addressed is the determination of the amount of land for the C-4 zone. The intent of the Code was to allow for multiple parcels that meet or exceed 3 acres in size to be rezoned to C-4. The way the Code reads is that it is a single parcel of land that needs to have a minimum of 3 acres. There was contradiction in a few of the permitted uses. The revision will clarify the permitted uses. Ms. Cornwell reported that staff has had several meetings with developers and engineers regarding the desire to use the C-4 zoning and include mixed use. The Code currently allows a maximum of 20% of the development to be residential. The proposed amendment would allow a maximum of 40% of the development to be residential.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 25, 2018 at which time action was deferred. On November 15, 2018, the Commission recommended approval with two recommendations: (1) increase the amount of maximum residential development from 20% to 65% and (2) that mixed use buildings not count towards the overall density calculation.

Public comments were heard.

Ring Lardner of Davis Bowen & Friedel stated that he supports the Planning and Zoning Commission’s recommended changes and he discussed his reasons for his support. Mr. Lardner stated that as proposed, the ordinance removes single family fee simple from being permitted in the C-4 District and he asked Council to consider allowing fee simple subdivisions.

**Public
Hearing/
Proposed
Ordinance/
Relating
to the C-4
District
(continued)**

David Hutt, Attorney, agreed with Mr. Lardner's comments. He stated that with the current limitations in the Ordinance, master planning does not work and that for this zoning classification, greater flexibility is needed for the split between commercial and residential. Mr. Hutt stated that he supports the recommendation of the Planning and Zoning Commission and recommended against striking single family uses in the C-4 District.

Dan Kramer commented on apartments over-top of stores and he questioned how many could be put on top of a Walmart, if permitted. He stated it should be permitted. He also stated that the Council should review all ordinances.

Rich Borrasso, a member of Sussex Alliance for Responsible Growth, questioned if there is a lack in the need for commercial space and stated that, if residential space is increased, that it be tied to affordable housing.

Jeff Stone raised questions about taking a commercial zone and changing it to residential and stated that mixed-use today is not a store with apartments over-top as that rarely happens now. He stated that the ordinance needs to be clear as to what the use and the density is going to be; that he questions how the density will be calculated; and that he questions if more residential is needed.

Mr. Vincent explained how density would be calculated when residential is located over commercial.

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

It was noted that Mr. Burton has asked for additional information from staff (examples on the increase in residential from 20% to 65% in mixed use buildings). Mr. Arlett asked for more clarification on the density calculation and percentages.

**M 655 18
Defer
Action on
Proposed
Ordinance
Relating to
C-4
Ordinance**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action on the Proposed Ordinance until the (close of business on Monday, December 3rd for staff to provide additional information and thereafter, the record will remain open for one week (close of business on Monday, December 10th) for the public to respond, in writing only, to the information submitted by staff.

Motion Adopted: 3 Yeas, 2 Absent.

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

**2019
Schedule**

Mr. Lawson presented the proposed Sussex County 2019 Schedule for the Council's consideration.

**M 656 18
Approve
2019
Schedule**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Council approves the 2019 holiday schedule and the 2019 County Council meeting schedule.

HOLIDAY SCHEDULE

New Year's Day	January 1 (Tuesday)
Martin Luther King, Jr. Day	January 21 (Monday)
Good Friday	April 19 (Friday)
Memorial Day	May 27 (Monday)
Independence Day	July 4 (Thursday)
Labor Day	September 2 (Monday)
Veterans Day	November 11 (Monday)
Thanksgiving	November 28 (Thursday)
	November 29 (Friday)
Christmas	December 24 (Tuesday)
	December 25 (Wednesday)

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

COUNCIL NO MEETING DATES

**JANUARY 1
JANUARY 22
FEBRUARY 12
MARCH 5
APRIL 23
MAY 28
JULY 2
JULY 9
AUGUST 6
AUGUST 27
SEPTEMBER 3
OCTOBER 15
NOVEMBER 26
DECEMBER 3
DECEMBER 24
DECEMBER 31**

Motion Adopted: 3 Yeas, 2 Absent.

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

**Adminis-
trator's
Report**

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

1. Caroling on The Circle

A reminder that the annual Caroling on The Circle program will take place on Monday, December 3rd, at 6:30 p.m. in front of the Sussex County Courthouse. This is a free event sponsored by the Sussex County Council each year. Everyone is welcome and encouraged to attend, and to bring a food item for the less fortunate if they can afford to do so. Hot chocolate and cookies will be served at the Georgetown Fire Hall after the program. The "Pack the POD" campaign will remain in full swing until the end of December.

2. Mildred King Luncheon

Sussex County offices will close on Friday, December 7th, from 11:00 a.m. to 2:00 p.m. to allow employees to attend the annual Mildred King Luncheon. Members of the public with business to conduct are asked to plan accordingly. County offices will reopen promptly at 2:00 p.m.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Preserve at Jefferson Creek (Sewer Revision - Added Sewer Laterals) received Substantial Completion effective November 9th.

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

**South
Coastal
Library
Reading
Garden
Project C/O**

Hans Medlarz, County Engineer, presented Change Order No. 2 for Project L19-03, South Coastal Library Reading Garden Alterations. The Change Order will allow for the creation of additional floor space (additional patron user space) and will include lighting improvements. There is no price increase associated with this change order.

**M 657 18
Approve
C/O/
South
Coastal
Library
Project**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that Change Order No. 2 for Contract L19-03, South Coastal Library Reading Garden Alterations, be approved with no change in the contract amount.

Motion Adopted: 3 Yeas, 2 Absent.

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

Calculation of Permitted Density/ Proposed Ordinance/ Deferred	Mr. Burton referenced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE III (“PROVISIONS APPLICABLE TO ALL DISTRICTS”), ARTICLE IV (“AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS”) AND ARTICLE XXV (“SUPPLEMENTARY REGULATIONS”) WITH RESPECT TO THE CALCULATION OF PERMITTED DENSITY”. He noted that due to the fact that two Councilmembers were absent on this date, action would be deferred.
Delaware Coast Line Railroad	Jim Hickin, Airport Manager, reported that Delaware Coast Line Railroad’s (DCLR) 30-year lease in the Airport’s Business Park will expire in November 2019. Due to recent changes in their business activities, DCLR has explored other rail-related lines of business that they could take advantage of their unique facility in the Business Park. As a result, DCLR has requested the County negotiate a new lease a year prior to their existing lease’s expiration: initial six-year term beginning December 1, 2018; option to renew the lease for three additional five-year consecutive terms, first year rent to remain as in existing lease, remaining five years of initial term will be \$7,400 (\$5,000 per acre), rent for the five-year options will increase by CPI-U. Mr. Hickin reported that DCLR has also requested approval to sublease a portion of the property to Railroad Construction Company, Inc. and Delmarva Central Railroad. Both companies’ use of the property will be in accordance with the current and proposed leases.
M 658 18 Execute Lease Agreement/ Delaware Coast Line Railroad	A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council authorizes the Council President to execute the Lease Agreement with Delaware Coast Line Railroad for portions of Lots 19 and 20 in the Delaware Coastal Business Park, as presented. Motion Adopted: 3 Yeas, 2 Absent. Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea
M 659 18 Enter Into Commercial Lease Agreements/ Delaware Coastal Line Railroad	A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council consents to Delaware Coast Line Railroad entering into commercial lease agreements with Railroad Construction Company, Inc. and Delmarva Central Railroad for the use of portions of Lots 19 and 20 in the Delaware Coastal Business Park. Motion Adopted: 3 Yeas, 2 Absent. Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea

Lakeside Expansion of the SCUSSD	John Ashman, Director of Utility Planning, presented a request to post notices for the Lakeside Annexation of the Sussex County Unified Sanitary Sewer District (Blades Area). The request was made by Lakeside Mobile Home Community for Parcel 132-2.00-274.00; two other parcels are required to make the project contiguous. A tentative Public Hearing is currently scheduled for January 15, 2019.
M 660 18 Post Notices/ Lakeside Expansion of the SCUSSD	<p>A Motion was made by Mr. Arlett, seconded by Mr. Burton, to authorize the Engineering Department to prepare and post notices for the Lakeside Expansion of the Sussex County Unified Sanitary Sewer District (Blades Area), as presented.</p> <p>Motion Adopted: 3 Yeas, 2 Absent.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea</p>
PLUS Comments Approval/ 2018 Comprehensive Plan	<p>Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Engineer, referenced the November 13th Council meeting and Council's decision to amend language in Chapter 4 – Future Land Use – Affordable Housing, regarding affordable housing and density, to include adequate levels of service to the Developing Areas and Coastal Areas in the language relating to Chapter 4. It was reported that a letter has been received from the Delaware State Housing Authority withdrawing their concern with certification and stating that they have no concern with the updated language.</p>
M 661 18 Approve Amended Language/ PLUS Response Letter	<p>A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the County's response letter addressing the State Office of Planning Coordination, September 20, 2018, PLUS Letter regarding the 2018 Comprehensive Plan is approved and that the Director of Planning and Zoning is authorized to transmit the response letter on behalf of Sussex County to the Office of State Planning Coordination and such other State agencies as may be appropriate.</p> <p>Motion Adopted: 3 Yeas, 2 Absent.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Absent; Mr. Cole, Absent; Mr. Vincent, Yea</p>
Future Land Use Map Change	<p>Ms. Cornwell presented a Future Land Use Map change as previously discussed by Council at the November 13th meeting at which time action was deferred.</p> <p>In regard to the New Road / Route One area, an amended map was presented for consideration. On the amended map, areas along the</p>

Future Land Use Map Change (continued) northwest side of New Road were removed from the Coastal Area and areas further east on Coastal Highway were removed, and a small area that was a Low Density Area was added to ensure a contiguous area along Route One.

M 662 18 Land Use Map Change Approved/ A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the areas shown on the map presented on this date to the County Council (and attached hereto) be designated as Low Density Areas and Coastal Areas, as depicted on the map.

Motion Adopted: 3 Yeas, 2 Absent.

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

Action Deferred/ Proposed Ordinance Comprehensive Plan Ordinance As previously noted that since two Councilmembers were absent on this date, Council would defer action on the Proposed Ordinance entitled “AN ORDINANCE ADOPTING THE 2018 COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING ORDINANCE NO. 1980, THE 2007 UPDATE OF THE COMPREHENSIVE PLAN, ADOPTED JUNE 24, 2008”.

Grant Requests Grant requests were presented by Kathy Roth, Assistant Finance Director.

Action was deferred on the two grant requests from Beacon Middle School.

M 663 18 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$1,000.00 (\$500.00 each from Mr. Vincent’s and Mr. Arlett’s Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for the annual Christmas outreach for needy families.

Motion Adopted: 3 Yeas, 2 Absent.

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

M 664 18 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Western Sussex Chamber of Commerce for the Seaford Christmas Parade.

Motion Adopted: 3 Yeas, 2 Absent.

M 664 18 Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
(continued) Mr. Wilson, Absent; Mr. Cole, Absent;
Mr. Vincent, Yea

Introduction of Proposed Ordinance

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS” (Conditional Use No. 2162) filed on behalf of Yellow Metal, LLC (Tax I.D. No. 135-11.00-31.00) (911 Address: 20288 Broadogs Place, Georgetown). The Proposed Ordinance will be advertised for Public Hearing.

Council	<u>Council Members' Comments</u>
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Comments **Get well wishes were extended to Mr. Cole and Mr. Wilson.**

Congratulations were extended to the Delmar High School Field Hockey Team upon winning the 2018 DIAA Division II Championship and the Cape Henlopen High School Field Hockey Team upon winning the 2018 DIAA Division I Championship.

Good Luck wishes were extended to the Sussex Central High School and Woodbridge High School football teams; both teams will play in the State Championships, Divisions I and II. The games will take place on Saturday, December 1, 2018.

Mr. Arlett recognized Councilman-Elect John Rieley who was in the audience.

M 665 18 **A Motion was made by Mr. Arlett, seconded by Mr. Burton, to recess until**
Recess **1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 666 18 At 1:36 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to
Reconvene reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

**M 666 18
(continued)**

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

Rules

Mr. Moore read the rules of procedure for Public Hearings.

**Public
Hearing/
CZ 1860,
CU 2147,
CZ 1861**

A combined Public Hearing was held on the following three Proposed Ordinances: “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.50 ACRES, MORE OR LESS” (Change of Zone No. 1860) filed on behalf of Nassau DE Acquisition Co., LLC (Tax I.D. No. 334-1.00-15.00 (portion of) and 334-1.00-15.03) (911 Address: None Available); “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.50 ACRES, MORE OR LESS” (Conditional Use No. 2147) filed on behalf of Nassau DE Acquisition Co., LLC (Tax I.D. No. 334-1.00-15.00 (portion of) and 334-1.00-15.03) (911 Address: None Available); “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.662 ACRES, MORE OR LESS” (Change of Zone No. 1861) filed on behalf of Nassau DE Acquisition Co., LLC (Tax I.D. No. 334-1.00-15.00 (portion of)) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on these applications on October 25, 2018 at which time action was deferred on all three applications. At the conclusion of the Public Hearing, the Commission left the record open for the Developer’s response to the PLUS comments and the record was left open for 15 days thereafter to give the public time to review and comment (in writing). Ms. Cornwell reported that the record was closed on November 15, 2018.

(See the minutes of the Planning and Zoning Commission dated October 25, 2018.)

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

Ms. Cornwell reported that 53 letter of opposition were received at the time of the Planning and Zoning Commission’s Public Hearing and additional letters in opposition have been received since that time.

**Public
Hearing/
CZ 1860,
CU 2147,
CZ 1861
(continued)**

It was noted that the Applicant previously submitted an Exhibit Booklet, which included proposed Findings of Fact and proposed conditions.

The Council found that John Tracey, Attorney, was present on behalf of the equitable owner of the property, Nassau DE Acquisition Co., LLC, with Alan Hill and Tom Shirey of Hilcrest Associates, Inc. and Joe Calabro of Nassau DE Acquisition Co., LLC. Mr. Tracey stated that the property is located adjacent to Route One and Old Mill Road with frontage on both; that this is an application to rezone the 15.162 acre parcel from AR-1 to 12.50 acres of MR and 2.662 acres of C-2 as well as to grant a Conditional Use to allow for multi-family residential units within the MR portions of the site; that five three-story buildings are proposed for a 150 unit apartment development with 75 single-story garages and 100 storage units and 4,700 square feet of commercial space; that the project will consist of 150 units on 12.50 acres which results in a density of 12 units per acre; that an office building / leasing office is proposed in the C-2 area in the front; and that DelDOT did not require a Traffic Impact Study; however, the Applicant/Developer understands that the Area-Wide Study Fee in Lieu does not exempt them from the responsibility to make off-site improvements or from preparing a Traffic Operation Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process; and that this project is located in Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. Mr. Tracey stated that there will be no adverse impact on neighboring or adjacent properties and that the project will not affect the public's health, safety and welfare. Mr. Tracey also commented on the need for a diversity of housing options close to employment centers and resort areas.

Mr. Tracey presented an overview of the project including a history of the site, the proposed layout of the site, the type of housing proposed, concept plan, amenities, proposed stormwater management, water and sewer availability, traffic report, two access points / entrances, planned and required road improvements and easements, density of the project, setbacks, open space, landscaping, and other commercial and MR zonings in the area. He referenced the project's compliance with the County Code and the 2008 Comprehensive Plan.

Public comments were heard.

Todd Fisher spoke in support of the application. He stated that he owns the two properties surrounded by the proposed project on three sides; that water and sewer will be available; that once DelDOT completes road improvements, traffic should be better and there will be a safer intersection.

Jennifer Cinelli-Miller of DelDOT was in attendance and responded to questions relating to access to the site, the timing of proposed road improvements and CTP funding.

**Public
Hearing/
CZ 1860,
CU 2147,
CZ 1861
(continued)**

Mark Wright, Bill Landon, Vince Brady, Bob Christiansen, Lisa Bartels, Glen Vernon, David Williams, Gerald Cohen, Suzanne Hain, George Dellinger, Rich Borrasso, Ruth Shiflette and Keith Betts spoke in opposition to the applications. They stated that that the parcels should be developed as AR-1; that Old Mill Road is a dead end road with no shoulders; that Old Mill Road functions as a driveway and access should not be granted to the proposed project; that the 150 units will exit the site onto Old Mill Road; that 60 families currently live in the Old Mill community in single family homes; that road improvements planned by DelDOT will take longer than stated; that there is no precedent set for this change of zone; that there are plenty of rental units available; that a Traffic Impact Study needs to be conducted; that flooding problems already exist and the Applicant plans to take out all of the trees which increases flooding concerns; that the other developments in the area are wooded; that it is a very dangerous area (traffic hazards) and there is concern about children, the elderly, and the disabled; that they are proposing inadequate buffers; that all traffic will be directed onto Old Mill Road and the resulting 2,300 trips per day triggers a requirement for a Traffic Impact Study; that the proposed project will cause more traffic problems and they referenced the proposed service roads; that there will be traffic impact on the west side of Route One; that there are nine communities containing 900 homes on Minos Conaway Road; that there are no shoulders on Minos Conaway Road and the road is already undersized; that more children will create a problem with getting them to school; that there are many environmental concerns (well water, water quality, flooding and run-off, destruction of forest, impervious surface, soil contamination, pollution, odors, inadequate buffers and drainage, air quality, noise, light, wildlife, impact on the Great March, removal of tree line buffer, no proposed stormwater management on the east side of the development); that they question the location of the sewer hook-up; that there is concern about bike lanes / turning lanes; that privacy and quality of life will be disrupted; that the proposed density is out of character with the area; that the Council previously denied an application for storage units on this parcel; that precedents have been set (denial of Conditional Use Nos. 1556 and 1998); that the cumulative impact on the area needs to be considered, including projects in the queue; that the explanation of the DelDOT transportation concept plan is vague and the record should remain open for closer examination and understanding; that they ask Council to delay a vote until more studies can be conducted; and that the proposed project is out of character with the area and AR-1 zoning. The opposition referenced Old Mill vicinity crash data, the PLUS letter, the Corridor Capacity Preservation Program, and the letter from DelDOT.

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

Mr. Burton questioned what DelDOT's plans (i.e. traffic improvements / transition plan) are for the interim for the project area.

**M 667 18
Defer
Action on
CZ 1860,
CU 2147,
CZ 1861**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action on Change of Zone No. 1860, Conditional Use No. 2147, and Change of Zone No. 1861 filed on behalf of Nassau DE Acquisition, Co., LLC and to leave the record open for the recommendation of the Planning and Zoning Commission and for a period of one week, until the close of business on December 4, 2018 for additional information from DelDOT (in writing); thereafter the record will remain open until close of business on Monday, December 10, 2018 for the public and the Applicant to submit comments (in writing) pertaining to the new information submitted by DelDOT.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Public
Hearing/
CZ 1859**

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 AND GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 60 ACRES, MORE OR LESS” (Change of Zone No. 1859) filed on behalf of Boardwalk Development, LLC, c/o Joseph Reed (Henlopen Meadows) (Tax I.D. No. 234-12.00-3.00 and 6.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on October 25, 2018 at which time action was deferred.

(See the minutes of the Planning and Zoning Commission dated October 25, 2108.)

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

It was noted that an Exhibit Book was previously submitted.

The Council found that David Hutt, Attorney, was present with Ken Christenbury of Axiom Engineering, LLC and Joe Reed, Principal of Boardwalk Development, LLC on behalf the application. They stated that this is an application to amend the Comprehensive Zoning Map from a split zoned GR General Residential District and AR-1 Agricultural Residential District to a GR-RPC General Residential District with a Residential Planned Community overlay; that the property is currently owned and farmed by the Dorman family; that the surrounding area has been in General Residential use for over 3 decades; that lands to the north, east and west are zoned GR; that the application represents infill; that the property

**Public
Hearing/
CZ 1859
(continued)**

is bordered by roads on all four sides with the exception of some manufactured homes on the north and northeast corner; that the project to be built on the site will be known as Fieldstone at Lewes, a Residential Planned Community; that the plan for the community is for 201 detached single family residential units, a housing type consistent with the character and trend of development in the area; that the change of zone is consistent with the residential density of the immediate area; that the project proposes moderately priced workforce housing to provide for the needs of employees working in the eastern half of Sussex County, the location of many employment centers and opportunities; that the proposed density of the project is 3.35 units per acre, and is less than the density anticipated in the Angola Neck Sanitary Sewer District's design assumptions; that the project is located in Investment Level 3 according to the Strategies for State Policies and Spending; that water will be provided by Tidewater and sewer service will be provided by Sussex County; that there will be no impact on wetlands; that there will be a forested buffer; that a significant amount of open space will be preserved; that DelDOT determined that the project qualifies to fund an area-wide Traffic Impact Study (TIS) in lieu of completing a project specified TIS; that the project will fit into the landscape of the Angola Neck Area; that there is an extremely limited inventory of workforce housing and that the project will be marketed for this target people with the help of the DSHA; and that the project is not a high density project nor is it a low income project. They referenced the County's Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plan, and DelDOT's technical comments. They gave an overview of communities and zonings in the surrounding area.

Mr. Christenbury reported on the design of the stormwater management plan for this project. He discussed in detail a past flood/drainage problem in the area that was presented by the opposition during the Planning and Zoning Commission's public hearing and he addressed the complaint. It was noted that this drainage problem existed prior to the Applicant purchasing this property and prior to the Applicant purchasing the nearby Bay Point property.

Mr. Hutt referenced the petitions submitted by the Opposition and noted discrepancies in those petitions.

Public comments were heard.

Amy Walls spoke in support of the application and discussed the need for affordable housing and workforce housing.

Ed Chamberlain, Jim Rodgers, Laura Marroli, Kelli Krueger, Jerry LaForgia, Ray Martin, A.H. Coven, and Jeri Hall spoke in opposition to the application. They stated that permitting this application and such an increase in building at this location is both unwarranted, damaging, and potentially dangerous to the present and future residents of the area; that

**Public
Hearing/
CZ 1859
(continued)**

with 201 homes on 60 acres, this project would be the highest-density new housing on Angola Neck; that the project would overly contribute to the congestion and traffic on Angola Neck roads and Route 24; that the project would not provide a good cost option for moderate income workers; that there is no public transportation in the area; that area congestion would mean longer commute times for workers; that its “moderately-priced” homes will cost more than hundreds of other Lewes homes currently for sale; that the peninsula is accessible by only two single lane roads; that evacuation of the peninsula could be compromised/dangerous; that the project is located in the Investment Level 3 area according to the Strategies for State Policies and Spending where infrastructure is not a priority; that the project will create stress on an already overstressed police and fire resources; that only 30 homes of the 201 homes will be set aside for workforce housing; that the number of car trips generated by this project will increase traffic dramatically; that this project is being proposed in an area that’s already in a building boom; that the application will result in greater runoff and contribute to pollution of the waterways, along with increased toxicity of drinking water and natural habitat destruction; that the school system is already over-crowded; that they question the traffic counts; that the cumulative impact of approved projects in the area needs to be considered; and that the project is not in compliance with the Comprehensive Plan.

Ms. Krueger presented information on the history of the water run-off problem and personal property loss experienced due to prior flooding/drainage problems in this area and the lack of help/cooperation she received from county and state agencies. Ms. Krueger asked the Council to leave the record open for more information regarding the project’s impact on the ditch and how much run-off and storm water it can handle.

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

**M 668 18
Defer
Action on
CZ 1859**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action until December 11, 2018 (the record remains open for a recommendation from the Planning and Zoning Commission only).

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 669 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 7:50 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

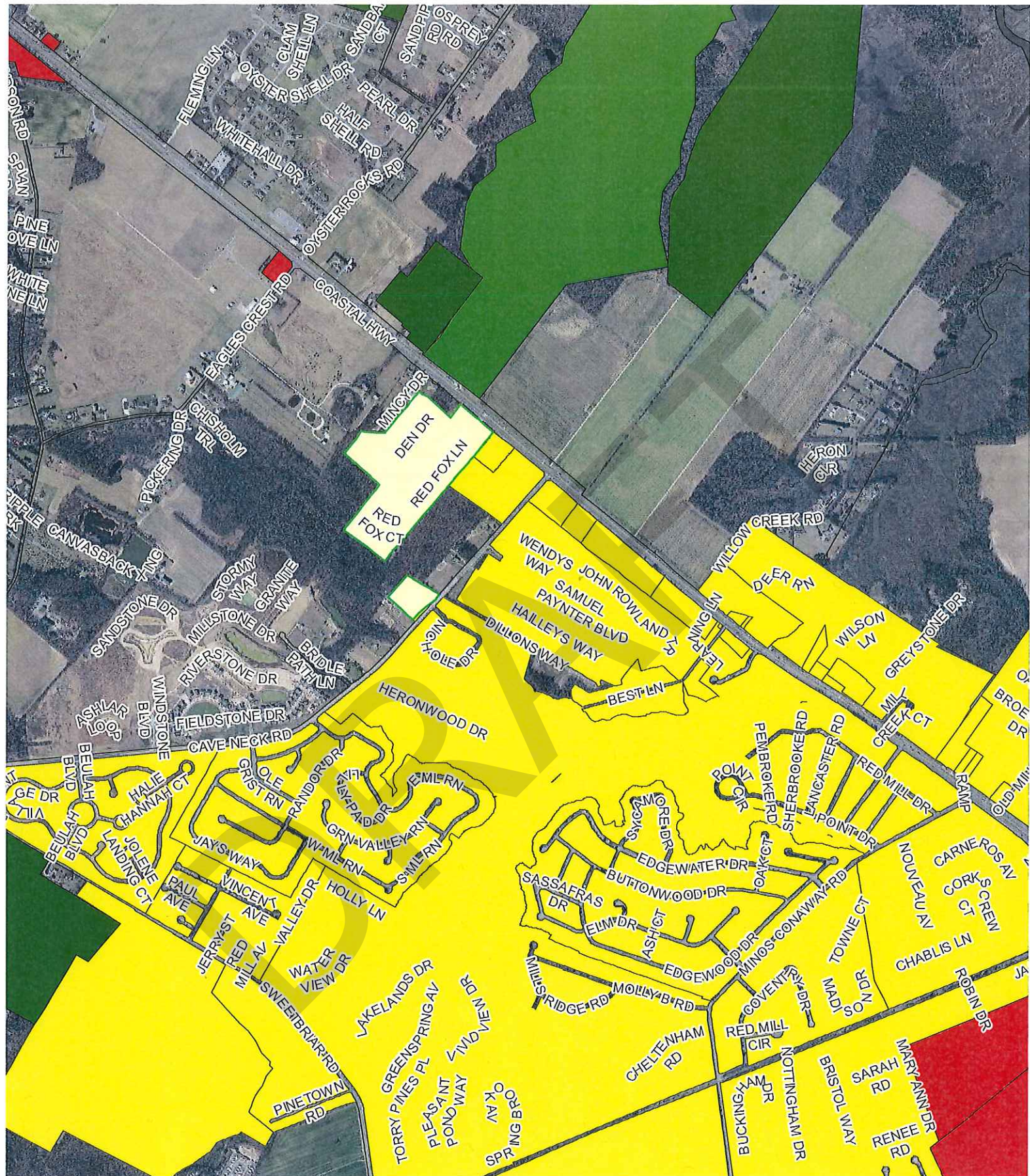
**M 669 18
(continued)**

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

Respectfully submitted,

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

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



WILLIAM PFAFF
ECONOMIC DEVELOPMENT DIRECTOR
(302) 855-7700 T
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Sussex County
DELAWARE
sussexcountye.gov

Memorandum

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

FROM: William Pfaff
Economic Development

RE: **Economic Gardening**

DATE: November 30, 2018

On the agenda Tuesday will be a discussion about Economic Gardening®, a concept that promotes the idea of growing a local economy from within. As part of the discussion, Council will be asked to consider a proposal to move ahead with an RFP. Ahead of that discussion, I am providing you this memorandum as background on the topic.

The success of an Economic Gardening® engagement has a lot to do with recruiting the right companies into the program. Key screening criteria includes:

Target audience — Economic Gardening is focused on growth-oriented, second-stage companies. For Economic Gardening engagements, this typically means companies with 10 to 99 employees and \$1 million to \$50 million in annual revenue. In addition, these companies should have both the aptitude and appetite for significant growth.

We will target second-stage companies because they typically sell to external markets, which is important. Bringing new money into the community, rather than just circulating the same dollars around, is essential for a community to improve its standard of living.

Important note: “Save me” companies (those that are under financial stress, have lost control or want someone else to make key decisions for them) are not good candidates for our program. There are other organizations and programs that can serve these types of companies. In contrast, growth-oriented CEOs are positioned to make the most of the sophisticated research and information that Economic Gardening provides.



How it will work — The National Strategic Research Team (NSRT) works with each CEO like temporary staff — albeit at a high-powered, sophisticated level. They want to understand what decisions the CEO is trying to make, and then they gather information to help them make those decisions. The NSRT staff are not consultants who prescribe solutions, nor are they deep in any given industry. Rather, they gather data from high-quality sources (e.g. industry associations, federal government, universities, premier media and national experts), and then let the data guide CEOs to conclusions.

Rules of engagement — Commitment from clients is critical. The NSRT needs the full attention and participation of the CEO from the beginning to the end of an Economic Gardening engagement. With that in mind, it's important to select companies that have the CEO's complete buy-in — and the CEO will be required to sign a participation agreement to that effect. If senior managers plan to be involved, that's fine; however, they need to participate from the get-go, starting with the Discovery Call. Everyone on the client's team needs to understand how they work, what they can and can't do, and what type of tools they bring to the engagement.

Vetting — After a company has applied, but prior to its selection, NSRT will make an onsite visit with the CEO to review the application. The goal is to make sure that potential participants are crystal-clear on the program. Specifically, NSRT wants to determine:

- Does the CEO understand the intent of Economic Gardening?
- Do the CEO's issues match Economic Gardening services?
- Are CEOs prepared to prioritize their issues, so the research team can take a deeper dive into issues that will have more impact on the company's ability to grow?
- Will the CEO and management team make the necessary time commitment? In particular, are there any other pressing matters in the company that could distract them?
- Do they understand that this is not a free service? Even though the program is available to them at minimal cost, Sussex County is investing \$4,300 or more per company. This is the reason participants must meet certain criteria — and why their commitment is crucial.
- Does the CEO have questions at this point?

Red flags

During the vetting process, NSRT will be on the lookout for various red flags that may signal the company is not a good match:

- **Too much on the plate** — Companies may have other initiatives they plan on executing simultaneously with their Economic Gardening engagement. This may affect their ability to commit, or it could move the goal post during the course of the engagement. If the latter occurs, the Economic Gardening team

could end up working on old ideas while the client is moving forward, which causes a disconnect.

- **Bad timing in general** — The company doesn't have the bandwidth to deal with the project, especially if they are in a very busy season. Again, this could affect their lack of commitment and their ability to maximize value from the program. Another example of bad timing, a company's website may be in the middle of a redesign and not ready for review.

Good screening and selection on the front end, along with setting solid goals and expectations, are critical elements in successful engagements. The end goal is to see significant company growth, resulting in increased sales, new jobs and a satisfied business – all positives for a growing, healthy local economy.

Wellesley Expansion Facts

- Permission to Prepare and Post Notices was granted on October 30, 2018 for the Wellesley Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
- Requested by DBF (Davis Bowen & Friedel) on behalf of their clients Wellesley Partners, LLC for parcels 334-12.00-46.01, 113.00 & 116.00.
- The project received preliminary approval on 6-28-18
- The project wishes to connect to existing infrastructure installed by the Count. An Infrastructure Use Agreement will be required.
- The expansion will consist of 286.24 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- The Notices were placed on the County website and the area was posted on November 11, 2018.
- The expansion was advertised on November 21 and 28th. T
- To date we have had correspondence either in support or opposition to the expansion.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 334-12.00-46.01, 113.00, 116.00 ON THE SOUTH SIDE OF WARRINGTON ROAD AND THE EAST SIDE OF JOHN J. WILLIAMS HWY. THE PARCELS ARE LOCATED IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Warrington Road and John J. Williams Hwy., the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the south side of Warrington Road, as follows:

BEGINNING at a point, situate at the intersection of the southeasterly right of way (ROW) of John J. Williams Hwy., and the westernmost property corner of lands now or formerly (N/F) of J. G. Townsend Jr. Co.; thence proceeding by and with said ROW in a northeasterly direction a distance of 2,500'± to a point, said point being the northernmost property corner of lands N/F of J. G. Townsend Jr. Co.; thence leaving said ROW and proceeding by and with said Townsend lands in a southeasterly and northeasterly direction respectively a distance of 597'± to a point, said point being on the southerly ROW of County Road 275 (Warrington Rd.); thence continuing with said Townsend lands and ROW in a southeasterly direction a distance of 1076'± to a point, said point being on the boundary of the SCUSSD, thence proceeding by and with said Townsend lands, ROW and SCUSSD boundary in a southeasterly direction a distance of 667'± to a point, said point being the northeastern most property corner of lands N/F Carlton J. II and Renee D. Bailey, thence leaving said SCUSSD boundary and proceeding by and with said Townsend lands and Bailey lands the following southwesterly and southeasterly directions respectively a distance of 728'± to a point, said point being the southeasternmost property corner of said Bailey lands, said point also being on the SCUSSD boundary; thence leaving said Bailey lands and proceeding by and with said Townsend lands and SCUSSD boundary in a generally southerly direction a distance of 5,872'±, said point being the southeasternmost property corner of said Townsend lands; thence leaving said SCUSSD boundary and continuing with said Townsend lands in a generally northerly direction a distance of 2,113'± to a point, said

point being on the easterly ROW of County Road 284 (Mulberry Knoll Road); thence proceeding by and with said ROW and Townsend lands in a generally northerly direction a distance of 3,794'± to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

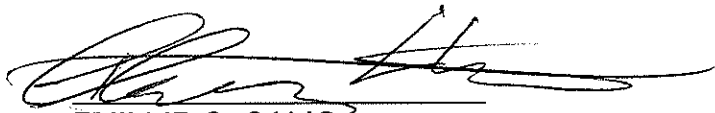
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
WELLESLEY EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On November 11, 2018 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 11, 2018 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in the southeasterly ROW of John J. Williams Hwy., 1,100'± northeast of the intersection of Mulberry Knoll Road and John J. Williams Hwy;
 - 2. On a post in front of DEC Pole #101681 in the southerly ROW of Warrington Road 1,875'± northwest of the intersection of Warrington Road and Old Landing Road;
 - 3. On a post in the northerly ROW of Warrington Road 1,875'± northwest of Old Landing Road;
 - 4. On a post in the northwesterly ROW of Plantations Road on the north side of the entrance road of PS 192;
 - 5. On a post in the westerly ROW of Old Landing in front of the Stop sign at the intersection of Old Landing Road and Warrington Road;
 - 6. On a post in the easterly ROW of Mulberry Knoll Road in front of DEC Power Pole #203598 3,665'± southeast of the intersection of Mulberry Knoll Road and John J. Williams Hwy;
 - 7. On a post in the northeasterly ROW of Mulberry Knoll Road in front of the stop sign at the intersection of Mulberry Knoll Road and John J. Williams Hwy.;
 - 8. On a post in front of DEC Pole #32796 in the northwesterly ROW of John J. Williams Hwy. 705'± southeast of Mulberry Knoll Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 20 day of Nov A.D., 2018


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires June 14, 2022

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
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Longneck Holdings, LLC
File: OM 7.01

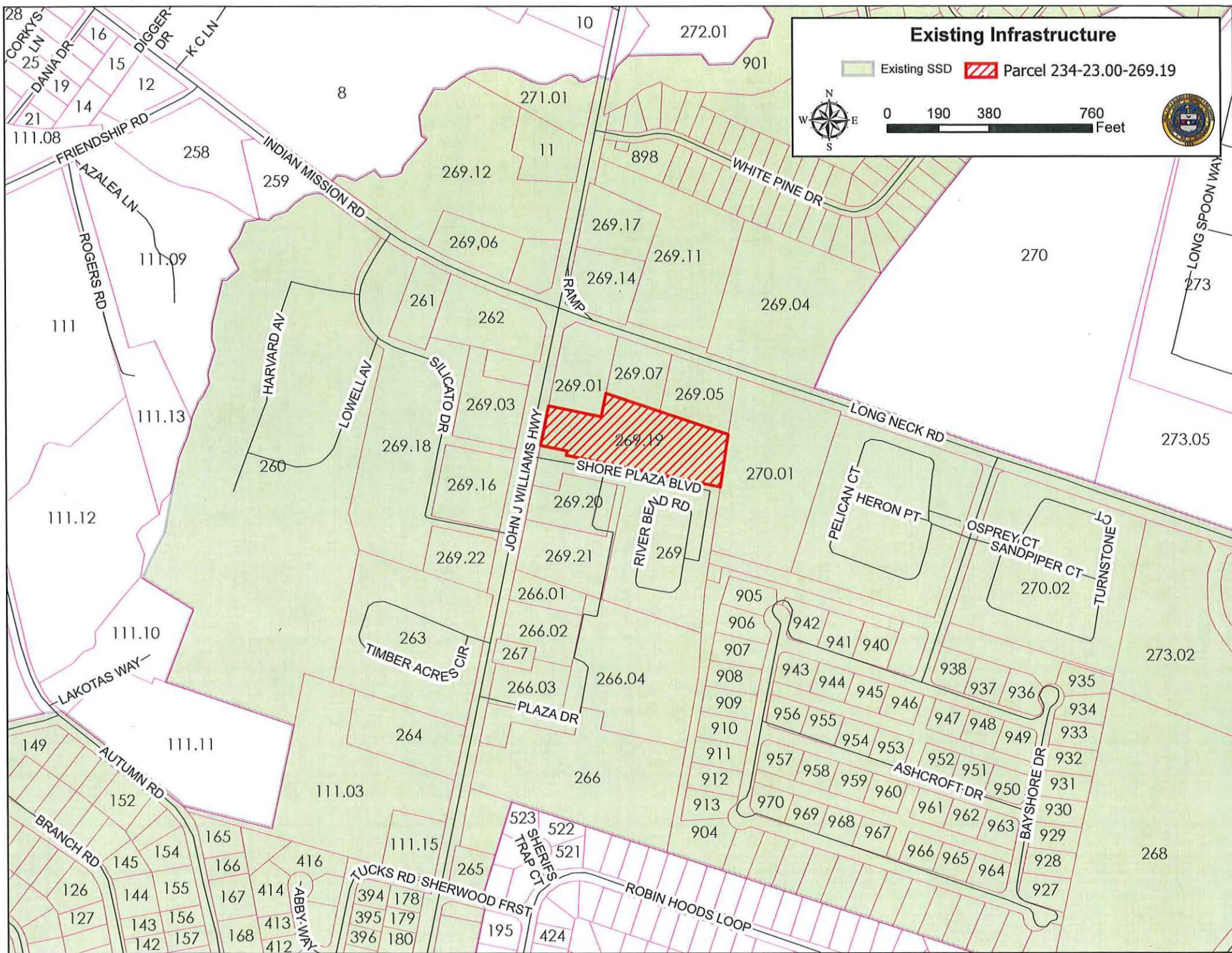
DATE: December 4, 2018

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

The Department requests approval of an agreement for the Use of Existing Infrastructure with **Longneck Holdings, LLC** for the **Comfort Inn & Suites by Choice Hotels** project in the Long Neck Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Comfort Inn & Suites by Choice Hotels** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Longneck Holdings, LLC** will contribute **\$11,507.00** for the financial catch-up contribution of the existing infrastructure to serve **26.34** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility.





USE OF EXISTING INFRASTRUCTURE AGREEMENT

COMFORT INN & SUITES BY CHOICE HOTELS

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2018, by and between:

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

LONGNECK HOLDINGS, LLC a Delaware Limited Liability Company and developer of a project known as Comfort Inn & Suites by Choice Hotels, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 234-23.00-269.19 to be known as Comfort Inn & Suites by Choice Hotels ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **26.34** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$11,507.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a connection permit for the facility.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **20560 Courtney Way, Rehoboth Beach Delaware 19971.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR LONGNECK HOLDINGS, LLC

By: Percy Dhamodiwala (Seal)
Percy Dhamodiwala - Authorized Signatory

11-2-2018 (DATE)

WITNESS: _____

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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janelle.cornwell@sussexcountysde.gov



Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 20, 2018

RE: County Council Old Business Report for Ord. 18-11 Density Calculation - Wetlands

County Council held a public hearing on October 9, 2018. Council left the record open for 30 days for written comments. The record closed on November 9, 2018. The Planning and Zoning Commission held a public hearing on September 13, 2018 and September 27, 2018. The following are the draft minutes for the proposed Ordinance from the Planning and Zoning Commission meetings.

Ms. Cornwell introduced the Ordinance and explained that staff have prepared a memo in relation to the background for the Ordinance; that it [the Ordinance] was introduced at the request of Councilman Burton; that the Ordinance determines how density is calculated for a proposed development; that the Ordinance seeks to eliminate the ability to count wetlands when calculating the overall density of a proposed subdivision; that staff were not taking a position on the matter.

Ms. Cornwell presented examples of previous subdivision applications to the Commission, and illustrated how the Ordinance, if approved, would reduce the total number of units permitted on those sites.

Mr. Hudson asked for clarification on how densities are currently calculated for a parcel.

Mr. Robertson explained that, currently in the AR-1 Zoning District, the max density is approximately double the site area.

Mr. Wheatley commented that there are often cases where the maximum base density is not achievable due to limitations of the site, such as the need to provide open space, and other design considerations, such as the inability to build upon wetlands.

Mr. Hudson asked for an estimate to be provided of the reduction in units/value of a site that would result from the Ordinance; he suggested that this might be 20-30%. Ms. Cornwell commented that the specific example being discussed was 13%. Mr. Robertson pointed out that it was a reduction of 13% from the maximum possible density. Ms. Cornwell commented that the specific example being discussed was zoned AR-1 (Agricultural Residential Zoning District).



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Mr. Wheatley commented that the definition of wetlands has changed over time. Mr. Hudson commented that the Ordinance changed the calculation from Gross Area to Net Area. Mr. Robertson confirmed that the Ordinance focused on wetlands as defined in Chapter 193 of the Sussex County Code.

Mr. Wheatley explained the procedures for people wishing to speak before the Commission.

The Commission found Mr. Chris Basin, the Executive Director for the Centre for the Inland Bays was present; that the Centre established a comprehensive management plan for the Bays within Sussex County; that this includes the waters within the bays and degraded habitats; that the Ordinance would prevent concentration of development near to ecologically sensitive lands and waterways such as those of the inland bays; that the Ordinance would reduce the risk of exposure of residents to hazards such as flooding; that wetlands are essential for the fish and wildlife populations of the bays; this includes fish and shellfish within the bays; that wetlands have a high concentration of rare species of plants; that the beneficial quality of wetlands have been declining over time; that they are in poor health due to disturbances including, but not limited to, development; that 32% of wetlands have been lost already; that this Ordinance would help to protect wetlands in numerous ways; that salt marshes in particular would benefit from this Particular Ordinance; that less density and more open space would allow wetlands to migrate inland; that this reduces the impacts associated with intense precipitation events and flooding; and that intense precipitation events are increasing.

Ms. Cornwell commented that eight letters of support had been received from members of the public and these are part of the record.

The Commission found that Ms. Jan O'Mears was present; that she supported the Ordinance; that the objectives were reasonable and responsible; that the Ordinance aligns with other changes to County Code, such as commercial zoning; and that it makes sense to modernize the Code.

The Commission found that Mr. Jim McCulley was present, that he is the President of the Homebuilder's Association of Delaware; that he thinks that the Ordinance is bad idea; that it would lead to the destruction of thousands of acres of natural resources; that they have tremendous value to the public, that they have limited value to the landowner; that he has experienced situations whereby landowners may seek to remove natural resources, such as trees, where they may limit potential future development; that there should be an incentive to keep natural features on a property; such as density bonuses where environmental resources are protected; otherwise the number of units lost would be developed elsewhere; and that sprawl would be increased.

The Commission found that Mr. Robert Murphy was present; that he believes that the Commission should consider future smart growth; and that the proposed Ordinance was an example of smart growth, and that he supported it.

The Commission found that Mr. Ring Lardner was present; that he was speaking on behalf of the Delaware Chapter of the American Council of Engineering Companies (ACEC); that density has been an issue for many years; that the base density of AR-1 lands was 2.178 DU/AC, that gross acreage is the total amount of land that you start with, that net acreage is the amount remaining after wetlands are discounted; that developers can purchase additional bonus density in the ESDDOZ; that the Ordinance would result in sprawl due to lots being located on other sites; that the County does not have the infrastructure to support the growth; that Kent County includes wetlands and uses gross density for calculating density; that they use 3 DU/AC in their growth area; that Newcastle County uses both gross and net density; that the clauses within the Ordinance do not explain the overall

objective; and that the ACEC requests a working group to be formed to enable professionals and residents to continue to discuss the Ordinance.

The Commission found that Mr. Bob Thornton, State Director for the Home Builders Association, was present; that he stated that there are approximately 260-270,000 developable acres remaining in the County, that a reduction of 20-30% of the development would result in a takings case; that it would reduce house building in the County; that building is the way of the County, that other jurisdictions have tried similar protection measures; that billions of dollars would effectively be wiped out; and that other experts should look into the Ordinance.

The Commission found that Mr. Dave Carey was present; that he farms within the County; that the wetlands have value to farmers in addition to providing other valuable functions; that the Ordinance diminishes his property value; that the Ordinance would result in sprawl; that he believes that landowners should be compensated for their whole property and not part of it; and that he requests Sussex County to consider the formation of a working group.

The Commission found that Mr. Frank Kea, Principal and Land Developer with Solutions was present; that the Ordinance would result in sprawl; that wetlands are already preserved; that the effect of sprawl would require longer pipes, longer streets and more trips throughout the County; and that the impacts of this would be a considerable negative consequence of the Ordinance.

The Commission found that Mr. Bobby Horsey was present; that he opposed the Ordinance; that he believes that it is a violation of his property rights; that landowners have invested in the County and developed sweat equity; that the designation of 2 DU/AC was established in 1970; that this doesn't need to change; that the market should dictate what is placed on a property; that the permitted density is often not utilized; that the Ordinance would result in a takings case against the County; that the Ordinance would result in increased sprawl; and that representations were made during the drafting of the Comprehensive Plan as to the need to protect densities.

The Commission found that Mr. James H. Baxter IV was present; that he has previously spoken with Mr. Burton on behalf of 2,000 farmers, that he believes that the Ordinance appears to be an equity snatching; that Sussex County is a very viable business due to the large numbers of people wishing to live in the County; that the Ordinance would take away his equity in his land; that this reduces the value of his property; and that half to three quarters of some properties could be reduced to no value for the purposes of obtaining loans for farming purposes.

The Commission found that Mr. James Lebello was present; that he believes that the proposal makes sense; that most things in society are based on net calculations; such as a resident's pay; this is calculated with gross and net; that the Ordinance is similar; that the Ordinance protects land and reduces development; that water quality would be protected; that fish are dying in Indian River Bay; that non-tidal wetlands are not protected; and that the Ordinance makes a lot of common sense and ties together with the Comprehensive Plan.

The Commission found that Mr. Michael Johnson was present; that he previously served the Commission for over 11 years; that in his experience there were subdivisions where multiple subdivisions were considered that contained wetlands; that he believed that wetlands could be utilized to maximize densities on certain parcels; that some parcels contain very large areas of wetlands; that some contain up to 40% of the total areas as wetlands; and that he is a supporter of growth and the increase in residents within the County.

The Commission found that Mr. Wayne Baker was present; that he is lifelong resident of the county; that he owns farmland within the County; that losing the value of wetlands would result in a loss of equity for farmers; that this would affect the livelihood of future generations; that this would result in a major lawsuit against the County; that the Ordinance only penalizes owners of undeveloped land; and that he would request the Commission to oppose the Ordinance.

The Commission discussed the proposed Ordinance.

Ms. Stevenson commented that the hearing was being held during harvest season. Mr. Wheatley commented that a further meeting would allow for further discussion by interested parties. Ms. Stevenson suggested that the record be left open if the public hearing were to be continued at a future meeting of the Planning & Zoning Commission.

Motion by Ms. Stevenson to defer action on Ordinance #18-11 until the next regular meeting of the Planning & Zoning Commission (September 27, 2018), with the public hearing left open to enable the submission of additional written comments and the submission of additional verbal comments during the continuation of the public hearing, seconded by Mr. Hudson. Motion carried 5-0.

At their meeting on September 27, 2018, the Planning Commission continued the public hearing from September 13, 2018.

Ms. Cornwell advised the Commission that this is a continuation of the public hearing; that it is for an Ordinance to address how the county calculates density; and that the proposed Ordinance will remove the ability to count wetlands towards the overall density of a property. One letter in support of the application and one letter of opposition to the application were read into the record.

The Commission found that Martin Ross, Wayne Baker and Robert Horsey spoke in opposition to the proposed Ordinance; that Mr. Ross stated he was in support to Mr. Baxter's statements made at the September 3, 2018 meeting; that property in wetlands, may be used and can get permits; that this may take development rights; that this may decrease the property value; that they need to stop giving away density; that he would like to discuss ways to create a process which enable natural resource preservation inclusive of wetlands; that there is no state or local law regulating non-tidal wetlands; that the proposed Ordinance should be edited to reflect federally regulated wetlands and maps; that the Ordinance impacts non-tidal rivers or stream and tidal and the Ordinance should specify these streams depicted in the Comprehensive Plan; that Mr. Baker stated he understood that the non-tidal wetlands are not considered in the Ordinance; that he has concerns with the definition of wetlands; that this is out of place; that Mr. Horsey stated he agrees with Mr. Baxter about the devaluation of land; and that if they want to preserve the rural look, then you need to preserve the value of land.

The Commission found that Kent Boschwitz spoke in support to the proposed Ordinance; that Mr. Boschwitz stated the Commissioners have the power to shape Sussex County for years to come; that he has concerns with water quality; that there is a need to protect all wetlands and the Ordinance does that; that Sussex County has the weakest regulations on wetlands in the area; that too much density near wetlands is a concern; that the importance of the future is environmental protection over property rights; and that the Ordinance is consistent with the new Comprehensive Plan.

The Commission held a discussion regarding the proposed Ordinance; that they discussed the language in the ordinance should try to find a way to address both issues of farms and environment; that how do we get the ideas we want; that this could be a big impact on a lot of people; and that they need to address the issue.

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

At their meeting of November 15, 2018, the Planning Commission discussed the application which has been deferred since September 27, 2018.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to recommend denial as the Commission would prefer the creation of a working group, consideration of the definitions and federal wetlands and that a revised ordinance come back to Planning Commission for a new public hearing. Motion carried 4-0. Mr. Hudson absent

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§ 115-15.1 [(Reserved)] Calculation of permitted density in all districts.

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42 For purposes of calculating the permitted density or allowable density in all
43 districts, the gross area, as defined herein, shall be divided by the applicable
44 lot area stated in each district, unless otherwise specifically set forth therein.
45 “Gross area” shall include the lot areas and the area of land set aside for
46 common open space or recreational use but shall exclude any area designated
47 as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or
48 nontidal wetlands by §115-193.
49

50 **Section 2. Sussex County Code, Chapter 115, Article IV, Section 115-25**
51 **(“Height, area and bulk requirements”) shall be amended by the addition of the**
52 **underlined language and deletion of the language in brackets, as follows:**
53

54 **§115-25. Height, area and bulk requirements.**
55

56 A. Minimum lot sizes for lots using a wastewater disposal system located
57 entirely on that lot and generally defined as an on-site septic system.
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59 . . .

60 (2) Cluster development option. The minimum lot size may be reduced to
61 one-half acre (21,780 square feet) where soil conditions are suitable as
62 approved by DNREC. The total number of lots allowed shall not exceed the
63 number of lots that would be permitted under the standard lot option. The
64 number of dwelling units permitted shall be determined by dividing the gross
65 area by 32,670 square feet. “Gross area” shall include the lot area and the area
66 of land set aside for common open space or recreational use but shall exclude
67 any area designated as a perennial nontidal river or stream, tidal tributary
68 stream, tidal wetlands or nontidal wetlands by §115-193. [The area of land set
69 aside for common open space or recreational use shall be included in
70 determining the number of dwelling units permitted.] However, if the
71 proposed cluster development lies within a Low-Density Area as described
72 within the Land Use Element and as shown on the Future Land Use Plan of
73 the adopted Sussex County Comprehensive Plan, the total number of lots
74 permitted shall be determined by first reducing the gross area by 25%.
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76 B. Minimum lot sizes, dimensions and open space for lots using a central
77 sewer system as defined by § 115-194A:
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(3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. [The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.] When a cluster development lies within a Town Center, a Developing Area, or an Environmentally Sensitive Developing Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. “Gross area” shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a perennial nontidal river or stream, tidal tributary stream, tidal wetlands or nontidal wetlands by §115-193.

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F. Review procedures for cluster development.

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

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119 . . .

120
121 [2] The applicant must submit a “yield plan” that accurately depicts the
122 maximum number of dwelling units possible on the same tract under
123 current applicable conventional (noncluster) development regulations.

124
125 [a] The yield plan shall be completed to scale, and accurately depict
126 potential lots, streets and storm drainage facilities. The potential lots
127 shall exclude any area designated as a perennial nontidal river or
128 stream, tidal tributary stream, tidal wetlands or nontidal wetlands by
129 §115-193. However, the yield plan is not required to contain the same
130 level of engineering detail required for a subdivision plan.

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

134
135 [c] The applicant shall comply with §115-25A(2) or §115-25B(3), as
136 applicable. In addition, the maximum number of dwelling units
137 allowed on a cluster development tract shall not be greater than the
138 maximum number of dwelling units determined to be possible under
139 the yield plan prepared for that same tract, plus the number of additional
140 units allowed if the applicant proffers the required per unit fee provided
141 under §115-25B(3) and F(3)(d) [as provided for in Ordinance 1842].

142
143 [i] The yield plan shall not have any legal standing except for
144 the purposes of determining maximum density allowed under a
145 cluster development.

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147 . . .

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149 **Section 3. Sussex County Code, Chapter 115, Article XXV, Section 115-**
150 **194.3 (“ES-1 Environmentally Sensitive Development District Overlay Zone**
151 **(ESDDOZ)”) shall be amended by the addition of the underlined language and**
152 **deletion of the language in brackets, as follows:**

153
154 **§115-194.3 (“ES-1 Environmentally Sensitive Development District**
155 **Overlay Zone (ESDDOZ).**

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157 . . .

C. Permitted uses and densities.

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

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

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

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

...

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

Synopsis

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

197 above. This includes density calculations for lots in an AR-1 cluster subdivision,
198 lots in ESDDOZ subdivisions, and lot area calculations for multi-family dwellings
199 in all districts.
200

PROPOSED

ORDINANCE NO. ____

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

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

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

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

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

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 20, 2018

RE: County Council Old Business Report for Ord. 18-12 Amendments to C-4 Zoning District

County Council held a public hearing on November 27, 2018. Council left the record open for examples. The City of Wilmington NC requires that at least 20% of a mixed use development be residential with a maximum of 75% of the residential portion to be single family. The density calculation is based on the use of the property. Another ordinance required 20% residential with a maximum of 50% of the residential portion to be single family. Density is based on the overall parcel of land. Other ordinances required either more residential uses or more commercial uses based on the intent of the ordinance.

The Planning and Zoning Commission held a public hearing on October 25, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission these are amendments to the new C-4 Zoning District; that there were some items that needed to be addressed; that there were some clarification items regarding how to calculate the number of acres in the land area for the area; that they allow it for mixed use and the 20% for residential does not seem to be working; that staff inserted a place holder of 40% in the text that would allow for residential. Ms. Stevenson questioned whether at 40% or 20% would a developer still be requested to provide commercial as well; that Ms. Cornwell stated if the requirement was changed to 40% residential then, as drafted 60% would have to be commercial.

The Commission found that Mr. Ring Lardner was in support of the proposed amended Ordinance; that Mr. Lardner stated C-4 is good to allow for mixed-use; that 20% does not allow for live work; that a percentage should not be applied as the base for determining the residential area; that they should limit the density; that he would like to propose a density of 8 units per acre with a mixture of housing types; that a single family home in the right context could be appropriate in a mixed-use community; that a multi-family use has been 3,630 square feet whereas now the proposed area is 7,500 square feet; and that he is in support of the changes.

The Commission found that Mr. Hutt stated the percentage should be no less than 60% or 70% for mixed-uses; that what Mr. Lardner has come up with is an alternate approach; that he would like four or 12 units per the acre and that is the limitation that currently exist; and that he thought the C-4 was intended to allow for the mixed- used of a site.



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

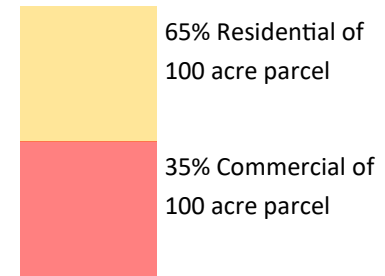
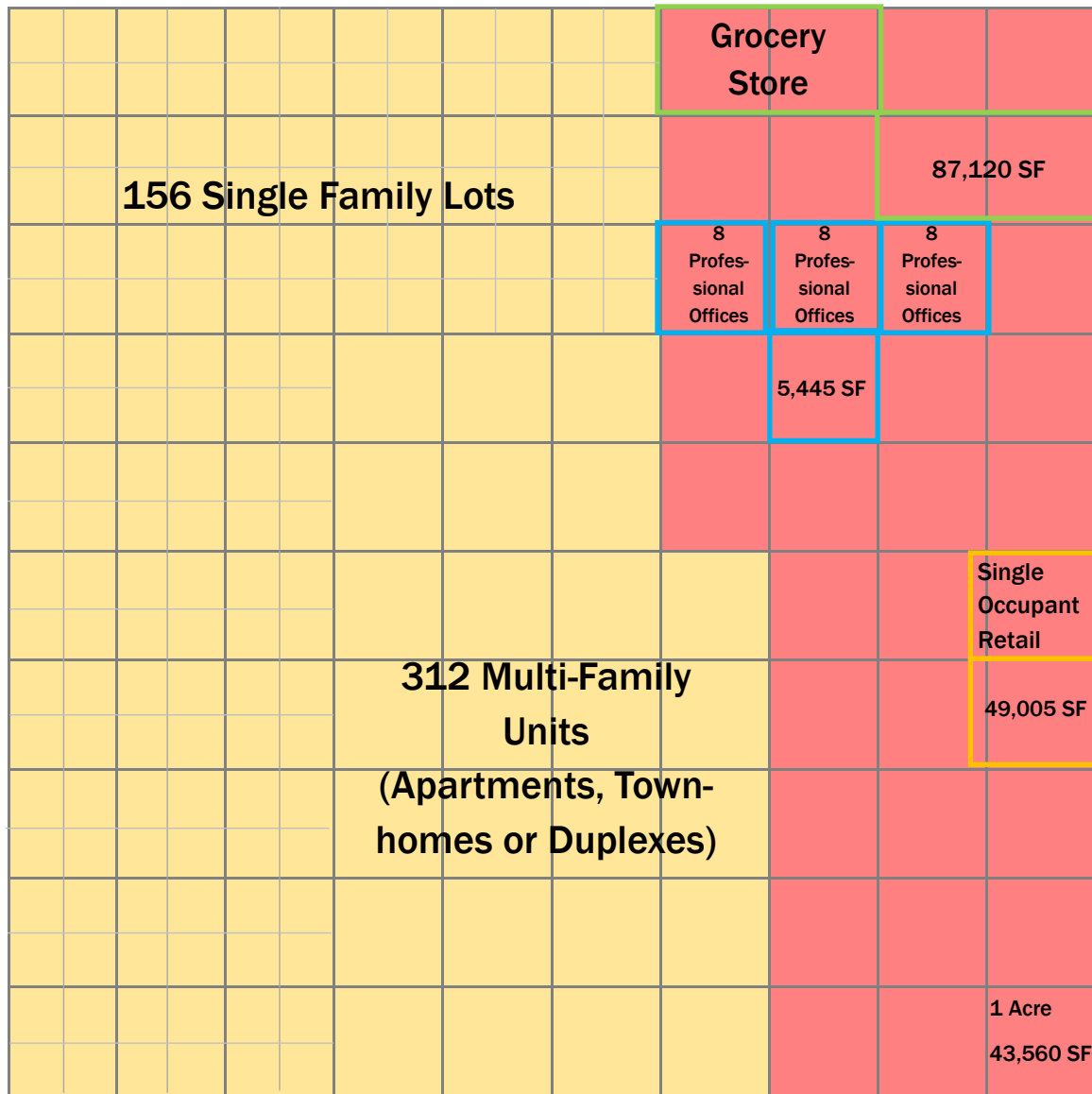
At their meeting on November 15, 2018, the Planning Commission discussed the application which has been deferred since October 25, 2018.

The Commission held a discussion regarding the Ordinance; that there was a discussion on the number of residential units per acre and what should count towards the overall density.

Ms. Wingate moved that the Commission recommend approval for Ord. 18-12 based upon the record from the public hearing and with the following conditions:

1. The maximum amount of residential development increase from 20% to 65%.
2. Mixed-use buildings shall not count towards the residential density calculation.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to recommend approval of the proposed ordinance with changes. Motion carried 4-0. Mr. Hudson was absent.



12 units per acre on 65 acres = 780 units

No more than 20% of the 65% permissible residential shall be single family units = 156 units (proposed amendment to encourage more multi-family dwellings)

35 acres of commercial space which is 1,524,600 sf. of possible commercial space and parking

Average grocery store requires approximately 70,000 sf. (one per 2 acres)

Average single occupant retail building is approximately 50,000 sf. (one per 1 1/8 acres)

Businesses and Professional Offices and Personal Services are approximately 5,000 sf. (eight per acre)

Possible Combination of Housing types (Total possible = 780 units)

156 Single Family Lots

OR

780 Multi-family Units

OR

72 Single Family Lots

564 Multi-family Units

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XID, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”.

WHEREAS, on February 27, 2018, Sussex County Council adopted an ordinance establishing multiple new business and commercial districts; and

WHEREAS, one of the new districts is the “C-4 ‘Planned Commercial’” District that allows for planned, large scale commercial development including certain limited residential uses with site plan review integrated into the rezoning process; and

WHEREAS, subsequent to adoption, Sussex County has become aware of minor revisions to the “C-4 ‘Planned Commercial’” District to allow its use and implementation to occur, including minimum lot sizes and types and percentages of residential uses permitted in the district.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XID, §115-83.26 “Minimum District Dimensions” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

...

C. The land areas may contain a single parcel or multiple parcels. *The minimum district area is 3 acres.*

...

E. The [parcel] *district* may have a maximum of [20] *40%* of its developable area consist of duplexes, townhomes or multifamily dwellings.

....

Section 2. The Code of Sussex County, Chapter 115, Article XID, §115-83.27 “Permitted Uses” is hereby amended by deleting the language in brackets:

§115-83.27 Permitted Uses.

A. A building or land shall only be used for the following purposes:

...

RESIDENTIAL USES

Dwelling, duplex

Dwelling, multi-family

[Dwelling, single family]

Dwelling, townhouses

Home Occupation

Hotel, motel or motor lodge

....

Section 3. The Code of Sussex County, Chapter 115, Article XID, §115-83.31 “Height, Area and Bulk Requirements” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

§115-83.31 Height, Area and Bulk Requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum Area** (square feet)	Maximum Area** (square feet)	Width* (feet)	Depth (feet)
Permitted Uses:	[3 acres] <u>7,500</u>	--	75	100

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of $\frac{3}{4}$ acre.

....

Section 4. The Code of Sussex County, Chapter 115, “115 Attachment 4, Sussex County Table IV” is hereby amended by deleting “P⁴” from the line identified as “Dwelling, Single Family Detached, including Modular” within the column identified as “Zone C-4”.

Section 5. Effective Date.

This ordinance shall take effect upon the date of adoption by Sussex County Council.

PROPOSED

ZONING

115 Attachment 4

Sussex County

TABLE IV

Permitted Uses Commercial Sussex County

Blank	=Not permitted							
P	=Permitted use							
SUE	=Special use Exception, see Sec. **							
A	=Permitted Accessory Use, see Sec. **							
D	= Definition, see Sec. **							
		Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Agriculture-Related Uses								
Agriculture-Related Business							P ²	
Agricultural Uses (less than 5 acres) Farm, Truck Garden, Orchard or Nursery Uses							P ²	
Aquaculture							P ²	
Greenhouse, commercial	D	P			P,	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P		P ¹	P	P	P ²	
Residential Uses								
Residential within structure commercial or office uses		A		A	A ³	A ⁴		
Bed & Breakfast (Tourist Homes)	D	P		P				
Dwelling, Duplex	D					P ⁴		
Dwelling, Manufactured Home	D							
Dwelling, Multi-family	D					P ⁴		
Dwelling, Single Family Detached, including Modular	D					[P ⁴]		
Dwelling, Townhouse	D					P ⁴		
Home Occupation	D	A				P		
Hotel, motel or motor lodge	D	P	P	P	P	P		
Sales & Rental of Goods, Merchandise, and Equipment								
Convenience store	D	P	A	P ¹	P	P		
Convenience store, Fuel Station (1 to 6 fuel dispensers)(no restriction on number of nozzles)		P		P ¹	P	P		
Convenience store, Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)					P	P		
Retail sales establishments 3,500 SF or less	D	P	A	P ¹	P	P	P	
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P	
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P ¹	P	P		
Retail sales establishments 35,001 SF to 75,000 SF	D			P ¹	P	P		

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **		Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Retail sales establishments 75,001 SF or more	D				P	P		
Pharmacy or related uses, 12,000 SF or less	D	P	A	P ¹	P ¹	P		
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P ¹	P ¹	P		
Restaurant 3,500 SF or less		P	A	P ¹	P	P	P ²	
Restaurant 3501 SF to 7,500 SF	D	P	A	P ¹	P	P	P ²	P
Restaurant 7,501 SF or more	D			P ¹	P	P		
Brew Pub 7,500 SF or less		P	A	P ¹	P	P		
Brew Pub 7,501 SF or more				P ¹	P	P		
Wholesale trade establishment	D			P ¹	P	P	P ²	
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods								
Business service establishments	D	P	P	P ¹	P	P	P ²	
Banks		P	P	P ¹	P	P		
Professional Offices	D	P	P	P ¹	P	P	P ²	
Personal service establishments	D	P	P	P ¹	P	P	P ²	
Entertainment establishments 7,500 SF or less	D	P	A	P ¹	P	P		
Entertainment establishments more than 7,501 SF	D		A	P ¹	P	P		
Social service establishments	D	P	P	P ¹	P	P		P
Manufacturing, Assembling, Processing								
Winery, Brewery or Distillery under 7500 SF	D	P		P ¹	P ¹	P ¹	P ²	
Winery, Brewery or Distillery over 7501 SF							P ²	
Manufacturing	D		P ¹				P ²	
Material Storage Yard w/ on-site mulching, pulping or manufacturing of material	D						P ²	
Educational, Cultural, Religious, Philanthropic, Social, Fraternal								
Bio Tech Campus	D		P					P
Biotech Industry	D		P ¹					P ¹
Recreational Facility, Private	D					P		
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P		
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P		
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P		
Aquariums, commercial						P		
Educational institutions, public and private	D							P

Blank	=Not permitted							
P	=Permitted use							
SUE	=Special use Exception, see Sec. **							
A	=Permitted Accessory Use, see Sec. **							
D	= Definition, see Sec. **							
Places of worship	D	P	P	P	P	P	P	P
Institutional, Residence, Care, Confinement & Medical Facilities								
Family Child Day care center (1-6 children)	D	P		P	P	P		
Large Family Child Care Homes (7-12 children)	D	P		P	P	P		
Early Care and Education and school-Age Centers (13 or more children)	D	P	P	P	P	P		P
Residential Child Care Facilities and Day Treatment Programs	D	P		P	P	P		P
Child Placing Agencies	D	P	P	P	P	P		P
Hospital	D							P
Medical clinic	D	P	P	P	P	P		P
Independent Care Facility	D			P	P	P		P
Assisted Living Facility	D	P		P	P	P		P
Extended Care Facility	D	P		P	P	P		P
Intermediate Care Facility	D	P		P	P	P		P
Long-term Care Facility	D	P		P	P	P		P
Graduate Care Facility						P		P
Surgical center	D	P			P	P		P
Fitness / wellness center		P	P	P ¹	P	P		P
Museums, Non-profit art galleries	D	P		P ¹	P	P		P
Community Centers	D	P		P ¹	P	P		P
Transportation-Related Sales & Service								
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P ²	
Motor-vehicle washes		P			P	P		
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration								
Storage & Parking								
Distribution center	D		P		P		P ²	
Garage, public or commercial parking		A	A	A	A	P	A	A
Self-storage facility	D	P		P ¹	P	P	P ²	
Warehouse	D			P ¹	P	P	P ²	
Public, Semi-Public, Utilities, Emergency								
Government facilities and services, local	D	P	P	P ¹	P	P		P
Government facilities and services, non-local	D	P	P	P ¹	P	P		P

Blank	=Not permitted							
P	=Permitted use							
SUE	=Special use Exception, see Sec. **							
A	=Permitted Accessory Use, see Sec. **							
D	= Definition, see Sec. **							
Parks		P	P	P ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P	P ¹	P	P	P	P
Utility service facilities	D	P	P	P ¹	P	P	P	P
Communication Towers		P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	P	P	P ¹	P	P		P
Not Grouped Elsewhere								
Off-Premise Signs					SUE	SUE	SUE	
Cemeteries		P						P
Funeral home		P		P ¹				P
Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line)					P ²		P ¹	
Animal Hospital and Veterinary clinics		P		P ¹	P			P ¹
Technology Center			P			P	P	P
Temporary Removable Vendor Stands		P	P		P	P	P	P

Note: Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission. In the event of any discrepancy between the information in this Table and the text of Chapter 115, the text of Chapter 115 shall be controlling.

P Permitted Use

¹ No outdoor sales and or storage permitted

² Uses permitted only with an on-site retail component

³ Mixed use building must consist of at least 25% commercial space

⁴ Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums

A Use permitted as the accessory use of the parcel

SUE – Special Use Exception - Only permitted by Board of Adjustment

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PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
janelle.cornwell@sussexcountye.gov



Sussex County
DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 28, 2018

RE: County Council Old Business Report for CU 2126 Nikolajs Lituinenkous

The County Council held a public hearing on June 5, 2018 and deferred for a legal question regarding the non-conforming use.

The Planning and Zoning Department received an application (CU 2126 Nikolajs Lituinenkous) to allow for commercial vehicle storage and car sales to be located at 30028 Vines Creek Rd. The Planning and Zoning Commission held a public hearing on May 10, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, DelDOT Service Level Evaluation, comments from the Sussex Conservation District.

The Commission found Nikolajs Lituinenkous was present on behalf of the application; that Mr. Lituinenkous stated he already has car sales at front of property and wants to remove some trees in middle of property to use rear parking and middle parking to store construction vehicles, boats, tractors and etc. as commercial vehicle storage; that the site has been used for vehicle sales for about 5 years; that the repairs and parking are pre-existing prior to zoning; that he has two employees in sales, four owners, three mechanics, and one secretary; that all repairs are all inside with appropriate disposal of waste and only cleaning the cars are outside; that the hours are 9:00 a.m. to 7:00 p.m. for sales, Monday through Saturday, the garage hours are Monday through Friday 9:00 am to 6:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m.; that they have a sign for the repair shop and for sales on-site; that a 32 square foot will be ok; and that they will store the equipment behind the ditch and in front of the cars.

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

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

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



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2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

At their meeting of May 24, 2018, the Planning Commission discussed the application which has been deferred since May 10, 2018.

Mr. Wheatley moved that the Commission grant approval CU #2126 for Nikolajs Lituinenkous and ES Motors for Commercial Vehicle Storage and Car Sales based upon the record made during the public hearing and for the following reasons:

1. This site been used for automobile repairs and sales for decades. As such, it is a legally nonconforming, or grandfathered use. This conditional use merely gives formal approval to these longstanding uses.
2. There are other small business uses and commercial or business uses in the area, and the next door property appears to be used currently as some sort of junk or storage yard. This use is consistent with the area and will not have an adverse effect to it.
3. The use car sales facility at this location, which has been used for this type of purpose for many years, is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
4. No parties appeared in opposition to this application.
5. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The existing signage shall be permitted.
 - B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - C. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - D. All repairs shall be performed indoors.
 - E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - F. The site shall be subject to all DelDOT entrance and roadway requirements.
 - G. The automotive sales hours shall only be from 9:00 am through 7:00 pm, Monday through Saturday. The garage hours shall only be between 9:00 am and 6:00 pm on weekdays, and 9:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours.
 - H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for vehicle sales and vehicle storage.

Motion by Mr. Wheatley, seconded by Mr. Hopkins and carried unanimously to grant Preliminary Approval with Final Site Plan approval by Planning and Zoning Commission. Motion carried 5-0.

Introduced 01/16/18

Council District No. 4 – Cole

Tax I.D. No. 233-11.00-172.00

911 Address: 30028 Vines Creek Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS

WHEREAS, on the 7th day of December 2017, a conditional use application, denominated Conditional Use No. 2126, was filed on behalf of Nikolajs Lituinenkous; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2126 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2126 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the south side of Vines Creek Road, approximately 0.44 mile east of Armory Road, and being more particularly described per the attached deed prepared by Griffin & Hackett, P.A., said parcel containing 9.54 acres, more or less.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 28, 2018

RE: County Council Old Business Report for CZ 1855 Kirk Salvo; KH Sussex, LLC

The County Council held a public hearing on September 25, 2018. Council deferred action for questions of DelDOT. DelDOT has responded to Councils' questions.

The Planning and Zoning Department received an application (CZ 1855 Kirk Salvo; KH Sussex, LLC) to allow for a change of zone from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located on John J. Williams Hwy. (Rt. 24). The Planning and Zoning Commission held a public hearing on August 23, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, site plan, an exhibit booklet, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division, results from a DelDOT Service Elevation which did not require a TIS. One letter in support of the application and one letter in opposition to the application were read into the record.

The Commission found that Dennis Schrader Attorney with Morris, James, Wilson, Halbrook and Bayard, Mike Reimann with Becker Morgan Group and Kirk Salvo, owner of KH Sussex, LLC were present of behalf of the application; that Mr. Schrader stated he is elated to ask for C-3; that the 2018 Comprehensive Plan is applicable in the Coastal Area; that the site is located on the corner of Route 24 and Angola Road; that the property is currently zoned AR-1; that the Land Use classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area; that the property is located in the Level 3 State Strategies; that Mr. Reimann stated the total for the area of rezoning is 3.5 acres; that there are three parcels involved; that there is currently a home on the site and marina storage; that there are commercial uses within one mile of the area including a marina; that a commercial shopping center is within three miles; that Peddlers Village is within 15 miles; that there are many residential projects in the area; that the proposed use is for a gas station with a convenience store to provide convenience to the road users; that this will serve fuel to the area; that DelDOT has a project to improve the intersection; that the construction is proposed to begin in 2020; that a TIS was not required; that there will be a right turn in and a right turn out on Route 24 and have full access onto Angola Road; that they did work with DelDOT; that this project will not have a negative impact; that the applicant would go through the Site Plan process; that the



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site was recently annexed into the Sussex County sewer district; that the lighting will be shielded; that signage will be in accordance with the sign Code; that there are some wetlands on the site and they will be protected; Mr. Schrader stated that they do comply with the current and new Comp Plans; and that the site is consistent with the new C-3 zone.

The Commission found that no one spoke in favor or opposition to the application. The public hearing was closed.

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

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

At their meeting of September 13, 2018, the Planning Commission discussed the application which has been deferred since August 23, 2018.

Mr. Hudson moved that the Commission recommend approval of Change in Zone # 1855 for KH Sussex, LLC for a change in zone from AR-1 to C-3 "Heavy Commercial" based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site is at the intersection of Angola Road and Route 24. This lighted intersection is appropriate for this type of zoning.
3. This location serves an area that has seen significant residential growth. This rezoning will provide a convenient location for retail and service uses for nearby residential developments as well as Route 24 traffic.
4. Most of the site is currently used for commercial purposes. A Conditional Use for boat storage and other similar uses exists on the property. This rezoning is a reasonable expansion of that prior conditional use on this site.
5. The site will be served by central water and Sussex County sewer.
6. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Land Use Plan. This type of commercial use serving nearby residential uses is appropriate in this Area according to the Plan.
7. The proposed C-3 Zoning at this site lessens the congestion on area roads by providing appropriate commercial activities at the Route 24 and Angola Road intersection so that residents and visitors to the area can meet some of their commercial needs without having to travel to Route One or the Long Neck areas.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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

To Be Introduced 04/17/18

Council District No. 4 - Cole

Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2018, a zoning application, denominated Change of Zone No. 1855, was filed on behalf of Kirk Salvo; KH Sussex, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1855 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24), approximately 954 feet west of Angola Road, also being the southwest corner of John J. Williams Highway (Route 24) and Angola Road, and being on the west side of Angola Road, approximately 250 feet south of John J. Williams Highway (Route 24), and being more particularly described per the attached legal description prepared by Becker Morgan Group, LLC, said parcel containing 3.51 acres, more or less.

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

PROPOSED



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: BEACON MIDDLE SCHOOL CHOIR

PROJECT NAME: ADJUDICATION

FEDERAL TAX ID: 51-6000279 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: TO ENCOURAGE STUDENTS TO GROW MUSICALLY WITHIN A CHORAL ENSEMBLE

ADDRESS: 19483 JOHN J WILLIAMS HWY

LEWES DE 19958
(CITY) (STATE) (ZIP)

CONTACT PERSON: JULEEANN SCHLITTER

TITLE: TEACHER

PHONE: 302.645.6288 EMAIL: JULEEANN.SCHLITTER@CAPE.K12.DE

TOTAL FUNDING REQUEST: \$4,000.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

150 STUDENT

SECTION 3: PROGRAM SCOPE

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

Every year the choir program at Beacon Middle School strives to educate and train students to be well rounded singers and musicians. Each Spring 1-2 choirs travel to a festival to be assessed and judged for their singing and performing abilities. This experience acts as a culmination of the students efforts and studies throughout the year. However, this trip has become quite expensive due to traveling costs. Acquiring coach buses are far beyond our budgetary means. School buses are not ideal for travel due to the length of travel time and the safety of our students. In addition it is hard to acquire school buses at this time of the year. The funds I am seeking from the Sussex County Council are to provide two coach buses for my 7th and 8th grade choirs to attend a wonderful festival experience.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Coach buses	-4,000.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Beacon Middle School Choir agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Juleeann Schlitter

Applicant/Authorized Official

Dave Frederick

Witness

10/29/18

Date

10/29/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

Handwritten initials

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

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

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

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

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

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

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

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

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

Juleeann Schlitter

Applicant/Authorized Official
Dave Frederick

Witness

Teacher

Title
10/29/18

Date

Burton
11-13-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Beacon Middle School Band

PROJECT NAME: Dorney Park Festival and Trip

FEDERAL TAX ID: School district NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Beacon Middle School Band's mission is that every student learns to play an instrument, is challenged with a varied repertoire of music and is given ample performance opportunities.

ADDRESS: 19486 John J. Williams Hwy

Lewes DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Robert J. Barbarita

TITLE: Band Director

PHONE: 645-6288 x6030 EMAIL: robert.barbarita@cape.k12.de.us

TOTAL FUNDING REQUEST: \$4000

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

150

SECTION 3: PROGRAM SCOPE

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

The Beacon Middle School Band program consists of 150 6th, 7th and 8th grade musicians. Our main goal is music education for all students and offering students meaningful performances. In June of 2019, we will be taking the band program to Dorney park where students will receive a professional assessment by university clinicians. The clinicians will be able to reinforce concepts taught to students by Mr. Barbarita or bring up new philosophies and ideas for the bands to consider for future performances.

The total cost of coach buses for the band program will run \$4000 to take the band to Dorney Park and Muhlenberge College to receive an adjudication of thier performances.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Jor-lin Coach Buses	\$4000
TOTAL EXPENDITURES	\$-4000 0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$-4000 0

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Beacon Band Program agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Rob Barbarita

Applicant/Authorized Official

10/29/18

Date

Zach Coffman

Witness

10/29/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

802

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

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

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

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

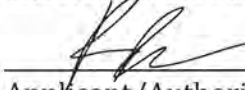
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

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

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


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



Rob Barbarita
Applicant/Authorized Official

10/29/18

Title



Zach Coffman
Witness

10/29/18

Date

Burton
11-13-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Delaware Lions Foundation, Inc.**

PROJECT NAME: **Humanitarian Service Projects**

FEDERAL TAX ID: **23-7360578** NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: **To support the 36 Lions Clubs in Delaware in their humanitarian service within their respective communities through matching grants, To use revenue received from Grant Applications in each county to support humanitarian projects in that county.**

ADDRESS: **c/o Lion Betty Jean Ryder, Secretary**
P. O. Box 393
Camden Delaware 19934
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Charles E. Covington, Sr.**

TITLE: **Corporate Solicitations, Chairperson**

PHONE: **302 - 645-4882** EMAIL: **cecovington@hotmail.com**

TOTAL FUNDING REQUEST: \$3,000.00

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

If YES, how much was received in the last 12 months? **\$0.00**

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **.03%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

Fair Housing
Infrastructure¹

☒ Health and Human Services
☐ Other _____

Cultural
Educational

BENEFICIARY CATEGORY

☒ Disability & Special Needs
☐ Elderly Persons
☐ Minority

Victims of Domestic Violence
Low to Moderate Income²
☒ Other Community Enhancement

Homeless
☒ Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
50-500

SECTION 3: PROGRAM SCOPE

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

DLF exists to support Lions Clubs through 50/50 grants to do or complete humanitarian service projects that otherwise would not be begun or accomplished. There are many people with personal needs, such as low vision, glasses, deafness, hearing aids, wheelchairs, handicap ramps, camperships for deaf and blind and diabetic youth, and so forth,

DLF humanitarian service program encourages Lions Clubs to do or join with another/other Clubs to do outreach projects that effect many - vision screening devices to screen pre-school, school children, and seniors; special programs for visually impaired, children's program, youth leadership development through Leo, Bash, and HOBY, beach wheelchairs for visitors with special needs, benches for parks, libraries, and beaches; community projects developed for those with special needs,

Some projects assist only one person and many focus on area needs for a segment of the population. DLF supports special projects that complement a community's setting and addresses special needs without calling attention personal disabilities. There are 36 Lions Clubs in 36 communities in Sussex County and last year DLF supported 16 different projects - 9 single and 7 group. In the last three years only one club has not received a 50/50 grant.

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

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

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

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

DLF has no religious affiliation. Three years ago one club in Sussex County requested grant money to participate in a church sponsored food and clothing project and it was granted. When DLF reviewed the grant, it changed its policy and only support projects that bear the Lions Club name.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Humanitarian Service Projects	-\$ 43,850.00
TOTAL EXPENDITURES	-\$ 43,850.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 40,850.00

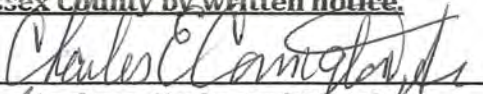
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the **Delaware Lions Foundation** agrees that:
(Name of Organization)

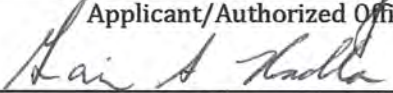
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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


Applicant/Authorized Official

10/26/18
Date


Witness

11/19/18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

VR

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness

Title

Date

Vincent
11-27-18

To Be Introduced 12/04/18

Council District No. 3 – Burton

Tax I.D. No. 235-15.00-4.01

911 Address: 26285 Broadkill Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.6408 ACRES, MORE OR LESS

WHEREAS, on the 16th day of November 2018, a conditional use application, denominated Conditional Use No. 2163, was filed on behalf of William H. McQueen Jr.; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2163 be _____; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2163 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 Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Broadkill Road (Route 16), approximately 670 feet west of Reynolds Road, and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 1.6408 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.