



Sussex County Council Public/Media Packet

**MEETING:
December 9, 2014**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

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



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Sussex County Council

AGENDA

DECEMBER 9, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Recognition of Election Year Scholarship Contest Winners
2. Administrator's Report

Gina Jennings, Finance Director

1. Dog Control Contract Amendment

Tom Glenn, Director of Information Technology

1. Master Facilities Agreement for Fiber Service

John Ashman, Director of Utility Planning

1. Records Management Roof Replacement
 - A. Change Order No. 1
 - B. Substantial Completion



Old Business:

Change of Zone No. 1729 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-25.00-31.00, 31.02 & 31.04)

Conditional Use No. 1963 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)

Change of Zone No. 1725 filed on behalf of Jack Lingo Asset Management, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS” (Tax Map I.D. 3-34-12.00-16.00, Part of)

Conditional Use No. 1951 filed on behalf of Jack Lingo Asset Management, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS” (Tax Map I.D. 3-34-12.00-16.00, Part of)

Grant Requests

- 1. Eastern Shore AFRAM Festival for MLK Day of Celebration.**
- 2. Laurel Fire Department to upgrade the handicap entrance.**
- 3. West Rehoboth Community Land Trust for the purchase of property.**
- 4. Rehoboth Beach Historical Society Museum for building improvements.**

Introduction of Proposed Zoning Ordinances

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

Possible Action on Executive Session Items

Any Additional Business Brought Before Council

1:30 p.m. Public Hearings

Conditional Use No. 2002 filed on behalf of Beach Bum Distilling, C/O I3A

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A DISTILLERY WITH TOURS/TASTING/RETAIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,523 SQUARE FEET, MORE OR LESS” (land lying at the southeast corner of Nassau Road (Route 14) and New Road (Road 266) (Tax I.D. No. 334-5.00-74.01) (911 Address: 32191 Nassau Road, Lewes)

Conditional Use No. 2003 filed on behalf of Thomas E. Lowe

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,829 SQUARE FEET, MORE OR LESS” (land lying north of Route 54 (Omar Road) 1,300 feet northeast of Road 382 (Armory Road) (Tax Map I.D. # 134-14.00-6.00 (part of) (911 Address: 31854 James Lowe Road, Frankford)

Change of Zone No. 1762 filed on behalf of Hale Trailer Brake & Wheel

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS” (land lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road) (Tax I.D. No. 532-13.00-78.00) (911 Address: None Available)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 2, 2014 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
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gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director

RE: **DOG CONTROL CONTRACT AMENDMENT**

DATE: December 5, 2014

On Tuesday, December 9, 2014, staff will be recommending an amendment to the County's Dog Control Contract with First State Animal Center and SPCA (formally known as Kent County SPCA). The attached amendment extends the contract for a one-year period, January 1, 2015 to December 31, 2015.

The amendment keeps both the service level and the price consistent with 2014. The annual cost is \$682,616. First State Animal Center requested to hire two additional staff to decrease response time; this would add \$80,000 to the contract. Their request is attached.

The current contract provides four full-time officers and one supervisor working from 8:00 am to 8:00 pm seven days a week. Both Administration and the Constable's Office feel that the level of service is sufficient; therefore, no increase in the contract is recommended by County staff.

If you have any questions, please contact me or Mr. Michael Costello.

Attachments

**SIXTH ADDENDUM TO CONTRACT
DOG CONTROL**

THIS SIXTH ADDENDUM TO CONTRACT, DOG CONTROL (hereinafter "Addendum") is made this ____ day of December, in the year of 2014, between SUSSEX COUNTY COUNCIL, a political subdivision of the State of Delaware, with an address of P.O. Box 589, Georgetown, Delaware 19947, hereinafter referred to as "Council",

-AND-

KENT COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC., d/b/a FIRST STATE ANIMAL CENTER AND SPCA, a non-profit corporation of the State of Delaware, with an address of 32 Shelter Circle. Camden, Delaware 19934, hereinafter referred to as "Contractor".

WHEREAS, the parties hereto entered into Contract No. 2010-2011, Dog Control (hereinafter "Contract") effective January 1, 2010 wherein Contractor agreed to provide certain dog control services for the Council and Council agreed to provide certain consideration therefor; and

WHEREAS, the parties executed an Addendum to the Contract on February 18, 2010; and

WHEREAS, the parties extended the Contract for a one (1) year period from January 1, 2011 through December 31, 2011 by executing a Second Addendum thereto; and

WHEREAS, the parties further extended the Contract for an additional one (1) year term from January 1, 2012 through December 31, 2012 by executing a Third Addendum thereto; and

WHEREAS, the parties further extended the Contract for an additional one (1) year term from January 1, 2013 through December 31, 2013 by executing a Fourth Addendum thereto; and

WHEREAS, the parties further extended the Contract for an additional one (1) year term from January 1, 2014 through December 31, 2014 by executing a Fifth Addendum thereto; and

WHEREAS, the County and Contractor desire to renew the Contract for an additional one (1) year term, commencing on January 1, 2015 and terminating on December 31, 2015;

WHEREAS, Contractor is now doing business as "FIRST STATE ANIMAL CENTER AND SPCA;" and

WHEREAS, the parties hereto desire to enter into this Sixth Addendum to Contract to clarify their mutual obligations to each other.

NOW, THEREFORE, in consideration of the premises and mutual representations, warranties and covenants herein contained, Council and Contractor hereby agree as follows:

Paragraph 1, entitled "Contract Period," shall be amended to read as follows:

"1. Contract Period. Beginning on January 1, 2015 and ending on December 31, 2015, Contractor shall provide the services described in Exhibit A attached to the

Contract and incorporated herein by reference. Except as shall be otherwise set forth in a written extension of this Contract, all terms and conditions of the Contract shall be applicable to any extension(s) of this Contract.”

Paragraph 2, entitled, “Consideration,” shall be as follows:

“2. Consideration. In consideration of Contractor’s performance of this Contract, Council shall pay to Contractor the total sum of Six Hundred Eighty Two Thousand Six Hundred Sixteen Dollars (\$682,616.00) as more fully explained and set forth on Exhibit B attached to this Addendum and incorporated herein by reference. Payments to Contractor shall be made as follows:

- A. Payments shall be made in 12 monthly allotments.
- B. No payments shall be made without Contractor submitting a monthly invoice on or about the last day of each month to:

Mr. Chris Keeler
 Assessment Division
 P. O. Box 589
 Georgetown DE 19947.

- C. Council shall authorize and process the payment for each monthly invoice within thirty (30) days after the date of receipt of a correct monthly invoice.”

Kent County Society for the Prevention of Cruelty to Animals, Inc. is now doing business as First State Animal Center and SPCA.

All other terms and conditions of the Contract, as thereafter amended, shall remain in full force and effect throughout the extension of the Contract Period as set forth herein. This Sixth Addendum shall be incorporated in the Contract by reference and become a part thereof as though fully set forth therein.

IN WITNESS WHEREOF, the parties have executed this Sixth Addendum on the day and year first written above.

SUSSEX COUNTY COUNCIL

Witness

By: _____(SEAL)

(Printed Name and Title)

KENT COUNTY SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS,
INC., d/b/a FIRST STATE ANIMAL CENTER
AND SPCA

Witness

By: _____(SEAL)

(Printed Name and Title)



November 4, 2014

Todd Lawson

Sussex County Government

Georgetown, DE 19947

Dear Mr. Lawson;

The First State Animal Center and SPCA/Delaware Animal Care and Control have been happy to provide residents with service for the last two years. This valuable service has protected both human and animal residents. In reviewing our resources for the upcoming year 2015, we feel an increase in Animal Control officers is in order.

We currently are operating with a total of 5 employees. These employees are on call 24/7, and provide seven days a week coverage from 8 am to 8 pm. I have attached a current schedule and a proposed schedule with two additional support employees.

Our response time will decrease with additional Officers, and the current employees will be better equipped to provide public safety to human residents. This additional officers salaries and benefits will be roughly \$80,000.00 additional funding this years.

We appreciate your willingness to hear our proposal, and will be available to answer any additional questions you may have in response.

Sincerely;



J. Kevin Usilton

Executive Director

SUSSEX COUNTY SCHEDULE

ACO NAMES	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	9—28	9--29	9--30	10--01	10--02	10--03	10--04
SUSSEX SUP LT. PALACIO	OFF	08:00-16:00	08:00-16:00	08:00-16:00	08:00-16:00	08:00-16:00	OFF
FLD SUP SGT. GALLOWAY (TRUCK -15)	OFF	OFF	08:00-1600	08:00-16:00	08:00-16:00	08:00-16:00	08:00-16:00
OFC SHOCKLEY (TRUCK -08)	08:00-16:00	08:00-16:00	10:00-16:00	12:00-20:00	10:00-16:00	OFF	OFF
OFC. HARMON (TRUCK - 11)	12:00-20:00	12:00-20:00	OFF	OFF	12:00-20:00	10:00-18:00	10:00-18:00
OFC. THOMPSON (TRUCK - 02)	OFF	OFF	12:00-20:00	12:00-20:00	12:00-20:00	12:00-20:00	12:00-20:00
ADDITIONAL OFFICER 1	OFF	OFF	1000-1800	1000-1800	1200-2000	1200-2000	1200-2000
ADDITIONAL OFFICER 2	1200-2000	1200-2000	1200-2000	1200-2000	1000-1800	OFF	OFF
SUPERVISOR CONTACT	EITHER	PALACIO	PALACIO	PALACIO	GALLOWAY	GALLOWAY	GALLOWAY
(ON CALL)	HARMON	SHOCKLEY	SHOCKLEY	SHOCKLEY	THOMPSON	THOMPSON	HARMON

Animal Control Activity Totals:

Delaware Animal Care and Control Officer Reporting

January to November 2014

Sussex County Division

Director K. Usilton

Captain S. Warburton



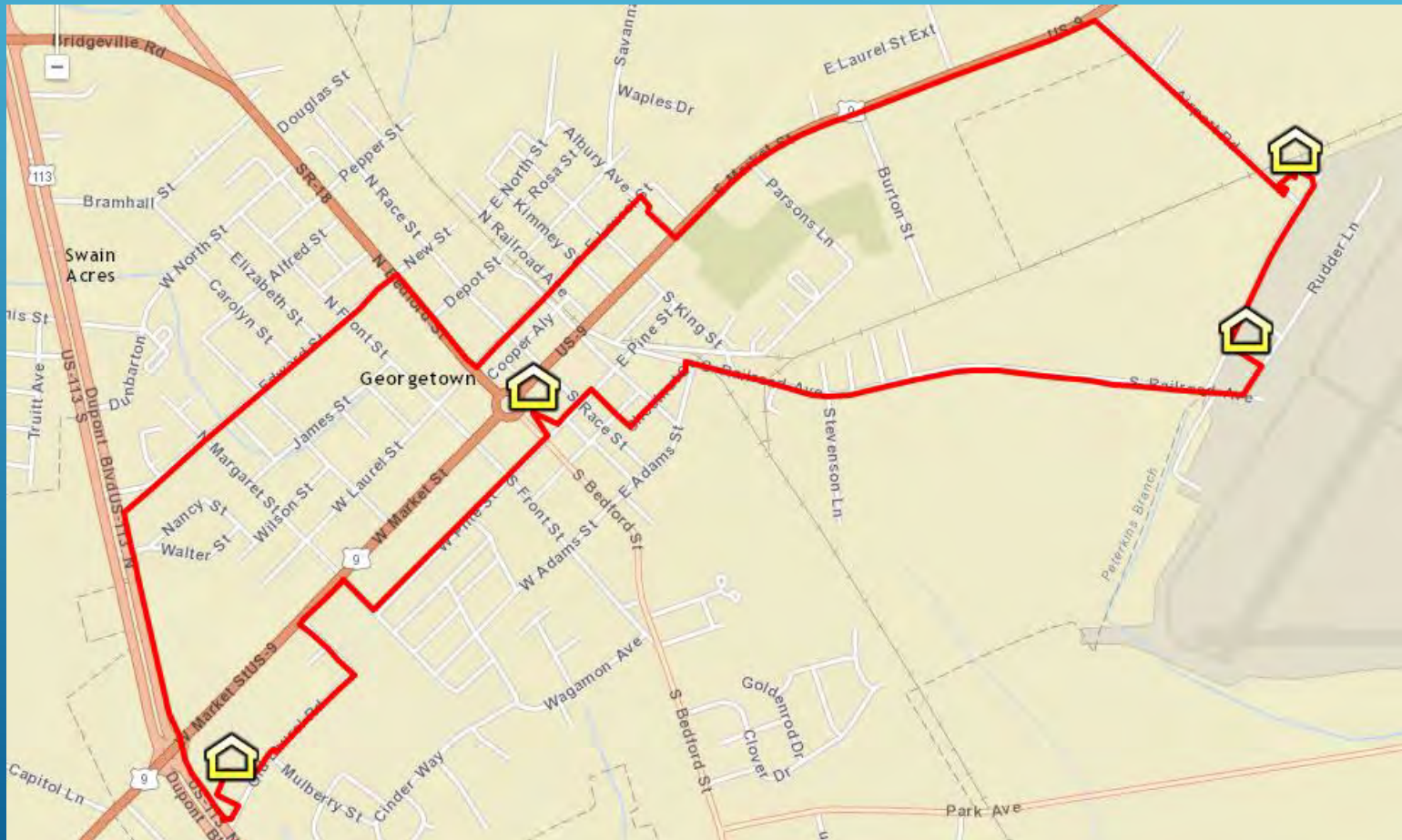
Service Calls		Bite Case Calls		Court Results			
Agency Assist	60	Cat Bite: Human	143	Court Convictions	27		
Aggressive Animals	27	Cat Bite: Animal	3	Fail to Appear	8		
Patrols	485	Dog Bite: Human	351	Arraignment	5		
Dog At-Large	997	Dog Bite: Animal	26	Continued	3		
Pick-Up Contained	373	Unknown Origin Wound	1	Dismissed	6	BCR	
Livestock At-Large	4	Wildlife Bite: Human	4	Active Title 11 Cases	14	SCR	32
		Bite Case TOTAL	528	Court TOTAL:	63	MJB	21
		Bite Follow-Up	162			MIB	609
Injured/Sick: Dog	40	Bite Case Grand TOTAL	690	All Other Service Call Results		BM	12,614
Injured/Sick: Cat	1	Service/Bite Grand TOTAL	3919	Arrest Warrants	9	RAB	32
Injured/Sick: Other Animal	1	Service Call/Animal Results		License Checks	2258		
Owned-Surrender: Dogs	34	Pick-up - In for Testing Specimen	20	Rabies Checks	2372		
Owned-Surrender: Cats	4	Dogs to Shelter	734	Rabies Citations	212		
Owned-Surrender: Other	4	Dogs/RTO in Field	120	DE State Citations.	282		
DE Code§1325 Cruelty/Neglect/Abandon: Dog	100	Dogs/RTO in Shelter	59	Sussex County Cite	19		
DE Code§1326 Cruelty: Dog Fighting	2	Cats to Shelter	37	Correction Notice	119		
DE Code§1325 Cruelty/Neglect/Abandon: Cat	6	Cats/RTO in Field	0	Kennel Inspections	72		
DE Code§1325 Cruelty/Neglect/Abandon: Other Domestic/Wildlife	17	Cats/RTO in Shelter	0	Traps: Dogs	26		
Animals in Vehicles	52	Other Animals to Shelter	25	Traps: Cat	6		
Nuisance: Dog	12	Quarantine In-House	320	Traps:Other	0		
Nuisance: Cat	0	Quarantine. @ Shelter.	76	Animal Transfer	25		
Nuisance: Wildlife	0	OTHER ANIMALS TO SHELTER 4 foxes, 1 lizard, 5 pot bellied pigs, 1 bat, 1 pony, 11 horses, 2 chickens.		ACV Mileage	127,727		
Dog Husbandry	325			Dogs Deemed Potentially Dangerous or Dangerous	1		
Tethering	67						
Property Inspection	1						
Service Totals (First Contact)	2,612						
Call Follow-Ups	617					Service from 0800 to 2000, 7 days a week. After Hours Call Tracking 2000 to 0800: 43 Tracking began Jun-Nov	
SERVICE GRAND TOTALS	3,229						

SUSSEX COUNTY FIBER PROJECT



What is needed?

Fully redundant/diverse fiber ring connecting core Sussex County facilities



- Admin Building
- West Complex
- Records Facility
- Emergency Operations Center

Why is it needed?

High speed communication is needed between core facilities for the voice, video, and other data demands for now and the future.

“Future proofing”, by using fiber, so that as technologies change, we can upgrade to higher speeds without the need for running new cable, or paying a higher monthly fee for those faster speeds.

Will remove current bottlenecks in the network between core facilities that affect performance.

Will allow for further consolidation of IT infrastructure and Data Centers.

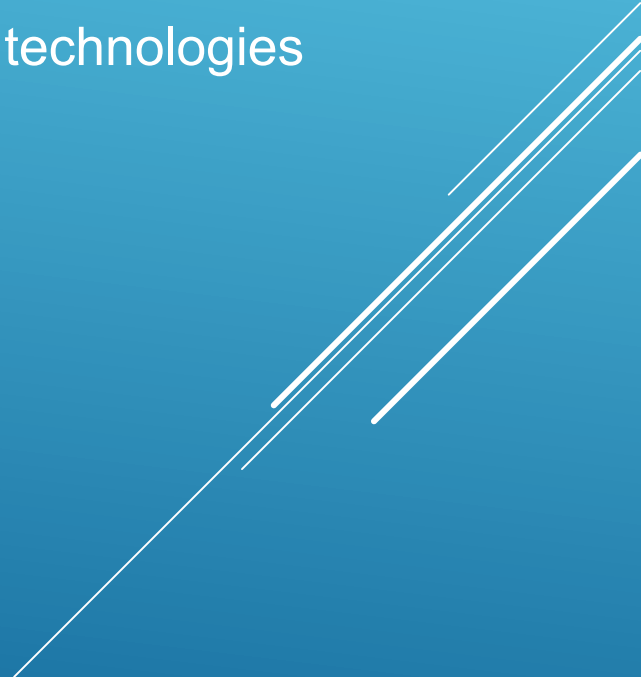
Our current solution is not keeping up with demand, and if we increase our speed, our costs will increase significantly.

Other benefits :

Other agencies, such as the Town of Georgetown and companies along the current route could benefit from the fiber once it is constructed.

Could offer other broadband options to businesses inside the Industrial Park.

The fiber ring could act as a backbone for other wireless internet technologies to operate from.



OLD BUSINESS
December 9, 2014

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

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

Change of Zone #1729 – application of **IDA C. FAUCETT, FAUCETT HEIRS, LLC AND MASSEY’S LANDING PARK, INC.** to amend the Comprehensive Zoning Map from MR Medium Density Residential District to an AR-1 Agricultural Residential District, to be located in a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 50.83 acres, more or less, lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) (Tax Map I.D. 2-34-25.00-31.00, 31.02, & 31.04)

Conditional Use #1963 – application of **IDA C. FAUCETT, FAUCETT HEIRS, LLC AND MASSEY’S LANDING PARK, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a campground, to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 50.83 acres, more or less, lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) (Tax Map I.D. 2-34-25.00-31.00, 31.02 & 31.04)

The Commission found that the applications were filed on March 19, 2013.

The Commission found that, on March 19, 2013, the Applicants had submitted an Exhibit Booklet titled “Castaways at Massey’s Landing” for consideration. The Booklet contains references to the Zoning and Conditional Use applications; Environmental Assessment and Public Facilities Evaluation Report; Preliminary Land Use Service (PLUS) comments and responses; a boundary survey of the site; written legal descriptions, deeds and recorded surveys; preliminary site plan and Massey’s Landing Subdivision Record Plan with a DeIDOT Letter of No Objection; a cultural resources assessment; campground bathhouse floor plans and elevations; a U.S. Army Corps. of Engineers wetlands approval letter and survey; a vegetation

community report and environmental consultant response; Dart bus schedules and rates; a draft emergency response plan; soils map; flood zone maps, and a FEMA Panel.

The Commission found that, on May 13, 2013, the Applicants had submitted a Supplement to the Exhibit Booklet, which included a Willing and Able to Serve letter from Long Neck Water Company; a Delaware Transit Corporation bus stop location approval; a 2005 Massey's Landing subdivision traffic impact study recommendation; and a rendered preliminary site plan.

Mr. Lank advised the Commission that the Office of State Planning Coordination provided comments in reference to the PLUS review on January 18, 2013.

Mr. Lank advised the Commission that the Delaware Department of Transportation (DelDOT) had provided comments: on January 28, 2013 in reference to the Traffic Impact Study; on April 10, 2013 on the Preliminary Site Plan; and on May 13, 2013 provided an Entrance Location Approval Only letter.

The Commission found that On May 21, 2013 the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum which reference that the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that the current System Connection Charge Rate is \$3,711.00 per EDU; that there are potential gravity connection points in Long Neck Road; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that an upgrade to a downstream pump station may be required at the owner's expense; that when the pump station upgrade is completed, adequate capacity can be assumed if the total project is approximately 147 EDU as noted on the conditional use application; that this project is located in an area that is prone to flooding, however, limited information regarding flood zones has been provided with the application; that the County reserves the right to alter its comments or provide additional comments pending the submittal of said information; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that the County assumes operations and maintenance of the sewer system when beneficial acceptance is approved by the County; that drains from pools, and pool decks and filter backwashes shall not be connected to the sewer system and alternative disposal methods must be provided; that the County owns existing sewer components on the proposed site, and coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.

The Commission found that on May 22, 2013 Dan Parson, the County Historic Preservation Planner, provided comments advising that he has reviewed the preliminary site plan, toured the site and reviewed the Delaware Division of Historic and Cultural Affairs PLUS comments, as well as a report compiled by local archaeologist, Dr. Edward Otter, and offers the following: there is a known cultural resource on the site, a prehistoric archaeological site; that land use has been varied in this area over the years, but it cannot be overstated the high potential for encountering evidence of Native American occupation in this area; that it should be noted that abandoned and unmarked human remains are very common throughout the region; that an

archaeological consultant shall examine the site to locate any remains, and the plans shall be revised to avoid disturbing said remains; and that a Phase I Archaeological Survey shall be performed to locate any archaeological sites on the property to be submitted for his review and comments.

Mr. Lank advised the Commission that 55 letters and emails have been received in opposition to this application since March 27, 2013, and that on May 20, 2013 a binder was submitted in opposition to the application containing 967 signatures.

Mr. Lank advised the Commission that all correspondence, whether in support, in opposition, or agency comments are available for review.

The Commission found that Lynn Faucett and other Faucett family members were present in support of the applications with James Fuqua, Attorney with Fuqua, Yori and Willard, P.A., Mike Riemann, Professional Engineer with Becker-Morgan Group, Jeff Clark with Land Tech Land Planning, and Kathleen Walsh with Castaways Ocean City, and stated in their presentation and in response to questions raised by the Commission that they are requesting approval to change the zoning from MR Medium Density Residential to AR-1 Agricultural Residential so that the site can be developed with an campground/RV park; referenced the Exhibit Booklet and stated that campgrounds have been a hot topic in Sussex County this year, with three applications in the last eight months; that after reviewing the opposition documents it appears that most of the people that have provided comments or signed petitions have not seen or reviewed the applications; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey's Landing Manufactured Home Park and the existing Pot-Nets Seaside Manufactured Home Park; that the site contains 50.83 acres of land and does not include Mrs. Faucett's home site or the existing Massey's Landing Manufactured Home Park; that the site is currently zoned MR-RPC Medium Density Residential – Residential Planned Community; that the RPC was approved in May 2007 for 120 units (48 single-family units and 48 duplex units on the north side of Long Neck Road and 24 single-family units on the south side); that the RPC has not been developed due to the impacts of the recent economy downturn; that all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that they are proposing 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities; that the recreational amenities support the use of the campground; that the purpose of a Conditional Use references that uses are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the County, require the exercise of planning judgment on location and site plan; that County sewer is available for up to 147 EDU; that central water will be provided by Long Neck Water Company, a public utility; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that shopping and service uses are available in the area; that a traffic impact study was completed in 2005 and has again been reviewed by DelDOT, with comments in the Exhibit Booklet under Tab 4; that DelDOT has issued a Letter of No Objection for the entrance location; that a bus stop has been suggested by DelDOT; that a DART bus stop for DART Route 207 will be provided; that DART comments in

the Supplemental Exhibit Booklet reference that “Given the location and proposed land use the project would offer an ideal turnaround in conjunction with a premier bus stop. We will require that the developer sign a Memorandum of Agreement holding the Delaware Transit Authority harmless. The turnaround will need to be located in an area with easy entrance and exit and separated from other vehicular traffic to prevent schedule delays. The covered waiting area must be ADA accessible and should include bike racks, bench seating, a kiosk for information and trash receptacle. We also encourage you to connect the bus stop with your internal pedestrian and bicycle network”; that Long Neck Road is a two lane roadway with paved shoulders; that the roadway will accommodate RVs without impacting pedestrians and cyclists; that the campground will be seasonal; that the developers will be working with State and County officials to establish an Emergency Evacuation Plan and will comply with voluntary and mandatory evacuations (see Tab 11 in the Exhibit Booklet); that according to the State Strategies the site is located in an Investment Level 3, a Growth Area; that the site should be located in an Investment Level 1 since the area is almost fully developed and since this project could be considered infill; that according to the Comprehensive Plan Update the site is located in the Environmentally Sensitive Developing Area, a growth area; that according to the Plan, new development should be located in growth areas; that the Plan includes references that development should be directed to areas that have community services; that the County agricultural economy should be conserved by promoting farming and preserving agricultural land values; that tourism should be encouraged; that new developments should incorporate preserved usable open space and other best practices; that Long Neck Road is adequate to maintain the traffic; that according to traffic counts and calculations traffic should be decreased from the recently approved RPC plans for the site; that the use complies with the Mobility Element of the Plan; that the project provides economic growth; that the Faucett family has owned the property since 1938 and believes in property rights; that the Faucett family sold the property to the State that is used for the boat ramp; that Long Neck Road is classified by DelDOT as a Major Collector Road, the same as Route 24; that the Road contains 12 foot lanes with 8-foot shoulders; that two access points are proposed; that the Long Neck Road/Banks Road intersection was recently upgraded by DelDOT; that the Long Neck Road/Pot Nets Road improvements will be required; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that none of the adjacent developments went through the DNREC or Sussex Conservation District process for stormwater management, and probably could not have been developed, as developed, under current regulations; that they will agree to meet all of DelDOT’s requirements; that they will meet all of DNREC and Sussex Conservation District stormwater management requirements; that they plan on utilizing green technologies and best management practices; that wetlands have been delineated and the boundaries approved; that there are no threatened/endangered species on site; that they have met with the Office of the State Fire Marshal, the Indian River Volunteer Fire Company, DNREC, the U.S. Army Corps. of Engineers, the association of park owners, and residents of the area; that the project will have controlled and gated access; that the streets within the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that no campsites are proposed within 400-feet of a dwelling of other ownership; that there will not be any lot sales; that they are proposing to provide space for RVs, travel trailers, and some tent camping, no cabins; that no phasing is proposed; that they intend to develop the entire site in one phase and hope to be able to open for the 2014 camping season; that a 50-foot buffer setback is being provided from wetlands; that the project will include pavilions, an aquatic rental center (no motorized watercraft), concierge, golf cart rental center,

general store, welcome center/administrative offices, swimming pool, café/snack bar, bath houses, nature center/activity lodge, lodge meeting center/conference center, beach lounge BBQ and café bar, remote tenting area and bath house, maintenance center, DART bus stop, interior crabbing and fishing piers, and a dog park; that employee parking will be provided; that a Bald Eagle nest exists off site (Lynch Thicket), not on this site; that there will be a 330-foot buffer from the Bald Eagle nest; that no improvements are proposed in buffer areas; that they will be required to obtain seven permits from either the U.S. Army Corps. of Engineers or DNREC for piers, erosion sediment control, crossings, etc.; that landscaping plans will be submitted; that it will not be necessary that fill be brought in from off-site, due to the existence of the sandy area on-site; that the Castaways Ocean City site has not had any traffic issues, and they do not anticipate any traffic issues at this site; that buses from the Ocean City site are crowded, showing that the bus service will work; that they have established a speedy check-in service; that the Faucett family are all members of the partnership with the Burbage family in the development of this project; that someone from the Faucett family has lived and worked this property since the 1960s; that the Faucett family has partnered with the Burbage family due to the experience of the Burbage family in developing campgrounds; that the Faucett family has watched the Long Neck area develop and voiced no objection to other projects; and that the project is a benefit to tourism.

The Commission found that Mr. Fuqua offered the following suggested Findings of Fact for consideration for Change of Zone No. 1729: 1) This is an application to amend the Comprehensive Zoning Map from MR (Medium Density Residential) to AR-1 (Agricultural Residential) for 50.83 acres of land located at the eastern end of Long Neck Road; 2) The proposed use of the property is as a Campground/RV Park with amenities which require conditional use approval in the AR-1 zoning district; 3) The property is located in the Environmentally Sensitive Developing Area which is a designated growth area under the 2008 Sussex County Comprehensive Plan; 4) The property is located in an Investment Level 3 under the Strategies for State Policies and Spending as is much of the Environmentally Sensitive Developing Area; 5) The property was rezoned MR-RPC as Change of Zone No. 1608 in May of 2007, for a 120 unit residential development; 6) All lands bordering the property are zoned AR-1, as are the majority of lands in the Long Neck area; and for the stated reasons the rezoning of the property to AR-1 would be in accordance with the Comprehensive Plan, consistent with the existing zoning in the area and appropriate for the property.

The Commission found that Mr. Fuqua offered the following suggested Findings of Fact for consideration for Conditional Use No. 1963: 1) This is an application for a Conditional Use in an AR-1 Zoning District (rezoning application from MR to AR-1 being considered with this Conditional Use application) for a 322 site campground/RV park with amenities on a parcel of land containing 50.83 acres located at the eastern end of Long Neck Road; 2) Under the Sussex County Comprehensive Plan Update, the site is located in the Environmentally Sensitive Developing Area (ESDA) which is a designated Growth Area on the Comprehensive Plan's Future Land Use Map; 3) The Comprehensive Plan strongly encourages that development in the ESDA be served by central sewer and water facilities and the proposed Conditional Use will be served by Sussex County sewer, as part of the Long Neck Sanitary Sewer District and will utilize central water provided by the Long Neck Water Company; 4) The Conditional Use is in accordance with the Plan's vision that Sussex County will maintain its role as Delaware's

agricultural leader, that new full time residences, second home growth, and seasonal tourism will continue to drive the local economy; 5) The Conditional Use is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area; 6) The site is located in an Investment Level 3 under the State Strategies for State Policies and Spending and development is appropriate. Much of the ESDA is designated as Investment Level 3 which recognizes that it is a future growth area; 7) The Applicant participated in the PLUS process, and has responded appropriately to the PLUS comments and has submitted for the record – an Environmental Assessment and Public Facility Evaluation Report properly addressing the stated criteria; 8) The Conditional Use will have no negative environmental impact. All required buffers will be provided, Green Technology, Best Management Practices as recommended by DNREC, including a combination of bio-retention, infiltration, bio-swales and filter strips will be utilized to achieve storm water quality management together with pervious pavements to meet or exceed DNREC requirements. The site will be served by County sewer and public water. Wetlands will not be disturbed except where authorized by appropriate permits and the wetland delineation has been approved by the U.S. Army Corps. of Engineers; 9) The Conditional Use will have no negative impact on traffic. The site is currently approved for a 120 residential unit development and the Conditional Use will have similar or less traffic impact than the use already approved. DelDOT has reviewed and accepted the Applicant’s Traffic Impact Study and has requested the Applicant’s participation in future improvements; 10) Long Neck Road is a well maintained two lane road with adequate shoulders to accommodate vehicles coming and leaving the site in a safe manner. In addition DART operates a bus route providing round-trip bus service from the Rehoboth Park and Ride to Massey’s Landing during the summer season. A DART bus stop and turnaround will be provided on the site; 11) There will be no negative impact on schools or other public facilities since the Conditional Use will operate seasonally from April 1 to October 31st; 12) The site is an appropriate location for the Conditional Use since shopping and services are located on Long Neck Road in addition to services located on site. The property is an “in-fill” piece, adjacent to manufactured home parks on the west and south and the bay and the State of Delaware boat launch on the north and east; 13) The Conditional Use is essential and desirable for the general convenience and welfare since it will provide tourism related services, full and part time employment and significant secondary economic benefit to area business; 14) The Conditional Use with the following conditions will not have any adverse impact on the uses or values of area properties, will contribute to the convenience and welfare of Sussex County and its residents and is consistent with the purposes, goals, and provisions of the Sussex County Zoning Ordinance and Comprehensive Plan: 1. The maximum number of RV sites shall be 322; 2. All entrance and other DelDOT requirements shall be completed as required by DelDOT including the requirement requested by DelDOT that “the Developer should enter into an agreement with DelDOT to fund an equitable portion of the installation of single land roundabout at the intersection of Delaware Route 23 and Pot Nets Road (Sussex Road 22C). The agreement should be worded such that DelDOT may utilize the funding contribution from the installation of a traffic signal at this intersection, should a roundabout be determined to be infeasible at DelDOT’s discretion. The agreement should include pedestrian signals, crosswalks and interconnection at DelDOT’s discretion”; 3 The Conditional Use shall be served by the Long Neck Sanitary Sewer District; 4. The Conditional Use shall utilize public water from the Long Neck Water Company; 5. Stormwater management and erosion control facilities shall be

constructed in accordance with applicable State and County requirements and maintained using best management practices; 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan; 7. The campground/RV park may open no earlier than April 1st each year and shall close no later than October 31st of each year; 8. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the sites during the period that the park is closed, except Applicant owned “park model” units; 9. There shall be no accessory buildings located on individual campsites; 10. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes; 11. One sign not exceeding thirty-two (32) square feet per side with lighting shall be permitted; 12. The Applicant shall plan the entrance design to accommodate a bus stop and turnabout in accordance with DART; 13. Final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Commission found that the Applicants representatives responded to questions raised by the Commission by adding that no stormwater management ponds are proposed; that water quality will be maintained; that pervious pavement is proposed to be used for pad sites and parking areas; that filter strips will be utilized throughout the project; that 50-foot buffers will be provided; that there will not be any wetlands on any camp sites; that wetlands will not be disturbed; that DNREC will mandate the protection of wetland features; that wetlands will be improved to stop shoreline erosion; that turf will be utilized per Sussex Conservation District guidelines; that they intend to protect as many trees as possible; that phragmites will have to be eradicated; that the District wants all drainage to be directed towards streets; that 10% of the units are anticipated to be park models; that the park models are intended as rental units; that no seasonal sites are intended; that sites are intended to be for transient use; that based on DelDOT criteria, single-family units generate approximately 10 trips per day and RV sites have a 20% reduction compared to a single-family unit; that an RV can remain on site for 180 days or be removal ready in case of evacuation; that park models will be there for the entire season and then moved out of Flood Zone areas for winterization; that the DART bus stop site is a public bus stop; that the closest bus stop to this site is in Pot Nets; that the café is planned for use by the campground residents; that campsites are intended to be weekly rental spaces; that campsite rental for an entire season is not an option; that the County Code requires 30-foot wide right-of-ways with a 20-foot wide road maintained; that sidewalks are not proposed; that walking trails and paths are proposed; that they intend to contribute to the multi-modal path fund, not to build the path since there is no connection to an existing path; that guest parking spaces will be provided near the frontage along Long Neck Road; that they would prefer to mark the wetlands boundaries with split rail fencing, rather than boundary markers; that campsites will be a minimum of 400-feet from any dwelling off-site; that, by definitions in the Code, manufactured homes are not defined as dwellings; that land use decisions are not based on popularity, and must be based on facts; that DelDOT utilizes ITE guidelines; and that emergency evacuation plans will comply with evacuation procedures created by County and State emergency officials and local officials.

Mr. Robertson advised the Commission that campsites are required to be at least 400-feet from a dwelling of other ownership; that the definition of a dwelling in the Zoning Code states: “A building or portion thereof containing cooking and housekeeping facilities, designed or used

exclusively for residential occupancy, but not including manufactured homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts or tourist homes”.

The Commission found that there were no parties present in support of these applications.

The Commission recessed for five (5) minutes.

The Commission found that Mary Schrider-Fox, Attorney with Steen Waehler & Schrider-Fox, LLC was present on behalf of the Massey’s Landing Tenants Association and others in the area, and stated that she opposes the applications; that the Applicants are requesting a down-zoning for the purpose of a campground; that down-zonings are normally for less intense uses; that they have applied because a campground is not a listed permitted use in a MR Medium Density Residential District; that a campground is a more intense use than a single-family community; that the use will not comply with the Comprehensive Land Use Plan since the site is located in a Low Density Area and the Environmentally Sensitive Developing Area; that the use does not support Agriculture; that the use is not a residential project, it is a commercial enterprise in the middle of a residential area; that park amenities are only planned for park guests, not the general public; that the use does not promote safety, health, or the general welfare of the community; that letters in opposition to the applications reference safety concerns, traffic backups, evacuation issues, parking of vehicles from the State boat ramp parking along Long Neck Road, among other issues; that residents have a concerns that they will be evicted from the homes, which they own; that emergency response limitations is a major concern; that the use is not beneficial to area residents; that lessening of congestion needs to be addressed; that the traffic impact study is eight years old and DelDOT has not considered that things have changed since 2005; that the traffic impact study referenced a residential Planned Community, not a campground; that roads are an issue since RVs are larger than standard vehicles; questioning the number of employees; that the use is not for the convenience of the community residents; that the site plan does not comply with the requirements of the Code; that the tent sites do not comply with the dimensional requirements; that the site locations do not comply with the 400-foot separation from a dwelling requirement, since there is a dwelling within Pot Nets and within Massey’s Landing Park; that the Code does not provide any language for recreational amenities, and many are proposed within this project; that normally if a use is silent and not specifically referenced, it is prohibited; that the use does not fit in this residential area of Long Neck Road; and that she requests that the applications be denied.

The Commission found that Jeff Marks, a resident of Massey’s Landing and Newark, was present in opposition, presented a Power Point, and stated that the residents are present, not to oppose the development of the property, and are supportive of the development of the property in accordance with the current zoning and as recommended by the Comprehensive Plan on behalf of the communities of Long Neck Road, and to protect the safety, the tax base and the quality of life of those residents; that he shared the site plan with the majority of the signers of petitions in opposition to this use; that one of the fastest growing areas of the County is Long Neck with a growth rate of 55%, and with an average age of 62 years; that the proposed project is located in an Investment Level #3 where environmental constraints exist and where infrastructure is not a priority according to the State Strategies for Policies and Spending; that the proposed RV park will not generate Realty Transfer Tax and will drain the County for infrastructure and resources;

that portions of the project on the north side and on the south side of Long Neck Road are within 400-feet of a dwelling in Pot Nets Dockside; that it does not make any sense to establish a campground in a flood zone in an area that is prone to flooding and is often cut off by coastal storms; that photographs in the Power Point depict flooding over Long Neck Road; that the shoulders along Long Neck Road are less than eight (8) feet in width and too narrow for parking, but vehicles from the State boat ramp park on the shoulders; that the residents are concerned about evacuation in emergencies; that the use of Park Models is a concern since they are not easily moved, except by experts; that the Power Point depicts damages to Park Models during Hurricane Sandy; that Long Neck Road and some of the communities are impacted by flood waters during hurricane and northeaster storms; that a 2005 Traffic Impact Study does not provide current data on counts, etc. and a new Traffic Impact Study should be required; and that this proposal should be denied since: the proposal is to place an RV Park on a road that is a flood plain when there is only one way in and one way out; that there are currently over 4,500 RV sites available for RVs within the area; that downzoning this property from MR to AR-1 is a direct conflict with the Future Land Use Plan Map of the Comprehensive Plan; that revenue will be impacted due to the loss of Realty Transfer and Property Taxes; that the Applicants have submitted an eight (8) year old Traffic Impact Study; that they are proposing a plan without the appropriate buffers required; that the project will impact the State boat ramp and facilities; and that the project may put the current residents and emergency response teams of Long Neck Road at risk in the event of an evacuation. A paper copy of the Power Point presented is a part of the record.

The Commission found that William Higgins, President of the Homeowners Association of Pot Nets Dockside and Seaside, was present in opposition and speaking on behalf of 500 residents within the two referenced parks, and stated that he is not opposed to RV parks, but is opposed to this location on a dead end road in an area that floods; that he has visited the Castaways Ocean City park and noted that it has two outlets; that he has requested that DelDOT do a summer count of traffic for Long Neck Road; that he is concerned about safety issues; that the lagoons are unprotected; that canoe rentals are proposed in a tidal area; that a pond on the site has been reported to be contaminated; that golf carts are proposed to be rented; that evacuation notice and compliance is a major issue; that a lot of residents wait until the last moment to evacuate; that Long Neck Road only has two lanes; that in 2012 there were 102 accidents along Long Neck Road with one of the accidents being a fatal accident; that there are five campgrounds in the Long Neck area, many of which have vacancies; and noted that the Commission should visit the Long Neck area this weekend, Memorial Day weekend, and see the traffic and the parking along the shoulders near the State boat ramp. Mr. Higgins submitted three pictures that: depict flooding of the Pot Nets Dockside entrance during Hurricane Sandy, flooding of the State boat ramp parking lot; and flooding over Long Neck Road between Pot Nets Dockside and Pot Nets Coveside.

The Commission found that Charles Bartels, a resident of Massey's Landing Park, presented a letter and Power Point, referencing that the approval of this project would pose many problems for the entire Long Neck area, including but not limited to tremendous traffic issues during the summer tourist season; that traffic is already a concern on Long Neck Road, especially on summer weekends; that evacuation during national disasters and for medical reasons would become a huge problem; that many residents of the Long Neck area are senior citizens with

increasing medical issues; that first responders, i.e. police and firefighters, response time would be increased with possible disastrous consequences; that increased usage of the area, resulting from 322 RV lots would stress an already fully utilized area, ecologically; that the undeveloped area is the home of many species, including deer, fox, wild turkey, and numerous oak-pine forest, maritime forest, and wetland plants and animals; that this area includes frontage on Massey's Ditch and the shallow Roman T. Pond, which are environmentally fragile areas; that run-off and pollution from increased boat usage may impair the water quality; that increased trash, especially plastics, would likely find its way into the surrounding waters; that development of the forested and wetland areas reduces the natural filtration of runoff, and could lead to increased turbidity, siltation and eutrophication; that the increase in impervious surfaces, such as trailers and roads, will decrease the freshwater recharge of local groundwater supplies; that development of these undeveloped areas would significantly reduce the biodiversity of the area; that many terrestrial and aquatic species live and reproduce in the area; that removal of these essential habitats would cause greatly reduced populations of many of these native species; that the natural beauty of this area is what makes the remaining undeveloped areas of Long Neck special; that the Inland Bays of Delaware have been under development pressure for a long time; that recent legislation and wise land use regulations have greatly reduced new development in the last decade; that not coincidentally, improved water quality, increases in invertebrate and fish populations and reestablishment of terrestrial species, such as turkeys and bald eagles, has occurred during this time period; that development of the 322 RV lots will undoubtedly lead to the subsequent second phase of development for a total of 575 RV sites; that this would destroy the many resources that attract visitors to the Long Neck and Inland Bays area; that the Castaways group has been moving from location to location around the Inland Bays trying to develop RV parks; that development of the RV park could eventually displace close to 100 families in the existing Massey's Landing Park; that the Massey's Landing Park has existed for over 40 years; that many of these families live here full-time; that many of the families are on fixed incomes; that having to move would be a major financial problem since these homes cannot be moved, and selling them is now impossible and unethical with the impending sale of the land; that increased transient visitors have no sense of ownership and would be less likely to care for the environment or their neighbors, and would impact Massey's Landing Park and the neighboring Pot Nets Communities; and that if allowed to start this project there may be no stopping continued development of Long Neck. The Power Point, which includes text, maps, aerials, photographs, renderings, and charts, is a part of the record.

Ms. Fox, in response to a question by the Commission, stated that the conditions and traffic along Long Neck Road have changed since 2007.

The Commission found that James Chillik of Massey's Landing spoke in opposition and stated that he purchased his house, which is not a manufactured home, eight years ago, and due to the flooding issues has raised his house, which is now a two story house; that the house is listed as a dwelling, not a manufactured home, per the County Assessment records, and that he is here trying to protect his investment; and feels that he may have been misrepresented by his Realtor.

The Commission found that David Gray of Mariner's Cove spoke in opposition and stated that he questions how Park Model homes can readily be removed in a storm event, and expressed public safety concerns relating to fire and police protection.

The Commission found that Mr. Riemann responded that they have met with the Office of the State Fire Marshal and representatives of the Indian River Volunteer Fire Department and will comply with their requests for fire hydrants and dry hydrants.

The Commission found that Ms. Walsh responded that a Park Model home can be unhooked and removed from a site within 20 minutes.

The Commission found that Betty Greenwalt, a resident of Pot Nets Lakeside; Shawn Kilpatrick, a resident of Pot Nets; Paula Rappa; Bob Teechert, a resident of Creeks End; Denny Coffman; Joan Race, a resident of Pot Nets Coveside; Bill Holston, a resident of Massey's Landing; and Jim Gervan, a resident of Creeks End; also spoke in opposition and expressed concerns that a lot of the residents in the Long Neck area are full-time residents and mostly senior citizens; that emergency vehicles travel Long Neck Road daily; that school buses travel Long Neck Road during school sessions; that there are no benefits for the youth in the Long Neck area; that there are no malls, movie theaters, or recreational centers; that golf carts travel up and down Long Neck Road; that Long Neck Road cannot support an RV park; that police and fire response time is a major concern; that DelDOT needs to include standards for RV parks in their regulations; that the Long Neck Elementary School will be negatively impacted; that by creating more traffic you create more delays; that the State boat ramp is already at capacity and people are parking their vehicles and trailers on the shoulder; that most of the campers will probably be towing a boat and trailer; that the Massey's Landing boat ramp has the only handicap accessible pier; that additional boats will negatively impact people that already fish; that the rental of boats and canoes should not be permitted since they do not mix well with motorized watercraft, especially near a boat ramp; that approval of this project will increase the number of transients in the area; that trespassing is a concern; that Massey's Landing Association has 67 home owners, of the 96 homes on the site, that they are opposed to this application; that the residents have a fear that they will lose their leased lots; that there could be major impacts on the archaeological nature of the area; and that no one has appeared in support of the application.

Mr. Clark responded that each campsite will have space on the sites for parking of the tenant's vehicle and boat trailer.

At the conclusion of the public hearings, the Commission discussed these applications.

In reference to C/Z #1729:

On May 23, 2013 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for time for further consideration given the amount of materials and statements received. Motion carried 5 – 0.

In reference to C/U #1963:

On May 23, 2013 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for time for further consideration given the amount of materials and statements received. Motion carried 5 – 0.

On June 27, 2013 the Commission discussed the applications under Old Business.

Mr. Johnson stated that the Long Neck area has been a destination location for many years; that there are several campgrounds that exists along Long Neck Road; that the use would be in keeping with the other uses in the area; that DelDOT has granted approval of the entrance location; that the use should blend in with the existing communities; and that the Commission has to decide whether this use is appropriate at this location; and that the Commission has to review and consider this application as a land use decision.

Mr. Ross stated that it is important to note that these two separate applications, while separate actions, are part of a single request for Conditional Use of a property; that the fact that these applications were combined into a single public hearing, without objections for anyone, is evidence of this; that representatives for the Applicant stated that the change of zone request, C/Z #1729, was specific to the application for Conditional Use #1963; that, in fact, Mr. Fuqua, the attorney representing the Applicant, stated that the requested change of zone was specifically to accommodate the conditional use application; that Ms. Mary Schrider-Fox, attorney representing opposition to the application, agreed with this conclusion stating in her remarks that any decision on the down zoning request must weigh heavily the appropriateness of the intended use; that it is my opinion that the public record reflects our decision on the conditional use request should ultimately determine the outcome on the down zoning request; that in reviewing the public's objection to the application the following arguments against the two requests were made: 1) General disagreement with the position with DelDOT in regard to traffic and roadway safety; 2) The RV Park intended is too intense a land use for the area and that a less intrusive use would be more compatible; 3) The RV Park proposed was not in character with surrounding uses and therefore incompatible; 4) Environmental issues were not being adequately addressed; 5) The Conditional Use does not comply with §115-172 H (3) and §115-172 H (4); 6) That some of the proposed amenities for the Conditional Use were not specifically permitted under §115-172 H (6) and therefore should be prohibited; 7) The accumulative effects of these arguments against the applications demonstrate non-compliance with the Comprehensive Land Use Plan; that I will comment on each point starting with traffic and safety: I understand the public frustration of living on a road that is one way in and one way out. Obviously there is no alternative route to alleviate seasonal traffic issues. I also appreciate the anecdotal observations of those living in the area; that regardless, the State of Delaware Department of Transportation comments in the PLUS review of the application, dated December 3, 2012, in part states that "we find that conditions in the study area have not changed substantially since the 2005 study was done and that the development now proposed would be similar in its trip generation. Therefore, our findings and recommendations based on the TIS, contained in a letter, dated November 4, 2005, are applicable to the current development proposal as well, and a new TIS is not necessary"; that it is critical for all to understand the entrance and road safety related issues are the responsibility of the State of Delaware Department of Transportation. It is generally not known that Sussex County does not own any public roads. The Delaware Department of Transportation manages millions of trips per year on roadways throughout the State of Delaware and has the sole authority to approve or deny the entrance permit; that opposition to the proposed use cited different sections of the Comprehensive Plan to support their argument; that appropriately Ms. Mary Schrider-Fox cited §115-172 H (3), §115-172 H (4) and §115-172 H (6) to buttress her argument; that specifically, she argued the campsites were within 400 feet of an existing dwelling on property of other ownership, that some of the campsites in the remote tenting area did not meet the minimum

specifications and that the amenities being proposed were not specifically listed under H (6) and therefore should not be allowed; that while I understand the oppositions concerns with H (3), H (4) and H (6), it is important to note that H (3) and H (4) are site plan issues; that I agree with Ms. Schrider-Fox that these sections of Code must be addressed at the appropriate time, if the Conditional Use is approved; that H (6) refers to ancillary uses and provides a non-exclusive list of "...small retail businesses intended primarily for occupants of the park...", the reliance of H (6) as a basis for denial does not carry the day either; that the Applicant has stated that all of the uses within the campground are for the campground guests; that the Commission can recommend and County Council has the authority to accept or restrict what is being proposed by the Applicant as ancillary uses; that opposition to the application also argued the RV Park was a highly intense use and not appropriate in environmentally sensitive overlay AR-1 zoning district; that Mr. Fuqua argued that campgrounds and mobile home parks dot Long Neck Road and that campgrounds are specifically authorized via a conditional use application which is why this application is before us; that it is my opinion that most people driving down Long Neck Road would agree with Mr. Fuqua; that it is understandable that neighbors to the proposed application find it desirable to ensure the intended use does not negatively impact the environment any more than they already have. A number of safeguards to ensure proper procedures are used to achieve this outcome via both State and Federal permitting processes that exist; that I believe the Conditional Use application #1963 should be approved for the following reasons: 1) The site is located in the environmentally sensitive developing area, a designated growth area; 2) The site is served by central sewer and water; 3) The Conditional Use is appropriate given the location proximity to Sussex County's tourism center, where tourism is the targeted economic driver; 4) The Conditional Use promotes tourist related economic development and is consistent with the character of zoning and development in the area; 5) DelDOT has indicated there will be no negative impact by the proposed development since the Conditional Use applied for will generate less traffic than the currently approved use of the site; 6) Approval with appropriate conditions will minimize any potential negative impact; 7) The Applicant has established a record which supports approval of the application; that in being consistent with the record established during the public hearing and having reached this conclusion regarding the Conditional Use request, it is also my opinion that the change of zoning request should be approved.

Mr. Johnson added that the accessory uses are appropriate and intended to serve the tenants and guests in the campground.

Mr. Smith stated that he would have liked to see a more recent traffic impact study; that DelDOT is satisfied with previous results; that site plan approval will be required; and that he has some concerns relating to the tent sites.

In reference to Change of Zone #1729:

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1729 for Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc. for a re-zoning from MR to AR-1 based upon the record made at the public hearing, and for the following reasons:

- 1) This is a down-zoning and it will allow the Applicants to obtain approvals to construct a RV campground on the subject property. The AR-1 zoning is necessary because a Conditional Use for a campground is not available in the MR zoning district.
- 2) The proposed use as a campground is consistent with other uses in the Long Neck Road and Massey's Landing area, and there are other campgrounds in the area that have been in existence for many years.
- 3) AR-1 zoning is appropriate for this area under the County's Comprehensive Land Use Plan and the maps contained in the Plan. The property is also surrounded by AR-1 zones and AR-1 zoning is consistent with much of the zoning in the Long Neck and Massey's Landing area.
- 4) The Sussex County Engineering Department has no objection to the re-zoning to AR-1 or the proposed use of the property under the pending Conditional Use.
- 5) The site will be served by central water and central sewer.
- 6) DelDOT has not stated any objections to the project or the traffic generated by it on local roadways, and Long Neck Road is considered by DelDOT to be a Major Collector Road, the same as Route 24.
- 7) The property was previously rezoning from AR-1 to MR-RPC in 2007 for a 120 unit residential development. This rezoning will void that approval and return the property to its prior AR-1 zoning.
- 8) The proposed use as a RV campground will be subject to the conditions and limitations established by that approval, and also site plan review by the Sussex County Planning and Zoning Commission.

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

In reference to Conditional Use #1963:

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1963 for Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, LLC for a campground based upon the record made at the public hearing and for the following reasons:

- 1) While there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways. In addition, the State considered Long Neck Road to be a Major Collector Road, which is an appropriate location for this type of use.
- 2) The use as a campground is consistent with the other existing residential uses, campgrounds and manufactured housing communities that currently exist in the Long Neck Road and Massey's Landing areas. Campers and RVs are not something new in this neighborhood, so, there is a reasonable expectation that RV and campground uses could be developed in the vicinity.
- 3) The development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area.

- 4) The site is an appropriate location for the proposed development since recreational and commercial uses exist in the Long Neck area.
- 5) There will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- 6) The project is located within the Long Neck Sanitary Sewer District, and the County Engineering Department has not objected to it.
- 7) The project will be served by central water and central sewer.
- 8) This recommendation will have several conditions that will eliminate or minimize any potential negative impact upon the neighborhood.
- 9) Under the current County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing Area, which is recognized as a development or growth area on the Future Land Use Map.
- 10) The Applicant has created a sufficient record in support of the Conditional Use application.
- 11) While there were concerns expressed about the definition of “dwelling” for purposes of establishing the Code – required 400 foot buffer from dwellings of other ownership, “manufactured homes” do not create the need for the buffer under the terms of the Code. The existence of “dwellings” as that term is defined under the Code and whether a 400 foot buffer is required will be dealt with as part of the site plan review.
- 12) The use is considered as “in-fill” location, adjacent to developed Manufactured Home Parks on the west and south, and the bay and the State of Delaware boat launch on the north and east.
- 13) The proposed use is beneficial and desirable for the general convenience and welfare of Sussex County and its residents, since it will provide tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, and significant economic benefits to area businesses.
- 14) This recommendation is subject to the following conditions:
 - A. The maximum number of campground/RV sites shall be three hundred twenty-two (322).
 - B. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer’s agreement to comply with DelDOT’s request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.
 - C. The Development shall be served by the County’s Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.
 - D. The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.
 - E. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - F. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.

- G. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development's construction.
- H. The entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.
- I. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed.
- J. There shall be no accessory buildings located on individual campsites.
- K. Campground restrictions shall be submitted as part of the site plan review.
- L. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.
- M. The Developer shall plan the entrance design to accommodate a DART bus stop and turnout in consultation and cooperation with DART.
- N. One sign, not exceeding thirty-two (32) square feet per side with lighting shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
- O. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
- P. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.
- Q. The Applicant shall determine, after consulting with the County, whether there are any "dwellings" in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172 H (3) of the Sussex County Code. As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.
- R. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the "Remote Tenting Area" shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.
- S. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.
- T. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

C/Z #1725 – application of **JACK LINGO ASSET MANAGEMENT, LLC** to amend the Comprehensive Zoning Map from GR General Residential District to AR-1 Agricultural Residential District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 74 acres, more or less, lying southwest of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284)(Tax Map I.D. 3-34-12.00-16.00 Part of).

C/U #1951 – application of **JACK LINGO ASSET MANAGEMENT, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a rv resort and campground, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 162.424 acres, more or less, lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284)(Tax Map I.D. 3-34-12.00-16.00, Part of).

It was noted that the applications were being combined for the purpose of the public hearing so that the records did not have to be duplicated, and that the Commission would make a decision on each application independently.

Mr. Lank advised those parties present that the Applicants had provided an Exhibit Booklet on January 14, 2013 for consideration, and that the Commission had previously been provided a copy of the Exhibit Booklet. The Exhibit Booklet contains copies of the Preliminary Land Use Service (PLUS) comments and DeIDOT comments.

The Commission found that the County Engineering Department Utility Planning Division had provided comments, in the form of a memorandum, on January 11, 2013 and referenced that the site is located in the Goslee Creek Planning Area; that wastewater capacity is available based on certain conditions; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,715.00 per Equivalent Dwelling Unit (EDU); that sewer service has not been extended to the Goslee Creek Planning Area; that the project is capable of being annexed into the West Rehoboth Expansion Area; that conformity to the North Coastal Planning Study will be required; that the project is located in the Goslee Creek Planning Area for sewer service, but the developer must construct regional infrastructure to connect to an approved connection point; that the developer's engineer has undertaken a planning study to determine the scope of regional sewer infrastructure needs; that the report proposes several options for connection and is being reviewed by the County Engineering Department; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system and prior to requesting annexation into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that a checklist for preparing concept plans is attached to the memorandum; that a list of steps for completing a district expansion is also attached; and that a concept plan is required.

Mr. Lank advised the Commission that he reviewed the file at the close of business earlier today and that the Department had received nine (9) letters in support of this application; 528 signatures on petitions in opposition to the application; and 111 letters/emails in opposition to the application. Mr. Lank added that an additional 2 letters and petitions containing an additional 89

signatures were received just prior to the meeting. The letters/emails and petitions were signed by parties living in Harts Landing, along Ward Road, in Sandy Brae, in Henlopen Landing, in The Plantations, in Bay Front, in Briarwood Estates, in Webb's Landing, in the Retreat at Love Creek, and other projects and locations in the general area.

The Commission found that Nick Hammonds, Project Manager, was present on behalf of Jack Lingo Asset Management, LLC, with Gene Bayard, Attorney with Morris, James, Wilson, Halbrosk and Bayard, P.A., Ring Lardner, Professional Engineer, D.J. Hughes, Professional Engineer, and Michael Wigley, Architect, of Davis, Bowen & Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the property has been owned by the Townsend family for many years; that the property is located in a Tidewater Utilities franchise area; that the property is located in a County regional sewer district; that the developers will be building all of the required infrastructure; that the site contains approximately 162 acres of a 324 acre tract owned by J.G. Townsend, Jr. & Company; that they are proposing to change 74 acres from GR General Residential to AR-1 Agricultural Residential; that the GR portion of the property is capable of being subdivided into approximately 322 single family lots for manufactured homes, modular homes or dwellings; that the AR portion of the property is capable of being subdivided into approximately 191 single family lots; that a RV park/campground is needed in the area; that a study was performed in the area and there is a demand for campsites; that the majority of the site is wooded; that Love Creek is actually an amenity/attraction for the proposed park; that Davis, Bowen & Friedel, Inc. have prepared and revised the site plan of the layout of the project; that a national RV park designer reviewed the site and the plans and made comments on the design; that the developers held a public meeting on December 27, 2012 to present the project to area residents to obtain comments; that approximately 80 parties attended the public meeting and raised several issues, primarily traffic issues; that an RV park generates less traffic than residential development; that the project is being planned as a destination spot which creates even less traffic trips than a subdivision; that they originally intended to access from Ward Road and have since revised the plans to access from Cedar Grove Road; that concerns were expressed about the distance the proposed cabins are from dwelling that exist on lands of other ownership and that they have relocated the cabins; that there will be no to minimal impacts on wetlands; that the Exhibit Booklet contains a series of maps, i.e. flood plain map, wetlands map, sewer district map, zoning map, State Strategies map, and map of the Environmental Sensitive Developing District Overlay Zone; that according to the State Strategies the site is located in Level 2 and 3 growth areas; that a wetlands delineation has been performed and is now being prepared for submittal to the State and Corps. of Engineers; that a timber cruise has been completed to establish a minimization of tree removal; that a review of the Federal and State Endangered Species listing indicates that none were found or reported on the site; that the Beers Atlas of 1868 indicates that a dwelling existed on the site, but no structures have been found; that any archaeological features found on the site will be preserved; that there are no known Indian burial sites on the site; that there are no historical sites referenced on the site that are included on the National Registry; that the soils on the site are well drained and there should be no issues relating to stormwater management of the site; that they are proposing a 50-foot wide buffer from all wetlands; that they attended the PLUS review and have responded to the comments received from PLUS; that those comments and responses are included in the Exhibit Booklet; that they have provided an Environmental Assessment and Public Facility Evaluation Report in the Exhibit Booklet; that the entrance and

welcome center with related parking have been relocated to an entrance on Cedar Grove Road; that the project will provide sites for towable campers and RVs; that the site is almost entirely wooded which can provide a natural buffer; that fencing and landscape screening will also be provided; that all camping sites will be a minimum of 400 feet from any residence off-site; that the buffers to be provided will also include a 50-foot buffer from property lines and a 100-foot buffer from any public road; that the sites will have all necessary hook-ups, i.e. water, sewer, electric; that the minimum size of a camping site per Code is 2,000 square feet, and that they are proposing approximately 3,000 square feet per site; that they intend to preserve as many trees as possible; that the layout proposed creates some thru lots for convenience of the RVs; that the stormwater management ponds are being designed as water features and will allow for recreational amenities, i.e. paddle boats; that trails and paths will be provided for interconnection throughout the park; that the amenities include pools, a general store, bathhouses, playgrounds, picnic pavilions, a fitness club, an amphitheater/chapel, a canoe/kayak launch and outfitter, and a dock/bar; that the amphitheater is approximately 1,300 feet from Ward Road; that the amenities are proposed for guest of the campground only; that security will be provided 24 hours/7 days per week; that no marina or boat ramp is proposed for motorized boats; that it is their intent to provide all of these facilities for the benefit of the campers only, not outsiders; that ponds will be stocked with fish; that access to the campground will be gated; that the main entry road will be paved; that all streets within the campground area will be gravel; that the layout provides for 21 acres of roads, 42 acres of RV lots, 3 acres of premium RV lots, 5 acres for stormwater management, 30 acres of wetlands, and approximately 50 acres of residual lands; that approximately 90 acres of land will be left undisturbed; that DelDOT did not require a traffic impact study when they filed their application; that DelDOT stated in their May 17, 2012 letter that the Department was agreeable to the County accepting the application and considering it without the use of a traffic impact study; that the campground would generate enough traffic to warrant a traffic impact study and the Department will require the completion of a traffic impact study as a condition for plan approval; that the results of a traffic impact study are not, in the view of the Department, necessary for the County's consideration of the application; that a traffic impact study was completed on January 11, 2013 and that DelDOT's response time normally takes 60 days from receipt; that they prepared a report for comparison on "Existing Zoning Potential per DelDOT Methodology", "Proposed Land Use per Conditional Use Conceptual Plan", and "Proposed Land Use Compared to Existing Zoning Potential"; that the anticipated improvements required by DelDOT include a 310-foot left turn land, 1,500 feet of resurfacing with 11 foot wide lanes with 5-foot shoulders, and participation in some signalization at other intersections; that they reviewed the history of some of the campgrounds in the area; that Three Seasons Campground was open from 1978 to 2006; that prior to 1978 there was minimal development activity in the Rehoboth Beach Yacht and Country Club community; that after the campground was opened the community has grown to approximately 900 dwellings; that Treasure Beach Campground, near Fenwick Island, and Holly Lake Campground, near Route 24, are fully developed; that if negative impacts on property values would have been anticipated those projects would not have developed; that they feel that they have complied with the Comprehensive Land Use Plan and the Zoning Code, including the Environmentally Sensitive Developing District Overlay Zone; that the use will be a benefit to tourism; that the use will be seasonal and will not impact schools; that they fully intend to comply with all DelDOT requirements; that the use is less environmentally impacting than a subdivision; that a subdivision will generate more traffic than a campground; that 628 sites are proposed; that they

are planning on developing the project in three (3) phases; that phase 1 is planned to contain 159 RV sites, 39 Premium RV sites, and 20 cabins; that phase 2 is planned to contain 40 RV sites and 29 cabins; that phase 3 is planned to contain 278 RV sites, 33 cabins, and 30 tent sites; that they intend to develop the majority of the amenities with the first phase; that they are planning on seasonal rentals, rather than daily rentals; that the cabins will be self-sustaining, either site built or modular units containing approximately 600 square feet; that rules and regulations will include a limitation on the number of people that can stay in a cabin; that the original project submitted to DeIDOT contained 400 sites, and the recent traffic impact study references the intended 628 sites; that the proposed bridge over wetlands will be subject to the Corps. of Engineers; that the success of the project will be determined by the market; that the seasonal schedule will be from mid-April to October; that they are proposing an area for RV storage; that some RVs will be stored in the storage area or removed from the site; that they would prefer that the RVs be removed to allow them to winterize the campground; that the welcome center will be a part of phase 1; and that the signalization of the intersection of Plantation Road, Postal Lane, and Cedar Grove Road is scheduled to start in the Spring of 2014 and for completed by the Fall of 2015.

The Commission found that the Applicants provided a color copy of the site plan and an aerial photograph with a depiction of the RV campground overlay to show the relationship of the project with the area.

Mr. Robertson stated that the Commission has several options to consider, i.e. both applications could be approved, both applications could be denied, the rezoning could be denied, which voids out the Conditional Use, or approve the rezoning and deny the Conditional Use.

Mr. Bayard responded that he would be concerned if the Commission recommended approval of the rezoning and denied the Conditional Use because a grid subdivision would then be a possibility, and that the Commission can stipulate that RVs not be stored on the site off-season.

Mr. Hammonds responded that the camping seasons would be move specifically April 1 to October 31; that check-in for camping and security will relate to the opening of Phase 1; and added that the dock/bar is intended to be small to serve drinks and will not have any food service.

Mr. Hughes responded that, since the traffic impact study was just submitted on January 11, 2013, they should receive DeIDOT's response to the traffic impact study by March; and that no improvements are anticipated to be required for Mulberry Knoll Road or Robinsonville Road.

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

The Chairman asked if any attorneys were present on behalf of any groups in opposition.

The Commission found that Mary Schrider-Fox, Attorney with Steen, Waehler & Schrider-Fox, P.A. was present on behalf of The Retreat at Love Creek Homeowners Association in opposition to this application and stated that The Retreat is a residential planned community near the proposed campground site; that some of the Association's members and residents from some of

the other communities are here to directly express their concerns about and objections to the proposed project; that there are two parts to the applications, a rezoning request and a Conditional Use request; that the Applicants are seeking to “down zone” a portion of the site from GR to AR-1, which might not be any harm if the Applicant was requesting the change in order to pursue a permitted use under the Zoning Code; that the reason for this rezoning is to develop the RV campground, which will eventually be the daily, weekly or seasonal vacation destination of 516 RV travelers, as well as campers sleeping in tents and some sleeping in camp cabins, for a total of 628 groups of campers of various sorts and sizes; that this is not a permitted use, but one requiring a Conditional Use; that the Applicants proposed use of the property and Conditional Use request are inextricably intertwined with the rezoning; that as the Court in Orchard Homeowners Association v. County Council said, the rezoning the Applicant’s proposed use of the property in question is very relevant to the propriety of the rezoning decision; that without a record as to how the Applicant plans to use the property, the court is not able to determine whether or not the rezoning decision is acceptable under the Comprehensive Plan, under the zoning statutes, and under relevant State law; that what the Applicants want to do with the subject property matters; that this is mentioned because the primary objections to the rezoning are based on the proposed use of the subject property; that Section 6904 of Title 29 of the Delaware Code makes it clear that rezoning decisions shall be in accordance with the Comprehensive Plan and shall be for the purpose of promoting the health, safety, morale, convenience, order, prosperity or welfare of the present and future inhabitants of the County; that some of the specific things that Section 6904 references that must be considered are: the lessening of congestion in the streets, protection of the tax base, and securing safety from fire, flood or other dangers; that Section 6904 also states that reasonable consideration must be given to the character of the particular district involved, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development; that the Comprehensive Plan Future Land Use Map identifies that the property is located in an area slated for Mixed Residential and Low Density with an Environmentally Sensitive Developing Area overlay; that the rezoning will not be in keeping with the Future Land Use Map of the Comprehensive Plan if the rezoning sought is within the Mixed Residential Area; that the Future Land Use Element of the Comprehensive Plan references that the County’s zoning regulations are intended to carry out the Future Land Use Plan; that State law requires that all zoning regulations be in accordance with the Comprehensive Plan; that in Title 9 of the Delaware Code, in both Sections 6951 and 6959, it is clearly stated that the land use maps forming part of the Comprehensive Plan have the force of law and no development shall occur except in conformity with the Land Use Maps; that much of the surrounding area consists of residential developments of various sorts; that the proposed campground is not residential in nature and rather, is a commercial venture designed to attract transient vacationing guests to the area; that when considering the well-being of the present residents in the immediately surrounding area, the pending application causes them great concern about their safety and convenience because of the condition of the existing roads, i.e. narrow, sharp turns, and largely without shoulders, and the idea of them being heavily travelled on a daily basis by hundreds of large RVs; that it causes the residents great concern that their prosperity in terms of their property values and how this kind of commercial venture located so nearby might affect them; that while the pending application may arguably be a good thing for residents of other parts of the County, the residents who are here, in the affected part of the County, disagree; that according to information submitted by the Applicant, the Level of Service for Plantation

Road/Cedar Grove Road/Postal Lane intersection has an unacceptable “F” rating; that there are plans in the coming years to improve this intersection, but in the meantime, there is a known congestion problem which this different type of traffic (large RVs) will exacerbate; that if visitors are seasonal, 600+ daily trips will be made out into the community; that there is also a danger presented by having a campground located so close to so many residential communities in that campfires will be permitted according to the draft rules of the park on file; that campfires go hand in hand with camping and are part of the overall experience, but they make a campground like this unsuitable for a residentially developed area where the consequences could be severe; that the natural resources on and around the property are a concern; that DNREC expressed concerns about the protection of some quite rare animal species and unique habitats; that the Applicants environmental scientists have taken a different view; that the Commission needs to give DNREC’s comments and concerns appropriate weight as a State agency that exists for the stated purpose of protecting the environment and our natural resources; that for these reasons the rezoning request is not appropriate and should be denied; that the Comprehensive Plan must be considered when deciding whether or not to grant the Conditional Use; that according to the Future Land Use Element, in Low Density Areas, business development should be confined to businesses addressing the needs of the primary uses of agricultural activities and single family detached homes; that retail and office uses should focus on providing convenience, goods and services to the nearby residents; that in the Environmentally Sensitive Developing Areas, a range of housing types are appropriate, as are retail and offices uses, or light commercial or institutional uses that provide convenient services and that allow people to work close to home; that the pending Conditional Use application does not fit into any of those use categories; that this is not a residential project where there will be residents, it is offering a vacation destination for RV and camping enthusiasts; that any goods and services being provided within the park are being offered for the convenience of the visitors, not the surrounding neighborhoods; that the Section 115-171 of the Zoning Code presents certain problems; that the Section states that conditional uses are to be “essential and desirable for the general convenience and welfare”; that for all of the reasons already stated, this project is for the convenience and welfare of people from other places, for the developer as a commercial venture, but not for the neighborhood in general and the many residents living in the nearby area; that Section 115-172.H. references campgrounds, and in subparagraph (9) thereof it states “All units to be used for the purpose of human habitation shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.”; that the only exception is one structure or manufactured home within the campground area that may be used by the park manager as a residence and/or office; that the proposed 82 cabins for human habitation clearly fall outside the scope of the subparagraph; that it is important to consider whether the proposed amenities are appropriate and in conformity to Section 115-172.H.; that an amphitheater has been proposed, as well as swimming pools and a boat launch with a dock bar, all uses that are recreational, as opposed to retail, in nature; that while Section 115-172.H. permits the existence of small retail businesses in the park, such as a grocery store or an automatic laundry, it is silent with respect to these types of recreational facilities, that are not small retail businesses, being located in the park; that in other conditional use situations in Section 115-172, recreational space or facilities are specifically permitted and the requirements are described; that in the mobile home park context, recreational land is specifically contemplated in Subparagraph G; that in the swimming or tennis club context, outdoor recreational facilities are specifically permitted; that nothing similar is contained in or contemplated by Subparagraph H. for campgrounds; that this

type of project, like others recently proposed by other developers, are simply beyond the scope of the more traditional campground project that is contemplated in 115-172.H.; that for all the reasons stated and most importantly because of this project's non-conformance with the Comprehensive Plan, we hope that the Commission will recommend denial of this application.

The Commission found that Mona Schwartz, a resident and Board Member of Hart's Landing, Jason Beale of the Delaware Nature Society, Paul Hammesfahr, President of the Home Owners Association for The Retreat of Love Creek (The Retreat), Charles Tinacci, a resident of The Retreat, Hollis Provins, a resident of The Retreat, Trista Engle, a resident of Sandy Brae, Dick Snyder, a resident of The Retreat, Billy Westergard, a resident of The Retreat, William Zak, a resident of Briarwood Estates, Ron Lapara, a resident of The Retreat, Sandy Spence, a resident of Sea Woods, Kit Zak, a resident of Briarwood Estates, William Payne, a resident of Webbs Landing, Henry Glowiak, speaking on behalf of the Inland Bays Foundation, Adrienne Crimmins, a resident of The Retreat, Dave Jaeger, a resident of Selbyville, Mable Granke, a resident of Rehoboth Beach, and David Racine, a resident of Mulberry Knoll, were present and spoke in opposition to these applications and expressed concerns about the impact on the quality of life of the residents in the area; that traffic congestion is at a high and that traffic signalization is needed in the area; questioning the occupancy rate of the existing campgrounds in the area; concerned about daily, weekly or seasonal rentals; concerned about the enforcement of laws and regulations; crime issues; the closeness of the dock/bar; concerned about kayakers since Love Creek is not always travelable due to the change of time, water depths, and the narrowness of the Creek; questioning the tax benefit of campsites v. homes; depreciation of property values; concerns about endangered species, i.e. salamanders and tree frogs, being located on or near the site; that the Applicants should consider dedicating the site into conservation easements; that ponds are used for breeding; that the Applicants should work with the State and/or the Delaware Nature Society for purchase of the site; that the residents of the area overwhelmingly object to this project in a residential area; concerns about the size and number of RVs traveling the narrow roadways in the area; noise and light pollution; that the use is not only a destination use, the visitors will still be traveling to stores, shops, and beaches in the area; concerns about historic gravesites in the area; the impact on the emergency services, i.e. fire, police, paramedics; possible impacts on the Beacon School; the lack of consistency; that the use is not in character with the residential area; impacts on Love Creek; archaeological impacts on the site and area; environmental concerns, i.e. loss of wetlands and wildlife habitat; that roads anticipated to be utilized by the visitors are not the same as the roads indicated on a GPS directional system; the lack of adequate roadways to and from the site, and causing further impacts on Route One, Route 24, Plantations Road, and other local roads; safety concerns for motorist due to the blind turns and curves on Cedar Grove Road; the anticipation of traffic jams at intersections; concerns about children safety on school buses in the area; concerns that DelDOT did not require a traffic impact study prior to this application being heard; that traffic patterns are changing; that traffic data referenced relates to 2005; that seasonal crime is a problem; concerns about noise travelling down Love Creek impacting residential areas; that the Applicants representatives referenced that the primary access anticipated to get to the site is from Route One, down Postal Lane, across Plantation Road, to Cedar Grove Road, to the site; the impact on the 100 year flood plain; questioning the use of the remaining acreage of the property; questioning if there is a 400 foot setback from campsites to the homes in Briarwood Estates across Hettie Fisher Glade; that the Center for the Inland Bays has reported that there is a flourishing bed of tidal grasses growing in

Love Creek and that those tidal grasses could be impacted; questioning the amount of impervious surfaces; questioning what green infrastructures will be utilized to reduce the nutrient levels that may impact the waterways, i.e. Nitrogen and Phosphorous; questioning compliance with the Federal Cleanwater Act; that this area of Love Creek is a mudflat at low tide; that Love Creek is not feasible for canoeing and/or kayaking at low tide; that the insect/pests are terrible during warm weather; that campgrounds normally provide camping trails; that the number of proposed sites equal the size of the Town of Lewes; that cyclists will be impacted along local roadways since there are no improved shoulders; that Bald Eagles and other wildlife species will be impacted; that the speed limit along Cedar Grove Road will need to be reduced; that there is no economic benefit to the citizens of the County; that courting and mating Great Blue Herons will be disturbed, thereby impacted; noise concerns since the County does not have a noise ordinance; that restrictions should be increased in the Environmentally Sensitive Developing Area; that additional buffering should be required along Love Creek; that the Center for the Inland Bays Wetlands Health Report Card references that the Inland Bays watershed has lost approximately 60% of its wetlands resources since European settlement; that the Report Card recommends for the health of riverine wetlands: restoring channelized streams to more natural streams and to control invasive species; recommends for the health of flat wetlands: protecting large forest blocks, restore natural distribution of water, and to implement sustainable forest management; recommends for the health of tidal wetlands: the minimization of development adjacent to wetlands, restore natural distribution of water, and to control invasive species; that nutrient levels are still too high for eelgrass; that in 2008, the existence of a previously undocumented meadow of Horned Pond Weed, a bay grass preferring lower salinities, was discovered in upper Love Creek; that Love Creek is one of the largest tributaries of the Inland Bays; that the Corps. of Engineers and the Center for the Inland Bays recommend larger buffers; that air quality effects waterways; that there is no wetland delineation on file; that a Love Creek Nature Area should be established to protect the area around and along Love Creek; that this application is a threat to the Inland Bays; questioning where run-off will go, i.e. on-site or into Love Creek; that having only one entrance is a safety concern; that this application is the second of three application to be considered in one year, and questioning the possible impact on the County; concerns about traffic on Mulberry Knoll Road; that the County only designed the sewer district out 50 years; that there could be a major impact on the aquifers in the area; that DelDOT has no plans for improvements to secondary roads; and that this type of project should not be considered until all infrastructure is in place, i.e. roads, sewer, water.

It is noted that William Payne, Dennis Fisher, Kit Zak, David Jaeger, William Zak, Sandra Spence, Hollis Provins, and Jason Beale of the Delaware Nature Society provided written comments relating to their presentations in opposition to these applications.

At the conclusion of the public hearings, the Chairman asked for a show of hands for those parties present in support of these applications and those parties present in opposition to these applications. There were no parties, other than the representatives of the applications, present in support. There were, at least, 110 parties present in opposition. It was noted that some parties had already left prior to the conclusion of the public hearings.

The Commission discussed these applications.

Mr. Robertson stated that the Commission can leave the record open for a response from DelDOT on the traffic impact study submitted to DelDOT by the Applicants.

In reference to C/Z #1725:

On January 24, 2013 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for 15 days after the announcement of the receipt of DelDOT comments on the traffic impact study and any other written comments. Motion carried 5 – 0.

In reference to C/U #1951:

On January 24, 2013 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for 15 days after the announcement of the receipt of DelDOT comments on the traffic impact study and any other written comments. Motion carried 5 – 0.

On August 22, 2013 the Commission discussed the applications under Old Business.

Mr. Johnson stated that the site is in the area that he represents; that there has been a great public involvement on these applications which created a substantial record from both the Applicants and the opposition; that some of the comments could not be considered since they were received after the close of the record; that he has reviewed all of the comments and documents received in the record; and that he is personally impressed by the voluntary buffering from wetlands proposed by the Applicants.

Mr. Burton stated that he has also reviewed the record and notes that the Supplemental Exhibit Booklet submitted by the Applicants shows their intent to try to comply with the concerns expressed by the Commission and the public.

Mr. Smith complimented the information from both the Applicants and the residents of the area, but does not agree that this site is an appropriate location for this type of use due to the loss of the GR General Residential zoning; and that the RV Park may boost the economy, but this is not the appropriate location.

Mr. Ross stated that there seems to be at least some misunderstanding regarding what and how evidence presented to the Commission is used in our decision making process; that it seems that many citizens believe that we make decisions based on popularity similar to a referendum; that this is simply not the case; that any decision must consider the elements required by law supported by substantial evidence; that evidence must be weighed; that expert testimony is generally given more weight than non-expert testimony; that if two credentialed experts disagree it is up to the Commission to decide which has presented the better argument; that this is not to say that a non-credentialed citizen can't provide testimony that may outweigh the experts; that public opinion substantiated with fact must be considered heavily in any decision; that in this particular application, many members of the public offered opinions referenced to County Code and the Comprehensive Land Use Plan; that these substantiated opinions could undermine or compliment expert testimony; that one such example is an email included in the record from Mr.

Luke Miller; that while Mr. Miller presented no credentials as an expert, he did reference a variety of Ordinance in support of his argument against the applications; that it is this type of testimony that is most helpful to the Commission in arriving at a decision; that to be more specific to the applications it is important to note that these two separate applications, while separate actions, are part of a single request for Conditional Use of the property; that the fact that these applications were combined into a single public hearing, without objection from anyone, is evidence of this; that representatives for the Applicant stated that the change of zone request, Change of Zone #1725, was specific to the application for Conditional Use #1951; that in fact, Mr. Bayard, the Attorney representing the Applicant, stated that the requested change of zone was specifically to accommodate the conditional use request; that additionally within the Applicants proposed Findings of Facts the Applicant states "This rezoning application is contingent upon approval of Conditional Use application #1951; that Ms. Mary Schrider-Fox, the Attorney representing opposition to the application, argued that "the two applications were inexorably intertwined"; that she argued that a RV park is not a permitted use in AR-1 zoning, but a permissible Conditional Use, therefore the down zoning to AR-1 should be denied; that he agrees with Ms. Schrider-Fox that the two applications are inexorably intertwined, but does not agree that a recommendation for denial is in order simply because the ultimate purpose is for a conditional use; that one must remember that the Applicant has asked that the zoning change be "...contingent upon approval of the conditional use..."; that the Commission has several options in providing a recommendation to the County Council if it should desire to recommend approval of one or both requests understanding that a recommendation for denial of both is also an option; that the Commission could recommend approval of the down zoning and ignore the Applicants request that the down zoning be contingent upon approval of the conditional use; that the Commission could recommend approval of the down zoning and conditional use with the caveat that if the conditional use is not approved or is abandoned the rezoning will revert back to its present zoning; that the Commission could recommend approval of the down zoning and conditional use understanding that if the conditional use is not approved or, is approved and substantially abandoned, the zoning would be AR-1; that considering that the larger portion of the parcel being considered is already AR-1 the change of zone request appears to be a slam dunk; that he believes that if the application was just for the down zoning, without the conditional use, there would be little to no opposition; that he does not think that approving the down zoning and denying the conditional use is fair to the Applicant; that it could be considered punitive and in his opinion not a reasonable response to a legitimate request of use; that as a practical matter, our decision on the conditional use request should ultimately determine the outcome on the down zoning request; that in reviewing the public objection to the two applications the following arguments against the two requests were made: that it was argued by those opposed that the proposed RV park would diminish property values, however, no data or substantial supportive information was provided to substantiate this position; that the Applicant did provide information indicating the presence of a number of RV campgrounds in the County that have and are peacefully co-existing with other uses; that inadvertently perhaps, some public testimony in opposition actually supported the argument of the Applicant; that it was argued that the application did not satisfy §115-172 H in that the proposed RV park did not meet the requirement that it "shall have access to a road with a width of at least 50 feet"; that Cedar Grove Road is a road with a 50-foot right-of-way and therefore meets this requirement; that also referenced within §115-172 H were a number of site plan related issues; that the cabins depicted on the preliminary site plan are not allowed; that some of the campsites did not meet the 2,000

square foot requirements; that some of the campsites were within the 400 foot setback from dwellings of other ownership; that some campsites were within the 100 foot setback from any public road; and that some campsites did not meet the 40 foot width requirement; that none of these justify a recommendation for denial and the Applicant will have to submit a final site plan that is in conformity with the Code to proceed with the project; that as a footnote on the question of the cabins for informational purposes only, the Commission has approved the placement of cabins in campgrounds on more than one occasion; that the State of Delaware even rents cabins as a compliment to some State owned campgrounds; that this issue is not black and white and we will give it more attention during the site plan review process, if we get that far; that it was argued that the conditional use applied for was subject to §115-194.3 because the proposed RV park was greater than 50 dwelling units; that tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes do not meet the definition of a dwelling, therefore, this application is not subject to §115-194.3; that there were a number of public comments concerning environmental assessment/impact of the proposed park; that one of which was a letter written by the Honorable Colin P. O'Mara, Secretary of the Department of Natural Resources and Environmental Control, dated January 23, 2013; that the Applicant responded to these concerns with two supplements to the record; that the first included an Environmental Report with design recommendations written by Mr. Edward M. Launay, a professional wetland scientist, and the second a supplement to the record incorporating a number of site plan design changes; that the result is a better plan that far exceeds the legal requirements; that there were also more than a few public comments regarding the transient nature of the RV park clientele; that he does not believe that there is any merit to this concern; that from the Mispillion River to Fenwick Island hundreds of thousands of people visit our resorts each week; questioning the comment that these transients are undesirable; that campers are simply more customers supporting the second largest industry in this County, Tourism; that finally the overwhelming issue for the opposition is traffic; that he understands the public frustration of dealing with the high volumes of traffic that exist, especially during the tourist season; that he also appreciates the anecdotal observations of those living in the area; that, regardless, the State of Delaware Department of Transportation (DelDOT) is the traffic czar; that the Commission held the record open for months waiting for the Traffic Impact Study review letter and the DelDOT response; that the DelDOT response was "DelDOT accepts this review letter and concurs with the recommendations"; that there are six specific off-site improvements in the review letter; that he will not read them to save time, but the entire document is in the record and available to all; that it is interesting to note that funding for the construction for the proposed project is not in the currently proposed DelDOT Capital Program budget; that, however, the recommendation goes on to say "With Federal funding, the State would be responsible for 20% of the total project costs, including any costs related to the right-of-way; that the remaining 80% could come from Delaware's allotment of Federal Highway Funds. That we recommend that the developer be responsible for funding the total State allocation, which would be 20% of the total project cost"; that he believes that the Conditional Use application #1951 should be approved for the following reasons: 1) the site is located in the Environmentally Sensitive Developing Area, a designated growth area; 2) the site is served by central sewer and water; 3) the conditional use is appropriate given the location's proximity to Sussex County's tourism center, where tourism is the targeted economic driver; 4) the conditional use promotes tourist related economic development and is consistent with the character of zoning and development in the area; 5) DelDOT has accepted the Traffic Impact Study review letter and concurs with its

recommendations; 6) approval with appropriate conditions will minimize any potential negative impact; and 7) the Applicant has established a record which supports approval of the application; and that in being consistent with the record established during the public hearing and having reached this conclusion regarding the conditional use request, it is also his opinion that the change of zoning request should be approved.

Mr. Johnson asked Mr. Robertson if the GR General Residential zoning can be reinstated if the conditional use were to be voided.

Mr. Robertson responded “NO”.

Mr. Wheatley stated that a lot of correspondence has been received regarding these applications, and that the Commission can only consider information that was provided while the record was left open.

In reference to **Change of Zone No. 1725**:

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1725 for Jack Lingo Asset Management, LLC, for a rezoning from GR General Residential to AR-1 Agricultural Residential based on the record made at the public hearing and for the following reasons:

- 1) This is a down-zoning and it will allow the Applicants to obtain approvals to construct an RV campground on the subject property. The property that is the subject of the application is partly AR-1 Agricultural Residential and partly GR General Residential and this will bring the entire parcel under one common zoning classification. The AR-1 zoning is necessary because a conditional use for a campground is not available in the GR General Residential Zoning District.
- 2) AR-1 Agricultural Residential zoning is appropriate for this area under the County’s Comprehensive Land Use Plan and the maps contained in the Plan. Under the Plan, it is in an area appropriate for development, the Environmentally Sensitive Developing District.
- 3) The Sussex County Engineering Department has no objection to the rezoning to AR-1 or the proposed use of the property under the pending Conditional Use.
- 4) The site will be served by central water and central sewer.
- 5) DelDOT has not stated any objections to the project or the traffic generated by it on local roadways.
- 6) The proposed use as an RV campground will be subject to the conditions and limitations established by that approval, and also site plan review and approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried four votes to one that this application be forwarded to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 1.

The vote by roll call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – nay, and Mr. Wheatley – yea.

In reference to **Conditional Use No. 1951:**

Mr. Johnson stated that he would move that the Commission recommend an approval of C/U #1951 for Jack Lingo Asset Management, LLC for an RV Resort and Campground based upon the record made at the public hearings and for the following reasons:

- 1) The development is consistent with the purposes and goals of the Sussex County Comprehensive Land Use Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area.
- 2) The site is an appropriate location for the proposed development. It is located in the vicinity of Route 24, and State Route One and its commercial corridor. It is also in proximity to tourism destinations including the Inland Bays, the Delaware Bay, and the Atlantic Ocean beaches.
- 3) The location is appropriate because there are multiple ways to approach the site using several different roadways, including Cedar Grove Road, Mulberry Knoll Road, Plantations Road, Route 24 and Robinsonville Road.
- 4) While there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways. Instead, the Developer will contribute to road improvements, including Cedar Grove Road, Mulberry Knoll Road, and their respective intersections with Plantations Road and Route 24.
- 5) There will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- 6) The project will be served by a Sussex County Sanitary Sewer District, and the County Engineering Department has not objected to it. As a result, there will not be any septic waste disposed of on the site.
- 7) The project will be served by central water.
- 8) County Code requires a 50 foot landscaped or vegetated buffer. As a result, the project will be screened from view of neighboring and adjacent properties. There are also additional buffers from environmental features on the site.
- 9) This recommendation will have several conditions that will eliminate or minimize any potential negative impact upon the area.
- 10) The Applicant has created a sufficient record in support of the Conditional Use application.
- 11) The current underlying GR and AR-1 zoning could permit approximately 513 year-round single family homes, modular homes, and manufactured homes. The proposed seasonal use of 628 RV and campsites is an alternative that would not have a greater impact than the permitted development of the tract with home sites.
- 12) The use of the property as an RV park generates less traffic on this site than development as year-round residential homes.
- 13) The proposed use is beneficial and desirable for the general convenience and welfare of Sussex County and its residents, since it will promote tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, and significant economic benefits to area businesses.

- 14) The revised design elements of additional voluntary buffers in combination with ERI's recommended modifications to the site plan design will provide for a more environmentally sensitive project.
- 15) This recommendation is subject to the following conditions:
- A. The maximum number of campground/RV sites shall be six hundred twenty-eight (628), to be built in three (3) phases, with major amenities completed during the first two (2) phases.
 - B. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT including improvements to Cedar Grove Road, Mulberry Knoll Road, and their intersections with Plantations Road and Route 24.
 - C. The Applicant shall coordinate with DART for a bus stop on site.
 - D. The project shall be served by a Sussex County Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.
 - E. The project shall be served water for domestic use and fire protection by a public utility.
 - F. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - G. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan. There shall be an emergency entrance onto Ward Road for use solely in the event of emergencies or evacuations. The road shall meet fire protection requirements.
 - H. The project shall be surrounded by a 50 foot landscape buffer from all property lines and a 100 foot buffer from any public roads. This shall be installed as part of the 1st Phase of the project's construction. There shall also be a 400 foot buffer between any campsites and dwellings of other ownership.
 - I. The Applicant has proposed additional buffers and revisions to the Preliminary Site Plan which must be submitted to the Planning and Zoning Commission for review and approval as a revised Preliminary Site Plan. The revisions and buffers must include the design recommendations of ERI in its February 2013 "Environmental Report and Design" which was submitted by the Applicant as part of the record. There revisions and buffers include:
 - 1. A 50 foot forested buffer measured landward from any federally regulated non-tidal wetlands;
 - 2. A 50 foot forested buffer measured from the non-tidal wetlands bordering on Hetty Fisher Glade and its un-named tributary.
 - 3. A 100 foot forested buffer to the south, west and northeast sides of the non-tidal wetlands surrounding Welches Pond;
 - 4. A 150 foot forested buffer to the east side of the non-tidal wetlands surrounding Welches Pond;
 - 5. Remove the road located between Welches Pond and property to the north as originally proposed. This would include the relocation or elimination of the tent camping as originally proposed adjacent to the Coastal Towing and Repair property to the north.

6. Relocate the proposed crossing further to the north to further minimize impacts to Hetty Fisher Glade and its un-named tributary;
 7. Relocate the access road crossing of wetlands nearest to Love Creek approximately 1,000 feet north (upstream) of its current proposed location;
 8. Stormwater management ponds must be ringed with shoreline and edge plantings of native grasses and emergent vegetation with limited seasonal mowing. Access to the ponds for fishing and recreation should be limited to specifically designated areas;
 9. To protect and preserve Welches Pond and its associated wildlife and species, Welches Pond and its surrounding wetlands are not to be used for recreational purposes.
- J. The entire facility may open no earlier than March 15 each year and shall close no later than November 15 of each year. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed.
 - K. There shall be no accessory buildings located on individual campsites.
 - L. The Applicant has stated that it intends to preserve as many trees as possible. The Final Site Plan shall include a landscaping plan showing all tree preservation areas.
 - M. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes. Any cabins on the site shall be “park model” travel trailers specifically manufactured for camping purposes.
 - N. There shall be no sale of alcoholic beverages in the project.
 - O. The amphitheater/chapel shall be solely for the use of the tenants and their guests of the RV Resort and Campground, and shall not be used between the hours of 10:00 pm and 7:00 am.
 - P. No marina or boat ramps shall be permitted for motorized boats.
 - Q. One sign, not exceeding thirty-two (32) square feet per side with lighting shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
 - R. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
 - S. All wetlands and their accompanying buffers on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan. The Applicant shall also cooperate with DNREC to permanently conserve and manage the forested buffers, significant wetlands and especially Welches Pond and the animal species of these areas.
 - T. All campsites must be 2,000 square feet in size according to the Sussex County Code.
 - U. The Applicant shall provide revised Preliminary Site Plans showing the intended site layout with the required buffers and other revisions and either depicting or noting these conditions of approval on it for review by the Sussex County Planning and Zoning Commission.
 - V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried four votes to one that this application be forwarded to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 1.

The vote by roll call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – nay, and Mr. Wheatley – yea.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04)

WHEREAS, on the 19th day of March 2013, a zoning application, denominated Change of Zone No. 1729 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and

WHEREAS, on the ____ day of _____ 2013, 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. 1729 be _____; and

WHEREAS, on the ____ day of _____ 2013, 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 [MR Medium Density Residential_District] and adding in lieu thereof the designation AR-1 Agricultural Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 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.

DELAWARE

ROBINSON

32

78.13 Ac.S

FAUCETT HEIRS

31.02
53.97 AC.S

PB 102-68

31.04

FAUCETT 5.90 AC.

31.01 2.90 AC.

B DELAWARE

34.03 1.44 AC.

ROBINSON

PB 87-348

31 A
39.38 AC.

MASSEYS LND 3

TOPAZ RD

JASPER VIEW LN

INFANTE

SHASTA WAY

YUCCA DR

LUCKY LN

CAPTAINS WALK

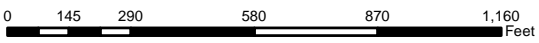
HURLEY

PLOVERS REACH

Change of Zone Application #1729

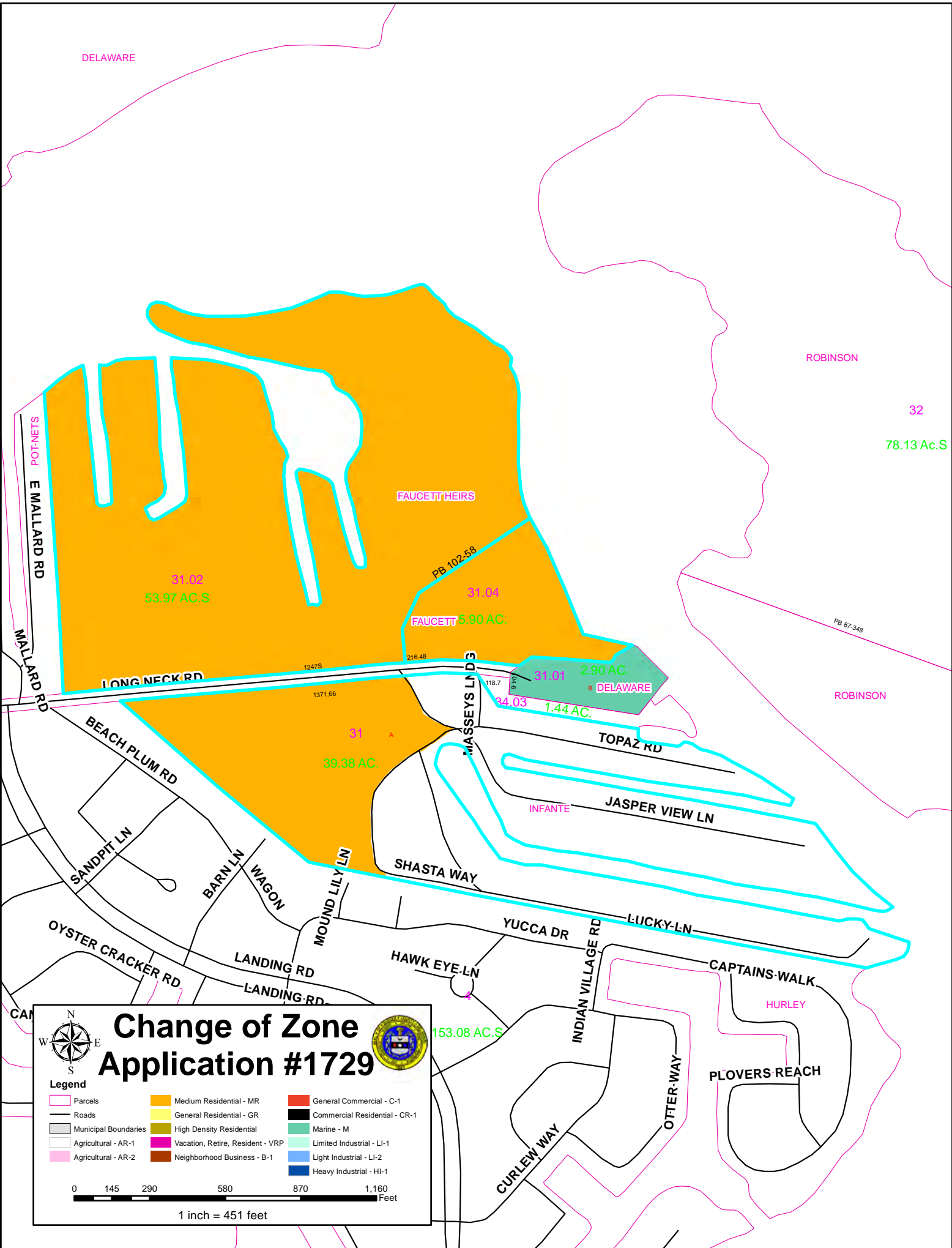


- Legend**
- Parcels
 - Roads
 - Municipal Boundaries
 - Agricultural - AR-1
 - Agricultural - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential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



1 inch = 451 feet

153.08 AC.S



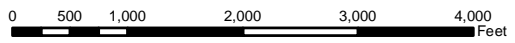


Change of Zone Application #1729



Legend

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



1 inch = 1,667 feet

DELAWARE

ROBINSON

32

78.13 Ac S

FAUCETT HEIRS

31.02
53.97 AC S

31.04

FAUCETT 5.90 AC

31.01

DELAWARE

34.13

1.48 AC

ROBINSON

TOPAZ RD

INFANTE

JASPER VIEW LN

31
39.38 AC

SHASTA WAY

YUCCA DR

LUCKY LN

OYSTER CRACKER RD

LANDING RD

HAWKEYE LN

INDIAN VILLAGE RD

CAPTAINS WALK

SANDPIT LN

BARN LN

WAGON

MOUND LILY LN

WASSEYS LN

SHASTA WAY

JASPER VIEW LN

BEACH PLUM RD

LONGNECK RD

EMALLARD RD

MALLARD RD



Change of Zone Application #1729



Legend

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

0 145 290 580 870 1,160 Feet

1 inch = 451 feet

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)

WHEREAS, on the 19th day of March 2013, a conditional use application, denominated Conditional Use No. 1963 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and

WHEREAS, on the ____ day of _____ 2013, 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. 1963 be _____; and

WHEREAS, on the ____ day of _____ 2013, 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. 1963 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 both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 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.

DELAWARE

ROBINSON

32

78.13 Ac.S

FAUCETT HEIRS

31.02
53.97 AC.S

PB 102-68

31.04

FAUCETT 5.90 AC.

31.01 2.90 AC.

B DELAWARE

34.03 1.44 AC.

ROBINSON

PB 87-348

LONGNECK RD

POTNETS
E MALLARD RD

MALLARD RD

BEACH PLUM RD

MASSEYS LND 3

TOPAZ RD

JASPER VIEW LN

INFANTE

SHASTA WAY

YUCCA DR

LUCKY LN

CAPTAINS WALK

MOUND LILY LN

BARN LN

WAGON

LANDING RD

LANDING RD

HAWK EYE LN

VILLAGE RD

OYSTER CRACKER RD

CANVASBACK DR

TERRAPIN RD


SHARKTOOTH DR

CURLEY

SUNSET STRIP

153.08 AC.S

Conditional Use Application #1963

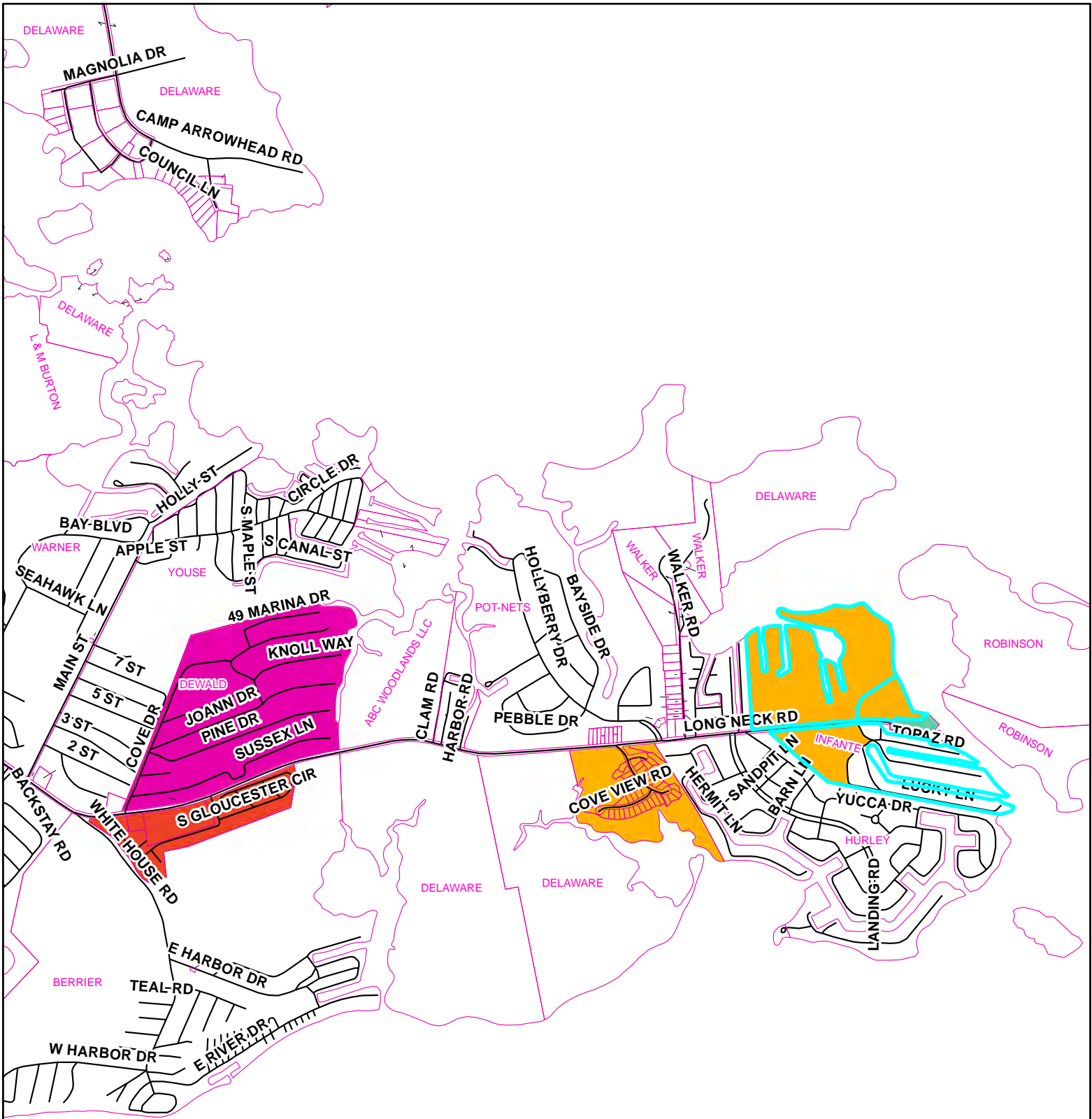


Legend

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

0 145 290 580 870 1,160 Feet

1 inch = 451 feet



Conditional Use Application #1963

Legend

<ul style="list-style-type: none"> Parcels Roads Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
---	--	---

0 500 1,000 2,000 3,000 4,000
Feet

1 inch = 1,667 feet

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS (Tax Map I.D. 3-34-12.00-16.00, Part of)

WHEREAS, on the 24th day of October 2012, a zoning application, denominated Change of Zone No. 1725 was filed on behalf of Jack Lingo Asset Management, LLC; and

WHEREAS, on the ____ day of _____ 2012, 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. 1725 be _____; and

WHEREAS, on the ____ day of _____ 2012, 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,

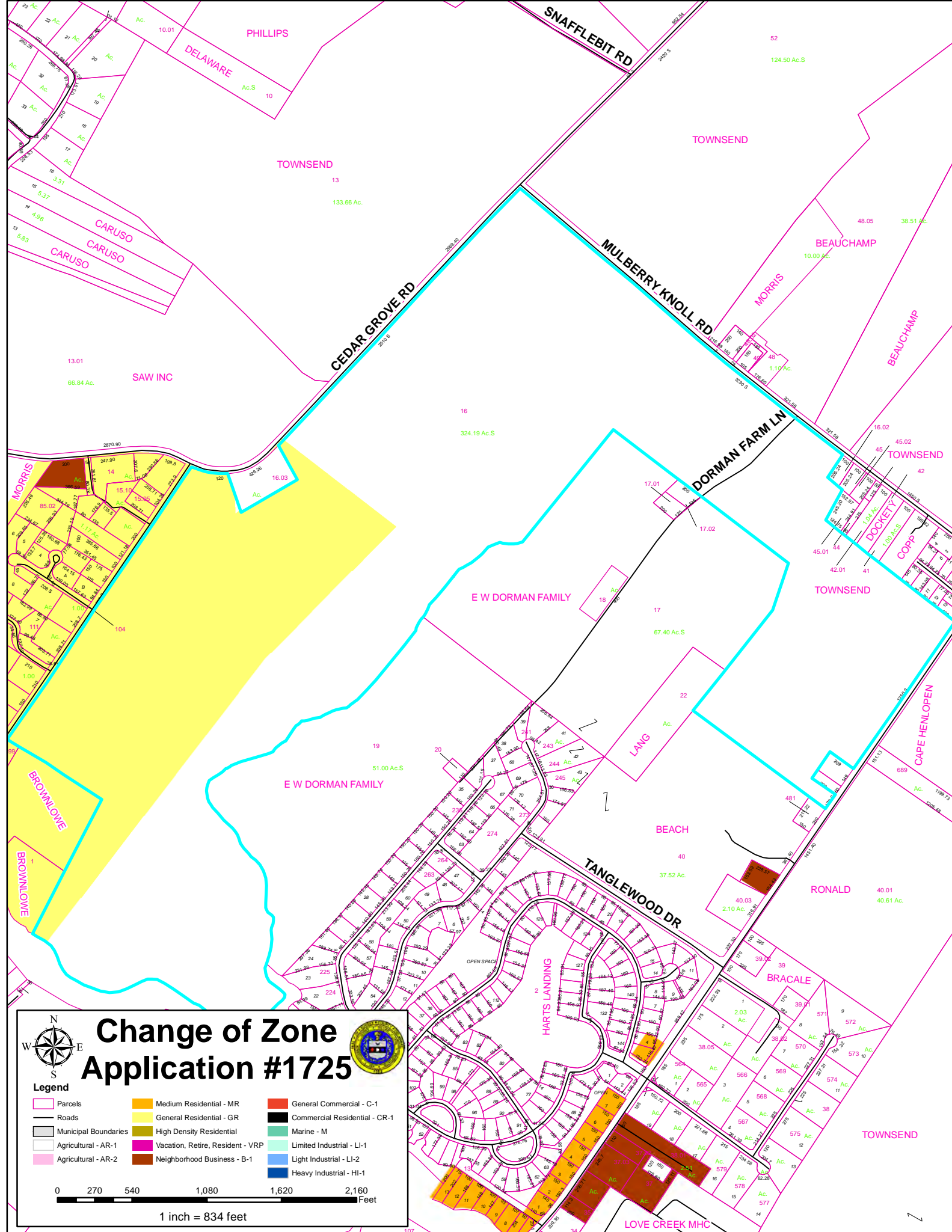
THE COUNTY OF SUSSEX HEREBY ORDAINS:

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 [GR General Residential District] and adding in lieu thereof the designation AR-1 Agricultural Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284) and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 74 acres, more or less.

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

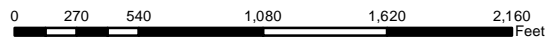


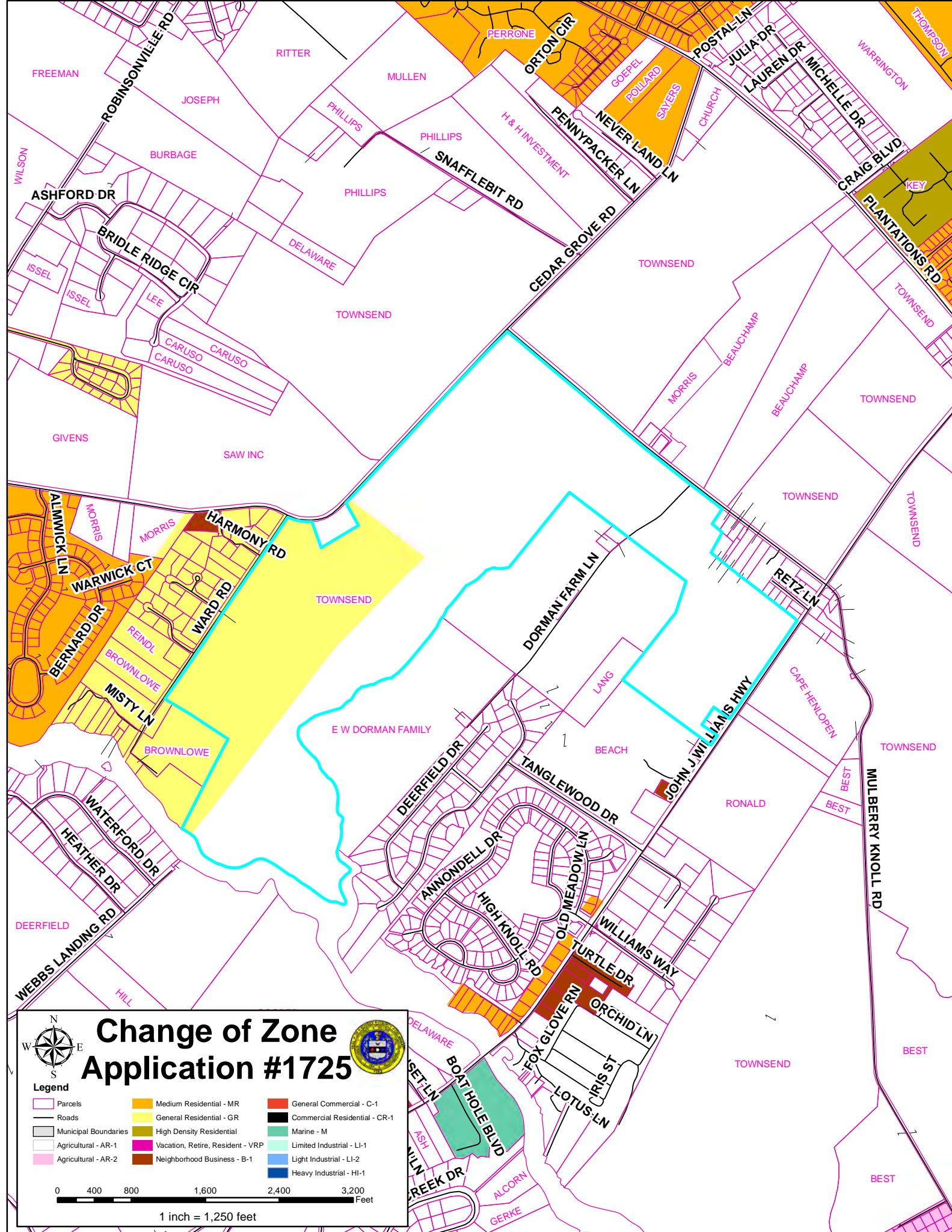
Change of Zone Application #1725



Legend

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



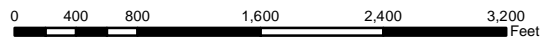


Change of Zone Application #1725

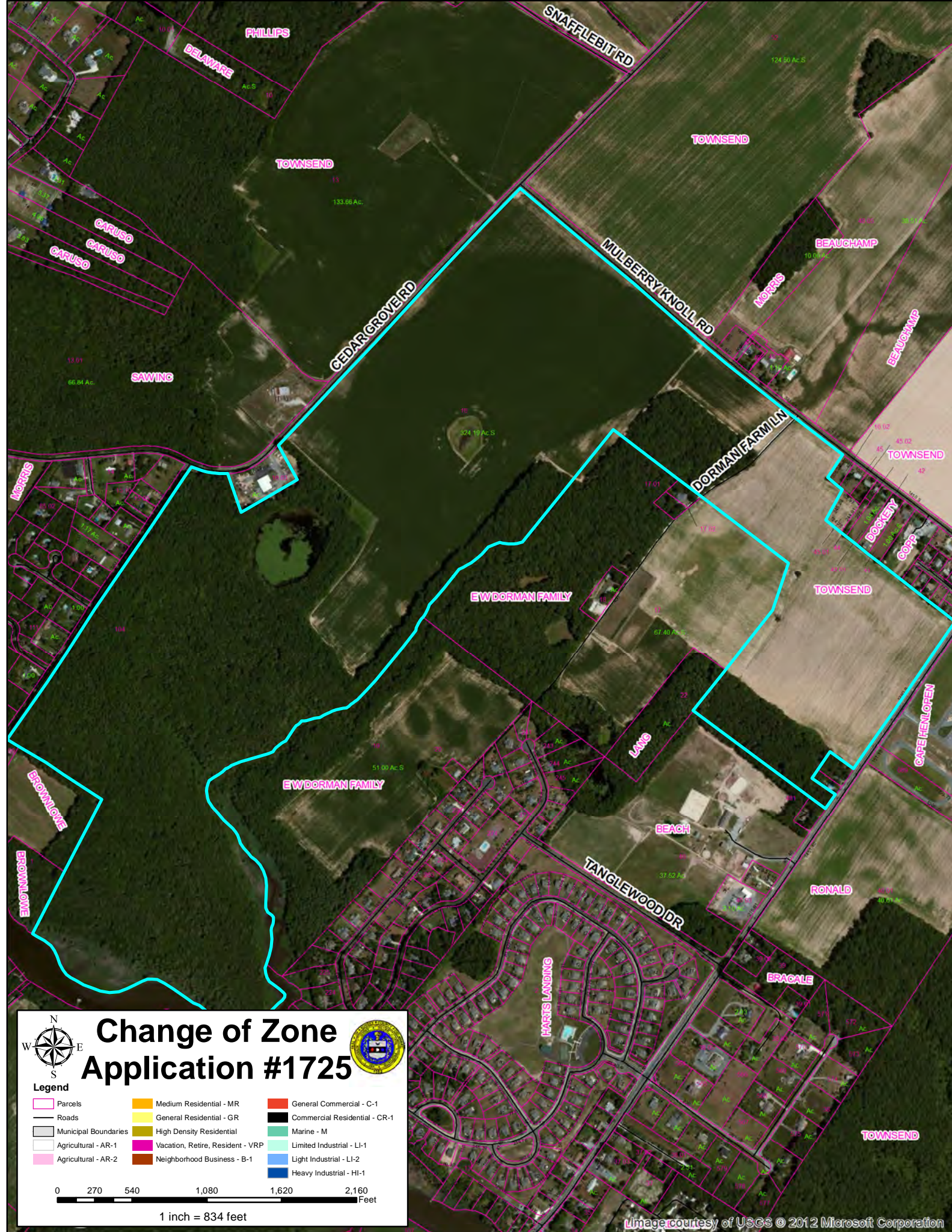


Legend

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



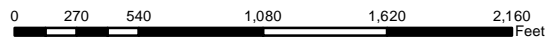
1 inch = 1,250 feet



Change of Zone Application #1725



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



ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS (Tax Map I.D. 3-34-12.00-16.00, Part of)

WHEREAS, on the 24th day of October 2012, a conditional use application, denominated Conditional Use No. 1951 was filed on behalf of Jack Lingo Asset Management, LLC; and

WHEREAS, on the ____ day of _____ 2012, 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. 1951 be _____; and

WHEREAS, on the ____ day of _____ 2012, 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.

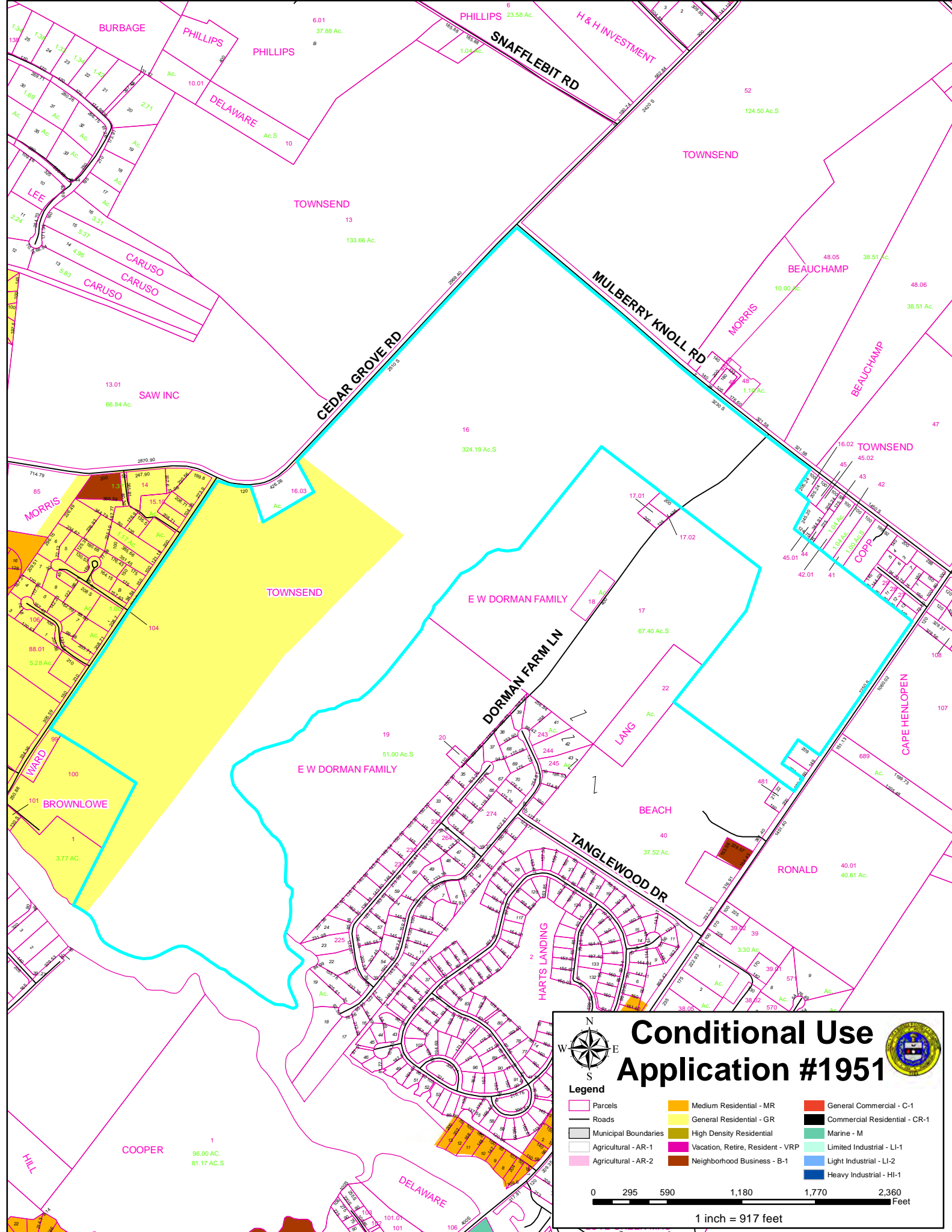
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1951 as it applies to the property hereinafter described.


Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284) and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 162.424 acres, more or less.


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



Conditional Use Application #1951

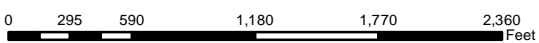


W N E
S



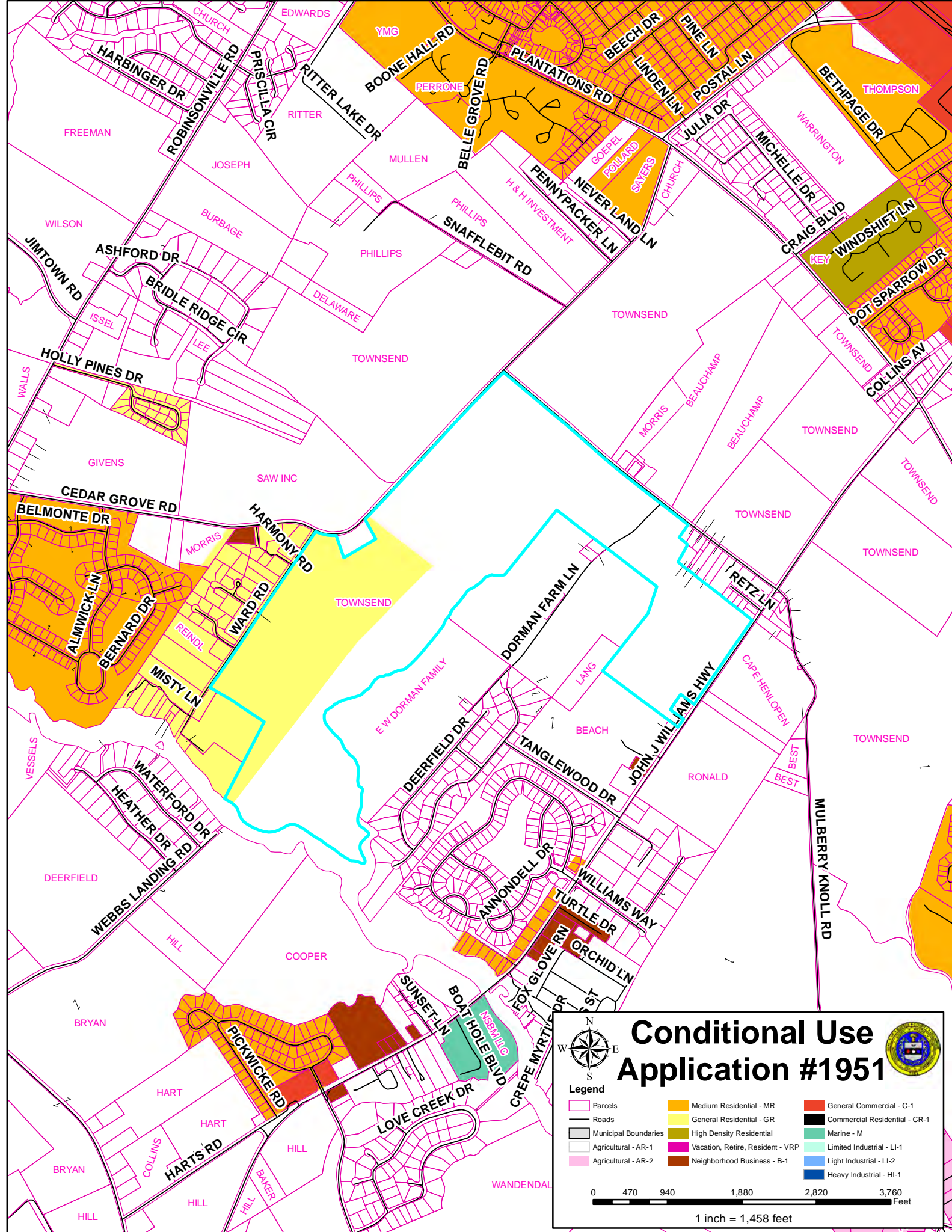
Legend

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



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

1 inch = 917 feet

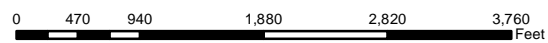


Conditional Use Application #1951



Legend

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



1 inch = 1,458 feet



Conditional Use Application #1951

Legend

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

1 inch = 917 feet

DR. MARTIN LUTHER KING, JR.

DAY OF CELEBRATION

November 25, 2014

Dear Community Business Partners:

On Monday, **January 19, 2015**, the annual 8:00 am Rise-n-Shine MLK Day of Celebration Prayer Breakfast will take place at Heritage Shore Country Club, Bridgeville, De. *This year's theme is: "Injustice anywhere is a threat to justice everywhere."*

*Our dynamic **Keynote Speaker** this year will be the extraordinary **Rev John Moore; VP of United Way of Delaware.** A **Community Recognition Award** will be presented to **Mr. Dale Dukes for his outstanding contributions.***

The MLK Prayer Breakfast draws nearly **250 participants** from Western Sussex and surrounding areas. The **Dream Team** invites your business or organization to become a **Partnering Sponsor.**

The MLK Prayer Breakfast draws nearly **250 participants** from Western Sussex and surrounding areas. Please take a look at the attached levels of **Sponsorship** to determine your desired **level of contribution.**

Sincerely,

Pat A. Jones
MLK Dream Team

\$500.00

Gold-Table Sponsorship:

Business Logo with Link on web page
Full~page Advertisement
8 Complimentary Tickets
Round Table Reserved

\$250.00

Silver-Table Sponsorship:

Business Logo on web page
1/2 Page Advertisement
4 Complimentary Tickets
½ Round Table Reserved

\$100.00

Bronze Sponsorship

Business Logo

Purple Heart Sponsors

In~Kind Donations

-----Detach & Return-----

Business Name:

Please provide a camera-ready ad by December 31,2014 .

Mark Level of Sponsorship: __Gold__Silver__Bronze__Purple Heart

Make all checks payable to: Eastern Shore Afram Festival
MLK Day of Celebration
P.O. BOX 687
SEAFORD, DE 19973
302-628-1908



LAUREL FIRE DEPARTMENT INC.

205 West Tenth Street • Laurel, DE 19956

Phone: (302) 875-3081 • (302) 875-5666

Fax: (302) 875-1981

www.LaurelFireDept.com

Sussex County Council
% Councilman Vance Phillips
2 The Circle
P.O. Box 589
Georgetown, DE. 19947

October 13, 2014

Councilman Phillips,

President William Hearn of the Laurel Fire Department, Inc. has requested that a letter be sent to you, requesting \$8,000.00 from your council funds to help with the cost of upgrading the handicap entrance to the banquet hall at the fire station. This project would include new doors, panic bars, automatic door openers, electronic push buttons inside and outside, along with the necessary installation for this project.

We hope that you will be able to help finance this request, so that we may better serve the needs of our community.

Any help would be greatly appreciated and we thank you, in advance, for your support of the Fire Department. Please feel free to contact President Hearn should you have any questions or need more information regarding this request.

Yours, in the fire service,

Elmer B. Steele, Assistant Secretary
Laurel Fire Department, Inc.

Cc; President Hearn
file copy

West Rehoboth Community Land Trust, Inc.
Post Office Box 633
Rehoboth Beach, Delaware 19971

Councilman George Cole
Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947

November 22 , 2014

Dear Mr. Cole,

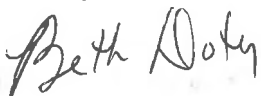
Mark Scheaffer, one of our board members, said that he had talked to you about the West Rehoboth Community Land Trust's purchase of a lot in West Rehoboth for \$82,500 . We were startled when they turned down our offer. However, a few days later, we were contacted by a seller with an offer to buy a lot on Burton Ave. with a rehabilitated house on it. This house is currently rented to a WR family. The bad news is the offer to purchase this house and lot is \$110,000. In light of the cost of lots in West Rehoboth and building new housing we feel this is a fair offer. The house is in good shape. We will continue renting it to the family who is currently living there. Time is of the essence in purchasing lots before the land cost becomes prohibitive. Each time we have purchased a lot, the price has gone up at least \$10,000 or more. With some funds available to us, and a loan from the bank, we may be able to do this with help from County Council , community donors, foundations and churches. It will be a stretch for us but we are determined to provide decent and affordable housing for residents of the community who are in desperate circumstances.

The West Rehoboth Community Land Trust Inc., as you know is a (501 (C) (3). You have been very generous in sharing your grant monies over the years, which has helped tremendously helpful in the revitalization of housing in this community. With a grant of \$3,000 from the Sussex County Council along with other contributions from foundations, businesses, individuals, and churches in our community, we can reach our goal. We have already raised \$64,000 toward the purchase of this lot and house, and need another \$46,000 to reach our goal.

As you know The West Rehoboth Community Land Trust is an all volunteer board made up of residents from West Rehoboth and the larger Rehoboth /Lewes community. All funds raised for our projects go toward the mission of the organization which is buying and holding land in trust and working to offer decent and affordable housing This project will give us our 4th house for West Rehoboth resident families

Thank you for your interest and past support. If you have any questions you can reach me at 302-260-9519 or visit our web site at <http://www.westrehobothlandtrust.org>.

Sincerely,



Beth Doty, President
West Rehoboth Community Land Trust



Dive into Our History!

November 21, 2014

Councilman George Cole
P.O. Box 589
Georgetown, DE 19947

Dear Councilman Cole, *George,*

I want to thank you for the past support we have received from the Sussex County Council. Your generosity to the Rehoboth Beach Historical Society has helped in achieving our goal to preserve the character of the community. Here are some of this year's achievements:

- Good news: Our visitor numbers continue to increase since we transitioned to an admission-by-donation policy. The great news? We brought in more money in donations that we brought in through admissions.
- We have applied to two foundations for substantial grants to help complete the second floor. We are confident that we will receive those funds, and will begin the public phase of our capital campaign shortly after the new year.
- The alumni of Rehoboth High School have raised more than \$48,000 toward the installation of an elevator, which will allow us to move to the second floor and expand our exhibits.

I write now to ask that you renew your support of the Rehoboth Beach Historical Society. I know that funds are extremely limited in the current economic climate. However, a Councilmanic grant of \$5,000 again this year would certainly be appreciated.

As always, you have a personal invitation to tour the Museum and I would be happy to host your family. Please call me at (302) 430-8484 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Kuhns".

Paul Kuhns
President

To Be Introduced 12/09/14

Council District – Phillips - District No. 5

Tax I.D. No. 532-11.00-25.00 (Part of)

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of October 2014, a conditional use application, denominated Conditional Use No. 2007 was filed on behalf of Delaware Electric Cooperative, Inc.; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2007 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2007 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying northwest of Providence Church Road (Road 504) and across from Pine Branch Road (Road 503) and being more particularly described as follows:

BEGINNING at a concrete monument on the northwesterly right-of-way of Providence Church Road (Road 504), a corner for these subject lands and lands, now or formerly, of Nancy L. and Louis Moore; thence south 28°52'45" west 437.01 feet along the northwesterly right-of-way of Providence Church Road to an iron pipe; thence north 65°43'29" west 400.00 feet along lands of Delmarva Woodlands Alliance II, LLC to an iron

pipe; thence north 28°52'45" east 437.01 feet along lands of Delmarva Woodlands Alliance II, LLC to an iron pipe; thence south 65°43'29" east 400.00 feet and aforementioned Moore lands to the point and place of beginning, said parcel containing 4.0 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 12/09/14

Council District – Phillips - District No. 5

Tax I.D. No. 133-20.00-17.17

911 Address: 30102 Millsboro Highway, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE A TRUCKING BUSINESS AND PARKING OF VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 35,011 SQUARE FEET, MORE OR LESS

WHEREAS, on the 27th day of October 2014, a conditional use application, denominated Conditional Use No. 2008 was filed on behalf of John Martin; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2008 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2008 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 northwest of Millsboro Highway (Route 24) 300 feet northeast of Lewis Road (Road 409) and being more particularly described in Deed Book 3230, Page 229, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 35,011 square feet, more or less.

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

PUBLIC HEARING

December 9, 2014

This is to certify that on November 20, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed Conditional Use and Change of Zone applications. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

Conditional Use #2002 – Beach Bum Distilling, c/o 13A

Application of **BEACH BUM DISTILLING, C/O 13A** to consider the Conditional Use of land in a C-1 General Commercial District for a distillery with tours/tasting/retail to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,523 square feet, more or less, land lying at the southeast corner of Nassau Road (Route 14) and New Road (Road 266) (911 Address: 32191 Nassau Road, Lewes, De) (Tax Map I.D. #3-34-5.00-74.01).

The Commission found that the applicant had submitted a survey and site plan for consideration with the application.

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated July 16, 2014, which reference that a Traffic Impact Study was not recommended, and that the current Level of Service “B” of New Road will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division had provided comments, dated November 19, 2014, which reference that the site is located in the West Rehoboth Expansion area; that wastewater capacity is available, based upon the assumption that the total equivalent dwelling unit (EDU) sewer assessment does not exceed 6.74 EDUs; noting that the actual EDU assessment is not known; that Ordinance 38 construction is not required; that the current System Connection Charge Rate is \$5,500.00 per EDU; that the

parcel is served with one 6-inch lateral located along the parcel's frontage on Nassau Road, and that the Applicant's Engineer/Architect shall determine whether sufficient capacity is provided or the installation of an 8-inch lateral shall be required; that installation of a larger lateral shall be performed at the Applicant's expense; that conformity to the North Coastal Planning Study shall be required; that a concept plan is not required; that Best Management Practices or Industrial Permit is required; that in order to determine whether Best Management Practices or Industrial Permit is required, the applicant shall complete an Industrial Waste Program Survey and Questionnaire and submit to the Director of Utility Permits; that the Applicant shall submit said Survey and Questionnaire prior to requesting a building permit; that the Applicant will be advised of the appropriate application fee due after permit type is determined; and that the Applicant shall anticipate providing a sampling port and flow meter as part of the distillery process plumbing.

Mr. Lank advised the Commission that three emails were received by the Department in support of the application.

The Commission found that Dominick Schiavoni was present on behalf of Beach Bum Distilling (BBD), as an Associate of 13A Engineering Consultants, and stated in his presentation and in response to questions raised by the Commission that BBD will operate as a Delaware craft distillery, manufacturing a hand crafted product on premises; that the manufacturing process includes fermentation, distillation, barrel aging, and bottling; that fermentation and distillation will be done in small 50 gallon batches; that the distilled product will be hand bottled in batches of 30 gallons or smaller; that the distillery's products will be offered for sale exclusively in the retail space where tastings and limited tours will be available to the public; that their flagship product will be a family of rum spirits inspired by the area's maritime history and beaches; that the planned receiving hours are 8:00 a.m. to 4:00 p.m.; that small package deliveries are expected to increase by 2 or 3 per week from providers such as UPS and FedEx in their standard residential delivery vehicles; that pallet sized deliveries are expected to increase by 2 per month by common carrier with lift gate service; that their planned operating hours for the retail space are Monday through Thursday from Noon to 6:00 p.m., Friday from Noon to 7:00 p.m., Saturday from 11:00 a.m. to 7:00 p.m., and Sunday from 1:00 p.m. to 6:00 p.m.; that that operating hours could be reduced seasonally; that there are no plans to extend hours; that there are 15 regular parking spaces, one handicap parking space, and four short term parking (15 minute) spaces; that they anticipate that the number of visitors to the distillery will be from 10 to 15 per day on Monday through Friday and 20 to 40 per day on Saturday and Sunday; that due to the size of the retail area, they anticipate that a maximum of 25 persons could be reasonably accommodated during any private function or event; that their three year business model projects the generation of approximately \$31,000 in State excise tax revenue, and \$71,000 in Federal excise revenue; that the distillery is expected to create two full-time manufacturing jobs and two part-time retail jobs; that they received a Federal Distilled Spirits Plant permit on October 7, 2014; that they are in the process of creating a fire protection plan to submit for approval by the State Fire Marshal which will dictate how the operations are laid out and isolated within their space; that once conditional use for the distillery is approved then they can proceed to apply for a Delaware Craft Distillery license from the Delaware Alcoholic Beverage Control Commission; that they have

secured a three-year lease for the facility; that access to the facility is in the front of the building; that they will only be selling their products as made and processed on premise; that they are only utilizing the first floor of the building; and that they have a similar distillery in the Town of Smyrna.

The Commission found that Anthony Zeccola was present in support and stated that the use fits in with the community; and that there should not be any impact on New Road or Nassau Road.

The Commission found that David J. Lee, the property owner, was present in support and stated that he supports the application; that an engineering company rents the second floor unit of the building, that a bakery rents the adjacent unit on the first floor; and that he has not heard of any objections to the proposed distillery.

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

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

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

Conditional Use #2003 – Thomas E. Lowe

Application of **THOMAS E. LOWE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a retail store to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 32,829 square feet, more or less, land lying north of Route 54 (Omar Road) 1,300 feet northeast of Road 382 (Armory Road) (911 Address: 31854 James Lowe Road, Frankford, DE) (Tax Map I.D. # 1-34-14.00-6.00 (part of)).

The Commission found that the applicant provided a survey/site plan with this application for consideration.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated May 15, 2014, which reference that a Traffic Impact Study was not recommended, and that the current Level of Service “C” will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated November 14, 2014, which references that the site is located in the Roxana Planning Area; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

The Commission found that Thomas Lowe was present and stated in his presentation and in response to questions raised by the Commission that he would like to establish a small home and garden store as expansion to his small greenhouse business; that he also sells nursery and plant

stock; that his business hours are seasonally from 9:00 a.m. to 5:00 p.m. Monday through Saturday, and from 12:00 Noon to 4:00 p.m. on Sundays; that his business season will be from April to December; that he would like to add pottery, Amish cakes and pies; garden furniture, silk flowers, gifts, wreaths, and similar items; that there are other business and commercial uses in the area, i.e. peach orchard and blueberry farm, small country store, produce sales, and lawn mower repairs; that he would like to erect a small unlighted two sided sign; and that security lighting will be downward illuminated.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2003 for Thomas E. Lowe for a conditional use for a retail store based upon the record made during the public hearing and for the following reasons:

1. Although the conditional use is identified as a retail store, the basic use is intended to be a store selling home and garden related products, with baked goods, pottery, and other products related to home and garden.
2. The underlying zoning for the property is AR-1, which is the County's Agricultural Zone. The proposed use for the sale of home and garden related products is consistent with the underlying zoning.
3. The use is consistent with other similar small scale commercial activities within one mile of the site, including Bennett's Orchard, Parson's Produce, other produce stands, a country store, and a lawnmower repair shop.
4. There are currently agricultural uses on the property, including green houses and other similar uses. The proposed conditional use will be a reasonable extension of the existing use, and it is consistent with the existing uses on the property.
5. The proposed use promotes local agriculture and local business and is consistent with the Comprehensive Development Plan in this regard.
6. The proposed use will not adversely affect area roadways, adjacent properties or the community.
7. No parties appeared in opposition to the application.
8. This recommendation for approval is subject to the following conditions:
 - A. Although the conditional use is for retail sales in general, a majority of the products sold on the premises must be related to home and garden and baked goods, as proposed by the applicant.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the premises.

- C. There shall be adequate parking on the site and the parking shall comply with the Sussex County Zoning Code parking requirements.
- D. Any and all dumpsters shall be screened from view of neighboring properties and roadways.
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- F. The applicant shall comply with all DelDOT requirements regarding entrances to the property.
- G. The hours of operation shall be from 9:00 a.m. until 5:00 p.m. Monday through Saturday, and Noon until 4:00 p.m. on Sundays.
- H. The use shall be seasonal, open between April 1 and December 31 of each year.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

Change of Zone #1762 – Hale Trailer Brake and Wheel

Application of **HALE TRAILER BRAKE AND WHEEL** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 23.37 acres, more or less, land lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road)) (911 Address: None Available) (Tax Map I.D. 5-32-13.00-78.00).

Mr. Wheatley stated that he would be recusing himself from participating in this public hearing and left the Chambers.

The Commission found that the Applicant provided a survey of the property with the application.

The Commission found that the Applicant provided an Exhibit Booklet for consideration on November 7, 2014, and that the Exhibit Booklet contains a listing of the project team; a copy of the Application with the owner’s consent; a copy of the deed to the property; a reduced copy of the survey of the property; a copy of a June 25, 2014 letter from DelDOT and a Support Facilities Report, dated June 20, 2014; an area Zoning Map; a copy of a 2010 Aerial Overlay; and suggested proposed Findings of Fact.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated November 7, 2014, which reference that the site is located in the Western Sussex Planning Area #4; that use of an existing on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be

required; that the proposed use is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that two (2) letter of support for this application was received by the Department.

The Commission found that Jeff Finney, Manager for Hale Trailer Brake and Wheel, was present with Dennis Schrader, Esquire with Morris James Wilson Halbrook & Bayard, LLP, and Ken Christenbury, Professional Engineer with Axiom Engineering, LLC, and that they stated in their presentations and in response to questions raised by the Commission that the site is adjacent to U.S. Route 13 (Sussex Highway) and the already developed site of Hale Trailer Brake and Wheel; that the intent of this application is to allow for expansion of the adjacent facility; that the site is located in a Level 4 Area according to the State Strategies; that no structures are currently planned for this property, only display of trailers, containers and related equipment for the expansion of the adjacent facility; that if the rezoning is approved, they will be submitting site plans for the display area and related features of the property; that the southerly third of the property contains wetlands; that DeIDOT is only going to allow entrance to the site from the adjacent facility; that the area for the displays will be graveled; that they are working with the Sussex Conservation District on the stormwater management plans; that part of the property has been cleared for the expansion of the adjacent facility to allow for electrical services; that there is a need for the expansion of the existing use; that the new building on the adjacent facility is almost completed creating a need for the additional display area; that two letters of support have been received; that there is ample area on this site to create a crossing over the ditch to provide the necessary access for the interconnection of the two parcels; and that the Exhibit Booklet contains some suggested Findings of Fact for consideration.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1762 for Hale Trailer Brake and Wheel for a change of zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located along U.S. Route 13 (Sussex Highway) north of Delmar in an area that has developed to include commercial and light industrial zoning. This location, with approximately 1,721 feet of frontage along U.S. Route 13, is appropriate for CR-1 zoning.
2. The site is next to the applicant's current operation and will allow for the applicant's expansion of its business.
3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
4. The applicant will be required to meet or exceed all DeIDOT requirements.

5. CR-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 District.
6. The site is partially within the Highway Commercial Area according to the Sussex County Comprehensive Plan. CR-1 Zoning is consistent with this Highway Commercial designation. Although the remainder of the property is identified as being within a Low Density Area according to the Plan, it is appropriate to rezone the entire parcel to CR-1 consistent with the Highway Commercial, so that the entire parcel falls under one single zoning classification.
7. No parties appeared in opposition to this rezoning.

Motion by Mr. Ross, seconded by Smith, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0. Mr. Wheatley had recused himself from participating in this public hearing.

Introduced 09/09/14

**Council District – Deaver - District No. 3
Tax I.D. No. 334-5.00-74.01
911 Address: 32191 Nassau Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A DISTILLERY WITH TOURS/TASTING/RETAIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,523 SQUARE FEET, MORE OR LESS

WHEREAS, on the 26th day of August 2014, a conditional use application, denominated Conditional Use No. 2002 was filed on behalf of Beach Bum Distilling, c/o I3A; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2002 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2002 as it applies to the property hereinafter described.



Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the southeast corner of Nassau Road (Route 14) and New Road (Road 266) and being more particularly described in Deed Book 4073, Page 262, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,523 square feet, more or less.

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

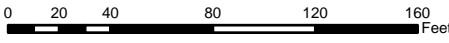
80.01

Conditional Use Application #2002

Legend

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



1 inch = 75 feet

75

Lands N/F of KNAPP

Lands N/F of BEST

Lands N/F of BEST

Lands N/F of NASSAU

74.01

Lands N/F of WILMINGTON

Lands N/F of DELAWARE

Lands N/F of BEST

74

Lands N/F of AVON

Lands N/F of DAVIS

Lands N/F of RAPER

Lands N/F of REED

Lands N/F of ZERN

Lands N/F of RAY

Lands N/F of KIRBY

Lands N/F of VAUGHAN

Lands N/F of WU

Lands N/F of PIZZI

Lands N/F of ICKRATH

Lands N/F of MCVEY

Lands N/F of FRATICELLI

Lands N/F of BEST

87

Lands N/F of NASSAU

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

Introduced 09/16/14

**Council District – Phillips - District No. 5
Tax I.D. No. 134-14.00-6.00 (part of)
911 Address: 31854 James Lowe Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,829 SQUARE FEET, MORE OR LESS

WHEREAS, on the 5th day of September 2014, a conditional use application, denominated Conditional Use No. 2003 was filed on behalf of Thomas E. Lowe; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2003 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2003 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

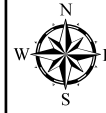
ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Route 54 (Omar Road) 1,300 feet northeast of Road 382 (Armory Road) and being more particularly described as follows:

BEGINNING at a point on the northerly right-of-way of Route 54 (Omar Road), a corner for these subject lands and lands, now or formerly, of Ruby Ann Quillen; thence South 63°37'34" West 310.00 feet along the northerly right-of-way of Route 54 to a point; thence North 26°22'26" West 103.00 feet across lands of Quinnie L. Lowe to a point; thence North 63°37'34" East 327.46 feet across lands of Quinnie L. Lowe to a point on property line with lands, now or formerly, of Ruby Ann Quillen; and thence South 16°45'00" East 104.47 feet along said Quillen lands to the point and place of beginning, and containing 32,829 square feet more or less, as described by True North Land Surveying.

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

PROPOSED

Lands N/F of TOWNSEND



Conditional Use Application #2003



Legend

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

0 65 130 260 390 520 Feet

1 inch = 208 feet

30.96 A

Lands N/F of J & C

Lands N/F of QUILLEN

Lands N/F of MURRAY
Lands N/F of MURRAY

DAGBORO BALTIMORE

6

Lands N/F of LOWE
13.70 Ac.S

JAMES LOWE LN

7.01

Lands N/F of QUILLEN
2.83 AC.

Lands N/F of J & C
4
17.05 Ac.S

384.07

940 S

Lands N/F of HUDSON

5

Lands N/F of NEIMAN
4.00 Ac.

370 S

3.81 Ac.S

Lands N/F of CONLON

480 S

490 S

1-327

B

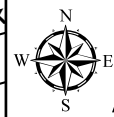
2.01

Lands N/F of MELBER
1.08
1.08
Ac.

264.49

Lands N/F of HODGES

29.49 A



Conditional Use Application #2003

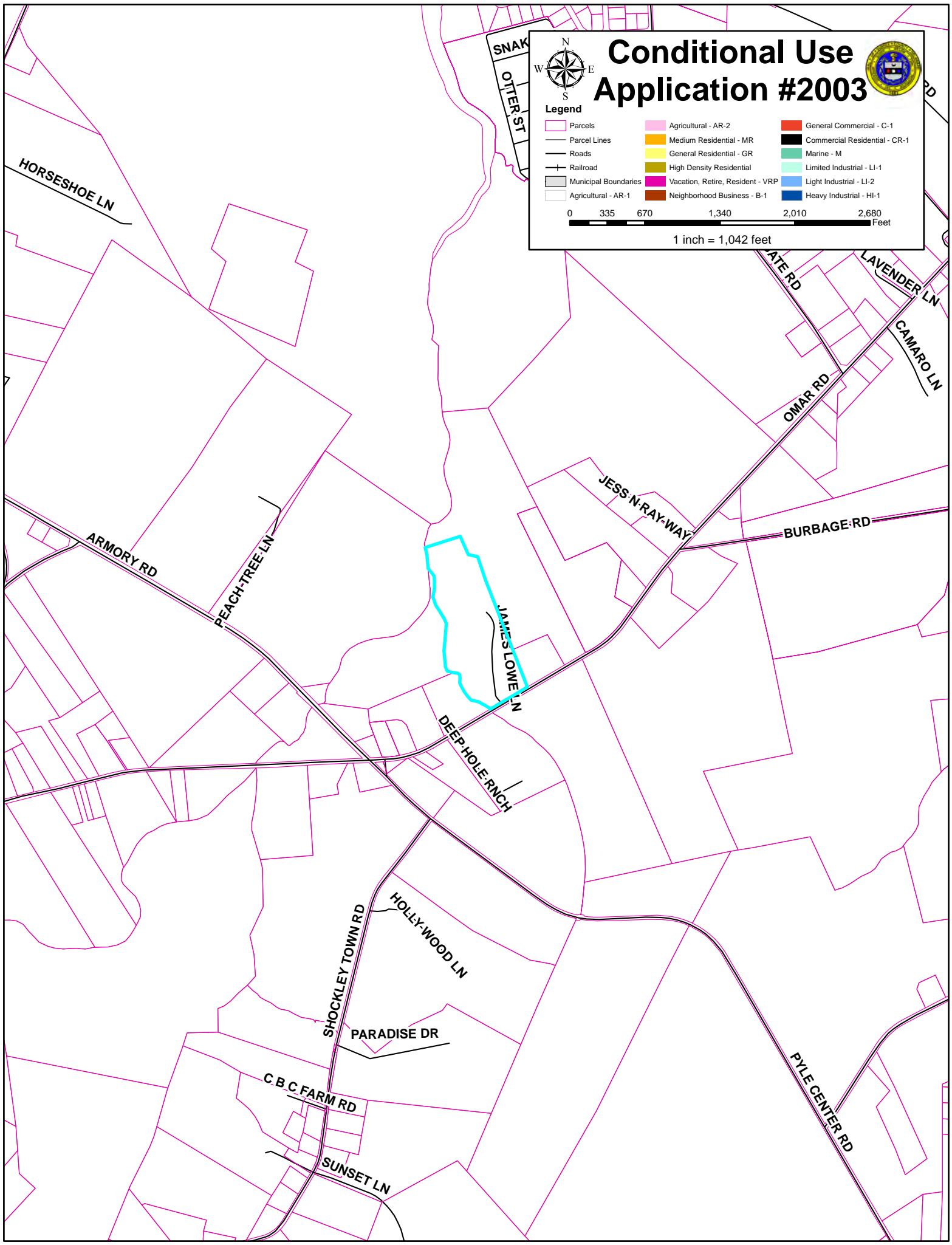


Legend

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

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

1 inch = 1,042 feet

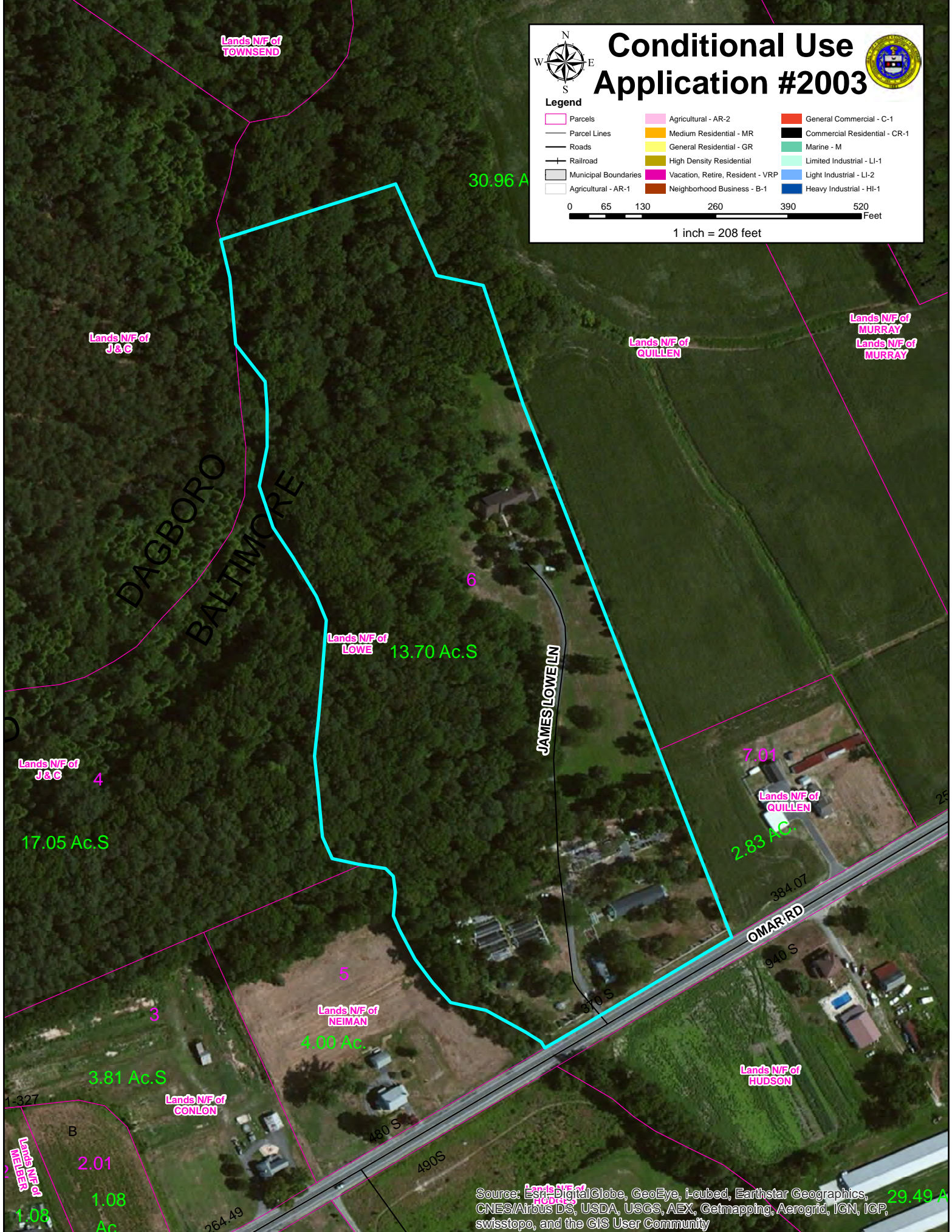


Conditional Use Application #2003

Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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1 inch = 208 feet



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

To Be Introduced 09/09/14

**Council District: Phillips – District 5
Tax I.D. No. 532-13.00-78.00
911 Address: None Available**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS

WHEREAS, on the 31st day of July 2014, a zoning application denominated Change of Zone No. 1762 was filed on behalf of Hale Trailer Brake & Wheel; and

WHEREAS, on the ___ day of _____ 2014, a public hearing was held, after notice before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1762 be _____; and

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

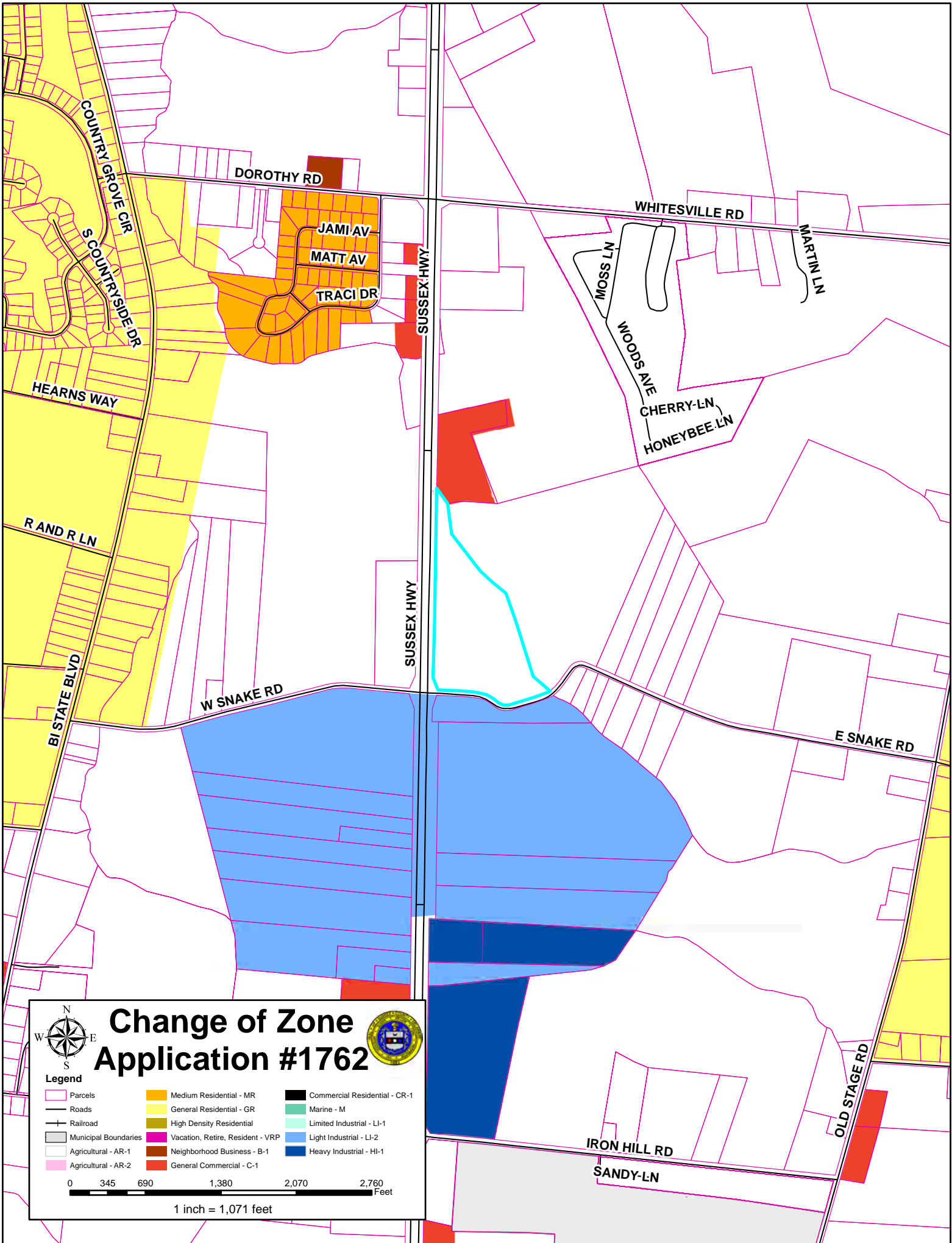
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road) and being more particularly described in Deed Book 4286, Page 244, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 23.37 acres, more or less.

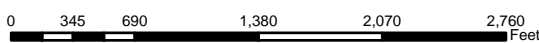
This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

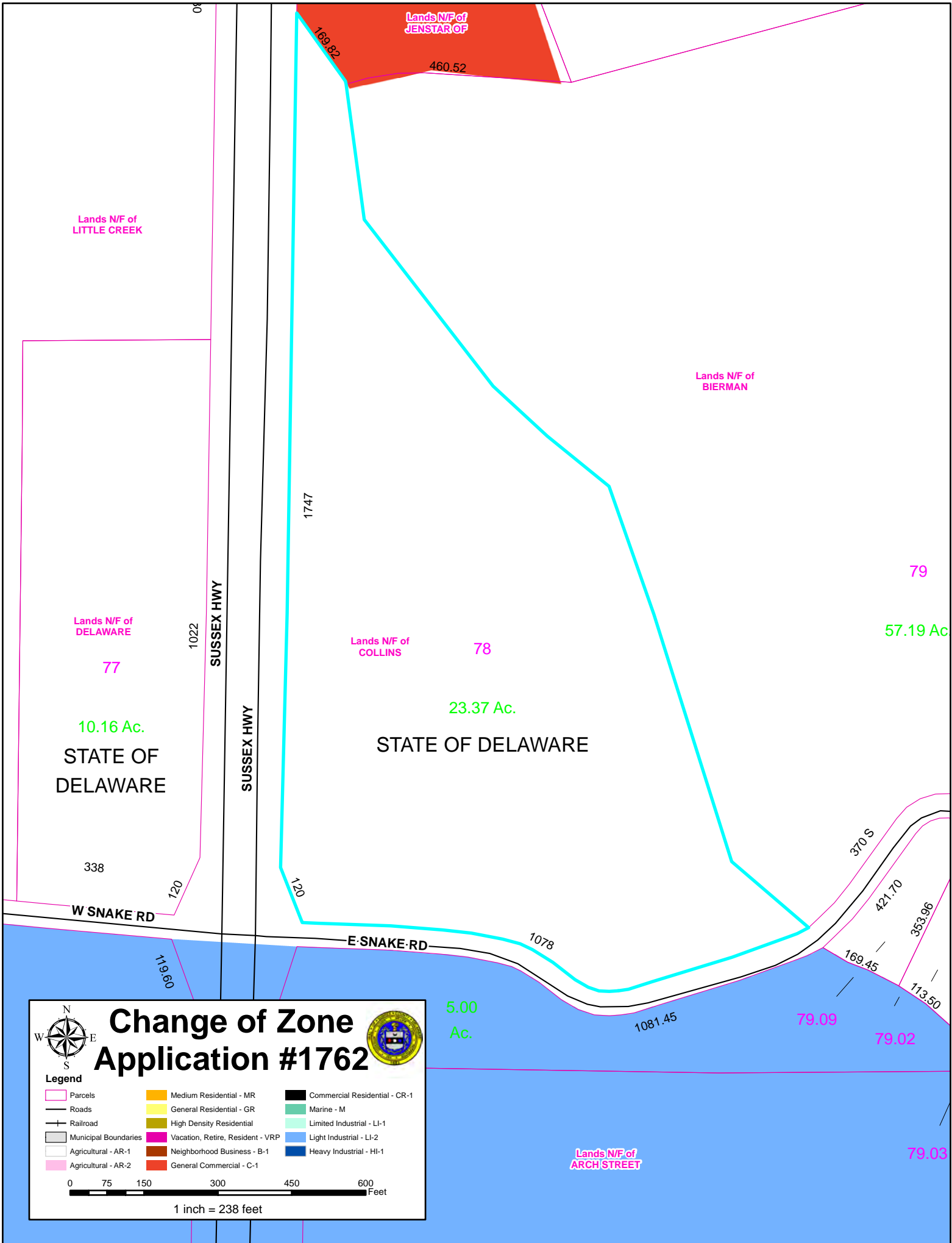


Change of Zone Application #1762



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





Lands N/F of LITTLE CREEK

Lands N/F of JENSTAR OF

Lands N/F of BIERMAN

Lands N/F of DELAWARE

Lands N/F of COLLINS

Lands N/F of ARCH STREET

77

78

79

57.19 Ac

23.37 Ac.

STATE OF DELAWARE

STATE OF DELAWARE

338

120

1078

370 S

421.70

353.96

169.45

113.50

1081.45

79.09

79.02

5.00 Ac.

79.03

SUSSEX HWY

SUSSEX HWY

W SNAKE RD

E SNAKE RD

119.60

120



Change of Zone Application #1762

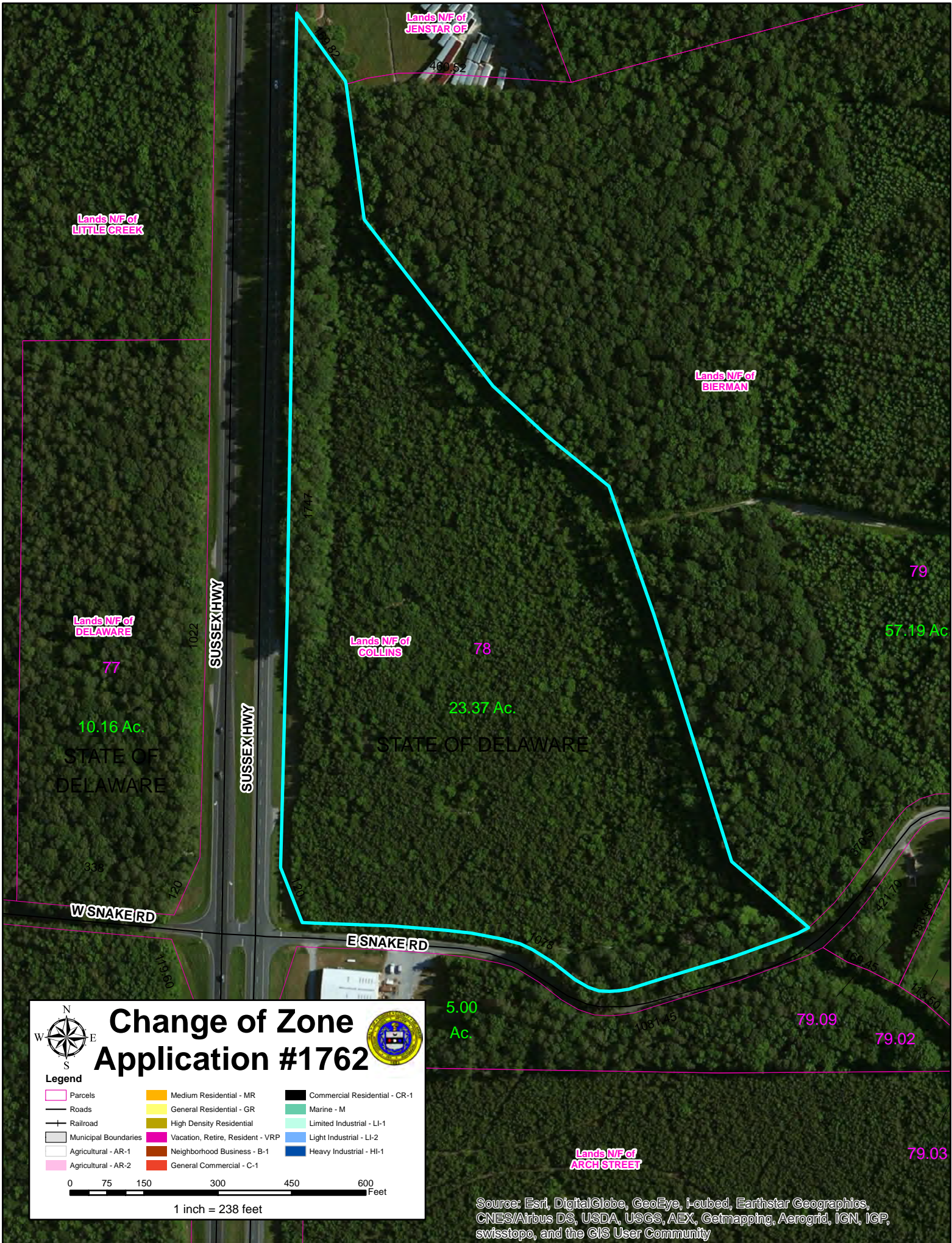


Legend

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- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 75 150 300 450 600 Feet

1 inch = 238 feet



Lands N/F of LITTLE CREEK

Lands N/F of JENSTAR OF

Lands N/F of BIERMAN

Lands N/F of DELAWARE

Lands N/F of COLLINS

Lands N/F of ARCH STREET

Change of Zone Application #1762



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