

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 14, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 14, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
David N. Rutt	Assistant County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 487 14
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by striking “Executive Session – Pending/Potential Litigation and Land Acquisition pursuant to 29 Del. C. §10004(b)” and striking “Possible Action on Executive Session Items”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of October 7, 2014 were approved by consent.

**Consent
Agenda**

At Mrs. Deaver’s request, the items listed under the Consent Agenda were pulled for discussion and voted on individually.

**M 488 14
Approve
Wastewater
Agreement/
The
Landings
at Pepper
Creek**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to approve Wastewater Agreement No. 516-5, for The Landings at Pepper Creek (A/K/A The Marina at Pepper’s Creek) – Phase 3-3 in the Dagsboro/Frankford Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

Information/ Wastewater Agreements **Mrs. Deaver noted that interested parties can obtain additional information on wastewater agreements by contacting the County Engineering Department.**

M 489 14 Approve Wastewater Agreement/ The Landings at Pepper Creek **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve Wastewater Agreement No. 984-1 for the Coastal Club Pump Station and Force Main in the Goslee Creek Planning Area.**

Motion Adopted: 5 Yeas.

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

Redden Ridge LLP Bonus Density Purchase **Mr. Lawson updated the County Council on the bonus density purchase process and specifically, the Redden Ridge Subdivision bonus density purchase. Mr. Lawson reported that, on September 25, 2014, the Planning and Zoning Commission granted final record plan approval for the Redden Ridge Subdivision. This is an 85-lot cluster subdivision application. Fifteen (15) lots are part of the County’s Bonus Density Program. Since the project is located in an Environmentally Sensitive Developing Area, this approval results in a \$300,000 payment to the County (\$20,000 per lot). Mr. Lawson reported that in July 2007, the County approved Ordinance No. 1920 which adds multi-family dwelling structures and townhouses as a possible Conditional Use in AR-1 Districts and defines the requirements to qualify for the density incentive. The developer applies for the density incentive as part of a Conditional Use application which would go through the regular Conditional Use hearing process. If the Conditional Use is granted, the developer would then tender the density bonus fees as set forth in Chapter 62, Article III, § 62-7 (Ordinance No. 1842). With respect to the use of the funds received, the intent is that the funds be earmarked for the purchase of open space. Prior to entering into a contract for the purchase of land or a conservation easement for open space, the Council must approve it by a 4/5th vote and ensure that the property is located in the same watershed area as land where the bonus density is located. Mr. Lawson distributed watershed boundaries maps. Mr. Lawson reported that the County has received a check in the amount of \$300,000 and the money has been deposited. With respect to the use of the funds received, the intent is that the funds will be earmarked for the purchase of open space. Sussex County controls the funds received and, at the Council’s discretion, “the Sussex County Land Trust may act as a recommending body and/or partner.” Sussex County Code, § 115-22 provides that the minimum amount of land “to be set aside as common space shall be 40% of the total land area included in the application and sets forth specifications regarding vegetated buffers.**

The Council discussed the bonus density process and a question was raised as to the impact of the bonus density on the project.

Redden Ridge LLP Bonus Density Purchase (continued) **Lawrence Lank, Director of Planning and Zoning, reported that there is one bonus density process through multi-family and another bonus density process through subdivision. The multi-family requires a 40 percent open space and the subdivision requires 30 percent. Mr. Lank stated that the referenced project would have 70 lots, with a bonus density of 15 lots, at \$20,000 per lot.**

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

1. **Delaware Solid Waste Authority Reports**

There were 32,039 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of July, August, and September 2014. Attached are reports received for each month.

2. **County Pensioner – Ralph H. West**

It is with great sadness that we inform you that County pensioner Ralph West passed away on Monday, October 6, 2014. Mr. West worked for Environmental Services at the South Coastal Facility from December 1976 until his retirement in March 1985. We would like to extend our condolences to the West family.

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

Grant Requests **Mrs. Jennings presented grant requests.**

M 490 14 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Beach Lions Club for West Side New Beginnings' youth transportation costs.**

Motion Adopted: 5 Yeas.

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

M 491 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$800.00 from Mr. Phillips' Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Fenwick Island Lions Club for the Selbyville Halloween Parade.**

Motion Adopted: 4 Yeas, 1 Nay.

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

Grant Request **Linda Draper, Manager at the Christian Storehouse, explained the services they provide to the entire County and presented their request for financial support.**

M 492 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$4,000.00 (\$2,000.00 from Mr. Phillips' Councilmanic Grant Account and \$500.00 each from Mr. Cole's, Mrs. Deaver's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to the Christian Storehouse for the Community Outreach and Resource Center.**

Motion Adopted: 5 Yeas.

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

Call for Recess **Mr. Wilson called for a short recess.**

M 493 14 Recess **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 494 14 Reconvene **A Motion was made by Mr. Wilson, seconded by Mr. Phillips to reconvene.**

Motion Adopted: 5 Yeas.

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

Public Hearing Rules **David Rutt, Assistant County Attorney, read the Rules of Procedure for Public Hearings.**

Public Hearing/ Goslee Creek Expansion Areas No. 1, 2 & 3 **A Public Hearing was held to consider extending the boundary of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to include the Goslee Creek Planning Area (Annexation Areas #1, #2, and #3). John Ashman, Director of Utility Planning, explained that this request is divided into three annexation areas. Annexation Area 1 includes the Coastal Club project and Cape Henlopen Lodge #25401. Annexation Area 2 includes the proposed project of Saddle Ridge, proposed Delaware State Police Troop 7, proposed school, proposed campground, and adjoining land of Townsend. Annexation Area 3 includes the proposed subdivision of Red Clover Walk. Mr. Ashman reported that notices were posted and advertised; to date, no comments have been received in opposition of the proposed expansions; however, a letter has been received from the Elks Lodge expressing their**

**Public
Hearing/
Goslee
Creek
Expansion
Areas No.
1, 2 & 3
(continued)**

desire to be connected to central sewer. Mr. Ashman reported that some contacts were received from existing communities that are located outside of the proposed expansion but within the Goslee Creek Planning Area. He noted, however, that while infrastructure will be sized to serve them, there are no imminent plans to extend the boundary to include these communities.

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

**M 495 14
Adopt
R 010 14**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 010 14 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO INCLUDE GOSLEE CREEK PLANNING AREA #1, PARCELS ALONG CR 285 (BEAVER DAM ROAD) INCLUDING BUT NOT LIMITED TO THE COASTAL CLUB & ELKS LODGE #2540, BEING SITUATE IN SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**M 496 14
Adopt
R 011 14**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 011 14 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO INCLUDE GOSLEE CREEK PLANNING AREA #2, PARCELS ALONG CEDAR GROVE ROAD, MULBERRY KNOLL ROAD & SR 24 (JOHN J. WILLIAMS HIGHWAY), BEING SITUATE IN SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**M 497 14
Adopt
R 012 14**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 012 14 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO INCLUDE GOSLEE CREEK PLANNING AREA #3, PARCELS 334-6.00-551.01 & 552.00, BEING SITUATE IN SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

- M 497 14
(continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- Additional
Business** **Under Additional Business, Dan Kramer commented on the salary of the
new Economic Development Director and the salaries of other County
employees.**
- M 498 14
Recess** **At 11:18 a.m., a Motion was made by Mrs. Deaver, seconded by Mr.
Phillips, to recess until 1:30 p.m.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 499 14
Reconvene** **A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to reconvene
at 1:32 p.m.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- Public
Hearing
Rules** **David Rutt, Assistant County Attorney, read the Rules of Procedure for
Public Hearings.**
- C/U 1994/
Applicant
Not
Present** **Lawrence Lank, Director of Planning and Zoning, announced that the
Applicant (Robert Wilkerson) for the first application (Conditional Use No.
1994) was not in attendance. The Council decided to move to the next
application on the agenda.**
- Public
Hearing/
CU 1995** **A Public Hearing was held on the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN
EXCAVATING COMPANY STORAGE OF EQUIPMENT AND OFFICE
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY,
CONTAINING 5.34 ACRES, MORE OR LESS” (Conditional Use No.
1995) filed on behalf of Adele H. Fluharty.**
- The Planning and Zoning Commission held a Public Hearing on this
application on August 21, 2014 at which time action was deferred. On
September 11, 2014, the Commission recommended that the application be
approved with the following conditions:**

**Public
Hearing/
CU 1995
(continued)**

- A. The use shall be limited to the existing structures on the property. No additional structures shall be permitted.**
- B. All entrances and roadway improvements shall be subject to DelDOT approvals.**
- C. There shall not be any permanent outside storage of junked or inoperable vehicles, equipment, parts, or similar items.**
- D. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. The areas for parking vehicles and equipment shall be shown on the Final Site Plan and clearly marked on the site itself.**
- G. All oils, hazardous substances, fluids, and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.**
- H. The hours of operation shall be from 7:00 am to 6:00 pm, Monday through Saturday.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated August 21 and September 11, 2014.)

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

Mr. Lank noted that letters in opposition were received from Anita Bartman, Marie McDaniel (with photographs) and from residents of Bay Oaks and Bay Wood (with photographs).

The Council found that Clint Fluharty, owner of Dirt Works, was in attendance. He stated that the excavating business has been located on the property since 1999 and prior to that, his father had a masonry business on the same property; that the site has been utilized for family run businesses since 1973; that his company has grown and he now has 12 full-time employees; that he is seeking a Conditional Use so that he can continue operating the business; that his personal residence is located on Waterview Road; that he took a couple of trees down that were located behind his personal home for the purpose of more parking for trucks and that is when complaints started; and that there are no plans for expansion.

Public comments were heard.

George Fluharty, father of Clint Fluharty, stated that he originally had a business on the site; that he was a masonry contractor and he employed about 15 people; that everything has been well maintained on the site; that neighbors started complaining after trees were taken down; and that, since that time, his son has replanted trees and put up a fence.

**Public
Hearing/
CU 1995
(continued)**

Marian Featherole (resident of Waterview Road), Anita Bartman (resident of Waterview Road), and Gretchen Klein (resident of Bay Oaks Drive) spoke in opposition to the application. They stated complaints and concerns about diesel fumes, loud noises, early working hours, smells, property value issues, health and safety issues, disappearance of the tree buffer and resulting view of industrial/commercial trucks and excavating equipment; and the expanding size of the business and its incompatibility with the residential area. Ms. Klein presented a recommendation on reforestation and information on consulting a professional arborist before planning and planting.

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

Council members discussed the application and specifically, the possibility of requiring a 20 foot buffer.

**M 500 14
Defer
Action on
CU 1995**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to defer action on Conditional Use No. 1995 filed on behalf of Adele H. Fluharty.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CU 1997**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL PROPANE/STORAGE AND CNG/PROPANE DISPENSING OFFICE/WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 15.00 ACRES, MORE OR LESS” (Conditional Use No. 1997) filed on behalf of Skipjack, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on September 25, 2014 at which time the Commission recommended that the application be approved with the following conditions:

- A. The Applicant shall comply with all DelDOT entrance and access requirements.**
- B. The Applicant shall comply with all State, Federal and Local regulations regarding the facility.**
- C. Any security lights shall be screened so that they do not shine on neighboring properties or roadways.**
- D. The Applicant shall comply with the landscape buffering requirements of the Highway Corridor Overlay Zone and the landscape plan shall be included as part of the Final Site Plan.**

**Public
Hearing/
CU 1997
(continued)**

- E. The Applicant shall have two lighted signs, not to exceed 200 square feet per side. One sign shall be located along Route 113 and the other shall be located along East Piney Grove Road.**
- F. The conditions of approval shall be noted on the Final Site Plan.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated September 25, 2014.)

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

Mr. Lank reported that, since the Public Hearing before the Planning and Zoning Commission, a letter of support was received from Chad Carpenter.

Exhibit Books were distributed to the Council.

The Council found that Mark Dunkle, Esquire, was present on behalf of the Applicant. Also present on behalf of the application were Garth Jones, Professional Engineer with Becker Morgan Group; and Shane Breakie, David De Caro, Bill Gradie and Ron Patrick of Chesapeake Utilities. They stated in their presentations that Skipjack, Inc. is a subsidiary of Chesapeake Utilities; that the proposed use is for a compressed natural gas/propane vehicle fuel dispensing facility, commercial propane sales and storage, with offices and warehousing; that the facility will not sell gasoline nor will it sell diesel fuel; that this type of facility is new to the area; that they are proposing a fueling station to provide for alternative fuels, i.e. natural gas and propane, for automotive vehicles; that there are several business uses in close proximity, i.e. M. L. Joseph Construction Co., Pep-Up, among others; that there are two Conditional Use locations on East Piney Grove Road and referenced a storage facility and a truck repair facility; that a propane storage facility, office, and single propane dispensing facility exists at Sharp Gas in Georgetown; that the photographs in the Exhibit Booklet depict several propane and natural gas fueling stations that exist in other locations; that there are 17 letters of support in the Exhibit Booklet from area businesses and landowners; that the Exhibit Booklet contains proposed Findings of Fact and Conditions of Approval; that the requested use is an appropriate use and meets the standards for a Conditional Use; that Chesapeake Utilities is in the process of installing natural gas lines to the Stockley Center and the Sussex Central High School; that there are propane filling stations serving propane gas for vehicles in use and some of those facilities have been in service for 20 years; that two buildings are proposed along U.S. Route 113, an 18,000 square foot office and warehouse, and a 7,500 square foot office and warehouse; that two access locations are proposed along East Piney Grove Road, one for access to the offices, and one to the filling station and storage facilities; that there will not be any parking in the required setbacks; that a 60' wide easement is proposed to cross the parcel to serve the remaining acreage to

**Public
Hearing/
CU 1997
(continued)**

the north from East Piney Grove Road; that they are requesting permission to be permitted to have signage related to the B-1 Neighborhood Business District; that the filling station would be open 24 hours 7 days per week; that there will be approximately 64 employees working from the site, some drivers, and the majority office staff; that some of their existing facilities will be closed and the employees will be relocated to this facility; that they are not planning to operate a convenience store from this site, only fuel sales; that no vehicles will be serviced on the site; that both Compressed Natural Gas and Propane Gas will be available; that the compressors will have electric driven motors; that the gas will be compressed to 3,600 PSI; that the compressors will be outside in sound enclosed containers; that they will comply with all agency requirements; that the State Fire Marshal has the majority of the regulations relating to these facilities; that the systems have safety features, including automatic shutdowns, specific setbacks from structures and equipment, 30,000 gallon water storage; that 4 – 30,000 gallon propane storage tanks are proposed for this site; that the office/warehouse facility would be open during normal business hours; that the propane tanks will be filled from tanker trucks, not pipelines; that the facility will be fenced with 6-foot high chain-link fencing; that security lighting and security cameras will be installed; that all access to the site will be from East Piney Grove Road; that they propose two entrances; that they propose a two phase plan – a compressed natural gas side and a propane side; that they have submitted a plan to DelDOT; and that a Letter of No Objection was received from DelDOT on this date.

Mr. Dunkle submitted a copy of the Letter of No Objection into the record.

Mr. Dunkle referenced the Planning and Zoning Commission's recommended conditions and he reported that the Applicant asks that the recommended condition (E) relating to signs be amended to permit a sign on the building. He stated that the Applicant would like to have 150 square foot of signage on the building or what is allowed in a B-1 District.

Public comments were heard.

Terry Timmons spoke in support of the application and in favor of natural gas and he stated that the entrance location on East Piney Grove Road will help eliminate some of the problems on the Route 113 Corridor.

Jay Baxter, an adjacent property owner, and a business owner and farmer in the area, spoke in support of the application. Mr. Baxter stated that he commends the County in growing its infrastructure and business scope in the County.

There were no comments in opposition to the application.

The Public Hearing and public record were closed.

**M 501 14
Amend
Recom-
mended
Condition/
CU 1997**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition E recommended by the Planning and Zoning Commission to read as follows: The Applicant shall have two lighted ground signs, not to exceed 200 square feet per side. One sign shall be located along Route 113 and the other shall be located along East Piney Grove Road. Signage on buildings shall be subject to the sign regulations in the Zoning Ordinance relating to B-1 zoning classifications.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 502 14
Adopt
Ordinance
No. 2370/
CU 1997**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2370 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL PROPANE/STORAGE AND CNG/PROPANE DISPENSING OFFICE/WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 15.00 ACRES, MORE OR LESS” (Conditional Use No. 1997) filed on behalf of Skipjack, Inc., with the following conditions, as amended:

- A. The Applicant shall comply with all DelDOT entrance and access requirements.**
- B. The Applicant shall comply with all State, Federal and Local regulations regarding the facility.**
- C. Any security lights shall be screened so that they do not shine on neighboring properties or roadways.**
- D. The Applicant shall comply with the landscape buffering requirements of the Highway Corridor Overlay Zone and the landscape plan shall be included as part of the Final Site Plan.**
- E. The Applicant shall have two lighted ground signs, not to exceed 200 square feet per side. One sign shall be located along Route 113 and the other shall be located along East Piney Grove Road. Signage on buildings shall be subject to the sign regulations in the Zoning Ordinance relating to B-1 zoning classifications.**
- F. The conditions of approval shall be noted on the Final Site Plan.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**CU 1994/
Applicant
Not Present**

The Council reconsidered the first scheduled Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (Conditional Use No. 1994) filed on behalf of Robert Wilkerson.

It was determined that the Applicant was still not in attendance.

It was noted that a phone call was attempted to the Applicant; however, there was no answer.

Lawrence Lank, Director of Planning and Zoning, referenced Sussex County Code, §115-216.F, which provides that “Failure to appear. If a petitioner, applicant or appellant fails to appear, or appear by agent, or fails to withdraw his application as provided for in Subsection E hereof, a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw.”

**M 503 14
Deny
CU 1994**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to deny Conditional Use No. 1994 filed on behalf of Robert Wilkerson due to the lack of a record and the failure of the Applicant to appear.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 504 14
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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