



Sussex County Council Public/Media Packet

**MEETING:
October 14, 2014**

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



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Sussex County Council

A G E N D A

OCTOBER 14, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Consent Agenda

1. Wastewater Agreement No. 516-5
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek)—Phase 3-3
Dagsboro/Frankford Sanitary Sewer District
2. Wastewater Agreement No. 984-1
Sussex County Project No. 81-04
Coastal Club Pump Station and Force Main
Goslee Creek Planning Area

Todd Lawson, County Administrator

1. Redden Ridge LLP Bonus Density Purchase
2. Administrator's Report

10:30 a.m. Public Hearing

Goslee Creek Expansion Areas No. 1, 2 & 3



Grant Requests

1. Rehoboth Beach Lions Club for West Side New Beginnings' youth transportation costs.
2. Fenwick Island Lions Club for the Selbyville Halloween Parade.
3. Christian Storehouse for community outreach and resource center.

Executive Session – Pending/Potential Litigation and 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. 1994 filed on behalf of Robert Wilkerson

“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” (land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (Tax Map I.D. 235-22.00-18.09) (911 Address: None Available)

Conditional Use No. 1995 filed on behalf of Adele H. Fluharty

“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” (land lying east of Road 279 (Camp Arrowhead Road) 260 feet south of Road 279A (Waterview Road) (Tax I.D. No. 234-12.00-84.00) (911 Address: 22379 Camp Arrowhead Road, Lewes)

Conditional Use No. 1997 filed on behalf of Skipjack, Inc.

“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” (land lying northwest corner of Dupont Boulevard (U.S. Route 113) and East Piney Neck Road (Road 329) (Tax I.D. No. 133-11.00-1.00) (911 Address: None Available)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 7, 2014 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 7, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 7, 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 474 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by striking "Executive Session – Pending/Potential Litigation and Land Acquisition pursuant to 29 Del. C. §10004(b)" and "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

**E/S
Minutes**

Mr. Phillips referenced Executive Session minutes.

Minutes

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

**Corre-
spondence**

Mr. Rutt read the following correspondence:

TERESA AVERY, AUTISM DELAWARE, NEWARK, DELAWARE.
RE: Card of thanks for the Council's support of the Blue Jean Ball Fundraiser.

**Update/
The Live
Conference**

Sally Beaumont, Chairperson, Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County, presented information on the Second Annual Live Conference scheduled for October 13, 2014 from 8:00 a.m. to 3:00 p.m. at the Sussex Academy on Airport Road in Georgetown, Delaware. For additional information and/or tickets, interested parties can visit the following website: <http://bitly.com/LIVE2014Conference>. The mission of

Conference (continued)	The LIVE Conference is to improve the knowledge and understanding of services and techniques that support seniors who want to live physically and financially safe and secure in their homes and communities.
Economic Develop- ment Director	Mr. Lawson introduced Sussex County's new Economic Development Director, Melody Booker-Wilkins. Mr. Lawson reported that, after an extensive interview process, Mrs. Booker-Wilkins was the top candidate for the position. Mrs. Booker-Wilkins will join the County on October 20, 2014.
Adminis- trator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1. <u>County Employee – Rick Rowe</u></p> <p>It is with great sadness that I inform you of the passing of County employee Rick Rowe last night at his home. Rick started with the County on May 17, 2004, as Utility Construction Tech II and was promoted to a Tech III on July 1, 2006.</p> <p>Arrangements are still pending, but we would ask that you keep Rick's family and co-workers in your thoughts.</p> <p>2. <u>TD Rehoboth LLC Withdrawal Request – Overbrook Towne Center (C/Z #1760)</u></p> <p>Please be advised, the County is in receipt of a letter dated October 6, 2014, from Mr. Louis Di Bitonto, the Development Director of TD Rehoboth LLC. The letter, addressed to Mr. Lawrence Lank, Director of Planning & Zoning, requests that the County withdraw TD Rehoboth LLC's application for rezoning of the Overbrook Towne Center at this time.</p> <p>Since this matter has not begun the public hearing process, no vote is required and the withdrawal request will be honored.</p>
State Energy Code Update	Andy Wright, Chief of Building Code, reported that, as of May 6, 2014, DNREC, through the Division of Office of Energy, has adopted the 2012 International Energy Conservation Code; the enforcement date for this version of the Code will be November 11, 2014. Mr. Wright distributed a brochure entitled "Residential Changes in Delaware from the 2009 to the 2012 International Energy Conservation Code. Mr. Wright stated that, as a result, there will be some up-front costs to new home construction and commercial projects; however, the end result will be more efficient homes with cost savings for the homeowners. In response to questions, Mr. Wright stated that most of the major homebuilders in the area are already meeting or exceeding the new requirements. Mr. Wright also noted that this will not detrimentally affect the County's building industry.

Records Management Facility/ Roof Replacement Project

John Ashman, Director of Utility Planning, reported on the bid results for the Records Management Facility Roof Replacement Project (Sussex County Project 14-08). The project scope involves the removal of the existing roof and insulation and replacement with new insulation and roofing. As part of the bid, a contingent bid item was included to increase the insulation to 3 inches minimum. The Engineering Department recommends exercising that option since, currently, there is no insulation in the roof or ceiling of the facility. The contract term for the project is 75 consecutive calendar days, with a 30-day flexible start. Mr. Ashman reported that three bids were received and the lowest responsive bidder was C.T.A. Roofing of Newark, with a base bid of \$101,000, with a contingent bid item in the amount of \$6,000, for a total bid of \$107,000. The Engineer's estimate for the project was \$120,000.

M 475 14 Award Bid for Roof Replacement Project/ Records Management Facility

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 14-08, Records Management Facility Roof Replacement, be awarded to C.T.A. Roofing of Newark, Delaware, at the bid amount of \$107,000.

Motion Adopted: 5 Yeas.

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

Angola North Expansion of the Angola Neck SSD

John Ashman, Director of Utility Planning, presented the Public Hearing results for the Angola North Expansion of the Angola Neck Sanitary Sewer District. The Public Hearing was held on September 18th at which time the Engineering Department, Whitman Requardt & Associates and DNREC made presentations of the proposed boundary, preliminary infrastructure layout, estimated user costs and new septic system regulations and their impacts. The proposed boundary includes 196 parcels, two manufactured home parks (approximately 48 residents), and Sunset Lane Condominiums (4-6 units); the boundary runs from the boundary of the Love Creek Bridge west to Peddlars Village, includes Fox Hollow to the north, and goes to Love Creek Woods to the south. Estimated users costs and a proposed project schedule were presented at the Public Hearing. Mr. Ashman reported that the Department is working on a facility plan and environmental assessment and will try to secure funding. Construction is proposed to begin in October 2015 with the system operational by October 2016; this proposed schedule would give customers one year from October 2016 to connect (October 2017).

Mr. Ashman reported that, prior to the Public Hearing, a resident of Fox Hollow presented a petition with approximately 19 signatures asking to be excluded from the boundary. There was also some confusion as to the residents of Love Creek Woods as to their desire for service. The public record was left open until September 28th to receive written comments

**Angola
North
Expansion
of the
Angola
Neck SSD
(continued)**

either in support of or in objection to the proposal and to clarify the position of the Love Creek Woods homeowners. Some letters were received prior to the September 28th deadline. Three (3) additional people asking to be excluded and 1 resident on Sunset Lane that has just installed a new septic system expressed concerns as to whether she can afford connecting after just paying for a new system. Mr. Ashman stated that the County is looking into a way to provide some relief to the homeowner with the new system. Also, three letters were received from residents of Sunset Lane Condominiums expressing their desire to be included and a clarification was received from Love Creek Woods of the community's desire to be included in the project. Also, an email was received from a person in Fox Hollow expressing that he and his two neighbors would like to be included. In summary, out of over 200 parcels, there were 21 that are not in favor of the expansion.

Of those in attendance at the Public Hearing, 35 people were in favor and 18 were opposed. By community, Fox Hollow had 7 people in favor and 12 opposed, and Love Creek Woods had 18 people in favor and 2 opposed.

Mr. Ashman and the Council discussed the matter of excluding parcels. Mr. Ashman noted that any exclusions could impact the estimated costs to the others. Mr. Asham advised that the Engineering Department is recommending to proceed with the boundary, as proposed.

In response to questions, Mr. Ashman noted that since this is a proposed expansion of a sanitary sewer district, a referendum is not required.

**M 476 14
Adopt
R 009 14/
Angola
North
Expansion
Resolution**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 009 14 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE ANGOLA NECK SANITARY SEWER DISTRICT (ANSSD) TO INCLUDE THE AREA KNOWN AS ANGOLA NORTH, FROM LOVE CREEK WEST TO PEDDLER'S VILLAGE, BEING SITUATE IN INDIAN RIVER HUNDRED, 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**

**Public
Hearing/
Proposed
Dwelling
Definition
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF "DWELLING", "DWELLINGS, SINGLE FAMILY", "DWELLING, MULTI-FAMILY", AND "FAMILY".

This Ordinance amends the definitions of Family, Single Family Dwellings and Multifamily Dwellings to avoid unintended discrimination under State and Federal Law. It confirms that a family may include one or two people

**Public
Hearing/
Proposed
Dwelling
Definition
Ordinance
(continued)**

living together and not only their natural or adopted children but also step children and foster children. It also clarifies that children are permitted to reside with legally appointed guardians. It permits licensed and approved residential houses of no more than ten persons with disabilities as defined in the Delaware Fair Housing Act. Lastly, it recognizes that it is appropriate for two families to reside in a single unit when the owner(s) of the unit are elderly and/or disabled.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on August 7, 2014 at which time action was deferred. On September 11, 2014, the Commission recommended that the Proposed Ordinance be approved.

(See the minutes of the Planning and Zoning Commission dated August 7 and September 11, 2014.)

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

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

**Public
Hearing/
Proposed
Dwelling
Definition
Ordinance
(continued)**

more than 4 unrelated people; a group residential facility licensed by the State of Delaware serving 10 or fewer individuals with disabilities on a 24 hour basis, as the term disability is defined under State law; 1 or 2 elderly or disabled persons who own a dwelling plus 1 or 2 people related by blood or marriage and their children; and that a single family dwelling would be one of these groups and a multi-family dwelling would be 2 or more of these groups.

Mr. Robertson reviewed the differences regarding what is currently in the Code and what is in the Proposed Ordinance:

- under the current Code, a family is defined as 1 or 2 people living together and related by blood or marriage – it does not reference their children; under the Proposed Ordinance, a family is defined as 1 or 2 people living together and related by blood or marriage and their children (foster, step, adopted or natural);
- a new provision in the Proposed Ordinance that is not currently in the Code is 2 single parents or guardians with their children (foster, step, adopted or natural);
- the current Code refers to 4 unrelated people; the Proposed Ordinance still refers to 4 unrelated people;
- under the current Code, there is not a provision for group residential facilities (for 10 or fewer people with disabilities); Title 22 of the Delaware Code mandates this; this is not a change, it is just making Sussex County's Code consistent with what is already in State law;
- a new provision in the Proposed Ordinance for the ability for 1 to 2 people related by blood or marriage living with an elderly or disabled adult.

Mr. Robertson stated that the proposed changes are not that significant.

Mr. Robertson stated that, during the Planning and Zoning Commission's Public Hearing, a question was raised by Mr. James Truitt regarding foster children and the number of foster children that could reside in a home. Mr. Robertson stated that this was researched and it was determined that the foster child program is regulated by the State of Delaware. Additionally, under State Law, there is no distinction between foster children, step children, adopted children or natural born children.

Mr. Robertson stated that the Proposed Ordinance would bring Sussex County up-to-date with regard to Federal and State Law requirements and it implements what the County was required to do under the Consent Decree with HUD.

The Council discussed the Proposed Ordinance.

Public comments were heard.

**Public
Hearing/
Proposed
Dwelling
Definition
Ordinance
(continued)**

James S. Truitt, Jr. of Rehoboth spoke in opposition to the Proposed Ordinance. He stated that the County is doing this because “it is the law” and he questioned “who is the law”; that this is happening because of the corrective actions required in the VCA (Voluntary Compliance Agreement) in the fair housing settlement; that there should be some negotiation/mediation/middle ground to what is going on with the definition; that he does not have a problem with the definition of dwelling as it relates to mobile home parks, etc.; that the definition of dwelling should be addressed in a separate ordinance and that single family and multi-family should be addressed in a separate ordinance; that the Chairman of the Planning and Zoning Commission told him not to worry about the proposed ordinance and that the County just has to get this done; that there are a lot of problems with the ordinance amendment; that someone may have as many foster children as they want; that Kent County has no limits in its Code; that in some homes in Rehoboth Beach Yacht and Country Club, there are 10 to 12 people living in group homes; that there would be too many people per acre; that the Proposed Ordinance will create traffic, septic, standing water, density and safety problems; that the Proposed Ordinance will affect quality of life; that investments in houses in certain pockets of communities is going to go down all over Sussex County; that the County cannot enforce existing ordinances; that the State of Delaware is discriminating against Sussex County Council and the County because other counties and municipalities don’t have to do this; that one solution is to grandfather everything in Sussex County that exists now and record it and put the new regulations on new subdivisions, mobile home parks, etc.; and that he cannot believe this is being pushed on Sussex County.

Dan Kramer of Greenwood referenced manufactured housing and he questioned if it includes single-wide and double-wide manufactured homes; that he questions why manufactured homeowners are paying taxes if manufactured homes are not considered dwellings; and he questioned if the Proposed Ordinance will allow single-wide and double-wide manufactured homes in any and all zoning districts and that he believes it will.

Mr. Robertson responded to Mr. Kramer’s question and stated that it will not and that the reason is that while the dwelling definition is proposed to include manufactured homes, elsewhere throughout the Code, it still talks about the separation of detached single family dwellings versus manufactured homes; that manufactured homes are permitted in the GR District; that in an AR-1 district, single family detached dwellings are permitted but not manufactured homes unless they meet other criteria; that in the individual zoning districts, it talks about single family dwellings, multi-family dwellings and manufactured homes; and that regarding the tax issue, taxation is not going to change as a result of the Proposed Ordinance.

Jesse Garcia of Millsboro stated that he was confused by the Proposed Ordinance; that he thought the purpose was to change the definition of dwelling to include manufactured housing; that if a manufactured home is

**Public
Hearing/
Proposed
Dwelling
Definition
Ordinance
(continued)**

not a dwelling, what are they living in; and that manufactured homes are governed by the housing rule and are taxed.

Anthony Bruce Wright of First State Community Action Agency stated that he applauds what Council and Administration is doing to ensure fair housing in Sussex County.

Paul Reiger of Georgetown referenced single-wide and double-wide manufactured homes; that he has a lot of problems with codes; that the zoning and building departments should have control over the number of people; and that the zoning department could be allowed to classify what a bedroom is.

There were no additional public comments.

Council members referenced the suggestion to separate the family definition from the dwelling definition and have two separate ordinances and referenced the possibility of grandfathering.

Mr. Robertson and Mr. Rutt discussed the potential problems with grandfathering.

Council members discussed holding the Public Hearing and public record open.

**M 477 14
Leave
Public
Hearing
Open on
Proposed
Dwelling
Definition
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to leave the Public Hearing (on the Proposed Ordinance) open for two weeks to receive further input from staff and to receive further public comment, including written comments.

Motion Adopted: 5 Yeas.

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

**Grant
Request**

Mrs. Jennings presented a grant request for the Council's consideration.

**M 478 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Grant Accounts) to Indian River High School Band Boosters for a fundraiser for trip expenses.

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

- Additional Business** Under Additional Business, Dan Kramer commented on the appointment of the Economic Development Director and he stated that he wants to know what the salary is and that this information is required to be broadcast at the time of hiring.
- M 479 14 Recess** At 12:08 p.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 480 14 Reconvene** At 1:32 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to reconvene.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea
- Rules** Mr. Rutt reviewed the Rules of Procedure for Public Hearings.
- Mr. Phillips joined the meeting.
- C/U 1992/ Applicant Not Present** Shane Abbott, Assistant Director of Planning and Zoning, announced that the Applicant (Ralph Brumbley) for the first application (Conditional Use No. 1992) was not in attendance. The Council decided to move to the next application on the agenda.
- Public Hearing/ C/U No. 1993** 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 PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS” (Tax Map I.D. 430-8.00-9.02) (Conditional Use No. 1993) filed on behalf of David J. Bosco.
- The Planning and Zoning Commission held a Public Hearing on this application on August 7, 2014 at which time action was deferred. On August 21, 2014, the Commission recommended that the application be approved with conditions.
- (See the minutes of the Planning and Zoning Commission dated August 7 and 21, 2014.)

**Public
Hearing/
C/U**

**No. 1993
(continued)**

Mr. Abbott read a summary of the Commission's Public Hearing and decision.

The Council found that Amy Robb was present on behalf of the application. She stated that she owns the property and her family owns the farmland around it; that the land is currently pasture land; that a perimeter fence exists; and that she and her family fully support the application.

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

**M 481 14
Adopt
Ordinance
No. 2367
(C/U
No. 1993)**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt Ordinance No. 2367 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS" (Conditional Use No. 1993) filed on behalf of David J. Bosco, with the following conditions:

- A. The use shall be limited to paintball and activities related to it. Sales of paintball related items shall also be permitted.**
- B. As stated by the applicant, the facility shall only be open on Saturdays and Sundays from 11:00 a.m. until 6:00 p.m.**
- C. One lighted sign shall be permitted, not to exceed 32 square feet in size per side.**
- D. As stated by the applicant, the use will only occur on the north side of the site to the left of the dwelling that is located on the property. The area used for paintball shall be entirely enclosed with netting or fencing. The Final Site Plan shall show the exact location of the area specified by the applicant for the Conditional Use.**
- E. The areas set aside for parking shall be clearly identified on the Final Site Plan and on the site itself.**
- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

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/
C/Z
No. 1755**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO MODIFY CONDITION NO. 1 AND TO DELETE CONDITIONS NO. 2 AND NO. 15 IMPOSED ON ORDINANCE NO. 1532 FOR CHANGE OF ZONE NO. 1460, THE APPLICATION OF BUNTING-GRAY, LLC FOR "THE REFUGE AT DIRICKSON CREEK", A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO INCREASE THE MAXIMUM NUMBER OF ALLOWABLE DWELLING UNITS FROM 343 UNITS TO 355 UNITS,

**Public
Hearing/
C/Z
No. 1755
(continued)**

OF WHICH NO MORE THAN 68 UNITS SHALL BE MULTI-FAMILY UNITS, AND TO ELIMINATE THE B-1 NEIGHBORHOOD BUSINESS USES PERMITTED BY ORDINANCE NO. 1532 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.3494 ACRES, MORE OR LESS” (Change of Zone No. 1755) filed on behalf of Bunting – Gray, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on August 7, 2014 at which time action was deferred. On August 21, 2014, the Commission recommended that the application be approved with conditions.

(See the minutes of the Planning and Zoning Commission dated August 7 and 21, 2014.)

Mr. Abbott read a summary of the Commission’s Public Hearing and decision.

Copies of an Exhibit Book were provided by the Applicant and distributed to the Council. Proposed Findings of Fact and Conditions were also submitted.

Shannon Carmean-Burton and John Sergovic, Esquires, Coleman Bunting and Ron Gray, partners in Bunting-Gray, LLC and Mike Wigley with Davis, Bowen and Friedel, Inc. were present on behalf of the application. They stated that, originally, 3.43 acres of the RPC were designated as B-1 and they have been unable to rent the property on a commercial basis; that in discussions with the homeowners, it was determined that it would be better suited for the project to turn this area into townhomes; that immediately contiguous to the property is a small shopping center that serves the needs of the community; that this is why they decided to seek approval for the residential use of the property for 20 townhomes; that they are proposing to amend condition #1 and to delete conditions #2 and #15 of Ordinance No. 1532; that the applicants have owned the property for over 10 years; that the original application was approved in 2002; that 3.43 acres of commercial area was set aside; that a total of 56 townhouse units are permitted; that the developers have only built 48 units; that they propose to build 20 additional units with a net increase of 12 units; that the site is in a developing area; that the proposed use is compatible to the area; that the proposed density is 1.91 units per acre; that 4 buildings with 5 units is proposed; that the revised plan doubles the amount of open space; that a 60-foot setback is proposed from Route 54; that the buildings will be 2-story with garages; that 3 parking spaces per unit are proposed; that access to the site will be from Leisure Drive; that there is no direct access to Route 54; that a concept plan has been submitted to the County Engineering Department; that the site is located within the Fenwick Island Sanitary Sewer District; that Artesian will provide central water to the site; that the site is within the Roxana Volunteer Fire Company fire protection area; that the fire department substation is 0.2 miles from the site; that the storm

**Public
Hearing/
C/Z
No. 1755
(continued)**

water management concept has been approved by the Sussex Conservation District; that the applicants are the developers of the existing residential planned community known as The Refuge at Dirickson Creek; that the subject property is identified in the rezoning approval by Ordinance No. 1532 whereby CZ #1460 was approved subject to certain conditions, including but not limited to the following (1) Conditions No. 1 which provides that the maximum number of dwelling units shall not exceed 343, of which no more than 56 shall be multi-family units; (2) Conditions No. 2 which provides the maximum area of commercial development shall be one acre per 100 dwelling units; and (3) Condition No. 15 which provides that there shall be no direct access from the commercial area onto Route 54, except from the existing entrance location serving the site; that to date, the subject property remains undeveloped; that Ordinance No. 1532 allows 56 multi-family units however only 48 units have been constructed; that the development is governed by the Declaration of Reservations, Restriction, Covenants and Easements for the development; that the subject property is identified as the commercial area and as such has separate rights from other lots and units in the development; that it is the position of the Association that the Declaration must be amended in order to change the use allowed on the site; that to change the use, a 2/3 vote must be obtained from the total number of lots and units; that trying to obtain the 2/3 vote may be difficult; that the applicants are requesting a six month time frame to obtain the necessary votes; that if the application is approved and they cannot obtain the 2/3 vote, the applicants request that the conditions revert back to those approved in Ordinance No. 1532; that the site is in an Environmentally Sensitive Developing Area; that a range of housing types are permitted in this district; that the applicants are seeking a downzoning from the approved commercial use area; that the proposed use complies with the Zoning Code; that the project is located along the Route 54 corridor where similar densities exist; the revised plan creates more open space; that DelDOT did not require a traffic impact study; that the Office of State Planning Coordination did not require PLUS review; that the Applicant's request to conditionally modify Condition No. 1 and to delete Conditions Nos. 2 and 15 imposed by Ordinance No. 1532 for Change of Zone 1460, to increase the allowable dwelling units from 343 to 355, of which no more than 68 units shall be multi-family units, and to eliminate the B-1 Neighborhood Business uses permitted by Ordinance No. 1532 is appropriate legislative action, subject to the condition that any approval shall be conditioned upon the applicant's ability to obtain the requisite number of votes of the Association members, lot owners and unit owners in the Refuge to amend the Declaration within six (6) months of adoption of the Ordinance by County Council approving this application; that in the event that this conditions is not satisfied within six (6) months of adoption of the Ordinance by County Council, the conditional amendment to Ordinance No. 1532 shall be void and Condition No. 1, as originally adopted, and Conditions No. 2 and 15, as originally adopted, shall be reinstated; that by deleting the commercial area, there will be less impervious area; that open space will double; that 277 single family lots have been sold and 48 multifamily have sold; that out of 315 property

**Public
Hearing/
C/Z
No. 1755
(continued)**

owners, 122 owners are in support of the change and 70 are opposed; that the Applicants feel that six months is enough time to obtain the owners' approval to amend the Declaration; that all owners were notified of the pending revisions; that the current market and demand contributed to the proposed revisions; that if the request is approved, 20 more owners will contribute to the homeowners' association; that the existing amenities will also be available to new owners; that 12 additional townhouses are proposed; that the Declaration and Restrictions will be amended if a 2/3 vote agrees to the change; that the proposed units will look the same as the existing units and submitted an architectural rendering of the design; that the new units' owners will become members of the homeowners' association; and that if the applicants do not obtain the approval of the County, there is no need to try to obtain approval from the homeowners association.

It was noted that an approval by the Council would be contingent on the approved amendment to the Declaration and Restrictions and that if the Applicant does not obtain approval from the Association, this application would be voided for failure to meet the conditions and Condition Nos. 1, 2 and 15 as originally adopted would be reinstated.

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

**M 482 14
Adopt
Ordinance
No. 2368/
C/Z
No. 1755**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2368 entitled "AN ORDINANCE TO MODIFY CONDITION NO. 1 AND TO DELETE CONDITIONS NO. 2 AND NO. 15 IMPOSED ON ORDINANCE NO. 1532 FOR CHANGE OF ZONE NO. 1460, THE APPLICATION OF BUNTING-GRAY, LLC FOR "THE REFUGE AT DIRICKSON CREEK", A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO INCREASE THE MAXIMUM NUMBER OF ALLOWABLE DWELLING UNITS FROM 343 UNITS TO 355 UNITS, OF WHICH NO MORE THAN 68 UNITS SHALL BE MULTI-FAMILY UNITS, AND TO ELIMINATE THE B-1 NEIGHBORHOOD BUSINESS USES PERMITTED BY ORDINANCE NO. 1532 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.3494 ACRES, MORE OR LESS" (Change of Zone No. 1755) filed on behalf of Bunting – Gray, LLC., with the following conditions:

- A. The development of the former commercial area into residential dwellings shall require site plan approval from the Sussex County Planning and Zoning Commission.
- B. The new residential area shall be interconnected with the existing residential development. No direct vehicular access to it shall occur from Route 54. It shall also be connected by sidewalks or some type of multi-modal path to the rest of the development, preferably in manner that provides the shortest and most direct walk to the rest of the development and its amenities. This shall be shown on the site plan submitted to the Planning and Zoning Commission.

**M 482 14
Adopt
Ordinance
No. 2368/
C/Z
No. 1755
(continued)**

- C. The Commission recognizes that this change in the design of the “Refuge at Dirickson Creek” will require an amendment to the project’s recorded governing documents. The Commission also recognizes that for this type of amendment, the developer or condominium or homeowners’ association likewise could not amend the governing documents without approval from Sussex County for the underlying zoning change. It is a unique situation. Therefore, as a result, it is appropriate for this amendment to Ordinance No. 1532 (as represented in this CZ #1755) to only take effect upon the recordation of an amendment to the recorded governing documents of the “Refuge at Dirickson Creek” allowing conversion from commercial to residential use within 6 months of approval of CZ #1755. Proof of recording this amendment must be provided to the Assistant Sussex County Attorney representing the Sussex County Planning and Zoning Commission within 6 months of County Council’s approval of CZ #1755. If this does not occur, CZ #1755 shall automatically be declared null and void and of no further force and effect without further action of the Sussex County Planning and Zoning Commission or the Sussex County Council, and Conditions No. 1, 2 and 15 of Ordinance No. 1532 shall be reinstated as they previously existed in that Ordinance.

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/
C/Z
No. 1756**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 13.57 ACRES, MORE OR LESS” (Tax Map I.D. # 233-5.00-135.00, 136.00, 137.01, and Part of 125.00) (Change of Zone No. 1756) filed on behalf of Delmarva Power & Light Company.

The Planning and Zoning Commission held a Public Hearing on this application on August 7, 2014 at which time action was deferred. On August 21, 2014, the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated August 7 and 21, 2014.)

Mr. Abbott read a summary of the Commission’s Public Hearing and decision.

**Public
Hearing/
C/Z**

**No. 1756
(continued)**

Copies of an Exhibit Book were provided by the Applicant and distributed to the Council. Proposed Findings of Fact were also submitted.

The Council found that Shannon Carmean-Burton, Esquire, and Chuck Moore with Delmarva Power and Light were present on behalf of the application. They stated that this is an application to amend the Zoning Map from an AR-1 and C-1 district to a CR-1 district; that the applicants are proposing to expand their existing district office and to provide additional storage area of utility related equipment, vehicles, and materials; that an Exhibit Booklet was submitted; that the rezoning application is for 4 parcels total; that the district office has been in use since 1971; that the other parcels were purchased in 2002, 2007 and 2013; that the site will be used as one parcel; that they propose to continue to use the property and not offer it for sale; that there are not opposed to combining the parcels into 1 but prefer to keep them as separate parcels; that the intent is to bring the parcels into compliance from a zoning perspective and to expand the existing facility to better serve their customers and to increase safety measures; that there is an existing entrance off of Route 113; that they have talked with DelDOT about a new entrance further from the intersection for DP&L vehicles; that a new entrance is not required; that the site is located within an area identified by the Sussex County Comprehensive Plan Update June 2008 as a growth area and specifically a Town Center district; that smaller scale, low impact industrial uses are permitted; that the rezoning is appropriate and compatible to the area; that the proposed rezoning is in character with surrounding zoning; that the property is located in close proximity to large-scale commercial uses; that there will not be any detrimental impacts to adjoining properties or the area; that U.S. Route 113 is a major arterial roadway which supports CR-1 zoning; that a Traffic Impact Study was not required at this time; that the applicants went through the Preliminary Land Use Service (PLUS); that the site is in an Investment Level 2 Area according to the State; that there are no known archaeological sites on the subject site; that there are no regulated wetlands on the site; that the applicants responded to the PLUS comments; and that the proposed rezoning is an appropriate legislative action.

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

**M 483 14
Adopt
Ordinance
No. 2369/
C/Z
No. 1756**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to Adopt Ordinance No. 2369 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 13.57 ACRES, MORE OR LESS” (Change of Zone No. 1756) filed on behalf of Delmarva Power & Light Company.

Motion Adopted: 5 Yeas.

M 483 14
(continued)

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

Scheduled Public Hearing on C/U No. 1992

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 A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (Tax Map I.D. 235-7.00-44.00) (Conditional Use No. 1992) filed on behalf of W. Ralph Brumbley.

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.

M 484 14
Defer
Action on
C/U 1992

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer action on Conditional Use No. 1992 for two weeks and to place the application on the October 21st Agenda under Old Business.

The Council discussed the Proposed Motion and other options.

MOTIONS WITH-DRAWN

Mr. Abbott referenced Sussex County Code, §115-216.F, which states 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.”

Mr. Phillips and Mr. Wilson withdrew their Motions.

M 485 14
Deny
C/U 1992

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to deny Conditional Use No. 1992 filed on behalf of W. Ralph Brumbley due to the lack of a record.

Motion Adopted: 3 Yeas, 2 Nays.

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

M 486 14
Adjourn

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:47 p.m.

Motion Adopted: 5 Yeas.

M 486 14
(continued)

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

DRAFT

ENGINEERING DEPARTMENT

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



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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

October 06, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) -
PHASE 3-3
AGREEMENT NO. 516 - 5

DEVELOPER:

Mr. Bobby Horsey
HKS 4 LLC
28107 Beaver Dam Branch Road
Laurel, DE 19956

LOCATION:

South side County Road 336 East of County Road
335A...Marina at Piney Neck Road.

SANITARY SEWER DISTRICT:

Dagsboro/Frankford Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Single Family Subdivision. 25 Lots in this phase

SYSTEM CONNECTION CHARGES:

\$170,000

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/10/14

Department Of Natural Resources Plan Approval
3/31/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin And Construction Inspection Cost – \$10,238.25
Proposed Construction Cost – \$68,255.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

October 06, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
COASTAL CLUB - PUMP STATION AND FORCE MAIN
AGREEMENT NO. 984 - 1

DEVELOPER:

Mr. Preston Schell
Coastal Club LLC
20184 Phillips Street
Rehoboth Beach, De 19971

LOCATION:

+/-3,000' South east of intersection between
Beaver Dam Rd. & Jimtown Road

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

Pump Station & Force Main

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/02/14

Department Of Natural Resources Plan Approval
07/14/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 270

Construction Admin And Construction Inspection Cost – \$82,335.56

Proposed Construction Cost – \$548,903.75


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



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Memorandum

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

FROM: Todd F. Lawson 
County Administrator

RE: **REDDEN RIDGE SUBDIVISION BONUS DENSITY**

DATE: October 10, 2014

During Tuesday's meeting, I am scheduled to discuss the Redden Ridge Subdivision Bonus Density purchase.

Since the County has not received a density purchase during my tenure, I asked our staff and counsel to prepare the attached memorandums.

Please let me know if you have any questions.

TFL/sww

Attachments

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



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
IRWIN G. BURTON, III
MICHAEL B. JOHNSON
MARTIN L. ROSS
RODNEY SMITH



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LAWRENCE B. LANK
DIRECTOR

To: Todd Lawson
County Administrator

From: Shane Abbott
Assistant Director

Date: October 8, 2014

RE: Subdivision #2013 – 8
Redden Ridge Subdivision

Please be advised that on September 25, 2014 the Sussex County Planning and Zoning Commission granted final record plan approval for the Redden Ridge Subdivision. This is an 85-lot cluster subdivision application. 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 \$300,000.00 payment to the County.



MEMORANDUM

TO: Todd F. Lawson, County Administrator
Michael H. Vincent, President, Sussex County Council
Gina A. Jennings, Finance Director
Lawrence B. Lank, Director of Planning & Zoning
Shane Abbott, Deputy Director of Planning & Zoning

FROM: J. Everett Moore, Jr., Sussex County Attorney

CC: Vincent Robertson, Esquire, Assistant Sussex County Attorney

DATE: September 29, 2014

RE: Bonus Density Incentive Procedure

The purpose of this memorandum is to clarify the process for density incentives being offered to developers in Sussex County which, for a set fee and compliance with other conditions, allows developers additional housing density in areas classified as town centers, developing areas or environmentally sensitive areas.

I have attached a copy of Ordinance No. 1920 which was adopted on July 31, 2007. This was codified in the County Code in Chapter 115, Article IV, § 115-22. It adds multi-family dwelling structures and/or townhomes as a possible Conditional Use in AR-1 districts and defines the requirements to qualify for the density incentive. There is no additional public hearing required. The developer would apply for the density incentive as part of the conditional use application which would go through the regular Conditional Use hearing process. The County Administrator can authorize expedited review of any application filed under this provision. 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), a copy of which is attached.

With respect to use of the funds received, the intent is that they be earmarked for the purchase of open space. Sussex County Code, § 115-22B. Prior to entering into a contract for the purchase of land or a conservation easement for open space, Council must approve it by 4/5th vote and ensure that the property is located in the same watershed areas as land where the bonus density is located. Sussex County Code, § 115-22C. Sussex County controls the funds received and, at Council's discretion, "the Sussex County Land Trust may act as a recommending body and/or partner." Sussex County Code, § 115-22D. This provision also provides that the minimum amount of land "to be set aside as common open space shall be 40% of the total land area included in the

application" (Sussex County Code, § 115-22F) and sets forth specifications regarding vegetated buffers (Sussex County Code, § 115-22G).

I have also attached a copy of Ordinance 1842 which was adopted on April 4, 2006. This was codified in the County Code in Chapter 115, Article IV, § 115-25 and addresses bonus density incentives for subdivision approval of a cluster development located in town centers, developing areas or environmentally sensitive areas. Again, there is no requirement for an additional hearing. The developer would apply for the density incentive as part of the subdivision process and must tender the required fees to be used toward "open space preservation/active and passive recreation areas." Sussex County Code, § 115-25B(3). As with the Conditional Use provision, there are similar requirements with respect to the Council's control of the funds received and approval required before purchasing land or a conservation easement. Sussex County Code, § 115-25F(3)(d).

RESOLUTION

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 CR285 (BEAVER DAM ROAD) INCLUDING BUT NOT LIMITED TO THE COASTAL CLUB & ELKS LODGE #2540, BEING SITUATE IN SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County by and contiguous to the WRSSD, the inclusion of these parcels will be beneficial; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby revises the boundary of the WRSSD to include Goslee Creek Planning Area #1, Parcels

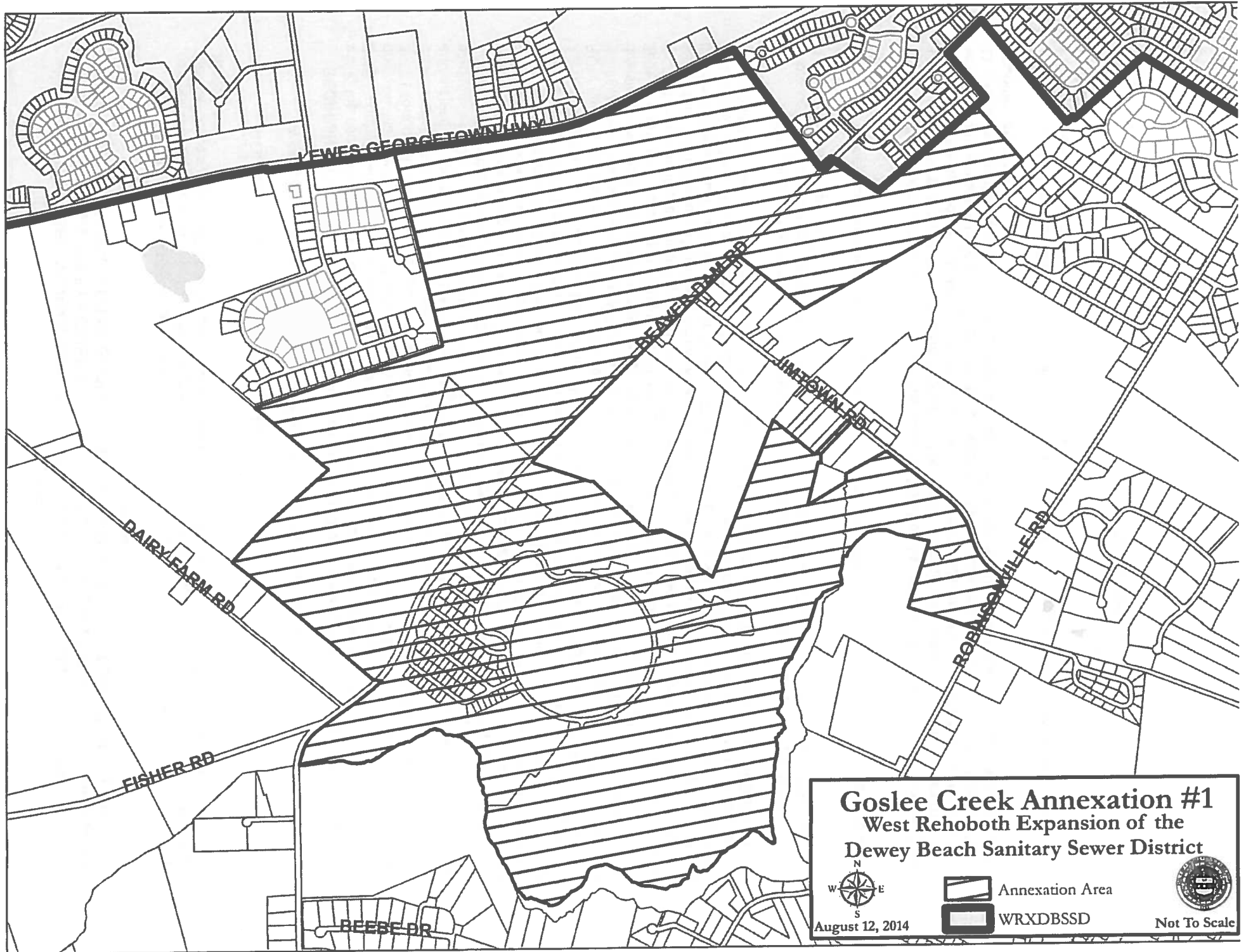
along CR285 (Beaver Dam Road) including the Coastal Club & Elks Lodge #2450, as follows:

BEGINNING at a point located ± 530 feet southeast of the intersection of private road Jolyns Way and County Road 279 (Camp Arrowhead Rd), said point being a point on the boundary of the existing Angola Neck Sanitary Sewer District and a point on the westerly Right-of-Way (ROW) of Camp Arrowhead Rd; thence proceeding by and with said ROW in a northwesterly ± 2700 feet to a point, said point being the southeasternmost corner of lands N/F of Robert Roland Hill Jr; thence proceeding by and with said lands of Hill in the following directions and distances: southwesterly ± 1145 feet, northwesterly ± 640 feet and northeasterly ± 265 feet to a point, said point being on the southerly ROW of State Route 24 (John J. Williams Hwy.); thence crossing said ROW in a northwesterly direction ± 200 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte Hart; thence proceeding by and with said lands of Hart in the following directions and distances: southwesterly ± 155 feet, northwesterly ± 115 feet, northeasterly ± 123 feet, northwesterly ± 588 feet, and northeasterly ± 30 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte & Sharon Hart; thence proceeding by other lands of Hart in the following directions and distances: northwesterly ± 600 feet and southwesterly ± 315 feet to a point, said point being the southeasternmost corner of lands N/F of Rose M Bryan; thence by and with said lands of Bryan in the following directions and distances: northwesterly ± 488 feet and northeasterly ± 568 feet to a point, said point being the westernmost corner of lands N/F of Samuel & Diane Cooper; thence proceeding by and with said lands of Cooper in the following directions and distances: southeasterly ± 1236 feet and easterly ± 1900 feet to a points, said point being along the westerly mean low water line of Love Creek; thence

proceeding by and with said mean low water line in the following directions and distances: northeasterly ± 265 feet and southeasterly ± 4050 feet to a point, said point being the northeasternmost corner of lands N/F of MIGC Realty LLC and a point along the existing ANSSD boundary; thence by and with said boundary in a southwesterly direction ± 3560 feet to a point, said point being that of the **BEGINNING**.

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

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



Goslee Creek Annexation #1
West Rehoboth Expansion of the
Dewey Beach Sanitary Sewer District



August 12, 2014



Annexation Area

WRXDBSSD



Not To Scale

RESOLUTION

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.

WHEREAS, Sussex County has established the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County by and contiguous to the WRSSD, the inclusion of these parcels will be beneficial; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby revises the boundary of the WRSSD to include Goslee Creek Planning Area #2, Parcels

along Cedar Grove Road, Mulberry Knoll Road & SR24 (John J. Williams Highway), as follows:

BEGINNING at a point situate on the westerly right of way (ROW) of County Road 283A (Ward Road), said point being the southwesternmost corner of lands now or formally (N/F) of Miriam Brownlowe, thence following said ROW 3195± northeasterly to a point, said point being the northwesternmost corner of lands N/F of JG Townsend and a point on the southerly ROW of County Road 283 (Cedar Grove Road), thence following said ROW northeasterly 5950± to a point, said point being a point on said ROW, the northwesternmost corner of lands N/F of Joseph & Jane Sayers, and other lands of JG Townsend, thence following said other lands of JG Townsend the following directions and distances; southeasterly 100± feet, northeasterly 910± feet, southeasterly 1610± feet, southwesterly 1550± feet, southeasterly 195± feet, southwesterly 1860± feet to a point, said point being the intersection of said lands of JG Townsend and the northerly ROW of County Road 284 (Mulberry Knoll Road), thence crossing said ROW 50± in a southwesterly direction to a point, said point being a point on the southerly ROW and a point on the boundary of other lands of JG Townsend, thence continuing with said other lands of JG Townsend the following directions and distances; southeasterly 1295± feet, southwesterly 200± feet, southeasterly 140± feet, southwesterly 250± feet, southeasterly 1190± feet to a point, said point being the southwesternmost corner of said lands N/F of George & Adrienne Madison and a point on the northern ROW of SR 24 (John J Williams Highway), thence by and with said ROW in a southwesterly direction 2940± feet to a point, said point being a point on the said ROW and the southwesternmost corner of lands N/F of Jay & Dawn Beach, thence following said lands of Beach the following directions and distances; northwesterly 1590± feet, northeasterly 770±

feet, southeasterly 290± feet, northeasterly 660± feet to a point, said point being the northwesternmost corner of said lands of Beach and a corner of said lands of JG Townsend, thence following said lands of JG Townsend the following directions and distances; northeasterly 1280± feet, northwesterly 1590± feet, southwesterly 6280± feet, northwesterly 2090± feet to a point, said point being the southeasternmost corner of other lands N/F of Miriam Brownlowe, thence with said lands of Brownlowe northwesterly 790± feet, to a point, said point being the southwesternmost corner of other lands of Brownlowe, thence following said lands of Brownlowe northwesterly 175± feet to a point, said point being that of the **BEGINNING.**

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

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

Goslee Creek Annexation #2

West Rehoboth Expansion of the
Dewey Beach Sanitary Sewer District



August 12, 2014

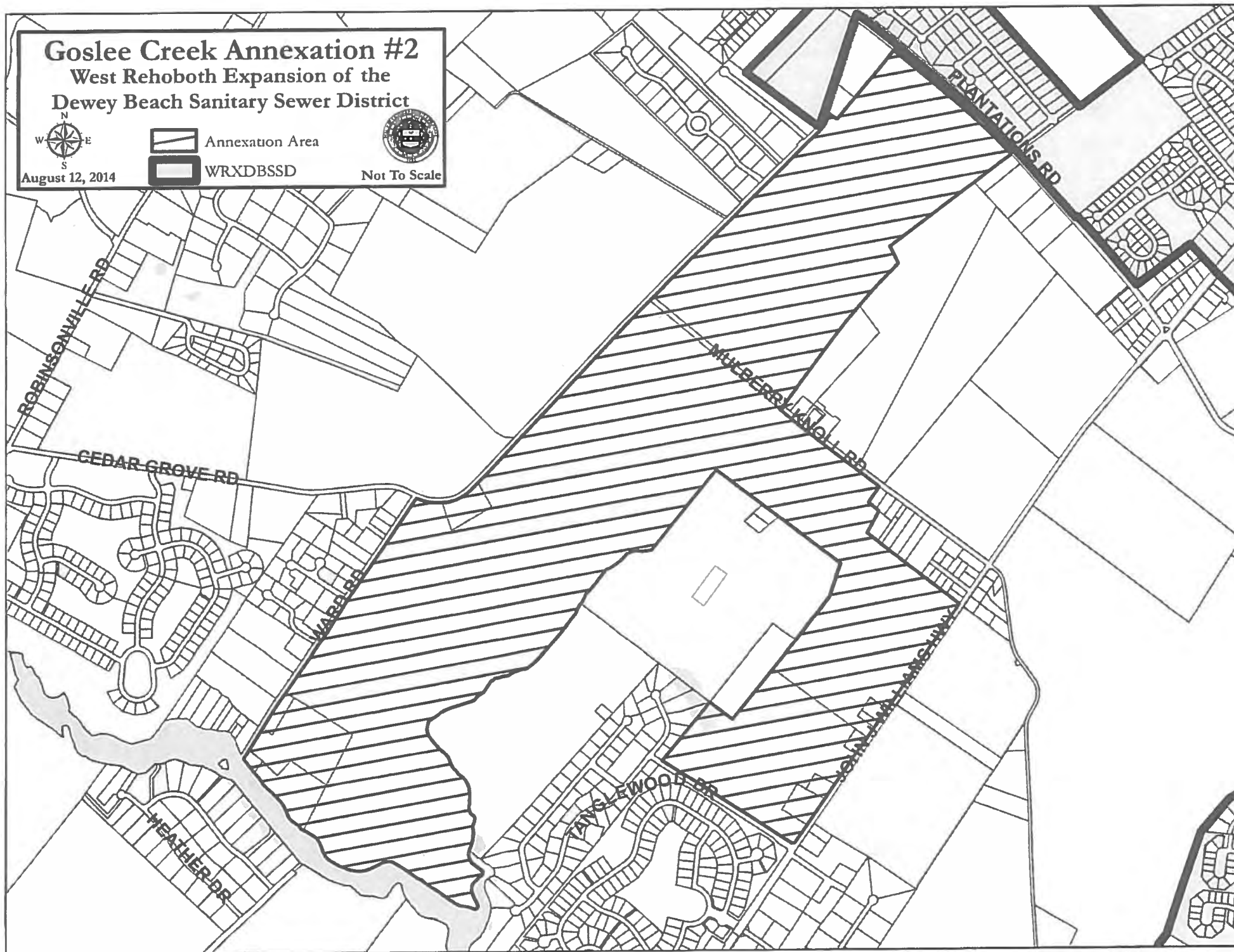


Annexation Area

WRXDBSSD



Not To Scale



RESOLUTION

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.

WHEREAS, Sussex County has established the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County by and contiguous to the WRSSD, the inclusion of these parcels will be beneficial; and

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

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

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

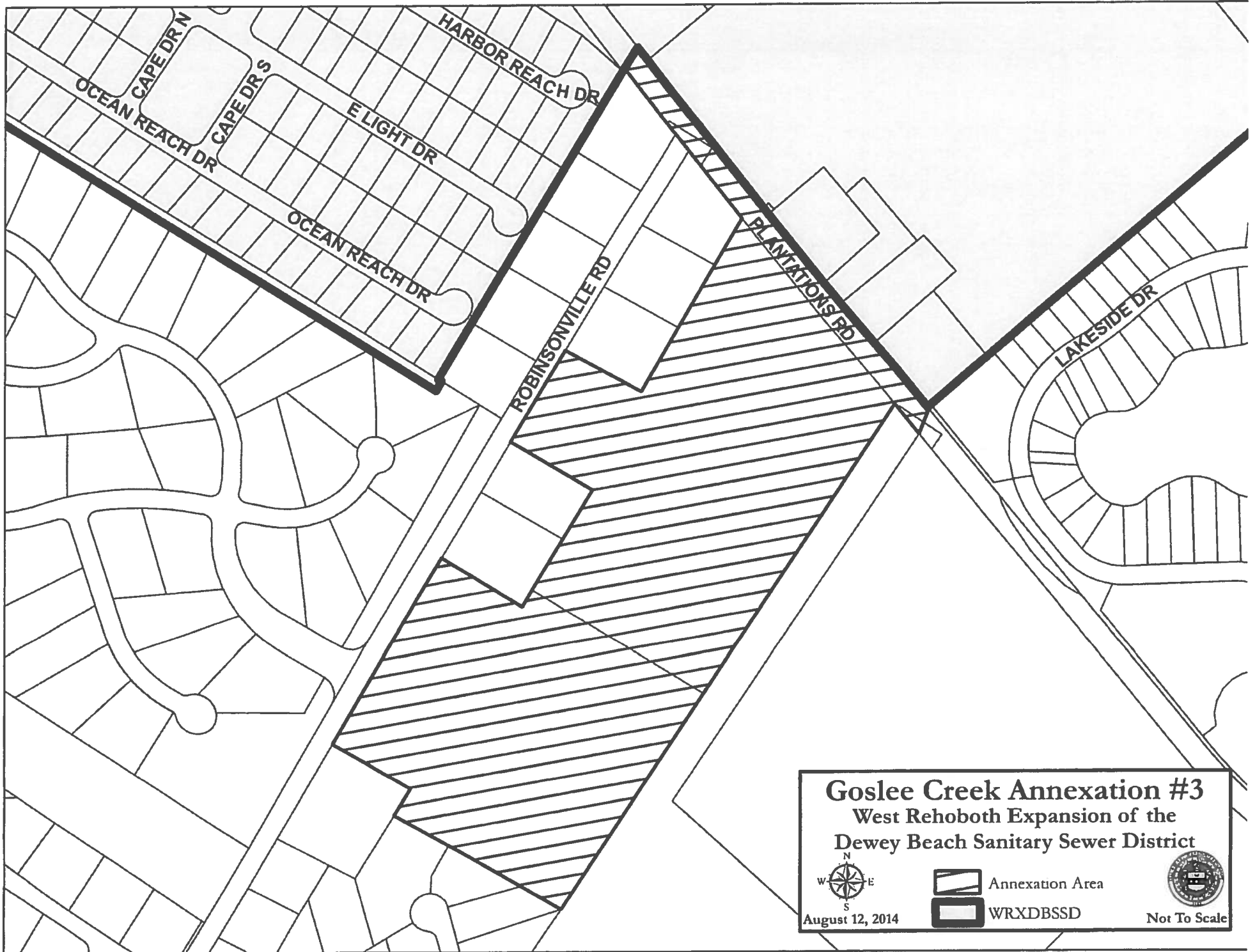
NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby revises the boundary of the WRSSD to include Goslee Creek Planning Area #3, Parcels 334 – 6.00-551.01 & 552.00, as follows:

BEGINNING at a point situate on the westerly right of way (ROW) of County Road 277 (Robinsonville Road), said point being approximately 1760± feet southwest of the intersection of Robinsonville Rd and County Road 275 (Plantations Road) and the southwesternmost corner of lands now or formally (N/F) of David K Edwards, thence following said lands of Edwards the following directions and distances; southeasterly 230± feet, southwesterly 80± feet, southeasterly 500± feet, northeasterly 665± feet to a point, said point being the northeasternmost corner of said lands of Edwards, and the southeasternmost corner of lands N/F of Billie Lynn Thompson, Trustee, thence following said lands of Thompson in a northeasterly direction 890± feet to a point, said point being the northeasternmost corner of said lands of Thompson and a point on the southerly ROW of Plantations Road, thence following said ROW 100± southeasterly to a point, said point being the intersection of lands N/F of Howard L Ritter & Sons, Inc. and Tidewater Environmental Services, Inc., thence crossing said ROW in a northeasterly direction 60± feet to a point, said point being the southeasternmost corner of lands N/F of Irene E Dickerson and a point on the existing boundary of the West Rehoboth Sanitary Sewer District (WRSSD), thence by and with said WRSSD boundary the following directions and distances; northwesterly direction 1160±, southwesterly 60± feet to a point, said point being the northwesternmost corner of lands N/F of James & Marie Taylor and a point on the southerly ROW of Plantations Road, thence following said ROW in a southeasterly direction 495± feet to a point, said point being the northwesternmost corner of said lands N/F of Thompson, thence following said lands N/F of Thompson the following directions of and distances; southwesterly 520± feet, northwesterly 225± feet, southwesterly 235± feet, southeasterly 220± feet, southwesterly 302± feet to a point, said point being the intersection of said lands N/F of Thompson and said lands N/F of

Edwards, thence following said lands of Edwards the following directions and distances; southwesterly 50± feet, northwesterly 215± feet, southwesterly 800± feet to a point, said point being that of the **BEGINNING**.

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

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





September 26, 2014

Mr. George Cole
Sussex County Council
ATTN: Mr. George Cole
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Mr. Cole,

I thank you for taking the time to meet recently with Richard Merriwether and Tom Foster from our Rehoboth Beach Lions Club. The Rehoboth Beach Lions have been serving the needs of the Rehoboth Beach community since 1946 through its many charitable projects. With few exceptions we raise the money ourselves to support these projects and financial donations to worthy organizations.

We established a goal this year of supporting West Side New Beginnings in their efforts to provide educational and civic training and involvement for the youth of West Rehoboth. A major need of this organization is a replacement van to provide transportation of the youth to various sites to help expand their knowledge and appreciation of life beyond West Rehoboth. Our Rehoboth Beach Lions Club budget is not able to make a substantial contribution to this goal. We are respectfully asking for a councilmanic grant in the amount of \$5,000.00 to help with acquiring a transportation van for West Side New Beginnings. We do hope that by partnering with both public and private organizations we can together make this a reality. Thank you for your consideration of this request.

Respectfully,

A handwritten signature in cursive script that reads 'Guyla Brinckmeyer'.

Guyla Brinckmeyer
President, Rehoboth Beach Lions Club
lionguyla@aol.com
(302) 227-8752



Fenwick Island Lions Club

"We Care. We Serve. We Accomplish."



President

King Lion
Bruce Schoonover
302-539-2043

September 22, 2014

1st VP

PP Don Stewart
302-537-0338

2nd VP

Lion Fred Moreland
302-988-1438

3rd VP

PRC Fran Pretty
302-436-1773

Secretary

Lion Theresa Pitman
302-539-5280

Sussex County Council
Attn: County Councilman Vance Phillips
P. O. Box 589
Georgetown, DE 19947

Treasurer

Lion Bill Neimiller
410-250-4447

Dear Councilman Phillips:

Membership

Lion Muriel Mooney
302-436-8216

Fall has arrived and it's time to plan the Selbyville Halloween Parade. The Fenwick Island Lions Club is sponsoring it again because we believe that this family fun-filled community event is an important tradition to continue. It is scheduled for Wednesday, October 29th at 7:00 p.m.

FILC

37232 Lighthouse Rd
Suite 109
West Fenwick Island
DE, 19975
www.filc22d.org

The Lions motto is **WE SERVE**. In addition to the Selbyville Parade, we awarded \$10,000 in scholarships to graduates of the Indian River High School, contributed money to Camp Barnes to replace mattresses and bought glasses and hearing aids for those who could not afford them. Lions are known for their vision programs and we screened over 600 children in the area as well as the Veterans and their families.

Lions Clubs

International

Multiple District 22
District 22 D
Region 3
Zone 2

You and the Sussex County Council have supported us in the past and we hope you will help us this year to continue the tradition of the Halloween Parade as well as provide needed services such as the ones described above to the communities shown at the bottom of this letter. ***Every dollar that the Lions raise goes back into the community.*** Your consideration of our request is greatly appreciated.

Sincerely,

Fran Pretty
Parade Chair



Christian Storehouse

149 Mitchell Street
P.O. Box 239
Millsboro, DE 19966
302-934-8151
Fax 302-934-8189

10-06-14

To Sussex County Council President and Members,

My name is Linda Draper. I am the manager of the Christian Storehouse at 149 Mitchell St. Millsboro De. I am writing to you today to apprise you of our organization, what we do and the people we serve.

We are a non profit 501-C3 community outreach and resource center.

We offer much needed assistance to those in our County who are in need of such things as food, clothing as well as a wide range of financial assistance to help with housing, medical, utilities and other issues that are determined on a case by case bases. We also donate clothing and furniture as well as household items as needed. We are in our 23rd year.

The areas we service include all of Millsboro, including Long Neck, Oak Orchard, Hollyville, Harrbison, Angola, Lewes, Rehobeth, Bethany, Finwick Isle., Ocean View, Selbyville, Gumboro, Georgetown and more.

With the forecast for an unusually harsh winter, I would like to petition the Council to consider a spot on the agenda for your next meeting to address the need for financial support as we strive to meet the ever growing need in our County.

Thank you for your consideration

Respectfully,

Linda Draper 302-745-3502

PUBLIC HEARINGS

October 14, 2014

This is to certify that the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for 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.

Conditional Use #1994 – Robert Wilkerson

Application of **ROBERT WILKERSON** to consider the 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, land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (911 Address – None Available) (Tax Map I.D. #2-35-22.00-18.09).

The Commission found that the Applicant had submitted a copy of the survey of the property depicting the garage as existing on the property.

The Commission found that DelDOT provided comments on February 6, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended, and that the current Level of Service “C” of Cave Neck Road (Route 88) will not change as a result of this application proposing to utilize the property for auto repair.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 20, 2014 in the form of a memorandum which reference that the property is not located in a County operated or maintained sanitary sewer and/or water district; that the property is located in the North Coastal Planning Area; that an on-site septic is proposed;

that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised that Commission that the Department has received six (6) letters and/or emails in opposition to this application and provided the Commission with copies to review.

The Commission found that Robert Wilkerson was present and stated in his presentation and in response to questions raised by the Commission that he is proposing to use an existing garage on the property for an auto repair shop; that the activity is mostly a hobby; that he takes care of vehicles owned by family members and friends; that he does not charge fees; that he has received some donations for some of his work; that he has been utilizing the site for this purpose for approximately 5 years; that waste oils are pickup and handled by a waste oil handler; that parts removed from vehicles are disposed of or hauled away to salvage yards; that he does not want to have more than 10 vehicles on the site at any one time; that there are no other businesses in the area; that the area is predominantly residential and agricultural; that his normal business hours are from 8:30 a.m. to 5:00 p.m. Monday through Saturday; that there are no sanitary facilities on the site; that there are no vehicles for sale on the site; that he does offer any towing services; that he does not offer any repossession storage; that the service is needed in the area; that his father owns the property; and that his family owns the adjacent acreage as the Holland Family Land Corp.; that he has five or six people to and from the site daily; that he has no employees; that the building has a concrete floor; that he uses oil dry if any spill occurs; that he utilizes a parts cleaner system for cleaning parts; that there is no water on site; that security lighting exists; that he has an approved business license; and that he does not have a car lift in the shop, but utilizes jacks and jack-stands to service vehicles.

The Commission found that Ardie Bolden and Leeland Harmon, Jr. were present and spoke in support of the application stating that they have no objection to the application; that the site is well maintained; that there is little to no noise; that the site is clean, near and the grass is cut; that the applicant has been a good neighbor and is a good worker; and that he does a good job repairing vehicles and lawn mowers.

The Commission found that Nicki Trigg, Maureen Gosparik, Norma Jean Boudah, Roger Beaudin, Megan Stevens, Ben Cavaliere, Beverly Delli Santi, Debbie Kurpinski, and Ken Kurpinski were present and spoke in opposition to this application expressing concerns that there are normally 20 or more vehicles on the site; that there is heavy pedestrian activity on the site; that they do not support the need for an auto repair shop in the area; that the site is unsightly and an eyesore; that there are no restroom facilities; that power tool noises are disturbing; that the applicant has been in business for several years without any approvals; that tires have been stacked along the building; that the area is residential; that recently a convenience store application was denied near this site due to the residential area; that there are a large number of people coming and going to the site; that the lot does not have a septic system; that there is no hazardous materials waste report for review; that the entrance has not been built to State specification; that they purchases because the area is residential; that the intersection of Cave

Neck Road, Hudson Road, and Sweetbriar Road is very dangerous; that the use is not compatible with the residential area surrounding the site; and that the area should remain residential and agricultural.

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

On August 21, 2014 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

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

Mr. Johnson stated that he was prepared to make a motion, but asked if the other Commissioners had any comments.

Mr. Smith stated that the site is an appropriate location for an auto repair shop to serve the area based on some of the support heard during the public hearing.

Mr. Ross agreed with Mr. Smith's comments.

Mr. Burton stated that he would be abstaining from participating in the discussion and vote since he was not present during the public hearing.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1994 for Robert Wilkerson for an automobile repair shop based on the record made during the public hearing and for the following reasons:

- 1) Contrary to some of the statements made during the public hearing, this is not a conversion to a commercial or business zoning district. The use will be specific, with conditions and limitations placed upon it. Like any conditional use, if these requirements are violated, the conditional use can be terminated.
- 2) The use is relatively small in scope. If there was a home on this property, it is a small enough of a use with no employees that it is similar to a home occupation.
- 3) While there are some relatively new developments in this area, it is still a predominantly rural agricultural/residential area.
- 4) The use is adjacent to a much larger parcel owned by the applicant's family.
- 5) Although there was some opposition to this application, I am satisfied that these issues can be addressed through appropriate conditions.
- 6) I do not believe this use adversely affects traffic in the area.
- 7) With the conditions and limitations placed upon this use, it will not adversely affect neighboring properties or the community.
- 8) The use provides a benefit to Sussex County residents by providing a convenient location for automobile services.
- 9) This recommendation is subject to the following conditions:
 - A. The use shall be limited to the existing structure on the property. No additional structures will be permitted.
 - B. The use shall be operated solely by the applicant. As stated by the applicant, there shall not be any other employees associated with the business.
 - C. No outside repairs shall be permitted.

- D. No junked, unlicensed or unregistered vehicles, trucks or trailers shall remain on the property for longer than six (6) months.
- E. No more than ten (10) vehicles, trucks or trailers shall be located outside at any one time.
- F. The use shall include porta-toilet facilities. The nature and location of these facilities shall be shown on the Final Site Plan and shall be screened from neighboring properties.
- G. There shall not be any outside storage of vehicle parts, equipment, scrap, or similar materials.
- H. There shall not be any vehicle sales occurring on the site.
- I. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.
- J. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- K. One unlighted sign, not to exceed 32 square feet in size per side, shall be permitted.
- L. The areas for outside vehicles shall be shown on the Final Site Plan and clearly marked on the site itself.
- M. 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.
- N. The hours of operation shall be between 8:30 am and 5:00 pm, Monday through Saturday.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. 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 and with the conditions stated. Motion carried 4 – 0, with Mr. Burton abstaining since he was not present during the public hearing.

Conditional Use #1995 – Adele H. Fluharty

Application of **ADELE H. FLUHARTY** to consider the 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, land lying east of Road 279 (Camp Arrowhead Road), 260 feet south of Road 279A (Waterview Road) (911 Address: 22379 Camp Arrowhead Road, Lewes, DE) (Tax Map I.D. # 2-34-12.00-84.00).

The Commission that the Applicant had submitted a survey of the property depicting the existing dwelling and related out buildings, and existing gravel lane.

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated May 28, 2014, referencing that a traffic impact study was not recommended, and

that the current Level of Service “C” of Camp Arrowhead Road will not change as a result of this application.

The Commission found that County Engineering Department Utility Planning Division provided comments in the form of a memorandum on August 20, 2014 referencing that the property is located in the Angola Neck Planning Area; that sewer service has not been extended to the parcel; that the proposed business will use an on-site septic system; that when the County does provide sewer service, a connection to the system is mandatory; that the County does not have a firm schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that this application was filed after receipt of a Violation Notice from the Department for the business operating from the property.

Mr. Lank advised the Commission that one (1) letter was received in support of the application and that four (4) letters and/or emails were received by the Department in opposition to this application and provided copies for the Commission to review.

The Commission found that Clint Fluharty was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he proposed to use this site for his excavating company; that the site has been utilized for family run businesses since 1973; that in 1973 his father started a masonry business at this site; that in 1997 he started his excavating company at the site; that in 1999 he changed the name of the business to “Dirt Works”, still an excavating company; that the Sussex Conservation District just completed an inspection of the site and voiced no objection to the continued use of the building since it was constructed prior to the Delaware Sediment and Stormwater Regulations of 1991; that the District voiced no objection to the construction staging area/work shop at the site; and that the District noted that there does not appear to be any discharge from the site; that the company has 15 employees; that the family run businesses have successfully grown; that the two (2) buildings on the site are for vehicle storage and supply storage; that the site is used for storage of equipment, materials and trucks; that major maintenance of the trucks and equipment are performed off-site; that normal business hours are from 7:00 a.m. through 3:00 p.m. or 6:00 p.m. depending on the jobs; that the only noise from the site should be truck noise; that the site is mostly surrounded by woods; that a portion of the site has recently been cleared and thinned to provide more room to park and turn equipment and trucks; that a well drilling business, another excavation service company, and a towing service are in close proximity to the site; that the site is owned by his mother and that he lives on an adjacent parcel fronting on Waterview Road; that he has one wrecked vehicle on the site that they use for parts since he has similar trucks still in service; that there are two (2) fuel storage tanks on the site; that Waste Industries picks up all of the trash every Wednesday; and that he does have a porta-toilet on the site.

The Commission found that Terry Simmons, a resident of Waterview Road, spoke in support of the application and stated that the business has no impact on the area; and that he has lived four (4) properties from the site for four (4) years and has no objections.

The Commission found that Baron Stevenson, Connor Paulik, and Richard Jennings, employees of the applicant, spoke in support of the application and stated that the business is run with a family atmosphere with good dedicated employees; that the majority of the work is lot clearing and site work; that the business is well run; and that noise is at a minimum, typically only truck engine/exhaust noises.

The Commission found that Joe Weiser, an area resident, spoke in opposition to the application stating that he lives across the road from Mr. Fluharty; that the business has expanded; that sometimes activities on the site start at 6:00 a.m.; that he is concerned about dust, engine noise, the loading of equipment and material noises; that he is concerned about spillage of fuels and oils creating an environmental concern; that he has lost a sound barrier by the removal of the trees; that in the winter, the truck noises are more obvious; that other site outside of a residential area are available; that he questions the number of vehicles; and that he questions if sub-contractors utilize the site.

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

On August 21, 2014 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

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

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1995 for Adele H. Fluharty for an excavating company storage of equipment and office based upon the record made during the public hearing and for the following reasons:

- 1) The use is an existing one that has grown from a very small business on the applicant's property where the applicant's family resides. Based on this growth, a conditional use is required.
- 2) The property is well-maintained, and the area of the business is screened from view.
- 3) Although there was some opposition to this application, the issues can be resolved through conditions placed on the approval.
- 4) I do not believe this use adversely affects traffic in the area.
- 5) The use is generally across the road from a similar, yet more visible, conditional use for a well drilling operation.
- 6) With the conditions and limitations placed upon this use, it will not adversely affect neighboring properties or the community.

- 7) The use provides a benefit to Sussex County residents by providing a convenient but screened location for excavating services on a property owned by the applicant.
- 8) This recommendation is subject to the following conditions:
 - 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.

Motion by Mr. Johnson, seconded by Mr. Ross, 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 and with the conditions stated. Motion carried 4 – 1, with Mr. Burton abstaining since he was not present during the public hearing.

Conditional Use #1997 – Skipjack, Inc.

Application of **SKIPACK, INC.** to consider the 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, land lying northwest corner of DuPont Boulevard (U.S. Route 113) and East Piney Neck Road (Road 329) (911 Address: None Available) (Tax Map I.D. #133-11.00-1.00).

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

The Commission found that on September 12, 2014 the applicants provided an Exhibit Booklet which contains a site plan of the proposed facility; a location map of the proposed facility and proximity to other business uses; a color rendering of the proposed office/warehouse building with proposed signage; photo examples of compressed natural gas (CNG)/propane fueling stations; letters of support from the local community and map of nearby supporters; suggested proposed Findings of Fact for consideration; and suggested proposed Conditions of Approval for consideration.

The Commission found that DelDOT provided comments, dated January 30, 2014 and September 19, 2014, in the form of letters and a Support Facilities Report referencing that the subject property is located adjacent to U.S. Route 113 and is subject to the Department's Corridor Capacity Preservation Program; that the property is located within a Level 3 Investment Area according to the State Strategies; that the property owner can develop a rights-in/rights-out access to U.S. Route 113 for a site generating an average of 200 vehicle trips per day; that the property owner can develop a full access to East Piney Grove Road (Road 329); that a Traffic Impact Study is not recommended; and that the current Level of Service "C" of U.S. Route 113 will not change as a result of this application; and that the current Level of Service "A" of East Piney Grove Road may change to a Level of Service "B".

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 19, 2014 in the form of a memorandum referencing that the property is located in the Western Sussex Planning Area #5; that the use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on September 19, 2014 referencing that there are five soil types on this property; that the developer shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that on-site drainage improvements may be necessary; and that a tax ditch/branch may be affected, and all considerations/activities should be taken to minimize any impacts on the ditch/branch.

The Commission found that Mark Dunkle, Esquire with Parkowski, Guereke & Swayze, P.A. was present on behalf of the applicants with Garth Jones, Professional Engineer with Becker Morgan Group, Shane Breakle, David DeCard and Ron Patrick of Chesapeake Utilities, and that they stated in their presentations and in response to questions raised by the Commission that Skipjack, Inc. is a subsidiary of Chesapeake Utilities; that the use intended is for a Compressed Natural Gas/Propane vehicle fuel dispensing facility, commercial propane sales and storage, with offices and warehousing; that this type of facility is new to the area since they are preparing 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, and others; that there are two Conditional Use locations on East Piney Grove Road and referenced a storage facility and a truck repair; 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 some suggested 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 are 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 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 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 a 6-foot high chain-link fencing; and that security lighting and security cameras will be installed.

The Commission found that Terry Timmons was present in support of the application and stated that natural gas will be a benefit to the County and the general area once available.

The Commission found that Ray Hopkins was present in support of the application and stated that he was present to support the creation of more jobs for County residents.

The Commission found that there were no parties present in opposition to the 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 Conditional Use #1997 for Skipjack, Inc. for a commercial propane/storage and CNG/propane dispensing office/warehouse based upon the record made during the public hearing and for the following reasons:

- 1) The use is located along Route 113, which is a major highway in Sussex County. This is an appropriate location for the proposed use and it is centrally located in the County.
- 2) The use is of a public or semi-public character that will provide a safe and convenient alternate fuel dispensing facility, along with propane storage, office and warehouse uses serving the emerging alternate fuel market.
- 3) The design will meet all state and national fire regulations. It will also be required to adhere to Federal and State regulations governing the construction and operation of this type of facility.
- 4) The use is consistent with other zoning districts and business and commercial uses in the area of Route 113. These include a crematorium, a construction and hot mx production facility, manufactured home sales, equipment rental, mulch and stone paver sales, tractor and mower sales and service, and a fuel oil and propane dealership.
- 5) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties, the community or area roadways.
- 6) The project adds employment in Sussex County
- 7) This recommendation for approval is subject to the following conditions and stipulations:
 - 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 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.

Motion by Mr. Ross, seconded by Mr. Johnson, 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 and stipulations stated. Motion carried 5 – 0.

ORDINANCE NO. ____

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” (Tax Map I.D. 235-22.00-18.09

WHEREAS, on the 2nd day of May 2014, a conditional use application, denominated Conditional Use No. 1994 was filed on behalf of Robert Wilkerson; 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. 1994 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.

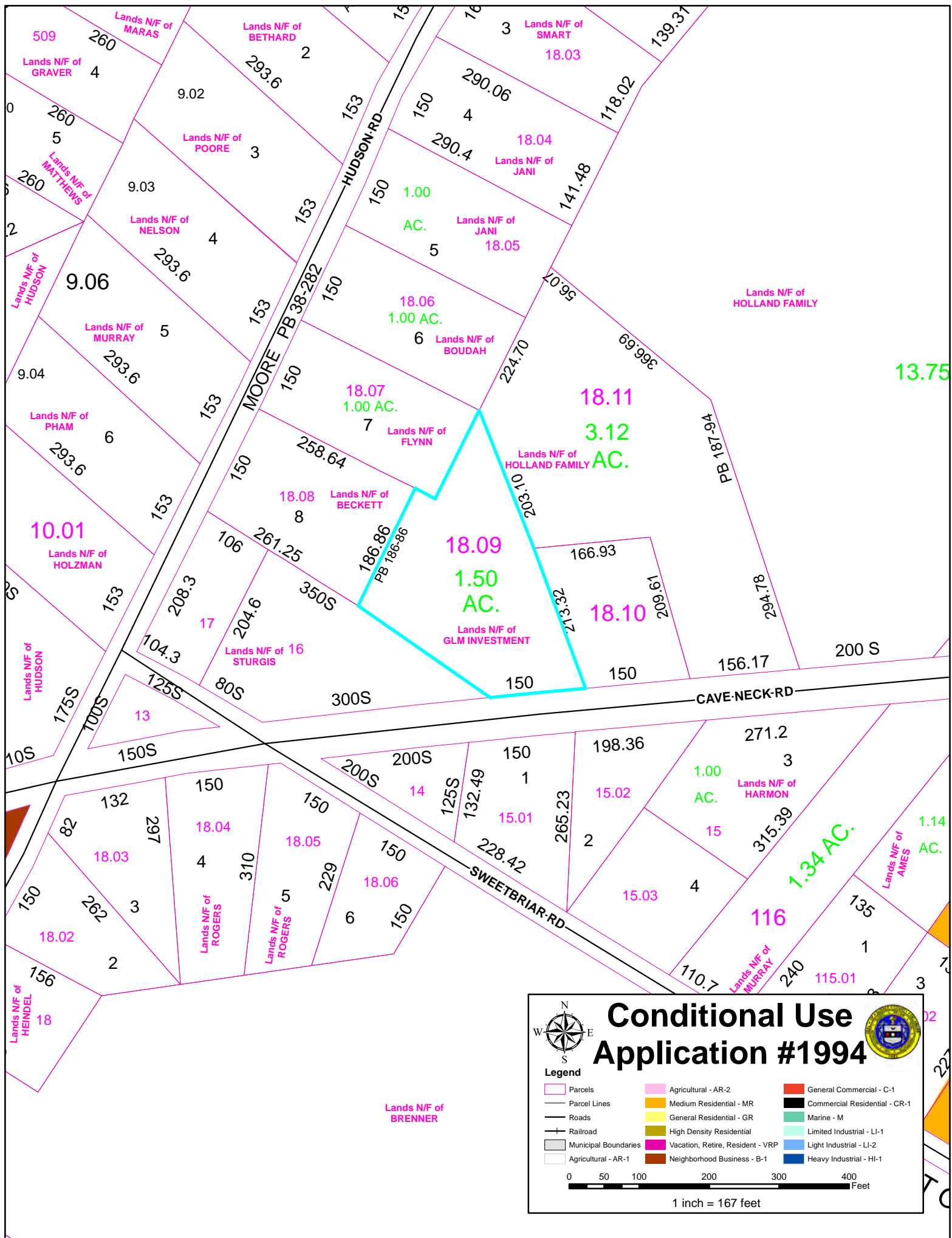
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

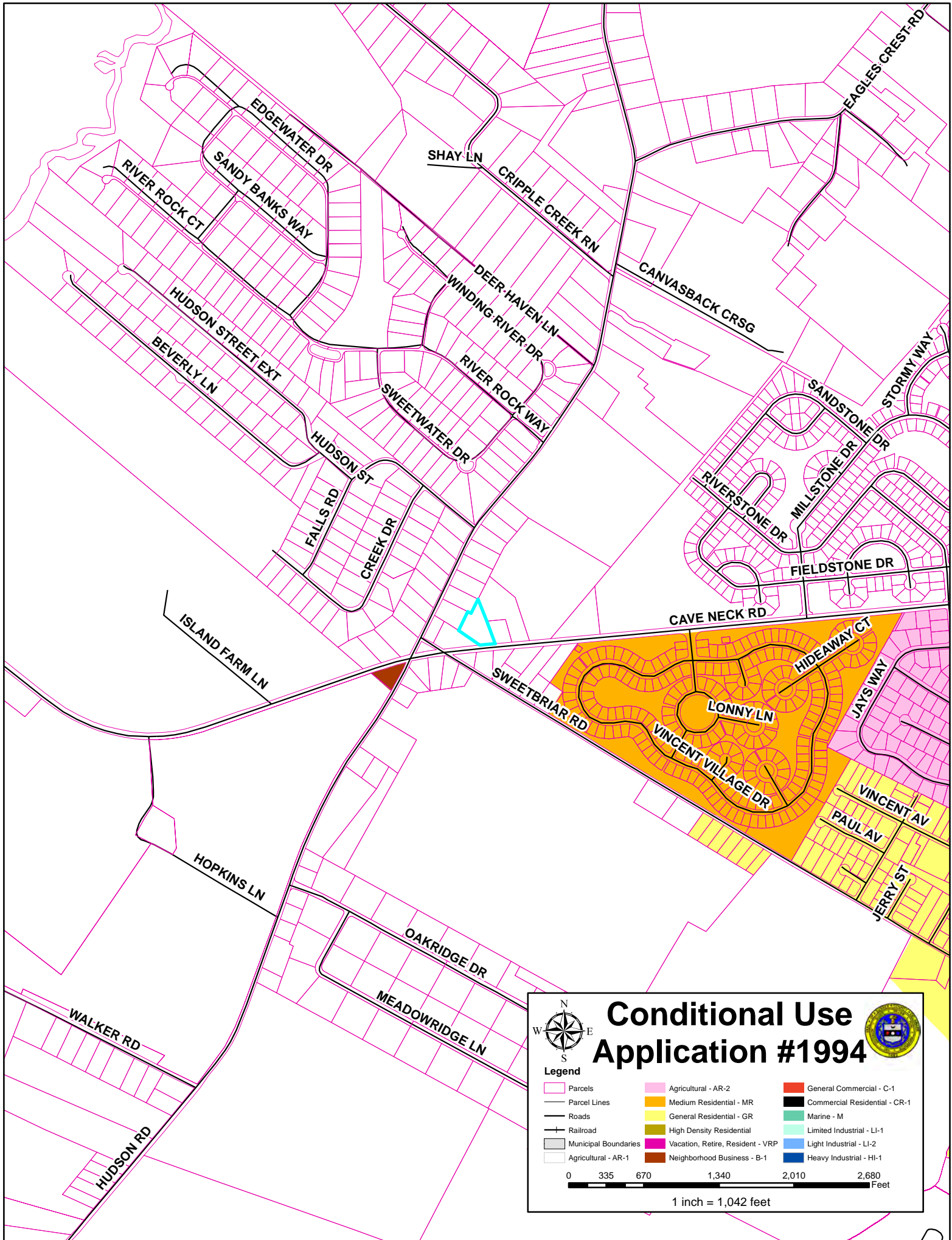
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1994 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) and being more particularly described as the residual parcel in Plot Book 186, Page 86, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.5 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.





Council District - District No. 4
Tax I.D. No. 234-12.00-84.00
911 Address: 22379 Camp Arrowhead Road, Lewes, DE

ORDINANCE NO. ____

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”

WHEREAS, on the 4th day of June 2014, a conditional use application, denominated Conditional Use No. 1995 was filed on behalf of Adele H. Fluharty; 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. 1995 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.

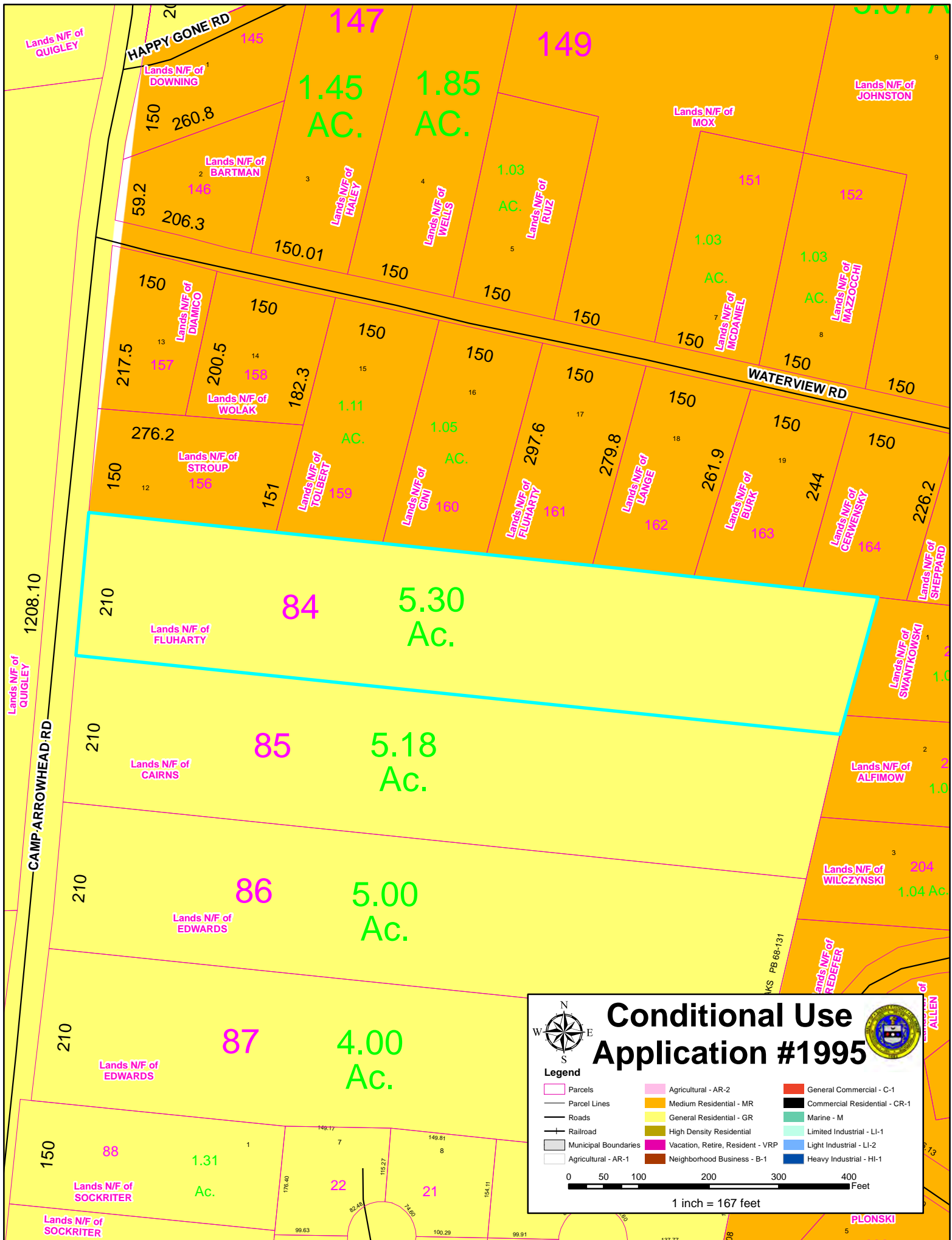
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

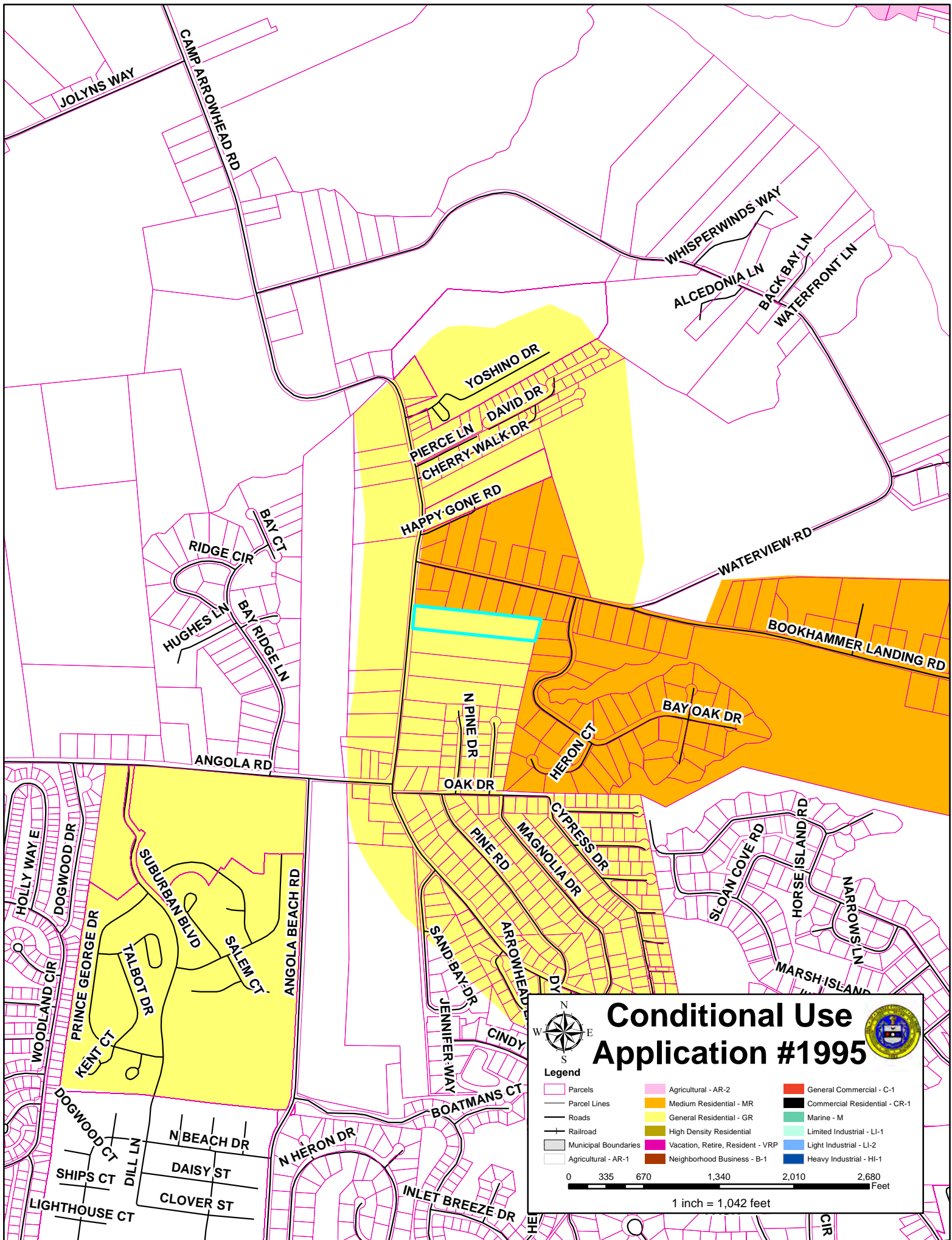
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1995 as it applies to the property hereinafter described.

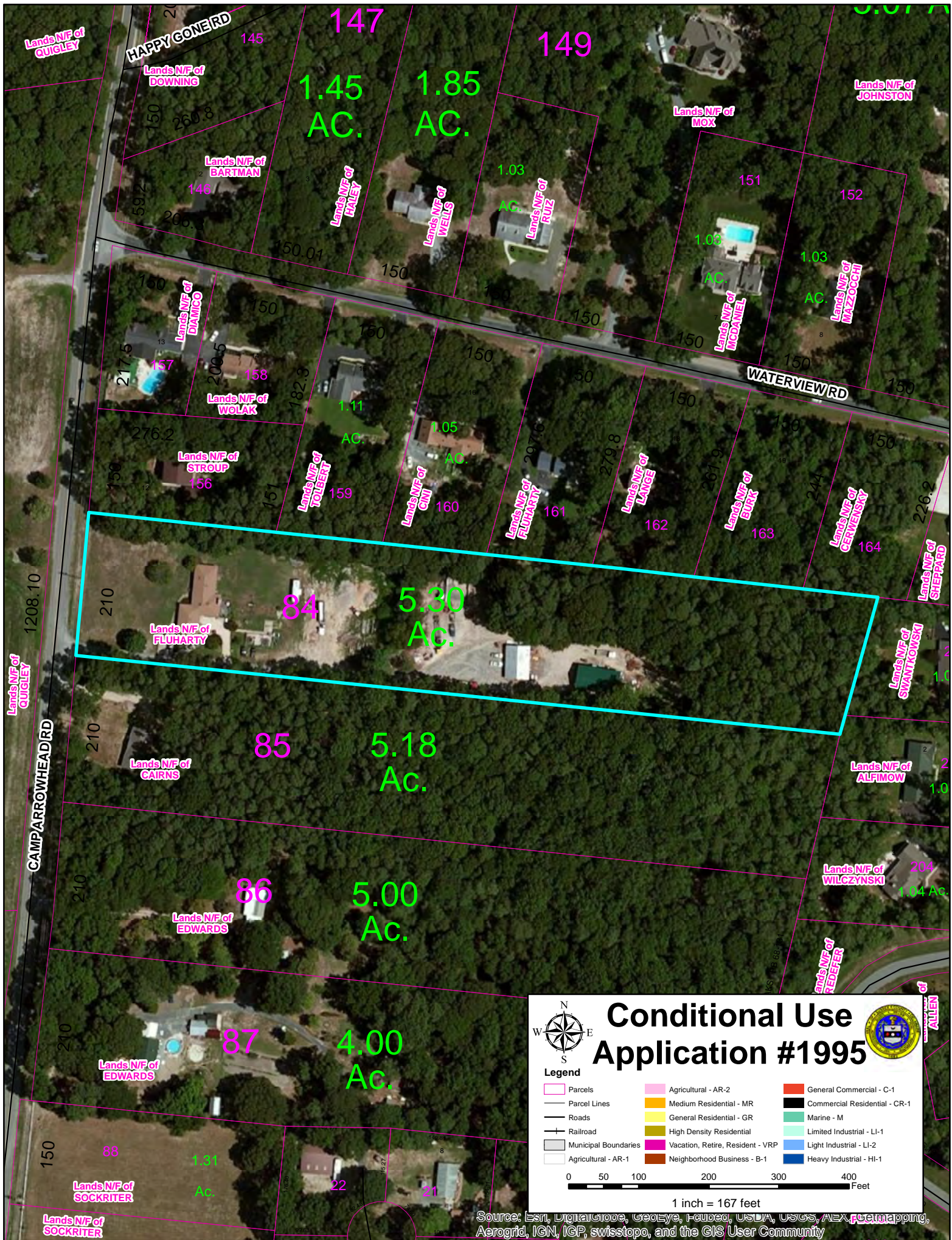
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying east of Road 279 (Camp Arrowhead Road), 260 feet south of Road 279A (Waterview Road) and being more particularly described in Deed Book 1431, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.34 acres, more or less, per revised survey by Compass Point Associates.

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







Introduced 08/05/14

Council District – Wilson - District No. 2

Tax I.D. No. 133-11.00-1.00

911 Address: None Available

ORDINANCE NO. ____

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”

WHEREAS, on the 28th day of July 2014, a conditional use application, denominated Conditional Use No. 1997 was filed on behalf of Skipjack, 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. 1997 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. 1997 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

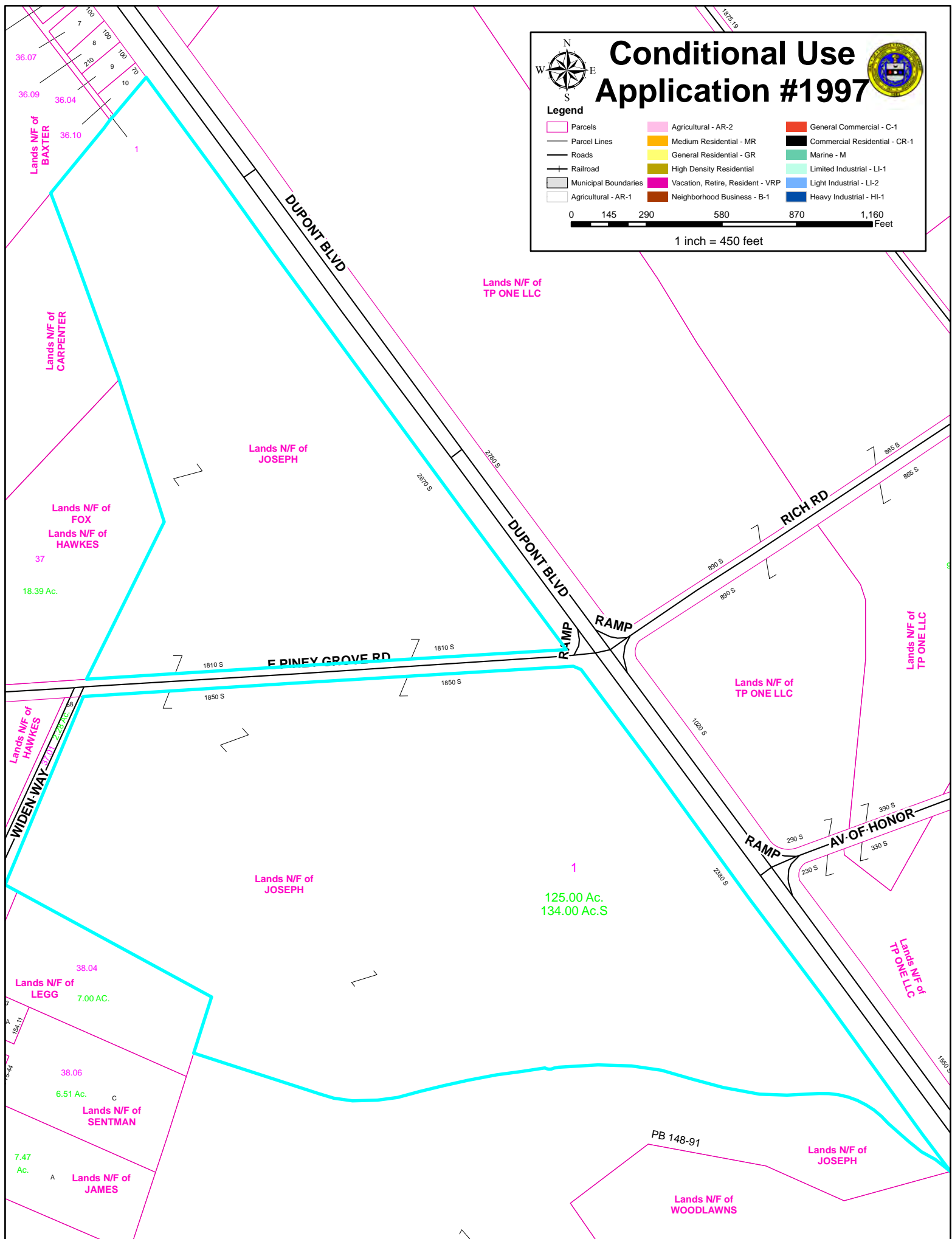
ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying at the northwest corner of DuPont Boulevard (U.S. Route 113) and East Piney Neck Road (Road 329) and being more particularly described as:

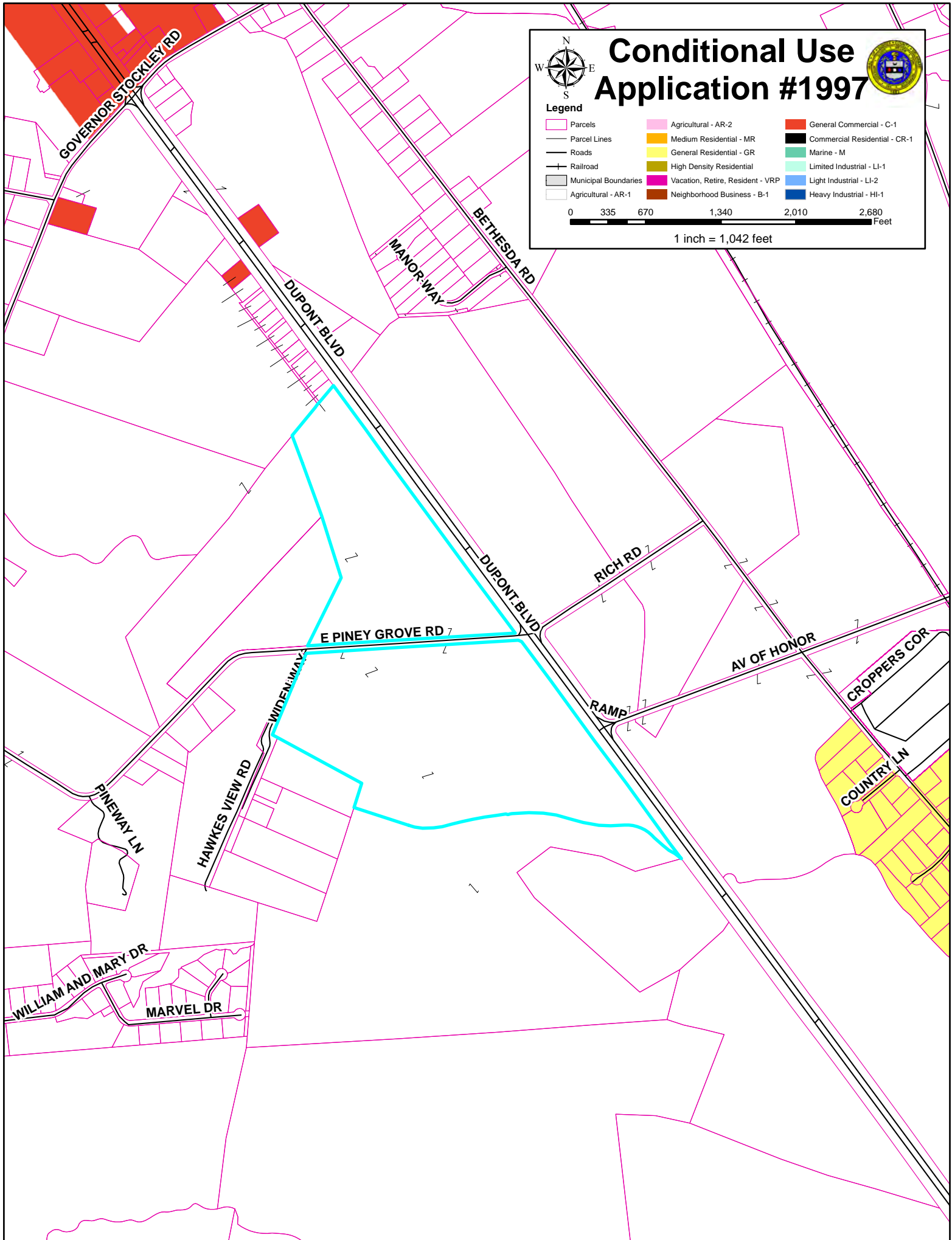
BEGINNING at a point on the westerly right-of-way of U.S. Route 113, a corner for these subject lands and lands of Citation 49 Farms, LLC; thence South 36°27'37" East 893.45 feet along the westerly right-of-way of U.S. Route 113 to a point; thence South 24°58'32" West 47.81 feet along the corner cut for the intersection of U.S. Route 113 and Road 329 to a point; thence South 86°24'41" West 418.52 feet; South 86°17'30" West 433.60, and


South 86°31'01" West 115.26 feet along the northerly right-of-way of Road 329 to a point; thence by and along a tree line near Mirey Branch northerly the following four (4) courses: North 26°27'33" West 155.03 feet, North 14°34'15" West 125.82 feet, North 23°53'44" West 197.51 feet, and North 43°51'02" West 73.97 feet to a point; thence North 53°31'48" East 715.84 feet, South 36°27'37" East 143.84 feet, and North 53°32'23" East 31.73 feet along lands of Citation 49 Farms, LLC to a point on the westerly right-of-way of U.S. Route 113, the point and place of beginning and containing 15.00 acres, more or less.

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

PROPOSED






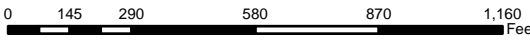


Legend

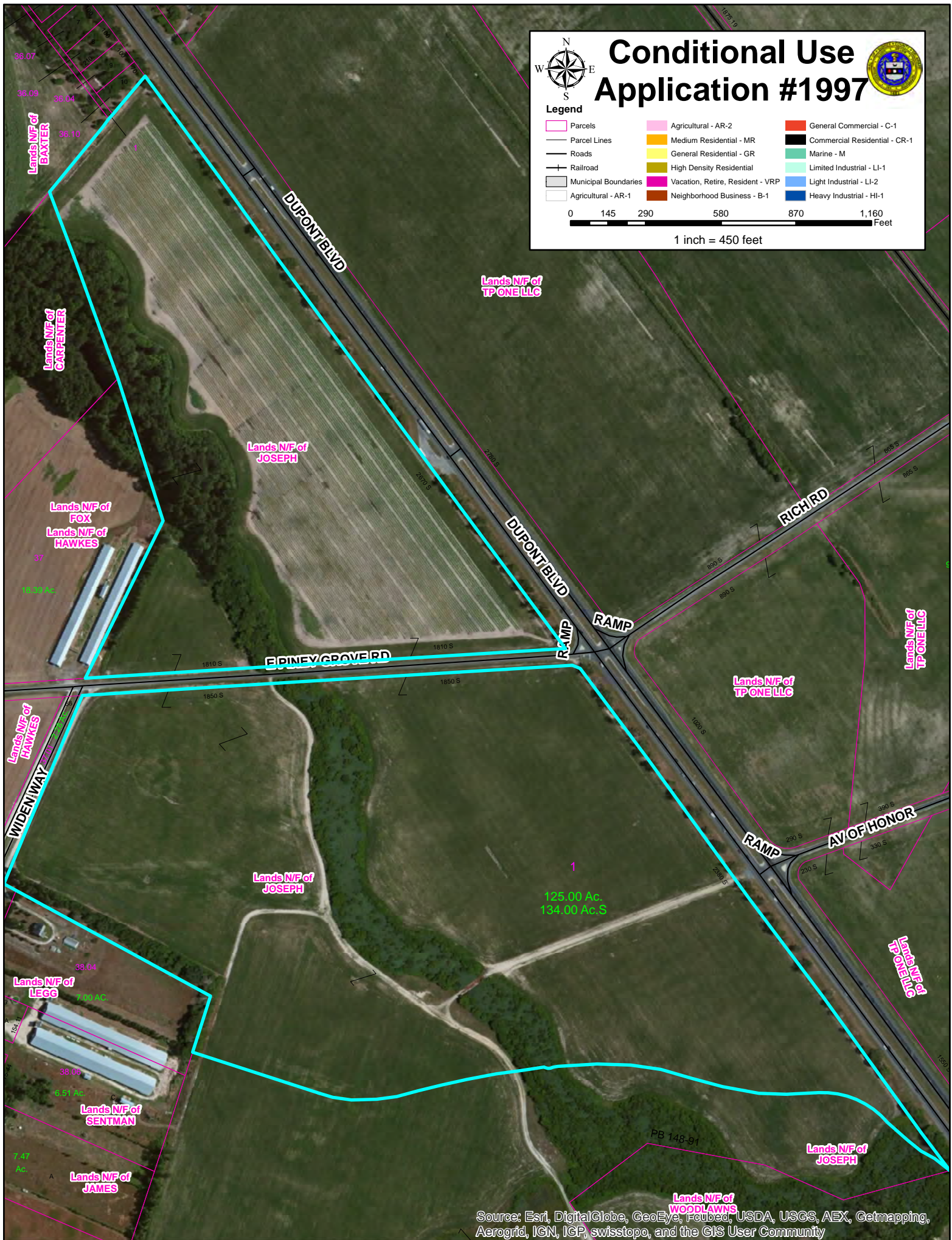
Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural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

Conditional Use Application #1997





1 inch = 450 feet



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