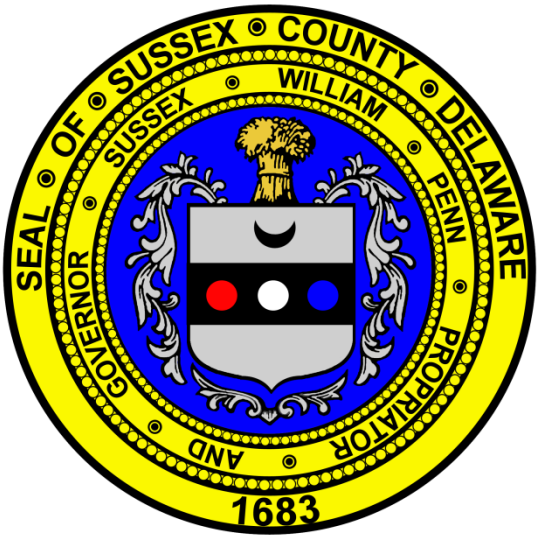



# Sussex County Council
# Public/Media Packet

## MEETING:
## February 17, 2015

****DISCLAIMER****

**This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.**

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

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER

2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov

# Sussex County Council

## A G E N D A

## FEBRUARY 17, 2015

## 10:00 A.M.

**Call to Order**

**Approval of Agenda**

**Approval of Minutes**

**Reading of Correspondence**

**Public Comments**

**DelDOT Presentation – Salisbury – Wicomico MPO Expansion**

**Todd Lawson, County Administrator**

1. **Caroling on The Circle Food Drive Recognition**

2. **Discussion of Roadside Litter**

3. **Wastewater Agreement No. 343-8**
   **Sussex County Project No. 81-04**
   **Forest Landing – Phase 3A**
   **Miller Creek Sanitary Sewer District**

4. **Administrator's Report**

**John Ashman, Director of Utility Planning**

1. **Route 54 Expansion of the Fenwick Island Sanitary Sewer District**

2. **Concord Road/Blades Design Contract**

EQUAL HOUSING OPPORTUNITY

**Juel Gibbons, Project Engineer**

1. **Pump Station 33 and Force Main Upgrades, Contract 14-21**

   **A. Award of Contract for Design Services**

**10:30 a.m. Public Hearing**

**Community Development Block Grant (CDBG)**

**Grant Requests**

1. **Town of Blades for the 100th Anniversary Celebration.**

2. **The Mid-Atlantic Symphony Orchestra Society for operating costs.**

3. **Greater Seaford Chamber of Commerce for the Towne & Country Fair and Seaford's 150th Anniversary Celebration.**

4. **Big Brothers Big Sisters of Delaware for the Bowl for Kids' Sake Fundraiser.**

5. **Cape Henlopen Educational Foundation for enrichment program funding.**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Pending/Potential Litigation and Personnel pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

**11:30 a.m. Luncheon with Sussex County Firefighters Association**
**The Brick Restaurant, Georgetown**

**1:30 p.m. Public Hearings**

**Conditional Use No. 2004 filed on behalf of Delmarva Roofing and Coating, Inc.**
**"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS" (land lying west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3.200 feet south of Route 36 (Shawnee Road) (911 Address: 12982 Mennonite School Road, Greenwood) (Tax Map I.D. # 430-5.00-56.00)**

**Conditional Use No. 2005 filed on behalf of Indian River Volunteer Fire Co., Inc.**
**"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS" (land lying southwest of Oak Orchard Road (a.k.a. Route 5 and Road 297) 0.15 mile north of River Road (Road 312) (911 Address: 32634 Oak Orchard Road, Millsboro) (Tax Map I.D. # 234-34.08-43.00 & 44.00)**

**Conditional Use No. 2006 filed on behalf of Thomas and Laura Kucharik**
**"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS" (land lying west of Beaver Dam Road (Road 285) 1,100 feet north of Stockley Road (Road 280) (911 Address: 19884 Beaver Dam Road, Lewes) (Tax Map I.D. # 234-5.00-44.07)**

**Adjourn**

**********

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

**********

**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 10, 2015 at 4:40 p.m., and at least seven (7) days in advance of the meeting.**

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

**Agenda items listed may be considered out of sequence.**

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 3, 2015**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 3, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

| | |
|---|---|
| **Michael H. Vincent** | **President** |
| **George B. Cole** | **Councilman** |
| **Joan R. Deaver** | **Councilwoman** |
| **Robert B. Arlett** | **Councilman** |
| **Todd F. Lawson** | **County Administrator** |
| **Gina A. Jennings** | **Finance Director** |
| **J. Everett Moore, Jr.** | **County Attorney** |

**Councilman Samuel Wilson was absent.**

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

**Call to Order** **Mr. Vincent called the meeting to order.**

**M 048 15 Amend and Approve Agenda** **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to amend the Agenda by deleting "Hal Godwin, Deputy County Administrator, Legislative Update"; by deleting "Old Business – Conditional Use No. 1994 filed on behalf of Robert Wilkerson"; and to approve the Agenda, as amended.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Approve Minutes** **The minutes of January 27, 2015 were approved by consent.**

**Corre-spondence** **Mr. Moore read the following correspondence:**

**Olde Tymers Softball League (of Delmarva).**
**RE: Letter in appreciation of grant.**

**MILTON COMMUNITY FOOD PANTRY, SELBYVILLE, DELAWARE**
**RE: Letter in appreciation of donation.**

**HOME OF THE BRAVE FOUNDATION, MILFORD, DELAWARE.**
**RE: Letter in appreciation of donation.**

DRAFT

**Public Comments**

**Public Comments**

**Dan Kramer commented on the HVAC system in the Greenwood Library.**

**Wastewater Agreement**

**Mr. Lawson presented a wastewater agreement for the Council's consideration.**

**M 049 15 Approve Wastewater Agreement/ CFM Bayside**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 1015, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and CFM Bayside, LLC, for wastewater facilities to be constructed in Americana Bayside – Village C, located in the Fenwick Island Sanitary Sewer District.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Administrator's Report**

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

**1. Sussex County Citizen Corps Class**

**The Sussex County Citizen Corps Council, in conjunction with the Delaware Citizen Corps Council, will offer a free, two-day disaster preparedness class for anyone interested in learning how to assist their community before, during, and after a disaster. The class will be held from 5:00 to 9:00 p.m. Friday, March 6th, and from 8:00 a.m. to 4:00 p.m. Saturday, March 7th. Classes will be held at the Sussex County Emergency Operations Center, 21911 Rudder Lane, Georgetown, Delaware.**

**The classes are open to any County resident 18 and older who has an interest in emergency preparedness and community service.**

**For more information on CERT, please visit www.ready.gov/community-emergency-response-teams-cert. To register for the class, please email citizencorps@sussexcountyde.gov.**

**Grant Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 050 15 Councilmanic Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $1,500.00 ($500.00 each from Mr. Arlett's, Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to Sussex Cyclists for the safety awareness program.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

DRAFT

**M 050 15 (continued)**

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

**M 051 15 Council-manic Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $500.00 ($100.00 from each Councilmanic Grant Account) to Delaware Senior Olympics for AED replacement batteries and pads.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 052 15 Council-manic Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $2,500.00 ($500.00 from each Councilmanic Grant Account) to Epworth United Methodist Church for operating expenses for Immanuel Shelter.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Council Members' Comments**

**Council Members' Comments**

**Mr. Arlett reported that he had the opportunity to attend an Airport Advisory Committee meeting and a Public Safety Forum (Route 54 Corridor).**

**Mrs. Deaver commented on a document submitted by URDC in April 2010 regarding the County's Land Use Plan and specifically regarding B-1 and B-2 zoning. The document will be shared with Council members and Mrs. Deaver noted that she would like the Council to consider the recommendation.**

**Mr. Vincent commented on the Code Purple initiative in Sussex County.**

**M 053 15 Recess**

**At 10:25 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess for 5 minutes.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

DRAFT

**M 054 15 Reconvene**

**At 10:32 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Public Hearing/ Proposed Ordinance Relating to Failure to Appear**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXVIII, § 216D. AND F. OF THE CODE OF SUSSEX COUNTY TO GRANT THE COUNTY COUNCIL AND PLANNING AND ZONING COMMISSION DISCRETION TO RECONSIDER ZONING APPLICATIONS WHERE APPLICANT HAS FAILED TO APPEAR OR FAILED TO TIMELY WITHDRAW FOR REASONS BEYOND HIS CONTROL".**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 22, 2015 at which time the Commission recommended approval with the recommendation that it be revised to state that Sussex County Council shall not act upon any matter in which an applicant failed to appear before the Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated January 22, 2015.)**

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

**Mr. Lank reported that no correspondence was received regarding the Proposed Ordinance.**

**Mr. Lank referenced instances in the last several months when an applicant has failed to appear at a Public Hearing.**

**Mr. Lank noted that the County has recently started sending public hearing notices to an Applicant by certified mail.**

**Mr. Cole referenced the following wording in the Proposed Ordinance - "unless the applicant's failure to appear was beyond his control…" Mr. Cole questioned the definition of "beyond his control" and suggested that examples be provided. Mr. Cole also suggested that some type of evidence be required thereby putting the burden on the applicant to prove that his failure to appear was "beyond his control". The Council and Mr. Moore discussed the possibility of amending the Proposed Ordinance or amending the Rules of Procedure.**

**Public comments were heard.**

DRAFT

**Public Hearing (continued)**

**Dan Kramer commented on the Planning and Zoning Commission not wanting the County Council to vote on applications that they have not heard.**

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

**M 055 15 Defer Action on Proposed Ordinance Relating to Failure to Appear**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXVIII, § 216D. AND F. OF THE CODE OF SUSSEX COUNTY TO GRANT THE COUNTY COUNCIL AND PLANNING AND ZONING COMMISSION DISCRETION TO RECONSIDER ZONING APPLICATIONS WHERE APPLICANT HAS FAILED TO APPEAR OR FAILED TO TIMELY WITHDRAW FOR REASONS BEYOND HIS CONTROL" (to allow time for Legal Counsel to review the Proposed Ordinance and report back on amendments to the Proposed Ordinance or Rules of Procedure to address Council's concerns).**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 056 15 Recess**

**At 10:56 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess and go into Executive Session.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Executive Session**

**At 11:04 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel and land acquisition. The Executive Session concluded at 11:47 a.m.**

**M 057 15 Reconvene Regular Session**

**At 11:52 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:** **3 Yeas, 2 Absent.**

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

**E/S Action**

**There was no action on Executive Session items.**

DRAFT

**M 058 15 Recess**

**At 11:54 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess until 1:30 p.m.**

**Motion Adopted:** **3 Yeas, 2 Absent.**

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

**M 059 15 Reconvene**

**At 1:30 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene the Regular Session.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Public Hearing/ C/Z No. 1759**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS" (Change of Zone No. 1759) filed on behalf of Osprey Point D, LLC (Tax I.D. No. 334-18.00-83.00) (911 Address: 20836 Old Landing Road, Rehoboth Beach).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 8, 2015 at which time the Commission deferred action for further consideration and left the record open for the Sussex Conservation District reference to grandfathering of the project and for DelDOT's comments on the Traffic Operational Analysis and the Applicant's response to DelDOT's comments after which public written comments relating to those comments will be accepted for 20 days after the announcement of receipt of those comments by the Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated January 8, 2015.)**

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

**Mr. Lank reported that the Applicant provided a revised Exhibit Booklet and a revised set of drawings and that the Applicant has reduced the size of the project by ten lots to 340 (instead of 350). Copies of the revised Exhibit Booklet and revised site plan were distributed to Council members. Also**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**provided to Council members was a copy of a packet provided by James Fuqua, Attorney on behalf of the Applicant, which makes reference to letters, the Comprehensive Plan, the County's zoning map and a Zoning Ordinance in reference to the purpose of the MR District and the RPC District. Mr. Lank reported that, on February 2, 2015, a letter was received from DelDOT in response to questions raised by the County; copies of the letter were distributed to Council members.**

**Mr. Lank noted that this application was originally advertised for public hearing on October 23, 2014 before the Planning and Zoning Commission and December 2, 2014 before the Sussex County Council; due to questions raised about the notices sent to adjoining property owners and property owners within 200 feet of the subject site, both Public Hearings were re-advertised and rescheduled.**

**Mr. Lank reported that, in the Public Hearing process before the Commission, 143 letters and emails in opposition to the application and 1 letter in support were received. As of this date, 25 additional emails and letters in opposition have been received. Mr. Lank reported that correspondence received is on file and available for review by any party.**

**The Council found that James Fuqua, Attorney; Robert Marshall, Principal of the Applicant and owner of the property; Zac Crouch and D. J. Hughes of Davis Bowen & Friedel; and John Hynes of John D. Hynes & Associates, Inc. were present on behalf of the application.**

**Mr. Fuqua reported that they have submitted an Exhibit Booklet which includes an Environmental Assessment and Facilities Report, a summary of the responses to the considerations listed in the Subdivision Ordinance, and also an Exhibit entitled the "Comprehensive Plan and Zoning Ordinance Exhibits.**

**Mr. Fuqua presented general information about the location of the property; presented various aspects of the proposal; and discussed how the application complies with applicable land use regulations of Sussex County. Mr. Fuqua stated that the zoning application is not a popularity contest; that land use decisions are based on the applicable laws and regulations which set forth specific criteria to guide the landowner and the County Council in determining legally permitted development; that this is an application to rezone a 126.88 acre parcel of land to a MR-RPC, a Medium Density Residential Planned Community; that they are proposing a development of 340 residential units consisting of 160 single family detached lots and 180 townhouses; that there would be a recreational amenity center; that under a RPC application, an applicant can request a limited amount of commercial space; that no commercial space is being requested in this application; that the property is located on the west side of Old Landing Road, south of Fairway Drive; that the site is and has been since the early 1960s, the Old Landing Golf Course (with a restaurant located on the site); that the owner of the property, Mr. Marshall, has owned the property in his**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**own name since 1991 and the property has been owned by his family for over a century; that the property borders Fairway Drive and Old Landing Woods development on the north; that the site plan has been revised to address concerns that were raised at the Planning and Zoning Commission's public hearing; that the original site plan had 12 lots fronting on Fairway Drive and the revised site plan removes those 12 lots from the site plan and in their place, creates a 60 foot open space buffer where existing trees will remain; that 14 lots were removed and four of the lots were relocated internally within the proposed plan, resulting in a net reduction of 10 lots; that the application is now for 160 single family lots (rather than 170) and 180 townhouses; that the site borders a residential development (Old Landing Subdivision) which is located south of the property; that the west side of the property borders Arnell Creek; that the east side of the property borders Old Landing Road; that on the other side of Old Landing Road is residential developments – the Rehoboth Bay Manufactured Home Park and Sawgrass South Residential Planned Community (approved for 282 residential units and is comprised of single family residential dwellings and townhouses); that a wetland delineation of the property was performed by Environmental Resources Inc.; that the study indicated that the site contains 17.25 acres of State tidal wetlands and 4.41 acres of Federal Section 404 non-tidal wetlands; that the wetlands delineation was submitted to the Army Corp of Engineers and a preliminary jurisdictional determination was issued by the Army Corps on December 23, 2014 (a copy of this letter has been submitted for the record); that they are proposing to provide 50 foot wide buffers from all tidal waters and wetlands, as required by the Sussex County zoning ordinance; that Federal wetland buffers or setbacks are not required under Federal, State or Sussex County ordinances or regulations; that opponents to the application have argued that in the PLUS review letter, the watershed assessment section of DNREC recommended a minimum of a 100 foot buffer from all wetlands; that in the PLUS letter, there are 2 parts: the first part addresses Code requirements and agency permitting requirements and these are items that are required to be complied with and all of those items will be fully complied with in this application; that the second part of the PLUS letter is recommendations and additional information and that the recommendation for a 100 foot buffer is under this section and the PLUS letter states (on Page 16) that "these items are suggestions and these suggestions do not represent State Code requirements and are in no way required"; that in 2008, DNREC issued regulations requiring 100 foot buffers from certain water bodies and wetlands and that regulation was challenged in a Court action and was declared invalid by the Superior Court of the State of Delaware; that DNREC appealed that decision to the Delaware Supreme Court who affirmed the lower court and held those regulations invalid; that the plaintiff that filed the action was the Sussex County Council; that, therefore, there is no requirement for a buffer; that, in regards to the State tidal wetlands, the development will have the minimum 50 foot buffer as required by the County; that the development will provide a voluntary 25 foot buffer from all federal non-tidal wetlands (although no buffers are required); that Tidewater Utilities will be**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**providing central water for drinking and fire protection; that Sussex County will be providing central sewer (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District); that comments from the Sussex County Engineering Department stated that the sewer system design assumption for this parcel of land was 4 units per acre, which amounts to 507 units; that the Engineering Department's comments confirm that the site is in a County operated sewer district; that wastewater capacity is available; that the sewer connection rate is $5,500 per EDU, amounting to $1,870,000.00 for the proposed 240 units; that the proposed project is within the planning study and design assumptions for sewer service; that Delaware Electric Cooperative will provide electricity; that the site is in the Cape Henlopen School District; that the site is located in the Rehoboth Beach Volunteer Fire Company service area; that there are no federal or threatened species associated with the site; that the development will provide significant economic impact through the creation of development, construction, and sales related employment to County residents as well as revenue to the County through transfer taxes, property taxes, and sewer fees; that the project meets the legal basis of the Sussex County Code and State regulations; that the State Quality of Life Act required that the County establish a Land Use Plan; that the developer must comply with said Land Use Plan and Map; that the law states that the Land Use Plan shall have the force of law and that no development shall be permitted except in conformity with the Plan's map; that the Future Land Use Plan is probably the most influential part of the Comprehensive Plan; that the County's Zoning regulations are intended to carry out the Future Land Use Plan; that the Future Land Use Plan also designates which parts of the County are to be considered growth areas; that this site is located in a growth area; that he requested Mr. Lank to verify the designations of the site under the Comprehensive Plan's Future Land Use Map and that Mr. Lank estimated that 60 to 75 percent of the site is located in a mixed residential area; that the Land Use Plan references that permitted uses in an Environmentally Sensitive Developing Area allow for a range of housing types including single-family homes, townhouses, and multi-family units; that central water and sewer facilities are strongly encouraged, and that if central utilities are not possible, permitted densities should be limited to 2 units per acre; that the Land Use Plan references that permitted uses in a Mixed Residential Area allow for a full range of housing types in these residential areas, including single-family homes, townhouses and multi-family units; that non-residential development is not encouraged; that the current densities in these areas range from a maximum of 4 homes per acre for single-family detached housing to a maximum of 12 dwelling units per acre for townhouses; that the density they are proposing of 340 residential units on a 126.8 acres is a gross density of approximately 2.68 units per acre; that the development's proposed density is significantly less than the density anticipated by the Comprehensive Plan and planned for by the Sussex County Engineering Department; that the purpose of the MR Medium Density Residential District references that the purpose of this District is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character,**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**but where sanitary sewers and public water supplies may or may not be available at the time of construction; that public water and public sewer are currently available for the proposed development and with the considerable residential development that already exists surrounding the site, the area is already urban in character; that the area is urban in character with single-family homes, manufactured homes, and townhouses; that the site is the only remaining large undeveloped parcel in the area; that the purpose of the Residential Planned Community District references that, in order to encourage large-scale developments as a means of creating a superior living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Land Use Plan, the Residential Planned Community District is hereby established; that this application is consistent with the intent of the Residential Planned Community District designation; that their requested MR-RPC zoning designation is consistent with the character of the surrounding area; that the site is surrounded by other MR zoning classifications, and should be considered an MR infill in an MR area; that a precedent has already been set for MR-RPC developments in the area; that the Sawgrass South project was established in 2003 by obtaining a rezoning from AR-1 Agricultural Residential to MR-RPC Medium Density Residential District – Residential Planned Community (a comparison of Sawgrass South to the proposed project was presented and a comparison sheet was distributed to the Council); that their proposed development will have a lower percentage of townhouses and a higher percentage of single family homes when compared to Sawgrass; that the zoning of both developments would be identical; that both parcels were originally zoned AR-1; that under the Comprehensive Plan, Sawgrass is totally located in the Environmentally Sensitive Development Area and not in the Mixed Residential Area; that 60% to 75% of the site of this application is located in the Mixed Residential Area and, according to the Plan, that is where higher density is appropriate; that in regards to wetlands, Sawgrass has no required buffer from Federal 404 wetlands and within that development, many of the lots border the wetlands line; that Osprey Point will voluntarily provide a 25 foot buffer from all Federal wetlands; that Sawgrass has 5 foot side yard setbacks for single family homes and they are proposing 8 foot side yard setbacks in Osprey Point; and that as compared to the existing Sawgrass South RPC which is located adjacent to the application site, Osprey Point has a lower net density. Mr. Fuqua stated that the application is totally in accordance with the provisions and requirements of the Sussex County Comprehensive Plan and the Land Use Map.**

**Mr. Crouch stated that in the 1960s when the golf course was developed, there were no requirements for stormwater management; that today, a couple of ponds (for features) exist on the golf course, but there is no stormwater management; that with the development of this property, there is going to be some drainage issues that will be improved; that existing problems with low areas will be addressed as part of the design and approval process; that reference to an archaeological site was made during**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**the Planning and Zoning Commission's Public Hearing; that an email was received from the Delaware State Historic Preservation Office stating that, after a field visit, there was insufficient information for that site; that the project went through the PLUS process and the TAC process; that the revised plan shows 340 lots; that the area of single family homes in 34.27 acres and the area of townhouses is 15.89 acres; that active open space consists of a clubhouse, pool, basketball court, tennis court, dog park and 24 boat slips; that there will be no boat launch; that the total open space for this project is 58.13 acres, which is 45.8% of the total area of the project; that the uplands open space is 36.29 acres (not federal or state wetlands); that in regard to the RPC calculation, allowable units for this property is 396.66 units and the request is for 340 lots; that interior roads will be built to Sussex County standards; that the roads will be privately owned; that a Traffic Impact Study is not required; that in regards to the Pollution Control Strategy regulations approved in 2008 for the Indian River Bay, Rehoboth Bay, and Little Assawoman Bay watersheds, this project as well as surrounding projects fall within the load reduction area which means 40% reduction in nitrogen and phosphorus is required; based on the Pollution Control Strategy requirements (Best Management Practices), during the design process they will be implementing bio-swales, bio-filters, infiltration and wet and dry ponds to meet those requirements; that they will have to submit their designs to the review agencies for approval to address stormwater management for the site; that there are flooding issues, however, once stormwater management is implemented, the water will have somewhere to go; that a nutrient management analysis was performed; that nitrogen will be reduced (76% reduction) with this proposed change in land use and the water quality will be better protected; and that regarding stormwater regulations, this project would be designed based on the old regulations (the project must be approved within 18 months for it to fall under the old regulations, which is June 2015).**

**Mr. Hynes reported that there were questions about developing on the poorly draining soils on this site and he presented a map showing the various degrees of poorly draining soils; that his firm did test borings on the poorly draining soils on the Osprey Point project site; that they were hired to address the question of hydric soils; that regarding the question of whether residences, roadways, and infrastructure can be built in areas with poorly draining soils, they drilled 20 test borings on the property so they could determine the consistency/variability of the soils (report was distributed to Council); that the reports showed that the soils are good enough to support houses on common footing foundations; that they also looked at groundwater conditions and they found that groundwater depths range from 2 to 5 feet at the boring locations; that the areas drilled meet frost-depth requirements which is a major issue with foundation construction; that the site and grading design will be done by Davis Bowen & Friedel and will undergo a review and approval; that developers/builders build on these types of conditions every day; that in the 20 borings, from a geotechnical standpoint, they did not find anything that is unbuildable; that this is a preliminary study; and that before the Developer proceeds with the**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**building design, the architects and structural engineers should engage a geotechnical engineer to drill additional borings and provide final recommendations.**

**Mr. Hughes discussed the traffic impact and proposed actions to mitigate it as determined and required by DelDOT. He stated that that a Traffic Impact Study was not required by DelDOT; that DelDOT did require a Traffic Operational Analysis (TOA), which has been submitted (December 2014) and is being reviewed by DelDOT; that they are still waiting on a response on the final TOA recommendations from DelDOT; that it was stated that this area has not been studied since 2011 and that is not correct as intersections in the area were studied in 2013 and 2014; that the property owner will be required to pay a $24,000 fee to DelDOT for an area-wide study; that the initial report addressed 170 single family homes and 180 townhomes and that has now been reduced to 160 single family homes and 180 townhomes; that another change is the 12 lots that were going to access Fairway Drive, and now those lots have been removed from the plan and no one will be turning onto Fairway Drive from Osprey Point; that townhouses generate less traffic than single-family homes (based on national data); that the Traffic Operational Analysis included addressing eight (8) developments and a 10 year build out, 2 offsite intersections and 2 site access points; that the northernmost site access point is opposite Bonaire Drive, an access point for Sawgrass South, and there will be a dedicated turn lane into each development as well as a dedicated bike lane; that the existing golf course access would be relocated to align with the southernmost Sawgrass site access; that both of the access points and Fairway Drive all operate with acceptable levels of service delays; that regarding the all way stop intersection, it operates with the acceptable level of service and delays and no significant queuing problems with the exception of Warrington Road; that it has been determined that the left turn lane on Warrington Road is too short and needs to be extended; that a signal is likely to be installed at Warrington Road and Old Landing Road; however, they are still waiting on the final recommendations of DelDOT; that several developers are involved in establishing the necessary improvements/signal agreements; that additional turn lanes and bike lanes are needed; that local road improvements will include paved shoulders/bike lanes; that a traffic signal may be required; that in the last three (3) years there have been three (3) crashes along the site frontage, all being single vehicle crashes; that they are still waiting for a response from DelDOT on the TOA and the Letter of No Objection; however, even with the Letter of No Objection, they will need entrance approvals and permits; and that 2013 and 2014 traffic data is included in the TOA. It was noted that a copy of the TOA was submitted and made a part of the record.**

**Mr. Fuqua concluded by stating that an internet petition was submitted in opposition to the application; that the substance of the petition makes allegations that are without merit or substance and he commented on those allegations; that the townhouses in the proposed project have no impact on the area and are consistent with what already exists; that the front of the**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**townhomes face Old Landing Road and additionally, those homes front on an interior street; that there will be an open space between the interior road and Old Landing Road of at least 100 feet and Old Landing Road itself has a 50 foot right-of-way; that Sawgrass South itself contains at least 176 townhouses, or 62 percent of that development; that townhouses in Sawgrass are visible from Old Landing Road contrary to comments made by the opposition; that the requested gross density of 2.68 units per acre is significantly less than that anticipated by the Comprehensive Plan and the County Engineering Office and it is similar to the density approved for the Redden Ridge subdivision on Old Landing Road, which is 2.45 units per acre (approved by the Planning and Zoning Commission in October 2013); that when you deduct the unbuildable wetlands from the gross acreage of Osprey Point and the Sawgrass sites, Osprey Point is 3.2 units to the acre compared to the net density of Sawgrass which is 3.7 units to the acre; that there is no basis to a density argument; that the opposition prefers to have a golf course/open space, however, there is no right to a scenic view and a property owner cannot be denied the right to develop his property in a manner that neighboring properties have been developed; that the only way you can preserve a view is to buy the property; that the soils are the same as in other numerous developments in the Inland Bays area; that the site is located in a flood plain area, similar to the areas around it; that all developments in a flood plain have to comply with FEMA regulations that are enforced by the County; that the opposition states that the State of Delaware has very limited funds to address the roads, sewer and water facilities and that DNREC has limited resources to monitor and inspect stormwater management; that the answer to this is that the developer pays for the required road improvements as determined by DelDOT, the developer pays for sewer improvements, impact fees and sewer connection charges as determined by the Sussex County Engineering Department, the developer pays for water infrastructure and other fees per an agreement with Tidewater Utilities, and stormwater management improvements are approved and inspected by the Sussex Conservation District, the cost of which is paid by the developer; that this proposed development, like every development, adds additional traffic to area roads; and that the impact of this development, like every development, will be reviewed by DelDOT and the project will be required to fund an equitable share of the improvements as determined by DelDOT.**

**Mr. Fuqua referenced and commented on the court decisions on the Gibson case and the Brockstedt case.**

**Mr. Fuqua referenced and commented on a letter published in the Cape Gazette.**

**Mr. Fuqua referenced and commented on a posting on Councilwoman Deaver's website.**

**Mr. Fuqua submitted proposed Findings and proposed Conditions of approval into the record. Mr. Fuqua also submitted the following Exhibits**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**that he referred to during his presentation: Google Earth photo of the townhouses at Sawgrass, a copy of the FEMA flood map for the area, a copy of the County Council decision on Change of Zone No. 1503 (Sawgrass South), the Planning and Zoning decision for Subdivision No. 2013-8 (Jack Lingo Management, LLC (now Redden Ridge), and a copy of the Gibson decision.**

**There were no public comments in support of the application.**

**At the request of the Council, William Brockenbrough, County Coordinator with DelDOT, commented on his letter sent to Todd Lawson, County Administrator, in response to questions about the Osprey Point development. Mr. Brockenbrough read the questions referenced in the letter and summarized his responses. The letter was made a part of the record.**

**M 060 15 Recess**

**At 4:15 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to take a five minute recess.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 061 15 Reconvene**

**At 4:23 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Public Hearing/ C/Z No. 1759 (continued)**

**Public comments were heard in opposition to the application.**

**William Dunne, Attorney, was present representing the interests of individuals and families who reside near Old Landing Road and who will be among the most negatively affected by the Change of Zone request pertaining to the parcel of land known as Old Landing Golf Course filed on behalf of Osprey Point D, LLC. He stated that they ask Council to decline the rezoning request and allow time for all issues to be fully developed; that the submission of the application is incomplete; that there are too many open issues for Council to close the record at this time; that the Applicant has just submitted a new site plan and they have not had the opportunity to review it; that they request that Council keep the record open; that the request should be denied, however, should the Council determine to allow the petitioner to go forward under AR-1 up-zoning, the Council, at a minimum, should strictly control density, preserve the character of the**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**area, require adequate buffers, prevent flooding, and adverse impacts on adjacent properties, minimize adverse environmental impacts, mitigate increased traffic and provide community safety; that any proposed plans or construction of Osprey Point should be subject to all requirements of the Code of Sussex County, and State and Federal environmental laws, as well as all sediment and stormwater management regulations and Best Practices; that, to accomplish this, they propose that Council require Restrictive Covenants and Disclosures in the courts with applicable law; that they look to the Planning and Zoning Commission and the County Council to protect this sensitive area by mandating a project designed with lower density, greater open space, appropriate stormwater management, consideration for environmental elements, and mitigation of traffic and safety concerns; that the proposed subdivision presents a number of complex legal, environmental, and community impact issues; that all development in Sussex County is subject to the County's Comprehensive Plan Update and Future Land Use Plan, which has the force of law provided in Sussex County Ordinance No. 1980; that the Comprehensive Plan Update and Future Land Use Plan designates growth areas including Environmentally Sensitive Developing Areas; that the Planning and Zoning Office has determined that, based on a review of the Future Land Use Map in the Sussex County Comprehensive Plan Update, the Old Landing Golf Course is located in the Environmentally Sensitive Developing Area and partially within an area designated as Mixed Residential; that this Environmentally Sensitive Developing Area is designated by the State as an Investment Level 3 Area according to the Delaware Strategies for State Policies and Spending; that DNREC requires the Applicant to submit a Stormwater Assessment Study that must be evaluated prior to submission of a detailed stormwater management plan and that neither of those requirements have been met; that the fact that the entire parcel is located in a flood plain should raise caution about development; that the parcel borders Arnell Creek, contains State and Federal wetlands, and serves as an excellent groundwater recharge area; that under applicable laws, the goal is to protect critical natural resources, such as the Inland Bays, by guarding against over-development and permanently preserving selected lands; that the Applicant has not provided complete information and documentation pertaining to various issues concerning a flood plain, wetlands, buffer requirements, and other essential requirements including a summary of proposed restrictive covenants which provide for the perpetual maintenance of the buffer areas and the maintenance of all streets, roadways, and other rights-of-way; that in the TAC comments, DNREC recommended a minimum of a 100 foot buffer around the perimeter; that the site plan is not in compliance since forested and/or landscape buffers are not depicted; that there is no soils report; that the soils are poorly drained or very poorly drained; that the Applicant's response to the PLUS comments are inadequate; that the PLUS review strongly recommended that the U.S. Army Corps of Engineers approve that a wetlands delineation study be conducted; that the Council should require an independent geotechnical report (which apparently was turned in on this date) on the effects of building on hydric soils that do not have adequate bearing**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**capacities to support such construction; that since this report was just turned in on this date, it is another reason to keep the record open; that the traffic load on Old Landing Road should raise a red flag with the Council; that they take strong exception to the Division of Planning's response to the Service Level Evaluation Request filed with the Planning and Zoning Commission in July 2014 and that office declined to require a Traffic Impact Study for the application notwithstanding that the proposed development meets the volume for requiring a TIS; that this departure from procedure premised on a 2011 traffic study of Old Landing Road is misplaced; that DelDOT should require a Traffic Impact Study since the last traffic report from 2011 is inadequate and outdated; that the Applicant has a right to develop his property and current and future residents have a right to a well-planned and safe community; that they ask the Council to protect this sensitive area, to keep the land AR-1 zoning, have the Applicant resubmit an AR-1 zoning plan with lower density, allow no building on environmentally sensitive areas and hydric soils, require larger buffers to protect the Inland Bays, and to mitigate increased traffic and provide for community safety. Mr. Dunne stated that Leslie Ledogar, George Barstar, Richard Morgante, and Donna Voigt would also be speaking on behalf of individuals and families who reside near Old Landing Road**

**Leslie Ledogar presented a powerpoint presentation on the group's concerns regarding the proposed project: (1) the proposed plan contravenes Sussex County's Comprehensive Plan for developing in Environmentally Sensitive Development Districts and for the requirements of Superior Design, (2) the development is improperly proposed in the flood zone, (3) the development is improperly proposed on hydric soil, (4) a wetlands mitigation plan may be required for the site; and (4) stormwater control planning is insufficient to protect neighboring drinking water wells in the area. Ms. Ledogar stated that the area is prime for residential development but it also contains beautiful environmental areas; that the key is to balance safeguarding natural areas and the concept of mitigating roadway congestion with the tourism and real estate markets that drive the economy of this area; that the Plan, which has the force of law, does have some flexibility and allows Investment Level 3 Areas to allow development as the County's future growth zone; however, there is a caveat as to when that is allowed – proposals must be evaluated with special scrutiny, which is where the Council's discretion comes in; that it must be consistent with State and local development and preservation policies; that this plan, as currently proposed, does not do that – it removes all the trees and it proposes to build on hydric soil much too close to critical wetlands notwithstanding the fact that the plan has been re-modified to take out a mere 10 lots and to put in additional buffers; that the Comprehensive Plan allows the combination of development if special environmental concerns are addressed; that this plan does not adequately address flooding, stormwater management or wellhead and wetland protection; that this plan exceeds 4 units per acre; that the Comprehensive Plan requires superior design in these areas; that the developer does not propose cluster options and lots are to be evenly spread across the tract; that this plan does not direct buildings away from steep**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**slopes, wetlands, waterways and other important natural features; that there is some delineation of wetlands but not enough; that the proposal does not preserve thick natural vegetation along creeks; that homes should be placed on track portions most environmentally suitable for development; that poor and natural drainage should be located early in design; that the Applicant claims that Osprey Point is not a cookie cutter design but there is uniform development of the lots and there is very little variation in type and style; that they meet only minimum standards without consideration of environmental or historical features; that there is no design ingenuity; that regarding a comparison of the layout of Sawgrass to Osprey Point, there is absolutely no comparison; that the proposal fails to meet the Comprehensive Plan; that clustering homes on most suitable portions of the site is a requirement of the Plan; that Osprey inaccurately stated that there are no archaeological sites on the parcel; that they have gone to the archaeological office and have found that there is an archaeological site; that the Applicant sought density over preservation as most existing trees are to be removed; that DNREC's soil scientist strongly recommended against building on all hydric soils; that 58% of the Old Landing Golf Course site lies in a floodplain; that the property is designated Zone AE, which requires mandatory flood insurance; that the current owners must use a pumping system to drain the golf course of stormwater to render it playable after a storm; that FEMA does not prohibit building in a floodplain but they recommend avoidance; that Sussex County has requirements for building in wetlands and floodplains; that the Osprey plan fails to deal with flood hazards; that the wetlands may not be fully delineated; that ERI did a Preliminary delineation and they urge Council to do a site specific on-the-ground delineation; that hydric soils are an indication of wetlands; that all wetlands are not easily recognized; that the Applicant has obtained a Preliminary Jurisdictional Determination Letter from the U.S. Army Corps of Engineers and has chosen not to contest it; that building on hydric soils should be prohibited pursuant to the Future Land Use Plan; that they ask Council to require additional field mapping of hydric soils; that they question where the Mitigation Plan is; that the stormwater plan is insufficient; that the project should be subject to stormwater regulations effective January 1, 2014; that the plan does not adhere to the PLUS recommendation to include in the calculation all forms of post-construction surface imperviousness, whether created or constructed; that the planned stormwater retention basins are unlikely to retain stormwater; that the stormwater retention basins in current locations will likely intercept groundwater, given they are so close to surface; and that planned stormwater retention basins will likely serve as a direct conduit to groundwater that is used by neighboring property owners as a source for potable water. Ms. Ledogar presented copies of an article printed in the News Journal (entitled "Report: Sandy was a warning") regarding a new Army Corps of Engineers report on flooding.**

**George Barstar presented a powerpoint presentation on the group's concerns regarding the proposed Point project. He stated that the existing zoning allows for the maximum amount of development capable for the site.**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**Mr. Barstar provided a project overview of the number of units and the open space acreage, allowable uses, allowable site development, the zoning change, environmental sensitive exclusions, wetlands, hydric soils, stormwater management, stormwater plan approval, stormwater project application meeting, DNREC Stormwater Assessment Report, soils, runoff potential, water resource protection, discharge points, and conclusions which reference that: the site's potential for development is limited by environmental constraints; that the proposed rezoning is incompatible with the environmental constraints and should be rejected; that a significant portion of the site may be suitable for development of single family units without a zoning change with approximately 100 units compatible with local lot sizes and existing development; that recommended geotechnical investigation and soil surveys should be conducted to determine the full extent of hydric soils and infiltration in preparation of the Stormwater Assessment Study; that prior to submission of the subdivision plan, a sediment and stormwater program project application meeting with the Sussex Conservation District is necessary; that review of the Stormwater Assessment Report is required prior to subdivision or rezoning approval; that 50 acres of passive open space is not sufficient to address the entire site; that there should be a full delineation of wetlands and hydric soils; that development of the site is likely subject to the Sediment and Stormwater Regulations promulgated July 18, 2013, effective January 2014; that the site's potential for development is limited by environmental constraints; that the proposed application is incompatible with the environmental constraints and should be rejected; that a significant portion of the site may be suitable for development of single family units or cluster development without a zoning change; that they recommend a geotechnical investigation and soil survey to determine the full extent of hydric soils and infiltration in preparation of the Stormwater Assessment Study; and that prior to submission of the subdivision plan, a sediment and stormwater program project application meeting should be held with the Sussex Conservation District.**

**Richard Morgante, President of Old Landing Woods Homeowners Association, spoke on behalf of the Association with approval from the Board of Directors. Mr. Morgante presented a powerpoint presentation on the group's concerns regarding the proposed project. He stated that they believe there are serious questions and serious flaws with the proposal; that Old Landing Woods consists of two roads which are Fairway Drive and Clubhouse Drive; that Old Landing Woods consists of 41 large lots; that the proposal has an uncertain impact on the value of their homes and neighborhoods; that Old Landing Woods will be the one most directly impacted by the rezoning and development of the site; that the subdivision was established in the 1970s; that the residents request that the Commission closely examine this application; that the residents feel that the plans are seriously flawed and do not meet the Code requirements; that many of the residents reviewed the existing zoning prior to purchasing their lots; that increasing the density is contrary to the residents reasonable expectations for the development of the property and should be rejected; that the**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**residents urge the County to consider the character of the area; that this is not a rural, undeveloped landscape, rather it is a settled community; that it is not open farmland, it is a well-developed community surrounding a golf course; that AR-1 zoning is reasonable with respect to this land and is in keeping with the character of the adjoining community; that the residents are concerned about environmental and flooding impacts, the density of the proposed community, the worsening of traffic congestion and safety, and road ownership; that they have environmental and flooding concerns; that the site is located in an Environmentally Sensitive Development Area adjacent to Arnell Creek and Rehoboth Bay; that it is replete with critical habitat; that according to FEMA's flood maps, 58% of the property is in an AE-1 Flood Zone; that even modest rainfalls cause flooding on the golf course property; that the particularly flood-prone area is within the horseshoe of Fairway Drive/Club House Drive; that the proposal is contradictory to the Sussex County Code which dictates the minimal use of wetlands and floodplains; that according to the PLUS Report, adding impervious surfaces to this area will adversely impact both the quantity and quality of the water; that they depend on wells for their drinking water; that they should not have to pay for water through a water utility because of someone's development; that further investigation is needed on that point to insure that their well water will not be impacted; that they questioned why DNREC's stormwater management division grandfathered Osprey Point's stormwater management plan and the response was that if Osprey gets its stormwater management plan approved by July 1, 2015, they will be covered by the old regulations; that they thank the Applicant for removing the 12 lots on Fairway Drive; that another issue is road ownership; that the Applicant owns Fairway Drive and Clubhouse Drive; that complicating the roads management issue is the fact the Robert Marshall actually owns the roads, but does not maintain them, nor does he contribute to their upkeep; that the roads should be turned over to the Old Landing Woods Homeowners Association; that they have paved and maintained those roads and it is time that the roads be turned over; that in regards to density, the proposed project is now at a density of 2.6 homes per acre; that the Applicant asserts that it is in line with nearby communities; that the density of Old Landing Woods development is 1.57 per acre; that the density of The Woods at Arnell Creek is 1.72 per acre; that the density of Sawgrass south is 1.97 per acre; and that Osprey Point should follow suit with neighboring developments.**

**Mr. Morgante showed pictures of flooding during a moderate rainfall event (December 9, 2014) and the Hurricane/Superstorm Sandy rainfall event. Mr. Morgante shared a picture of an accident on Fairway Drive that occurred on January 23, 2014.**

**Donna Voigt stated that she was speaking on behalf of a large group of people that oppose the rezoning application. She presented a powerpoint presentation on the insufficient considerations of life safety impacts and increased traffic without any planned relief. Ms. Voigt referenced the Sussex County Mobility Element of the Comprehensive Plan, the Sussex**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**County Code and Delaware Strategies for State Policies and Spending. Ms. Voigt also referenced an email received from Representative Pete Schwarzkopf discussing his views on this proposed application and a meeting he was having with Senator Lopez and DelDOT regarding Old Landing Road improvements; in his letter he states that "in my opinion, the number of houses already permissible will exacerbate the traffic conditions there, let alone if they grant this increase in density… I don't think it's in the communities' best interest to allow any rezoning request that would increase the housing density until there is a transportation plan in place". Ms. Voigt stated that Old Landing Road is a narrow, winding, 2-lane rural road that is dark at night; that a lot of accidents happen along that road; that residents along the road have one way in and one way out; that improvements have not been made and more development was approved with a promise of remediation; that there appears to be a lack of coordination and cooperation between the County and the State to lessen the congestion and secure residents' safety from fire, flood, and other dangers; that they believe a Traffic Impact Study is needed; that the 2011 TIS is outdated; that key concerns are not being addressed, i.e. impact to emergency response, increased risk to pedestrians and bicyclists, and an evacuation zone has not been considered; that there were 18 reported crashes from 2009 to 2014; that DelDOT's TIS criteria that no deaths have occurred is not comforting; that limited remediation alternatives were considered and none that considered the entire length of the road; that they only looked at the chokepoints and the intersections; that the purpose of the Traffic Operational Analysis was to save DelDOT money needed to review a TIS and generate $24,500 in revenue to the State; that there are concerns with the TOA; that Old Landing Road is operating at a Level of Service F with no commitment from DelDOT to remedy; that the application further endangers the life/safety of residents of Old Landing Road communities; that they question what happens when an emergency response is needed; that the Delaware State Police Strategic Plan for 2014-2018 noted that traffic safety is one of their key concerns and their ability to provide adequate services and they expect to have another 16,000 residents move into Sussex County; that the Osprey Point project with 350 homes will add approximately 1,300 additional residents and will mean increased pedestrian and bicycle traffic and well as well as more cars and trucks involving over 2,900 trips per day; and that they request that the application be denied and re-evaluated after the traffic and life safety issues have been addressed and the transportation plan for Old Landing Road is developed, approved and funded and that the Council limit the density to insure alignment with the Old Landing Road improvements.**

**Mr. Dunne commented that many of the other developments on Old Landing Road were constructed under old regulations; that there are new regulations and a new Comprehensive Plan; that they do not consider this a popularity contest and they have given genuine concerns with regard to density, environment, flooding, and traffic; and that if the development is to proceed, it should proceed sensibly. Mr. Dunne presented proposed Findings and proposed conditions. Lastly, Mr. Dunne stated that they**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**request that Council defer a decision and keep the record open based on the new information that has been submitted.**

**Additional comments in opposition to the application were heard.**

**Al Bradley commented on the effects of asphalt and he stated that Arnell Road was never meant to be a dead end road; that it was always intended that Arnell Road would have a second exit and entrance and those plans have been abandoned; that Mr. Marshall maintained ownership of the roads so that he would have the ability to develop the golf course; that it is a life safety issue that Arnell Road be extended and not be cut off; that there is no off-season in the area anymore; and that they are not all summer homes in the area and they are not all retirees in the area.**

**Josephine Hamilton commented that it was determined that there is an archaeological site on the property; that in 1989, native American artifacts were found and that is why the site was recommended to have further survey done; and that Dan Griffith, a certified archaeologist in the State of Delaware, stated that, best guess, there are several burial sites on this property given the history. Ms. Hamilton presented a copy of a map regarding the archaeological site.**

**Ed Rynex stated that he supports smart growth and controlled growth.**

**Dennis Burlin commented on EMS response times and he provided timeframes for trips he has made to the hospital.**

**Henry Frederickson referenced the traffic situation on Old Landing Road and suggested that Fairway Drive be extended with a small bridge or a box culvert across Arnell Creek that could connect into Mulberry Knoll. Mr. Frederickson recommended a building moratorium until the traffic situation is straightened out and proper infrastructure is in place to insure safety.**

**Jeanne Goldy-Sanitate (a retired para-olympian) stated that she used to train on Old Landing Road with her hand cycle and she commented on the dangerous situation on the road that will become more dangerous with the approval of the proposed project.**

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

**Mr. Cole requested that the public record be left open for additional stormwater management information and he suggested that the Council invite a representative of DNREC's Division of Soil and Water Conservation to speak to Council as soon as it can be scheduled by staff.**

**It was noted that the Planning and Zoning Commission deferred action for further consideration and left the record open for the Sussex Conservation**

DRAFT

**Public Hearing/ C/Z No. 1759 (continued)**

**District reference to grandfathering of the project, for DelDOT's comments on the Traffic Operational Analysis, and for the Applicant's response to DelDOT's comments after which public written comments relating to those comments will be accepted for 20 days after the announcement of receipt of those comments by the Planning and Zoning Commission.**

**Mr. Arlett referenced comments made during the Public Hearing regarding road ownership and the possible archaeological find.**

**M 062 15 Defer Action on CZ 1759**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on and to leave the record open on Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC for the sole purpose of receiving the reports that the Planning and Zoning Commission is waiting for and to have a representative from DNREC's Division of Soil and Water Conservation address the County Council (at the soonest possible date) to discuss the soil conservation regulations pertaining to this specific site; once the reports have been received and the presentation made to the Council, the record will remain open for 20 additional days for written comments only for the public and the applicants to comment on those items that the record was held open for.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 063 15 Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 7:06 p.m.**

**Respectfully submitted,**

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

DRAFT

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 10, 2015**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 10, 2015, 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** |
| **Robert B. Arlett** | **Councilman** |
| **Todd F. Lawson** | **County Administrator** |
| **Gina A. Jennings** | **Finance Director** |
| **J. Everett Moore, Jr.** | **County Attorney** |

**[Mr. Cole arrived during the 10:30 a.m. Public Hearing.]**

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

**Call to Order** — **Mr. Vincent called the meeting to order.**

**M 064 15 Amend and Approve Agenda** — **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Approval of Minutes"; by deleting Item #2 under Juel Gibbons, Project Engineer, entitled "Pump Station 33 and Force Main Upgrades, Award of Contract for Design Services"; by deleting "Executive Session – Personnel pursuant to 29 Del. C. § 10004(b); and by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Correspondence** — **Mr. Moore read the following correspondence:**

**LEWES PUBLIC LIBRARY, LEWES, DELAWARE.**
**RE: Letter to Councilwoman Deaver in appreciation of the grant from the surplus of FY14 County funds.**

**Public Comments** — **<u>Public Comments</u>**

**Paul Reiger commented on an article in the Cape Gazette regarding sidewalks in developments.**

DRAFT

**(continued)** **Dan Kramer commented on the Sussex County Code and specifically, graveyards listed as a Conditional Use.**

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

1. **<u>Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Subcommittee Meeting</u>**

   **The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Tuesday, February 17th, at 10:00 a.m. at Easter Seals, 22317 DuPont Boulevard, in Georgetown. During the meeting, the Committee will discuss planning for its annual conference in October.**

2. **<u>Sussex County Emergency Operations Center Call Statistics – January 2015</u>**

   **Attached please find the call statistics for the Fire and Ambulance Callboard for January 2015. There were 13,217 total calls handled for the month of January. Of those 9-1-1 calls in January, 75 percent were made from wireless phones.**

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

**Pump Station 22 Modifications/ Balancing Change Order & Substantial Completion** **Juel Gibbons, Project Engineer, presented for Council's consideration a Balancing Change Order and request to grant Substantial Completion for Pump Station 22 Modifications, Contract 14-07. The Change Order request is in the amount of $6,385.26; with this Change Order, the new contract total would be $433,725.26. Ms. Gibbons reported that the maintenance items were not part of the initial scope of work; however, during construction, they were identified as being ones that could be updated for the betterment of the pump station, i.e. repair of cracks and leaks in the wet well, additional pump upgrades, and addition of a main breaker panel. Michael Izzo, County Engineer, responded to questions regarding wet wells and dry wells.**

**M 065 15 Pump Station 22 Modifications/ Balancing Change Order & Substantial Completion** **A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract #14-07, Pump Station 22 Modifications be approved, which increases the contract amount by $6,385.26 for a new total of $433,725.26 and that Substantial Completion be granted effective December 19, 2014 and any held retainage be released in accordance with the contract documents.**

**Motion Adopted: 4 Yeas, 1 Absent.**

DRAFT

**M 065 15 (continued)**

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

**Oak Crest Farms/ Project 14-01/ Substantial Completion and Final Balancing Change Order**

**Julie Cooper, Project Engineer, presented for Council's consideration a Final Balancing Change Order and request to grant Substantial Completion for the Oak Crest Farms Revised Stormwater Management Project, Phase One (Project 14-01). The Project included the realignment of the existing stormwater management Pond C outfall to eliminate Beaver Dam Road flooding, clearing and regrading of Stormwater Pond A to increase storage volume, replacement of Pond A and Pond B outlet control structures for improved stormwater management, and related work. The project was awarded to Melvin L. Joseph Construction Co., Inc. at the bid amount of $252,817.00. Substantial Completion was achieved on December 8, 2014. Ms. Cooper reported that, during the course of construction, DelDOT asked for some additional work in the Hopkins Road right-of-way to relieve an adjacent flooding problem and also, upon excavation, two existing pipes in Pond A required the adjustment of two drainage structures and the regrading of one swale. Ms. Cooper noted that it was critical to make these adjustments in order that the pond function correctly and to prevent flooding near the residential properties. The final balancing of work item quantities resulted in a $133.50 credit balance in the total cost of the work. Ms. Cooper noted that a redeemed Letter of Credit paid for the work.**

**M 066 15 Grant Substantial Completion and Approve Balancing Change Order**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant "Substantial Completion" effective December 8, 2014, to Melvin L. Joseph Construction Company, Inc. of Georgetown, Delaware, for Sussex County Project 14-01, "Oak Crest Farms Revised Stormwater Management – Phase 1", and further, that Balancing Change Order No. 1 be approved in the credit amount of $133.50, thereby decreasing the contract amount from $252,817.00 to $252,683.50, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Grant Request**

**Mrs. Jennings presented the following grant request.**

**M 067 15 Council-manic Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give $888.00 from Mr. Wilson's Councilmanic Grant Account to Coverdale Crossroads Community Council for Afterschool Program facility expenses.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

DRAFT

**M 067 15 (continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Absent; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

**Introduction of Proposed Ordinances**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS" (Conditional Use No. 2014) filed on behalf of Jay Beach (Tax Map 234-5.00-44.06) (911 Address – None Available).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.541 ACRES, MORE OR LESS" (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis (Tax Map I.D. No. 235-30.00-53.00) (911 Address: None Available).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,200 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey (Tax Map I.D. No. 235-30.00-58.02 (Part of) (911 Address: 26822 Lewes Georgetown Highway, Harbeson).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council Members' Comments**

**Council Members' Comments**

**Mrs. Deaver commented on Land Use Maps, the zoning changes to the maps, and where people can view the maps.**

**Mr. Moore and Mr. Lawson responded that, when a zoning change is approved, the master maps in Planning and Zoning are updated and can be viewed in that department, and that there is an effort currently underway to put all maps online; hopefully, by Spring or Summer 2015.**

**Mr. Arlett stated that he had the opportunity to attend a Delmarva Poultry Industry luncheon and he commented on how significant and impactful the poultry industry is to the County's economy.**

DRAFT

**M 068 15 Recess**

**At 10:26 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess for five minutes.**

**Motion Adopted:** **4 Yeas, 1 Absent**

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

**M 069 15 Reconvene**

**At 10:33 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene the Regular Session.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Public Hearing/ Proposed Route 54 Expansion of the Fenwick Island SSD**

**A Public Hearing was held to consider the expansion of the Fenwick Island Sanitary Sewer District to include parcels along Route 54 (Lighthouse Road) primarily from Zion Church Road to Williamsville Road (Route 54 Expansion).**

**John Ashman, Director of Utility Planning, reported that a petition was received from approximately 17 landowners, some with multiple parcels. He noted that all cannot be served by this expansion at this time; however, the remainder may be able to be annexed in the future. The project will install a main trunk line for sewer in Route 54 and serve the parcels on both sides. The Engineering Department is currently working to obtain financing and grants for the project. The tentative date for the Public Hearing is February 10, 2015.**

**Mr. Ashman reported on the following inquiries: an inquiry received from a property owner on New Road questioning how far sewer will be extended on New Road, an inquiry received from the owner of the shopping plaza on Williamsville Road expressing interest in being included in the sewer expansion, and an inquiry from a resident on Sand Cove Road expressing interest in being included in the sewer expansion.**

**Mr. Ashman reported on estimated user charges: current annual service charge is $278.00 per EDU, front foot assessment is $7.06 per front foot, system connection charge is $0.00 or $5,500 (system connection charges for existing homes are included in the project financing and new homes permitted after February 10, 2015 will pay $5,500.00 or the system connection charge fee in place at the time of connection), and a $1,000 to $1,500 plumbing cost.**

DRAFT

**Public Hearing/ Proposed Route 54 Expansion of the Fenwick Island SSD (continued)**

**Mr. Ashman noted that they have coordinated with DNREC to secure grant monies from the State Revolving Fund for the proposed expansion.**

**Mr. Ashman reported that no historical properties will be impacted; however, the area will be evaluated to avoid impacting any archaeological resources.**

**Mr. Ashman reported that construction is proposed to commence in January 2016 with the system operational in October 2016. He noted that construction may be impacted by the ability to obtain lane closures on Route 54 from DelDOT.**

**[Mr. Cole joined the meeting.]**

**Public comments were heard.**

**Anita Adkins, Denise Adkins Hearn, and Audrey Serio spoke in support of the proposed expansion.**

**Walter Johnson (Sand Cove Road), Tim Bowden (Sand Cove Road), and Dino Iacchetta (owner of shopping plaza) spoke in support of the proposed expansion and asked that their properties be included in the expansion.**

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

**Mr. Ashman and Michael Izzo, County Engineer, discussed the proposed expansion and answered questions raised by the Council in regards to the inclusion of other areas in the expansion (the shopping plaza and lots along Sand Cove Road). Concern was expressed about keeping the rate at $1,000.00 and including landowners who were never sent notices.**

**The Council directed the Engineering Department to consider the requested extensions, to contact the property owners that would be affected by extending sewer to the shopping plaza, and to submit a proposal (including pricing options) to the Council at the February 17th meeting.**

**M 070 15 Defer Action on the Proposed Route 54 Expansion of the FISSD**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to defer action on the proposed expansion of the Fenwick Island Sanitary Sewer District (Route 54 Expansion) until February 17, 2015.**

**Motion Adopted:** **5 Yeas.**

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

DRAFT

**M 071 15 Adjourn** **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 11:20 a.m.**

**Motion Adopted:** **5 Yeas.**

**Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, 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 |

Sussex County
DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 10, 2015

# FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FOREST LANDING - PHASE 3A
AGREEMENT NO. 343 - 8

## DEVELOPER:

Mr Richard Boyle
Forest Landing Communities
506 Main Street
Gaitherburg, MD 20878

## LOCATION:

Intersection Of County Road 368 And County Road 84.

## SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

## TYPE AND SIZE DEVELOPMENT:

Sewer was install per Phase 1. Solutions resubmitted phase 3A to eliminate the bridges.

## SYSTEM CONNECTION CHARGES:

$11,000.00

## SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
01/08/15

Department Of Natural Resources Plan Approval
10/29/04

## SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 8
Construction Admin And Construction Inspection Cost – $5,177.85
Proposed Construction Cost – $34,519.00

**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 |
| FAX | (302) 855-7799 |

Sussex County
DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

**February 17, 2015**

# PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 343-8 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FOREST LANDING COMMUNITIES" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "FOREST LANDING – PHASE 3A", LOCATED IN THE MILLER CREEK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 343-8

TODD LAWSON
COUNTY ADMINISTRATOR

**ENGINEERING DEPARTMENT**

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

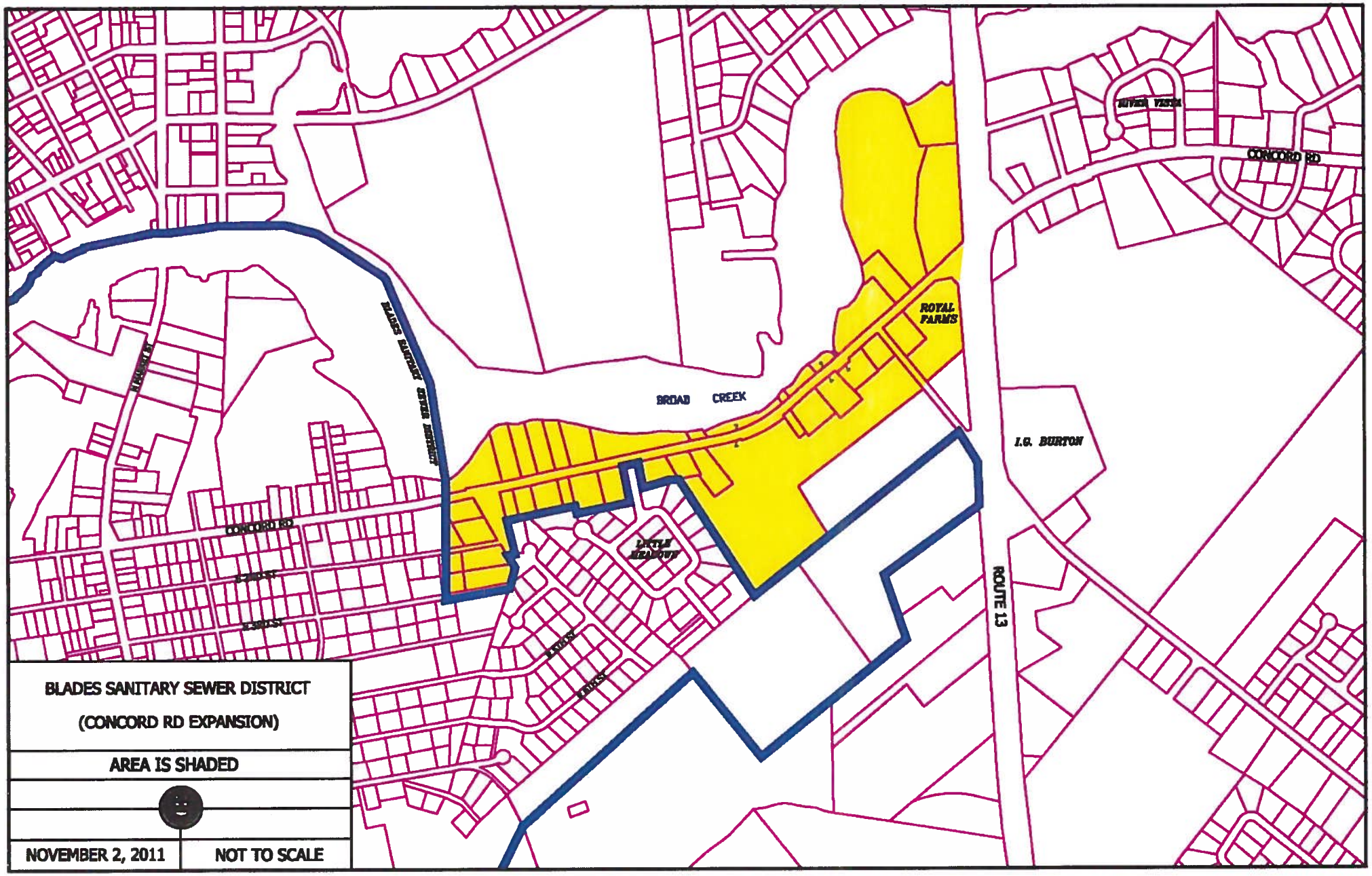
Sussex County
DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

# Concord Road Expansion to the Blades Sanitary Sewer District Fact Sheet

- Annexation into the Blades Sanitary Sewer District was completed on September 24, 2013
- The parcels are located primarily along County Road 20 (Concord Road).
- We have been working through USDA contracts and have a design proposal from DBF ( one of the Consulting Engineers on the Misc. Consultant list)
- Scope of work is attached as well as their quote for performing those services.
- **Any questions?**
- **I have a motion would you like me to read it?**


BLADES SANITARY SEWER DISTRICT
(CONCORD RD EXPANSION)
AREA IS SHADED
NOVEMBER 2, 2011
NOT TO SCALE
BLADES SANITARY SEWER DISTRICT
CONCORD RD
BROAD CREEK
ROYAL FARMS
I.G. BURTON
LITTLE MEADOWS
ROUTE 13
RIVER VISTA
CONCORD RD

Davis, Bowen & Friedel, Inc.
Scope of Services
Sussex County
Blades Sanitary Sewer District Expansion
July 24, 2014

Davis, Bowen & Friedel, Inc., (DBF) anticipates our scope of services associated with the design, permitting, and bidding assistance for expansion of the Blades Sanitary District Expansion to be as follows. The project includes new 8-inch and 10-inch gravity sanitary sewers, sanitary sewer manholes, wastewater pumping station, 6-inch sanitary force main, connection to existing gravity sanitary collection system, sanitary service connections with cleanouts, and pavement restoration of Concord Road.

## A. Survey:

Our office will perform the necessary office and field work to provide a complete topographic survey of the project area. Our in-house survey crew will locate all surface structures within the project area including but not limited to streets, curbs, gutters, sidewalks, swales, drainage structures, utilities, manholes, cleanouts, valves, meter pits, buildings, fences, landscaping, mailboxes, signs, and other natural man-made features. In addition, invert elevations of existing sanitary/stormwater manholes and inlets will be collected.

In addition, plats will be provide for easements required for completion of the project.

## B. Geotechnical Investigation:

Through our sub-consultant, John D. Hynes and Associates, Inc., we will have three (3) soil borings completed to evaluate groundwater levels and soils. The soil borings will be evaluated with foundation/bedding recommendations. One boring will be completed at the location of the new pump station along with one (1) each to the east and west of the pump station location along Concord Road.

## C. Construction Document Preparation:

Utilizing the above survey and geotechnical investigation information along with any existing as-built plans as provided by the County, we will prepare project construction documents for project permitting and bidding. Construction documents will be submitted to the County for review at 60%, 90%, and final completion stages. The documents will include:

- Title Sheet
- Existing Topographic and Utility Plan Sheets
- Proposed Pump Station Plans Sheets
- Proposed Pump Station Detail Sheets

- Proposed Pump Station Electrical and Mechanical Layout Sheets
- Proposed Gravity Sewer and Forcemain Plan and Profile Sheets
- Gravity Sewer and Forecemain Detail Sheets
- Sediment & Erosion Control Plans and Details
- Technical Specifications and Bid Documents
- Final Construction Cost Estimate

**D. Project Permitting:**

Upon completion of the project construction documents we will submit to the following agencies for plan review and approval.

- DNREC
- Sussex Conservation District
- Screenings for non-tidal wetlands
- USDA-RD
- DelDOT

The previously completed Preliminary Engineering Report (PER) and Environmental Report (ER) stated that a USACE Nationwide 12 Permit may be required however we do not anticipate this will be necessary. The area of concern that would initiate this permitting process is on the far northern limits of the project area along the Nanticoke River shoreline. These areas are considered private property and no County work should be performed in these areas. New sanitary service connections will be run up to the property lines with a cleanout to allow the property owner to connect at that point.

As part of this work we will address any review comments and resubmit the revised documents to obtain final project approval. *Please note that any project permitting fees are excluded from our fees.*

**E. Bid Phase Services:**

Our office will perform the following services to assist Sussex County with obtaining competitive construction Bids.

- Distribute construction documents to various general contractors; cost of reproduction of such documents are included in the design fee.
- Maintain a contractor's bidders lists.
- Conduct a Pre-Bid meeting to review the project and answer questions from potential bidders
- Address contractor questions during the bidding process
- Prepare any necessary construction document addenda
- Attend the bid opening
- Review construction bids and make award recommendation to the County

**F. Project Coordination Meetings:**

Davis Bowen and Friedel Inc. will participate design meetings with the County and/or USDA. These meetings will include a kick off meeting and monthly update meetings during the project design process in order to review the design and go over any comments that the County and/or USDA might have. We assume each coordination meeting will be held in Georgetown at the County offices and last approximately two (2) to four (4) hours per meeting.

**I. Project Schedule:**

Based on our review of the previously completed PER and ER and our understanding of the project, below is our anticipated schedule.

- 60% design ready – 3 months
- 90% design ready for permit submission – 2 months
- Permit submission and review – 1 month
- 100% design and final permits – 1 month
- Bidding – 2 months
- Construction – 4 months
- Startup and Commissioning – 1 month

**J. Excluded Services:**

The following services are not included in our scope of work. If determined to be required during the course of the project we will submit a separate proposal to you for consideration.

- Archeological Investigations
- Wetlands Investigations & Permitting
- Permit and/or bid advertisement costs
- Construction Administration Services
- Construction Inspection Services
- Construction Stakeout Services
- As-Built Surveys and/or As-Built Plan Preparation

# Cost Breakdown
## Blades Sanitary Sewer District Expansion
## Sussex County, Delaware
## August 2014

| Task | Personnel | Projected Hours | Avg.Hourly Rate | Overhead | Profit | Hourly Rate | Cost |
|---|---|---|---|---|---|---|---|
| **1 Survey** | | | | | | | |
| Topographical Survey | Senior Surveyor | 4 | $57.69 | $118.26 | $17.60 | $193.55 | $774.20 |
| | Associate Surveyor | 12 | $27.00 | $55.35 | $8.24 | $90.59 | $1,087.02 |
| | Party Chief | 36 | $23.00 | $47.15 | $7.02 | $77.17 | $2,777.94 |
| | Rodman | 36 | $16.00 | $32.80 | $4.88 | $53.68 | $1,932.48 |
| | CAD/Designer | 8 | $19.00 | $38.95 | $5.80 | $63.75 | $509.96 |
| Easements | Senior Surveyor | 12 | $57.69 | $118.26 | $17.60 | $193.55 | $2,322.60 |
| | CAD/Designer | 6 | $19.00 | $38.95 | $5.80 | $63.75 | $382.47 |
| | | | | | Total Survey | | $9,786.67 |
| **2 Geotechnicl Investigation** | | | | | | | |
| Subconsultant | John D. Hynes & Associates | | | | | | $3,500.00 |
| | | | | | Total Geotechnical Investigation | | $3,500.00 |
| **3 Construction Document Preparation** | | | | | | | |
| Pump Station Design | Senior Engineer | 16 | $57.69 | $118.26 | $17.60 | $193.55 | $3,096.80 |
| | Structrural Engineer | 8 | $36.06 | $73.92 | $11.00 | $120.98 | $967.85 |
| | Stormwater Engineer | 8 | $38.46 | $78.84 | $11.73 | $129.03 | $1,032.27 |
| | Engineer | 72 | $29.00 | $59.45 | $8.85 | $97.30 | $7,005.24 |
| | CAD/Designer | 30 | $19.00 | $38.95 | $5.80 | $63.75 | $1,912.35 |
| Subconsultant | Carew & Associates | | | | | | $8,000.00 |
| | | | | | | Subtotal | $22,014.51 |
| Gravity Sewer/Forcemain Design | Senior Engineer | 16 | $57.69 | $118.26 | $17.60 | $193.55 | $3,096.80 |
| | Engineer | 48 | $29.00 | $59.45 | $8.85 | $97.30 | $4,670.16 |
| | CAD/Designer | 30 | $19.00 | $38.95 | $5.80 | $63.75 | $1,912.35 |
| | | | | | | Subtotal | $9,679.31 |
| Project Bid Documents | Senior Engineer | 12 | $57.69 | $118.26 | $17.60 | $193.55 | $2,322.60 |
| | Engineer | 40 | $29.00 | $59.45 | $8.85 | $97.30 | $3,891.80 |
| | Clerical | 20 | $16.00 | $32.80 | $4.88 | $53.68 | $1,073.60 |
| | | | | | | Subtotal | $7,288.00 |
| | | | | | Total Const. Documents Preparation | | $38,981.81 |
| **3 Project Permitting** | | | | | | | |
| Agency Submission & Coord. | Senior Engineer | 4 | $57.69 | $118.26 | $17.60 | $193.55 | $774.20 |
| | Engineer | 24 | $29.00 | $59.45 | $8.85 | $97.30 | $2,335.08 |
| | CAD/Designer | 12 | $19.00 | $38.95 | $5.80 | $63.75 | $764.94 |
| | | | | | Total Project Permitting | | $3,874.22 |
| **4 Project Meetings** | | | | | | | |
| Kick-off Meeting | Senior Engineer | 4 | $57.69 | $118.26 | $17.60 | $193.55 | $774.20 |
| | Engineer | 4 | $29.00 | $59.45 | $8.85 | $97.30 | $389.18 |
| | | | | | | Subtotal | $1,163.38 |
| Monthly Progress Meetings (5) | Senior Engineer | 3 | $57.69 | $118.26 | $17.60 | $193.55 | $580.65 |
| | Engineer | 15 | $29.00 | $59.45 | $8.85 | $97.30 | $1,459.43 |
| | | | | | | Subtotal | $2,040.07 |
| | | | | | Total Bid Phase Services | | $3,203.45 |
| **5 Bid Phase Services** | | | | | | | |
| Bid Coord. & Recommendation | Senior Engineer | 8 | $57.69 | $118.26 | $17.60 | $193.55 | $1,548.40 |
| | Engineer | 24 | $29.00 | $59.45 | $8.85 | $97.30 | $2,335.08 |
| | CAD/Designer | 4 | $19.00 | $38.95 | $5.80 | $63.75 | $254.98 |
| | | | | | Total Bid Phase Services | | $4,138.46 |
| **6 Reimbursable Estimate:** | | | | | | | |
| Printing, Duplication | | | | | | | $1,000.00 |
| Mileage Estimate | | | | | | | $300.00 |
| Postage Estimate | | | | | | | $200.00 |
| | | | | | Total Reimbursable Est. | | $1,500.00 |
| | | | | | COST BREAKDOWN GRAND TOTAL | | $64,984.62 |

**ENGINEERING DEPARTMENT**

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

Sussex County
DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

# MOTION

BE IT MOVED BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THAT THE SUSSEX COUNTY COUNCIL AUTHORIZE ITS PRESIDENT TO EXECUTE AN AGREEMENT WITH DAVIS, BOWEN AND FRIEDEL, INC. OF SALISBURY, MD TO PROVIDE DESIGN SERVICES FOR THE CONCORD ROAD EXPANSION OF THE BLADES SANITARY SEWER DISTRICT AT A COST NOT TO EXCEED $64,984.62.

JOHN J. ASHMAN
February 17, 2015
O&M 5.12.07

**ENGINEERING DEPARTMENT**

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

Sussex County
DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

**Contract 14-21 Pump Station 33 and Force Main Upgrades**
**Award of Contract for Design Services**

- Request that Council approve a contract for design services by KCI Technologies, Inc. of Dover, DE for PS 33 and Force Main Upgrades, Contract 14-21.

- Upgrades to PS 33 and the force main are necessary in order to eliminate potential overflows at the existing forcemain discharge point on Route 54.

- The design effort by KCI includes-

  - a topographic survey
  - hydraulic analysis
  - structural analysis of the wet well
  - geotechnical evaluation
  - forcemain condition assessment
  - mechanical, electrical, and instrumentation evaluation
  - preparation of plans and specifications for bid

- The fee for the scope of work by KCI is $218,181.00.

EXHIBIT A-1

PS #33 UPGRADES

**SUSSEX COUNTY, DELAWARE**

This contract exhibit, A-1, dated_____, 2015, amends the original contract dated _____, 2015 between Sussex County Council, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the OWNER, and KCI TECHNOLOGIES, INC., a State of Delaware Corporation, as the Second Party, hereinafter referred to as the ENGINEER, whose address is 614 N. DuPont Highway, Dover, DE 19901. By execution of this contract exhibit, the following attachments are hereby added to the Original Contract. The provisions of the Original Contract dated _____ 2015, remain in effect and fully valid.

**Exhibit A-1**

**Attachment 1 – Engineer's Services**

**Section A1.02 – Preliminary Design Phase**

**Section A1.03 – Final Design Phase**

**Section A1.04 – Bidding Phase Services**

**Attachment 2 – Cost Breakdown utilizing Compensation Packet BC-2, Basis Services – Standard Hourly Rates, as the method of payment**

IN WITNESS WHEREOF, the parties hereunto have caused this Exhibit A-1 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

Michael Vincent
President, Sussex County Council

Date

APPROVED AS TO FORM:

David N. Rutt, Esq.
Assistant Sussex County Attorney

ATTEST:

Robin Griffith
Clerk of the Sussex County Council

FOR THE ENGINEER:

KCI TECHNOLOGIES, INC.

Timothy Wolfe, P.E., BCEE
Vice President

WITNESS:

# Attachment 1 – Engineer's Services

**Project Location:** Fenwick Island, DE

**Background:**

In 2006, the Fenwick Island Sanitary Sewer District, State Route 54 Study examined the wastewater conveyance system to propose alternatives to alleviate capacity issues for this area. The result of this study was the selection of "Alternative 3 – PS #33 Upgrades with a Bypass Forcemain to PS #31, Influent 24" Sewer, and PS #31 with a Bypass force main to Swann Cove." Subsequent to the report, upgrades to the system west of "the Ditch" were implemented to address immediate needs, while the improvements to PS #33 and the Bypass Force main were deferred. Due to ongoing operation and maintenance concerns associated with the existing PS #33 forcemain discharge, the Department of Environmental Services proposes to proceed with improvements to this portion of the system.

The goal of the proposed project is to eliminate potential overflows at the existing forcemain discharge point on Route 54 by installing a new Bypass forcemain directly to PS #31. The project generally consists of extending the existing 10" diameter forcemain from the current discharge point approximately 12,000 LF West along Route 54 to the existing 24" diameter gravity sewer near PS #31. The proposed forcemain will require a directional drill crossing of "the Ditch." To support the new forcemain routing, PS #33 will require new, larger pumps with associated upgrades to the electrical distribution, emergency power, and control systems. The Engineering Scope of Work will include: field survey, geotechnical evaluation, confirmation of the proposed forcemain routing, design of upgrades of existing PS #33 (pumps, electrical, and controls); hydraulic analysis of the proposed discharge point, directional drill design, detailed forcemain design, development of construction documents (plans and specs), and associated permitting activities. Scope of work shall include a supplement to the 2006 report and development of the associated Environmental Report suitable for submission to USDA or DNREC if required for funding purposes. The proposed improvements will address short term hydraulic capacity issues while remaining consistent with the long term improvement plans presented in the previous report.

**Scope of Services:**

**Section A1.02 – Preliminary Design Phase**

**Task 1.02.1 - Topographic/Utility Survey**

KCI will utilize a combination of ground and aerial survey techniques to develop the baseplan for the construction documents in the vicinity of the pump station and along the force main alignment. Approximately 12,400' long by 50' wide survey will be performed along the proposed alignment. As-built information will be requested from the county and private utilities and the utility information will be incorporated into the worksheet. All survey work to be based on horizontal and vertical datum NAD83/91 and NAVD 88, respectively, and tied to County controls where possible

The survey will include location above-ground utility boxes/features. KCI will contact Miss Utility before the survey starts; however, it should be understood that Miss Utility usually only marks utilities prior to construction work and typically not for survey work. No additional field verification (test pitting, magnetic locations, etc) are including in this contract. It is assumed that the survey shall be performed in the "off-season" allowing free access to the area and reduced traffic safety concerns. . As-built documents will be utilized to develop baseplans for proposed mechanical/electrical/equipment modifications to the pump station.

**Estimated Fee: $30,500.00**

**Task 1.02.2 – Pump Station #33 Upgrade/Forcemain Preliminary Design**

A) Conceptual Layout/Hydraulic Analysis

KCI will develop a conceptual alignment for the proposed forcemain from Virginia Avenue to the vicinity of PS #31. Based on the proposed forcemain alignment, KCI will perform a hydraulic analysis of the system to identify required upgrades to PS #33, confirm the size of the proposed forcemain and/or recommended control system improvements.

B) Pump Station Modification/Upgrade Plan

KCI will utilize existing As-built documents to develop baseplans in CADD format for use in the pump station upgrade design. Based on the hydraulic analysis, KCI will develop a modification plan to upgrade the pumps, electrical distribution and control systems at the existing pump station. It is assumed that no modification to the wet well, control building structure or health & safety upgrades will be required.

C) Forcemain Routing/Discharge Review

KCI will review the proposed forcemain alignment as described in the previous report. KCI will perform a field review with Sussex County personnel of the proposed discharge point and provide recommendations on the final configuration and operation. KCI will review field conditions that could affect the overall forcemain routing and discuss options with the County.

D) Directional Drill under the "Ditch"

KCI will review topographic data, environmental concerns (wetlands, floodplain, etc.) regarding the proposed stream crossing. KCI will coordinate with appropriate regulatory agencies regarding the crossing to obtain input prior to final design. KCI will develop a basis of design and staging plan for the direction drill construction in accordance with industry standards.

**Estimated Fee: $11,824.00**

**Task 1.02.3 - Ex. Pump Station Structural Review**

A) Existing Wetwell Structural Review

KCI will perform a site visit to evaluate the existing condition of the wetwell top slabs at PS #32 and PS #33. KCI will visually inspect the existing concrete, provide recommendations for rehabilitation/repair, and address access concerns expressed by the County. The results of the evaluation will be summarized in a letter report and included in the PER supplement.

**Estimated Fee: $8,965.00**

**Task 1.02.4 - Project Management**

A) Meetings/Coordination/Site Visits

KCI will attend up to two (2) progress meetings and/or site visits with the County during the preliminary design phase.

B) Cost Estimates

KCI will provide a preliminary estimate of probable costs for the project for use by the County for budgetary purposes. The estimates will provide suitable detail for submission to potential funding agencies if desired (DNREC/USDA).

C) Report Supplement

KCI will prepare a "Supplement" to the 2006 Report, suitable for submittal to funding agencies if desired. The proposed improvements are anticipated to be performed within the existing right of way, so no formal environmental report (ER) is anticipated as part of the funding agency review. This report supplement will be developed in accordance with USDA PER requirements as stated in RUS Bulletin 1780-2.

**Estimated Fee: $8,490.00**

**Section A1.03 – Final Design Phase**

**Task 1.03.1 - Geotechnical Evaluation**

KCI will perform a maximum of four (4) soil borings along the forcemain alignment up to a depth of 20 feet each to evaluate subsurface soil conditions. Two (2) of the borings will be located on each side of the "Ditch" for use in conjunction with the directional drill design. The remaining two borings will be strategically located along the alignment. Based on the geology, it is assume that no rock will be encountered and no rock coring has been included. It is also assumed that Sussex County will provide soil boring information performed in conjunction with previous utility installation in the area.

Soil analysis will be performed to assist in identifying the means and methods for the directional drilling, construction and pipe bedding requirements. KCI will notify the County if conditions warrant that borings be extended, or added.

The soil samples will be transported to a geotechnical laboratory for detailed visual examination, classification, and testing. The testing will include determining the grain-size distribution, Atterberg limits, the natural moisture content, and Standard Proctor moisture-density relationship. KCI will evaluate the results of the subsurface exploration and laboratory testing, and prepare a Geotechnical Report in accordance with generally accepted standards. The results of subsurface exploration and analysis will be submitted in a bound Geotechnical Report, which will be appended to the contract documents. KCI will supervise the drilling operations and contact Miss Utility prior to this work. Also, KCI will provide stakeout for the boring locations.

**Estimated Fee: $12,500.00**

**Task 1.03.2 – Pump Station #33 Upgrade/Forcemain Final Design**

A) Construction Document Development

Following approval of the conceptual plan by the County, KCI will prepare construction documents (plans and specifications) in accordance with Sussex County Engineering standards. Consideration of constructability and phasing shall be given during design development. KCI will provide review sets at the 60% and 95% levels for review by the County. The 60% submittal will include detailed process design documents (pump station and forcemain layout), civil drawings, and preliminary design for structural, electrical, and controls. Preliminary Specifications will also be provided at the 60% design level. The 95% design submittal shall include full drawings and specifications ready for permitting submittal pending comments from the County. Upon approval by the County of the 95% design documents, KCI will submit the drawings to DNREC for construction permit approval and funding agency approval as needed. Upon receipt of all permitting comments, KCI will revise the

drawings and specifications if necessary and provide final construction plans and specifications for use by the County.

**Estimated Fee: $46,012.00**

**Task 1.03.3 – Existing Wetwell Structural Rehabilitation Final Design**

A) Construction Document Development

Following approval of the structural evaluation report by the County, KCI will prepare construction documents (plans and specifications) in accordance with Sussex County Engineering standards. Consideration of constructability and phasing shall be given during design development. KCI will provide review sets at the 60% and 95% levels for review by the County. Upon approval by the County of the 95% design documents, KCI will submit the drawings to DNREC for construction permit approval and funding agency approval as needed.

**Estimated Fee: $13,090.00**

**Task 1.03.4 - Permitting Coordination**

KCI shall submit to appropriate agencies to obtain permitting approval for the construction of the proposed forcemain. KCI shall coordinate with the permitting agencies to incorporate their concerns and comments into the final design. Upon receipt of all comments, KCI will update the plans and specification and provide final construction documents (5 full size copies assumed), signed and sealed by a registered Professional Engineer for use by the County to obtain bids from installation contractors. Applications are anticipated to include:

1. Sussex Soil Conservation District – Sediment and Erosion Control Permit for Utility (Trench) Installation
2. DNREC – Sewer System Construction Permit and Stream Crossing (in conjunction with ACE)
3. DelDOT – Utility Construction Permit (it is assumed that construction will NOT require travel lane closures and that all construction activities will take place during the "off-season."
4. Army Corp of Engineers for Stream Crossing (including wetlands)

**Estimated Fee: $24,450.00**

**Task 1.03.5 - Mechanical/Electrical/Instrumentation**

KCI will provide mechanical, electrical, and instrumentation design services to incorporate the proposed changes to PS #33. It is assumed that no modifications to the control building will be required; therefore no upgrades to the HVAC or lighting systems will be needed. KCI will evaluate the incoming electrical service, emergency power systems, and electrical distribution systems to identify required modifications. KCI anticipates incorporating variable frequency drives (VFDs) in to the new pump control system. Ancillary improvements to the instrumentation and control systems will be incorporated into the design. Recommendations regarding potential SCADA system improvements and emergency generation will be provided, but integration services and design of a new emergency generation system are specifically excluded from this scope of work.

**Estimated Fee: $24,920.00**

**Task 1.03.6 - Project Management**

A) Meetings/Coordination

KCI will attend up to two (2) progress/review meetings with the County during the design phase. In addition, KCI will attend up to two (2) additional meetings to include coordination with Fenwick Island and/or residents.

B) Cost Estimates

KCI will provide an estimate of probable construction costs for the project for use by the County for budgetary purposes. The estimates will provide suitable detail for submission to potential funding agencies if desired (DNREC/USDA).

D) Forcemain Condition Assessment

KCI will assist the County to perform some limited condition assessment activities regarding the existing 10" PVC forcemain. There is no history of issues with this pipe and the system cannot be out of service for extended periods of time. Based on discussions with County personnel, the initial assessment will consist of a static pressure test of the forcemain and hydraulic analysis of the existing pumps and piping system. KCI will recommend testing protocol and oversee the field activities. All field equipment and labor required to perform the tests are to be provided by County (plugs, pumps, valves, gauges, etc.)

E) Value Engineering Coordination

KCI will coordinate with the County and their consultant to facilitate a VE review of the proposed design. We assume this review will consist of two reviews including attending a meeting with the County and responding to comments provided by the VE consultant.

F) QA/QC

KCI will perform QA/QC review at key milestones in accordance with our ISO certified process and project management protocol.

**Estimated Fee: $23,814.00**

**Section A1.04 – Bidding Phase**

**Task 1.04.1 - Bidding Phase Services**

KCI will provide Bidding Phase support services at the direction of the County. Services shall be as follows:

- Attend and Chair PreBid Meeting
- Produce PreBid Meeting Notes for distribution to Bidders
- Maintain Bidders List
- Answer RFIs during the bidding period
- Evaluate Bids for contract compliance and completeness
- Provide recommendation for award to the County

**Estimated Fee: $10,616.00**

**Total Estimated Labor Fee: $215,181.00**
**This fee specifically excludes reimbursable expenses which will be billed in accordance with the approved rate schedule.**

## SCHEDULE

It is anticipated the project will be initiated in February, 2015. Survey activities will commence in March, 2015 with detailed design to follow immediately. It is anticipated the detailed design can be completed by Fall 2015. Permitting duration cannot be guaranteed but will be expedited the extent possible through frequent communication during design.

## ASSUMPTIONS/EXCLUSIONS

This proposal is based upon the following exclusions and assumptions:

- Work associated with the production of Conceptual Plans will be performed using CAD.
- Upon receiving comments from the review agencies, KCI will make revisions and resubmit for final approval. Should additional submittals become necessary to address either new client requested changes or items not identified by the agencies' first round of comments and which are not design flaws or omissions by KCI, we will make the requested changes and invoice for our time as per the Fees and Payments for Additional Work section of this Proposal.

## Attachment 2 – Cost Breakdown Utilizing Compensation Packet BC-2, Basic Services – Standard Hourly Rates

Owner shall pay engineer for Basic Services set forth in Attachment 1 in accordance with Packet BC-2 of the Original Contract and the schedule provided below:

The total compensation for services listed in Attachment 1 is estimated to be **$218,181.00*** based on the following estimated distribution of compensation:

| | | |
|---|---|---|
| a. | Study and Report Phase | N/A |
| b. | Preliminary Design Phase* | $60,779.00 |
| c. | Final Design Phase* | $146,786.00 |
| d. | Bidding or Negotiating Phase | $10,616.00 |
| e. | Construction Phase | N/A |

* Fees above include $3,000 of reimbursable expense budgeted ($1,000 for PD, $2,000 for FD)

BRAD D. WHALEY
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bwhaley@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

# MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Robert B. Arlett
Todd Lawson, County Administrator

FROM: Brad D. Whaley

**RE: 2015 CDBG Application**

DATE: February 12, 2015

During Tuesday's Council meeting, I will be presenting the County's Community Development Block Grant application request for the 2014 CDBG grant year. My department has held Public Hearings at all of the Towns/Cities listed and the projects represent their requests.

For the Rural Communities, I have attended 10 Strong Community meetings throughout the County. These meetings are sponsored by First State Community Action and allow me to hear the concerns of the area residents. Additionally, I have consulted my Advisory Committee for guidance and approval for selecting these targeted rural areas.

Attached is the proposed application request for your review.

# STATE OF DELAWARE
# DELAWARE STATE HOUSING AUTHORITY
# DELAWARE CDBG PROGRAM-PROJECT
# COST SUMMARY

**CONTRACT PERIOD FROM: JULY 1, 2015 TO JUNE 30, 2016**
**SUMMARY OF PROGRAM ACTIVITIES**

| PROGRAM ACTIVITIES | PROGRAMS | CDBG PROGRAM FUNDS | LOCAL MATCH | OTHER FUNDS | TOTAL REQUESTED |
|---|---|---|---|---|---|
| Blades | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Bridgeville | (8) Rehab | $140,000.00 | | | $140,000.00 |
| Delmar | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Ellendale | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Greenwood | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Georgetown | (6) Rehab | $105,000.00 | | | $105,000.00 |
| Laurel | (8) Rehab | $140,000.00 | | | $140,000.00 |
| Milford | (6) Rehab | $105,000.00 | | | $105,000.00 |
| Milton | (6) Rehab | $105,000.00 | | | $105,000.00 |
| Seaford | (8) Rehab | $140,000.00 | | | $140,000.00 |
| Selbyville | (6) Rehab | $105,000.00 | | | $105,000.00 |
| Scattered Rehab | (25) Rehab | $372,000.00 | | $20,000.00 | $392,000.00 |
| Scattered Demo | (4) Demo | $24,000.00 | | | $24,000.00 |
| Scattered Emergency Rehab | (14) Rehab | $84,000.00 | | | $84,000.00 |
| Fair Housing Outreach & Training | AFFH | $8,000.00 | | | $8,000.00 |
| Scattered Hookups | (20) Hookups | $50,000.00 | | | $50,000.00 |
| Cool Spring | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Coverdale | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Mt. Joy | (5) Rehab | $80,000.00 | | | $80,000.00 |
| Pinetown | (5) Rehab | $80,000.00 | | | $80,000.00 |
| West Rehoboth | (5) Rehab | $80,000.00 | | | $80,000.00 |
| **TOTALS** | | **$2,098,000.00** | **$0.00** | **$20,000.00** | **$2,118,000.00** |

**TOTAL PROJECTS:** **132 Rehabs** **4 Demos** **20 Hookups**

| ADMINISTRATION | CDBG PROGRAM | LOCAL MATCH FUNDS | OTHER FUNDS | TOTAL REQUESTED |
|---|---|---|---|---|
| Salaries | $152,000.00 | $102,993.00 | $5,000.00 | $259,993.00 |
| Other Employment Costs | $0.00 | $181,284.00 | $0.00 | $181,284.00 |
| Travel | $10,000.00 | $0.00 | $0.00 | $10,000.00 |
| **TOTAL ADMINISTRATION COSTS** | **$162,000.00** | **$284,277.00** | **$5,000.00** | **$451,277.00** |

| | | | | |
|---|---|---|---|---|
| **TOTAL PROGRAM COSTS** | **$2,260,000.00** | **$284,277.00** | **$25,000.00** | **$2,569,277.00** |

**RESOLUTION NO. R**

**AUTHORIZATION TO SUBMIT APPLICATIONS**

**BE IT KNOWN,** The Sussex County Council resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants for the State of Delaware Community Development Block Grant Program; and

**WHEREAS,** the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of $162,000.00 will be made available upon the approval by the Delaware State Housing Authority.

**BE IT FURTHER RESOLVED** by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2015 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF FEBRUARY 2015.

_____

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

PROPOSED

**RESOLUTION NO. R**

**WHEREAS**, the Sussex County Council recognizes the importance of fair housing for the citizens of Sussex County; and

**WHEREAS**, the Sussex County Council supports the goals of the State and Federal fair housing laws;

**NOW, THEREFORE, BE IT RESOLVED** that the Sussex County Council heartily encourages all parties involved in the renting, selling or financing of housing in Sussex County to insure that no person shall, on the grounds of race, color, national origin, religion, handicap/disability, creed, sex, marital status, familial status, age, sexual orientation or gender identity be discriminated against or denied a fair and equal opportunity for housing; and

**BE IT FURTHER RESOLVED** that the Sussex County Council, when acting as Administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with applying for the Community Development Block Grant funding.

PROPOSED

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF FEBRUARY 2015.**

_____

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

# Town of Blades
# 100th Anniversary Celebration

Friday, May 15th & Saturday, May 16th, 2015
Blades Park
100 E Seventh Street
Blades, Delaware 19973
Email: vikkiprettyman@bladesde.com
Town Hall: (302) 629-7366
Website: www.blades.delaware.gov

## Please consider a sponsorship for the Blades 100th Anniversary Celebration. Donations of ALL sizes accepted and appreciated.

The Town of Blades is excited to celebrate its 100th Anniversary and events are planned over the weekend of May 15th and 16th, 2015. The activities will include a "Homecoming" Dinner on Friday, May 15th for all our past and present residents, council members, and employees. Saturday, May 16th the festival activities will take place between 9am and 7pm, featuring a vintage car show, tractor show, kid's activities, food and craft vendors, historical exhibits at Hardin Hall, entertainment throughout the day, and a "Homecoming" celebratory parade at 1pm along Market Street and High Streets to end at Blades Park.

On behalf of the Town of Blades and the Anniversary Committee we welcome residents and visitors alike to our Homecoming 100th Anniversary Celebration weekend events.

We are asking for your support to make this celebration a great success for all. We appreciate your consideration at sponsoring us at the following levels. All donations no matter how small will receive recognition in our anniversary booklet and online.

| Level | Amount | Booth Space | Website Ad | Logo on Event Advertising | Text name in all press releases and publications |
|---|---|---|---|---|---|
| SPONSOR | UP TO $99 | | | | X |
| SILVER | $100 - $250 | | | X | X |
| GOLD | $251 - $500 | | X | X | X |
| DIAMOND | $501 - $1000 | X | X | X | X |
| ENTERTAINMENT | $500 and UP | X | X | X | X |
| KIDS TENT | $500 and UP | X | X | X | X |

We can tailor a sponsorship package. Example: if you wish to sponsor a specific time for our entertainment line-up. We will work with you so please contact Vikki Prettyman at 302-629-7366 or vikkiprettyman@bladesde.com for help.

Thank you for your consideration and support for this event.

Vikki Prettyman

Vikki Prettyman
Town Administrator and Committee Member

# *The Mid-Atlantic Symphony Orchestra*

P.O. Box 3687 / Ocean City, MD 21843-3687
Phone: 410-289-3440, Toll Free: 888-846-8600


December 15, 2014

Councilmember Joan Deaver
Sussex County Council
P. O. Box 589
Georgetown, DE 19947

Dear Councilmember Deaver:

The Mid-Atlantic Symphony Orchestra Society, Inc. (MSO) is a regional company of professional musicians of the highest caliber dedicated to keeping the orchestral art form alive and active in the Mid-Atlantic region. We perform a repertoire of classical and modern compositions in venues across the area and we have become an integral part of the cultural life on the Eastern Shore. Currently the MSO is the only professional orchestra presenting a full subscription season each year, and we view our concerts as an opportunity to serve the people of the Maryland and Delaware regions.

The MSO season includes four concerts, with each concert performed in Easton, MD, Ocean Pines/Ocean City, MD, and Ocean View, DE. We serve a diverse group of people from youth through senior citizens, and regularly have over 1,000 attendees at our three venues. MSO audiences are most appreciative of the fact that they have a quality orchestra available locally, at a reasonable cost, and do not have to travel to a major city to hear quality classical music.

The concert schedule in the 2014-15 season will feature a Brahms Violin Concerto with Jonathan Carney featured on the violin; our very popular Holiday Joy concert with vocalists from the University of Miami and Frost School of Music; and Mendelssohn's *The Hebrides, "Fingal's Cave"*. The season's final concert in April will be titled "A French Celebration" in honor of MSO maestro Julien Benichou's 10th Anniversary as our Music Director, and will feature Debussy's *Prelude to Afternoon of a Faun*.

**Each MSO concert costs upwards of $25,000 to pull off, including costs for musicians, venue rental, and equipment. MSO patrons, grantors and donors provide more than two-thirds of the funds needed to keep the MSO alive and well. With this in mind, the MSO would like to request a $1,000 grant from your discretionary council funds to help us meet our operating budget. In 2013, the MSO added a new venue for our Holiday Joy concert at Cape Henlopen High School. This year's repeat performance attracted more than 200 audience members. Your grant funds will help the MSO provide more concerts at Cape Henlopen so that more constituents from the Rehoboth and Lewes area can experience orchestral music close to home.**

By aligning with a premiere ARTS organization, the Sussex County Council will be partnering with the MSO "to enrich life in the Mid-Atlantic region through the power of classical music." All contributors to the MSO are acknowledged with an advertisement in our concert programs, which are attended by more than 1,500 patrons; and prominently on our website, which reaches all of our 7,500 patrons and others who view it regularly.

Thank you so much for considering the Mid-Atlantic Symphony Orchestra for your grant funds. If you have any questions, please do not hesitate to call me at (302) 539-0793 or email me at maryloutietz@yahoo.com. Thank you again.

Sincerely,

Mary Lou Tietz

Mary Lou Tietz
MSO Development Manager

Greater Seaford Chamber of Commerce
Post Office Box 26
Seaford, Delaware, 19973
phone: 302.629.9690 fax: 302.629.0281
email: admin@seafordchamber.com

**Officers**
PRESIDENT
TOM BROWN
VICE PRESIDENT
ROB HARMAN
2nd VICE PRESIDENT
JENNY KEIM
SECY-TREASURER
JOHN TARBURTON, ESQ.

**Directors**
BEVERLY BLADES
HEATH CHASANOV
PAT CORRELL
CRAIG DIMES
TOM DARBY
LAWRENCE DERNULC
G. JANE DRACE
JASON FELLER
DEBBIE JEWELL
BRYANT RICHARDSON
DOLORES SLATCHER
STEVE TULL
KEVIN YINGLING

**Past President**
RALPH SCOTT III

**Staff**
EXECUTIVE DIRECTOR
LYNN BROCATO

February 5, 2015

Mike Vincent, President
Sussex County Council
Georgetown, DE 19947

RE: Towne & Country Fair/Seaford's 150th Anniversary

Dear Councilman Vincent:

The Towne & Country Fair is partnering this year with the City of Seaford to celebrate the Towne & Country Fair and Seaford's 150th Anniversary.

The event will be a 3-day event starting on Friday, May 22nd with a Anniversary celebration at City Hall and the a 2-day fair at the Governor Ross Plantation on Saturday, May 23rd and Sunday, May 24th.

We would like to respectfully request a donation of $1,000 from Sussex County Council to help defray the cost of putting on this 3-day event

We thank you in advance for your consideration.

With much gratitude,

*Lynn Brocato*
Lynn Brocato
Executive Director

January 28, 2015

Councilman George C. Cole
Councilwomen Joan Deaver
Sussex County Council
2 The Circle
Georgetown, DE 19947

Dear George and Joan,

I am writing to you today to ask you both and your fellow councilmen to support **Sussex County's Big Brother Big Sister Bowl for Kids' Sake fundraiser** that will be held at Milford Lanes on **May the 13th**. This is our biggest fundraiser of the year and last year the event was our best ever. **We made $30,009 at this event and you supported us with a $500 sponsorship which we appreciated. This year we are requesting $2,500 because of our overall increase in enrollment and our community match numbers.** We are serving more At Risk Kids and their families from all over Sussex County and we still have kids on our waiting list to be matched with a mentor or Big Brother or Big Sister.

**Sussex County Council has been a loyal contributor to our Bowl for Kids' Sake event** over the last four years and we appreciate your help. If you and your fellow council members can support us with a $2,500 sponsorship we would like to place an Ad or group picture of the County Council in our **Ad and Program book for this year's Bowl for Kids' Sake event to recognize your contribution and thank you.**

This will be my last fundraiser event as I will be retiring at the end of May from BBBS after working with kids and families from all over Sussex County for the past 42 years. I want to thank you and all Council members past and present for all your help and support to BBBS programing. Your support has helped not only our kids and their families but all county residents benefit from this as well because the whole county benefits when our kids are successful and I thank you for this.

Sincerely,

**Raymond M. Quillen**
**Program Manager for BBBS in Sussex County**
**111-A North Bedford Street**
**Georgetown, DE 19947**
**302-856-2918**
Rquillen@bbbsde.org
www.bbbsde.org

**Mary Howard, CHEF**
**PO Box 93, Lewes, DE 19958**
**www.CapeEducationFund.org**

Joan Deaver
PO Box 589,
Georgetown, DE 19947

Dear Joan Deaver,

There are **5,075 students** in the Cape Henlopen School District.

About **2,500 of them are from low income** families

Last year nearly **300 of them were homeless**

**18-percent** require extra accommodations for successful learning

All of the **Arts, sports and gifted programs** (where they exist) brace for the next round of **budget cuts**.

## Why Care?

Our teachers and students need help. That's where YOU and the non-profit Cape Henlopen Educational Foundation (CHEF) come in.

TOGETHER, we fund arts scholarships so talented students can continue learning.

We award grants to teachers for innovative hands-on learning opportunities not covered under the current budget.

We support anti-bullying programs to help children feel safe in their schools, because you can't graduate if you don't go to school.... AND so much more.

**WE NEED YOU!** Last year we weren't able to honor all the requests from students and faculty.

**- $25 can fund one underprivileged child's field trip.**
**- $50 can underwrite technology to help learning disabled children learn to read.**
**- $500 can sponsor a whole class for the year.**

There is so much more. Any amount can help. **Please give today** to help us reach our year-end goal of raising $10,000 to cover requests already made.

Thank you for your generosity and vision to help our children.

Sincerely,
*Rick Grier-Reynolds, Mary Howard,* CHEF Board

P.S. **We all remember special activities at school that suddenly made learning relevant. Please consider "giving back" those opportunities to others.**

PUBLIC HEARINGS

February 17, 2015

This is to certify that on January 22, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed application for Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

**Conditional Use #2004 – Delmarva Roofing and Coating, Inc.**

Application of **DELMARVA ROOFING AND COATING, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a contractors shop and office to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 6.47 acres, more or less, land lying west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3,200 feet south of Route 36 (Shawnee Road) (911 Address: 12982 Mennonite School Road, Greenwood, DE) (Tax Map I.D. #430-5.00-56.00).

The Commission found that the application was filed on October 16, 2014 and that the Applicant provided surveys of the property depicting the improvements on the property.

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated October 7, 2014, referencing that a traffic impact study was not recommended, and that the current Level of Service "A" of Mennonite School Road will not change as a result of this application.

The Commission found that the County Engineering Department – Utility Planning Division had provided comments in the form of a memorandum, received January 16, 2015, referencing that the site is located in the Western Sussex Planning Area #1; that use of an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that this site was formerly approved for a Conditional Use (C/U #494) for Merle Embleton for a maintenance shop and construction equipment yard for a contractor, and then amended in 1986 (C/U #853) for The Marble Works for the manufacturing of countertops and cultured marble.

The Commission found that Sheldon Swartzentruber was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he is proposing to move the business from in-town Greenwood to this site; that the site has not been used for business purposes for approximately 6 years; that business hours are intended to be from 7:00 a.m. to 5:00 p.m. weekdays; that he has from 15 to 20 employees; that the existing buildings will be used for storage of roofing materials, insulation, and equipment; that debris from job sites are hauled to landfills; that he would like to retain the existing sign structure on the property and only reface it with their sign; that they have 5 to 10 truck deliveries per week; that he is associated with the Mennonite School and will be directing traffic to and from the site towards Route 16, and away from traveling towards Route 36.

Mr. Lank advised the Commission that since the previous Conditional Uses have not been active in excess of two (2) years, those Conditional Use application are void.

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

The public hearing was closed.

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

Mr. Burton stated that he would move that the Commission recommend approval of C/U #2004 for Delmarva Roofing & Coating, Inc. for a contractor's shop and office based on the record made during the public hearing and for the following reasons:

1) The location has been used for this type of use for many years. Prior Conditional Uses have approved light manufacturing on the site. This type of use is consistent with the prior use of the property.

2) This use will not adversely affect neighboring properties or roadways.

3) The Applicant has stated that the site will be used for storage and offices. The actual construction work associated with the use will occur off-site.

4) No parties appeared in opposition to the application.

5) This recommendation is subject to the following conditions:

   A. All parking areas will be clearly shown on the site plan.

   B. There shall not be any outside storage of materials on the site.

   C. No disposal of roofing materials or other debris shall occur on site.

D. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 5:00 p.m., Monday through Friday.

E. The sign shall be located in the same location as the current sign on the site, and shall be the same size at the existing sign.

F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, 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 stated. Motion carried 4 – 0.

**Conditional Use #2005 – Indian River Volunteer Fire Co., Inc.**

Application of **INDIAN RIVER VOLUNTEER FIRE CO., INC.** to consider the Conditional Use of land in a GR General Residential District for a boat storage facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.571 acres, more or less, land lying southwest of Oak Orchard Road (a.k.a. Route 5 and Road 297) 0.15 mile north of River Road (Road 312) (911 Address: 32634 Oak Orchard Road, Millsboro, DE) (Tax Map I.D. 234-34.08-43.00 & 44.00).

The Commission found that the application was filed on October 16, 2014 and that the Applicants provided a survey/site plan for the proposed use.

The Commission found that DelDOT provided comments in May 15, 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" will not change as a result of this application.

The Commission found that the County Engineering Department – Utility Planning Division provided comments on January 16, 2015 in the form of a memorandum referencing that the site is located in the Oak Orchard Sanitary Sewer District; that wastewater capacity is available for the project, if the project does not exceed a total of 11.06 Equivalent Dwelling Units (EDUs); that Ordinance 38 construction will not be required; that the current System Connection Charge Rate is $4,100.00 per ED U; that a 6-inch sanitary sewer lateral serves each parcel; that the two laterals are installed along Oak Orchard Road; and conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that Patrick Miller sent a letter in support of this application and advised that the request is consistent with the neighboring property usage and is not out of character with the waterfront community; that the Fire Company has attempted to be a community partner that strives to keep its property in a clean and presentable fashion' and that he encourages a favorable consideration.

The Commission found that Patrick Miller, President of the Indian River Volunteer Fire Company, Inc. (Fire Company) was present on behalf of the Fire Company and stated in his presentation and in response to questions raised by the Commission that the Fire Company is a not for profit operation; that the Fire Company purchased the property to prevent development

and for future expansion of their facilities; that a revenue generator is needed to support the Fire Company; that they intend to lease the property to the adjoining boat repair and storage facility; that the use of automatic gates is anticipated; that the Fire Company stored their rescue boats in the firehouse; that fencing will be provided; that they type of fencing has not yet been determined; that they anticipated that 8 – foot chain-linked fencing will be utilized and that slats in the fencing may be installed for screening; and that based on the current activities of the adjoining boat storage facility, their employees will be moving the boats in and out of the facility.

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

The public hearing was closed.

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

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #2005 for the Indian River Volunteer Fire Company, Inc. for a boat storage facility based on the record and for the following reasons:

1) The use is consistent with neighboring and adjacent uses. There is also an existing boat storage area next door.

2) The use is appropriate for a waterfront community such as Oak Orchard.

3) The use as a boat storage facility is a public or semi-public use and is desirable for the general convenience and welfare of the area.

4) No parties appeared in opposition to the application.

5) This recommendation is subject to the following conditions:

    A. The boat storage area shall be fenced.

    B. The area shall be open during daylight hours only.

    C. No maintenance of boats or vehicles shall occur on the site.

    D. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.

    E. 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. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

**Conditional Use #2006 – Thomas and Laura Kuckarik**

Application of **THOMAS AND LAURA KUCHARIK** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a seasonal farm stand/garden center to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.2887 acres, more or less, land lying west of Beaver Dam Road (Road 285) 1,100 feet north of Stockley Road (Road 280) (911 Address: 19884 Beaver Dam Road, Lewes, DE) (Tax Map I.D. #234-5.00-44.07).

The Commission found that the application was received on October 16, 2014 and that the Applicant had provided a survey/site plan with the application.

The Commission found that DelDOT provided comments on October 7, 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 of Beaver Dam Road will not change as a result of this application.

The Commission found that the County Engineering Department – Utility Planning Division provided comments on January 16, 2015 is the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Jay Beach sent a letter in support of the Applicants plans referenced in this application.

The Commission found that Thomas Kucharik was present on behalf of their application and stated in his presentation and in response to questions raised by the Commission that he has been working in the green industry for approximately 20 years; that they have been growing plants, flowers, vegetable and plant seedlings, and that they have some chickens for the sale of the eggs; that some of their clients have requested that they provide mulches, pots, and other landscaping materials; that their sales display area is approximately 100 feet from the road; that they are planning on planting evergreens and landscaping; that they will have 2 to 4 employees; that their business will be open from March through December with business hours from 8:00 a.m. to 4:00 p.m. Monday through Thursday, 8:00 a.m. to 6:00 p.m. Friday and Saturday, and Noon to 4:00 p.m. on Sunday; that the proposed sales building will contain approximately 576 square feet; that they will be erecting additional greenhouses; that signage already exists and will be downward illuminated; that there are not intended to erect any feather flags; that the parking area will be gravel; and that there not be any displays are parking within the 40-foot front yard setback.

The Commission found that Mr. Kucharik submitted 12 photographs of the property and business area.

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

The public hearing was closed.

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

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #2006 for Thomas and Laura Kucharik for a seasonal farm stand/garden center based upon the record made during the public hearing and for the following reasons:

1) The Applicant resides on the premises where this Conditional Use will be located. He proposes to operate a small farm stand with a garden center for shrubs, plants, pots, mulch and soils and other similar garden items.

2) The proposed use is compatible with the underlying agricultural zoning and other agricultural uses in the area.

3) The use promotes both business and convenience in Sussex County in that it provides an agricultural business that will sell produce and garden products to Sussex County residents and visitors.

4) The Conditional Use will not adversely affect neighboring properties, the community or area roadways and traffic.

5) No parties appeared in opposition to the proposed use.

6) This recommendation is subject to the following conditions:

   A. The Final Site Plan shall show all areas for the farm stand and the garden center and vehicle and truck parking. It shall also show existing and proposed display areas and storage containers on the site. Those storage containers shall be screened from view of neighboring properties. No display or storage shall be located in the front yard setback,

   B. All material and equipment storage shall be screened from view of neighboring properties and roadways.

   C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

   D. The stand shall be open from March 20 until December 20 of each year.

   E. The hours of operation for the business shall be from 8:00 a.m. to 4:00 p.m. Monday through Thursday, Friday and Saturday from 8:00 a.m. to 6:00 p.m., and Sunday from Noon to 4:00 p.m.

   F. 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. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

**Introduced 11/18/14**

**Council District – Wilson - District No. 2**
**Tax I.D. No. 430-5.00-56.00**
**911 Address: 12982 Mennonite School Road, Greenwood**

**ORDINANCE NO. ___**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2004 was filed on behalf of Delmarva Roofing and Coating, 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. 2004 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. 2004 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 Nanticoke Hundred, Sussex County, Delaware, and lying west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3,200 feet south of Route 36 (Shawnee Road) and being more particularly described as follows:**

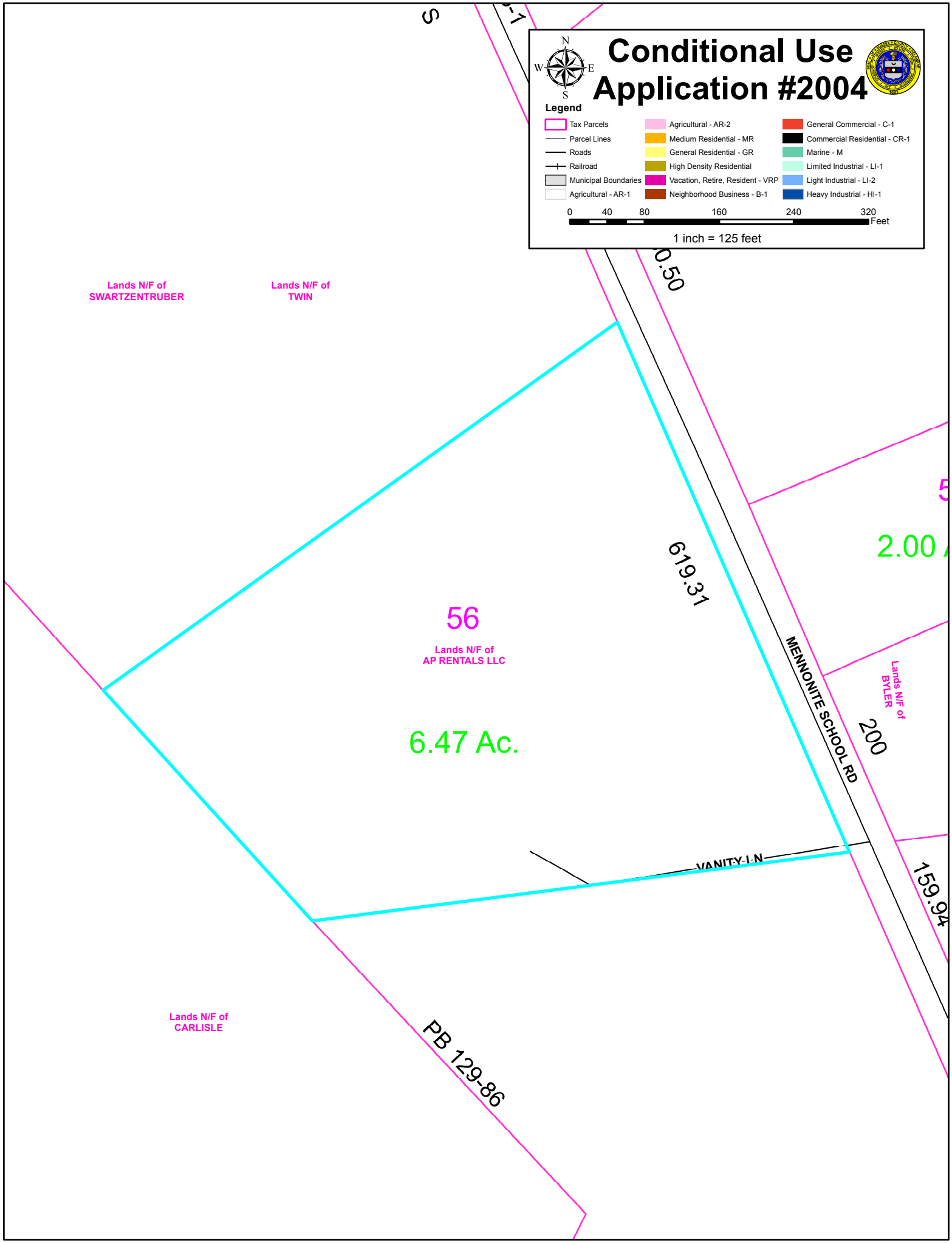
**BEGINNING at a concrete monument on the westerly right-of-way of Road 631 (Mennonite School Road), a corner for these lands and lands, now or formerly, of William H. Carlisle, Jr.; thence north 89°44′36″ west 575.82 feet to a concrete marker; thence north 37°26′27″ west 312.17 feet along said Carlisle lands to an iron pipe; thence north 59°50′17″ east 685.61 feet along lands, now or formerly, of Mark E. Schwartzentruber to an iron pipe on**

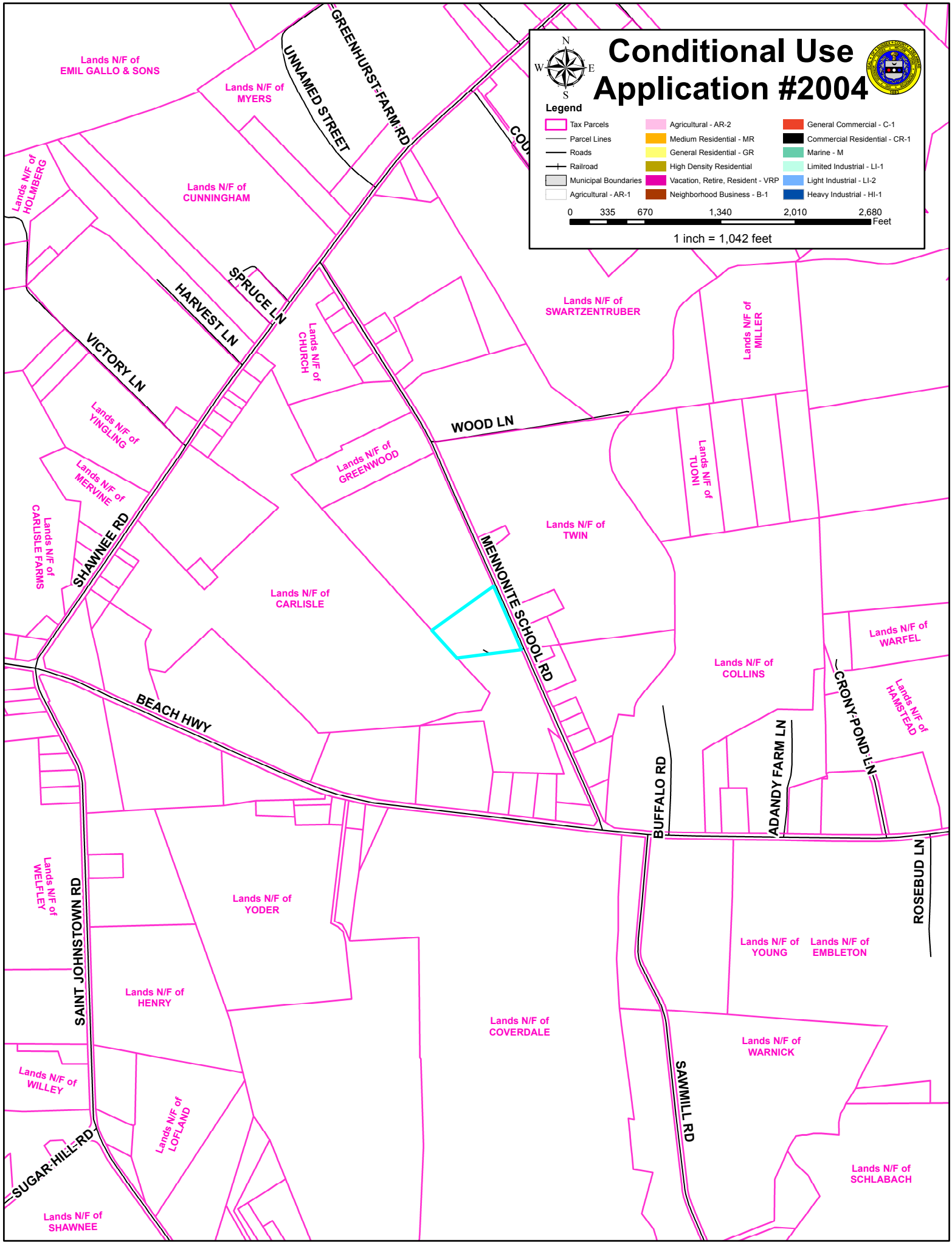
PROPOSED

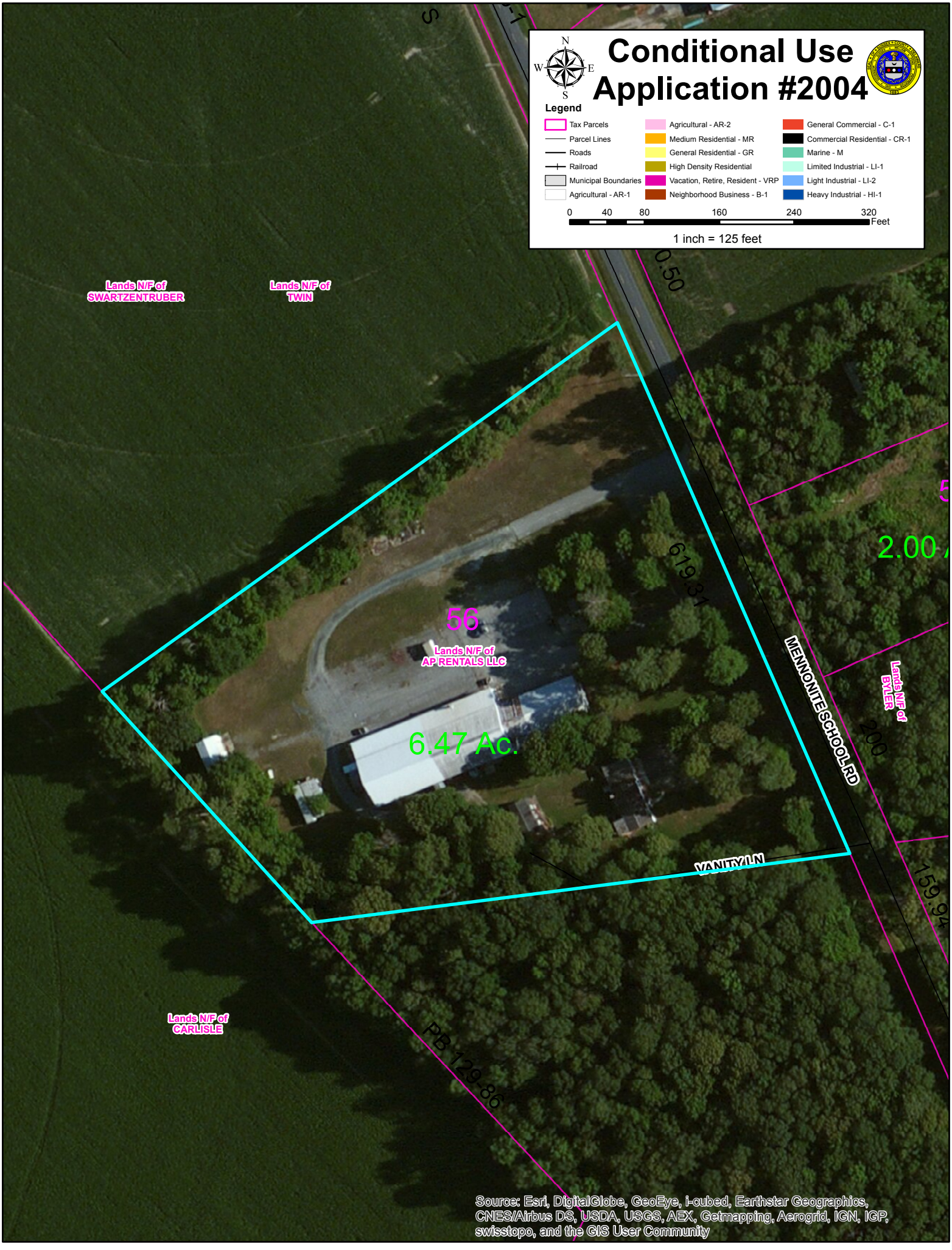
**the westerly right-of-way of Road 631; thence south 16°15′ east 619.52 feet along the westerly right-of-way of Road 631 to the point and place of beginning, and containing 6.47 acres, more or less.**

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

PROPOSED


Conditional Use Application #2004
N
W
E
S
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 40 80 160 240 320
Feet
1 inch = 125 feet
Lands N/F of SWARTZENTRUBER
Lands N/F of TWIN
0.50
619.31
56
Lands N/F of AP RENTALS LLC
6.47 Ac.
2.00
MENNONITE SCHOOL RD
200
Lands N/F of BYLER
VANITY LN
159.94
Lands N/F of CARLISLE
PB 129-86


Conditional Use Application #2004
N
W
E
S
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680
Feet
1 inch = 1,042 feet
Lands N/F of EMIL GALLO & SONS
Lands N/F of MYERS
UNNAMED STREET
GREENHURST FARM RD
Lands N/F of HOLMBERG
Lands N/F of CUNNINGHAM
HARVEST LN
SPRUCE LN
VICTORY LN
Lands N/F of CHURCH
Lands N/F of SWARTZENTRUBER
Lands N/F of MILLER
Lands N/F of YINGLING
WOOD LN
Lands N/F of GREENWOOD
Lands N/F of TUONI
Lands N/F of MERVINE
Lands N/F of CARLISLE FARMS
SHAWNEE RD
Lands N/F of TWIN
MENNONITE SCHOOL RD
Lands N/F of CARLISLE
Lands N/F of WARFEL
Lands N/F of COLLINS
CRONY POND LN
Lands N/F of HAMSTEAD
BEACH HWY
BUFFALO RD
ADANDY FARM LN
ROSEBUD LN
Lands N/F of WELFLEY
SAINT JOHNSTOWN RD
Lands N/F of YODER
Lands N/F of YOUNG
Lands N/F of EMBLETON
Lands N/F of HENRY
Lands N/F of COVERDALE
Lands N/F of WARNICK
SAWMILL RD
Lands N/F of WILLEY
Lands N/F of LOFLAND
SUGAR HILL RD
Lands N/F of SCHLABACH
Lands N/F of SHAWNEE


Conditional Use Application #2004
N
W
E
S
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 40 80 160 240 320
Feet
1 inch = 125 feet
Lands N/F of SWARTZENTRUBER
Lands N/F of TWIN
0.50
619.31
56
Lands N/F of AP RENTALS LLC
6.47 Ac.
MENNONITE SCHOOL RD
VANITY LN
Lands N/F of BYLER
200
159.94
2.00
Lands N/F of CARLISLE
PB 129-86
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Introduced 11/18/14**

**Council District – Cole - District No. 4**
**Tax I.D. No. 234-34.08-43.00 & 44.00**
**911 Address: 32634 Oak Orchard Road, Millsboro**

**ORDINANCE NO. ___**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2005 was filed on behalf of Indian River Volunteer Fire Co., 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. 2005 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2005 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 southwest of Oak Orchard Road (a.k.a. Route 5 and Road 297) 0.15 mile north of River Road (Road 312) and being more particularly described as follows:**

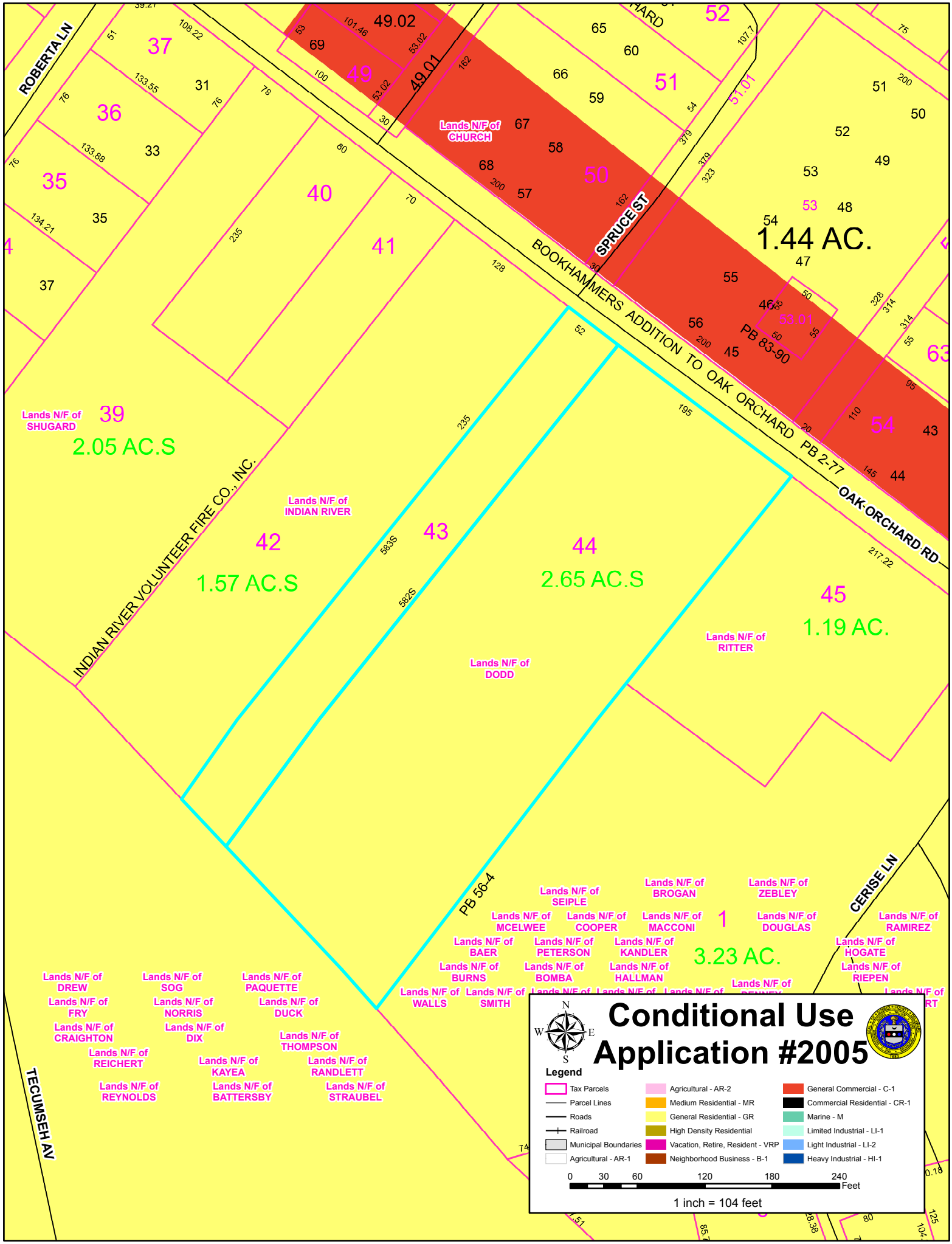
**BEGINNING at a point on the southwesterly right-of-way of Oak Orchard Road (Road 297), a corner for these subject lands and lands, now or formerly, of David A. Ritter and Kathy M. Ritter; thence south 40°56′20″ west 612.23 feet along said Ritter lands to a point; thence north 37°30′25″ west 199.08 feet to a point and north 36°31′15″ west 82.12 feet along the centerline of a ditch to a point; thence north 43°26′30″ east 567.65 feet along other lands of**

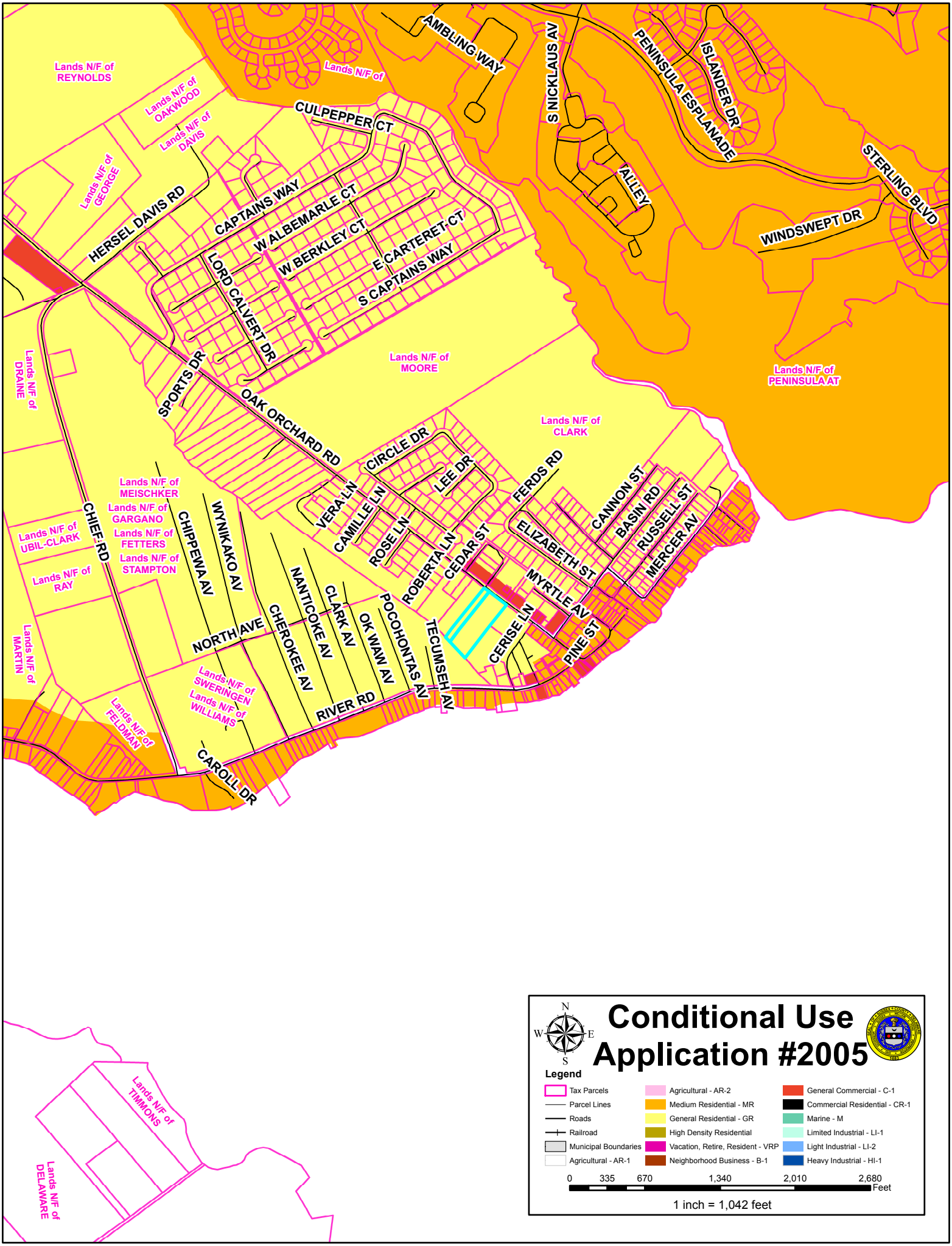
PROPOSED

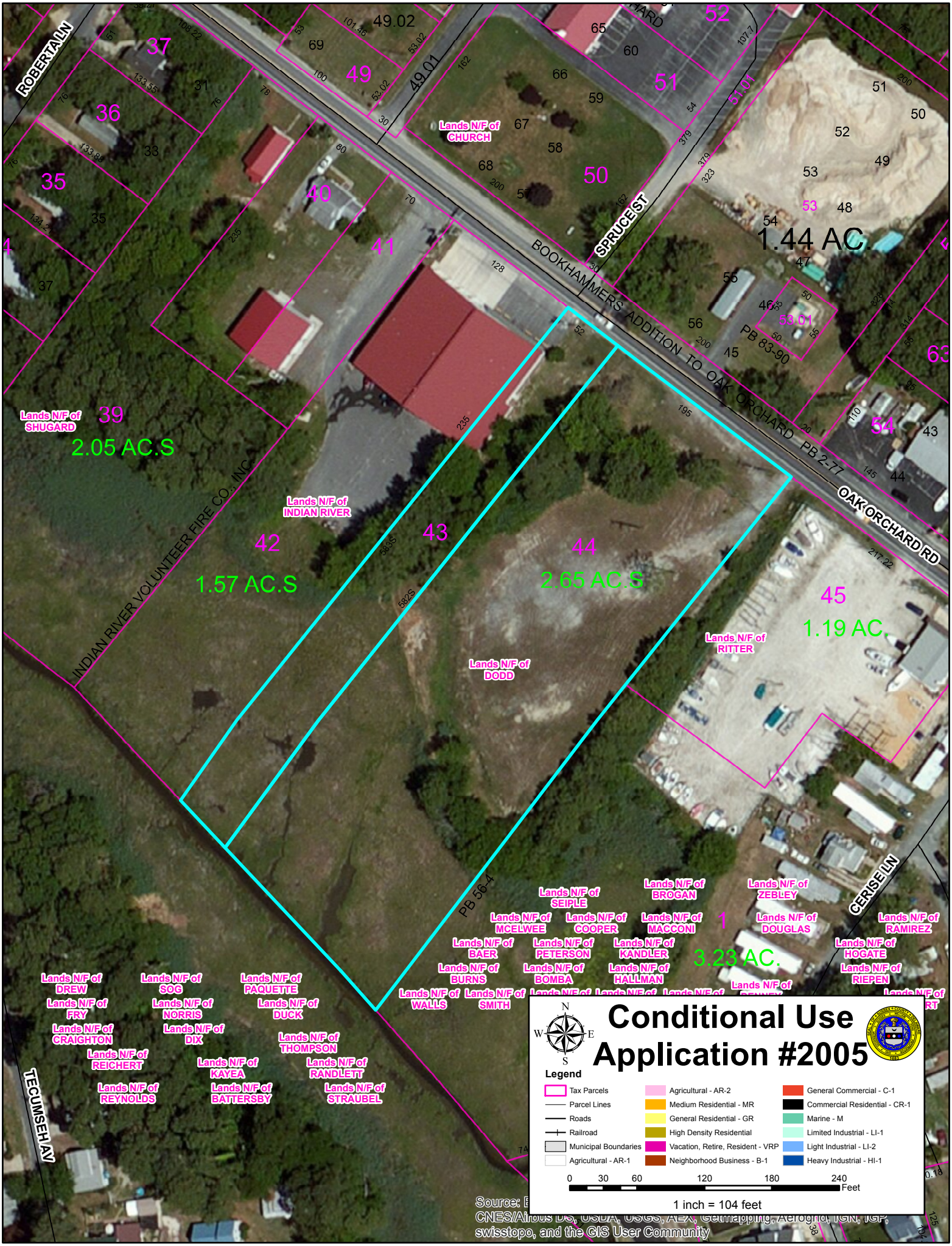
**Indian River Volunteer Fire Co., Inc. to an iron bar on the southwesterly right-of-way of Oak Orchard Road; and thence south 46°11′08″ east 250.74 feet along the southwesterly right-of-way of Oak Orchard Road to the point and place of beginning, and containing 3.571 acres, more or less.**

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

PROPOSED


ROBERTA LN
SPRUCE ST
BOOKHAMMERS ADDITION TO OAK ORCHARD PB 2-77
OAK ORCHARD RD
INDIAN RIVER VOLUNTEER FIRE CO.; INC.
PB 83-90
PB 56-4
CERISE LN
TECUMSEH AV
Lands N/F of CHURCH
Lands N/F of SHUGARD
Lands N/F of INDIAN RIVER
Lands N/F of DODD
Lands N/F of RITTER
Lands N/F of BROGAN
Lands N/F of ZEBLEY
Lands N/F of SEIPLE
Lands N/F of MCELWEE
Lands N/F of COOPER
Lands N/F of MACCONI
Lands N/F of DOUGLAS
Lands N/F of RAMIREZ
Lands N/F of BAER
Lands N/F of PETERSON
Lands N/F of KANDLER
Lands N/F of HOGATE
Lands N/F of BURNS
Lands N/F of BOMBA
Lands N/F of HALLMAN
Lands N/F of RIEPEN
Lands N/F of WALLS
Lands N/F of SMITH
Lands N/F of DREW
Lands N/F of SOG
Lands N/F of PAQUETTE
Lands N/F of FRY
Lands N/F of NORRIS
Lands N/F of DUCK
Lands N/F of CRAIGHTON
Lands N/F of DIX
Lands N/F of THOMPSON
Lands N/F of REICHERT
Lands N/F of KAYEA
Lands N/F of RANDLETT
Lands N/F of REYNOLDS
Lands N/F of BATTERSBY
Lands N/F of STRAUBEL
1.44 AC.
2.05 AC.S
1.57 AC.S
2.65 AC.S
1.19 AC.
3.23 AC.
Conditional Use Application #2005
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 30 60 120 180 240 Feet
1 inch = 104 feet


Lands N/F of REYNOLDS
Lands N/F of OAKWOOD
Lands N/F of DAVIS
Lands N/F of GEORGE
Lands N/F of
AMBLING WAY
S NICKLAUS AV
PENINSULA ESPLANADE
ISLANDER DR
STERLING BLVD
WINDSWEPT DR
ALLEY
CULPEPPER CT
HERSEL DAVIS RD
CAPTAINS WAY
W ALBEMARLE CT
W BERKLEY CT
E CARTERET CT
S CAPTAINS WAY
LORD CALVERT DR
SPORTS DR
OAK ORCHARD RD
Lands N/F of MOORE
Lands N/F of PENINSULA AT
Lands N/F of DRAINE
Lands N/F of CLARK
CIRCLE DR
LEE DR
FERDS RD
CANNON ST
BASIN RD
RUSSELL ST
MERCER AV
VERA LN
CAMILLE LN
ROSE LN
ROBERTA LN
CEDAR ST
ELIZABETH ST
MYRTLE AV
PINE ST
CERISE LN
TECUMSEH AV
POCOHONTAS AV
OK WAW AV
CLARK AV
NANTICOKE AV
CHEROKEE AV
NORTH AVE
RIVER RD
CAROLL DR
CHIEF RD
CHIPPEWA AV
WYNIKAKO AV
Lands N/F of MEISCHKER
Lands N/F of GARGANO
Lands N/F of FETTERS
Lands N/F of STAMPTON
Lands N/F of UBIL-CLARK
Lands N/F of RAY
Lands N/F of MARTIN
Lands N/F of SWERINGEN
Lands N/F of WILLIAMS
Lands N/F of FELDMAN
Lands N/F of TIMMONS
Lands N/F of DELAWARE
N
W
E
S
Conditional Use Application #2005
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680
Feet
1 inch = 1,042 feet


ROBERTA LN
BOOKHAMMERS ADDITION TO OAK ORCHARD PB 2-77
OAK ORCHARD RD
SPRUCE ST
INDIAN RIVER VOLUNTEER FIRE CO., INC.
PB 83-90
PB 56-4
CERISE LN
TECUMSEH AV
Lands N/F of CHURCH
Lands N/F of SHUGARD
Lands N/F of INDIAN RIVER
Lands N/F of DODD
Lands N/F of RITTER
Lands N/F of DREW
Lands N/F of SOG
Lands N/F of PAQUETTE
Lands N/F of FRY
Lands N/F of NORRIS
Lands N/F of DUCK
Lands N/F of CRAIGHTON
Lands N/F of DIX
Lands N/F of THOMPSON
Lands N/F of REICHERT
Lands N/F of KAYEA
Lands N/F of RANDLETT
Lands N/F of REYNOLDS
Lands N/F of BATTERSBY
Lands N/F of STRAUBEL
Lands N/F of WALLS
Lands N/F of SMITH
Lands N/F of SEIPLE
Lands N/F of MCELWEE
Lands N/F of COOPER
Lands N/F of BROGAN
Lands N/F of ZEBLEY
Lands N/F of MACCONI
Lands N/F of DOUGLAS
Lands N/F of RAMIREZ
Lands N/F of BAER
Lands N/F of PETERSON
Lands N/F of KANDLER
Lands N/F of HOGATE
Lands N/F of BURNS
Lands N/F of BOMBA
Lands N/F of HALLMAN
Lands N/F of RIEPEN
35
36
37
39
2.05 AC.S
40
41
42
1.57 AC.S
43
44
2.65 AC.S
45
1.19 AC.
49
49.02
49.01
50
51
51.01
52
53
53.01
54
1.44 AC.
1
3.23 AC.
Conditional Use Application #2005
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 30 60 120 180 240
Feet
1 inch = 104 feet
Source: E
CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Introduced 11/18/14**

**Council District – Deaver - District No. 3**
**Tax I.D. No. 234-5.00-44.07**
**911 Address: 19884 Beaver Dam Road, Lewes**

**ORDINANCE NO. ___**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2006 was filed on behalf of Thomas and Laura Kucharik; 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. 2006 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:**

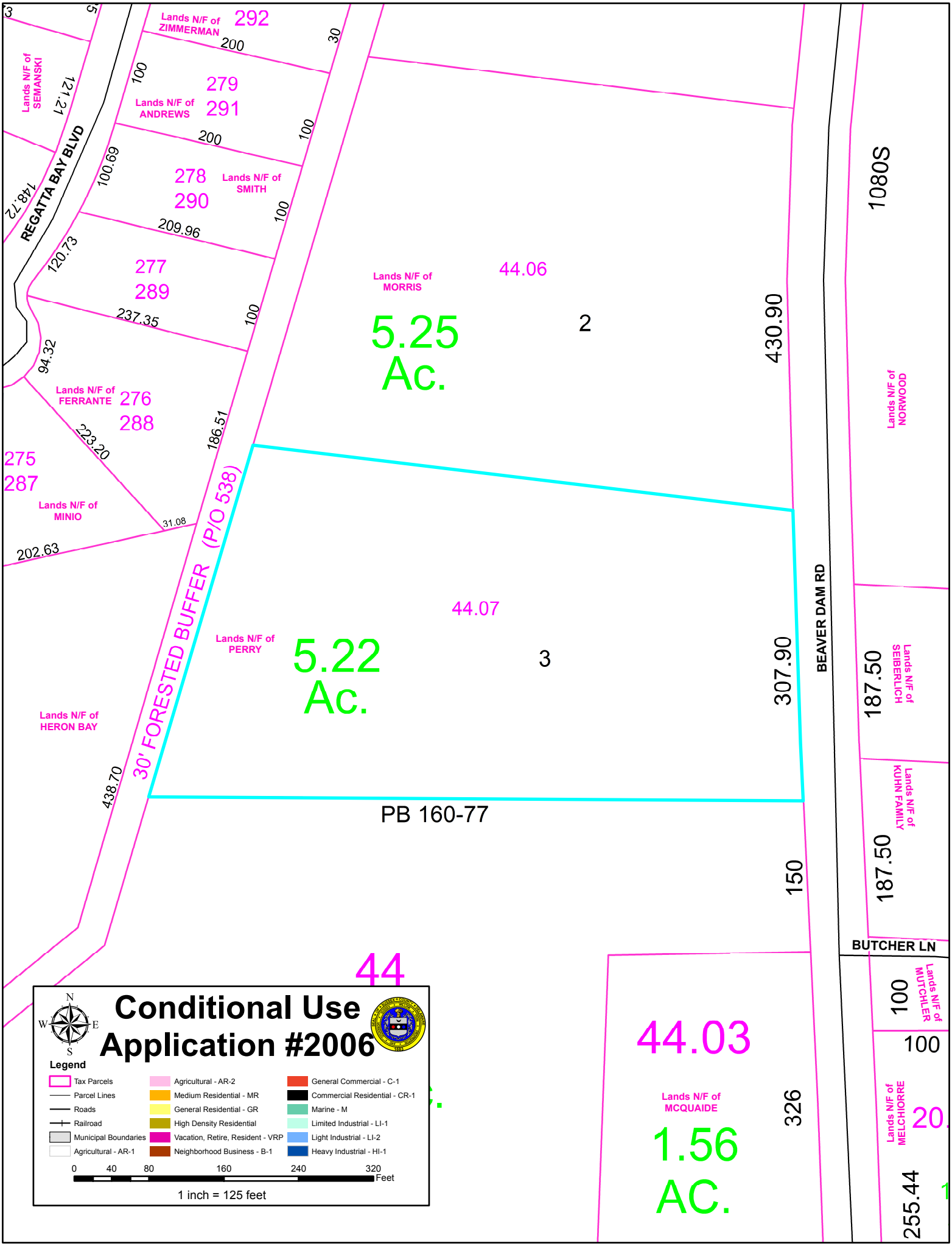
**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2006 as it applies to the property hereinafter described.**

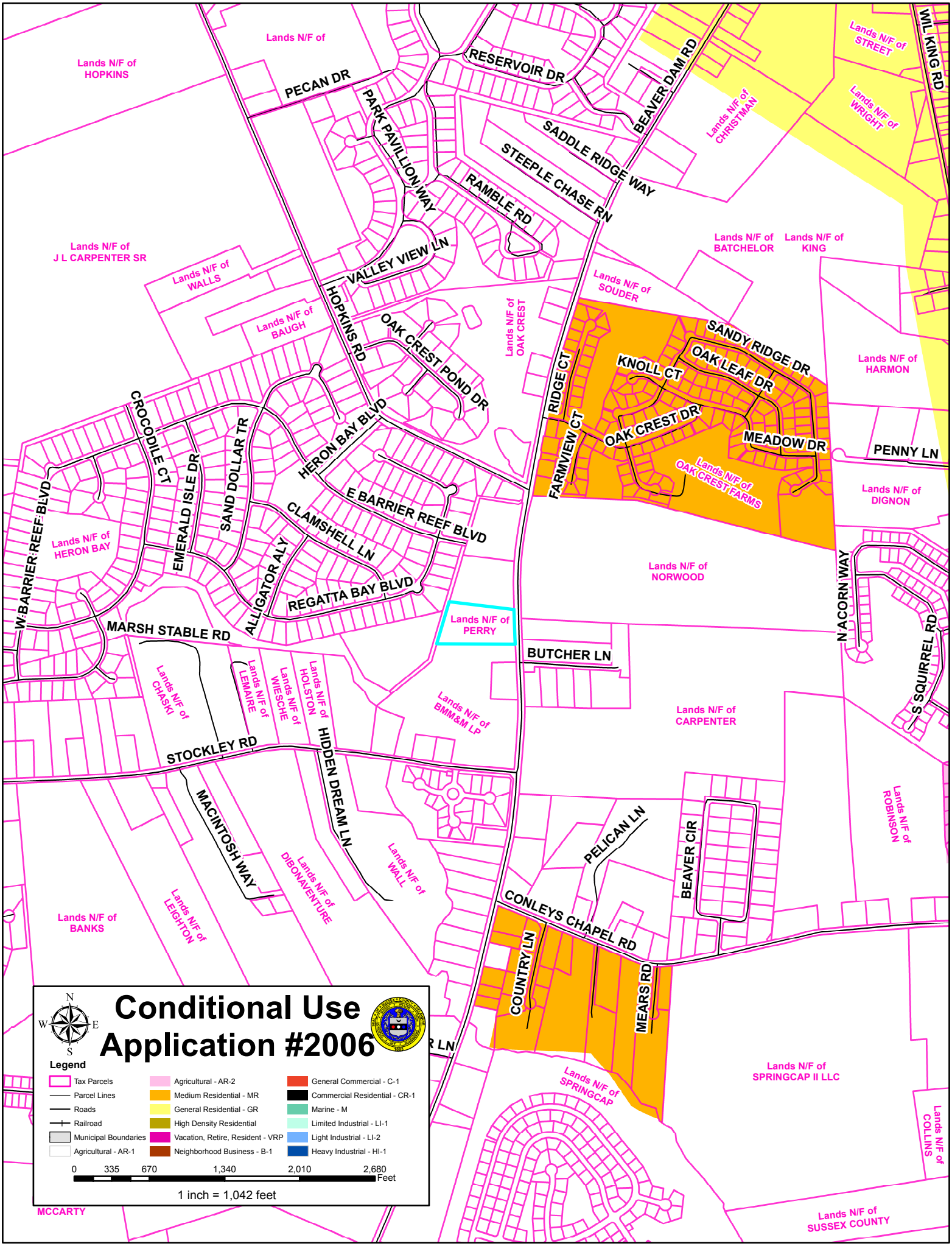
**Section 2. The subject property is described as follows:**

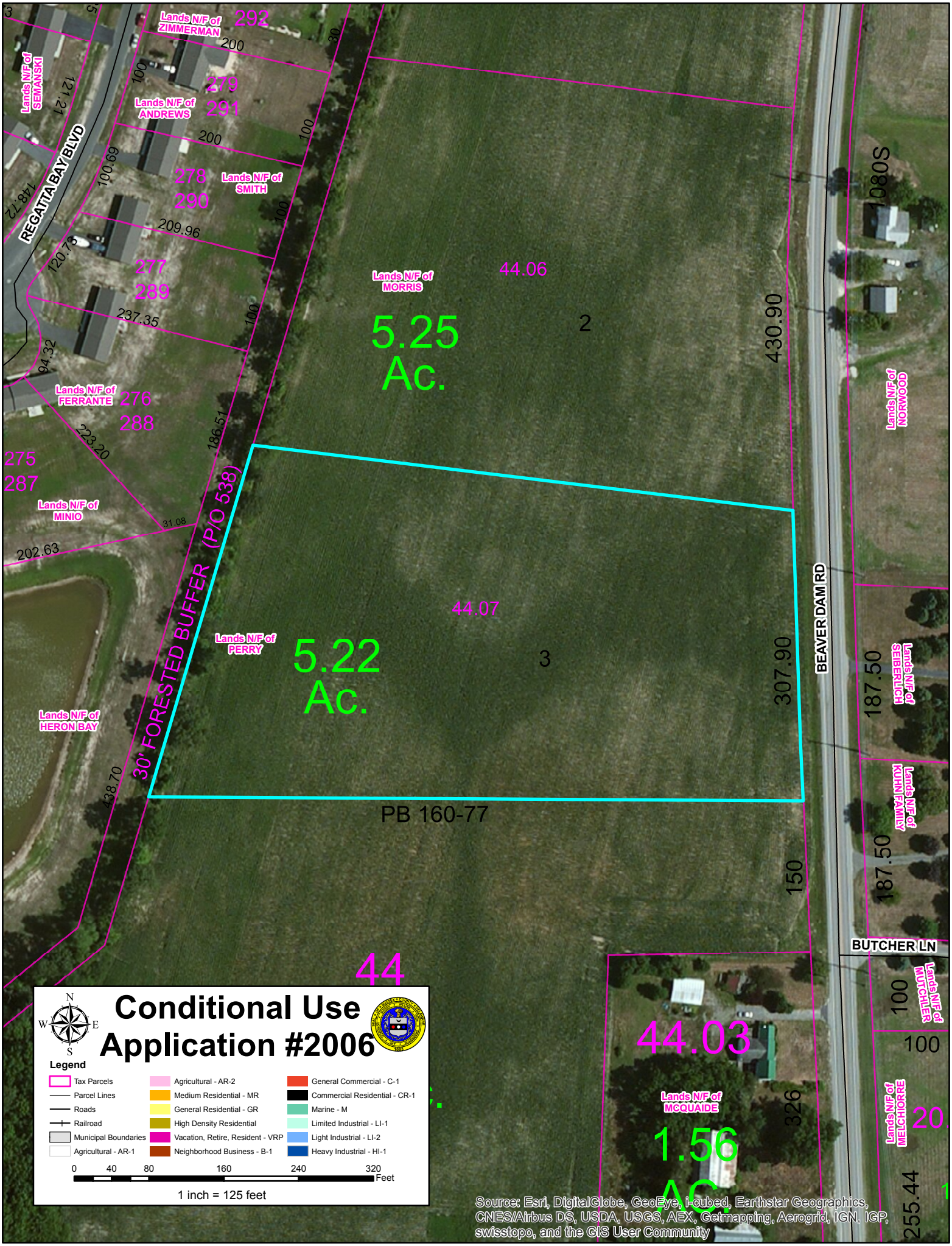
**ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying west of Beaver Dam Road (Road 285) 1,100 feet north of Stockley Road (Road 280) and being more particularly described in Deed Book 4073, Page 97, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.2287 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


Lands N/F of ZIMMERMAN
292
200
30
100
279
Lands N/F of ANDREWS
291
200
100
Lands N/F of SEMANSKI
121.21
100.69
278
290
Lands N/F of SMITH
100
209.96
148.72
REGATTA BAY BLVD
120.73
277
289
237.35
100
94.32
Lands N/F of FERRANTE
276
288
223.20
186.51
275
287
Lands N/F of MINIO
31.08
202.63
30' FORESTED BUFFER (P/O 538)
Lands N/F of HERON BAY
438.70
Lands N/F of MORRIS
44.06
5.25 Ac.
2
430.90
1080S
Lands N/F of NORWOOD
44.07
Lands N/F of PERRY
5.22 Ac.
3
307.90
BEAVER DAM RD
187.50
Lands N/F of SEIBERLICH
PB 160-77
Lands N/F of KUHN FAMILY
187.50
150
BUTCHER LN
44
44.03
Lands N/F of MCQUAIDE
1.56 AC.
326
100
Lands N/F of MUTCHLER
100
Lands N/F of MELCHIORRE
20
255.44
Conditional Use Application #2006
N
W
E
S
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 40 80 160 240 320
Feet
1 inch = 125 feet


Lands N/F of HOPKINS
Lands N/F of
PECAN DR
RESERVOIR DR
PARK PAVILLION WAY
BEAVER DAM RD
SADDLE RIDGE WAY
STEEPLE CHASE RN
RAMBLE RD
Lands N/F of CHRISTMAN
Lands N/F of STREET
Lands N/F of WRIGHT
WIL KING RD
Lands N/F of J L CARPENTER SR
Lands N/F of WALLS
VALLEY VIEW LN
HOPKINS RD
Lands N/F of BAUGH
OAK CREST POND DR
Lands N/F of OAK CREST
Lands N/F of BATCHELOR
Lands N/F of KING
Lands N/F of SOUDER
SANDY RIDGE DR
OAK LEAF DR
KNOLL CT
RIDGE CT
FARMVIEW CT
OAK CREST DR
MEADOW DR
Lands N/F of OAK CREST FARMS
Lands N/F of HARMON
PENNY LN
Lands N/F of DIGNON
CROCODILE CT
SAND DOLLAR TR
HERON BAY BLVD
EMERALD ISLE DR
E BARRIER REEF BLVD
CLAMSHELL LN
W BARRIER REEF BLVD
Lands N/F of HERON BAY
ALLIGATOR ALY
REGATTA BAY BLVD
Lands N/F of NORWOOD
N ACORN WAY
S SQUIRREL RD
MARSH STABLE RD
Lands N/F of PERRY
BUTCHER LN
Lands N/F of CHASKI
Lands N/F of LEMAIRE
Lands N/F of WIESCHE
Lands N/F of HOLSTON
Lands N/F of BMM&M LP
Lands N/F of CARPENTER
STOCKLEY RD
HIDDEN DREAM LN
MACINTOSH WAY
PELICAN LN
BEAVER CIR
Lands N/F of ROBINSON
Lands N/F of DIBONAVENTURE
Lands N/F of WALL
Lands N/F of LEIGHTON
CONLEYS CHAPEL RD
Lands N/F of BANKS
COUNTRY LN
MEARS RD
Lands N/F of SPRINGCAP
Lands N/F of SPRINGCAP II LLC
Lands N/F of COLLINS
Lands N/F of SUSSEX COUNTY
MCCARTY
N
W
E
S
Conditional Use Application #2006
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680
Feet
1 inch = 1,042 feet


Lands N/F of ZIMMERMAN
292
200
80
Lands N/F of SEMANSKI
121.21
100
279
Lands N/F of ANDREWS
291
200
100
REGATTA BAY BLVD
100.69
278
290
Lands N/F of SMITH
148.72
209.96
100
120.73
277
289
Lands N/F of MORRIS
44.06
5.25 Ac.
2
237.35
100
94.32
Lands N/F of FERRANTE
276
288
223.20
186.51
275
287
Lands N/F of MINIO
31.08
202.63
30' FORESTED BUFFER (P/O 538)
44.07
Lands N/F of PERRY
5.22 Ac.
3
Lands N/F of HERON BAY
438.70
PB 160-77
430.90
BEAVER DAM RD
307.90
1080S
Lands N/F of NORWOOD
187.50
Lands N/F of SEIBERLICH
Lands N/F of KUHN FAMILY
187.50
150
BUTCHER LN
44
44.03
Lands N/F of MCQUAIDE
1.56 AC.
326
100
Lands N/F of MUTCHLER
100
Lands N/F of MELCHIORRE
20
255.44
Conditional Use Application #2006
N
W
E
S
Legend
Tax Parcels
Parcel Lines
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 40 80 160 240 320
Feet
1 inch = 125 feet
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community