



Sussex County Council Public/Media Packet

**MEETING:
April 5, 2016**

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



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Sussex County Council

A G E N D A

APRIL 5, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Patti Grimes, Executive Director, The Freeman Stage at Bayside – Program Update

Todd Lawson, County Administrator

1. Proclamation – National Service Recognition Day
2. Wastewater Agreement No. 1015-2
Sussex County Project No. 81-04
Americana Bayside – Village C – Phase 1C
Fenwick Island Sanitary Sewer District
3. Legislative Update
4. Administrator's Report

Robert Lee, Sheriff

1. Proposed Resolution Relating to the Constable Commission for the Sheriff and Deputy Sheriffs



10:30 a.m. Public Hearing

Change of Zone No. 1795 filed on behalf of Bay Forest Club, LLC, c/o Natelli Communities, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR THE PURPOSE OF CORRECTING THE NUMBER OF UNITS FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385 ACRES, MORE OR LESS” (located east of Road 347 (Whites Neck Road) and north of Road 349 (Old Mill Road) (Tax Map I.D. No. 134-8.00-15.02 and numerous other parcels) (911 Address: None Available)

Hans Medlarz, County Engineer

- 1. Wolfe Neck Regional Wastewater Treatment and Spray Irrigation Facility Update**
- 2. Request to Petition Tidewater Utilities, Inc., for Inclusion in their Water Service Territory**

John Ashman, Director of Utility Planning

- 1. Proposed Herring Creek Area Sewer and Water District Update**

Joe Wright, Assistant County Engineer

- 1. Sussex Shores Subdivision – Roadway Improvements, Project 14-13B**
 - A. Recommendation to Award**

Patti Deptula, Director of Special Projects

- 1. Proposed Pinetown Chapter 95 Streetlighting Project**

Old Business

**Conditional Use No. 2036
Jimi Kellogg**

**Conditional Use No. 2037
Gilbert J. Bernoski, Jr.**

Grant Requests

1. Indian River School District for student mentoring program at John M. Clayton Elementary School
2. Lewes Senior Citizens Center, Inc., for building addition costs
3. Paul Laurence Dunbar Elementary School for Dunbar Dash 5K/Wellness Walk

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Job Applicants' Qualifications, Personnel, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2039 filed on behalf of Performance Injection Equipment Co., LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MANUFACTURING AND INSTALLATION OF PERFORMANCE AUTOMOTIVE PARTS AND ACCESSORIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34,740 SQUARE FEET, MORE OR LESS” (located northeast corner of DuPont Boulevard (U.S. Route 113) and Betts Lane (Tax Map I.D. No. 133-6.00-110.00) (911 Address: 24994 Betts Lane, Georgetown)

Change of Zone No. 1789 filed on behalf of Good Earth Market, LLC

“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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.17 ACRES, MORE OR LESS” (located south of Atlantic Avenue (Route 26), approximately 1,800 feet west of Roxana Road (Route 17) (Tax Map I.D. No. 134-11.00-181.00, 181.01, 181.02 & 181.03) (911 Address: 31806 Good Earth Market Lane, Ocean View)

Conditional Use No. 2038 filed on behalf of Good Earth Market, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.75 ACRES, MORE OR LESS” (located south of Atlantic Avenue (Route 26), approximately 1,800 feet west of Roxana Road (Route 17) (Tax Map I.D. No. 134-11.00-181.03) (911 Address: 31806 Good Earth Market Lane, Ocean View)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 29, 2016, at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 15, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 15, 2016, 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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 135 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of March 8, 2016 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**CAMP BARNES BOARD OF DIRECTORS, DIVISION OF STATE
POLICE, DOVER, DELAWARE.**

RE: Letter in appreciation of grant.

THE ARC OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

**CHILDREN'S LEARNING GARDEN, LEWES IN BLOOM, LEWES,
DELAWARE.**

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Mary Ellen Vitsorek and Cathie Barnes commented on the Proposed Herring Creek Sanitary Sewer District and the Proposed Winding Creek Water District.

Paul Reiger commented on sign ordinance amendments. Mr. Reiger also commented on the need for “farm” and “farm pond” to be defined in the County Code.

Dan Kramer commented on the Conditional Use process and questioned why a grave yard requires a Conditional Use permit.

**M 136 16
Approve
Consent
Agenda**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve the following items listed under the Consent Agenda:

Wastewater Agreement No. 638-7
Sussex County Project No. 81-04
The Estuary – Phase 1 A-1 (Construction Record)
Miller Creek Sanitary Sewer District

Wastewater Agreement No. 638-8
Sussex County Project No. 81-04
The Estuary – Phase 1 A-2 (Construction Record)
Miller Creek Sanitary Sewer District

Wastewater Agreement No. 558-7
Sussex County Project No. 81-04
Peninsula Lakes – Phase 2 (Construction)
Long Neck Sanitary Sewer District

Wastewater Agreement No. 843-6
Sussex County Project No. 81-04
Vincent Overlook – Phase 5
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

**1. Advisory Committee on Aging & Adults with Physical Disabilities for
Sussex County**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet March 21st at 10:00 a.m. at

**Adminis-
trator's
Report
(continued)**

the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Laurie Corsa, Veterans Service Officer, Delaware Commission of Veterans Affairs, will be speaking on "*Services Offered to Veterans in Sussex County.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss planning for their annual conference scheduled for October 19th. A copy of the agenda for each meeting is attached.

2. Council Meeting Schedule

A reminder that Council will not meet on March 22nd or March 29th. The next regularly scheduled Council meeting will be held on April 5th at 10:00 a.m.

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

**Pickle
Program/
Employee
of the
4th Quarter
Customer
Service
Award**

Mrs. Jennings reported that, in 2015, the County began an employee recognition campaign known as "Give Them the Pickle Program", an employee based peer-to-peer recognition program.

Mrs. Jennings reported that 72 employees received pickle awards for the fourth quarter of 2015. One recipient had her name drawn and will receive a trophy and a free vacation day. The Fourth Quarter 2015 Winner was Noell Warren; Ms. Warren works in the Utility Permits Division, Engineering Department. The Council recognized Noell Warren and the other Pickle Award winners.

**HPG
Program**

Brad Whaley, Director of Community Development and Housing, reviewed the USDA Housing Preservation Grant (HPG) Program and requested Council's authorization to apply for the grant. The County has applied for and used this funding for over 20 years. Mr. Whaley reported that the grant recipients will be low to very low income homeowners. Grants in this program are focused on housing rehabilitation and on crucial needs, such as handicap accessibility projects. The average amount of a grant per house ranges from \$3,000 to \$4,500. Mr. Whaley reported that the amount of the grant request will be \$25,000 and the Department hopes to assist eight to ten households in rural Sussex County.

**M 137 16
Adopt
R 003 16**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 003 16 entitled "ENDORISING PROJECT TO BE SUBMITTED TO THE RURAL HOUSING SERVICES FOR FUNDING AND AUTHORIZING TODD LAWSON, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION".

Motion Adopted: 5 Yeas.

M 137 16
(continued)

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

**Goslee
Creek
Contract
15-09**

Joe Wright, Assistant County Engineer, presented the bid results for the Goslee Creek Regional Pump Station, Force Main & Gravity Sewers, Contract 15-09. Six bids were received and ranged in price from \$4.61 million to \$5.09 million. The Engineer's estimate for the project was \$4,340,500.00. The Engineering Department recommends awarding the bid to the low bidder, Pact One LLC of New Jersey.

M 138 16
**Award
Bid/
Goslee
Creek
Contract
15-09**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the base bid for Contract 15-09, Goslee Creek Regional Pump Station, Force Main and Gravity Sewers, be awarded to Pact One, LLC of Ringoes, New Jersey, in an amount of \$4,164,825.00.

Motion Adopted: 5 Yeas.

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

**Goslee
Creek
Contract
15-09**

Joe Wright, Assistant County Engineer, presented a Contract Amendment with Whitman Requardt & Associates (WR&A) for professional services to help administer the Goslee Creek Regional Pump Station, Force Main and Gravity Sewers Project. The Amendment is to the overall contract with WR&A and will allow for full-time inspection of the work and construction administration. The fee is in the amount of \$364,071.00.

M 139 16
**Goslee
Creek
Contract
15-09/
Approve
Con-
struction &
Adminis-
tration &
Represen-
tation
Services**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Contract Amendment 3A with Whitman, Requardt & Associates, LLP for Construction Administration and Resident Project Representation Services on the Goslee Creek Regional Pump Station, Force Main and Gravity Sewers, Contract 15-09, in an amount not to exceed \$364,071.00, be approved effective March 15, 2016.

Motion Adopted: 5 Yeas.

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

**Summer-
crest
Community
Subdivision
Completion**

Joe Wright, Assistant County Engineer, presented the bid results for Project No. 12-30, Summercrest Community Subdivision Completion. The scope of this project involves using funds from the redeemed Letter of Credit (\$312,500) to complete unfinished work throughout the subdivision. This work includes installing sidewalks and catch basins, repairing

Summer-crest (continued)	damaged concrete curb, and installing the final coat of hot mix. A total of 3 bids were received; the lowest responsive bidder was Jerry's Paving of Milford, Delaware with a total bid of \$255,672.00. The contract term is 75 consecutive calendar days. The Engineer's estimate for the project was \$244,500.00.
M 140 16 Award Bid/ Summer-crest Community Subdivision Completion	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Contract 12-30, Summercrest Community Subdivision Completion, be awarded to Jerry's Paving of Milford, Delaware, at the bid amount of \$255,672.00.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Request to Post Notices/ ZZ Properties LNSSD	<p>Aref Etemadi, Planning Technician, presented a request to prepare and post notices for the expansion of the Long Neck Sanitary Sewer District boundary to include Parcel 234-23.00-234.00 owned by ZZ Real Properties, LLC. This project proposes connection of an existing renovated house to the existing sewer located in School Lane.</p>
M 141 16 Authorize Notice/ ZZ Properties LNSSD	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Engineering Department is authorized to prepare and post notices for the expansion of the Long Neck Sanitary Sewer District boundary to include Parcel 234-23.00-234.00 owned by ZZ Real Properties, LLC, as presented on March 15, 2016.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Sign Ordinance Discussion and Recommendation	<p>Mr. Lawson referenced the agenda item "sign ordinance discussion and recommendation" and stated that, on this date, only two items will be covered: Billboards and Electronic Message Centers (LED signs). He noted that the remaining issues addressed by the Sign Ordinance Working Group will be discussed at a future meeting.</p> <p>It was noted that, on February 9, 2016, the Sign Ordinance Working Group presented its recommendations and findings to the Council. Based upon the direction the staff received from that presentation, topics of discussion were prepared for this Council meeting and a subsequent Council meeting.</p>

**Sign
Ordinance
Discussion
and
Recommendation
(continued)**

Jamie Sharp, Assistant County Attorney, presented information on Billboards and Electronic Message Centers (LED signs). Mr. Sharp and the Council discussed these issues:

Billboards – size, separation distance requirements, height, location, and non-conforming/replacement billboards.

Electronic Message Centers – permitting, motion standards, luminance standards, permit fees, and grandfathering.

Kyle Gulbranson, the County's consultant, was in attendance and participated in the discussion.

Discussions included "starting points" for a draft ordinance and included the following on which a consensus was reached:

Starting Point – Billboards: Separation Distance Requirements

- 1,000 feet separation distance between billboards / 5 billboards per linear mile maximum (increased from 300 feet).
- 500 feet separation distance from churches, dwellings, and public lands (increased from 300 feet).
- Continue measuring on a radius.

Starting Point - Size of Billboards

- Retain 300 square feet maximum per side requirement on billboards.
- Prohibit double stacked and side-by-side billboards.

Starting Point - Height of Billboards

- Raise maximum height to 30 feet (increase from 25 feet).

Mr. Cole suggested, and the Council agreed, to start with a maximum height of 35 feet.

Starting Point - Location of Billboards

- Retain current front and side yard setbacks - (front yard - 25 feet and side yard – 20 feet if under 200 square feet and 50 feet if greater than 200 square feet).
- Establish rear yard setback requirement consistent with the rear yard setback requirement for a building within the zoning district.

Mr. Cole suggested to start with a 40 foot front yard setback.

**Sign
Ordinance
Discussion
and
Recommendation
(continued)**

Additional Requirements

- Prohibit variances for billboard applications.
- Require current static signs seeking conversion to an Electronic Message Centers (EMCs)/LED replacement to apply for special-use exception and require additional documentation regarding ambient dimming.
- Applicants for a billboard should obtain a Letter of No Objection from DelDOT prior to the filing of an application for approval of a new or replacement billboard at the County level.

Repair or Replacement of Non-Conforming Billboards

- New billboard must comply with size and height requirement.
- No increase in degree of non-conformity for separation and setback requirements.
- No upgrade from static billboard to non-static billboard.

A discussion was held on replacing non-conforming signs. Mr. Sharp noted that the proposal is for a starting point for Council's consideration and can be made more or less restrictive. It was noted that, if it is Council's consensus to phase out non-conforming, the draft ordinance can reflect that. Mr. Cole stated that, if a sign is permitted to be replaced, he would recommend that the sign have a greater setback.

Mr. Lawson stated that the purpose of this discussion is to seek Council's direction for the purpose of drafting an ordinance.

Electronic Message Centers – Permitting

- Require a permit and special use exception for all electronic message center billboards (on-premise and off-premise signs); including existing billboards which are being converted to electronic message centers.
- On-premise electronic message centers may be permitted by the Planning and Zoning Office if proper documentation is submitted.

Electronic Message Centers – Motion Standards

- Motion standards for electronic message centers should be established for off-premise signs. Current sign regulations only apply to on-premise signs.
- No moving images on any electronic message centers.

(Mr. Cole suggested to start with 15 seconds instead of 10 seconds.)

**Sign
Ordinance
Discussion
and
Recommendation
(continued)**

Electronic Message Centers – Luminance Standards

- Create luminance standards for electronic message centers.
- All electronic message centers should be subject to ambient dimming requirements.
- Applicants for electronic message centers should be required to provide documentation with the application that the sign has ambient dimming capabilities.

(Mr. Cole suggested keeping this uniform with the State of Delaware.)

Electronic Message Centers - Miscellaneous

- Apply new standards to all electronic message centers and prohibit grandfathering.
- Increase permit fees to cover cost of increased enforcement and related technology upgrades.

Mr. Lawson distributed a list outlining current sign fees.

Enforcement was discussed and Mr. Lawson commented that, currently, lack of enforcement is an issue and that it will require training, equipped staff, and a fee structure. Mr. Moore noted that penalties and enforcement needs to be included in a new ordinance.

**Grant
Requests**

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

**M 142 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to Milford High School for the After Prom event.

Motion Adopted: 4 Yeas, 1 Nay.

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

**M 143 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$2,500.00 (\$2,000.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00 from Mrs. Deaver's Councilmanic Grant Account) to Milford Museum for operating expenses.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

M 144 16 Councilmanic Grant **A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to give \$2,000.00 from Mr. Arlett's Councilmanic Grant Account to the Millsboro Art League for supply cabinets.**

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

M 145 16 Councilmanic Grant **A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to give \$750.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00 from Mr. Arlett's Councilmanic Grant Account) to the City of Seaford for the Annual Nanticoke Riverfest.**

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 146 16 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Greater Seaford Chamber of Commerce for the Woodland Ferry Festival.**

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 147 16 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Ducks Unlimited, Nanticoke Chapter, for wetlands conservation.**

Motion Defeated: 2 Nays, 2 Yeas, 1 Absent.

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

M 148 16 Councilmanic Grant **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$500.00 (\$250.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Laurel Chamber of Commerce for the Broad Creek Bike and Brew event.**

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

M 148 16 (continued)	Vote by Roll Call:	Mrs. Deaver, Nay; Mr. Cole, Absent; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
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Council	<u>Council Members' Comments</u>
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Comments **Mrs. Deaver questioned the process when Council recesses to go into Executive Session. Mr. Moore responded that as soon as the Motion is made and voted on to go into Executive Session, Council members should move immediately to the location of the Executive Session without speaking to anyone as it is considered that Council is in Executive Session at that time.**

M 149 16 At 11:50 a.m., a Motion was made by Mrs. Deaver, seconded by Mr.
Recess Wilson, to recess to attend a luncheon with the County Firefighters and
County Chiefs Association at The Brick Restaurant in Georgetown.

Motion Adopted: 5 Yeas.

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

M 150 16 **At 1:30 p.m. a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to**
Reconvene **reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules of Procedure Mr. Moore reviewed the Rules of Procedure for Public Hearings.

<p>Public Hearing CU 2036</p>	<p>A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR PARKING OF EMPLOYEE VEHICLES AND VANS FOR A CLEANING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,323 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2036) filed on behalf of Jimi Kellogg (Tax I.D. No. 334-13.00-873.00) (911 Address: 36181 Field Lane, Rehoboth Beach).</p>
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The Planning and Zoning Commission held a Public Hearing on this application on December 10, 2015 at which time action was deferred. On January 14, 2016, the Commission recommended denial.

**Public
Hearing
CU 2036
(continued)**

(See the minutes of the Planning and Zoning Commission dated December 10, 2015 and January 14, 2016.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission's public hearing and recommendation of denial.

In response to questions, Mr. Lank reported that the site of this application is part of a subdivision; however, there are no restrictive covenants relating to business activities.

Jimi Kellogg and Jennifer Kellogg were present and provided information on their application. They discussed their cleaning business; activities on the site; the history of the site since 2010 when they moved there; and other business activities taking place in the subdivision.

Emily Longeneckre, an employee of the cleaning business, spoke in support of the application and referred to the employees that depend on their income from the business.

There were no public comments in opposition to the application.

Mr. Arlett requested to defer action on the application to allow time for the preparation of conditions of approval by legal staff for Council's consideration.

**M 151 16
Defer
Action
CU 2036**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to defer action on Conditional Use No. 2036 filed on behalf of Jimi Kellogg.

Motion Adopted: 5 Yeas.

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

**Public
Hearing
CU 2037**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.101 ACRES, MORE OR LESS" (Conditional Use No. 2037) filed on behalf of Gilbert J. Bernoski, Jr. (Tax I.D. No. 234-21.00-50.00) (911 Address: 26371 Mount Joy Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this application on December 10, 2015 at which time action was deferred. On January 14, 2016, the Commission recommended denial.

(See the minutes of the Planning and Zoning Commission dated December 10, 2015 and January 14, 2016.)

**Public
Hearing
CU 2037
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission's public hearing and recommendation of denial.

Thomas White was present on behalf of the application. Mr. White stated that Mr. Bernoski leases the pole building to him to repair vehicles and that Mr. Bernoski's father lives in the residence on the site. Mr. White presented information on the business activities on the site; the number of vehicles on the site; the layout of the site; and how he disposes of waste oil, etc.

There were no public comments in support of the application.

Janet and Rudolf Daisey spoke in opposition to the application. They presented information on activities that take place at the site; commented on the residential character of area; and expressed concerns about traffic, septic, the number of vehicles on the site; and the number of people that visit the site.

The Public Hearing was closed.

Mr. Arlett requested that action be deferred until the next meeting and that the record remain open (public comment closed) for the purpose of having staff visit the site to check the property and to take pictures.

**M 152 16
Defer
Action on
CU 2037**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to defer action on Conditional Use No. 2037 filed on behalf of Gilbert J. Bernoski, Jr. and to leave the record open until April 5, 2016 to allow staff to check the property and to take pictures (public comment closed).

Motion Adopted: 5 Yeas.

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

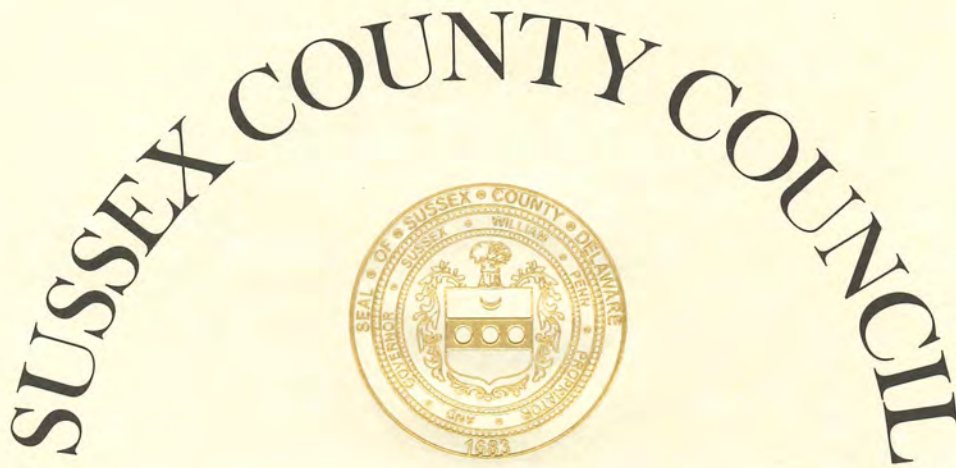
**M 153 16
Adjourn**

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

Respectfully submitted,

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

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



PROCLAMATION

PROCLAIMING APRIL 5, 2016 AS NATIONAL SERVICE RECOGNITION DAY IN SUSSEX COUNTY

WHEREAS, service to others is a hallmark of the American character and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our counties and nation, from educating students for jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including Sussex County, Delaware, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our country's economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the corporation for National and Community Service shares a priority with communities nationwide to engage citizens, improve lives, and strengthen communities; and is joining with local communities across the country to recognize the impact of service;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby proclaims April 5, 2016 as National Service Recognition Day and encourages residents to recognize the positive impact of national service in Sussex County, to thank those who serve, and to give back to their communities.



Michael H. Vincent, President

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

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sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

March 09, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
AMERICANA BAYSIDE - VILLAGE C - PHASE 1C
AGREEMENT NO. 1015 - 2

DEVELOPER:

Mr. Thomas Halverstadt
CFM Bayside, L.L.C.
38017 Fenwick Shoals Blvd.

Selbyville, DE 19975

LOCATION:

Grays Neck Williamsville Road at Sand Cove
Point

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

74 Residential Homes

SYSTEM CONNECTION CHARGES:

\$427,350.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
01/22/16

Department Of Natural Resources Plan Approval
10/30/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 80

Construction Admin And Construction Inspection Cost – \$56,309.07

Proposed Construction Cost – \$375,393.83



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 5, 2016

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. 1015-2 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 – PHASE 1C", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 1015-2

TODD LAWSON
COUNTY ADMINISTRATOR

TODD F. LAWSON
COUNTY ADMINISTRATOR


(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator 

RE: **PROPOSED RESOLUTION – CONSTABLE CERTIFICATION FOR
SHERIFF AND SHERIFF DEPUTIES**

DATE: April 1, 2016

During Tuesday's meeting, you are scheduled to consider a resolution requesting that the Sheriff and Sheriff Deputies receive their Constable certification from the State Board of Examiners.

Recall, in June 2015, the Council approved a Motion requesting the Constable certification. When the Board met in December 2015, the minutes of the Council meeting along with the approved Motion were deemed to be insufficient. The Board has requested an actual resolution from the County Council.

In an effort to rectify this situation, a proposed resolution has been prepared for your consideration; a copy is attached. In addition, two documents are also attached providing background.

If you have any questions, please let me know.

TFL/sww

Attachments

pc: The Honorable Robert Lee



RESOLUTION NO. R _____

REQUEST FOR SUSSEX COUNTY SHERIFF AND SHERIFF DEPUTIES TO BE COMMISSIONED AS A CONSTABLE AND AUTHORIZING TODD F. LAWSON, COUNTY ADMINISTRATOR, TO SUBMIT REQUEST

WHEREAS, the Sussex County Council seeks to have the State Board of Examiners approve the Constable certification for the Sussex County Sheriff and the Sussex County Sheriff Deputies; and

WHEREAS, Title 10 of the Delaware Code requires a request to be made by resolution of the appropriate county council for such sheriff or deputy sheriff to be commissioned as a constable;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council requests Constable certification for the current Sussex County Sheriff Robert T. Lee, Chief Deputy Eric D. Swanson, and Sussex County Sheriff Deputies Patricia Allegro-Smith, Martin B. Gordy, and George H. Wilson, and that Todd F. Lawson, County Administrator, is hereby authorized to submit such request to the State Board of Examiners of Constables.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. _____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF APRIL 2016.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**



BLUE HEN CORPORATE CENTER
655 SOUTH BAY ROAD, SUITE 1B
DOVER, DE 19901

STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE

PHONE: 302-672-5304
FAX: 302-739-5888
www.dsp.delaware.gov

March 10, 2016

Mr. Todd F. Lawson
County Administrator
2 The Circle
Georgetown, DE 19947



Dear Mr. Lawson:

The Board of Examiners of Constables met on December 10, 2015 and reviewed your submission of the meeting minutes from June 2, 2015 for the Sussex County Sheriff's Office resolution. Unfortunately, the minutes were not accepted.

In accordance with 10 Del. C. Ch. 27 §2703(h) states: "No sheriff or deputy sheriff shall be commissioned as a constable for the benefit of the sheriff's office or the government of a county unless a request has been made by resolution of the appropriate county council or Levy Court for such sheriff or deputy sheriff to be commissioned as a constable."

Please submit an actual resolution for the Board's approval. If you have any further questions, please don't hesitate to contact me.

Thank-you in advance for your cooperation regarding this matter.

Sincerely,

Peggy L. Anderson
Licensing Specialist
Professional Licensing

pla

cc: The Honorable Robert T. Lee

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

June 2, 2015

Ms. Peggy L. Anderson
Licensing Specialist
Professional Licensing
Delaware State Police
P.O. Box 430
Dover, DE 19903

Dear Ms. Anderson:


In accordance with Title 10, Chapter 27, Section 2703(h), of the Delaware Code, the Sussex County Council hereby requests Constable certification for the Sussex County Sheriff and Deputies within that office. The following Motion was approved at today's Council meeting:

Be it moved, the Sussex County Council approves the Constable Commission by the State Board of Examiners for Sheriff Robert T. Lee, Chief Deputy Eric D. Swanson, and Sheriff Deputies Patricia Allegro-Smith, Martin B. Gordy, and George H. Wilson.

If any additional information is needed, please feel free to contact me.

Thank you for your assistance in this matter.

Sincerely,


Todd F. Lawson
County Administrator

TFL/sww

pc: The Honorable Robert T. Lee



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

PUBLIC HEARINGS
April 5, 2016

This is to certify that on February 25, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change of Zone. At the conclusion of the public hearing, the Commission moved and passed that this application 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 hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

PUBLIC HEARINGS

C/Z #1795 – Bay Forest Club, LLC c/o Natelli Communities, Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC (Medium Density Residential District – Residential Planned Community) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for the purpose of correcting the number of units for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 385.00 acres, more or less. The property is located east of Road 347 (Whites Neck Road) and north of Road 349 (Old Mill Road) (911 Address; None Available) Tax Map I.D. 134-8.00-15.02 and numerous other parcels.

Mr. Lank advised the Commission that DelDOT comments were not requested since the purpose of this application is to correct the number of units within the project.

The Commission found that the County Engineering Department Utility Planning Division provided comments on this application on February 23, 2016 referencing that the project is within the Millville Expansion Area of the Bethany Beach Sanitary Sewer District; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$6,304.00 per EDU; that the parcels will receive sewer service through an extension of existing sewers within the existing Bay Forest Club; that the developer will undertake construction of necessary extensions at their cost; that conformity to the South Coastal Area Planning Study, 2005 Update will be required; that connection to the sewer district is mandatory; that the proposed project is in a recent expansion area and sanitary sewer service is available to the parcels; that the proposed project is within planning study assumptions for sewer service and

there will be adequate capacity for the projects proposed 913 units as indicated on the approved sanitary sewer concept plan; that the County requires design and construction of the collection and transmission system to meet County Engineering Department requirements and procedures; that the County Engineer must approve the connection points; that a sewer concept plan was approved for 913 units on December 1, 2015; that if pipeline alignments will change, a revised sanitary sewer concept plan must be submitted for review and approval; and that a concept plan is required.

The Commission found that Morris Ritchie Associations, Inc. provided an Exhibit Booklet on behalf of the applicants referencing the application; an introduction; references to existing conditions; proposed conditions; RPC conditions; a conclusion with attached exhibits of the Amended Master Plan, and a plan of a portion of the project north of Collins Creek.

Mr. Lank advised that Commission that the Department had received 14 mail returns to date of the approximate 580 public notices mailed.

The Commission found that Tom Natelli of Natelli Communities was present on behalf of the application with James Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A., and Ken Usab, Professional Engineer with Morris & Ritchie Associates, Inc. and that they stated in their presentation and in response to questions raised by the Commission that the Bay Forest Residential Planned Community project was approved in 2004 for 808 units; that in 2008 the site plan for the project was amended to incorporate the boundaries of the Byewood Subdivision and that the access to the Byewood Subdivision was relocated internally into the project; that in 2014 a rezoning application was filed and approved incorporating the Jim's Hideaway campground property and the Mitchell property into the project for an additional 84 units and a relocated entrance design creating a total of 892 units; that in redesigning the layout of the project there were several enclaves of small areas found that could be converted to additional lots; that this proposal is intended to correct and improve those areas with 21 additional units for a total of 913 units overall; that the County Engineering Department has confirmed that 913 units are within sewer capacity allocations; that originally buffers existed between the project and the Jim's Hideaway and the Mitchell properties; that by incorporating those properties the buffers were removed; that the 21 units will be a part of the project; that central water and central sewer are provided; that the streets interconnect; that they are submitting suggested Findings of Fact and Conditions of Approval for consideration; that the units have been intended since the project first started; that the overall land plan has not changed; and that the area being developed includes the proposed 21 unit expansion.

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

The Commission found that Robert Danzig was present, not in opposition, but questioning if one of the areas proposed for additional units is the site of the model home under-construction or in wetlands.

The Commission found that Mr. Usab responded that the units will be adjacent to the model home and not in any wetlands.

The Commission found that Joseph Loughran, a resident in the project, stated that a single family home model and a townhouse model exist in the project.

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

On February 25, 2016 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On March 10, 2016 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Change of Zone No. 1795 for Bay Forest Club, LLC, c/o Natelli Communities, Inc. for a change in zone to an MR-RPC Medium Density Residential District – Residential Planned Community for the purpose of correcting the number of units within the existing approved Residential Planned Community project based upon the record made during the public hearing and for the following reasons:

- 1) This is an infill in the existing Residential Planned Community development. It consists of several scattered home-sites within the overall project. The areas will be integrated into the existing development and will be subject to the conditions imposed upon Change of Zone No. 1526 and Change of Zone No. 1741 with the exception of the total number of units for the development.
- 2) The number of units associated with this application shall be 21. As a result, the total number of units for the Bay Forest project shall now be 913 units.
- 3) The additional units fall within the sewer capacity allocated to this project.
- 4) Any wetlands within the area covered by this application shall be appropriately and clearly marked for the information of the residents and the homeowners association.
- 5) No parties appeared in opposition to this application.
- 6) Before the applicant may proceed with any construction of the areas covered by this application, the applicant shall submit a revised Master Plan combining Change of Zone No. 1526 and Change of Zone No. 1741 and this change of zone application into the entire Bay Forest development. This Master 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 this application be approved for the reasons stated. Motion carried 4 – 0.

Introduced 2/02/16

Council District No. 4 - Cole

Tax Map I.D. No. 134-8.00-15.02 and numerous other parcels

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR THE PURPOSE OF CORRECTING THE NUMBER OF UNITS FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385 ACRES, MORE OR LESS

WHEREAS, on the 1st day of October 2015, a zoning application, denominated Change of Zone No. 1795 was filed on behalf of Bay Forest Club, LLC c/o Natelli Communities, Inc.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1795 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

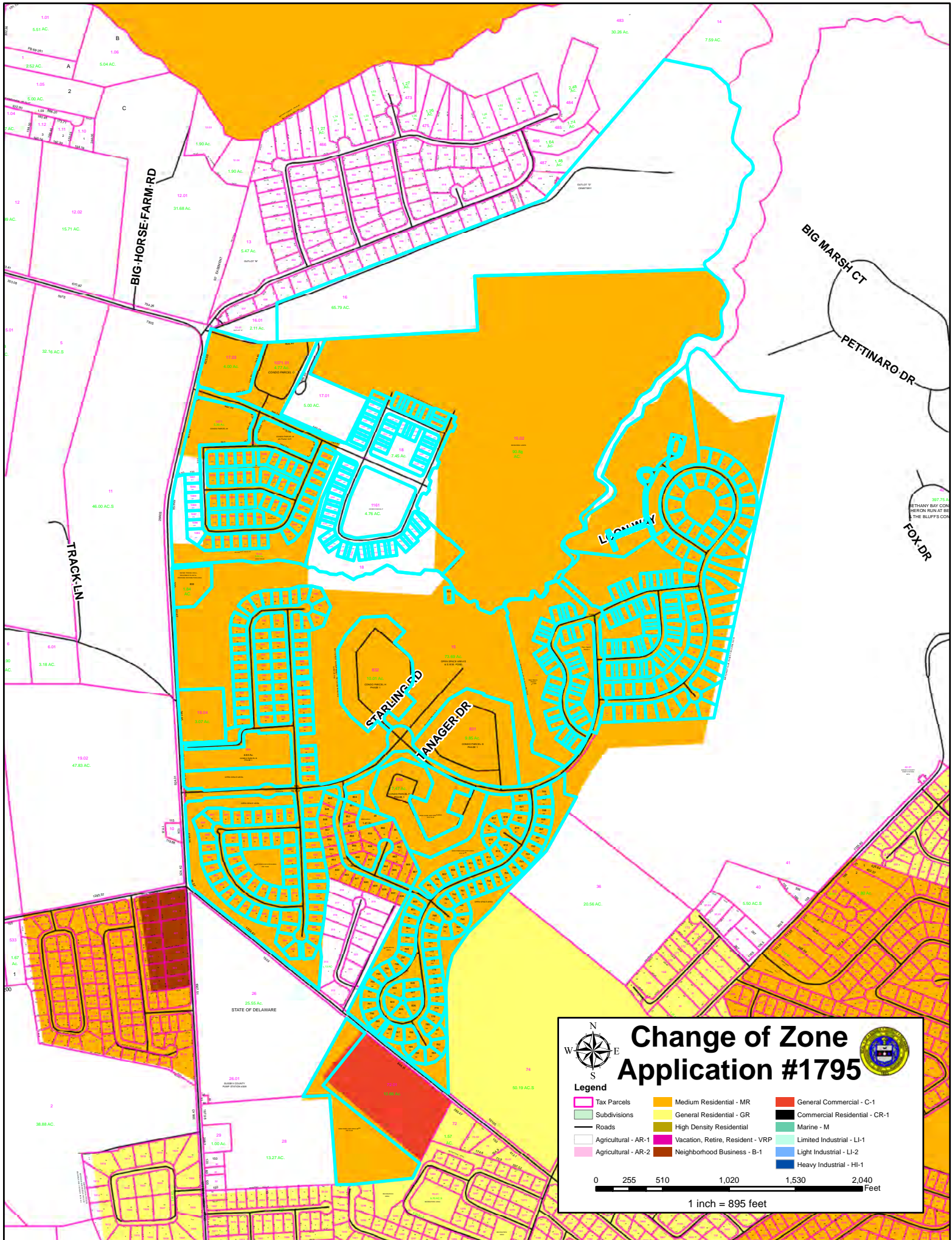
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR-RPC Medium Density Residential District – Residential Planned Community] and adding in lieu thereof the designation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


Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Road 347 (Whites Neck Road) and north of Road 349 (Old Mill Road) and being more particularly described per the attached legal description prepared by Morris & Ritchie Associates, Inc. and containing 385 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





Change of Zone Application #1795

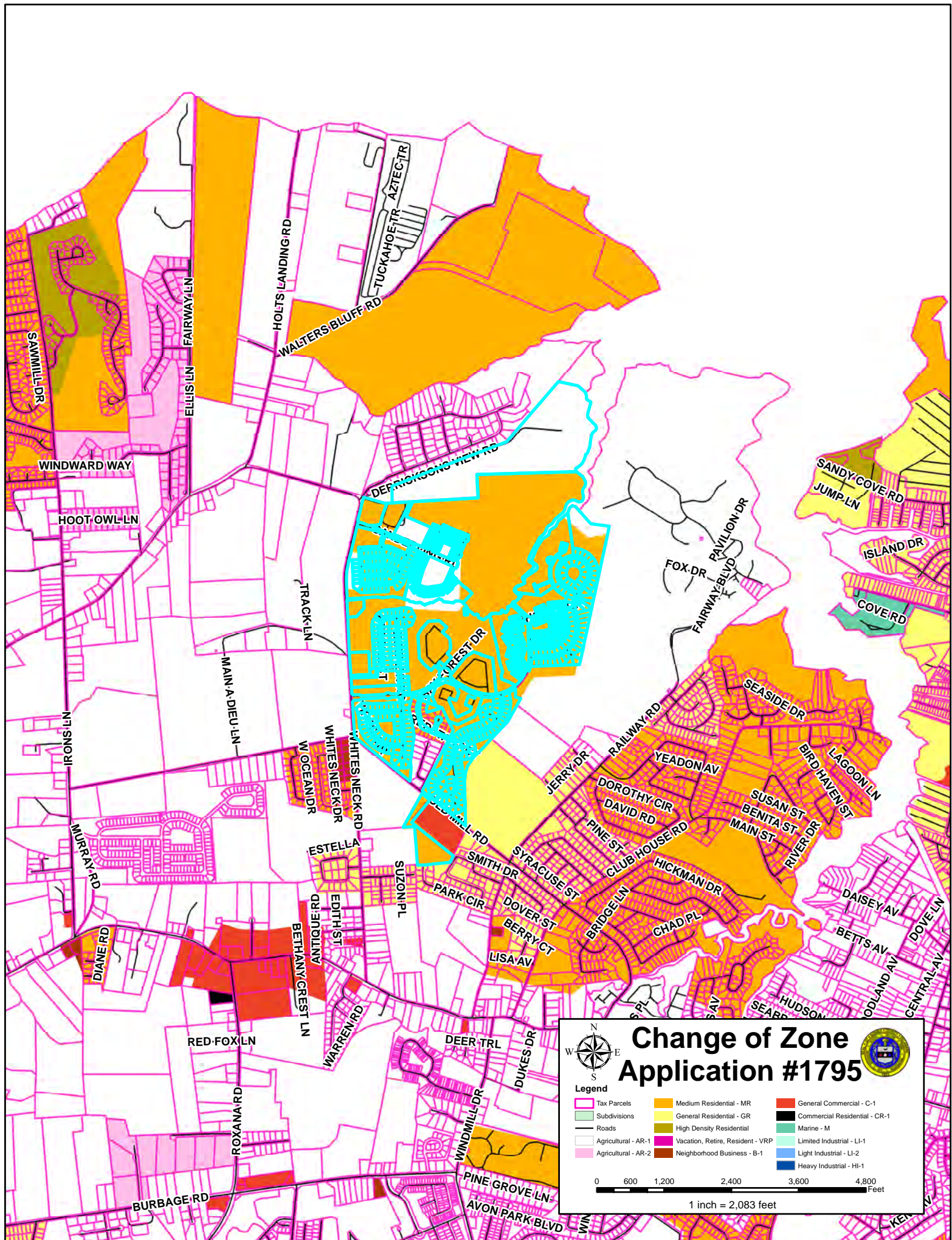


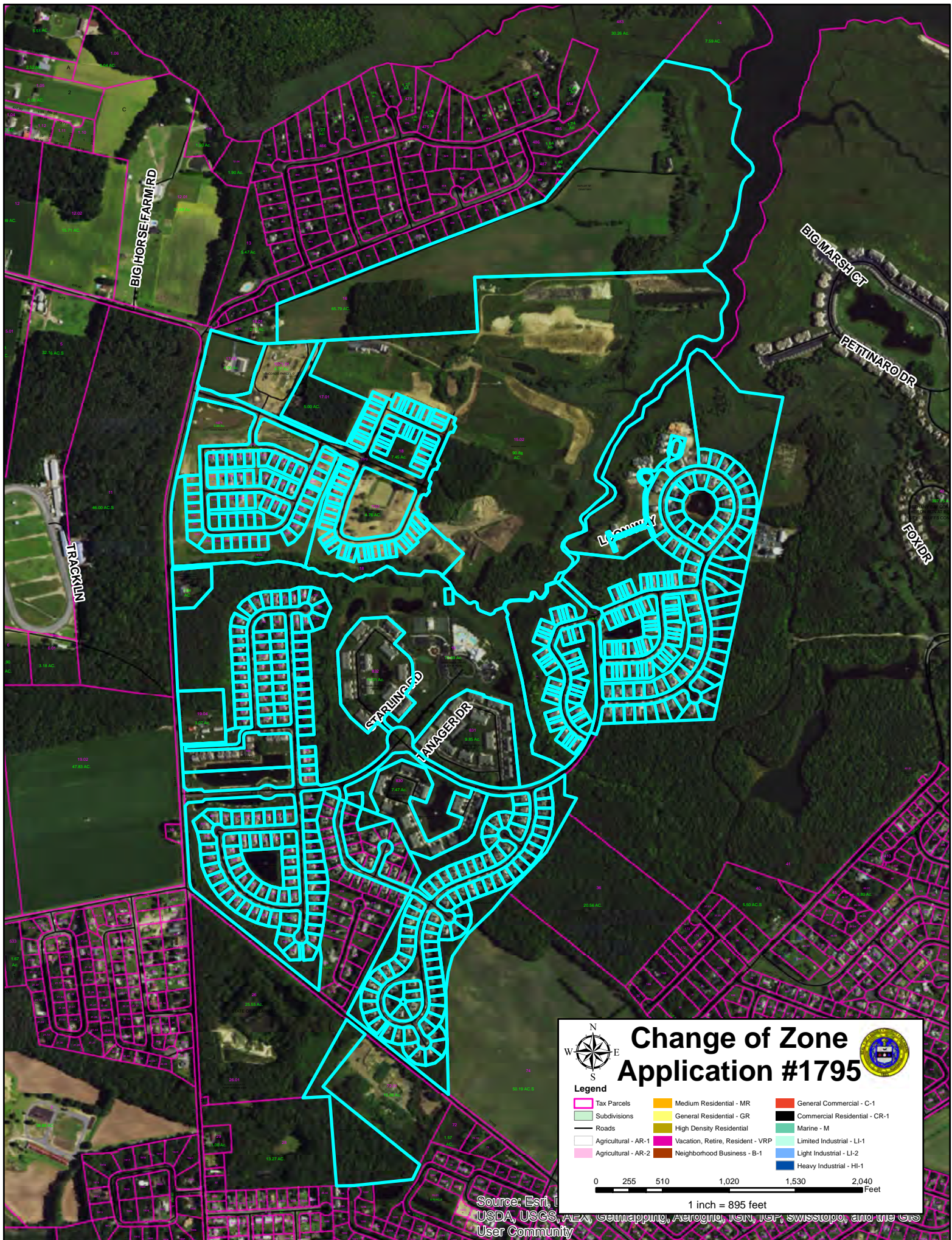
Legend

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

0 255 510 1,020 1,530 2,040 Feet

1 inch = 895 feet





**PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC.
WATER SERVICE TERRITORY**

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties

Tax Parcel Number(s): 334-6.00-39.02

Property Owner(s): Sussex County

Mailing Address: PO Box 589
Georgetown, DE 19947

Property Address: NE/S RT 1 & RD 12 INTERESTION

Owner's Signature(s):  Date: 3/16/16

Print Name: ☒ Todd F. Lawson Office Held: ☒ County Administrator

Phone #: (302) 855-7742

Owner's Signature(s):  Date: 3/16/16

Print Name: ☒ Todd F. Lawson Office Held: ☒ County Administrator

Phone #: (302) 855-7742

Email Address: tlawson@sussexcountyde.gov

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN TIDEWATER UTILITIES, INC. SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL. IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

MOTION

BE IT MOVED BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT THAT THE SUSSEX COUNTY COUNCIL AUTHORIZES THE REQUEST TO PETITION TIDEWATER UTILITIES, INC. FOR INCLUSION IN THEIR WATER SERVICE TERRITORY, FOR WATER SERVICE TO BE EXTENDED TO SUSSEX COUNTY PS 210 LOCATED AT NE/S RT 1 & RD 12 INTERSECTION, LEWES DE.

Hans Medlarz
County Engineer
April 5, 2016

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
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UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

MEMORANDUM

TO: County Council

FROM: John J. Ashman
Director of Utility Planning

REF: PROPOSED HERRING CREEK SANITARY SEWER DISTRICT AND
WINDING CREEK WATER DISTRICT
STATUS UPDATE

DATE: March 31, 2016

The following is a summary for the Proposed Herring Creek **Sanitary Sewer** District and the Winding Creek Village **Water** District.

On March 1, 2016, I provided you with a status update on the Public Hearing held on February 13, 2016 for the Herring Creek Sanitary Sewer District and the Winding Creek Village Water District. As the County had received significant requests for additional information and general comments we felt it was in the best interest of the communities to postpone the referendum vote and host an additional public meeting. We mailed out letters to property owners advising them of the County's decision to postpone the referendum.

We would like to inform you that we have scheduled the second Public Meeting to be held on May 7, 2016 at the Beacon Middle School on Route 24 (John J. Williams Hwy.) starting at 10:00 AM. Letters notifying the property owners/residents will be mailed, the meeting will be advertised locally and notifications posted online and in the community.

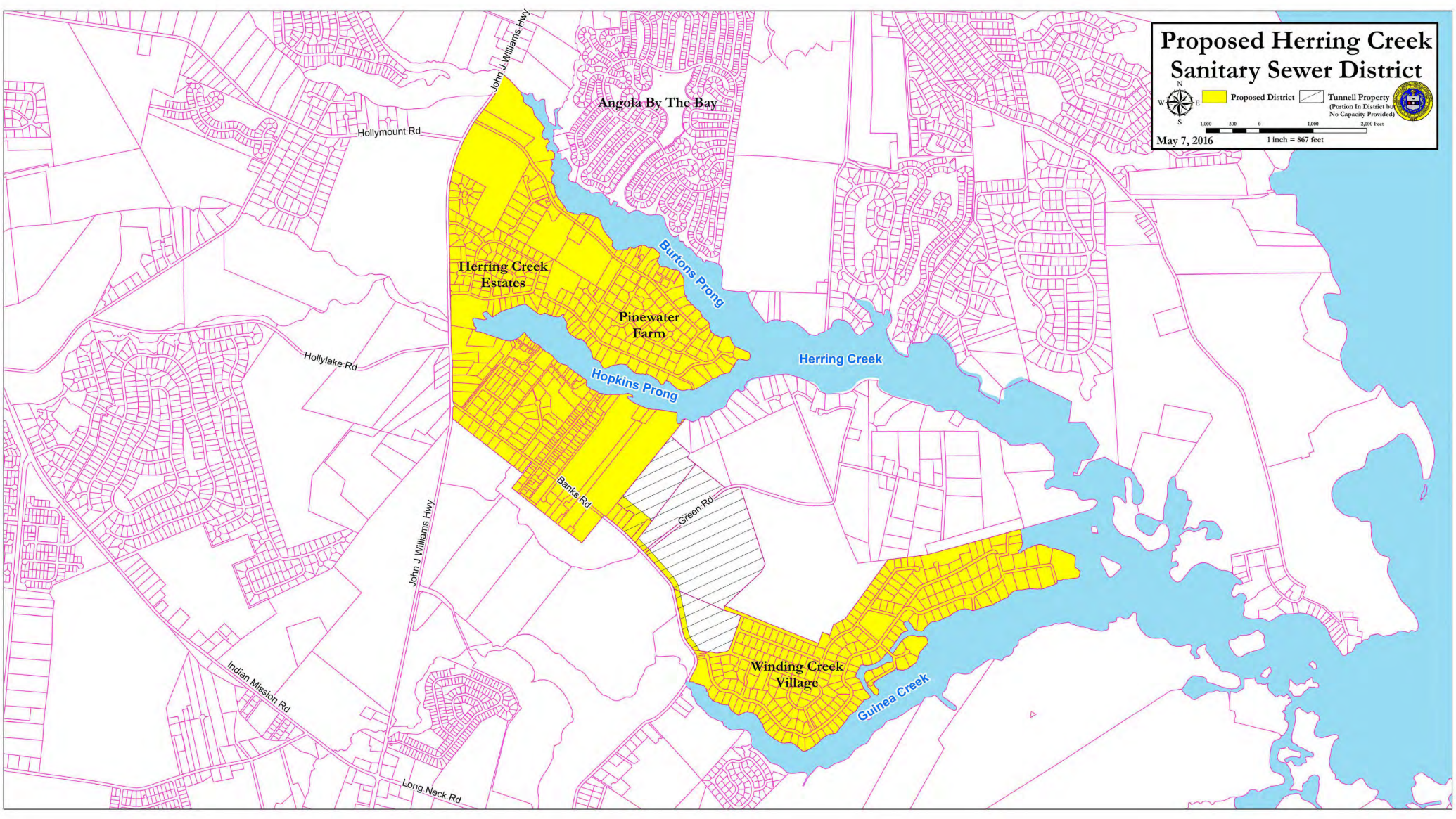
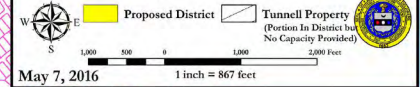
We would also like to inform you that to date we have received **171** affidavits from the property owners/residents in Winding Creek Village requesting that we cancel the referendum for the proposed **water** district. We are currently analyzing them to their validity and the percentage of eligible voters they may represent prior to making our recommendation.

Proposed schedule:

- Post Public Meeting – week of April 18th
- Second public meeting – May 7, 2016
- Update to County Council – May 10, 2016
- County Council Boundary Resolution(s) – June 7, 2016
- Post/Advertise Referendum(s) – week of June 20th
- Referendum – July 9, 2016



Proposed Herring Creek Sanitary Sewer District



■ ■ ■ ■

ARCHITECTS
ENGINEERS

400 HIGH STREET
SEAFORD, DE 19973
PH: 302.628.1421
FAX: 302.628.8350

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
MICHAEL D. MCARTHUR, AIA
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE

JOHN E. BURNSWORTH, PE
MICHAEL G. KOBIN, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
VINCENT A. LUCIANI, PE
JERRY KOTRA
ANDREW J. LYONS, JR., PE
KATHERINE J. MCALLISTER, PE

March 31, 2016

Sussex County Engineering Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Joseph Wright, P.E.
Re: Sussex County Improvement (SCI) Project No. 14-13.B
Roadway Improvements
Recommendation of Award

Dear Mr. Wright:

Bids for the Sussex Shores Subdivision - Chapter 96 – Roadway Improvements Project - Sussex County Improvement (SCI) Project No. 14-13.B - were opened at Sussex County Council Chambers at 11:00 a.m. on March 24, 2016.

We have reviewed the two (2) bids received (Jerry's Paving - \$483,896.00; George & Lynch, Inc. - \$376,405.50). GMB's cost estimate for the project was \$500,821.50.

The bid form submitted by George and Lynch, Inc. had an error in Item A-6, whereby there was a discrepancy between the multiplication of units of work and the unit price. The unit price recorded on the bid form was \$1.98 and the unit of work was 60 CY, yet the total was \$11,880.00. Section 14.02 of the EJCDC documents incorporated in the bidding documents states that discrepancies are resolved in the favor of the unit price. Therefore, the total of Item A-6 total was adjusted to \$118.80 (\$1.98 x 60) and the total bid price was adjusted to \$364,644.30. With the adjustment George & Lynch remained as the low bidder. George & Lynch was notified of the error and acknowledged the adjusted bid price by way of email correspondence.

It is GMB's opinion that George & Lynch, Inc. located in Dover, Delaware is the lowest responsible bidder based on the Total Base Bid in the amount of \$364,644.30. Its bid package was complete and included the Bid, Bid Bond, list of subcontractors, State of Delaware Business license, Certification of Compliance with EEO/Non-Segregated Facilities, Non-Collusion Statement and acknowledgement of the addendum.

George & Lynch is an experienced general contractor who has performed general contracting and paving services for various municipalities and counties. GMB recommends award to George & Lynch based on the following reasons:

- George & Lynch is the lowest responsive bidder.

- There was acknowledgement of the bid error and adjusted bid price.
- The bid price is below the costs that were budgeted for the project and presented to the community in the petitioning. (A total of \$638,451 was budgeted in the petitioning documents).

Accordingly, we recommend award to George & Lynch, Inc. in the amount of \$364,644.30.

A copy of the bid results is attached.

If you have any questions please do not hesitate to call at 302.628.1421 or contact me via e-mail at vluciani@gmbnet.com. Thank you.

Sincerely,



Vincent Luciani, P.E.
Division Leader Construction Services
Associate

VAL/ccd

Enclosures

cc: Sussex County Engineering Department
Attn: Patti Deptula. (w/encls.)
Helen Naylor (w/encls.)

SUSSEX SHORES ROADWAY IMPROVEMENTS PROJECT NO. 14-13B				George & Lynch		Jerry's Paving		Engineer's Estimate	
Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A-1	Mobilization	1	LS	\$17,500.00	\$17,500.00	\$21,000.00	\$21,000.00	\$30,000.00	\$30,000.00
A-2	Recycled Bituminous Base Course (6" Depth)	11,550	SY	\$3.25	\$37,537.50	\$10.00	\$115,500.00	\$4.50	\$51,975.00
A-3	Roadway Excavation	950	CY	\$12.70	\$12,065.00	\$31.00	\$29,450.00	\$70.00	\$66,500.00
A-4	Furnish and Install Bituminous Concrete Binder Course	11,550	SY	\$8.62	\$99,561.00	\$11.72	\$135,366.00	\$15.08	\$174,174.00
A-5	Furnish and Install Bituminous Concrete Surface Course	11,550	SY	\$6.42	\$74,151.00	\$9.00	\$103,950.00	\$10.95	\$126,472.50
A-6	RipRap Swale Removal and Installation	60	CY	\$1.98	\$118.80	\$150.00	\$9,000.00	\$125.00	\$7,500.00
A-7	Edge of Roadway Transitions	1	LS	\$85,000.00	\$85,000.00	\$31,130.00	\$31,130.00	\$20,000.00	\$20,000.00
A-8	Furnish and Install Seven (7) Rubber Speed Humps	150	LF	\$84.14	\$12,621.00	\$60.00	\$9,000.00	\$75.00	\$11,250.00
TOTAL FOR PART A					\$338,554.30		\$454,396.00		\$487,871.50
B-1	Excavation Below Subgrade	200	CY	\$27.20	\$5,440.00	\$40.00	\$8,000.00	\$11.50	\$2,300.00
B-2	Furnish and Place Graded Aggregate Type B Base Course	200	CY	\$66.60	\$13,320.00	\$60.00	\$12,000.00	\$30.00	\$6,000.00
B-3	Furnish and Place Special Backfill (Type "C")	100	CY	\$25.70	\$2,570.00	\$30.00	\$3,000.00	\$11.50	\$1,150.00
B-4	Miscellaneous Excavation and Backfill	50	CY	\$27.20	\$1,360.00	\$70.00	\$3,500.00	\$30.00	\$1,500.00
B-5	Furnish and Place Miscellaneous Concrete	10	CY	\$340.00	\$3,400.00	\$300.00	\$3,000.00	\$200.00	\$2,000.00
TOTAL FOR PART B					\$26,090.00		\$29,500.00		\$12,950.00
TOTAL BASE BID (Part A + Part B)					\$364,644.30		\$483,896.00		\$500,821.50

PINETOWN PROPOSED
SUSSEX COUNTY CH. 95 STREETLIGHTING DISTRICT
PRELIMINARY COST ESTIMATE



Cobra Head LED

Electric Provider Estimated Costs:

Electric Provider (EP) Monthly Charges for 8 - Cobra Head LED Streetlights @ \$14.74 per streetlight per month*	\$ 117.92
2 New 30' Wooden Poles @ \$1.00 per pole per month*	\$ + <u>2.00</u>
Total EP <u>Monthly</u> Charges	\$ 119.92
 \$ 119.92 monthly x 12 months = Annual Charges	
Total EP <u>Annual</u> Charges (for 8 lights and 2 poles):	\$ 1,439.04

Sussex County & Other Estimated Costs:

Sussex County <u>Annual</u> Administrative & Contingency Charges 15% of \$ 1,439.04	\$ + <u>215.86</u>
--	--------------------

Total Estimated EP & County Costs:

GRAND TOTAL <u>ANNUAL</u> CHARGES	\$ 1,654.90
\$1,439.04 (EP costs) + \$ 215.86 (County costs)	

Number of Improvements in Proposed District: ** 25

Estimated Annual Assessment per Improvement **\$ 66.20**

\$1,654.90 divided by 25 improvements

*** This is a preliminary cost estimate only and the Electric Provider streetlight rates used within this estimate may not reflect any recent increases.**

** Number of improvements based on Sussex County Tax records. Only improvements billed. Vacant parcels not billed.

LED = Light-Emitting Diode Streetlight style

RESOLUTION NO. R

A RESOLUTION ESTABLISHING THE DATE, TIME, AND PLACE OF AN ELECTION TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED PINETOWN STREETLIGHTING DISTRICT

WHEREAS, Chapter 95 of the Sussex County Code provides for the establishment, maintenance, and modification of a streetlighting district; and

WHEREAS, on January 26, 2016, the Sussex County Council approved the circulation of petitions to the improvement owners of Pinetown, which seek to obtain estimates of costs and charges for the purpose of establishing a District; and

WHEREAS, 5 valid petitions have been received from property owners requesting that the formation of a streetlighting district be put to a vote; and

NOW, THEREFORE,

BE IT RESOLVED that the annual billing rate for the proposed streetlighting district is estimated to be \$ **66.20** for each residential or commercial improvement located within the boundaries of the Pinetown Proposed Streetlighting District; and

BE IT FURTHER RESOLVED that the Sussex County Council does establish **Friday, April 29, 2016, from 12 p.m.– 6 p.m., at the Pinetown Civic Association building** located on Pinetown Road, Lewes, Delaware, as the date, time, and place for the election to consider the formation of the Pinetown Streetlighting District; and

BE IT FURTHER RESOLVED that the judge of the election shall be Mrs. Patricia L. Deptula, Director of Special Projects, or her designee; and

BE IT FURTHER RESOLVED that the Sussex County Engineering Department be directed to provide appropriate notice to the voters of the date, time, and place of the election, including estimated costs and charges, and the availability of absentee ballots, as required by Chapter 95 of the Sussex County Code.

PROPOSED MOTION

PINETOWN PROPOSED CHAPTER 95 STREETLIGHTING DISTRICT

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, SUSSEX COUNTY COUNCIL APPROVES AN **ESTIMATED ANNUAL BILLING RATE OF \$66.20 PER RESIDENTIAL OR COMMERCIAL IMPROVEMENT** WITHIN THE PINETOWN PROPOSED STREETLIGHTING DISTRICT, IF AN ELECTION PASSES AND THE DISTRICT IS FORMED. THE ANNUAL BILLING RATE WILL BE ADJUSTED EACH YEAR THEREAFTER, BASED UPON THE ACTUAL NUMBER OF ASSESSABLE UNITS AND ALL STREETLIGHTING COSTS.

Submitted to Sussex County Council on: April 5, 2016

Approved by Sussex County Council on: _____

Patricia L. Deptula
Director of Special Projects
Sussex County Engineering Department

OLD BUSINESS

April 5, 2016

This is to certify that on December 10, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

C/U #2036 – JIMI KELLOGG

An Ordinance to grant a Conditional Use of land in a GR (General Residential District) for parking of employee vehicles and vans for a cleaning service business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,323 square feet, more or less. The property is located northeast of Field Lane, a subdivision street, 200 feet southeast of Munchy Branch Road (Road 270-A). (911 Address: 36181 Field Lane, Rehoboth Beach). Tax Map I.D. 334-13.00-873.00.

The Commission found that the applicant provided a survey of the lot depicting the improvements as they exist on the property and a sketch of the driveways on the property.

The Commission found that DelDOT provided comments on July 30, 2015 in the form of a Support Facilities Report referencing that a Traffic Impact Study was not required, and that the current Level of Service “B” of Munchy Branch Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on December 9, 2015 in the form of a memorandum referencing that the site contains two soil types; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are

affected; that no off-site drainage improvements will be required; and that it is not likely that any on-site drainage improvements will be required.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on December 9, 2015 in the form of a memorandum referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available if the proposed use does not exceed approximately 1.0 Equivalent Dwelling Unit (EDU) of sewer assessment; that the planning study and design assumption for the parcel is 1.0 EDU based on a residential use on a residentially zoned parcel of less than 1.0 acre; that if the proposed use is expected to exceed 1.0 EDU, additional information should be provided and a capacity review completed prior to approval; that Ordinance 38 construction is not required; that the current System Connection Charge Rate is \$5,775.00 per EDU; that the parcel was provided with a 6-inch sanitary sewer lateral located along the parcel's frontage on Field Lane and the existing home is connected to the sewer system; that conformity to the West Rehoboth Expansion Area Planning Study will be required; and that a concept plan is not required.

Mr. Lank advised the Commission that two letters have been received to date in opposition to this application referencing that the properties in the area are residentially zoned; that the applicant should seek another location where commercial uses are permitted; that spot zoning causes future applications for other business/commercial uses; that the use has existed for approximately four (4) years; that the business has continued to grow causing more vehicles to and from the site; that traffic occurs all day long in and out of the property; that there are at least 5 company vehicles and employee vehicles on the site; that at any time there could be 10 or more vehicles coming and going; that the paved portion of the property seems to grow and the front yard has very little space that is unpaved; that parking has recently been added that could accommodate at least another 10 vehicles; that the applicants are receiving large commercial truck deliveries of cleaning supplies at this location on neighborhood streets; and that depreciation of property values is a concern.

The Commission found that Jimi Kellogg was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he and his wife own a cleaning business; that they care about their neighborhood; that they cannot afford to lease a store front for their small business; that they have 12 full time employees; that they have extended their driveway; that they have three work vans and two family vehicles; that three employees drive to their property and pick up the work vans to pick up other employees off-site; that they have tried to improve their home and driveways; that they live on the premises; that across the road from their property, within 200 feet, is a store front with three business uses; that they have tried not to be a nuisance; that the other employees park their personal vehicles at the K-Mart and Food Lion parking lots; that normal business hours are from 8:00 a.m. to 4:00 or 5:00 p.m.; that they were receiving deliveries twice a month when they have the contract for maintenance of the Social Security offices, which are no longer their clients; that currently there are no regular deliveries; that their normal work days are Monday through Friday, with an occasional Saturday and Sunday during the summer months; and that he is not aware of any deed restrictions against commercial activities.

The Commission found that Jennifer Kellogg was present in support and stated that they can track their employees whereabouts since the work vehicles have GPS units; that occasionally employees park at the Lowes and Giant parking lots; that the employees that park their vehicles on the site are the employees that drive company vehicles to job sites; that UPS and FedEx trucks do deliver packages to the site; that she lives on the site and is always driving in and out of the site; and that they expanded the driveways to accommodate traffic to and from the property.

The Commission found that there were no parties present in support of, other than the applicant and his wife, or in opposition to the application.

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

On December 10, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration, and asking staff to check for restrictive covenants. Motion carried 5 – 0.

On January 14, 2016 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend denial of Conditional Use No. 2036 for Jimi Kellogg for parking of employee vehicles and vans for a cleaning service business based upon the record made during the public hearing, and for the following reasons:

- 1) It appears that this business started small at the Applicant's residence. But, the record indicates that the business has successfully grown, and it has outgrown this particular location.
- 2) There were parties that appeared in opposition to this application. All of them agreed that the business has outgrown the location and is not compatible with the neighborhood.
- 3) This location is located on a lot in a residential neighborhood. The property is surrounded by homes on several sides. This commercial use, including the parking, traffic and trucking activities, is not compatible with the residential surroundings.
- 4) There is evidence in the record that this use now adversely affects neighboring properties, the community and adjacent roadways due to the traffic generated by the use, the number of employees coming to and from the location, and other factors.
- 5) There are other more appropriate locations for this type of use in Sussex County that are either zoned for the use or that are not surrounded by existing residential properties.
- 6) For all these reasons, the successful growth of this small business means that it no longer fits in with its local residential surroundings and another more appropriate location should be found to allow it to continue its growth.

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 denied for the reasons stated. Motion carried 4 – 0.

C/U #2037 – Gilbert J. Bernoski, Jr.

An Ordinance to grant a Conditional Use of land in a GR (General Residential District) for an auto repair shop to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.101 acres, more or less. The property is located northeast of Mount Joy Road (Road 297) 0.4 mile east of Gravel Hill Road (Route 30) (911 Address: 26371 Mount Joy Road, Millsboro) Tax Map I.D. 234-21.00-50.00.

The Commission found that the applicant provided a survey/site plan of the property depicting the improvements and driveways on the property with his application filed on August 25, 2015.

The Commission found that DelDOT provided comments on July 30, 2015 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 Mount Joy Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on December 9, 2015 in the form of a memorandum referencing that the site contains one soil type; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that no off-site drainage improvements will be required; and that it is not likely that any on-site drainage improvements will be required.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on December 9, 2015 in the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District at this time; that conformity to the North Coastal Planning Study will be required; that the proposed site is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Gilbert Bernoski, Jr. was present on behalf of his application and stated in this presentation and in response to questions raised by the Commission that he is the property owner; that his father-in-law lives in the dwelling; that he leases the pole building to a gentleman to repair vehicles; that originally there were two gentlemen working on the premises; that no signage is proposed; that the tenant is also a truck driver and works during the evening and on weekends doing auto repairs; that it is a part time business; that some work is performed indoors and some outdoors; that adequate ventilation exists within the building; that he does not know how his tenant disposes of the fluids after the repair work is performed; that the repair work will not go past 10:00 p.m.; that there are currently 3 or 4 vehicles outside waiting for repair; and that the maximum number of vehicles to be stored outside will be six.

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

The Commission found that Rudolph Daisey, Jr. and Janet Daisey were present in opposition to the application and expressed concerns that the use is not consistent with the residential character of the area; that accountability is a concern; that the presentation by the applicant has been very vague; that in May of 2014 there were more vehicles on the site than there are now; questioning the whereabouts of an bathroom facilities; questioning if the tenant has a business license; that

the area is predominantly residential in character; that traffic is an issue; that the business could operate 24 hours 7 days per week if approved; that over time there have been 200 to 300 vehicles in and out of the site; and that the travel trailer to the rear of the pole building may be occupied.

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

On December 10, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On January 14, 2016 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend denial of Conditional Use No. 2037 for Gilbert J. Bernoski, Jr. for a conditional use to operate an auto repair shop based upon the record made during the public hearing and for the following reasons:

- 1) I do not feel that the Applicant made a sufficient record in support of the conditional use. The information presented was very vague. Also, the operator of the business was not present to offer any details about the nature of the business or its impact on the community.
- 2) There was testimony in the record that this is a residential area and that the use as an automobile repair facility is not compatible with neighboring properties or the area in general.
- 3) There was evidence in the record that this site has been used by more than one automobile repair businessman and that there has been a fairly high volume of vehicles that have been coming to and from the site or have been located on the site in the past. Based upon the lack of information in the record about the proposed conditional use, it is difficult to approve this application with sufficient conditions to protect the neighboring properties and to address these concerns in the future.
- 4) There is evidence in the record that the owner of the property nor the operator of the business does not reside on the premises. As a result, there is no basis for the use of this location other than its availability. It is not the type of application where it is primarily a home based business where an applicant earns a little bit of extra money from his home.
- 5) There are more appropriate locations for this business in Sussex County that are either zoned for this use or that are not located in a primarily residential area.
- 6) For all these reasons, it is my motion that the Sussex County Planning and Zoning Commission recommend denial of this conditional use.

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 denied for the reasons stated. Motion carried 4 – 0.

Introduced 10/20/15

Council District No. 4 - Cole

Tax I.D. No. 334-13.00-873.00

911 Address: 36181 Field Lane, Rehoboth Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR PARKING OF EMPLOYEE VEHICLES AND VANS FOR A CLEANING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,323 SQUARE FEET, MORE OR LESS

WHEREAS, on the 5th day of August 2015, a conditional use application, denominated Conditional Use No. 2036 was filed on behalf of Jimi Kellogg; and

WHEREAS, on the ____ day of _____ 2015, 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. 2036 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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.

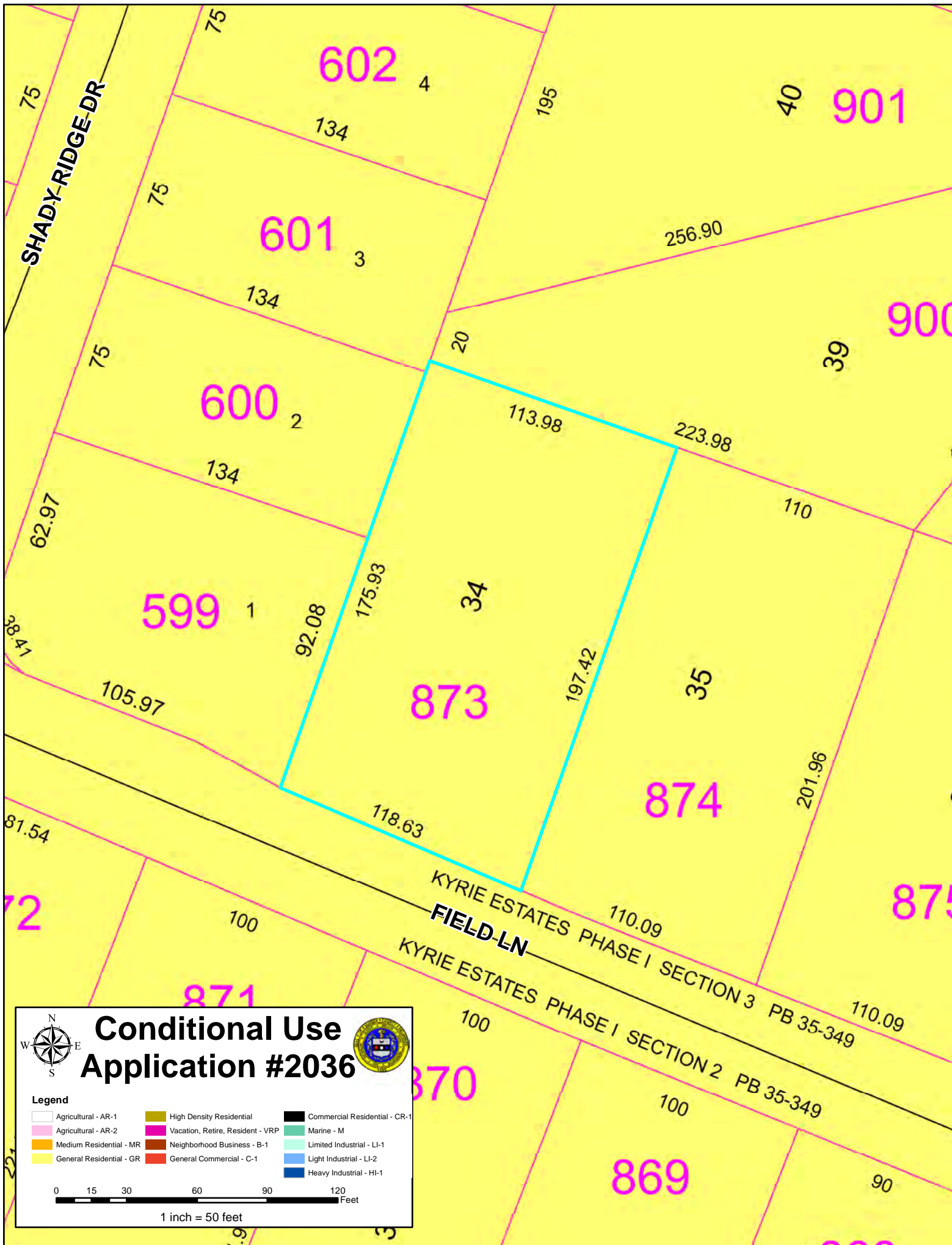
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:


Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2036 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:


ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northeast of Field Lane, a subdivision street, 200 feet southeast of Munchy Branch Road (Road 270-A) and being more particularly described in Deed Book 4294, Page 300, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,323 square feet, more or less.

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



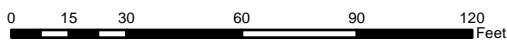


Conditional Use Application #2036



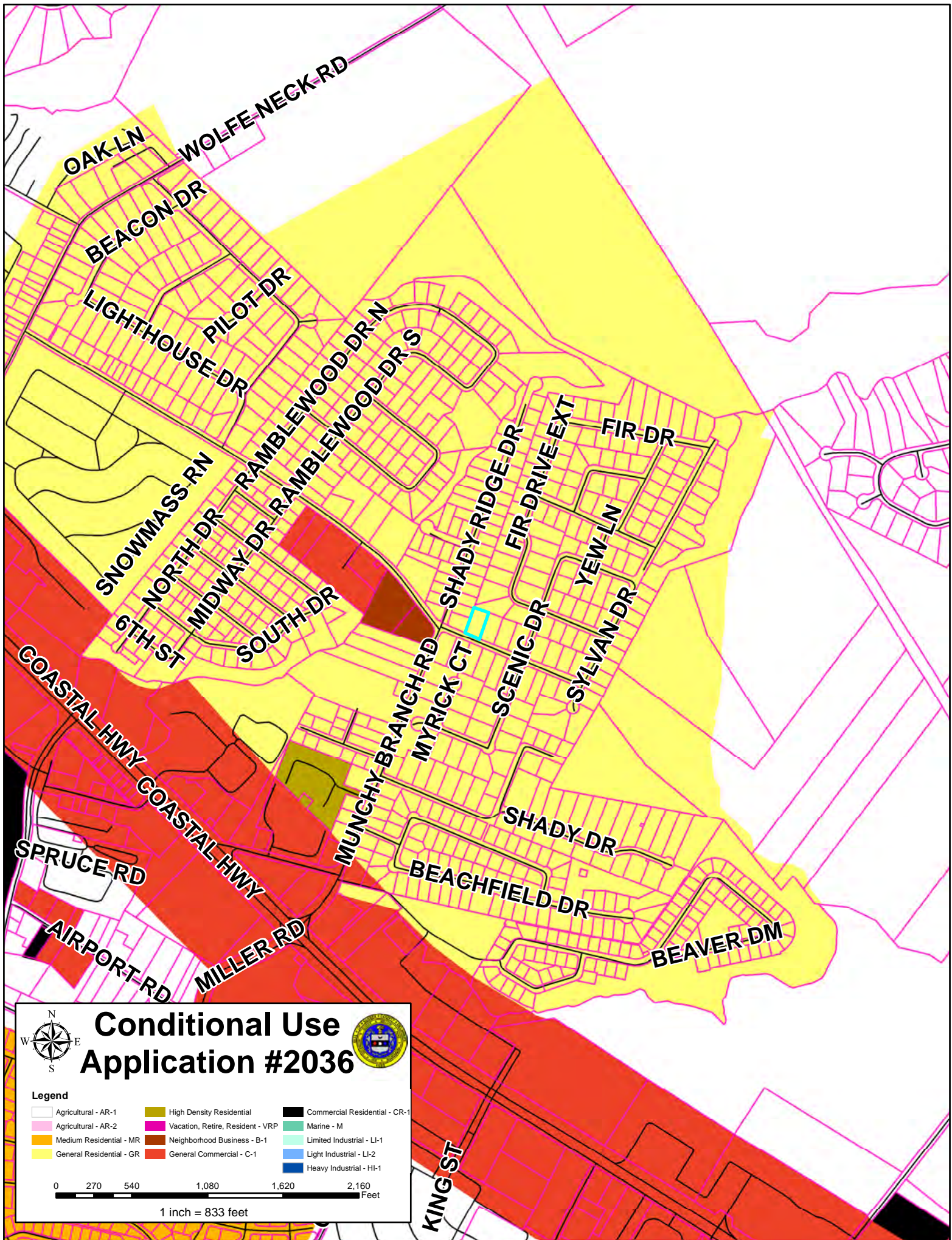
Legend

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



0 15 30 60 90 120 Feet

1 inch = 50 feet



Introduced 10/20/15

Council District No. 3 - Deaver

Tax I.D. No. 234-21.00-50.00

911 Address: 26371 Mount Joy Road, Millsboro, DE 19966

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.101 ACRES, MORE OR LESS

WHEREAS, on the 25th day of August 2015, a conditional use application, denominated Conditional Use No. 2037 was filed on behalf of Gilbert J. Bernoski, Jr.; and

WHEREAS, on the ____ day of _____ 2015, 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. 2037 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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. 2037 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 northeast of Mount Joy Road (Road 297) 0.4 mile east of Gravel Hill Road (Route 30) and being more particularly described in Deed Book 3578, Page 329, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.101 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.

48

10.10 AC.

1

400

400

2

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400

3

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4

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120

MOUNT-JOY-RD

920S



Conditional Use Application #2037

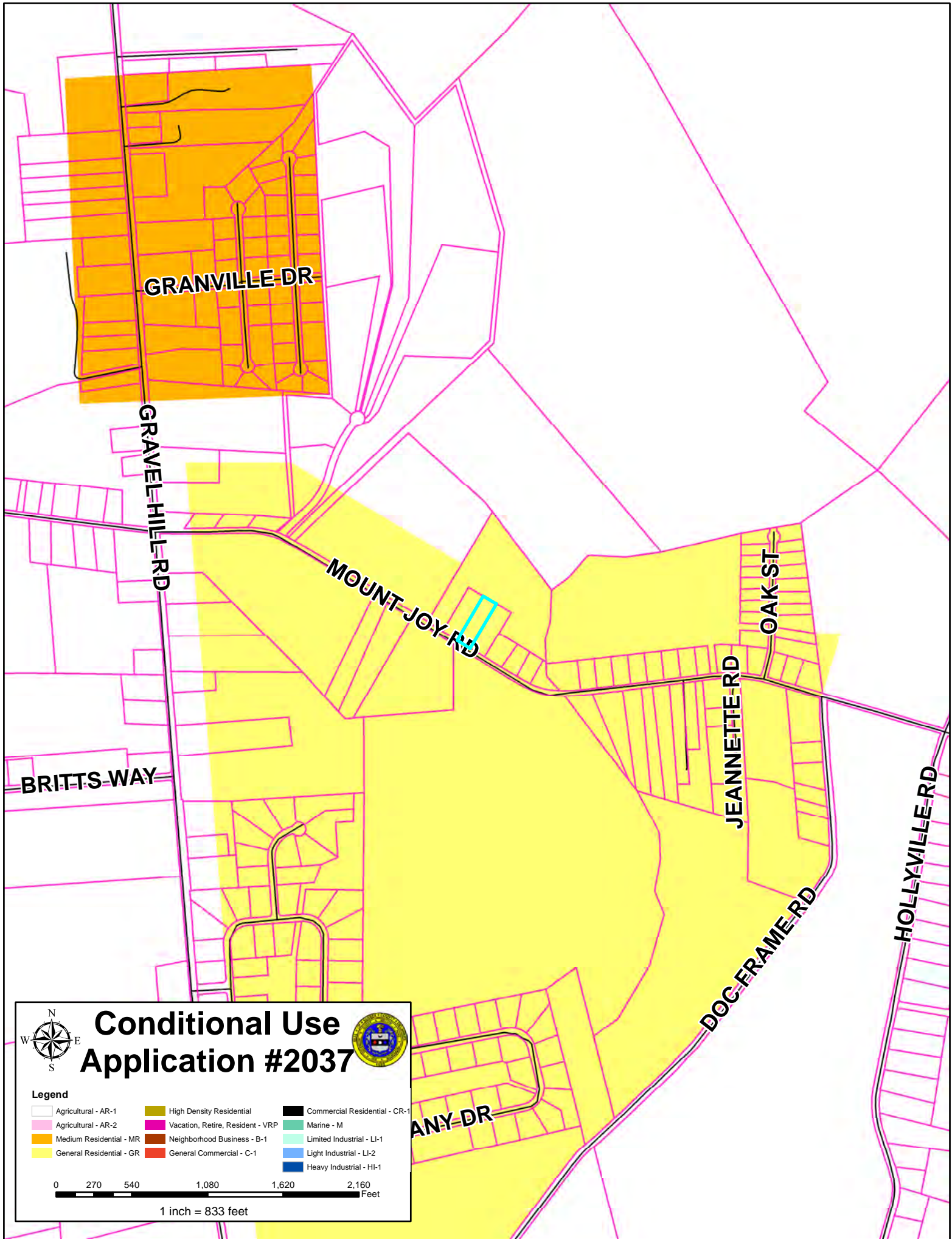


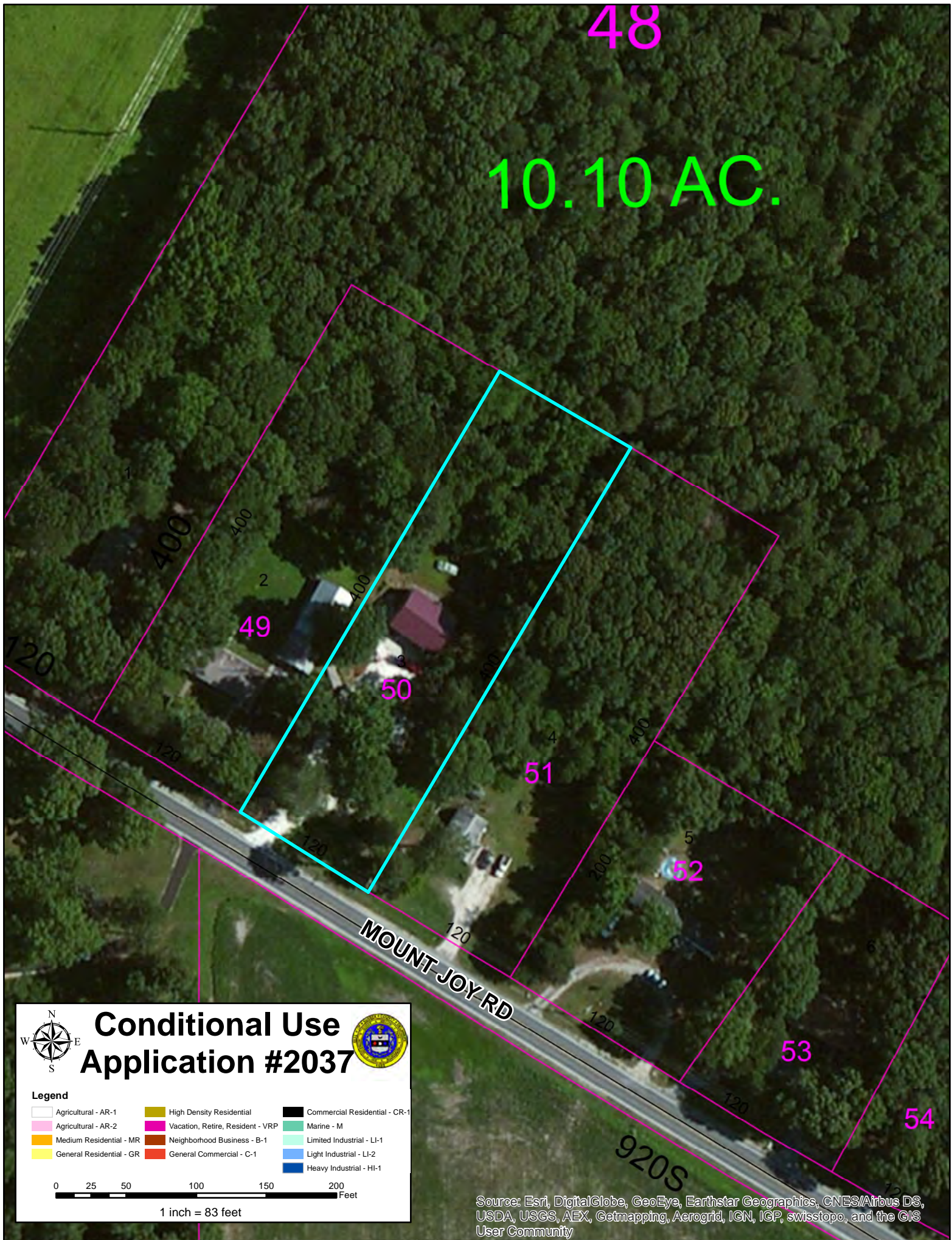
Legend

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

0 25 50 100 150 200 Feet

1 inch = 83 feet







SUSSEX COUNTY GOVERNMENT

DISTRICT 5 - COUNCIL GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

PROJECT NAME: Student Mentoring at John M. Clayton Elementary School

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

ADDRESS: 252 Clayton Avenue

Frankford DE 19945
(CITY) (STATE) (ZIP)

PHONE: 302-732-1520 EMAIL: lisa.ashman@irsd.k12.de.us

CONTACT PERSON: Lisa Ashman

TITLE: Mentoring Program Coordinator

ADDRESS: 252 Clayton Avenue

Frankford DE 19945
(CITY) (STATE) (ZIP)

PHONE: 302-732-1520 EMAIL: lisa.ashman@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$ 2,000 0 0

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 2,000.00

Are you seeking other sources of funding other than Sussex County Council?

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 17%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

90 students, 60 mentors

SECTION 3: PROGRAM SCOPE

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

John M. Clayton Elementary School is a Title I school, serving approximately 600 students in grades pre-K through 5th grade. In our student population, 44% are Hispanic/Latino, 31% are Caucasian, 23% are African American, 1% are Asian, and 1% are American Indian/Alaska Native. Eighty percent of our students are enrolled in Free/Reduced Meal Plans, and 23% are English Language Learners. The vast majority of our students live in Dagsboro, Frankford and Selbyville. However, some of our students attend through "school choice" and have addresses in other surrounding towns.

Our Student Mentoring Program is a predominantly grant-funded program that provides academic support to targeted students. For the 2015-2016 school year, we have approximately 60 adult mentors meeting with over 90 students in grades K-5. Mentors meet weekly with each of their assigned students during a specified day and time, for approximately 40 minutes. Our mentoring program is available for students enrolled at John M. Clayton Elementary School. Many of our mentees are below grade level in their reading or reading comprehension abilities. The objectives of our Mentoring Program are to help mentored students improve school performance by decreasing school absences, improving classroom behavior, and demonstrating improvement in overall grades, specifically English Language Arts subjects.

Our Student Mentoring Program establishes a framework in which volunteer mentors from surrounding communities provide academic support and role model interaction to targeted at-risk students. Our program begins in October and ends in May, but our coordinator starts preparations in September.

We are applying for funds for the 2016-2017 school year. Our Revenue entry in "Section 4: Budget" is very low, since it is essentially the balance of funds we are expecting to have after the conclusion of our current 2015-2016 school year. Currently, we do not have any additional sources of revenue listed for 2016-2017 because grant applications and funding sources are still pending. Our Expenditures include our projected Salary expense for the 2016-2017 school year.

Our mentoring program received grant funds from Sussex County Government in April 2015.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 600.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISTION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (put amounts in as a negative)	
Salary	-\$11,180.00
Supplies/Materials	-\$350.00
TOTAL EXPENDITURES	-\$ 11,530.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 10,930.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Student Mentoring Program at JMC agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

SIGNATURE: _____
(Applicant/Authorized Official Signature)

DATE: 2/24/16

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 600.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (put amounts in as a negative)	
Salary	-\$11,180.00
Supplies/Materials	-\$350.00
TOTAL EXPENDITURES	-\$ 11,530.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 10,930.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Student Mentoring Program at JMC agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

SIGNATURE: *Lisa Johnson* DATE: 3/8/16
(Applicant/Authorized Official Signature)



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

PROJECT NAME: Lewes Senior Citizens Center Inc

FEDERAL TAX ID: 51-0105685 NON-PROFIT: ☒ YES ☐ NO

ADDRESS: 32083 Janice Road

Lewes DE 19958

(CITY) (STATE) (ZIP)

PHONE: 302-645-9293 EMAIL: lewesseniorcenter@gmail.com

CONTACT PERSON: Dennis E Nealen

TITLE: Executive Director

ADDRESS: 34117 Beech Dr

Lewes DE 19958

(CITY) (STATE) (ZIP)

PHONE: 302-396-3747 EMAIL: dnealen@yahoo.com

TOTAL FUNDING REQUEST: \$ 5,000.00

Has your organization received other grant funds from
Sussex County Government in the last year?

☐ YES ☒ NO

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

Are you seeking other sources of funding other than Sussex County Council?

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 1%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

26000

SECTION 3: PROGRAM SCOPE

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

The Lewes Senior Center is badly in need of more space for our programs. We are looking to expand our current building of 7,715 to 8,500 sq feet. We are a very busy center with a very active membership. We currently offer aerobics, dancing, yoga, exercise, tai chi and shape up classes for physical fitness, or just general improved mobility. We also offer bingo, card games, mah jongg for entertainment. We have a couple lunch programs each week. We also offer diabetes & pre diabetes classes, along with a TOPS program. We have simply outgrown our walls.

We are in the process of having an architect draw up plans for expansion.

We have been fortunate to have been a recipient several times in the past.

We would appreciate any help you can give us, and this would be considered a direct service to our every growing membership.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (put amounts in as a negative)	
we estimate a building addition costing	-500000
TOTAL EXPENDITURES	-\$ 500,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 500,000.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Lewes Senior Citizens Center agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

Dennis E Nealen

Applicant/Authorized Official

3-8-2016

DATE

Paul Laurence Dunbar Elementary

499 West 6th Street

Laurel, DE 19956

302-875-6140

Councilman Rob Arlett

Dear Community Member,

On Friday, June 3, Dunbar Elementary will be hosting our 3rd Annual Dunbar Dash 5K/Wellness Walk. This is a family and community event that will take you through the town of Laurel.

All proceeds from this event will benefit our school's health and wellness program. It will enable us to provide further wellness education and activities for our students.

Our committee is asking you to be a sponsor for this event. Any amount given would be greatly appreciated. With a donation of \$50.00 or more, your name/business will be printed on the back of our 5K race shirts.

You are more than welcome to join us and participate in the run/walk. We would love to have you. There will be awards and refreshments after the run. Timing is provided by Seashore Striders. We hope to see you on June 3 in our community-wide event and we look forward to hearing from you regarding a sponsorship. You can sign up at Seashorestriders.com or pick up a registration at our school.

We have also enclosed a sponsor form for you to fill out and return back to us.

Thank you so much for your consideration and we look forward to hearing from you. If you have any questions, please feel to call Donna Sava at Dunbar Elementary – 302-875-6140.

Sincerely,

Donna Sava

Donna Sava and Dunbar's Wellness Committee

Thank you for your support last year. Hope we can count on you again this year.
Donna Sava

Dunbar Elementary...providing wellness awareness for our children "one step at a time".

3rd Annual Dunbar Dash 5K and Wellness Walk

2016 Sponsorship Form

Name of person or
business _____

Address _____

Phone number _____

Email _____

_____\$50.00 - name

____other: Amount - \$_____

For any amount over 50.00:

T-shirt size _____

Name on t-shirt _____

Submit names to Donna Sava - Dunbar Elementary School. If you have any questions,
please call Donna Sava at 302/875-6140

Please make checks payable to: **Dunbar Elementary School**

You may mail checks to:

Dunbar Elementary School

499 W. 6th Street

Laurel, DE 19956



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Dunbar Elementary Wellness Committee		
PROJECT NAME:	Dunbar Dash 5K/Wellness Walk		
FEDERAL TAX ID:	51-6000-279	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	499 W. 6 th Street Laurel, DE 19956		
	(CITY)	(STATE)	(ZIP)
PHONE:	302/ 875-6140	EMAIL:	donna.sava@laurel.k12.de.us
CONTACT PERSON:	Donna Sava		
TITLE:	1 st gr. tchr. - member of Wellness Committee		
ADDRESS:	499 W. 6 th St. Laurel, DE 19956		
	(CITY)	(STATE)	(ZIP)
PHONE:	* same as above	EMAIL:	* same as above

TOTAL FUNDING REQUEST: \$2000⁰⁰

Has your organization received other grant funds from
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? 2015 sponsorship

Are you seeking other sources of funding other than Sussex County Council?

☒ YES ☐ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

☐ Health and Human Services

☒ Other health/wellness

- ☐ Cultural
☐ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other _____

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

≈ 150

SECTION 3: PROGRAM SCOPE

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

A family and community event. It is a 5k/Wellness Walk through our town of Laurel, 100% of proceeds help to enhance our school's health and wellness program. It enables us to provide further wellness education and activities for our students.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$ all based on cont.
TOTAL REVENUES	0
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
seashore striders	1200
equip. rental	500
supplies ~ snacks, water	300
-trophies	400
t-shirts	600
Printing	200
Personnel - Police Officers	200
TOTAL EXPENDITURES	\$3 4 00 \$0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Wellness Committee agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

De D. Saver

Applicant/Authorized Official

3/18/16
DATE

To Be Introduced 04/05/16

Council District No. 2 – Wilson

Tax I.D. No. 230-13.00-148.00

911 Address: 9483 Clendaniel Pond Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE AND REPAIR FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.972 ACRES, MORE OR LESS

WHEREAS, on the 8th day of March 2016, a conditional use application, denominated Conditional Use No. 2047 was filed on behalf of Delmarva Petroleum Service; and

WHEREAS, on the ____ day of _____ 2016, 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. 2047 be _____; and

WHEREAS, on the ____ day of _____ 2016, 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. 2047 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 Cedar Creek Hundred, Sussex County, Delaware, and lying northeast of Clendaniel Pond Road (Road 38), 700 feet north of Fleatown Road (Road 224), and being more particularly described in Deed Book 3864, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.972 acres, more or less.

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

To Be Introduced 04/05/16

**Council District No. 4 – Cole
Tax I.D. No. 234-11.00-502.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WAREHOUSE AND OFFICE TO RECEIVE AND STORE HVAC EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.457 ACRES, MORE OR LESS

WHEREAS, on the 8th day of March 2016, a conditional use application, denominated Conditional Use No. 2048 was filed on behalf of Delaware Shore Equity, LLC; and

WHEREAS, on the ____ day of _____ 2016, 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. 2048 be _____; and

WHEREAS, on the ____ day of _____ 2016, 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. 2048 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying east of John J. Williams Highway (Route 24), 1,150 feet southwest of Jolyns Way (Road 289), and being more particularly described in Deed Book 4408, Page 289, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.457 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.

PUBLIC HEARINGS

April 5, 2016

This is to certify that on December 10, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

PUBLIC HEARINGS

C/U #2039 – PERFORMANCE INJECTION EQUIPMENT CO., LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for manufacturing and installation of performance automotive parts and accessories to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 34,740 square feet, more or less. The property is located northeast corner of DuPont Boulevard (U.S. Route 113) and Betts Lane. (911 Address: 24994 Betts Lane, Georgetown) Tax Map I.D. 133-6.00-110.00.

The Commission found that the applicant provided a survey/site plan depicting the location of the improvements on the property with the application filed on September 22, 2015, and an Exhibit Booklet on December 1, 2015. The Exhibit Booklet contains a copy of the application form; a copy of the deed to the property; a listing of property owners within 200 feet of the address site; a copy of the survey of the property; a cover letter from Aaron C. Baker, Esquire of Baird Mandalas Brockstedt, LLC; a series of photographs of the property; a series of photographs of the nearby commercial activities; a location map of the site; and a copy of the applicant's website advertisement.

The Commission found that DelDOT provided comments on July 30, 2015 in the form of a Support Facilities Report referencing that a Traffic Impact Study was not recommended and that

the current Level of Service “C” of DuPont Boulevard (U.S. Route 113) will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on December 9, 2015 in the form of a memorandum referencing that the site contains one soil type; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that no off-site or on-site drainage improvements will be required.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on December 9, 2015 in the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District at this time; that conformity to the North Coastal Planning Study will be required; that the proposed site is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that this site was previously approved for an office and warehouse for a heating and air conditioning business (C/U #1493) for Ron and Doneita Witke, and was utilized for that purpose until several years ago. C/U #1493 was originally approved by the Sussex County Council on May 13, 2003 with five conditions of approval.

Mr. Lank added that the property owner was advised that the on-going business activities that are currently in operation are a violation of the Zoning Ordinance and that a new Conditional Use application was required.

The Commission found that Chris Hitchens of Performance Injection Equipment Co., Inc. was present with Aaron Baker, Esquire of Baird Mandalas Brockstedt, LLC, and that they stated in their presentation and in response to questions raised by the Commission that the building contains approximately 3,000 square feet; that trees buffer the lot along the rear; that a solid fence has been erected along the northerly property line; that the previous business, a heating and air conditioning business moved out in 2013; that they manufacture, research, and test performance automotive equipment; that the use is not a general repair shop; that they sell performance parts through their website; that they tune vehicles on a dyno in the shop; that the shop is ventilated and the doors are now kept closed during testing; that he currently has one employee and anticipates no more than three including himself; that he has 10 or fewer customers visit the site during any given week; that he has applied for the Conditional Use to bring the business into compliance; that there are many established business and commercial uses in the area and referenced Kruger Trailers, Pep-Up, Georgetown Speedway, Infinity Choppers, a hair salon, AD-Art; Classic Autos, Stockley Materials, M.L. Joseph Construction, Iron Works, and others; that some of those businesses are zoned commercial, some are conditional uses, and some may have pre-existed zoning; that the use is not inconsistent with the Comprehensive Land Use Plan; that the Exhibit Booklet presented contains photographs of other businesses in the area, and suggested Findings of Fact and Conditions of Approval for consideration; that no outside repair work is performed; that the applicant sent letters to his neighbors explaining the dyno process and the activities being conducted on the site; that any

fluids removed from vehicles are placed in an approved container and removed by a licensed handler; and that metal parts are recycled.

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

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

On December 10, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On January 14, 2016 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 2039 for Performance Injection Equipment Co., LLC for manufacturing and installation of performance automotive parts and accessories based upon the record made at the public hearing and for the following reasons:

- 1) The property has historically been used for commercial purposes since at least 2002. The previous business, a heating and air conditioning business moved out in 2013. This proposed use will be consistent with the prior uses of the property, and will use the same building that currently exists on the property.
- 2) The use is to manufacture, research and test performance automotive equipment and it will not be a general repair shop. The sales of performance parts are primarily through the businesses website.
- 3) The site is located in an area where there are many established businesses and commercial uses, including Kruger Trailers, Pep-Up, the Georgetown Speedway, Infinity Shoppers, a hair salon, Ad-Art, Classic Autos, Stockley Materials, M.L. Joseph Construction, Ironworks and others. The proposed use is consistent with these other existing businesses.
- 4) The proposed use will not adversely affect traffic or area roadways. It will also not adversely affect neighboring or adjacent properties.
- 5) The applicant sent letters to neighbors explaining the uses and activities being conducted on the site. No parties objected to the use and no parties appeared in opposition to the application during the public hearing.
- 6) This recommendation is subject to the following conditions:
 - a. No outside repair work shall be performed on the site.
 - b. Any fluids removed from vehicles shall be placed in approved containers and removed by licensed handlers of those materials.
 - c. All used or junked parts, equipment, etc. shall be stored from view from neighboring properties and roadways and shall be appropriately discarded or recycled.
 - d. The chassis dynamometer shall be operated with the doors to its building closed. It shall also only be operated between 10:00 a.m. and 5:00 p.m. Monday through Friday.
 - e. The property shall have security lighting that is downward screened so that it does not project onto neighboring properties or roadways.
 - f. One lighted sign, not to exceed 32 square feet per side shall be permitted.

- g. The applicant shall comply with all DelDOT requirements concerning access and roadway improvements.
- h. All dumpsters or trash disposal containers shall be screened from view from neighboring and adjacent properties and roadways.
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. 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.

There was a consensus of the Commission to hold one public hearing that includes both applications for **C/Z #1789** and **C/U #2038**, the applications of **Good Earth Market, LLC**, and that the decisions will be decided individually on each application.

C/Z #1789 – GOOD EARTH MARKET, LLC

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 Baltimore Hundred, Sussex County, containing 10.17 acres, more or less. The property is located south of Atlantic Avenue (Route 26) approximately 1,800 feet west of Roxana Road (Route 17). (911 Address: 31806 Good Earth Lane, Ocean View). Tax Map I.D. 134-11.00-181.00, 181.01, 181.02, & 181.03.

C/U #2038 – GOOD EARTH MARKET, LLC

An Ordinance to grant a Conditional Use of land in a CR-1 (Commercial Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 4.75 acres, more or less. The property is located south of Atlantic Avenue (Route 26) approximately 1,800 feet west of Roxana Road (Route 17). (911 Address: 31806 Good Earth Lane, Ocean View). Tax Map I.D. 134-11.00-181.03.

The Commission found that the applications for C/Z #1789 and C/U #2038 were submitted on August 27, 2015 with related surveys/site plans, and that the applicant provided an Exhibit Booklet on November 25, 2015 for consideration. The Exhibit Booklet contains references to the Project Team; a series of maps and aerials; a copy of Ordinance No. 1962 for C/U #1715 establishing an office, professional space, café restaurant, and meeting space on the site; a DNREC septic approval for the site; copies of approvals from the Office of the State Fire Marshal for the existing activities; a copy of a DelDOT approval for the existing activities; copies of Sussex Conservation District approvals for the existing activities; a site map; copies of deeds to the property; copies of listings for area residents; surveys and site plans; renderings and floor plans of the proposed cottages; photographs of activities conducted on the site; maps and references to the Comprehensive Land Use Plan; references to the Environmentally Sensitive

Developing District Overlay Zone; an Environmental Assessment Report and Public Facilities Report; DelDOT comments and correspondence; County Engineering comments and a map of the Millville Sanitary Sewer District; and suggested proposed Findings of Fact and Conditions of Approval.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on December 9, 2015 referencing that there are three soil types on the property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that no off-site drainage improvements will be required; and that it may be possible that on-site drainage improvements will be required.

The Commission found that the County Engineering Department Utility Planning Division provided comments on December 9, 2015 in the form of a memorandum referencing that the property is located in the North Millville Expansion of the Bethany Beach Sanitary Sewer District; that sewer capacity is available for up to 4.0 EDU per acre; that there will be adequate capacity so long as the parcels do not exceed a total of 40.6 EDU (10.15 acres x 4.0 EDU per acre = 40.6 EDU); that it is unknown at this time whether Ordinance 38 construction will be required; that the System Connection Charge Rate for the area is unknown at this time; that sewer service is not available to the parcels at this time; that sewer service will become available in the future, possibly as soon as the fall of 2016; that Parcel 181.1 is a landlocked parcel and will require a utility easement across an adjoining parcel in order to connect to the future sewer system; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the parcels are in the Millville Expansion of the Bethany Beach Sanitary Sewer District and connection to the sewer system is mandatory; that improvements on the parcels must connect within one year of sewer service becoming available; that up-zoning from AR-1 to CR-1 causes the potential for development projects that exceed the capacity of the downstream sewer system; that a project that exceeds 4.0 EDU per acre on the referenced parcels will not be approved by the County Engineering Department until the developer completes an evaluation of the sewer system and constructs necessary upgrades identified in the evaluation; that the capacity evaluation and construction of upgrades will be at the developer's expense; and that a concept plan is required.

The Commission found that Susan Ryan was present on behalf of the applications of Good Earth Market, LLC, with Mark Davidson, Principal Land Planner of Pennoni Associates, LLC, and that they stated in their presentations and in response to questions raised by the Commission that the property is owned by the applicants and/or family members; that the site is currently improved by a market, a café, offices, and a meeting place; that the site is on Route 26, a minor arterial road, and is adjacent to a Conditional Use for a future Beebe Medical Facility; that an 84 Lumber store and yard are in close proximity to the east; that the site is located in an Investment Level 2 and 3 according to the Strategies for State Policies and Spending document; that the conditional use portion of the applications is to allow three 900 square foot cottage/cabin type buildings on the premises for rentals, primarily for special events; that the expansion of the existing facilities includes growth of the theme of the property with the Good Earth Market, the chicken coops, gardens for vegetables and flowers, and a brewpub restaurant including on premise sales of alcoholic beverages, not off-premise sales; that the farm theme will be maintained; that they

intend to maintain the open appearance of the site; that the stormwater management pond already exist and is intended as an attraction; that outdoor wedding venues are intended, with no permanent structures; that the site is located in an Environmentally Sensitive Developing District Overlay Zone and meets the purpose of that zone; that County sewer is available to serve the site; that in the future, Tidewater Utilities will be providing central drinking water and water for fire protection; that currently there are three wells on the site; that CR-1 Commercial Residential zoning is appropriate in an Environmentally Sensitive Developing Area according to the Comprehensive Land Use Plan; that the Good Earth Market has been operational for 11 years and is supported as an agri-tourism use; that she and her husband live on the premises; that the new sewer lines and improvements to Route 26 will be a benefit to the existing and proposed uses on the site; that Tab 9 of the Exhibit Booklet contains suggested Findings of Fact and Conditions of Approval for consideration; that the site plan submitted is intended to show the intent of the owners on how they would like to develop the site; that some of the current events that have taken place on the site include farm dinner events, arts and crafts shows, seminars for cooking, open houses, and presentations; that CR-1 Commercial Residential zoning was chosen, rather than B-1 Neighborhood Business zoning, since the CR-1 zoning has more flexibility for the uses on the site; and that the planned three cottages will be rentals.

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

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

In reference to C/Z #1789:

Mr. Smith stated that he would move that the Commission recommend approval of Change in Zone #1789 for Good Earth Market, LLC from AR-1 (Agricultural Residential) to CR-1 (Commercial Residential) based on the record made during the public hearing and for the following reasons:

- 1) Commercial zoning is appropriate for this parcel of land in that it is located along Route 26, which is a significant roadway. It is also in close proximity to the intersection of Route 17 and Route 26, where other commercial and service activities currently exist.
- 2) The property is partially in a Developing Area according to the Sussex County Comprehensive Land Use Plan, where CR-1 zoning is appropriate.
- 3) The rezoning will not adversely affect neighboring properties or roadways.
- 4) The area that is the subject of this application already encompasses two Conditional Uses.
- 5) The property will be served by central sewer as part of the Sussex County Millville Sanitary Sewer District.
- 6) No parties appeared in opposition to the application.
- 7) The proposed zoning meets the general purpose of the Zoning Code in that it is located in an appropriate location for a wide variety of commercial miscellaneous service activities generally serving the area. And, it is located along an existing major thoroughfare where a general mixture of commercial and service activity now exists which is essential and desirable for the general convenience, orderly growth and welfare of the County.

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

In reference to C/U #2038:

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2038 for Good Earth Market, LLC for multi-family dwelling structures based upon the record made during the public hearing and for the following reasons:

- 1) Although this is an application for multi-family dwelling structures, they are small cabins that will be used as part of the expansion of the current Good Earth Market as a wedding venue and tourist venue. They will be a part of that use. This is not an application for the primary use as higher density multi-family residential development.
- 2) There will not be any more than three (3) units on the property.
- 3) The three (3) units will not adversely affect neighboring properties or area roadways.
- 4) The use of the property as a wedding facility, with on-site cabins, will provide a service to residents and visitors to Sussex County.
- 5) The units will have sewer service as part of Sussex County's Millville Sanitary Sewer District.
- 6) No parties appeared in opposition to the proposed Conditional Use.
- 7) This recommendation is subject to the following conditions:
 - a. There shall be no more than three (3) units on the site.
 - b. The units shall be served by County sewer.
 - c. These units are being approved as part of an overall redevelopment of this site as a wedding venue and tourist venue, and are considered part of the overall use. Should that use as a wedding venue and tourist venue terminate or expire, this conditional use shall also automatically expire.
 - d. Stormwater management and erosion and sedimentation control shall be constructed using best management practices in accordance with all State and County requirements.
 - e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. 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 5 – 0.

Introduced 11/03/15

Council District No. 2 - Wilson

Tax I.D. No. 133-6.00-110.0

911 Address: 24994 Betts Lane, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MANUFACTURING AND INSTALLATION OF PERFORMANCE AUTOMOTIVE PARTS AND ACCESSORIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 34,740 SQUARE FEET, MORE OR LESS

WHEREAS, on the 22nd day of September 2015, a conditional use application, denominated Conditional Use No. 2039 was filed on behalf of Performance Injection Equipment Co., LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 2039 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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.

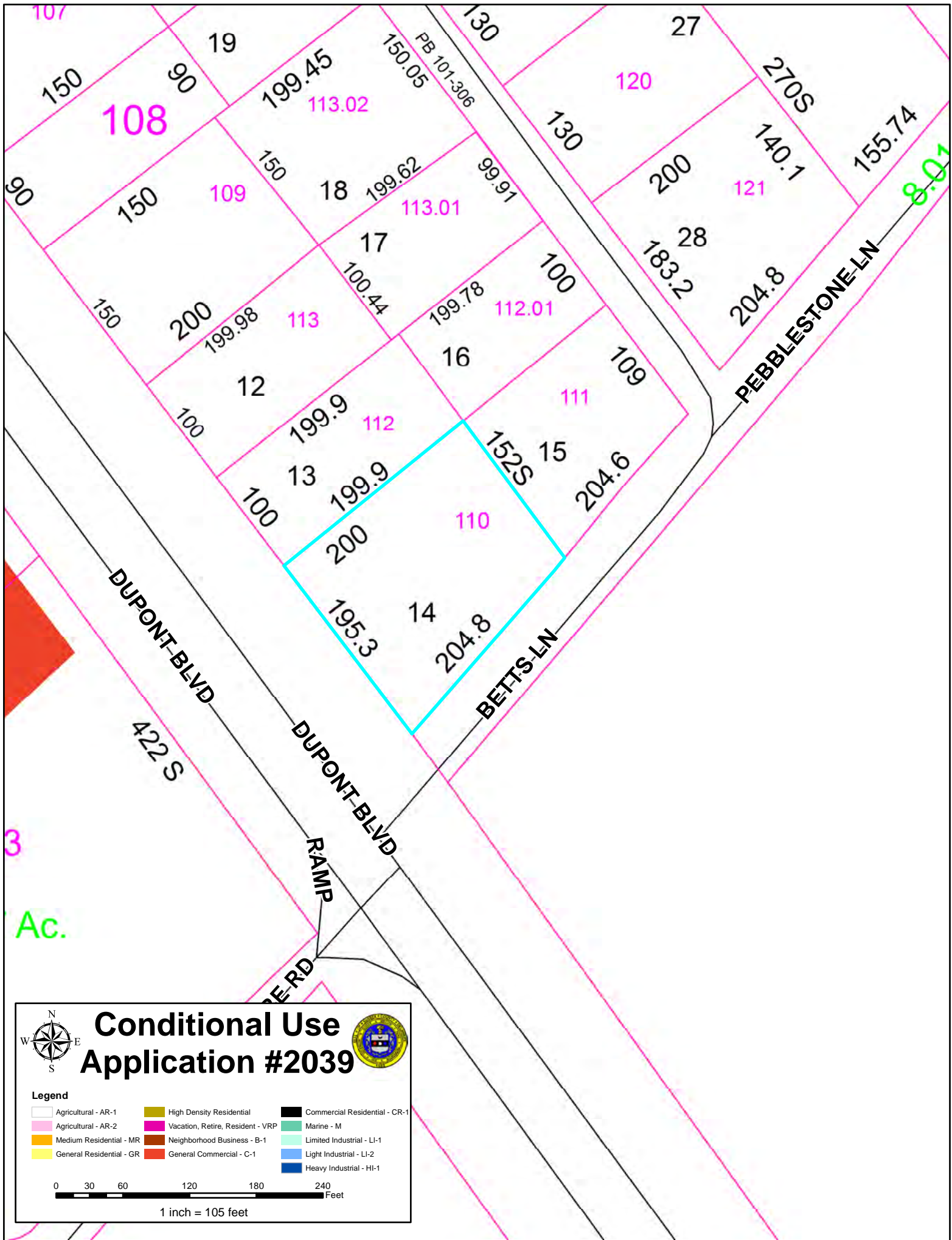
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

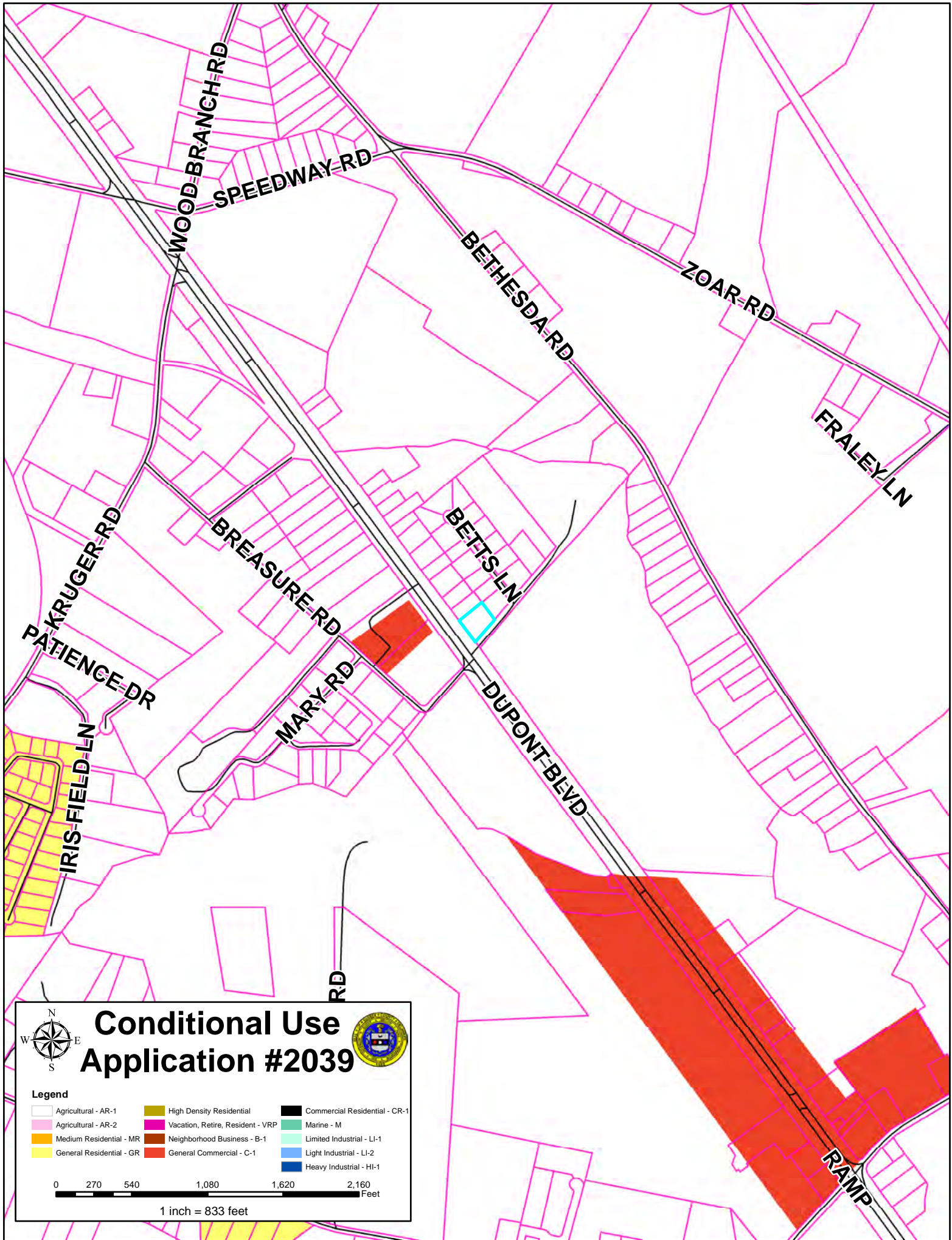
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2039 as it applies to the property hereinafter described.

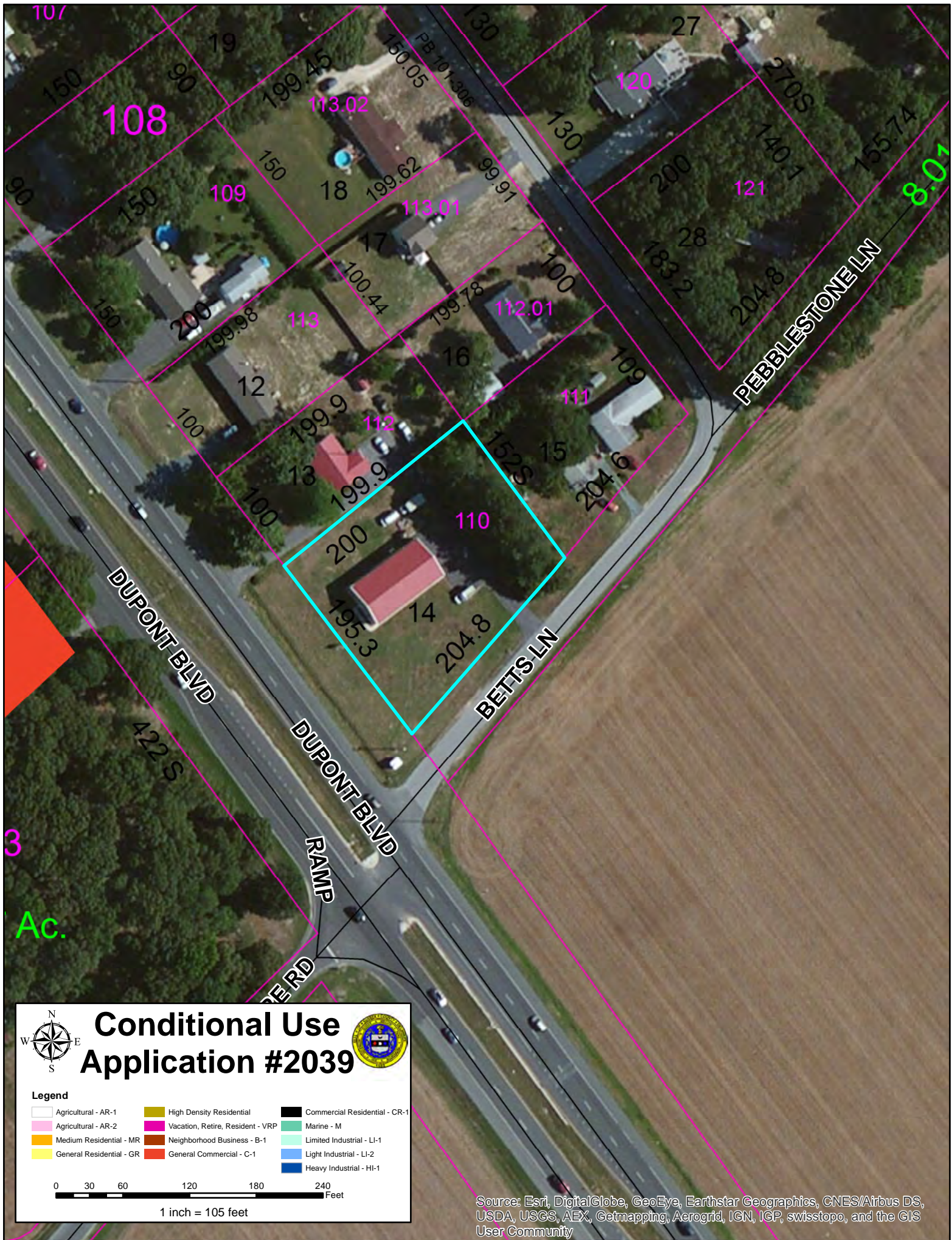
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying at the northeast corner of DuPont Boulevard (U.S. Route 113) and Betts Lane and being more particularly described in Deed Book 4119, Page 217, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,740 square feet, more or less.

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







Introduced 11/03/15

Council District No. 4 - Cole

Tax Map I.D. No. 134-11.00-181.00, 181.01, 181.02 & 181.03

911 Address: 31806 Good Earth Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.17 ACRES, MORE OR LESS

WHEREAS, on the 27th day of August 2015, a zoning application, denominated Change of Zone No. 1789 was filed on behalf of Good Earth Market, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1789 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

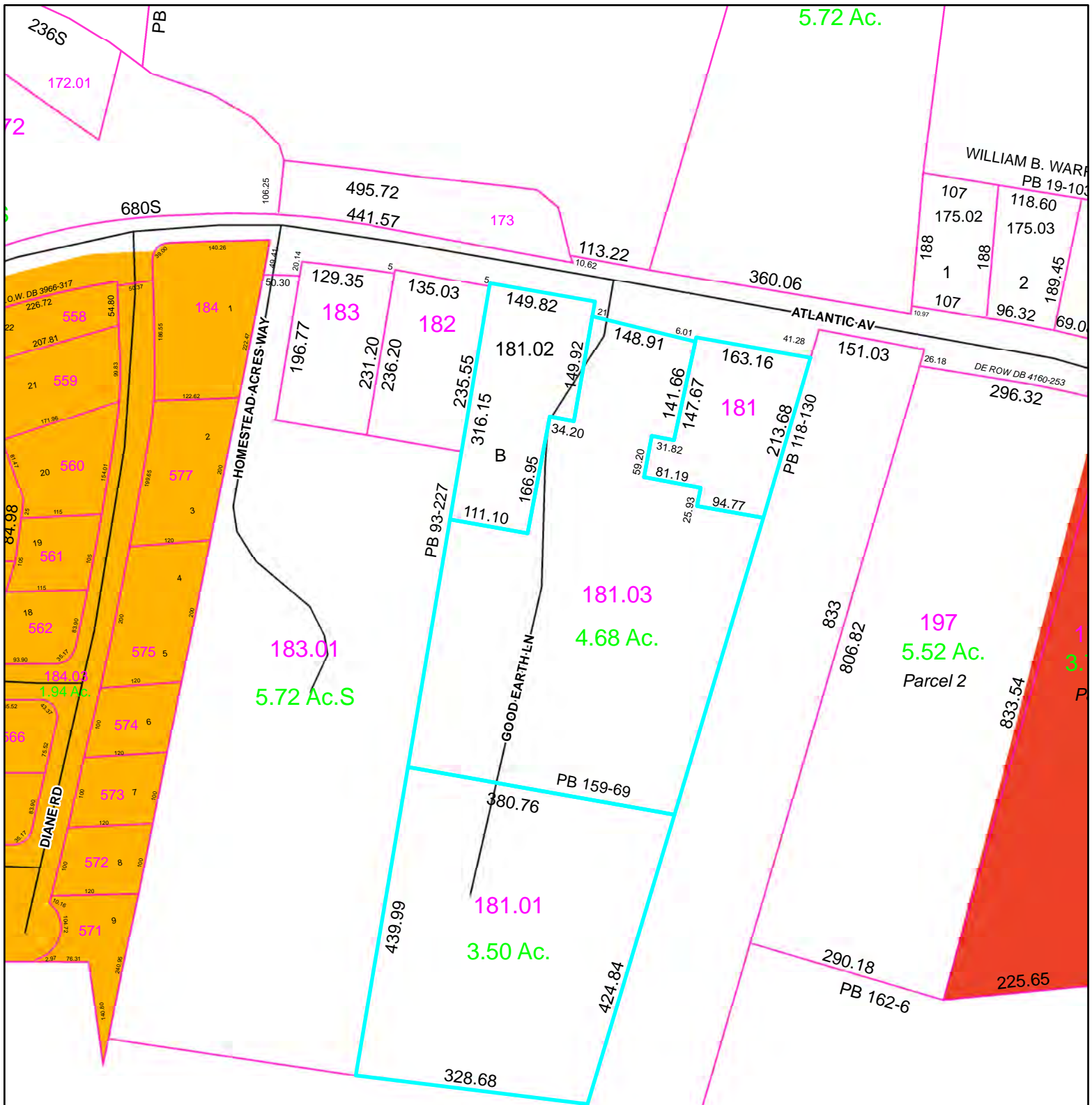
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:


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

Section 2. The subject property is described as follows:


All that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying south of Atlantic Avenue (Route 26) approximately 1,800 feet west of Roxana Road (Route 17) and being more particularly described in Deed Boox 2726, Page 151, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 10.17 acres, more or less.

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





Change of Zone Application #1789

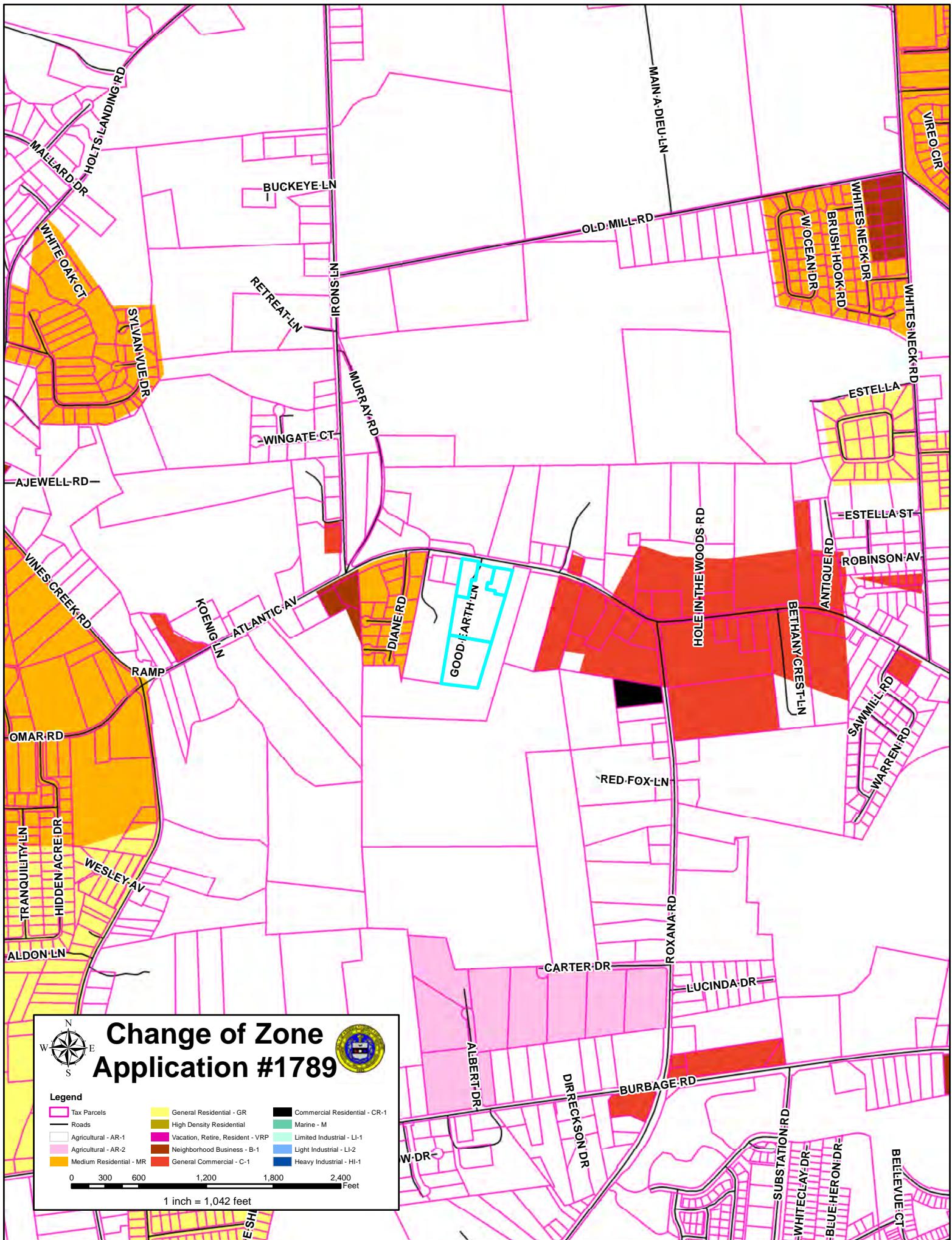


Legend

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

0 50 100 200 300 400 Feet

1 inch = 189 feet



Change of Zone Application #1789



Legend

- Tax Parcels
- Roads
- 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

0 300 600 1,200 1,800 2,400 Feet

1 inch = 1,042 feet

Introduced 11/03/15

Council District No. 4 - Cole

Tax I.D. No. 134-11.00-181.03

911 Address: 31806 Good Earth Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.75 ACRES, MORE OR LESS

WHEREAS, on the 27th day of August 2015, a conditional use application, denominated Conditional Use No. 2038 was filed on behalf of Good Earth Market, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 2038 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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 XIA, Subsection 115-83.5, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2038 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

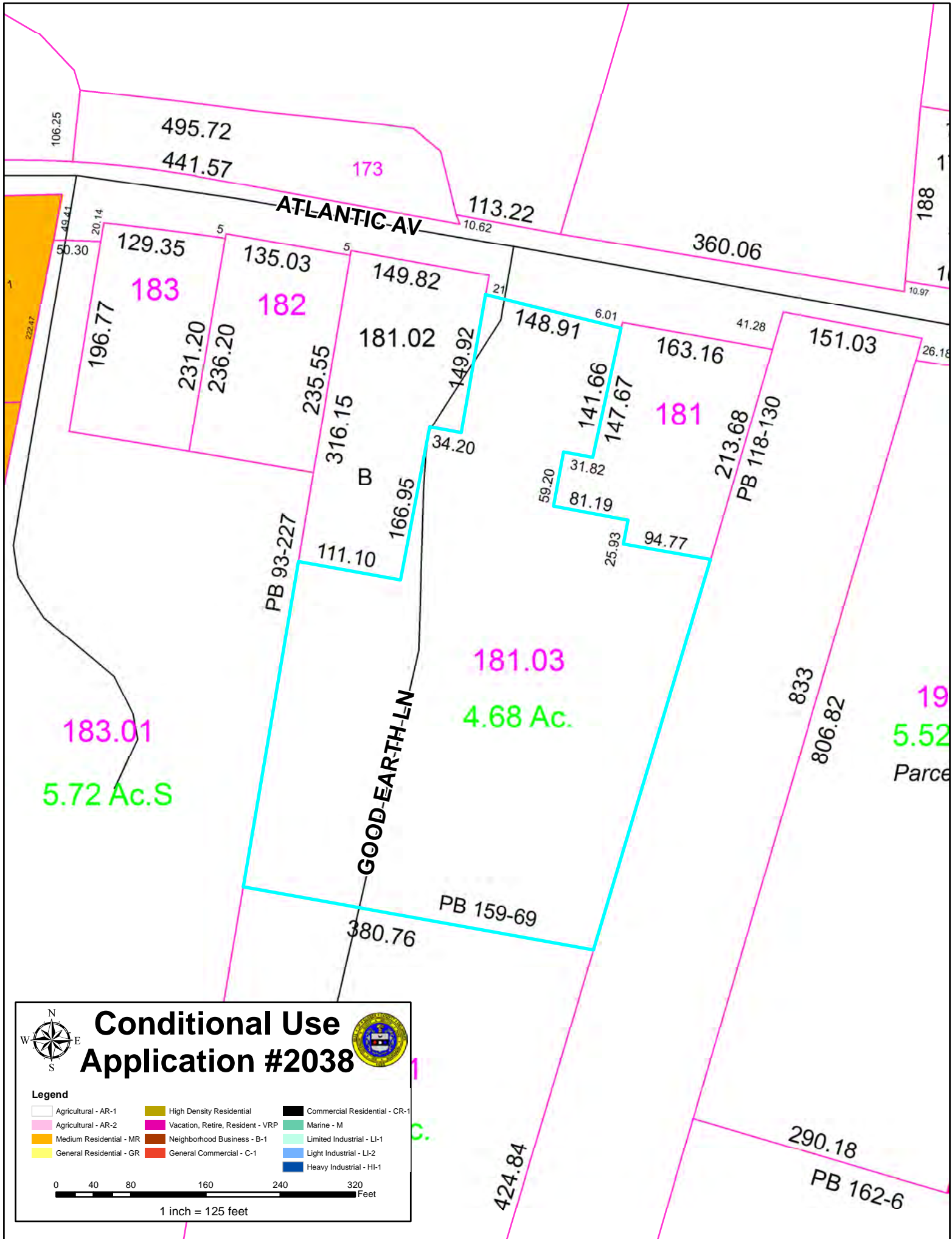
ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying south of Atlantic Avenue (Route 26) approximately 1,800 feet west of Roxana Road (Route 17) and being more particularly described as follows:

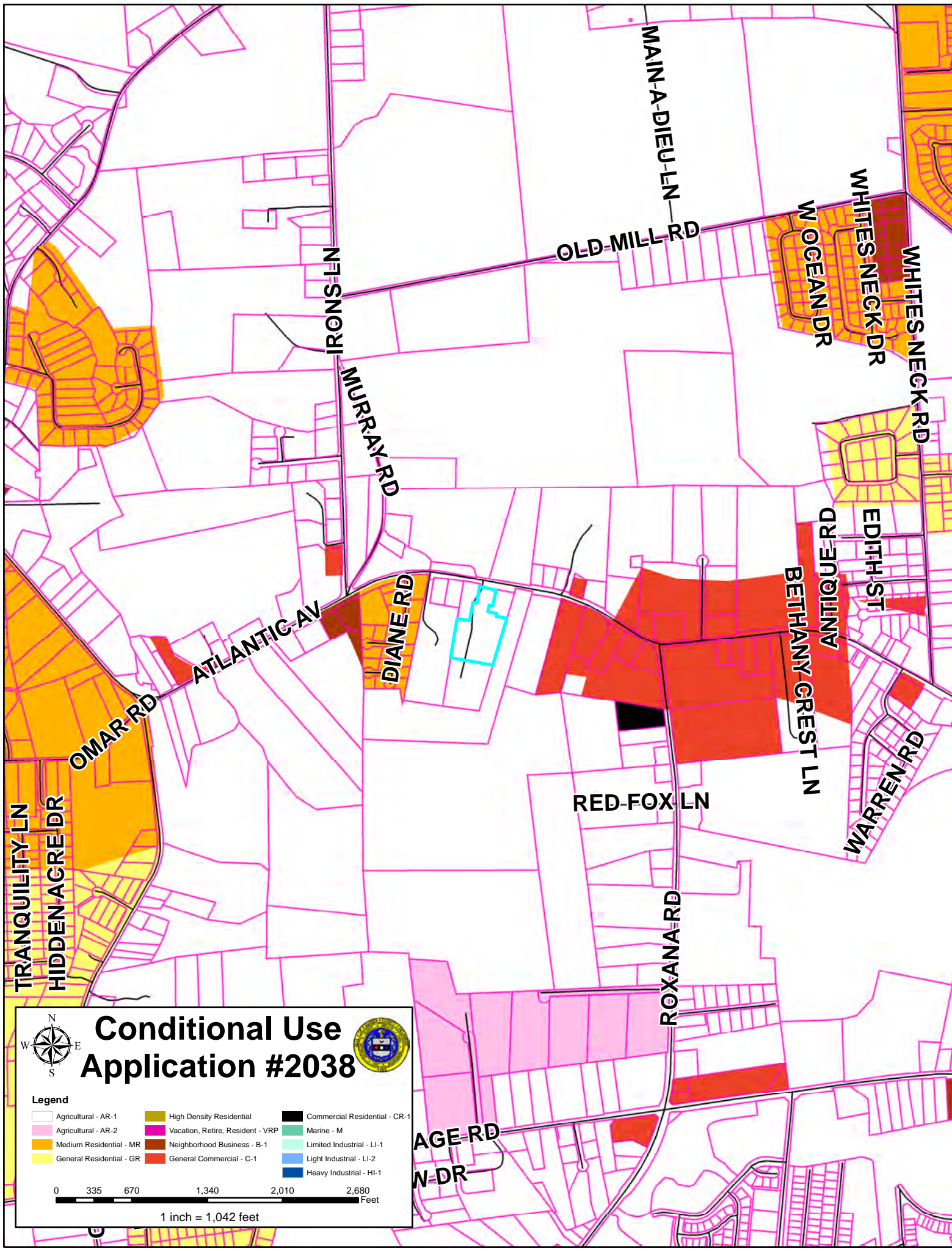
From a point on the southerly right-of-way of Route 26, south 74°27'45" east 150.00 feet from lands, now or formerly, of Sarah A.E. Carey to the beginning point; thence south 15°32'15" west 165.92 feet to a point; thence north 73°48'47" west 34.20 feet to a point; thence south 16°20'03" west 166.95 feet to a point; thence north 74°17'32" west 111.10 feet to a point; thence south 15°07'39" east 353.20 feet to a point; thence south 74°17'32" east 380.76 feet to a point; thence north 22°12'36" east 436.19 feet to a point; thence north 74°27'45" west 94.77


feet to a point; thence north $16^{\circ}34'42''$ east 25.93 feet to a point; thence north $73^{\circ}48'47''$ west 81.19 feet to a point; thence north $16^{\circ}11'13''$ east 59.20 feet to a point; thence south $73^{\circ}48'47''$ east 31.82 feet to a point; thence north $17^{\circ}48'39''$ east 167.68 feet to a point on the southerly right-of-way of Route 26; thence north $74^{\circ}27'45''$ west 150.00 feet to the point and place of beginning, said parcel containing 4.75 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





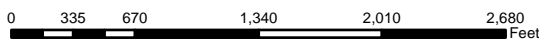


Conditional Use Application #2038

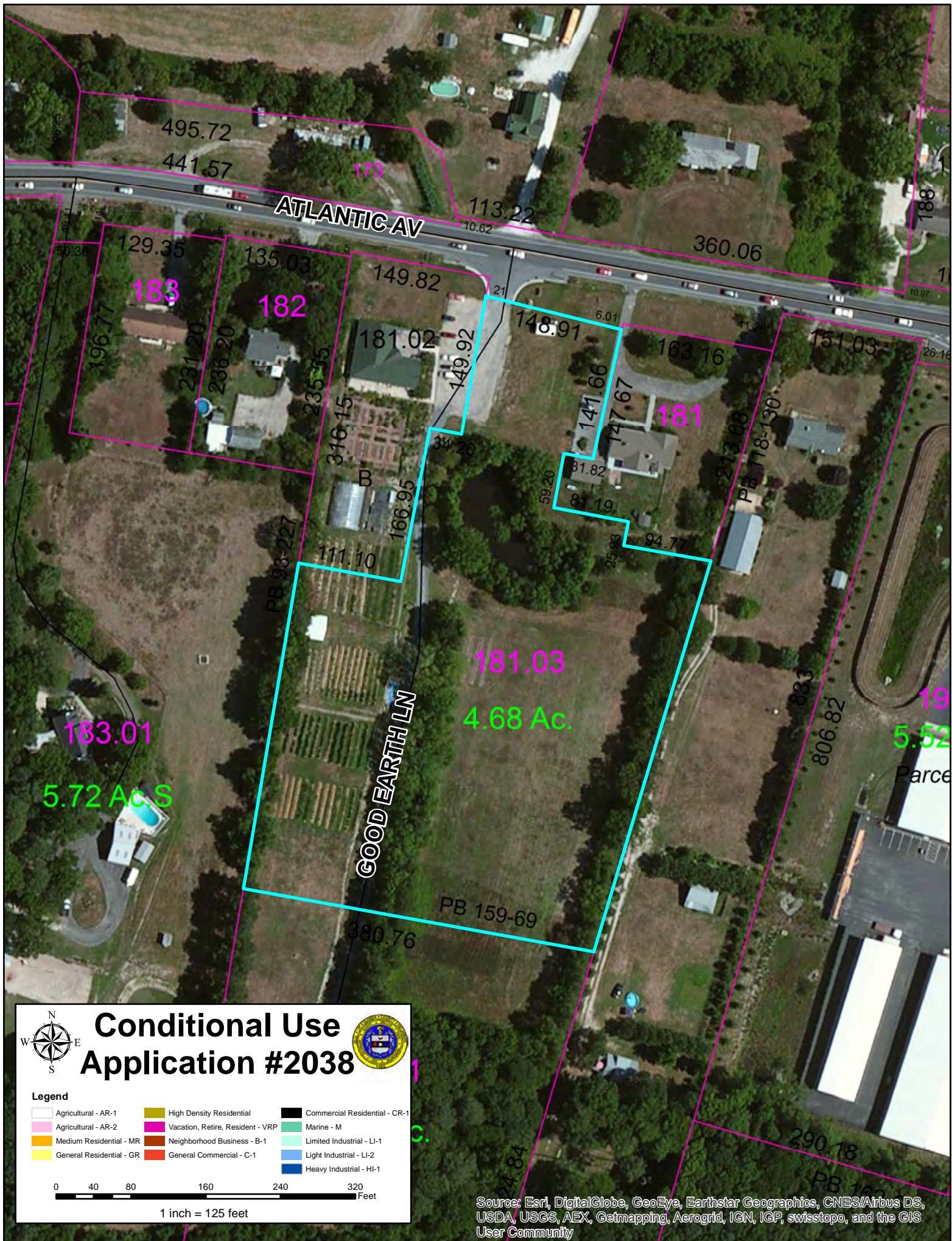



Legend

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




1 inch = 1,042 feet


















Conditional Use Application #2038



Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet

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