



# **Sussex County Council Public/Media Packet**

**MEETING:  
August 11,  
2015**

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

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



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sussexcountype.gov

# Sussex County Council

## A G E N D A

AUGUST 11, 2015

**1:00 P.M.**

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Nancy Feichtl – Presentation on Sussex Senior Transportation Cooperative

### Consent Agenda

1. Wastewater Agreement No. 259-1  
Sussex County Project No. 81-04  
The Reserves – Phase Two  
Ocean View Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 387-1  
Sussex County Project No. 81-04  
Oak Creek – Phase 4 (A/K/A Sawgrass North)  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

### John Ashman, Director of Utility Planning

1. Wastewater Planning Matching Grants – Dewey Beach and Roxana

### Lawrence Lank, Director of Planning and Zoning

1. Report on receipt of information regarding Conditional Use No. 2014, application of Jay Beach



**Old Business**

**Change of Zone No. 1768  
Convergence Communities**

**Grant Requests**

- 1. Milton Garden Club for clock project**
- 2. Rehoboth Beach Film Society for film festival expenses**
- 3. Rehoboth Art League for program expenses**
- 4. Indian River Volunteer Fire Company for the Ladies Auxiliary Annual Basket Bingo fundraiser**
- 5. La Esperanza for sponsorship of the annual *Festival Hispano***

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Change of Zone No. 1778 filed on behalf of John Floyd Lingo**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.74 ACRE, MORE OR LESS” (located south of Route 9 (Lewes-Georgetown Highway) 200 feet east of Route 5 (Harbeson Road) (911 Address: None Available) (Tax Map I.D. No. 235-30.00-68.00)**

**Change of Zone No. 1779 filed on behalf of Thomas K. Munce and Judy L. Munce**

**“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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS” (located east of U.S. Route 113 (DuPont Blvd.) 0.54 mile north of Route 16 (Beach Highway) (911 Address: 12327 N. DuPont Blvd., Ellendale) (Tax Map I.D. No. 230-26.00-35.01)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountype.gov](http://www.sussexcountype.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 4, 2015 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, AUGUST 4, 2015**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 4, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

<b>Call to Order</b>	<p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p>
<b>Agenda</b>	<p>Mr. Lawson noted that there were no recommended changes to the Agenda with the exception that the order of the Agenda be changed by moving Executive Session and Possible Action on Executive Session immediately following public comment.</p>
<b>M 304 15 Approve Agenda</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to approve the Agenda, with the change in order, as proposed.</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>
<b>Minutes</b>	<p>The minutes of July 28, 2015 were approved by consent.</p>
<b>Correspondence</b>	<p>Mr. Cole read the following correspondence:</p> <p><b>COASTAL CONCERTS, LEWES, DELAWARE.</b> <b>RE: Letter in appreciation of grant.</b></p> <p>Mrs. Deaver commented on an email she received regarding a proposed psychiatric hospital to be located in the Georgetown area.</p>
<b>Public Comments</b>	<p>There were no public comments.</p>

**M 305 15**  
**Go Into**  
**Executive**  
**Session**

**At 10:09 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session.**

**Motion Adopted: 5 Yeas.**

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

**Executive**  
**Session**

**At 10:11 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to personnel. The Executive Session concluded at 12:02 p.m.**

**M 306 15**  
**Reconvene**  
**Regular**  
**Session**

**At 12:05 p.m., a Motion was made and seconded to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

**Mr. Lawson was not in attendance for the remainder of the meeting.**

**Adminis-**  
**trator's**  
**Report**

**Mrs. Jennings read the following information in the Administrator's Report:**

**1. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Barrington Park – Phase 4, a/k/a Coventry at Barrington Park, received Substantial Completion effective July 27, 2015.**

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

**Report/**  
**CZ 1769**  
**and**  
**CU 2012**

**Lawrence Lank, Director of Planning and Zoning, reported on information received regarding Change of Zone No. 1769 and Conditional Use No. 2012, filed on behalf of Ocean Atlantic Communities, LLC (Reserves at Nassau – Phase 2). Mr. Lank stated that, on May 5, 2015, the Council held a public hearing on these applications. At the public hearing, Council requested additional information from DNREC (remediation plan for the brownfield, impacts of a brownfield) and from DelDOT (rationale for access at Tulip Drive and DelDOT's recommendation for an access point to the development). On that date, action was deferred for the purpose of having these specific points answered by staff, DNREC and DelDOT.**

<b>Report/ CZ 1769 and CU 2012 (continued)</b>	<b>Mr. Lank reported that a response was received from DNREC and from DelDOT. It was noted that the public will be given the opportunity to comment on the information submitted; the public will be given a 15 day period of time, until August 19, to submit written comments pertaining to the information submitted to Council on this date.</b>
<b>Proposed D'Orazio Expansion of the DFSSD</b>	<b>John Ashman, Director of Utility Planning, presented a request to prepare and post notices for an expansion of the Dagsboro-Frankford Sanitary Sewer District for three parcels totaling approximately .97 acres. The County received a letter from the owners of the properties requesting annexation. The owner also owns the adjacent manufactured home community and has proposed connection access from the exiting lines. The parcels will be responsible for system connection charges of \$6,800.00 based on rates from July 1, 2015 through June 30, 2016. A Public Hearing has tentatively been scheduled for September 15, 2015.</b>
<b>M 307 15 Authorize Notices for D'Orazio Expansion of the DFSSD</b>	<b>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based on the recommendation of the Engineering Department, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include the parcels of D'Orazio and Two Mini, Inc., as presented on August 4, 2015.</b>  <b>Motion Adopted: 5 Yeas.</b>  <b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b>
<b>Route 54 Sewer District Expansion/ Design Contract</b>	<b>Joe Wright, Assistant County Engineer, presented a recommendation for the award of a design contract with Hazen &amp; Sawyer for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District (Contract 14-10). Mr. Wright stated that the Engineering Department is seeking approval for the Base Agreement and Task Order No. 1. The work will be provided for the hours actually worked with an estimated fee not to exceed \$149,608.05. He noted that Hazen &amp; Sawyer was selected as one of the Miscellaneous Services Consultants and this would be their first assignment under that selection.</b>
<b>M 308 15 Approve Design Contract/ Route 54 Sewer District Expansion</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Base Agreement for engineering services with Hazen &amp; Sawyer, along with Attachment A for design services for Project 14-10, Route 54 Expansion of the Fenwick Island Sanitary Sewer District in an amount not to exceed \$149,608.05, effective August 4, 2015.</b>  <b>Motion Adopted: 5 Yeas.</b>

- M 308 15**  
**(continued)**
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- Grant Requests** Mrs. Jennings presented grant requests for the Council's consideration.
- M 309 15**  
**Countywide Youth Grant**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,300.00 from Countywide Youth Grants to Camp Possibilities for camp expenses.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- M 310 15**  
**Councilmanic Grant**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,000.00 (\$1,000.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to Oak Orchard – Riverdale American Legion Post 28 for goal posts for the Rugby team.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- M 311 15**  
**Councilmanic Grant**
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs' Council for meeting expenses.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea
- Introduction of Proposed Zoning Ordinance**
- Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.9 ACRE, MORE OR LESS" (Change of Zone No. 1784) filed on behalf of Marlene C. Stebelsky. (Tax Map I.D. No. 133-16.00-57.00) (911 Address: 12 Heritage Lane, Millsboro) The Proposed Ordinance will be advertised for Public Hearing.



**Council  
Members'  
Comments**

**Council Members' Comments**

**Mrs. Deaver commented on the National Night Out event sponsored by local police departments.**

**Mr. Arlett commented on his visits with various paramedic stations.**

**Mr. Arlett commented on the 2015 Little League Big League Softball World Series games that are taking place in Sussex County and he noted that six games will be televised on ESPN.**

**M 312 15  
Recess**

**At 12:21 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess until 1:30 p.m.**

**Motion Adopted: 5 Yeas.**

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

**M 313 15  
Reconvene**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to reconvene at 1:32 p.m.**

**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 2019**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE; STORAGE OF MATERIALS; RETAIL SALES; AND EQUIPMENT STORAGE AND RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495.70 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2019) filed on behalf of J.B. Builders, LLC (Tax Map I.D. 234-28.00-153.00) (911 Address – 27324 John J. Williams Highway, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 25, 2015 at which time action was deferred. On July 9, 2015, the Commission recommended that the application be approved with the following conditions:**

- A. Although sales are permitted from the premises as requested by the applicant, the applicant has stated that the primary purpose of these sales is for materials and supplies to the applicant's subcontractors. Retail sales to the public shall not be permitted from this location**

**Public  
Hearing/  
CU 2019  
(continued)**

- without further approval from the Planning and Zoning Commission.
- B. As stated by the applicant, all storage of vehicles and equipment associated with the business (but not including employee vehicles) shall be located inside. The applicant's low-boy trailer may be stored outside.**
  - C. There shall be no outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.**
  - D. All dumpsters, storage bins, and stock pile locations shall be screened from view of neighboring properties and roadways.**
  - E. The site shall be fenced and gated.**
  - F. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
  - G. All security lights shall be downward screened so that they do not shine on neighboring properties or adjacent roadways.**
  - H. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Saturday.**
  - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated June 25 and July 9, 2015.)

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

Mr. Lank noted that the Applicant provided an Exhibit Book, which has been made a part of the record.

The Council found that Stephen Spence, Esquire, was present with Airtion Maria, Jr. on behalf of the Applicant, J. B. Builders, LLC. They gave a presentation on the application and provided information about the proposed use of the property for a construction company home office; the fencing of the property; retail sales of small building supplies, materials, nails, screws, tools, etc. primarily to sub-contractors working for them; the renovation and expansion of existing buildings on the site; and other business uses in the vicinity.

Mr. Spence referenced the conditions recommended by the Planning and Zoning Commission and he asked that Condition B be amended to permit outside storage of the Applicant's trailer as well as the low-boy trailer (in the fenced in area) and that Condition A be amended to allow for the sale of tools and supplies for construction. Mr. Spence explained that the Applicant would like to have a broader ability to have retail sales than what was recommended by the Commission.

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

**M 314 15**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Conditions A and B recommended by the Planning and Zoning Commission, as follows:

**M 314 15  
Amend  
Recom-  
mended  
Conditions/  
CU 2019  
(continued)**

- A. Although sales are permitted from the premises as requested by the Applicant, the Applicant has stated that the primary purpose of these sales is for materials, tools and supplies of the type typically used by the Applicant's subcontractors. Retail sales beyond those described to the public shall not be permitted from this location without further approval from the Planning and Zoning Commission.**
- B. As stated by the Applicant, all storage of vehicles and equipment associated with the business (but not including employee vehicles) shall be located inside. The Applicant's tractor and low-boy trailer may be stored outside.**

**Motion Adopted: 5 Years.**

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

**M 315 15  
Adopt  
Ordinance  
No. 2409/  
CU 2019**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2409 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE; STORAGE OF MATERIALS; RETAIL SALES; AND EQUIPMENT STORAGE AND RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495.70 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2019) filed on behalf of J.B. Builders, LLC, with the following conditions, as amended:**

- A. Although sales are permitted from the premises as requested by the Applicant, the Applicant has stated that the primary purpose of these sales is for materials, tools and supplies of the type typically used by the Applicant's subcontractors. Retail sales beyond those described to the public shall not be permitted from this location without further approval from the Planning and Zoning Commission.**
- B. As stated by the Applicant, all storage of vehicles and equipment associated with the business (but not including employee vehicles) shall be located inside. The Applicant's tractor and low-boy trailer may be stored outside.**
- C. There shall be no outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.**
- D. All dumpsters, storage bins, and stock pile locations shall be screened from view of neighboring properties and roadways.**
- E. The site shall be fenced and gated.**
- F. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- G. All security lights shall be downward screened so that they do not shine on neighboring properties or adjacent roadways.**
- H. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Saturday.**

**M 315 15  
Adopt  
Ordinance  
No. 2409/  
CU 2019  
(continued)**

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

**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 2020**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE UNITS, AND BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS” (Conditional Use No. 2020) filed on behalf of Charles Auman (Tax Map I.D. No. 330-11.17-18.00 and 330-15.05-6.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 25, 2015 at which time the action was deferred. On July 9, 2015, the Commission recommended that the application be approved with the following conditions:**

- A. All of the conditions of Conditional Use No. 1771 shall remain in effect unless directly affected by the relocation of the entrance road from Swain’s Private Road to Marshall Street Extended.**
- B. The access to Swain’s Private Road shall be completely closed off, with fencing and the buffers required by Conditional Use No. 1771 extending across what was the entrance area to Swain’s Private Road.**
- C. The Final Site Plan showing the relocated entrance and the closure of the entrance via Swain’s Private Road shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated June 25 and July 9, 2015.)**

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

**The Council found that Charles Auman was present on behalf of his application and he provided information about his proposal for a new entrance location to help pull traffic away from the private road. He noted that the proposal is to move one entrance from a private road out to a main road, which has been approved by DelDOT.**

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

**M 316 15  
Adopt  
Ordinance  
No. 2410/  
CU 2020**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adopt Ordinance No. 2410 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE UNITS, AND BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS” (Conditional Use No. 2020) filed on behalf of Charles Auman, with the following conditions:**

- A. All of the conditions of Conditional Use No. 1771 shall remain in effect unless directly affected by the relocation of the entrance road from Swain’s Private Road to Marshall Street Extended.**
- B. The access to Swain’s Private Road shall be completely closed off, with fencing and the buffers required by Conditional Use No. 1771 extending across what was the entrance area to Swain’s Private Road.**
- C. The Final Site Plan showing the relocated entrance and the closure of the entrance via Swain’s Private Road shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**M 317 15  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 2:09 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

July 31, 2015

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
THE RESERVES - PHASE TWO  
AGREEMENT NO. 259 - 1

#### **DEVELOPER:**

Mr. Robert Sipple  
TAC Beacon II, LLC  
2500 Wrangle Hill Rd #101  
Bear, DE 19701

#### **LOCATION:**

Woodland Ave.

#### **SANITARY SEWER DISTRICT:**

Ocean View Expansion of the Bethany Beach Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

Replace existing sewer pipe and reconnect 2  
laterals.

#### **SYSTEM CONNECTION CHARGES:**

\$0.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
06/18/02

Department Of Natural Resources Plan Approval  
07/29/02

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 30  
Construction Admin And Construction Inspection Cost – \$3,566.70  
Proposed Construction Cost – \$23,778.00

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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FAX	(302) 855-7799



# Sussex County

DELAWARE  
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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

July 31, 2015

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
OAK CREEK - PHASE 4 (A/K/A SAWGRASS NORTH)  
AGREEMENT NO. 387 - 1

#### **DEVELOPER:**

Mr. Tim Green  
Schell Brothers, LLC  
20184 Phillips Street  
Rehoboth Beach, DE 19971

#### **LOCATION:**

Old Landing Road CR # 274

#### **SANITARY SEWER DISTRICT:**

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

67 Single Family Lots

#### **SYSTEM CONNECTION CHARGES:**

\$386,925.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
03/29/05

Department Of Natural Resources Plan Approval  
06/20/05

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 40  
Construction Admin And Construction Inspection Cost – \$40,814.93  
Proposed Construction Cost – \$272,099.50

## **RESOLUTION**

TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE DEWEY BEACH SANITARY SEWER DISTRICT AND APPROVE A CONTRACT WITH PENNONI ASSOCIATES INC. FOR THE COMPLETION OF THE STUDY

WHEREAS, the Sussex County Council proposes to engineer the Dewey Beach Planning Study; and

WHEREAS, growth has been experienced and additional growth is expected in the Dewey Beach Sanitary Sewer District and a layout and sewer model of the area is needed; and

WHEREAS, during Superstorm Sandy some flows from Dewey Beach surcharged the City of Rehoboth infrastructure causing the county to throttle back our flows resulting in several homes experiencing wastewater backups; and

WHEREAS, the Engineering Department is desirous of a recommendation on how to best manage similar storm scenarios and to identify any recommendations for capital upgrades if necessary; and

WHEREAS, Sussex County has received a cost proposal of \$49,985.00 from Pennoni Associates Inc. to prepare the Dewey Beach Planning Study

WHEREAS, Sussex County proposes to enter into a contract with Pennoni Associates Inc. to prepare the Dewey Beach Planning Study, contingent on the approval of the Planning Study Grant; and

WHEREAS, the Water Infrastructure Advisory Council offers grants to assist in financing wastewater planning that recognize and are consistent with the County's Comprehensive Plan and the goals of *Shaping Delaware's Future*; and

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby directs the Engineering Department to submit a Regional Wastewater Planning Area Grant application to the Water Infrastructure Advisory Council for up to \$24,993.00 in matching funds to assist in financing the Dewey Beach Planning Study and approve a contract with Pennoni Associates Inc. in the amount of \$49,985.00 per the attached proposal.

August 11, 2015  
Files: OM 1.20



## **RESOLUTION**

TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE ROXANA AREA

WHEREAS, the Sussex County Council proposes to engineer the Roxana Planning Study; and

WHEREAS, growth is expected in the Roxana Area east and west of the town center along Roxana Road (Route 17) and extending north along Pyle Center Road and south along Zion Church Road towards Deer Run Road; and

WHEREAS, several existing parcels in this area have expressed an interest in a regional option for dealing with their wastewater treatment and disposal needs including the East Sussex Lodge 2542 (Moose) and the Roxana Fire Department; and

WHEREAS, Sussex County proposes to enter into a contract with one of the previously approved miscellaneous consulting engineers to prepare the Roxana Planning Study, contingent on the approval of the Planning Study Grant; and

WHEREAS, the Water Infrastructure Advisory Council offers grants to assist in financing wastewater planning that recognize and are consistent with the County's Comprehensive Plan and the goals of *Shaping Delaware's Future*; and

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby directs the Engineering Department to submit a Regional Wastewater Planning Area Grant application to the Water Infrastructure Advisory Council for up to \$50,000.00 in matching funds to assist in financing the Roxana Planning Study.

August 11, 2015  
Files: ROX 2.02

LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
llank@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

MEMORANDUM

TO: Todd Lawson  
County Administrator

FROM: Lawrence B. Lank *Lawrence*  
Director of Planning and Zoning

REF: C/U #2014  
Application of Jay Beach  
Landscaping and Site Work Business

DATE: August 6, 2015

Be reminded that on May 19, 2015 the Sussex County Council held a public hearing on the above application for Jay Beach for a landscaping and site work business.

A motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2014 and to leave the record open for the purpose of obtaining information from the State DNREC, Sussex Conservation District, and any other appropriate agencies concerning the soils brought to the property; following receipt of the information by the Planning and Zoning Office, a report will be made to Council during public session, after which time the record will remain open for 15 days for written public comments on the information received.

Be advised that the County Council record shows that the Planning and Zoning Commission, after public hearings on April 9, 2015 and April 23, 2015, did forward a recommendation to the County Council that the application be approved with reasons and suggested Conditions of Approval on Conditional Use No. 2014.

Also be advised that we have received a response from DNREC Site Investigation and Restoration Section, through an email from Todd A. Keyser, Hydrologist. The email includes some attachments relating to soil samplings conducted on the site which are copied with this memorandum.

We also received comments from Jessica L. Watson, Program Manager for the Sussex Conservation District in the form of a letter referencing that Mr. Beach is working with the District and is currently in compliance with the Standard Plan Application for Sediment and Erosion Control.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Todd Lawson  
August 6, 2015  
Page 2

I have also attached my letters sent to Ms. Durant of the Site Investigation and Restoration Section of DNREC and Ms. Jessica L. Watson, Program Manager for the Sussex Conservation District on behalf of the County Council requesting comments. Those letters were both sent on June 8, 2015.

I am sending this memorandum and attachments so that the County Council can place these application on the agenda for August 11, 2015 to report of the status of information requested. Once the receipt of the information is reported to the County Council the clock starts for written public comment on the information received only.

Should you have any questions, please do not hesitate to contact me.

Cc: Everett Moore, County Attorney  
Robin Griffith, Clerk of the Council  
Jay Beach

LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING

(302) 855-7878 T  
(302) 854-5079 F  
[llank@sussexcountyde.gov](mailto:llank@sussexcountyde.gov)



**Sussex County**  
DELAWARE  
[sussexcountyde.gov](http://sussexcountyde.gov)

June 8, 2015

Kathryn A. Durant, Project Manager  
Delaware Department of Natural Resources and Environmental Control  
Division of Waste and Hazardous Substances  
391 Lukens Drive  
Newcastle, DE 19720-2774

RE: Conditional Use No. 2014  
Application of Jay Beach  
Tax Map I.D. 234-5.00 Parcel 44.06  
West of Beaver Dam Road (Road 285) 700 feet South of Hopkins Road (Road 286)

Dear Ms. Durant:

Please be advised that on May 19, 2015 the Sussex County Council (Council) held a public hearing on the above referenced application of Jay Beach for a landscaping and site work business. During the public hearing there were several parties present in opposition expressing environmental concerns referencing that Mr. Beach had been and was continuing to have soils delivered to the site that were contaminated. The soils were reported to have been removed from the Lewes Library site, also referenced as the Thompson Property Brownfield (DE-1527).

At the conclusion of the public hearing, the Council deferred action on this application and left the record open for the purpose of obtaining information from the Department of Natural Resources and Environmental Control (DNREC), the Sussex Conservation District, and any other appropriate agencies concerning the soils brought to the property. In general the Council, based on the concerns expressed by the opposition to the application, would like to verify that the soils being placed on the property will not negatively impact the area.

Can you supply the County with any information relating to the soils and any actions taken by DNREC that will assure the County and the residents of the area that the soils will not have such a negative impact on the area as expressed by the residents in opposition to this Conditional Use.

Please forward your response to me at this Department or by email at [llank@sussexcountyde.gov](mailto:llank@sussexcountyde.gov).



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Kathryn A. Durant  
June 9, 2015  
Page 2

Once your response is received, I will forward the response to the County Administrator. We will then place the Conditional Use application on a Council agenda for introduction of said response into the record for the purpose of announcing receipt of the response. The Council will then defer action and leave the record open for written public comments on the response for 15 days.

Thanking you in advance for any assistance that will help guide the Council in understanding this situation. We are looking forward to your response.

Should you have any questions, please do not hesitate to contact me at this Department at (302) 855-7878 or at the referenced email address.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Lank".

Lawrence B. Lank  
Director of Planning and Zoning

Cc: Todd Lawson, County Administrator  
C. Everett Moore, County Attorney

## Lawrence Lank

---

**From:** Keyser, Todd A. (DNREC) <Todd.Keyser@state.de.us>  
**Sent:** Monday, June 22, 2015 1:48 PM  
**To:** Lawrence Lank  
**Subject:** Thompson Property DE-1527 re: Application of Jay Beach  
**Attachments:** Soil piles Beach.pdf

Mr. Lank,

Thank you for the opportunity to talk on Wednesday 6/17/2015 regarding the Conditional Use No.2014 Application of Jay Beach and the transportation of soil from the Thompson Property site DE-1527 under the DNREC- Site Investigation and Restoration Section oversight. As we discussed on the phone, the soil moved from the Thompson Property to the Jay Beach property poses no unacceptable risk and "will not negatively impact the area." Per your letter request of June 8, 2015, I will provide more information below that support this conclusion reached by DNREC-SIRS.

The Thompson Property (DE-1527) remedial action was overseen by a Hazardous Substance Cleanup Act (HSCA) certified consultant (Brightfields Inc.) in coordination with DNREC-SIRS. Soils that were deemed unacceptable due to recorded concentrations of environmental contamination were previously excavated and removed for proper disposal from the site under this oversight. Material remaining at the site presented no unacceptable risk to future site users at the Thompson Property (library and recreational redevelopment).

Soil was excavated from the Thompson Property and transported to the Jay Beach property in March 2015. This soil was not part of the soil area required for removal for contamination reasons. There was no environmental oversight since the material was being removed for geotechnical (not stable for construction) and, not for environmental reasons.

Through multiple conversations with property owners proximal to the Jay Beach property, that expressed concerns about this material, DNREC-SIRS offered to sample the material brought to the Jay Beach property to confirm the nature and extent of any environmental contaminants.

This sampling occurred at the end of April. The sample data sheets are attached to this email.

While DNREC-SIRS had originally intended to require removal of the transported material from the Jay Beach property, following the receipt of the sampling data and the completion of a preliminary risk assessment, this request was rescinded as it added little value to the project.

This conclusion was presented to the proximal property owners that had been previously in communication with DNREC-SIRS and were assured that the sample results had confirmed that the placement of soil at the Jay Beach property did not introduce a new environmental concern or risk to either site users at Jay Beach property or to proximal property owners.

Information and data in support of this conclusion as well as the correspondence with the involved parties, is available through the DNREC Environmental Navigator in site DE-1527 Thompson Property:

<http://www.nav.dnrec.delaware.gov/DEN3/>

Please feel free to contact me if you have any further questions.

Regards,  
Todd

Todd A. Keyser  
Hydrologist V  
Delaware DNREC  
Division of Waste and Hazardous Substances  
391 Lukens Drive  
New Castle, DE 19720  
Office: 302-395-2600

[www.dnrec.delaware.gov](http://www.dnrec.delaware.gov)  
*1-800-662-8802 Emergencies*



THOMPSON PROPERTY

G:\RMS\Templates\FieldScreeningAnalysisSummary.xls



# EDXRF Analysis Report

Thermo Fisher Scientific Inc., Madison, Wisconsin, USA

Sample List: 2015/04/30 07:57

Analysis Technique: Fundamental Parameters (Alphas)

Method File: C:\QUANTX\Methods\Metals Full List Original.MTH

Analyzed: 04/30/15 08:57:10

Last Calibrated: 03/27/14 10:08:57

Software version: 7.1 Service Pack 2 (Build 78)

## Conditions

### Low Zc

Voltage 12 kV  
Livetime 200 seconds  
Filter Aluminum  
Maximum Energy 40 keV  
Warmup time 10 seconds

Current  
Counts Limit  
Atmosphere  
Count Rate  
Auto  
0  
Air  
Medium

### High Zb

Voltage 50 kV  
Livetime 200 seconds  
Filter Cu Thick  
Maximum Energy 40 keV  
Warmup time 10 seconds

Current  
Counts Limit  
Atmosphere  
Count Rate  
Auto  
0  
Air  
Medium

### Mid Zc

Voltage 28 kV  
Livetime 200 seconds  
Filter Pd Thick  
Maximum Energy 40 keV  
Warmup time 10 seconds

Current  
Counts Limit  
Atmosphere  
Count Rate  
Auto  
0  
Air  
Medium

## Results

Element	Concentration	Peak (cps/mA)	Background (cps/mA)
SP1			
Ca	4369 ppm	181	35
V	42.6 ppm	7	125
Cr	31.8 ppm	10	40
Mn	683.0 ppm	241	53
Fe	17389 ppm	9189	706
Ti	4626 ppm	511	78
Ag	[0.9] ppm	0	4
Cd	0 ppm	0	8
Ba	667 ppm	191	339
Sb	0 ppm	0	24
Co	6.16 ppm	16	107
Ni	21.0 ppm	8	4
Cu	29.3 ppm	5	11
Zn	64.3 ppm	16	12
As	5.20 ppm	16	12
Se	0 ppm	0	10
Hg	4.7 ppm	2	9
Tl	0 ppm	0	13
Pb	47.7 ppm	15	16
SiO5	97.221 % Diff		

### SP2

Ca	6849 ppm	282	32
V	0 ppm	0	70
Cr	20.6 ppm	7	22
Mn	206.3 ppm	87	47
Fe	6960.2 ppm	3800	333
Ti	2459.2 ppm	268	37
Ag	[0.4] ppm	0	4
Cd	[1.3] ppm	1	7
Ba	338 ppm	125	313
Sb	[1.1] ppm	1	22
Co	2.55 ppm	7	52
Ni	12.2 ppm	5	5
Cu	32.6 ppm	6	8
Zn	210.4 ppm	53	14
As	13.70 ppm	46	14
Se	[0.20] ppm	0	9

Hg	1.94 ppm	1	8
Tl	0 ppm	0	16
Pb	144.8 ppm	51	24
SiO5	98.275 % Diff		

2710			
Ca	11485 ppm	459	70
V	39.9 ppm	6	111
Cr	69.1 ppm	21	55
Mn	10223 ppm	3740	171
Fe	34560 ppm	15923	1655
Tl	2790 ppm	286	94
Ag	50.6 ppm	11	4
Cd	25.2 ppm	11	6
Ba	749 ppm	183	218
Sb	47.6 ppm	13	27
Co	16.19 ppm	37	173
Ni	40.8 ppm	12	-1
Cu	3005 ppm	400	33
Zn	6939 ppm	1225	112
As	655.3 ppm	1366	158
Se	6.55 ppm	8	27
Hg	25.8 ppm	8	19
Tl	0 ppm	0	227
Pb	6890 ppm	1261	343
SiO5	92.338 % Diff		

2710 is a standard test  
 and is not soil sample  
 from Thompson not Bench properties



777 New Durham Road  
Edison, New Jersey 08817  
Phone: (732) 549-3900 Fax: (732) 549-3679

## PAGE 1 OF 1

[illegible]

### Special Instructions

Relinquished by 1) <i>Emily L. [Signature]</i>	Company <i>Highfield</i>	Date / Time <i>04/29/15 11:44:16</i>	Received by 1) <i>[Signature]</i>	Company <i>DNVGL - 9ERS</i>
Relinquished by 2)	Company	Date / Time <i>1</i>	Received by 2)	Company
Relinquished by 3)	Company	Date / Time <i>1</i>	Received by 3)	Company
Relinquished by 4)	Company	Date / Time <i>1</i>	Received by 4)	Company

LAWRENCE LANK  
DIRECTOR OF PLANNING & ZONING

(302) 855-7878 T  
(302) 854-5079 F  
llank@sussexcountye.gov



Sussex County  
DELAWARE  
sussexcountye.gov

June 8, 2015

Jessica Watson, Program Manager  
Sussex Conservation District  
23818 Shortly Road  
Georgetown, DE 19947

RE: Conditional Use No. 2014  
Application of Jay Beach  
Tax Map I.D. 234-5.00 Parcel 44.06  
West of Beaver Dam Road (Road 285) 700 feet South of Hopkins Road (Road 286)

Dear Jessica: *Jessica*

Please be advised that on May 19, 2015 the Sussex County Council (Council) held a public hearing on the above referenced application of Jay Beach for a landscaping and site work business. During the public hearing there were several parties present in opposition expressing environmental concerns referencing that Mr. Beach had been and was continuing to have soils delivered to the site that were contaminated. The soils were reported to have been removed from the Lewes Library site, also referenced as the Thompson Property Brownfield (DE-1527).

At the conclusion of the public hearing, the Council deferred action on this application and left the record open for the purpose of obtaining information from the Department of Natural Resources and Environmental Control (DNREC), the Sussex Conservation District, and any other appropriate agencies concerning the soils brought to the property. In general the Council, based on the concerns expressed by the opposition to the application, would like to verify that the soils being placed on the property will not negatively impact the area.

Can you supply the County with any information relating to the soils and any actions taken by the Sussex Conservation District that will assure the County and the residents of the area that the soils will not have such a negative impact on the area as expressed by the residents in opposition to this Conditional Use.

Please forward your response to me at this Department or by email at [llank@sussexcountye.gov](mailto:llank@sussexcountye.gov).



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

Jessica Watson  
June 9, 2015  
Page 2

Once your response is received, I will forward the response to the County Administrator. We will then place the Conditional Use application on a Council agenda for introduction of said response into the record for the purpose of announcing receipt of the response. The Council will then defer action and leave the record open for written public comments on the response for 15 days.

Thanking you in advance for any assistance that will help guide the Council in understanding this situation. We are looking forward to your response.

Should you have any questions, please do not hesitate to contact me at this Department at (302) 855-7878 or at the referenced email address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence", followed by a horizontal line.

Lawrence B. Lank  
Director of Planning and Zoning

Cc: Todd Lawson, County Administrator  
C. Everett Moore, County Attorney





June 29, 2015

Mr. Lawrence Lank  
Sussex County Director of Planning & Zoning  
County Administrative Offices  
2 The Circle  
Georgetown, DE 19947

RE: Conditional Use No. 2014 - Jay Beach, Tax Map I.D. 234-5.00 Parcel 44.06

Dear Mr. Lank,

The Sussex Conservation District is in receipt of your letter regarding the Conditional Use Request No. 2014 for Jay Beach located on West Beaver Dam Road in Lewes. It is the District's understanding that Mr. Beach would like to operate a landscaping and site work business on the property. Mr. Beach applied for a Standard Plan for Sediment and Erosion Control with our office on May 4, 2015, which allowed him up to one acre of earth disturbance for a soil stockpile. The site has been inspected on several occasions and the disturbance has been within the area specified on the approved permit application. The stockpile was placed on the upstream end of the site and has little to no impact to neighboring properties. Mr. Beach has been informed that if he is to receive Conditional Use Approval, he will be required to submit an updated Standard Plan Application for Non-Residential Construction. There are specific criteria and conditions of approval under the Standard Plan in order to ensure compliance with State Regulations.

Mr. Beach is working with our office and is cooperating with District recommendations. He is in compliance with the Standard Plan Application for Sediment and Erosion Control. In regards to contaminated soils, DNREC's Site Investigation & Restoration Section has the authority to determine if the soils are suitable. Our office has been in communication with DNREC, and it is our understanding they will also provide Sussex County with a formal response regarding this issue.

If you have any other questions or concerns pertaining to Sediment and Erosion Control and Stormwater Management, please do not hesitate to contact the District office at 302-856-2105.

Sincerely,

*Jessica L. Watson*

Jessica L. Watson  
Program Manager

OLD BUSINESS  
August 11, 2015

This is to certify that on April 9, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change in Zoning. At the conclusion of the public hearing, the Commission moved and passed that the 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.

**Change of Zone #1768 – Convergence Communities**

Application of **CONVERGENCE COMMUNITIES** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 49.66 acres, more or less, land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of Assawoman Canal, and also north of Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue (911 Address: None Available) (Tax Map I.D. 134-17.00-12.00).

The Commission found that the Applicants provided a survey/site plan with the application, dated December 16, 2014.

The Commission found that on March 30, 2015 the Applicants provided an Exhibit Booklet for consideration which contains a Presentation Outline; a Data Column; a MR-RPC Rezoning Site Plan; a Revised MR-RPC Rezoning Site Plan amended to reference Technical Advisory Committee comments; a series of maps, aerials, and renderings; a copy of a portion of the 1868 Beers Atlas of the Lewes and Rehoboth Hundred; a copy of the Response to the Preliminary Land Use Service (PLUS) comments; an Environmental Assessment and Public Facilities Evaluation Report; references to compliance with the standards of Chapter 99-9C of the Subdivision Ordinance; Technical Advisory Committee responses; a copy of the DelDOT Support Facilities Report; and a Willing and Able to Serve letter from Tidewater Utilities, Inc. as it relates to central water.

The Commission found that the Applicants provided additional Exhibits on March 25, 2015, which includes a Google Earth aerial photograph; a copy of the Strategies for State Policies and Spending – Investment Level map; a zoning map of the general area; a copy of the Ocean View Beach Club Site Plan on the adjacent property, which is within the Town of Ocean View; copies of Minutes of the Planning and Zoning Commission for May 8, 2008 and May 22, 2008 relating to C/U #1790, the application of Martha's Light, LLC for a continuing care retirement community; and copies of Minutes of the Sussex County Council for June 3, 2008, relating to C/U #1790, granting approval of the continuing care retirement community.

The Commission found that the County Engineering Department provided comments in the form of a memorandum, dated April 2, 2015, referencing that the site is located in the Bethany Beach Sanitary Sewer District Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,500.00 per Equivalent Dwelling Unit (EDU); that the proposed project must extend mainline sewer and make its connection in the 15-inch gravity line in Ogre Drive; that alternatively, a connection point may be available along the parcels southerly property line when the Ocean View Beach Club completes construction of the sewer system to serve that community; that the project is capable of being annexed into the Bethany Beach Sanitary Sewer District following completion of certain administrative procedures; that sewer service and connection to the sewer system is mandatory; that the project is within system design assumptions and adequate sewer capacity is available; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures and the South Coastal Area Planning Study, 2005 Update; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation into the District; that the Concept Plan shall include provisions for an 8-inch connection point extended to the remaining portion of the parcel; that one-time system connection charges and annual front footage and service charges will apply; and that there will need to be a memorandum of understanding signed prior to annexation, obligating the developer to pay front footage assessment and system connection charges in accordance with County policies and procedures for non-exempt properties.

The Commission found that Doug Freedman, the Applicants' representative, was present with James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., and Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the applicants are proposing to develop this 49 acre site with 164 residential units (120 single family dwellings and 44 townhouse units); that the site is located to the rear of the Ocean View Beach Club development, now under construction, which is developing 300 residential units (150 single family dwellings and 150 multi-family dwellings) and 1.6 acres of commercial within the Town of Ocean View; that residential developments surround the property with Ocean Way Estates Subdivision to the north and west, the Assawoman Canal and Sea Colony West Residential Planned Community to the east, and the Clearwater Residential Planned Community, Waterside Residential Planned Community, and Bethany Meadows and other developments to the south; that the Convergence Communities are purchasing the property from the Trustees of Episcopal Church, except for a 5.25 acre parcel with an access easement which is intended for a church in the future; that the property was originally gifted to the Trustees by Mary Lighthipe; that the Trustees went into an agreement



with Martha's Light, LLC who applied for a conditional use for a continuing care retirement facility; that the facility was never built and that the applicants are now applying for this Residential Planned Community; that water will be provided by Tidewater Utilities, Inc.; that central sewer will be provided by Sussex County; that the site is located in the Millville Fire Company service area; that Delmarva Power will provide electrical service; that access is proposed through the Ocean View Beach Club which is being developed by the same developers; that recreational amenities will serve both projects; that a fitness center, Spa, indoor and outdoor swimming pools, and sports courts will be provided; that according to the Strategies for State Policies and Spending documents the site is located in an Investment Level 2, where the State anticipates growth to take place; that according to the Sussex County Comprehensive Plan the site is located in the Environmental Sensitive Developing District Overlay Zone and that the housing types are appropriate; that the project complies with the purpose of the MR Medium Density Residential District, and is surrounded by MR Medium Density Residential zoning and lands improved with residential planned communities, making the residential planned community portion of the application consistent; that the 164 units gross calculation is 3.23 units per acre; that the Ocean View Beach Club density is 4.2 units are acre; that the project is basically an infill between the other projects in the area with a similar or lower density; that they did not consider the Bonus Density provisions of the Zoning Ordinance; that there are multiple choices when deciding how to apply for an application: Subdivision, Cluster Subdivision, Conditional Use, Residential Planned Community, Medium Density Residential – Residential Planned Community, Bonus Density Subdivision, and Bonus Density Multi-Family; that the choice is based on numerous factors including, but not limited to, the relationship to plans (State Strategies and Comprehensive Plans), the availability of sewer and water, transportation, and the activities in the surrounding area; that since the Comprehensive Plan references that a Residential Planned Community is appropriate it should be considered; that 75% of the project is single family residential; that a Traffic Impact Study was not required due to improvements already designed for the general area; that the developers will be participating in an Area Wide Signal Agreement if required by DelDOT; that the project is within a Flood Zone area which has a 5-foot Base Flood Elevation; that all units will be above the Base Flood Elevation; that the site is located within the Inland Bays Watershed; that streets will be built to County standards and specifications; that stormwater management facilities and erosion and sedimentation control facilities will be improved per the requirements of the Sussex Conservation District; that the existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged; that they are planning on using wet ponds, bio-swales and bio-strips in the design; that a 20-foot wide landscape buffer will surround the project; that additional trails and recreational tot-lots will be installed in this project; that single family homes will be built along the entire perimeter; that 80% of all the lots front onto open space; that interconnection is proposed to the State Assawoman Canal Trail; that 50-foot wide buffers will be provided from an tidal wetlands; that they will be resubmitting for a jurisdictional determination for the wetlands; that sidewalks will be provided along both sides of all streets; that the Ocean View Beach Club is proposing to provide a shuttle service to the beaches and shopping; that adequate parking is available in amenity areas; that streets, sidewalks and trails interconnect to the Ocean View Beach Club; that the Applicants chose to apply to the County, rather than the Town of Ocean View; that sidewalks are located within the street right-of-ways and trails are in open spaces; that streets will have curb and guttering; and that the density for this project is similar to area projects.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and Conditions of Approval, which includes:

Suggested Proposed Findings of Fact:

- 1) The site is located in Investment Level 2 according to the State Strategies for Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by Local, County and State Plans in the near term future. State investments will support growth in these areas.
- 2) The proposed MR/RPC development meets the purposes of the MR and RPC zoning designations since it provides medium-density residential development in a developed area where County sewer and central water are available by creating a superior living environment.
- 3) The proposed MR/RPC development is in accordance with the Sussex County Comprehensive Plan in that it is located in a designated "Growth Area" where development is directed and planned.
- 4) The site is located in the Environmentally Sensitive Developing Area where the Plan states that a full range of housing types are appropriate including single family homes, townhouses, and multi-family units.
- 5) Central sewer will be provided as part of Sussex County's Bethany Beach Sanitary Sewer District and adequate wastewater capacity is available.
- 6) Central water for domestic use and fire protection will be provided by Tidewater Utilities, Inc.
- 7) The proposed development will comply with all DelDOT requirements including entrance locations, roadway improvements and contribution toward an area wide study. A new entrance onto Muddy Neck Road will not be necessary since the proposed development will utilize the existing entrance for the adjacent development, The Ocean View Beach Club.
- 8) The proposed development is consistent with the nature of the area, which consists of a variety of residential developments including single family and multi-family developments.
- 9) The proposed development will share an entrance and be an extension of an adjacent development, The Ocean View Beach Club. The proposed density and residential unit styles are compatible with and similar to the density and unit styles of The Ocean View Beach Club development.
- 10) The site had previously been approved as a conditional use for a continuing care retirement community containing 232 single family homes, apartments and villas and 94 health care units (C/U #1790 as approved).
- 11) With the conditions placed on the development, the MR/RPC designation is appropriate and in accordance with the Comprehensive Plan since it creates a large scale development with a superior living environment and the use of design ingenuity at an appropriate density.

Suggested Proposed Conditions of Approval:

- A) The maximum number of dwelling units shall not exceed 164, comprised of 120 single family detached dwellings and 44 townhouse units.
- B) Site Plan review shall be required for each phase of development.

- C) All entrance, intersections, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT.
- D) The development shall be served as part of the Bethany Beach Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E) The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- F) Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G) The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.
- H) The Applicant shall submit as part of the site plan review a landscape plan showing the proposed landscape design for all buffer areas.
- I) Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J) The Applicant shall cause to be formed a homeowners' or condominium association to be responsible for the maintenance of streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- K) Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits.
- L) Owners and residents of the proposed development shall be entitled to use all recreational facilities of the Ocean View Beach Club development under the same right, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- M) Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- N) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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 April 9, 2015 there was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration and to leave the record open for review of the amenities and for 14 days for further comments. Motion carried 5 – 0.

On July 30, 2015 the Commission discussed this application under Old Business.

Mr. Lank reminded the Commission that the types of amenities were announced on June 11, 2015, after receipt of a letter referencing the amenities from James Fuqua, Jr., Esquire, on behalf of the applicant.

Mr. Smith stated that he was originally confused by the application since part of the project is within the Town of Ocean View, since access to the project is thru a project in Ocean View, and since all amenities are in Ocean View; and that he anticipates that the project will be annexed into the Town of Ocean View in the future.

Mr. Ross agreed and added that he also anticipates that the developer and the Town of Ocean View will be working together for annexation purposes; and that the Commission needs to act based on the record of the application.

Mr. Burton agreed.

Mr. Johnson referenced some concerns about who to call if there is a safety issue, when part of the project is in the Town of Ocean View and part of it is under County jurisdiction.

Mr. Wheatley agreed that intergovernmental coordination is an issue, but the Commission needs to address this application.

Mr. Smith stated that he would move that the Commission recommend approval of Change of Zone No. 1768 for Convergence Communities for a change in zone from AR-1 Agricultural Residential to MR-RPC Medium Density Residential – Residential Planned Community based upon the information contained in the record and for the following reasons:

- 1) The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Developing Area as established by the Comprehensive Land Use Plan.
- 2) The proposed rezoning to an MR-RPC meets the purpose of both the MR and the RPC zoning designations since it provides for a superior living environment where County sewer and central water are available.
- 3) Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
- 4) Central water will be provided to the project.
- 5) With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity.
- 6) The development will be required to comply with all DelDOT requirements, including entrance locations and roadway improvements.
- 7) This application, with the conditions placed upon it, is consistent with the surrounding areas which include a mix of single family residential and multi-family residential developments.
- 8) There was no opposition to this application reported during the public hearing.
- 9) This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units.

- B. Site plan review shall be required for each phase of development.
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modification required by DelDOT.
- D. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as so required by applicable regulations.
- F. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As so proffered by the applicant, street design shall include sidewalks on both sides of all streets.
- H. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- I. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J. The applicant shall cause to be formed a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- K. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits. The wetland areas shall be clearly marked on the site with permanent markings.
- L. There shall be a 50 foot buffer from all tidal wetlands.
- M. As proffered by the applicant, owners and residents of the proposed development shall be entitled to use all of the recreational amenities of the adjacent Ocean View Beach Club development under the same rights, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

**Introduced 1/27/15**

**Council District No. 4 - Cole  
Tax Map I.D. No. 134-17.00-12.00  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of December 2014, a zoning application, denominated Change of Zone No. 1768 was filed on behalf of Convergence Communities; 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. 1768 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:**

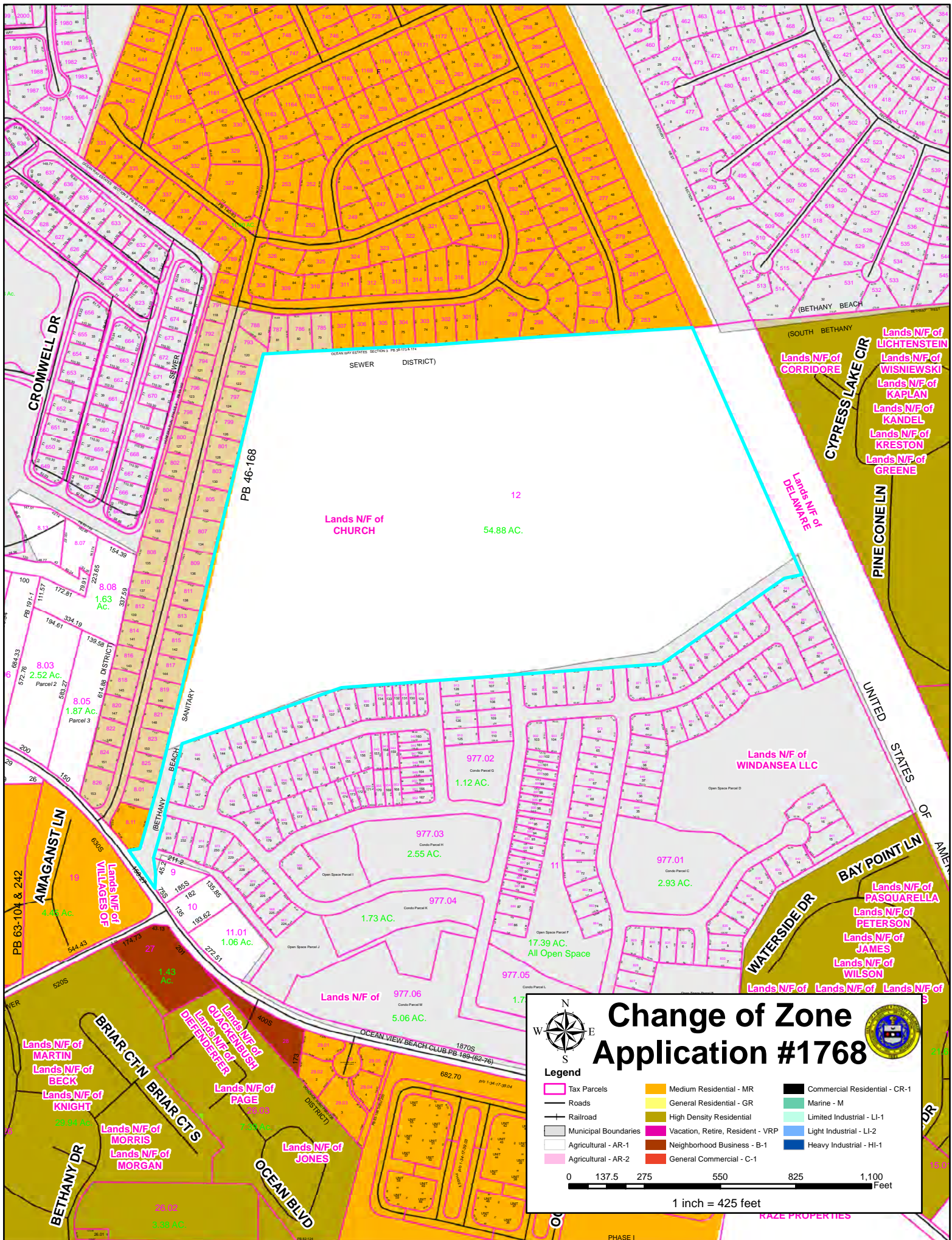
**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential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

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

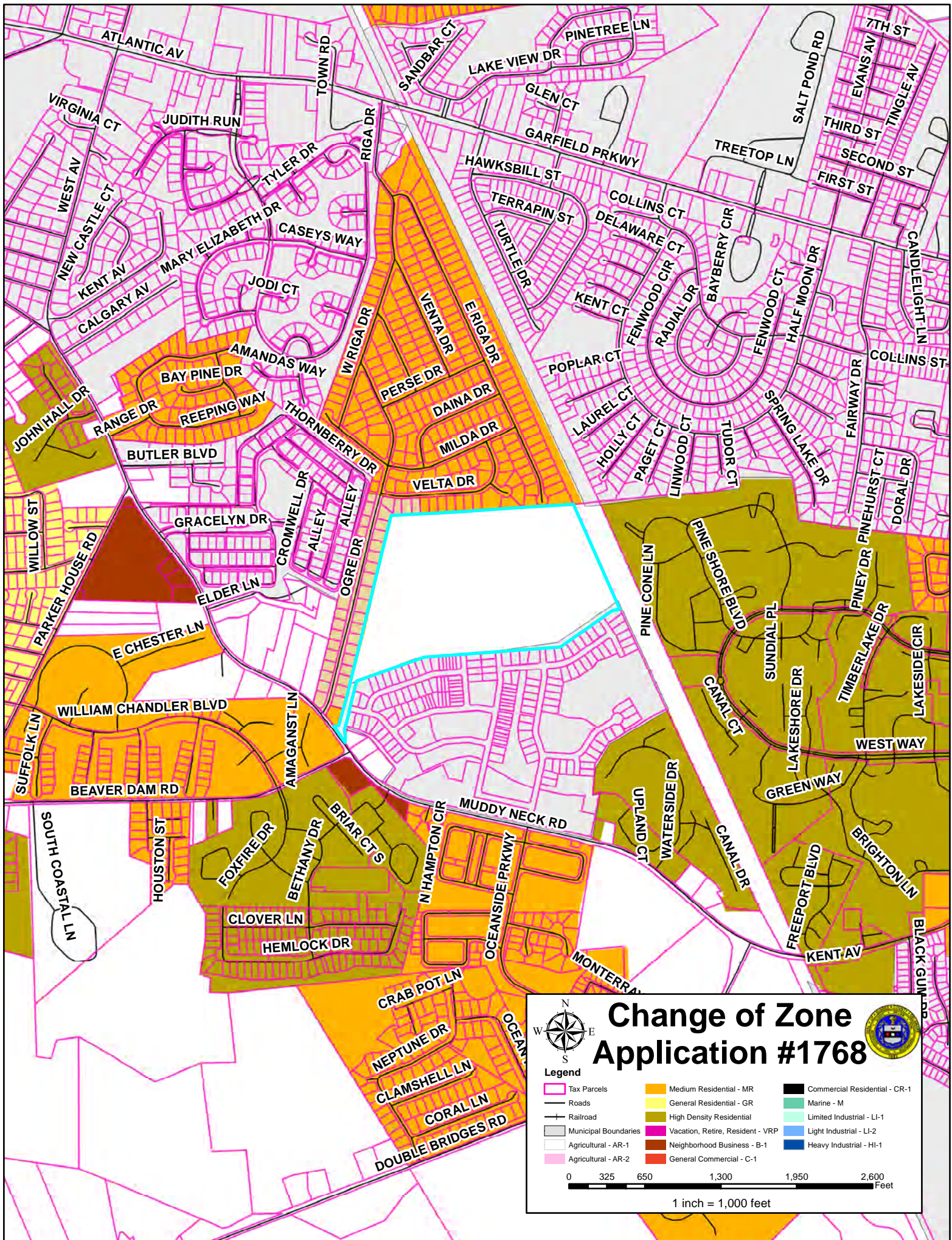
**All that certain tract, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, Delaware, and lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 49.66 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.**

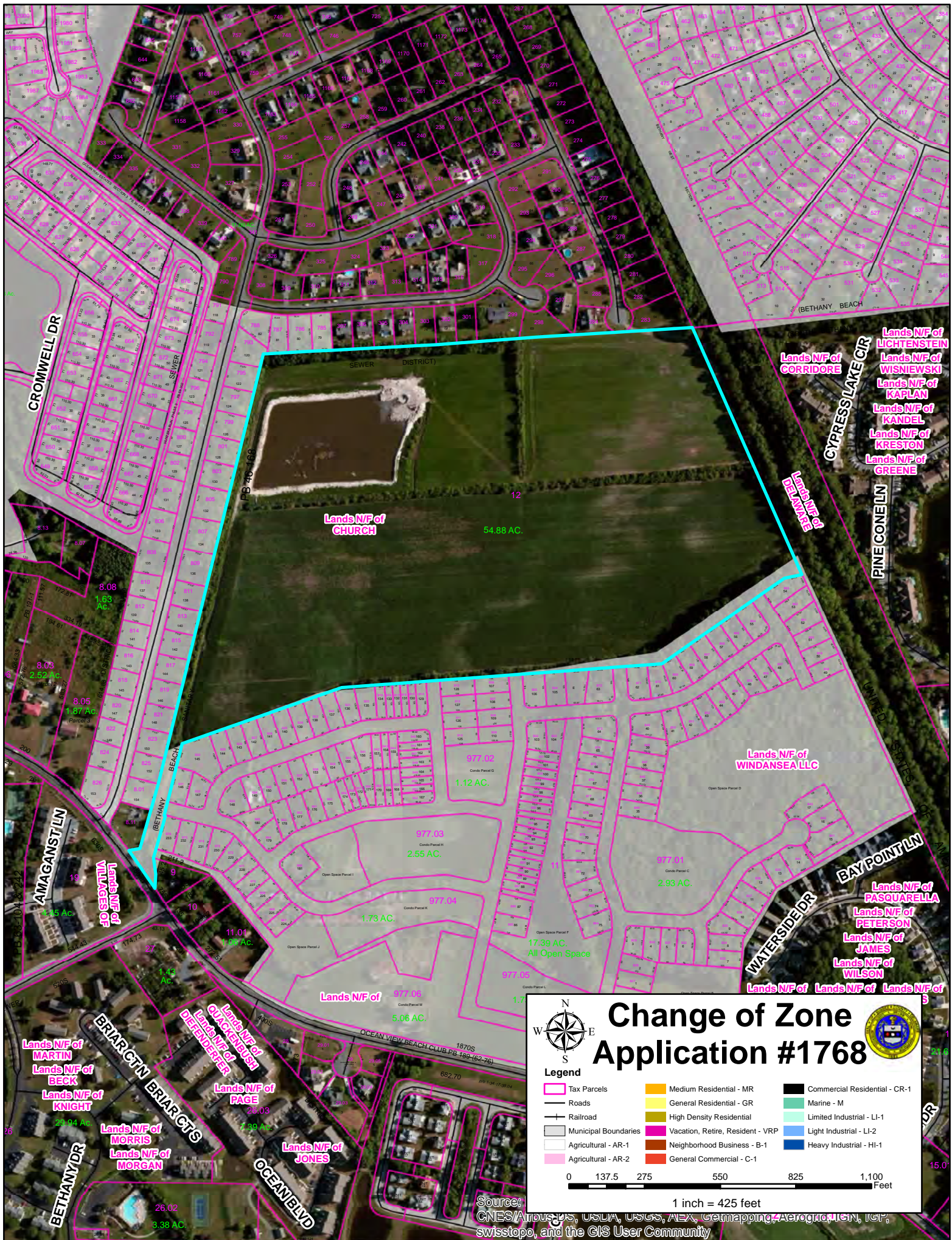
















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# Change of Zone Application #1768



**Legend**

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

0 137.5 275 550 825 1,100 Feet

1 inch = 425 feet

Source: CNES/Airbus/US, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



# **Milton GARDEN CLUB**

Milton Garden Club, Inc. – Clock Project  
P. O. Box 203  
Milton, DE 19968

Dear Councilwoman Deaver,

As you may know, the clock that greets visitors to downtown Milton – so generously donated many years ago by the Milton Lions Club – has ceased to function and is beyond repair.

The Milton Garden Club has undertaken a fund raising campaign to beautify the town center with a new clock, a “Howard” two-dial clock which is a replica of an 1890’s design, that will serve as a fitting gateway to our downtown and will reflect the town’s historic character. The clock is “Made in the USA” by a company that has been in business for over 80 years and can still service and supply parts for the first clocks they made.

The total cost of the project is approximately \$20,000. This includes the purchase, shipping and installation of the clock, and the construction of a new base.

We hope you will join this effort with a gift to the Clock Project. The Milton Garden Club is a 501(c)(3) organization and your gift would be tax-deductible. Checks should be made out to Milton Garden Club - Clock Project. Thank you for considering our request.

Sincerely,

Clock Project Committee  
Milton Garden Club



**REHOBOTH BEACH  
FILM SOCIETY**

107 Truitt Avenue  
Rehoboth Beach, DE 19971 P 302 645 9095 F 302 645 9460 [www.rehobothfilm.com](http://www.rehobothfilm.com)

July 30, 2015

The Honorable George B. Cole  
Sussex County Council  
PO Box 589, 2 The Circle  
Georgetown, DE 19947

Dear Councilperson George,

The Rehoboth Beach Independent Film Festival will be celebrating its eighteenth year with several exciting changes, including online ticket sales, more days of film screenings (Nov 7 – 14), and operations at several venues. The venues include Cape Henlopen High School theater, Metropolitan Community Church Rehoboth (on Plantation Road), the Cape Henlopen Army Reserve Center (on Savannah Road), and another location to be finalized soon. The Film Society tried to secure a location in downtown Rehoboth Beach but were unsuccessful due to schedule conflicts. Plans are also underway to use designated space at a nearby, newly constructed restaurant as the social hub. We are confident that the increased number of days will enable more people to see great films.

This Festival, the largest and oldest in the State of Delaware, attracts visitors from more than 25 states. According to calculators provided by the local business chambers, this event brings more than \$2 million in business to the local economy during the fall shoulder season. In addition to generating immediate economic benefits, this quality event encourages repeat visitors, thereby benefitting the business community beyond the Festival weekend.

Since its inception, generous sponsor support has contributed to the success of this event. This year your support is needed even more as "theaters" will be designed at four locations. Some will require complete temporary projection equipment installation and others have the equipment but will require high rents. Your financial contribution will help create days of wonderful independent films for thousands of people!

Being a sponsor provides your business with marketing opportunities to access this large consumer group through a Festival program ad, website link, promotional material distribution or other activities. Again this year, Sponsors will receive a Festival Sponsor icon which can be placed on your website and other promotional materials to signify your company's support. Attached is information on sponsorship levels and corresponding benefits for your review.

I hope that you will recognize the Film Festival as a cultural treasure in Sussex County and commit to being a sponsor, perhaps even upgrading to the next level of support. Administrative Coordinator Dave Ruffner or I will contact you during the next couple of weeks to confirm your participation.

Thank you in advance for your support.

Sincerely,

Susan E. Early  
Executive Director

Enclosure



# REHOBOTH ART LEAGUE

12 Dodds Lane, Rehoboth Beach, Delaware 19971 PHONE: 302.227.8408 WEB: [rehobothartleague.org](http://rehobothartleague.org)

July 2015

Mr. & Mrs. George Cole  
P.O. Box 589  
Georgetown, DE 19947

Dear Councilman & Mrs. Cole,

As you may know I am now Chairman of the Board of Trustees for the Rehoboth Art League. It is an exciting time to be a part of the RAL. Our Henlopen Acres campus has never looked better with the restoration of the Historic Stables. Our new open print studio and media arts studio are in full swing while classes started at the new RAL Art Studios on Rt. 9. The location has two large classrooms, a digital media/print printing arts studio and four individual artist work spaces. At Henlopen Acres, we have completed our master plan and just recently signed a cultural conservation easement with the State of Delaware to preserve our historic property for future generations.

These are just a few examples of the investment the staff, board and volunteers have made in the past year to improve our facilities, offer more programs and ultimately better serve artists and our community. We are proud of our ability to inspire the creativity of over 1000 art students. Being recognized in 2014 as the best gallery in Delaware speaks to our commitment to quality exhibitions that showcase our members and connect them to art buyers. And the 600 children in our outreach programs are benefitting greatly from continuous art instruction from RAL artists.

Advancing art education and showcasing our artists, along with keeping our historic campus beautiful for all to enjoy, is an investment we need for future generations. I hope you can join me in financially supporting these exciting ventures by making a gift to our annual fund. These dollars support our education and free exhibition programs that many people value and treasure.

We believe we're making a real difference in our broad community. *Helping Art Grow* depends on supporters like you. Please give your most generous gift today and help us nurture artists and encourages the creative spirit in coastal Delaware. We thank you for your support for the Rehoboth Art League.

Sincerely,

John Schroeder  
Chairman  
Rehoboth Art League Board of Trustees

*P.S. Be sure to join us for our 2015 Outdoor Art Show—August 8-9 and 15-16th.*



Dodee Black teaching wheel technique in summer camp



The gardens are ready for summer visitors



Guests enjoy the 2014 Outdoor Fine Art and Fine Craft Show



## Indian River Volunteer Fire Company

Serving Oak Orchard, Riverdale, Long Neck and Vicinity

Station One  
32628 Oak Orchard Road  
Millsboro, Delaware 19966  
(302) 945-2800  
(302) 945-1130 (fax)

Station Two  
25375 Banks Road  
Millsboro, Delaware 19966  
(302) 945-2801  
(302) 947-9447 (fax)

Saturday, July 18, 2015

Dear Sir/Madam:

The members of the Ladies Auxiliary of the Indian River Volunteer Fire Company are, again, hosting their Annual Longaberger Basket BINGO to raise funds to support the fire and rescue services provided to our community.

A Longaberger Basket Sponsorship is being offered in exchange for advertising during this event. The event is similar to regular BINGO; however, the prize is a basket rather than monetary awards. This sponsorship opportunity will feature local business and community entrepreneurs within our area.

The Ladies Auxiliary of the Indian River Volunteer Fire Company is offering local business the opportunity to acquire a Longaberger Basket Sponsorship. The sponsorships are available at a cost of \$75.00.

The Annual Basket BINGO event will be held at the fire station banquet hall in Oak Orchard on 8/4/2015. This is an excellent opportunity to showcase your community support of the local volunteer firemen as well as the fire and rescue services.

If you are interested in acquiring a basket sponsorship, please complete the attached sponsorship form and mail it along with your check made out to Indian River Ladies Auxiliary to:

Linda Cullen  
24669 Banks Road  
Millsboro, DE 19966

Thank you for your continued support and cooperation.

Sincerely,

Linda Cullen  
Ladies Auxiliary President  
Indian River Volunteer Fire Company





*La Esperanza*

216 N. Race Street

Georgetown, DE 19947

(302) 854-9262

[festivalhispano@hotmail.com](mailto:festivalhispano@hotmail.com)

[www.elcentrocultural.org](http://www.elcentrocultural.org)

[www.Laesperanza.org](http://www.Laesperanza.org)

May 1, 2015

Dear Potential Sponsor,

*La Esperanza* would like to invite you to be a sponsor of ***Festival Hispano*** on **Sunday, August 9, 2015**, from 12:00 noon to 6:00 p.m. at the Little League Complex in Millsboro, Delaware.

After many wonderful years El Centro Cultural has passed on the Festival Hispano to La Esperanza. Founded in 1996, La Esperanza is the only bicultural and bilingual agency dedicated to serving Hispanic communities in southern Delaware. We help our clients advance toward assimilation, self-sufficiency, and permanent residency by providing culturally-appropriate programs and services, including advocacy, family development, immigration services, victims and domestic violence survivors programs, and education. Our mission is to support the integration and empowerment of Hispanic immigrants as worthy, productive and contributing residents of Sussex County, and our goal is to provide our clients with the tools and resources necessary to successfully maintain safe, healthy, and meaningful lives.

Once again, it will be a great day for all of us to appreciate the diversity of Southern Delaware's Hispanic community. We are proud to celebrate a day in which Hispanic heritage and culture are on display for all to see. It is our desire that you participate in this wonderful day so you can promote your business, inform the community of your services, and reach thousands of Hispanic residents from all over Delaware.

**Sponsorship Form** - We have enclosed a sponsorship form where we have established five donation levels. To ensure we receive your logo and advertisement for this year's publication, please email the advertisement to [festivalhispano@hotmail.com](mailto:festivalhispano@hotmail.com) by **July 22, 2015**.

**Application Form** - If you are planning to have a display space at ***Festival Hispano***, please complete the Sponsor application and return it with your Sponsorship form and your donation.

**We look forward to having your support as we celebrate the Festival Hispano!** All donations to *La Esperanza* are tax deductible. For more information, please contact *La Esperanza* – the non-profit arts organization which coordinates ***Festival Hispano*** by email at [festivalhispano@hotmail.com](mailto:festivalhispano@hotmail.com) or by phone at (302) 854-9262. Volunteers of ***Festival Hispano*** will check email messages and phone messages often. We will respond as soon as we can.

Thank you,

La Esperanza, Inc.

## PUBLIC HEARINGS

August 11, 2015

This is to certify that on July 9, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change in Zoning. 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/Z #1778 – John Floyd Lingo**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 0.74 acres, more or less.** The property is located south of Route 9 (Lewes Georgetown Highway) 200 feet east of Route 5 (Harbeson Road) (911 Address: None Available) Tax Map I.D.: 235-30.00-68.00.

The Commission found that the applicant had submitted surveys/site plans with his application on April 20, 2015 and provided an Exhibit Booklet on June 29, 2015. The Exhibit Booklet contains a series of maps and aeriels; excerpts from the Comprehensive Land Use Plan; site plans; DelDOT photographs for the new alignment for the intersection of Route 9 and Route 5 at Harbeson; a DelDOT letter, dated April 17, 2015 with attachments; and suggested proposed Findings of Fact.

The Commission found that the Planning and Zoning Department received the referenced letter from DelDOT.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on June 30, 2015 referencing that the site is not located in the proposed or County operated and maintained sanitary sewer and/or water district; that conformity to the North Coastal Planning Study will be required; that the proposed

change of zone 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 the Sussex Conservation District provided comments in the form of a memorandum on July 8, 2015 referencing that there is one soil type on this site; 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 are affected; that no off-site drainage improvements are necessary; that no on-site drainage improvements are necessary for a change in zone; and that no tax ditches are affected.

The Commission found that John Floyd Lingo was present with Richard Abbott, Esquire, and Mark Davidson, Project Manager for Pennoni Associates, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the applicant recently received Conditional Use approval for the dwelling on the property to be converted to professional office space; that the site is adjacent to other properties owned by the application that are commercial zoned and use for a small commercial strip center; that DelDOT has an intersection improvement plan proposed to improve the intersection of Route 9 and Route 5; that trucks going to the Allen Harim processing plant have difficulties turning onto Route 5 off of Route 9 to get access to the plant located west of Route 5 further south from Route 9; that the old Post Office building, more recently used for a barber shop needs to be relocated to allow for these DelDOT improvements; that DelDOT has agreed to allow relocation of the building to a location between the existing dwelling and the strip center; that the two parcels will be combined into one parcel; that the Tupperware store that was in the strip center has been moved prematurely into the dwelling in preparation for the DelDOT improvements; that the barber shop will move into one of the units in the strip center; that there should be no adverse impact on adjacent properties; that the existing entrance to the dwelling will be closed and the driveway will be extended over to the parking lot for the strip center; that the strip center is currently improved by the barber shop, a deli, the Post Office, a fuel filling station, and a vacant unit; and that the fuel filling station location will not be impacted by the intersection improvements.

The Commission found that Mr. Abbott read the suggested proposed Findings of Fact offered by the applicant in Tab 6 of the Exhibit Booklet.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of Change in Zone No. 1778 for John Floyd Lingo for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) This request is for the expansion of an existing commercially zoned property. The expansion area includes an existing business use.



- 2) The rezoning is at the signalized Route 5 and Route 9 intersection. This is an appropriate location for CR-1 Commercial Residential zoning.
- 3) The rezoning is consistent with other existing commercial zoning and uses in the area.
- 4) The rezoning will not adversely affect neighboring properties or roadways.
- 5) The rezoning will allow for the relocation of structures from the adjacent commercially zoned property onto part of this property in conjunction with DelDOT's re-construction of the Route 5 and Route 9 intersection.
- 6) No parties appeared in opposition to this application.

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

**C/Z #1779 – Thomas K. Munce and Judy L. Munce**

**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 Cedar Creek Hundred, Sussex County, containing 3.033 acres, more or less.** The property is located east of U.S. Route 113 (DuPont Boulevard) 0.54 mile north of Route 16 (Beach Highway) (911 Address: 12327 N. DuPont Boulevard, Ellendale) Tax Map I.D. 230-26.00-35.00.

Mr. Lank advised the Commission that this site was previously approved for a Conditional Use (C/U #1979) on March 25, 2014 for a retail package store and tavern, and that the use has been established on the site.

The Commission found that DelDOT provided comments in the form of a letter on September 10, 2014 referencing that the applicant was applying for a rezoning; that the Department recommended that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed; and that more recently, after approval of the Conditional Use for the retail package store and tavern, DelDOT issued an entrance approval for the use.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on June 30, 2015 referencing that the site is located in the Ellendale Primary Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed change of zone 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 the Sussex Conservation District provided comments in the form of a memorandum on July 8, 2015 referencing that there are three soil types on this site; 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 are affected; that no

off-site drainage improvements are necessary; that no on-site drainage improvements are necessary for a change in zone; and that no tax ditches are affected.

The Commission found that Thomas Munce and Judy Munce were present and that Mr. Munce stated that they have leased the building for the tavern and package store; that the tenants would like to provide on-premise food service; that the site has been improved with a parking lot in compliance with the zoning regulations and that 45 parking spaces have been provided; that the site plan has been approved for the tavern/package store; that they are requesting to establish conforming zoning so that they do not have to apply for additional conditional uses whenever they are making changes in the use of the property; that they have recently installed a new well, a new septic system, and the parking lot; that they would like for the tenants to be able to prepare burgers, french-fries, and other lounge/restaurant foods for their customers; and that they have room in the building to add a grille and the required venting.

The Commission found that Robin Johnson, one of the tenants, stated that she has an option to purchase the property; that they have made many improvements to the building and the site; and questioned the difference between a conditional use and zoning.

Mr. Wheatley responded by advising Ms. Johnson of the difference.

Mr. Robertson advised those present that ABC rules relate to taverns and package stores individually, and that a tavern does not normally provide prepared foods.

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 July 9, 2015 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On July 30, 2015 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend denial of Change of Zone No. 1779 for Thomas K. Munce and Judy L. Munce for a change in zone from AR-1 Agricultural Residential District to CR-1 Commercial Residential District based upon the record made during the public hearing and for the following reasons:

- 1) The applicants currently have a conditional use to operate a Tavern on the property.
- 2) The applicants have stated that the only reason that they are seeking CR-1 Commercial Residential zoning is so that they can serve food at their establishment on the property. The property has had a tavern on it for many years, but without food service.
- 3) The applicants have not given any other reason for the rezoning to CR-1, or how CR-1 would be an appropriate zoning for this property in this location.

- 4) I am not satisfied that CR-1 zoning, with all of the permitted uses that can exist in the CR-1 zoning district, is appropriate for this location. It would also be the only CR-1 property in the area.
- 5) The applicants can get the ability to serve food in this location through a more appropriate application, such as a modification of their existing conditional use.
- 6) Because I do not believe that a sufficient record has been created to support a rezoning to CR-1, and because there are other more appropriate ways to address the applicant's request to serve food on the premises, this rezoning application should be denied.

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

**Introduced 6/9/15**

**Council District No. 3 - Deaver  
Tax Map I.D. No. 235-30.00-68.00  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.74 ACRE, MORE OR LESS**

**WHEREAS, on the 20th day of April 2015, a zoning application, denominated Change of Zone No. 1778 was filed on behalf of John Floyd Lingo; 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. 1778 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 Broadkill Hundred, Sussex County, Delaware, and lying south of Route 9 (Lewes-Georgetown Highway) 200 feet east of Route 5 (Harbeson Road) and being more particularly described as follows:**

**BEGINNING at an iron rod on the southerly right-of-way of Route 9, a corner for these subject lands and lands of John Floyd Lingo and Nancy B. Lingo, Co-Trustees; thence North 82°50'31" East 153.38 feet along the southerly right-of-way of Route 9 to a concrete monument; thence South 07°09'29" East 200.00 feet along lands of W & B Hudson Family**

**Limited Partnership to a concrete monument; thence continuing along said Hudson Family lands South 82°50'31" West 170.73 feet to an iron rod; and thence North 02°12'00" West 200.75 feet along other Lingo lands to the point and place of beginning, and containing 0.74 acre, 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



2.34  
AC.

25

2.39 AC.S

Lands N/F of  
WAGNER

Lands N/F of  
DELMARVA

Lands N/F of  
MAYLOR

Lands N/F of  
WOUDENBERG

Lands N/F of  
FUJIMO

Lands N/F of  
HUDSON

Lands N/F of  
LINGO

Lands N/F of  
CHURCH

Lands N/F of  
WAGAMON

Lands N/F of  
JOHNSON

LEWES GEORGETOWN HWY

PB 154-84

PB 109-23

TOWNSENDS  
ADDN

HARBESON RD

HARBESON U.M. CHURCH

## Change of Zone Application #1778

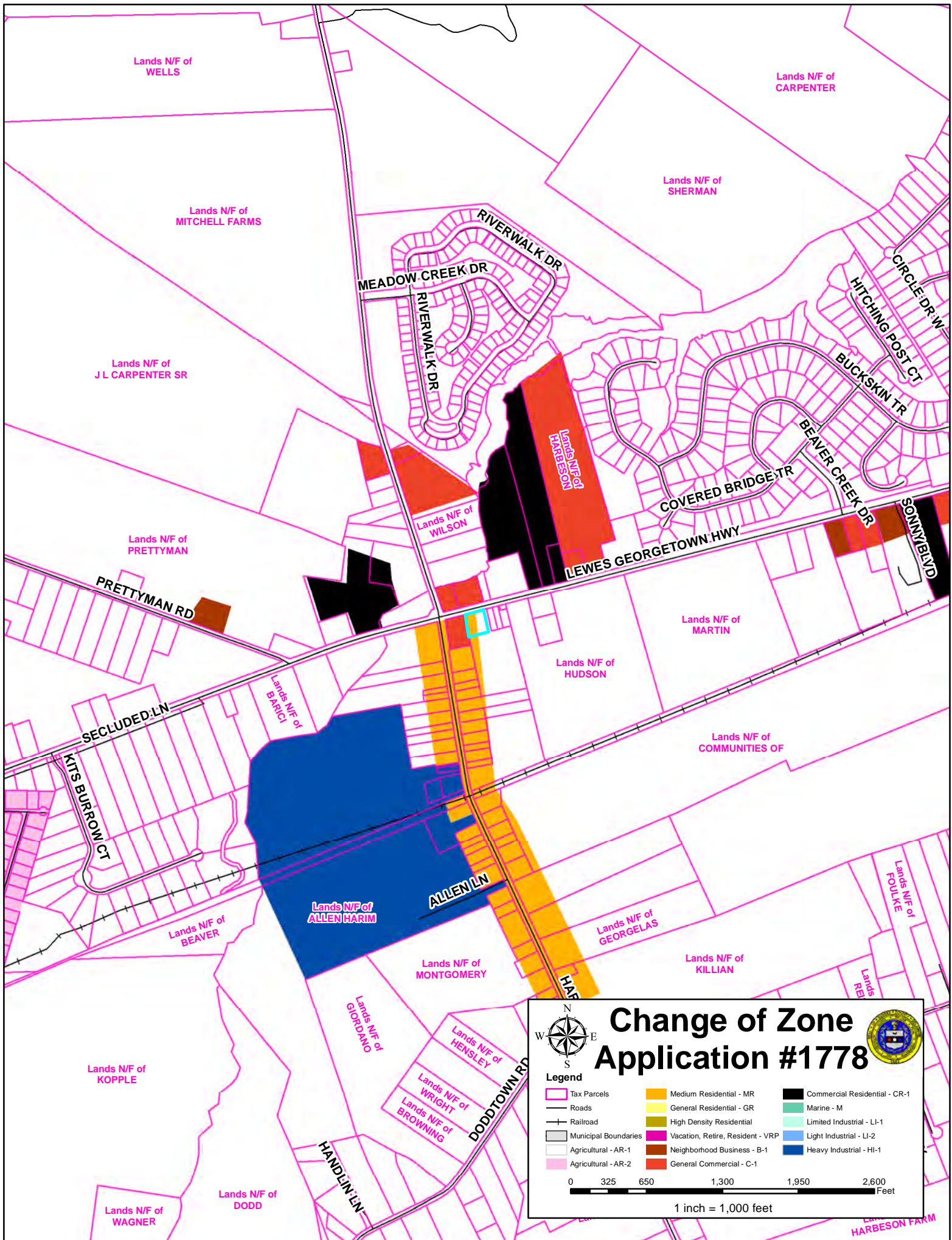


### Legend

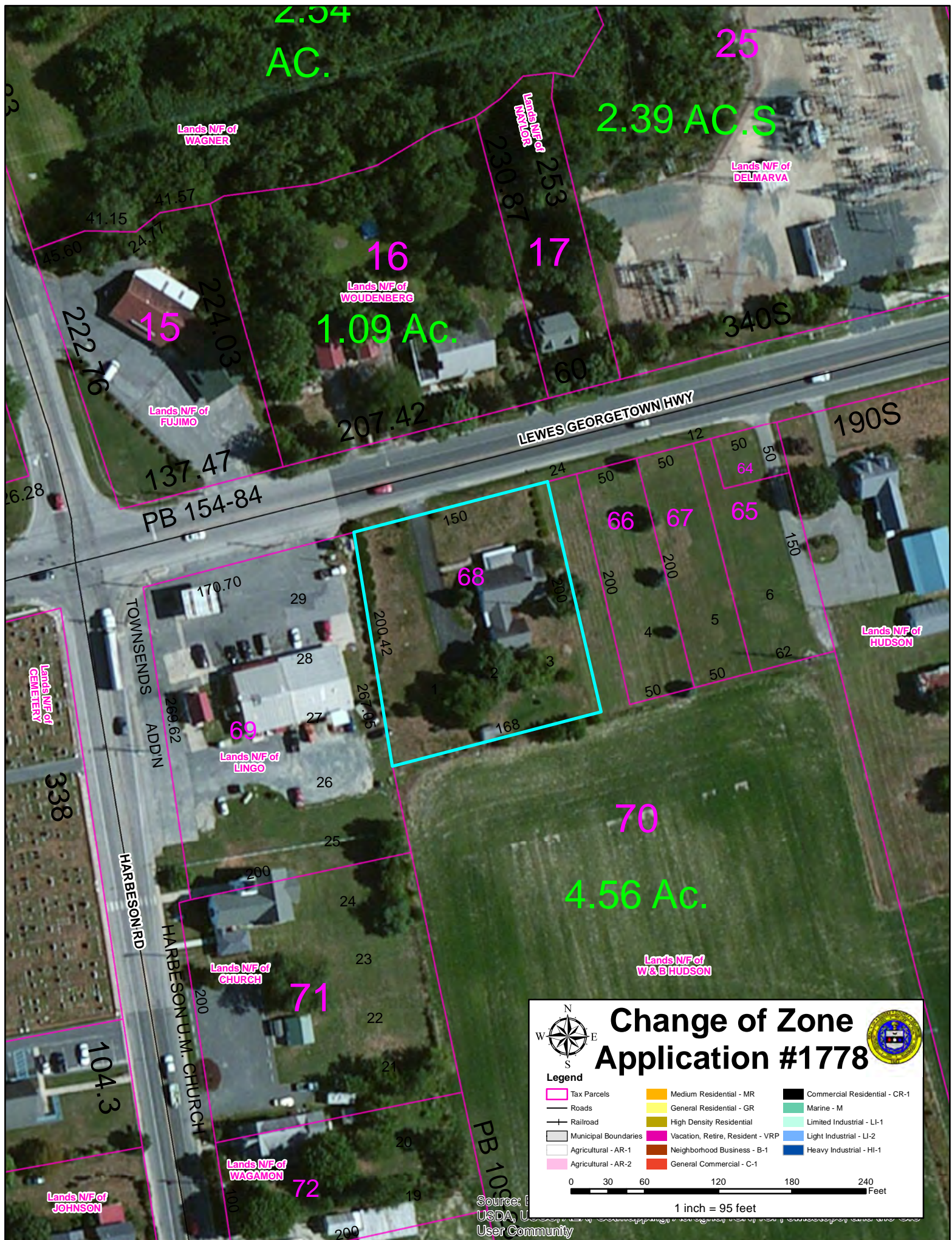
- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Tax Parcels          | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads               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

0 30 60 120 180 240 Feet

1 inch = 95 feet







**Introduced 6/9/15**

**Council District No. 3 - Deaver  
Tax Map I.D. No. 230-26.00-35.01  
911 Address: 12327 N. DuPont Blvd. Ellendale**

**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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS**

**WHEREAS, on the 4th day of May 2015, a zoning application, denominated Change of Zone No. 1779 was filed on behalf of Thomas K. Munce and Judy L. Munce; 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. 1779 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 Cedar Creek Hundred, Sussex County, Delaware, and lying east of U.S. Route 113 (DuPont Boulevard) 0.54 mile north of Route 16 (Beach Highway) and being more particularly described as Parcel No. 4 on survey of "Lands of Sheila J. Stevens" as recorded in Plot Book 85 Page 50 in the Office of the Recorder of Deeds, in and for Sussex County, said parcel containing 3.033 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.**



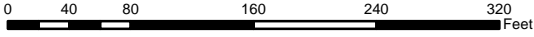


# Change of Zone Application #1779



## Legend

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



1 inch = 125 feet

Lands N/F of  
R & C EVANS FARMS

Lands N/F of  
CLENDANIEL

DUPONT

DUPONT-BLVD

209

15

26.1

PB 85-50

188.7

35.01

Lands N/F of  
COUNTY BANK

4

3.03 AC.

15

35.03

Lands N/F of  
WALIUS

2

7.56 AC.

227.81

Lands N/F of  
GREEN

13

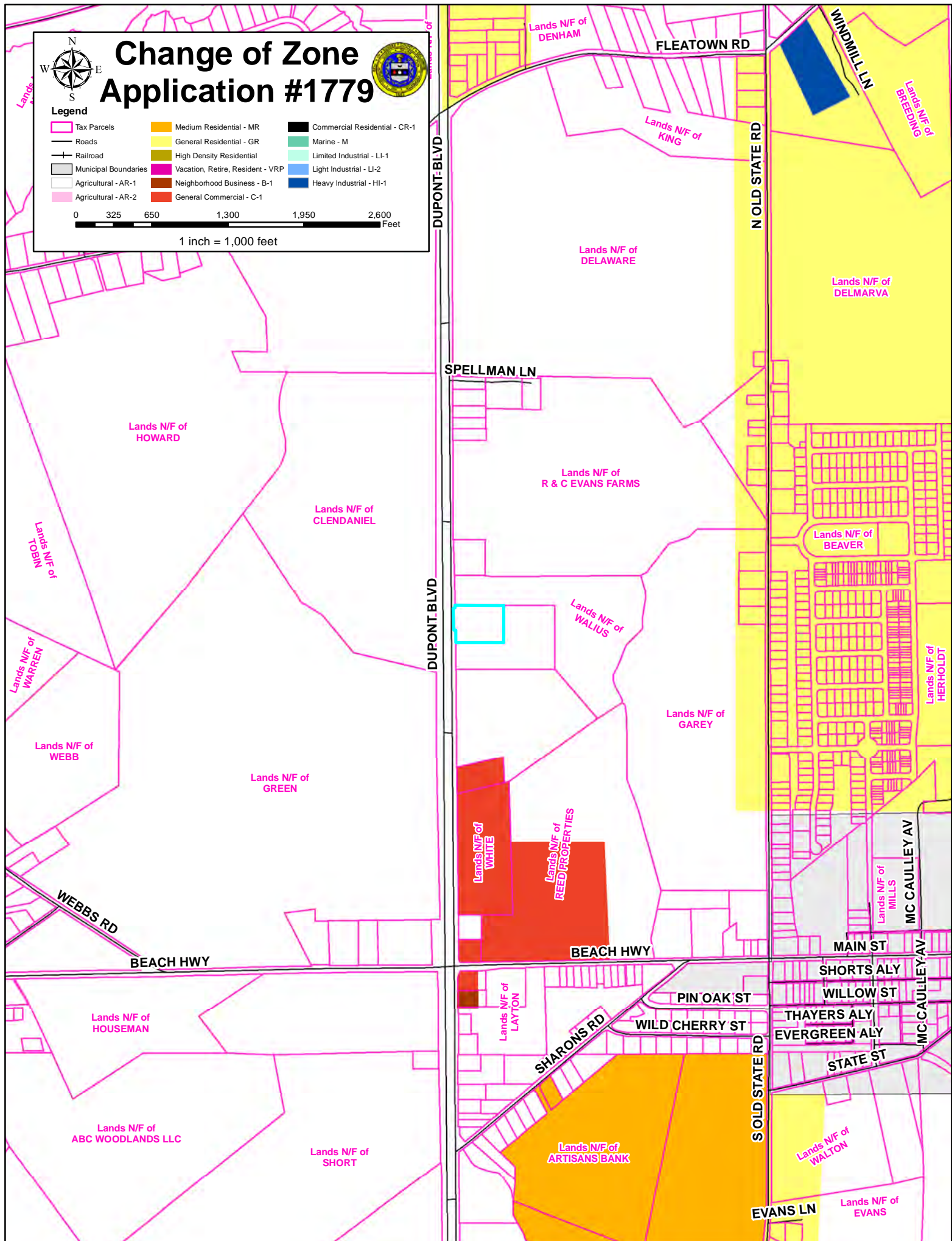




### Legend

- 

1 inch = 1,000 feet







# Change of Zone Application #1779



## Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet

Lands N/F of  
R & C EVANS FARMS

Lands N/F of  
GLENDANIEL

DUPONT BLVD

DUPONT BLVD

209

15

26.1

35.01

188.7

Lands N/F of  
COUNTY BANK

4

3.03 AC.

15

PB 85-50

227.81

35.03

Lands N/F of  
WALUIS

2

7.56 AC.

Lands N/F of  
GREEN

13