



Sussex County Council Public/Media Packet

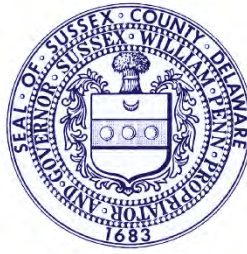
**MEETING:
October 13, 2015**

****DISCLAIMER****

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



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Sussex County Council

AGENDA

OCTOBER 13, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Ruth Beideman and Sally Beaumont, Advisory Committee on Aging & Adults with Physical Disabilities, Report on *The Live Conference*

Todd Lawson, County Administrator

1. Employee Recognition Pickle Awards
2. Wastewater Agreement No. 1015-1
Sussex County Project No. 81-04
Americana Bayside – Village C – Phase 1B
Fenwick Island Sanitary Sewer District
3. Administrator's Report

Robert Lee, Sheriff

1. Sheriff's Office Update

Lawrence Lank, Director of Planning & Zoning

1. Report on receipt of public comment regarding Change of Zone No. 1769 and Conditional Use No. 2012, applications of Ocean Atlantic Communities, LLC



Old Business:

**Conditional Use No. 2014
Jay Beach**

John Ashman, Director of Utility Planning

- 1. Request to Prepare and Post Notices**
 - A. Herring Creek (Sewer)**
 - B. Winding Creek Village (Water)**

Helen Naylor, Project Engineer

- 1. Rehabilitate Taxiway A, Project 14-14**
 - A. Balancing Change Order**

Grant Request

- 1. Nemours for the Annual Sussex Outdoors Summit**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1784 filed on behalf of Marlene C. Stebelsky

“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” (located south of Route 326A (Betts Pond Road) at the southerly end of the dead end of Heritage Lane and north of Betts Pond (Tax I.D. No. 133-16.00-57.00) (911 Address: 12 Heritage Lane, Millsboro)

Change of Zone No. 1786 filed on behalf of Wilson Baker, Inc.

“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 1.0 ACRE, MORE OR LESS” (located east of Dupont Blvd. (U.S. Route 113) 200 feet north of Beach Highway (Route 16) (Tax Map I.D. No. 230-26.00-40.00) (911 Address: None Available)

Change of Zone No. 1783 filed on behalf of Cauthen Ventures DE, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS” (located north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive (Tax Map I.D. No. 533-12.00-100.00) (911 Address: None Available)

Conditional Use No. 2028 filed on behalf of Cauthen Ventures DE, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS” (located north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive (Tax Map I.D. No. 533-12.00-100.00) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 6, 2015 at 4:55 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, SEPTEMBER 29, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 29, 2015, at 1:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

Call to Order

Mr. Vincent called the meeting to order.

M 493 15 Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 22, 2015 were approved by consent.

Corre- spondence

Mr. Cole read the following correspondence:

**REHOBOTH SUMMER CHILDREN'S THEATRE, REHOBOTH
BEACH, DELAWARE.**

RE: Letter in appreciation of grant.

Public Comments

Public Comments

Dan Kramer commented on the grant request from the Greater Georgetown Chamber of Commerce for the Wings & Wheels event.

Stephen Wilz commented on Paradise Grill located at Pot Nets Bayside.

Wastewater Agreement

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

**M 494 15
Approve
Wastewater
Agreement/
The
Vineyards
at Nassau
Valley**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 831-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Fernmoor Holdings at Vineyards DE, LLC, for wastewater facilities to be constructed in The Vineyards at Nassau Valley – Phase 1A, in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Sussex County Property Taxes Due September 30th

A final reminder for property owners in Sussex County, Wednesday, September 30th, is the deadline to pay annual County property tax bills. Payments can be made in person, online, by phone, or by mail. Any payments mailed must be postmarked no later than September 30th. Payments made October 1st or later will be subject to penalty.

This year's tax bills once again feature an easier-to-read format, unveiled in 2013, to help taxpayers better understand their bills and payment options. A number of payment options are available for the public's convenience. A tutorial explaining how to view account information and make payments is available on the County website at <http://www.sussexcountymd.gov/property-tax-portal-tutorial>.

Sussex County accepts tax payments by cash, check, money order, and debit or credit cards.

**Berzin
Expansion
of the
South
Bethany
SSD**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the expansion of the South Bethany Sanitary Sewer District to include the balance of parcels of a proposed subdivision known as Berzin, and the surrounding area (4 parcels). The area is contiguous to an existing sewer district boundary. The project has an approved Concept Plan for the residential portion of the project and will submit the commercial portion as they proceed. A portion of the project is already located in the sanitary sewer district. The entire annexation area is 45.34± acres. The developer has requested that the development be annexed. The project currently consists of 102 EDUs with a commercial portion. The project will be providing a connection point for three other parcels currently in the sewer district but not yet served. The Developer and property owners will be responsible for system connection fees in the

(continued) amount of \$5,775.00 per EDU.

M 495 15
Prepare
and Post
Notices/
Berzin
Expansion
of the
South
Bethany
SSD

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare and post notices for the extension of the South Bethany Sanitary Sewer District boundary to include the balance of the proposed subdivision of Berzin and the surrounding area, as presented.

Motion Adopted: 5 Yeas.

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

SCRWF
Septage
Acceptance
Plant

Julie Cooper, Project Engineer, presented a request to grant Substantial Completion for the South Coastal Regional Wastewater Facility (SCRWF) Septage Acceptance Plant, which was placed into operation on September 21, 2015.

M 496 15
Grant
Substantial
Completion
for SCRWF
Septage
Acceptance
Plant

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion, effective September 21, 2015, to Lakeside Equipment Corporation, of Barlett, Illinois, for project 14-20, SCRWF Septage Acceptance Plant, and further, that final payment be made and all retainage returned in accordance with the contract documents.

Motion Adopted: 5 Yeas.

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

Sussex
Shores
Subdivision
SCI Project/
Under-
grounding
of Utilities/
Bid Results

Joe Wright, Assistant County Engineer, reported on the bid results for a Sussex County Improvement (SCI) Project, Undergrounding of Utilities within Sussex Shores Community. Three bids were received and A.P. Croll was the lowest responsive bidder in the amount of \$574,943.00. The Engineer's estimate was \$565,893.00. Mr. Wright noted that the award to A.P. Croll is to have new conduits placed underground and then the County will contract separately with each of the utility companies to place their services into the new conduits and remove the old services.

M 497 15
Award
Bid/Sussex
Shores
Subdivision
SCI Project/

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the award of Sussex County Project No. 14-13 A, Sussex Shores Subdivision - Chapter 96 - Utility Relocations, to A.P. Croll & Sons, Inc. of Georgetown, Delaware, at the bid amount of \$574,943.00 and also approves an estimate from Delmarva Power in the amount of \$400,000.00 for installing new electrical services and removing

- M 497 15**
Award
Bid/Sussex
Shores
Subdivision
SCI Project/
Under-
grounding
of Utilities/
(continued)
- existing overhead services; an estimate with Verizon in the amount of \$168,364.00 for installing new underground services and removing existing overhead services; and an estimate from Mediacom in the amount of \$21,942.00 for installing new underground services and removing existing overhead services.
- Motion Adopted:** 4 Yeas, 1 Abstention.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Abstained;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- Sussex**
Shores
Subdivision
SCI Project
- In regards to the same project, Sussex Shores - Chapter 96 - Utility Relocations, Joe Wright, Assistant County Engineer, presented a request for GMB to provide Construction Administration and Resident Project Representative Services, in an amount not to exceed \$178,854.00.
- M 498 15**
Approve
Contract
Amend-
ment/
Sussex
Shores
Subdivision
SCI Project
- A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Contract Amendment No. 1 for Construction Administration and Resident Project Representative Services with George, Miles & Buhr, for Chapter 96 Project Nos. 14-13 A and B, Sussex Shores Utility Relocations and Roadway Improvements (respectively), in an amount not to exceed \$178,854.00, effective today, September 29, 2015.
- Motion Adopted:** 4 Yeas, 1 Abstention.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Abstained;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- PS 210**
Force Main
to IBRWF
Contract/
Bid
Rejection
- Joe Wright, Assistant County Engineer, presented the bid results for the PS 210 Force Main to Inland Bays Regional Wastewater Facility contract (Contract 15-08A). Three bids were received; however, there are discrepancies in the bid documents. The Engineering Department recommends that the project be re-bid so that the bidders can correct those discrepancies.
- M 499 15**
Reject Bids/
PS 210
Force Main
to IBRWF
Contract
- A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that all bids for Contract 15-08A, PS 210 Force Main to Inland Bays Regional Wastewater Facility, Indian Mission and Beaver Dam Roads, be rejected and the contract be re-bid.
- Motion Adopted:** 5 Yeas.

**M 499 15
(continued)**

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

**Planning
Services
RFP
Results**

Janelle Cornwell, Planning and Zoning Manager, reported that, on July 8th, a Request for Proposals (RFP) for Planning Services was advertised. The Planning Services contract is for five (5) years and includes the Comprehensive Plan, carrying capacity study, and updates to the current ordinances. The County received four responses. Three firms were interviewed based on the requirements in the RFP: McCormick Taylor, AECOM, and ERM. Ms. Cornwell reported that the Planning and Zoning Office recommends that an offer for consulting services be made to McCormick Taylor and AECOM as they were the top two scored firms. The two firms have more expertise in one area, thus allowing the County full flexibility depending upon the project and needs of the Planning and Zoning Office. McCormick Taylor has experience with Comprehensive Plans and transportation projects; AECOM has experience with planning in Sussex County.

**M 500 15
Award
Bid/
Planning
Services**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council selects AECOM and McCormick Taylor based on the recommendation of staff to perform planning services on an as needed basis for a five year period beginning October 1, 2015 and ending September 30, 2020.

Motion Adopted: 5 Yeas.

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

**Arbors of
Cottagedale/
Suspension
of Sub-
stantial
Con-
struction
Deadline**

Lawrence Lank, Director of Planning and Zoning, reported that, on August 27, 2015, the Planning and Zoning Commission considered a request for a one year time extension regarding the Arbors at Cottagedale project (CU 1845) for the construction of 168 affordable housing dwelling units to be located off of Mackenzie Way off Plantations Road. The Commission approved a suspension of the time extension for six months beginning on August 27, 2015. The suspension means that the site shall be substantially under construction by July 1, 2016. The decision was based on letters received on August 5 and 7, 2015 from the Applicant explaining the history of the site including the Brownfield remediation required prior to construction of the proposed housing and the fact that the site is utilizing the County's Moderately Priced Rental Unit Program (MPHU). The Applicant's attorney has requested that the Council affirm or grant approval of the decision made by the Commission. Mr. Lank reported that a letter was received from the Secretary of DNREC suggesting that, due to the remediation, it would be beneficial for a time extension to be granted for the project to allow time for remediation of the site.

M 501 15 Affirm Suspension of Sub- stantial Con- struction Deadline/ Arbors of Cottagedale	<p>A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council affirms the decision of the Planning and Zoning Commission for a suspension of the time extension for the Arbors of Cottagedale (until July 1, 2016).</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Grant Request	<p>Mrs. Jennings presented a grant request for the Council's consideration.</p>
M 502 15 Council- manic Grant	<p>A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$2,500.00 (\$500.00 from each Councilmanic Grant Account) to the Greater Georgetown Chamber of Commerce for Wings & Wheels – a Georgetown Fall Festival.</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>
Council Members' Comments	<p><u>Council Members' Comments</u></p> <p>Mrs. Deaver commented on educating the public on the land use process and commented on the size of signs used to advertise Public Hearings.</p> <p>Mr. Arlett commended a Gumboro youth for organizing the second Will's Carnival for a Cause to raise money for the Sturge Weber Foundation.</p>
Council Agenda	<p>Mr. Lawson reported to Council on the limited agenda items for the October 6th Council meeting.</p>
M 503 15 Cancel Council Meeting	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to cancel the October 6, 2015 Council meeting.</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>
Rules	<p>Mr. Moore read the Rules of Procedure for Public Hearings.</p>
Public Hearing/	<p>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 BOAT SALES,</p>

**Public
Hearing/
CU 2025
(continued)**

SERVICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27.84 ACRES, MORE OR LESS” (Conditional Use No. 2025) filed on behalf of Rudy South c/o T & C Properties, LLC. (Tax I.D. No. 234-6.00-96.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on August 27, 2015 at which time action was deferred. On September 24, 2015, the Commission recommended that the application be denied.

(See the minutes of the Planning and Zoning Commission dated August 27 and September 24, 2015.)

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

Mr. Lank reported that, since the Public Hearing before the Commission, two emails were received in support of the application and one email was received in opposition to the application.

Mr. Lank distributed Exhibit Booklets which were provided by the Applicant.

The Council found that Tom Rudloff was present on behalf of his application. Mr. Rudloff, Applicant, and Robert Palmer of Beacon Engineering gave a presentation on the application and provided information on the proposed use of the property for boat sales, service and storage. Mr. Rudloff stated that he owns businesses known as Rudy Marine and T&C Properties, LLC. Mr. Rudloff presented information on: (1) his business, Rudy Marine, (2) boating services needed in the area, (3) selection of the location, (4) the proposal for an eco-friendly business, and (5) local boating facilities and other business uses in the vicinity. Mr. Rudloff responded to objections raised at the Public Hearing before the Planning and Zoning Commission and objections stated by the Commission.

Public comments were heard.

Greg Brennan, Bill Crist, Vonda Lumsford and Paul Reiger spoke in support of the application. Comments referenced the Applicant’s integrity, the Applicant’s efforts to minimize any impact on the area; and the need for boating services in the area.

Laura Hill, Bill Baydalla, and Billy Reed Hudson spoke in opposition to the application. They stated that the proposed use is not compatible with the area; that the site is surrounded by AR land; that approval of the application would set a precedent for other Conditional Uses in the area; and that the site could become a large storage area for boats.

(continued) The Public Hearing and public record were closed.

M 504 15 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action**
Defer **on Conditional Use No. 2025 filed on behalf of Rudy South c/o T & C**
Action/ **Properties, LLC.**
CU 2025

Motion Adopted: 5 Yeas.

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

Order of **It was noted that the Applicants for the next Public Hearing (Conditional**
Public **Use No. 2026 filed on behalf of Cristian Omar Hernandez Perez and Terri**
Hearings **L. Martin) were not in attendance and it was decided that this Hearing**
Changed **would be moved to the end of the meeting.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
CU 2027 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME**
 BUSINESS – RETAIL GUN SHOP AND GUNSMITHING TO BE
 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61
 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT” (Conditional Use
 No. 2027) filed on behalf of SLC Homestead, LLC (Tax Map I.D. 233-11.00-
 17.00 (Part of) (911 Address: 31005 Iron Branch Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this
application on August 27, 2015 at which time action was deferred. On
September 10, 2015, the Commission recommended that the application be
approved, with conditions.

(See the minutes of the Planning and Zoning Commission dated August 27
and September 10, 2015.)

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

Mr. Lank reported that, since the Public Hearing before the Commission,
one email was received in opposition to the application.

Stuart Jones, Applicant, gave a presentation on the application and
provided information on the proposed use of the property for a home
business - a retail gun shop and gunsmithing. Mr. Jones provided
information on his existing business, his need for additional space, his wish
to have his residence and business located on the same property, the
application site and the existing house and buildings located on the site; and
his need for a letter of approval from the County for the ATF.

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

**M 505 15
Adopt
Ordinance
No. 2419/
CU 2027**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2419 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BUSINESS – RETAIL GUN SHOP AND GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT” (Conditional Use No. 2027) filed on behalf of SLC Homestead, LLC, with the following conditions:

- A. The Applicant must comply with all Federal and State licenses and regulations for the use.**
- B. As stated by the Applicant, there shall not be a firing range on the site.**
- C. The hours of operation shall be 11:00 a.m. to 7:00 p.m. weekdays, 10:00 a.m. to 4:00 p.m. on Saturdays, and no Sunday hours.**
- D. As stated by the Applicant, the use shall be operated within the structures that currently exist on the site, as shown on the preliminary site plan submitted with the application.**
- E. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- F. Security lights shall be installed. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1782**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS” (Change of Zone No. 1782) filed on behalf of Robert Atallian (Tax Map I.D. No. 334-4.00-88.00) (911 Address: 18501 Stamper Drive, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on August 27, 2015 at which time action was deferred. On September 10, 2015, the Commission recommended that the application be denied.

**Public
Hearing/
CZ 1782
(continued)**

(See the minutes of the Planning and Zoning Commission dated August 27 and September 10, 2015.)

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

The Council found that Robert Attalian was present on behalf of his application. Mr. Attalian gave a presentation on the application and provided information on his request for rezoning to CR-1, his proposed uses for the property including an antique mall and produce stand, history of the property, economic challenges and hardships, information on the 50 foot ingress/egress, business plan, other business uses in the area, and the commercial trend of the area.

Public comments were heard.

Bill Massey, Carol Attalian, Zach King, and Billy Reed Hudson spoke in support of the application. They commented on Mr. Attalian's work ethics and business operations and the commercial trend of the area.

There were no comments in opposition to the application.

The Public Hearing and public record were closed.

Mrs. Deaver stated that she would like to defer action for the purpose of further consideration of the information provided on this date.

**M 506 15
Defer
Action on
CZ 1782**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Change of Zone No. 1782 filed on behalf of Robert Attalian.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2026**

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 HOME BASED BUSINESS (AUTO REPAIR, DETAILING, AND AUTO RESALES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.982 ACRES, MORE OR LESS" (Conditional Use No. 2026) filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin (Tax I.D. No. 235-30.00-60.00) (911 Address: 26740 Lewes-Georgetown Highway, Harbeson).

The Planning and Zoning Commission held a Public Hearing on this application on August 27, 2015 at which time action was deferred.

**Public
Hearing/
CU 2026
(continued)**

(See the minutes of the Planning and Zoning Commission dated August 27, 2015.)

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

The Council found that the Applicants, Cristian Omar Hernandez Perez and Terri L. Martin, were present. They provided information on the request for a home based business (auto repair, detailing, and auto resales) and they stated that there is a need for Spanish speaking people in the business; that the site has a single car garage (20 x 24), that there is adequate space for parking on the site; and that there will be adequate facilities for oil changes with proper disposal methods.

(Guillermo Montalvo, Project Manager, Sussex County Community Development & Housing Division, was in attendance to assist with interpreting.)

There were no public comments.

The Public Hearing and public record were closed.

**M 507 15
Defer
Action/
CU 2026**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to defer action on Conditional Use No. 2026 filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 508 15
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 4:20 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

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

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sussexcountyde.gov

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

September 24, 2015

FACT SHEET

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

DEVELOPER:

Mr. Chris Garland
CMF Communities, LLC
30817 Fenwick Shoals Blvd.
Selbyville, DE 19975

LOCATION:

Crosswinds Landing - Village C - 1B

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

59 Residential Homes

SYSTEM CONNECTION CHARGES:

\$340,725.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/13/15

Department Of Natural Resources Plan Approval
12/10/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin And Construction Inspection Cost – \$61,596.01
Proposed Construction Cost – \$410,640.09

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

October 6, 2015

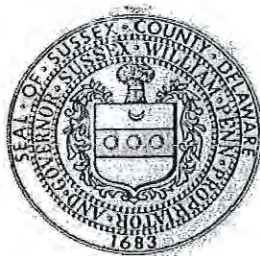
PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 1015-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CMF COMMUNITIES, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE – VILLAGE C – PHASE 1B" IN THE FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO.1015-1

TODD LAWSON
COUNTY ADMINISTRATOR

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
Director of Planning and Zoning

REF: C/U #2012 and C/Z #1769
Application of Ocean Atlantic Communities, LLC
Conditional Use for 147 Mixed Use Residential Units with single family detached and duplex units
Record Closure Report

DATE: October 8, 2015

Be reminded that on May 5, 2015 the Sussex County Council held a public hearing on the above application for Ocean Atlantic Communities, LLC for a mixed use residential project with single family detached units and duplexes.

At the conclusion of the public hearing, Mrs. Deaver, Mr. Cole and Mr. Arlett 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). Mr. Vincent stated that the comment period would remain open for the purpose of having these specific points answered by staff, DNREC, and DelDOT.

Action on both applications, C/U #2012 and C/Z #1769, was deferred.

Mr. Moore, County Attorney, stated that the public would be given the opportunity to comment on the additional information requested and submitted; the public would be given a 15 day period of time to submit written comments after the information is reported to the Council.

On August 4, 2015 a report was provided to the Council advising and providing comments received from DNREC Site Investigation and Restoration Section, which included a cover letter with attachments: a Proposed Plan of Remedial Action (PPRA) for the Hudson Pit, and a Legal Notice PPRA for the Hudson Pit. The Proposed Plan of Remedial Action was approved on May 28, 2015 by Timothy Ratsep, Environmental Program Administrator for the Site Investigation and Restoration Section of DNREC.



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

Responses were also received from T. William Brockenbrough, Jr., County Coordinator of DelDOT, dated May 22, 2015, in reference to the inquiries. Mr. Brockenbrough responded to the questions raised by the Council specifically in his response letter.

On August 4, 2015 the Council responded that the public now has fifteen (15) days to provide written comments relating only to the comments received that were referenced in the report provided.

Be advised that the County Council record shows that the Planning and Zoning Commission, after public hearings on March 26, 2015 and April 9, 2015, did forward a recommendation to the County Council that both applications be approved with reasons and suggested Conditions of Approval on Conditional Use No. 2012.

Attached please find copies of correspondence from: Bill Gregg, a resident on Tulip Drive; and James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A.; and W. Zachary Crouch, Professional Engineer with Davis, Bowen & Friedel, Inc. on behalf of the applicants. The comments were received prior to August 19, 2015, the cut-off date for responding.

I am no sending this memorandum and attachments so that the County Council can place this application on a future agenda to report the receipt of public comments on the agency comments received. Once the receipt of the information is reported to the County Council the record can then be closed. The County Council can then place this application on a future agenda to render a decision.

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

Cc: Everett Moore, County Attorney
Robin Griffith, Clerk of the Council
James A. Fuqua, Jr.

Lawrence Lank

From: Bill <greggwjr@hotmail.com>
Sent: Thursday, August 06, 2015 10:59 AM
To: Lawrence Lank
Subject: County Council Meeting of 5/5/15 Ocean Atlantic Communities, LLC, C/U #2012

Members of County Council:

There were two main items the Council requested further information on, thus setting aside the vote awaiting further information .

They are information from DOT concerning the intersection of Rt 1 and Tulip Drive and how they reached their decision and DNREC's handling of the wetlands and the Brownfield cleanup.

I have attended every meeting with Planning and Zoning and the above referenced meeting with County Council. I feel that the information requested by Council already has been provided; i.e.; TIS report from DOT and the 1400 page study from DNREC.

I had spoken at the Planning and Zoning meeting of 3/26/15 and did not feel it was necessary to speak out at the Council meeting on 5/5/15 because the concerns I had have been adequately answered.

A group of residents of Dutch Acres met with Preston Schell and Zack Crouch his engineer on 4/27/15 for a site meeting to express our concerns and items that were important to the residents of Dutch Acres. The site meeting lasted about 3 hours and was very productive. We walked the length of the Tulip Drive properties adjacent to the proposed site. We presented Preston Schell with a list of items that we wanted a response to. The meeting went well and Preston understood our concerns. Over the next 7 days we went thru our concerns and negotiated an acceptable solution to many of our concerns.

This agreement has been presented to County Council as an Amended condition "N". We feel that some of the items will take time to implement due to the fact that 3 of the items are contingent on DOT acceptance. Preston has agreed to pay for the improvements if approved within a 3 year window. Preston Schell has worked thru our items and tried to satisfy our wants and concerns, we are very pleased with the outcome.

I want to thank Preston for working with us and affording us the time and respect.

There is no doubt in my mind if the individuals from Taramino and St. Judes Church personally reached out to Mr. Schell with their concerns, as some of us from Dutch Acres did, he (Mr. Schell) along with his staff would have met with the individuals to address their concerns.

Thank You

*Bill Gregg
133 Tulip Drive
Lewes, DE 19958*

FUQUA, YORI AND WILLARD, P.A.

ATTORNEYS AT LAW

JAMES A. FUQUA, JR.
JAMES A. YORI*
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MELISSA S. LOFLAND

26 THE CIRCLE
P.O. BOX 250
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20245 BAY VISTA ROAD, UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

*EMERITUS MEMBER
(LIMITED TO REPRESENTING CHARITABLE AND NON-
PROFIT ORGANIZATIONS WITHOUT COMPENSATION,
EXCEPT WHERE COMPENSATION IS COURT ORDERED)

August 17, 2015

Sussex County Council
Sussex County Administration Building
2 The Circle
Room 147
P.O. Box 417
Georgetown, DE 19947

Attention: Mr. Lawrence Lank
Director of Planning and Zoning

Re: Reserves at Nassau Landing –Phase II
C.Z. #1769 and C.U. #2012

Dear Council Members:

At the close of the public hearing of the above Applications on May 5th, the Council left the record open for additional comments from Del Dot and DNREC and provided an opportunity for written comments from the public and the Applicant on the Agency Responses. Please allow this letter to serve as the Applicants comments.

Del Dot

Reserves at Nassau II is proposed as an age restricted 147 unit mixed use residential development that was previously approved by the Sussex County Council as a 152 unit multi-family development (C.U.#1526) in 2005.

The development is designed with access to Route 1 by way of Tulip Drive, a public, State maintained road. Tulip Drive is being utilized for two reasons.

First, it is the only public road available providing access to the development site. As stated in the Del Dot comments, the developments' existing frontage on Tulip Drive appears to be the only means of access to the property that is available, since the site is surrounded by property that is already developed, the condominium developments of Taramino and the Reserves at Nassau, a railroad line owned by the State, the Atlantic Concrete property, the Villages of Five Points and Dutch Acres. As noted by Del Dot, other than Tulip Drive, "There do not appear to be other viable access points now."

Not only is the applicant entitled to use Tulip Drive for access, since it is a public road, the applicant will be the actual fee title owner of thirty feet of the width of Tulip Drive which, as shown on the site plan, is part of the property.

Second, any possible access by way of the Atlantic Concrete property, which is not available, was already determined by the County to be undesirable. The Sussex County Planning and Zoning Commission in the prior Application, C.U.#1526, recommended denial of that Application because the use of the Atlantic Concrete access "would be a hazard to the motorists coming and going to this property." The County Council in approving C.U. #1526 required a unique traffic entrance control device to separate residential vehicles and large cement trucks from access at the same time and urged the Applicant that "If this development can obtain an approved ingress and egress from another location that does not involve the traffic from the commercial facility, then this condition is waived" (Condition 15, C.U.# 1526).

In summary, Tulip Drive was chosen for access because it is the only viable access point and the Sussex County Planning and Zoning Commission and Council had indicated that the Atlantic Concrete access was dangerous and other access should be obtained.

Regarding the developments impact on the Tulip Drive, Route 1 intersection, a Traffic Impact Study was completed by Davis, Bowen and Friedel, Inc as directed by Del Dot. Del Dot's Traffic Impact Study Review

letter approved the Route 1 access with the Developer required to extend the Route 1 north and south turning lanes. Del Dot also determined that a fully operational traffic signal at Route 1 and Tulip Drive was not warranted because, as stated by Del Dot, "The only time that Tulip Drive experiences heavy volumes that would warrant a signal is during church services when the signal is manually controlled by a traffic officer."

Despite Del Dot's determination, the Applicant, as a result of discussions with the residents of Dutch Acres, has agreed to complete additional traffic improvements, if permitted by Del Dot, as set forth in condition "N" of the Proposed Conditions a copy of which is attached. The Applicant has also agreed to dedicate additional right of way along the railroad and a public parking lot for the proposed Georgetown-Lewes multi-purpose trail.

In conclusion, as stated in Del Dot's comments "If we find that a proposed means of access is acceptable, and all other criteria are met, we permit the construction of that access." Del Dot has determined that the Tulip Drive access is acceptable and that determination fully supports the approval of our Applications.

DNREC

DNREC's comments confirm that the site will be remediated in accordance with the Final Plans of Remedial Action approved by DNREC, the specifics of which are detailed in DNREC's letter of June 3rd.

One of the most important aspects of the plan, providing protection for both the proposed development as well as the adjacent communities, is the implementation of a Long Term Stewardship (LTS) plan that will provide continuing ground water monitoring and a continuing site inspection schedule to ensure the long term integrity of the property. As noted by DNREC "once the remedy has been successfully completed and the LTS plan implemented, the site will meet DNREC-SIRS Residential Risk Standards."

As intended by DNREC's "Brownfield" program, the remedial action to be implemented by the applicant will transform an existing, abandoned, borrow pit site into a safe and appropriate residential community, consistent

with other residential developments approved by the County on other remediated sites.

DNREC's comments also verify that any wetlands located on the site are non-tidal, as represented by the applicant.

CONCLUSION

In conclusion, the applicant completed a Traffic Impact Study per Del Dot's instructions. Del Dot reviewed the T.I.S. and approved the use of Tulip Drive for access to the site. As noted by Del Dot in its T.I.S. review, the only time that Tulip Drive experiences heavy volumes of traffic is during church services. As indicated in the T.I.S. the proposed development will result in a "peak hour trip generation" of 36 vehicles leaving the development at its busiest time (a weekday a.m. peak hour), or approximately one vehicle leaving the development every two minutes. The estimated trips are significantly less on Saturday and Sunday when most church services are held. The applicant has received Del Dot's approval to utilize Tulip Drive, a public, state maintained road, and to deny or limit the applicant's use of that road would be contrary to the facts and would be a violation of the applicant's right to Equal Protection of the Law.

The development of the site will not result in any negative environmental impact but will have a substantial opposite effect, resulting in a cleaned up site, an appropriate and viable use and future protection for all area residents.

The site is located in an investment Level 1 under the Strategies for State Policies and spending where redevelopment or infill projects are expected and encouraged by State policy.

The site is located in the environmentally sensitive developing area, designated a growth area by the Sussex County Comprehensive Plan and is surrounded by lands designated as mixed residential and highway commercial growth areas.

The site's proposed use, as an MR/CU for 147 age restricted residential units, is consistent with the zoning of the lands surrounding the site which are all zoned MR or C-1 with the exception of the Atlantic Concrete site, which is a non-conforming industrial use.

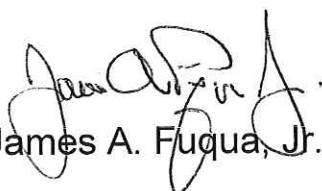
The site's proposed development of a combination of 147 single family, duplex and townhouse residential units is consistent with the nature and density of the existing residential developments surrounding site and the development will be served by public water and County sewer.

The site's most affected community, Dutch Acres, has indicated support for development provided the amended conditions "N" is made a condition of approval and the applicant is in agreement.

Based on the additional agency comments, the factual record and the applicable land use regulations, it is clear that the requested MR zoning and Conditional Use are appropriate and justified. We urge the Council's approval of CZ#1769 and CU#2012 subject to the conditions stated by the Planning and Zoning Commission in its recommendation of approval on April 9, 2015, but with the deletion of condition "N" and substituting a revised condition "N" as requested by the residents of Dutch Acres and agreed to by the applicant, a copy of which is attached.

Thank you for your time and consideration.

Very truly yours,



James A. Fuqua, Jr.

JAF/lgm

Attachment/Proposed Conditions

cc: Preston Schell

W. Zachary Crouch, P.E.

Ocean Atlantic Communities, LLC

Conditional Use #2012

CONDITIONS

- A. There shall be no more than 147 units being a mixture of 43 single family units, 46 duplex units, and 58 townhouse units.
- B. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrance and roadway improvements shall comply with Del Dot requirements.
- E. As offered by the applicant, a five (5) foot easement adjacent to the railroad right-of-way shall be dedicated for use as part of the proposed Georgetown-Lewes Trail and a parking area as shown on the Preliminary Site Plan shall be provided for access to the Trail for the general public.
- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- G. A 20 foot wide perimeter buffer shall be provided as shown on the Preliminary Site Plan. There shall also be a 20 foot wide buffer along the common boundary with the Villages of Five Point development. The landscaping plan, which may include existing vegetation, shall be included as part of the Final Site Plan.

- H. The development will be served as part of a Sussex County Sewer District and central water will be provided by a public utility company.
- I. The clubhouse pool and playground amenities shall be constructed prior to the issuance of the 73rd residential building permit for the project.
- J. Federal Wetlands shall be maintained as non-disturbance areas, except where authorized by Federal and State Permits. The wetland areas shall be clearly marked on the site with permanent markers to prevent disturbance.
- K. As proposed by the applicant, there shall be a 20 foot buffer from all Federal Wetlands and a 50 foot buffer from all tidal wetlands.
- L. Any site remediation work required by DNREC as a result of the site study performed by Environmental Alliance, Inc. shall be completed in accordance with all DNREC instructions.
- M. As indicated by the applicant, the development shall be operated as an "age restricted, over 55" community as that term is generally interpreted and governed by Federal Law.
- N. 1) Construction, site work, grading and deliveries of construction materials, landscaping materials and fill, on, off and to the property shall only occur from Monday through Friday between the hours of 7:30 a.m and 5:00 p.m. and on Saturday between the hours of 8:30 a.m. and 5:00 p.m. There shall be no construction, site work, grading or deliveries on Sunday.
 - 2) No vibratory rollers or tampers shall be used during road construction on the west side of the wetlands adjacent to Dutch Acres.
 - 3) No overflow parking shall be located on the west side of the wetlands adjacent to Dutch Acres that would face the rear of homes located on Tulip Drive.
 - 4) A Twenty (20) foot forested buffer will be planted and maintained along the rear of lots in Dutch Acres bordering the site except for Lots 1, 2 and 3, which shall receive similar plantings and the maximum buffer permissible considering the location of the project entrance road.

The buffer shall be planted within six (6) months of the commencement of site construction and shall be planted with leland spruce or similar trees five (5) feet or higher and appropriate fill-in shrubbery in order to create a natural screen along the rear of the Dutch Acres Lots.

5) The Developer shall support and assist the owners of lots in Dutch Acres in requesting Del Dot's approval of two way stop signs at the intersection of Tulip Drive and Slipper Shell Way (the Site's entrance road). It is understood that this item is subject to Del Dot approval. The Developer agrees and commits to pay the cost of the stop signs upon the approval of Del Dot, provided said Approval is granted within THREE YEARS from the date of final site plan approval for the development.

6) The Developer shall support and assist the owners of lots in Dutch Acres in requesting Del Dot's approval of a cul de sac at the southern end of the residential section of Tulip Drive, if desired by the majority of lot owners in Dutch Acres. It is understood that this item is subject to Del Dot Approval. The Developer agrees and commits to pay the cost of construction of a cul de sac upon approval of Del Dot, provided said approval is granted within THREE YEARS from the date of final site plan approval for the development.

7) The Developer shall support and assist the owners of lots in Dutch Acres in requesting Del Dot's approval of a fully operational traffic signal at the northern intersection of Tulip Drive and Route 1. The Developer agrees and commits the sum of up to \$200,000 for the specific purpose of the installation of a fully operational traffic signal at this intersection, for a period of THREE YEARS from the date of final site plan approval for the development. It is understood that this item is subject to Del Dot approval.

8) A construction entrance will be provided through the property of Atlantic Concrete and all construction traffic shall utilize that entrance only.

9) All homes located on the west side of Black Hog Gut will be single family only.

- O. As requested by the Villages of Five Points, there shall not be interconnecting trails between the Villages of Five Points and the rail trail. Instead, the area where the interconnecting trail was to be located shall not be a 20 foot wide vegetated buffer, like others along the perimeter of the project.
- P. As stated by the applicant, trees shall be preserved to the maximum extent possible. The Final Site Plan shall show all areas where existing trees will not be disturbed.
- Q. This preliminary approval is contingent upon the applicant submitting a Revised Preliminary Site Plan either depicting or noting the conditions of approval on it. The Staff shall approve the Revised Preliminary Site Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.
- R. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all storm water management areas and erosion and sedimentation control facilities.
- S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.



DAVIS
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

August 5, 2015

Sussex County Council
Sussex County Administration Building
2 The Circle, Room 147
P.O. Box 417
Georgetown, DE 19947

Attn: Mr. Lawrence Lank
Director of Planning and Zoning

RE: Reserves at Nassau Landing – Phase II
CZ #1769 and CU #2012
Additional Agency Comments
Tax Map # 3-35-11.00, Parcels 55.00, 56.00, 59.00, 59.01 and 60.00
DBF# 0818C013.C01

Mr. Lank:

On behalf of our client, Ocean Atlantic Communities, LLC, we have reviewed the additional agency comments received from DNREC dated June 3, 2015, and DeIDOT dated May 22, 2015 and offer the following in regards to their impact on our application:

DNREC:

Environmental: Davis, Bowen & Friedel, Inc. has reviewed the Brownfield Investigation Report and the remedial plan of action. The current plan implements most of the components of the Remedial Action plan to include arsenic removal and capping of the oily sands. The construction documents will include notes regarding excavation of buried materials and backfill using approved sources of material. Our office will work with the environmental engineer regarding the location of the proposed monitoring wells.

Wetlands: A wetland delineation was completed for this project and tidal wetlands were not identified by the wetland scientist. DNREC's Wetland and Subaqueous Lands Section confirmed that the wetlands on the property are non-tidal and that tidal wetlands are located downstream from the site. Members of the Section visited the site the week of May 27.

DeIDOT: Davis, Bowen & Friedel, Inc. used the same methodology as DeIDOT in determining the proposed access point and also concluded that the most feasible access point is Tulip Lane to Coastal Highway (SR-1). The previous application included a connection through a shared entrance with Atlantic Concrete to Old Orchard Road and County Council placed a condition on

Mr. David W. Wynn, AIA, LEED AP
David B. Greenblatt, P.E.
James R. Woodworth, Jr., ES
William W. Crump, III
Margaret T. Wheelwright, AIA
Robert E. Galt, P.E.
Craig W. Davidson, P.E.
Rick G. Smith, P.E.

Mr. Lawrence Lank
Sussex County Planning and Zoning
August 5, 2015
Page 2

the plan to seek an alternative access, if possible. The proposed application includes a stub road for emergency access through Atlantic Concrete to Old Orchard Road. Any future interconnection will have to be approved by DelDOT.

If you have any questions or concerns, please call me at (302) 424-1441.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Zachary Crouch', with a stylized flourish at the end.

W. Zachary Crouch, P.E.
Principal

P:\Ocean Atlantic\0818C013 Reserves 2\Documents\005 County Council\2015-07-14 Additional Information\Additional Agency Comment Summary.docx

cc: Preston Schell, Ocean Atlantic Communities, LLC
Jim Fuqua, Fuqua, Yori & Willard, PA

OLD BUSINESS

October 13, 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 Conditional Use. 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.

Conditional Use #2014 – Jay Beach

Application of **JAY BEACH** to consider the Conditional Use of land in an AR-1 (Agricultural Residential District) for a landscaping and site work business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.2594 acres, more or less, land lying west of Beaver Dam Road (Road 285, aka Route 23) 700 feet south of Hopkins Road (Road 286) (911 Address: None Available) (Tax Map I.D. 234-5.00-44.06).

The Commission found that the Applicant provided a survey of his property, depicting the proposed improvements to the site, with the application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated December 11, 2014, referencing that a Traffic Impact Study was not recommended, and that the current Level of Service “C” will not change as a result of this application.

The Commission found that the County Engineering Department provided comments in the form of a memorandum, dated April 2, 2015, referencing that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that an email was received from Matthew Cottrell in opposition to this application expressing concerns that the site would be unsightly and detract greatly from the agricultural and residential nature of the neighborhood; that trucks, tractors and other heavy earth moving equipment would be parked on the site; that piles of earth, gravel, and stumps may be stored on the site; that such commercial storage would be unacceptable on this lot, which is open farmland with no natural screening; that any stored materials would be visible from Beaver Dam Road; that the proposed site plan includes an accessory building, labeled “shop” that would be located in the front yard; that the shop would block the view of the dwelling from Beaver Dam Road, making the property look more like a commercial facility than a residence; that construction of a dwelling and two shops as described on the site plan would diminish the current character of the neighborhood; that activity already underway on the property raises questions about any intent of the applicant to comply with existing zoning; that piles of earth are already being stored on the property; that gravel has been dumped along Beaver Dam Road to establish an impromptu driveway, which is now being used by heavy trucks to enter and exit Beaver Dam Road; that the origin and nature of the soil being stored on the premises are unknown and it is unclear if the new gravel driveway has DelDOT approval.

The Commission found that Jay Beach was present and stated in his presentation and in response to questions raised by the Commission that his son recently graduated from high school and always wanted to operate equipment; that his son started the business three years ago; that they currently live on a farm north of Route 24; that the applicant will be living on the property; that the dirt on the property is to be used for fill on the property; that the septic will have to be raised on the property; that the proposed buildings will be nice looking farm building to blend in with the area; that he will be maintaining the site in the same manner as his has his current property; that his neighbor just received approval for a produce/flower and garden center; that the site is currently vacant; that the equipment proposed to be utilized with the business includes a backhoe, a skidder, a dump truck and a haul trailer; that the primary intent is for landscaping use, and some site work, to be performed off-site; that the jobs will be small jobs, not developments; that currently his son operates the business with some assistance from the applicant; that they may in the future have four employees; that noise should be minimal since he works nights; that the entrance recently installed is for construction purposes; that there will not be any retail sales from the site; that storage will be minimal; that no tree stumps will be stored on the site; that the construction equipment will be stored outside; that business hours will be from 7:00 a.m. to 7:00 p.m.; that maintenance of the equipment will be performed in the shop building; that the building will be 200 feet from Beaver Dam Road; and that the site plan has not yet been submitted to the Sussex Conservation District, but understands that he will have to submit plans to the District.

The Commission found that Joseph Morris, Matthew Cottrell, Tom Kucharik, and Tina Morris were present in opposition to this application and expressed concerns that the area is agricultural/residential; that the use could evolve into a more commercial/industrial activity with more equipment, referencing dozer, etc., than referenced; that Mr. Morris’ brother sold to Mr. Beach with the understanding that the property was to be used as a residential lot, not as a business; that the adjacent property was recently approved for a flower/produce business which has an agricultural character; that the Streets Welding parcel further north on Beaver Dam Road

is an eyesore; that noise is a concern; questioning maintenance of equipment and waste products; concerned about the lack of notice to residents in the area; that the use will detract from the neighborhood; that equipment will be stored in front of the dwelling, which is proposed to be built in the rear; that there is no stormwater information available for the project; questioning if groundwater has been tested since there are concerns about the soils that are being brought onto the site could have contaminants and drain into the groundwater; that the trucks bringing materials onto the site have from 6 to 10 wheels; and expressing concerns about early morning truck noises.

The Commission found that Mr. Kucharik submitted a letter expressing his 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. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration, and for the staff to check for any restrictive covenants and for a copy of the Conditions of Approval imposed for the Kucharik application for conditional use. Motion carried 5 – 0.

On April 23, 2015 the Commission discussed this application under Old Business.

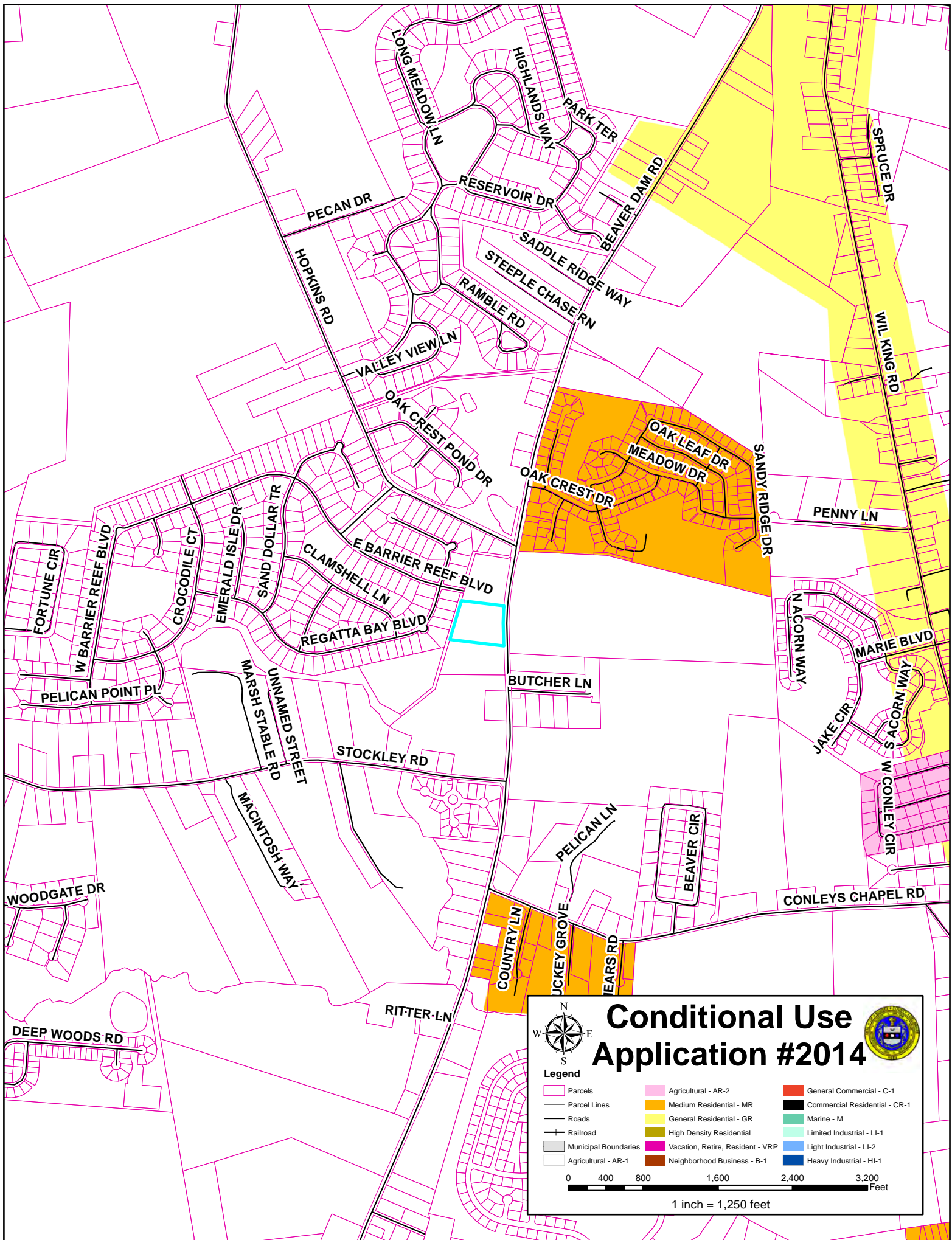
Mr. Johnson stated that he would move that the Commission recommend approval of CU #2014 for Jay Beach for a landscaping and site work business based upon the record made during the public hearing and for the following reasons:

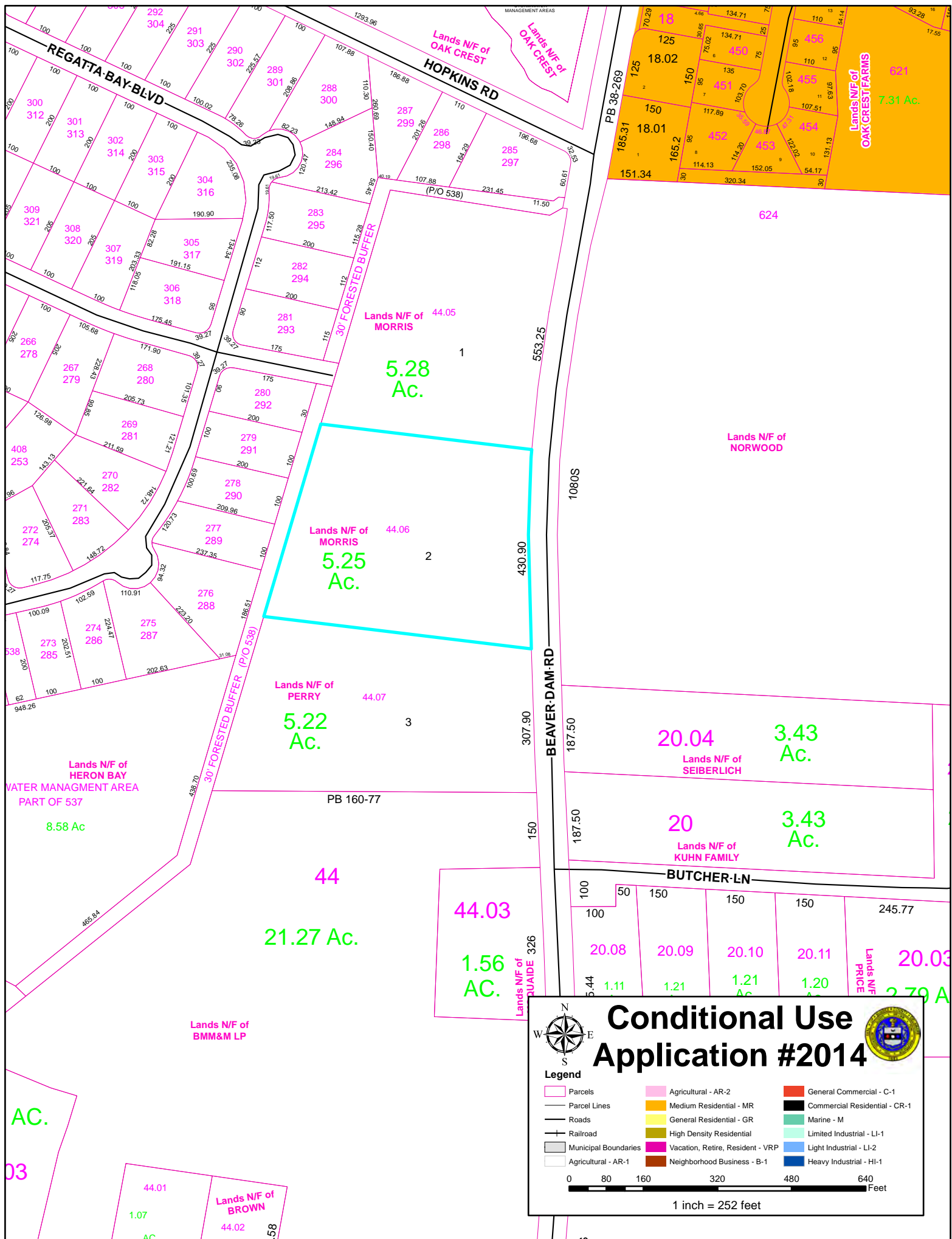
1. The Applicant has proposed a relatively limited use on this property. With the conditions and limitations placed upon it, it will not adversely affect neighboring properties or roadways.
2. The use as a landscaping business is a benefit to Sussex County residents and property owners.
3. The use will not adversely affect traffic on area roadways.
4. The use, with the conditions proposed by this approval will maintain a residential character consistent with surrounding properties.
5. The Applicant has stated that he will reside upon the property at all times and maintain the property in a neat and orderly conditions.
6. This recommendation is subject to the following conditions:
 - a. The residence must be located in front of all accessory buildings on the property. No accessory buildings or storage areas shall be located forward of the rear wall of the residence.
 - b. As stated by the Applicant, he will reside on this property during the operation of this use. The Applicant provided testimony that it will be operated much like a home

occupation. As a result, the Conditional Use shall expire if the Applicant no longer resides at the property.

- c. All equipment, machinery and vehicles associated with the business must be kept inside a wood or vinyl fenced and locked area so that it is screened from view of neighboring or adjacent properties and roadways.
- d. In addition to being located behind the residence, all equipment, storage and service buildings shall be constructed in the middle and northeast corner of the property away from the neighbors to the South as illustrated by the Applicant and be at least 200 feet from Beaver Dam Road. These structures must also be enclosed within the fenced area.
- e. There shall not be any dirt, tree stumps, stones, mulch, or other materials stored on the property.
- f. There shall not be any retail sales conducted from the property.
- g. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.
- h. There shall not be any storage of junked, inoperable, unregistered or untitled vehicles or equipment on the property.
- i. Any security lighting on the property shall be downward screened so that it does not shine on neighboring properties or roadways.
- j. All equipment repairs and maintenance must be performed inside of a structure on the premises.
- k. All parking areas for employees shall be shown on the Final Site Plan and clearly marked on the site.
- l. All areas for parking equipment must be shown on the Final Site Plan and clearly marked on the site within the fenced in area.
- m. All oils, fluids, hazardous substances, etc. associated with the business must be stored inside of a structure and disposed of in accordance with applicable laws and regulations.
- n. The project shall be subject to all DelDOT entrance and roadway improvement requirements.
- o. A revised Preliminary Site Plan must be submitted to the Planning and Zoning Commission depicting these conditions of approval or noting them upon it.
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried 4 votes to 1, with Mr. Smith opposed, to forward this application to the Sussex County Council with the recommendation that it be approved, for the reasons, and with the conditions stated. Motion carried 4 – 1.





Introduced 02/10/15

**Council District No. 3 - Deaver
Tax Map I.D. 234-5.00-44.06
911 Address – None Available**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS

WHEREAS, on the 28th day of January 2015, a conditional use application, denominated Conditional Use No. 2014 was filed on behalf of Jay Beach; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2014 be _____;

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2014 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being in Indian River Hundred, Sussex County, Delaware, and lying west of Beaver Dam Road (Road 285, aka Route 23) 700 feet south of Hopkins Road (Road 286) and being more particularly described in Deed Book 4310, Page 130, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.2594 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.

ENGINEERING DEPARTMENT

ADMINISTRATION
AIRPORT & INDUSTRIAL PARK
ENVIRONMENTAL SERVICES
PUBLIC WORKS
RECORDS MANAGEMENT
UTILITY ENGINEERING
UTILITY PERMITS
UTILITY PLANNING
FAX

(302) 855-7718
(302) 855-7774
(302) 855-7730
(302) 855-7703
(302) 854-5033
(302) 855-7717
(302) 855-7719
(302) 855-1299
(302) 855-7799



Sussex County

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

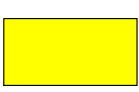
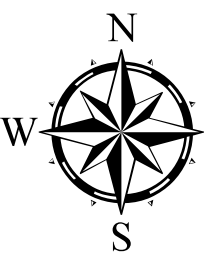
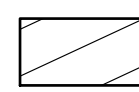
Proposed Herring Creek Sanitary Sewer District


FACT SHEET

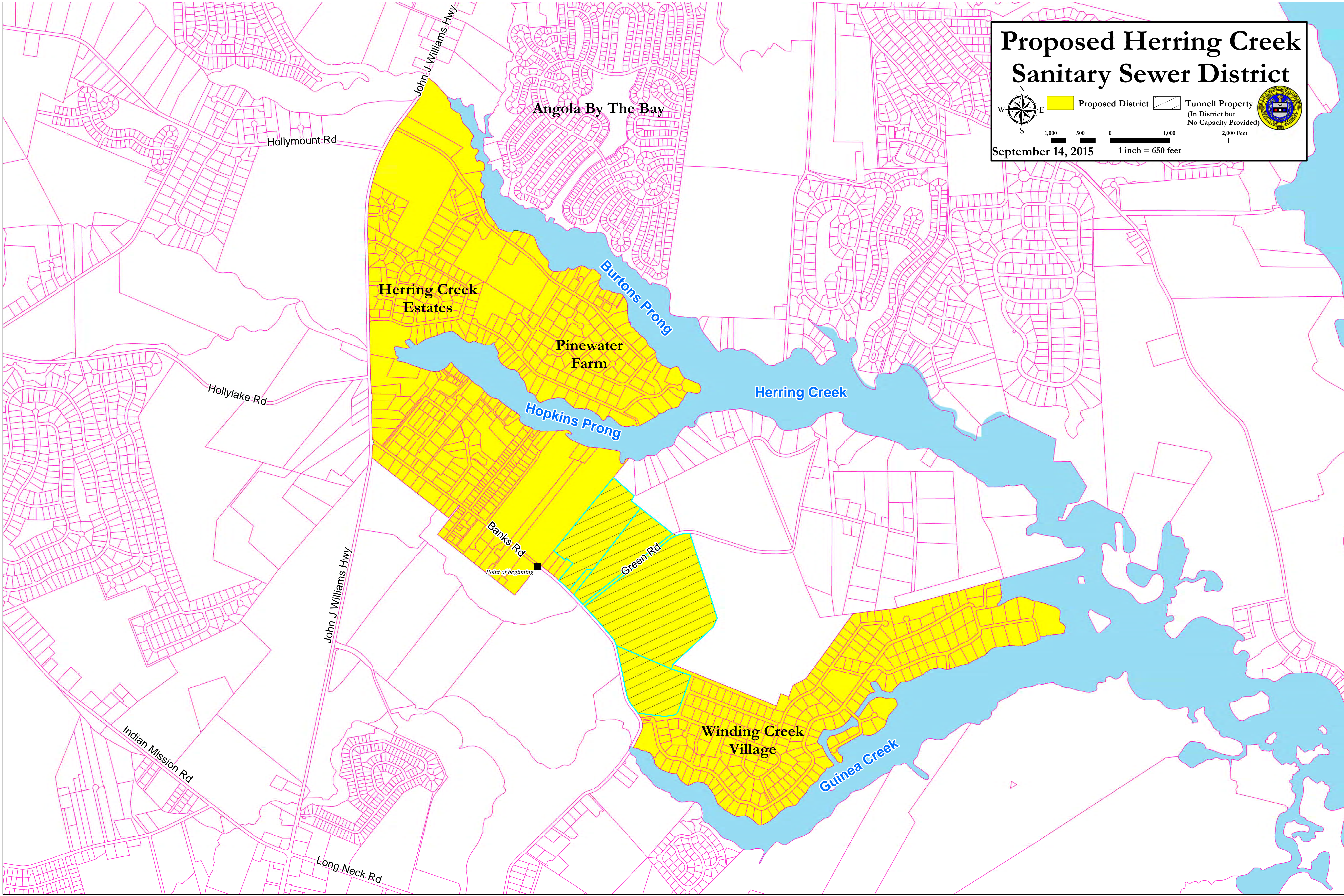

- January 7, 2014 permission granted to circulate petitions on the question of establishing a Sanitary Sewer District for the area.
- Results;
 - (177) YES
 - (5) NO
 - (19) Undeliverable
 - (8) Not Notarized
 - (1) Unsigned
- We have been working every angle to get the best funding we can as the proposed boundary at this time is very large and the lots are large as well which drives the cost higher.
- We will need to re-evaluate the costs once we establish the final boundary.



Proposed Herring Creek Sanitary Sewer District

 Proposed District Tunnell Property
(In District but
No Capacity Provided)


September 14, 2015 1 inch = 650 feet



ENGINEERING DEPARTMENT

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



Sussex County

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

PROPOSED MOTION

BE IT MOVED THAT BASED ON THE RECEIPT OF PETITIONS SUBMITTED PURSUANT TO 9 DEL.C §6503, THE SUSSEX COUNTY COUNCIL HEREBY GRANTS PERMISSION FOR THE SUSSEX COUNTY ENGINEERING DEPARTMENT TO PREPARE AND POST NOTICES FOR A PUBLIC MEETING TO ESTABLISH A BOUNDARY FOR THE PROPOSED HERRING CREEK SANITARY SEWER DISTRICT.

JOHN J. ASHMAN

FILE: HC 1.05
OCTOBER 13, 2015



ENGINEERING DEPARTMENT

ADMINISTRATION
AIRPORT & INDUSTRIAL PARK
ENVIRONMENTAL SERVICES
PUBLIC WORKS
RECORDS MANAGEMENT
UTILITY ENGINEERING
UTILITY PERMITS
UTILITY PLANNING
FAX

(302) 855-7718
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Sussex County

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Winding Creek Village Water District

FACT SHEET

- January 7, 2014 permission granted to circulate petitions on the question of establishing a Water District for the area.

- Results;

(90) YES

(0) NO

(3) Undeliverable

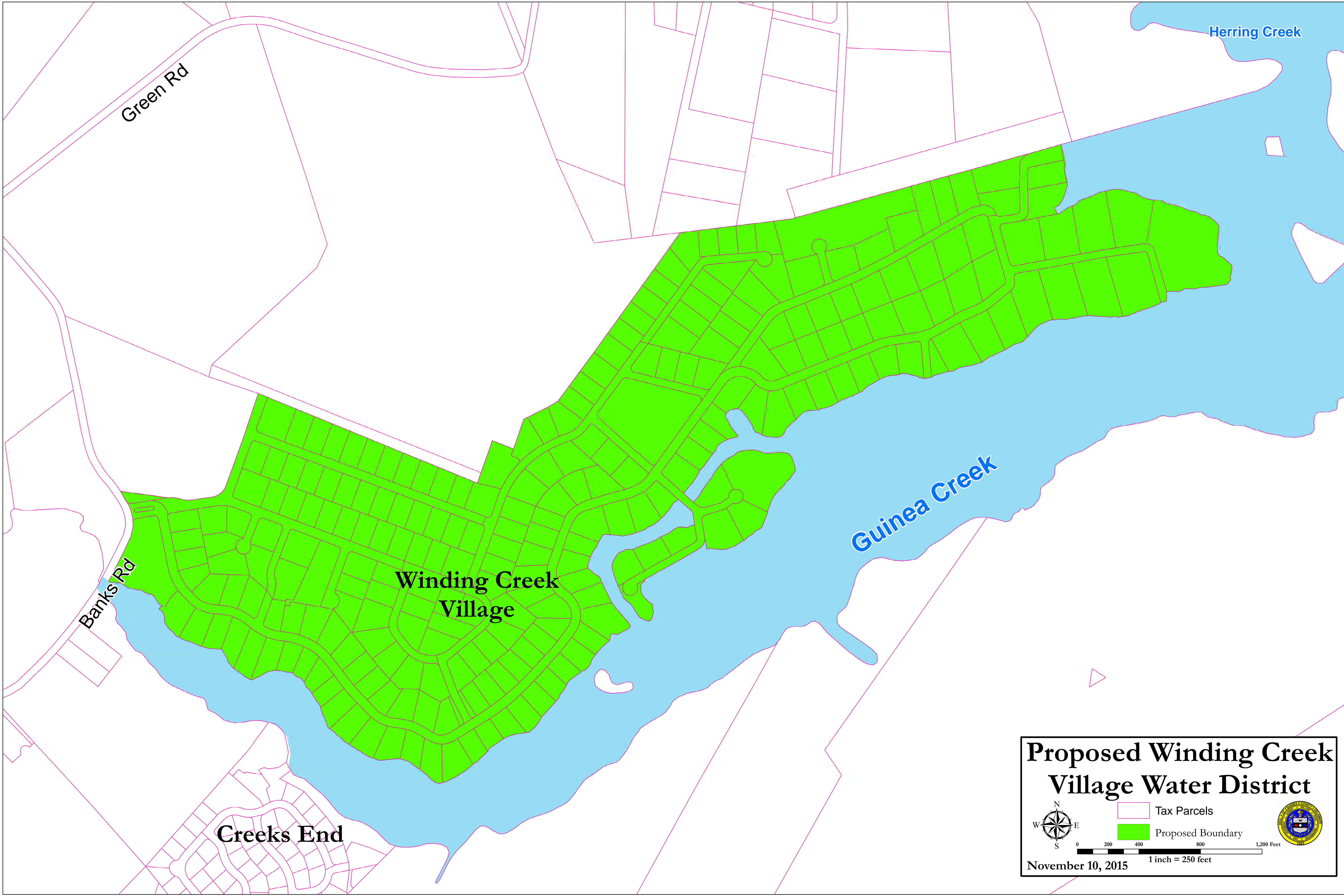
(0) Not Notarized

(0) Unsigned

- We have been working every angle to get the best pricing we can as the lots are large which drives the cost higher as we install a lot of pipe to serve fewer customers.

We will need to re-evaluate the costs once we establish the final boundary should they change from our current proposal





Herring Creek

Green Rd


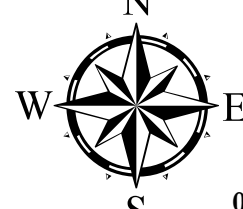
Banks Rd


Winding Creek
Village



Guinea Creek

Creeks End

Proposed Winding Creek Village Water District

 Tax Parcels

 Proposed Boundary



November 10, 2015

1 inch = 250 feet

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
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Sussex County

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

PROPOSED MOTION

BE IT MOVED THAT BASED ON THE RECEIPT OF PETITIONS SUBMITTED PURSUANT TO 9 DEL.C §6503, THE SUSSEX COUNTY COUNCIL HEREBY GRANTS PERMISSION FOR THE SUSSEX COUNTY ENGINEERING DEPARTMENT TO PREPARE AND POST NOTICES FOR A PUBLIC MEETING TO ESTABLISH A BOUNDARY FOR THE PROPOSED WINDING CREEK VILLAGE WATER DISTRICT.

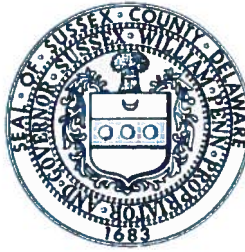
JOHN J. ASHMAN

FILE: HCW 1.05
OCTOBER 13, 2015



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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Sussex County

DELAWARE
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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

October 13, 2015

Please see the attached Balancing Change Order for the Rehabilitate Taxiway A (S) Project, Sussex County Project No. 14-14. The previous change order reduced the contract amount by \$40,042.25. This Balancing Change Order adjusts all quantities to their final amounts and further reduces the contract amount by \$16,273.98 for a total reduction of \$56,316.23. This results in a final construction cost of \$476,989.62.

Helen Naylor

Project Engineer



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

CHANGE ORDER NO. 2

SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **REHABILITATE TAXIWAY A (S)**
2. Sussex County Contract No. 14-14
3. Change Order No. 2
4. Date Change Order Initiated - 9/23/15
5.
 - a. Original Contract Sum \$ 533,305.85
 - b. Net Change by Previous Change Orders \$40,042.25
 - c. Contract Sum Prior to Change Order \$ 493,263.60
 - d. Requested Change -(\$ 16,273.98)
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$ 476,989.62
6. Contact Person Joseph Wright, P.E.
Telephone No. (302) 855-7718

B. REASON(S) FOR CHANGE ORDER

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
- X 5. Overrun/Underrun in Quantity

CHANGE ORDER NO. 2

___ 6. Factors Affecting Time of Completion

___ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Adjust contract items to final quantities.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED:

Yes X No

E. APPROVALS

1.


George & Lynch, Inc.

(Derek C. Jones Project Manager)

10/6/15
Date

2.

County Engineer

Date

WORK ITEMS									
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	QUANTITY INCLUDING CHANGE ORDER NO. 1	BID UNIT PRICE	TOTAL ITEM PRICE INCLUDING C.O. #1	FINAL CONTRACT QUANTITY	UNIT PRICE	FINAL TOTAL ITEM PRICE	OVER/UNDER TOTAL ITEM PRICE
	Base Bid Items								
P-152	UNCLASSIFIED EXCAVATION	LS	1	\$ 1,470.00	\$ 1,470.00	1	\$ 1,470.00	\$ 1,470.00	0.00
P-152-1	SELECT BACKFILL, BORROW, TYPE C	CY	25	\$ 29.25	\$ 731.25	0	\$ 29.25	\$ -	(731.25)
P-156	EROSION AND SEDIMENT CONTROL	LS	1	\$ 1,240.00	\$ 1,240.00	1	\$ 1,240.00	\$ 1,240.00	0.00
P-363	BITUMINOUS PATCHING, HOT MIX	SYIN	0	\$ 18.58	\$ -	0	\$ 18.58	\$ -	0.00
P-363-1	BITUMINOUS PATCHING, CONCRETE	SYIN	0	\$ 18.26	\$ -	0	\$ 18.26	\$ -	0.00
P-401	BITUMINOUS SURFACE COURSE	TON	2,191.61	\$ 86.70	\$ 190,012.59	2,191.61	\$ 86.70	\$ 190,012.59	0.00
P-403	HMA LEVELING COURSE	TON	1,201.63	\$ 82.92	\$ 99,639.16	1,201.63	\$ 82.92	\$ 99,639.16	0.00
P-404	PAVEMENT FABRIC INTERLAYER	SY	17,600	\$ 2.21	\$ 38,896.00	16,369.00	\$ 2.21	\$ 36,175.49	(2,720.51)
P-620	RUNWAY AND TAXIWAY PAINTING	SF	2,400	\$ 1.80	\$ 4,320.00	2,711.00	\$ 1.80	\$ 4,879.80	559.80
P-620-1	INITIAL-RUNWAY AND TAXIWAY PAINTING	SF	1,700	\$ 1.96	\$ 3,332.00	1,730.00	\$ 1.96	\$ 3,390.80	58.80
T-901	SEEDING	SY	3,000	\$ 0.31	\$ 930.00	3410.60	\$ 0.31	\$ 1,057.29	127.29
T-905	TOPSOILING	SY	520	\$ 3.94	\$ 2,048.80	1177.60	\$ 3.94	\$ 4,639.74	2,590.94
T-908	MULCHING	SY	3,000	\$ 0.21	\$ 630.00	3,410.60	\$ 0.21	\$ 716.23	86.23
L-110	2" PVC ELECTRIC CONDUITS	LF	60	\$ 15.28	\$ 916.80	60	\$ 15.28	\$ 916.80	0.00
L-110-1	4" PVC ELECTRIC CONDUITS	LF	60	\$ 16.35	\$ 981.00	60	\$ 16.35	\$ 981.00	0.00
X-102	COLD MILLING OF BITUMINOUS PAVEMENTS	SY	18,500	\$ 1.21	\$ 22,385.00	18,184	\$ 1.21	\$ 22,002.64	(382.36)
M-110	MAINTENANCE AND PROTECTION OF AIRFIELD TRAFFIC	LS	1	\$ 35,300.00	\$ 35,300.00	1	\$ 35,300.00	\$ 35,300.00	0.00
M-120	MOBILIZATION	LS	1	\$ 23,360.00	\$ 23,360.00	1	\$ 23,360.00	\$ 23,360.00	0.00
	Add Alternate Bid Items								
P-401-1	BITUMINOUS SURFACE COURSE, RUN UP PAD	TON	500	\$ 83.04	\$ 41,520.00	437.23	\$ 83.04	\$ 36,307.58	(5,212.42)
X-102-1	COLD MILL PAVEMENT AT RUN UP PAD	SY	3,700	\$ 1.23	\$ 4,551.00	3,828.00	\$ 1.23	\$ 4,708.44	157.44
X-102-2	RAP DEDUCT	TON	1,500	\$ (8.10)	\$ (12,150.00)	2,674.95	\$ (8.10)	\$ (21,667.10)	(9,517.10)



Delaware Valley Government Relations
Nemours A.I. duPont Hospital for Children
Herring Run Professional Center
503 Health Services Drive
Seaford, Delaware 19973
P (302) 298-7796
Nemours.org

September 21, 2015

Michael Vincent
President
Sussex County Council
2 the Circle
Georgetown, DE 19947

Dear Council President (Mike);

The purpose of this letter is to request support for two events that will have both short term and long lasting economic development benefit for Sussex County.

On the 30th and 31st of October at the Seashore State Park-Indian River South, the fifth annual Sussex Outdoors Summit will feature speakers and programs from both Delaware and National perspectives.

This Summit will then be followed by a two-day family festival that will highlight a series of events including the awarding of our state champions in a nationally sanctioned barbeque competition. Also at this event, we will recognize 20 years of a successful business leader, Dogfish Head, and the recent 2015 National Gold Medal Award for our Delaware State Parks.

It is anticipated that this event will bring families from over ten states to enjoy a three-day fall stay in Sussex County.

We can legitimately claim that Sussex offers the best quality of life east of the Mississippi River. This event will emphasize this reality.

Because of both the short and long term impact of this event in conjunction with Sussex County tourism, a grant request of \$2,000 is being made to support this series of events that will focus on the unique assets and attractiveness of Sussex County.

Sincerely,

John Hollis
Lobbyist
Delaware Valley Government Relations

Ray Bivens
Director
Delaware State Parks

JH:da

Nemours/Alfred I. duPont
Hospital for Children

Nemours BrightStart!

Nemours Center for
Children's Health Media

Nemours Children's Clinic

Nemours Children's Hospital

Nemours duPont Pediatrics

Nemours Fund for
Children's Health

Nemours Health &
Prevention Services

Nemours Mansion & Gardens

Nemours SeniorCare

To Be Introduced 10/13/15

Council District No. 2 - Wilson

Tax I.D. No. 133-3.00-4.00 and 133-7.00-1.00, 4.00, 11.00 and 12.10 (all of or parts of)

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF BIO-SOLIDS AS AGRICULTURAL FERTILIZER FOLLOWING DNREC APPROVAL TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 203.0 ACRES, MORE OR LESS

WHEREAS, on the 28th day of July 2015, a conditional use application, denominated Conditional Use No. 2035 was filed on behalf of Synagro Central, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2035 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2035 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying north and south of Zoar Road, northeast of Railroad, southwest of Patriot's Way, and east and west of Governor Stockley Road and being more particularly described as all or parts of Tax Map I.D. Nos. 133-3.00-4.00, and 133-7.00-1.00, 4.00, 11.00 and 12.10, said parcels containing 203.00 acres, more or less.

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

PUBLIC HEARINGS
October 13, 2015

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

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

PUBLIC HEARINGS

C/Z #1784 – Marlene C. Stebelsky

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 acres, more or less. The property is located south of Route 326A (Betts Pond Road) at the southerly end of the dead end of Heritage Lane and north of Betts Pond (911 Address: 12 Heritage Lane, Millsboro) Tax Map I.D. 133-16.00-57.00.

The Commission found that the application was filed on June 30, 2015 and included a survey of the property depicting the location of the dwelling and accessory buildings; and that on August 31, 2015 the applicant submitted an Exhibit Booklet for consideration. The Exhibit Booklet contains a copy of the application form, receipt, and mailing listing reference; a copy of the survey; a copy of the deed to the property; a series of photographs; a series of maps and aerials; a copy of the Strategies for State Policies and Spending map and a portion of the Comprehensive Land Use Plan map of the area; and suggested proposed Findings of Fact for consideration.

Mr. Lank advised the Commission that DelDOT comments were not requested since this application is a down zoning and since the parcel has access from a private street.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 9, 2015 in the form of a memorandum referencing that the

property is located in a Town of Millsboro Growth Area; that continued use of an existing septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the parcel is not in an area where the County will provide sewer service; that the applicant can contact the Town of Millsboro for information on sewer service; and that a concept plan is not required.

The Commission found that Mrs. Marlene C. Stebelsky was present with David Hutt, Esquire of Morris James Wilson Halbrook & Bayard, LLP and that they stated in their presentation and in response to questions raised by the Commission that the purpose of the application is to downzone a portion of the property from C-1 General Commercial to MR Medium Density Residential to be more compatible with the residential character of the property and the adjacent properties to the north and east; that access to the property is from Heritage Lane off of Betts Pond Road; that the Stebelsky's have owned the property since 1999; that they only recently found out that the property was partially zoned C-1 General Commercial; that lending institutes may require commercial loans since the property is partially zoned C-1 General Commercial; that the property does not have any direct access to U.S. Route 113; that the adjacent subdivision lots on Lakeside Lane are also zoned MR Medium Density Residential; and that based on the lack of frontage on U. S. Route 113 and the historic use of the property as residential the property should be downzoned to conform to the adjacent residential properties.

Mr. Lank advised that the boundaries of the C-1 General Commercial area along the east side of U.S. Route 113 were established when the original Zoning Map was established in 1971, and that the Commission, at that time, did not have any property maps to plan by and did dimensional boundaries to establish the zoning districts.

The Commission found that Neva and David Proudfoot were present and stated that they support this application to downzone the property to MR Medium Density Residential.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of Change in Zone No. 1784 for Marlene C. Stebelsky for a down-zone change in zone from C-1 General Commercial to MR Medium Density Residential, based upon the record made during the public hearing and for the following reasons:

- 1) Although the property is currently zoned C-1 General Commercial, it has been used for residential purposes since the 1960s.
- 2) Rezoning of this property to MR Medium Density Residential will make the zoning consistent with the long-standing use of the property as a residence.
- 3) The property is located on a cul-de-sac in a private residential community. The current C-1 General Commercial zoning of the property is not suitable for this location in a small residential subdivision.
- 4) There is no frontage on a State Highway that is appropriate for commercial zoning.

- 5) The property is in a development with restrictive covenants that prohibit commercial uses.
- 6) MR Medium Density Residential zoning is compatible with the zoning on contiguous properties.
- 7) Neighbors of the applicant spoke in favor of the application, and testified that the downzoning to MR Medium Density Residential would be a benefit to the community.
- 8) No parties appeared in opposition to the application.

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

C/Z #1786 – Wilson Baker, Inc.

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 1.0 acre, more or less. The property is located east of DuPont Boulevard (U.S. Route 113) 200 feet north of Beach Highway (Route 16) (911 Address: None Available) Tax Map I.D. 230-26.00-40.00.

The Commission found that the applicants provided a survey of the property with their application on July 7, 2015; and that the applicants provided an Exhibit Booklet for consideration on August 28, 2015. The Exhibit Booklet contains references to the Project Team and their qualifications; a series of maps and arials; a copy of a portion of the Comprehensive Land Use Plan map and attachments; a survey and a copy of the deed to the property; a copy of the Ellendale Sanitary Sewer District map; a copy of a DelDOT letter, dated July 29, 2015 with an attached Support Facilities Report; and suggested proposed Findings of Fact for consideration.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on September 9, 2015 referencing that the site is located in the Ellendale Sanitary Sewer District; that wastewater capacity is available for up to 4.0 EDU (Equivalent Dwelling Units) per acre; that downstream upgrades, at the developer's expense, could be required for a project that exceeds 4.0 EDU per acre; that the current System Connection Charge Rate is \$8,000.00 per EDU; that the parcel has not been provided with a sewer connection point; that the project is capable of being annexed into the Ellendale Sanitary Sewer District; that conformity to the Ellendale Wastewater Planning Study of June 2007 will be required; that the parcel must be annexed into the sewer district, prior to connecting to sewer service; and that a concept plan is not required.

The Commission found that Mark Baker of Wilson Baker, Inc. was present with Mark Davidson of Pennoni Associates, Inc. and that they stated in their presentations and in response to questions raised by the Commission that Wilson Baker, Inc. has been in business since 1952; that they are applying to rezone this property from AR-1 Agricultural Residential to CR-1 Commercial Residential for this property that is immediately adjacent to their convenience store property near Ellendale; that this property is surrounded by U.S. Route 113 and properties that

are already zoned C-1 General Commercial; that their property immediately adjacent to the south is improved by a convenience store and gas filling pumps and canopy; that it is their intent to expand the convenience store use; that DelDOT has commented that they will allow a right-in/right-out access to this property; that the County Comprehensive Land Use Plan depicts this property as a commercial property within a Developing Area; that other business and commercial uses and zonings in the immediate area include a Royal Farm Store across U.S. Route 113, Whites Well Drilling and a Weller property to the north on the east side of U.S. Route 113, and a Dollar General store and office uses on the east side of U.S. Route 113 and south of Route 16; that their existing convenience store property has an on-site well and is connected to the Ellendale Sanitary Sewer District; that they have provided some suggested proposed Findings of Fact in their Exhibit Booklet; that no public water supply exist in the area at this time; and that they intend to combine the two properties to create a larger property so that they can enlarge the convenience store facility.

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. Burton stated that he would move that the Commission recommend approval of Change in Zone No. 1786 for Wilson Baker, Inc. for a change in zoned 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) The property is surrounded by other properties with commercial zonings. As a result, this rezoning is an infill of a small area to conform with the surrounding commercial zonings.
- 2) Commercial zoning is appropriate for this location at the intersection of U.S. Route 113 and Route 16.
- 3) The rezoning is consistent with other commercial uses, including the adjacent Exxon, a Royal Farms store, a Dollar General store, and other uses.
- 4) This rezoning will permit the applicants reasonable expansion of the adjacent gas station and convenience store.
- 5) The Sussex County Comprehensive Land Use Plan designates this parcel as being within a Highway Commercial area where CR-1 Commercial Residential zoning is appropriate.
- 6) No parties appeared in opposition to the application.
- 7) Any future development of the site will require DelDOT and other agencies reviews, and will be subject to site plan approval by the Sussex County Planning and Zoning Commission.

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

C/Z #1783 – Cauthen Ventures DE, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.79 acres, more or less. The property is located north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive (911 Address: None Available) Tax Map I.D. 533-12.00-100.00.

C/U #2028 – Cauthen Ventures DE, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.79 acres, more or less. The property is located north of Lighthouse Road (Route 54), east of Laws Point Road, and northwest of Bayville Shores Drive (911 Address: None Available) Tax Map I.D. 533-12.00-100.00.

After asking James A. Fuqua, Jr., Esquire, present on behalf of the applicants, it was decided that the public hearings for C/Z #1783 and C/U #2028 would be combined and heard as one public hearing to establish the record and that individual decisions would be rendered on each application after the public hearing.

The Commission found that the applications were filed on June 24, 2015 and included a survey and site plan; that copies of the applicant's response to the PLUS comments were submitted; that a statement of compliance of the Environmentally Sensitive Development District Overlay Zone was submitted; and that the applicant provided an Exhibit Booklet on August 27, 2015 for consideration. The Exhibit Booklet contains a description of the project team; an Executive Summary; a Project Overview with a boundary survey, topographic and non-tidal wetlands survey; an overview of the current site conditions; references to DelDOT improvements; references to the PLUS comments; references to compliance with the MR Medium Density Residential Zoning District; references to compliance with Chapter 99-9C of the Subdivision Code; references to compliance with the Comprehensive Land Use Plan 2008 Update; a map of the general area; a copy of the Environmental Assessment and Public Facilities Evaluation Report; a copy of an email between a representative of the applicants and DelDOT; a copy of the PLUS comments with red-lined responses from the applicant; a copy of a portion of the Strategies for State Policies and Spending map of the area showing that the site is located in a Level 3 area; a series of maps and aerials, and resumes.

The Commission found that on September 9, 2015 DelDOT provided additional comments referencing that initially it was determined that no Traffic Impact Study was warranted; that upon further review the site still exceeds the 50 vehicle trip ends per hour; that DelDOT will accept an Area Wide Study Fee of \$10.00 per daily trip in lieu of a Traffic Impact Study; that payment would be due when the site plan is submitted for no objection review; that the Department will be requiring a right turn lane with bike lane, and that the existing pedestrian facilities are restored with ADA compliance ramps and crosswalks for the new entrance; that the existing center turn lane will suffice for traffic making lefts into the development; that a 15-foot wide permanent easement will need to be established across the property frontage; that the location of the easement shall be outside the limits of the ultimate right-of-way for this road; that the easement

can be used as a part of the open space calculation for the site; that the Department would have no objection with the application moving forward through the zoning process, but will require the project to obtain a Letter of No Objection and entrance approval prior to final approval with Sussex County.

The Commission found that the County Engineering Department Utility Planning Division provided comments on September 9, 2015 in the form of a memorandum referencing that the site is located in the Fenwick Island Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,775.00 per EDU; that a potential gravity connection point is available in Lighthouse Road; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that connection to the sewer system is mandatory; that sewer capacity has been allocated on the basis of 4.0 EDU per acre; that the proposed project is within planning study and system design assumptions for sewer service and that there will be adequate capacity for the proposed project; that the County requires design and construction of the collection and transmission system to meet County Engineering Department standards and procedures; that the County Engineer must approve the connection point; that all cost associated with extending sewer service will be the sole responsibility of the developer; and that a concept plan is required.

Mr. Lank advised the Commission that three (3) letters in opposition to the applications have been received and express concerns about the number of homes; a preference for single family homes; loss of a beautiful wooded parcel; the impact of development on birds and other wildlife; the loss of trees; the impact on property values if the project would permit rentals; noise; concerns about drainage; increased traffic; the overdevelopment of the area; the lack of adequate traffic lanes and turning lanes; the impact of additional traffic on emergency vehicles causing delays in emergency services; and that allowing increased density in an already overcrowded area is not in the best interest of the property owners, the community, or the coastal environment.

The Commission found that Dan McGreevy was present on behalf of Cauthen Ventures DE, LLC with James A. Fuqua, Jr. Esquire with Fuqua, Yori & Willard, PA, and Jason Palkewicz, Professional Engineer, and Frank Kea, Landscape Architect with Solutions IPPEM, and that they stated in their presentations and in response to questions raised by the Commission that they are applying for rezoning from AR-1 Agricultural Residential to MR Medium Density Residential and then Conditional Use for 61 Multi-family units on the 14.79 acre parcel; that the area is predominantly zoned MR Medium Density Residential and has been developed with densities similar to the MR Medium Density Residential district; that no State tidal wetlands exists on the property; that some Federal non-tidal wetlands exists on the property; that there will be no encroachments into or disturbance of any wetlands; that the properties across Lighthouse Road are zoned AR-1 and AR-2 Agricultural Residential and include the Teaberry Woods Subdivision; that the properties west and north of the site are zoned AR-1 Agricultural Residential with a manufactured home park (Shady Park) which is partially pre-existing to zoning regulations and expanded by Conditional Use; that further north from the site is properties zoned GR General Residential (Swann Keys Subdivision); that northeast of the site includes properties zoned HR High Density Residential (Bayville Shores Condominiums); that the properties to the east of the site are HR High Density Residential (Bayville Shores South and Bayview Landing); that DelDOT did not require a Traffic Impact Study; that the applicant will

contribute to the DelDOT Area Wide Study Fund; that the applicant will comply with all DelDOT required improvements; that the property is located in the Fenwick Island Sanitary Sewer District; that adequate wastewater capacity is available; that the applicant will comply with the required stormwater management requirement of the new Stormwater Regulations of the Sussex Conservation District; that the site is located in the Indian River School District; that the site is located in the Roxana Volunteer Fire Company service area; that central water for drinking and fire protection will be provided by Artesian Water Company; that 60% of the site will remain as open space, and includes the wetlands and stormwater management areas; that the site is currently taking drainage from portions of the Bayville Shores South site; that the outfall is not anticipated to change; that they cannot discharge anymore runoff than that which already exist; that a condominium project is proposed and that a home owners association will be established; that the proposed project is in accordance with the County Comprehensive Land Use Plan and is located in the Environmentally Sensitive Developing District Overlay Zone and in an area designated for mixed residential use, both of which are growth areas; that the use and the density are appropriate; that they do not intend to access Bayville Shores Drive; that access is intended to be from Lighthouse Road; that the project will be served by an interior driveway system with street lighting; that the driveway will be curbed and guttered and will have an additional 5 feet added to the required width to provide for a bike and pedestrian path; that perimeter buffering will be at least 20 feet in width; that the trees within the wetlands areas will be left undisturbed; that the wetlands boundaries will be permanently marked with signage; that they are proposing an outside living environment for gatherings with a fireplace, picnic tables, etc. for the residents; that the property line crosses part of Laws Point Road which is an easement; that a street lighting plan will be submitted after working with the electric company; that access to Laws Point Road or Bayville Shores Drive was not chosen or required by DelDOT; that they do not want to create a cut-through for by-passing the traffic light at Laws Point Road; that the outdoor living environment eliminates the need for a clubhouse/pool which was financially impact the residents of the project once completed; that the project conforms to the densities of the area projects; that they plan on retaining as much woodland as possible to develop the project; and that the units will appear to be townhouse, but will be sold as condominium units; that no parking will be permitted on the street driveway.

The Commission found that Mr. Fuqua submitted two photographs of a similar outdoor living environment depicting a fireplace, picnic tables and a privacy wall; and suggested proposed Findings of Fact and Conditions of Approval for consideration.

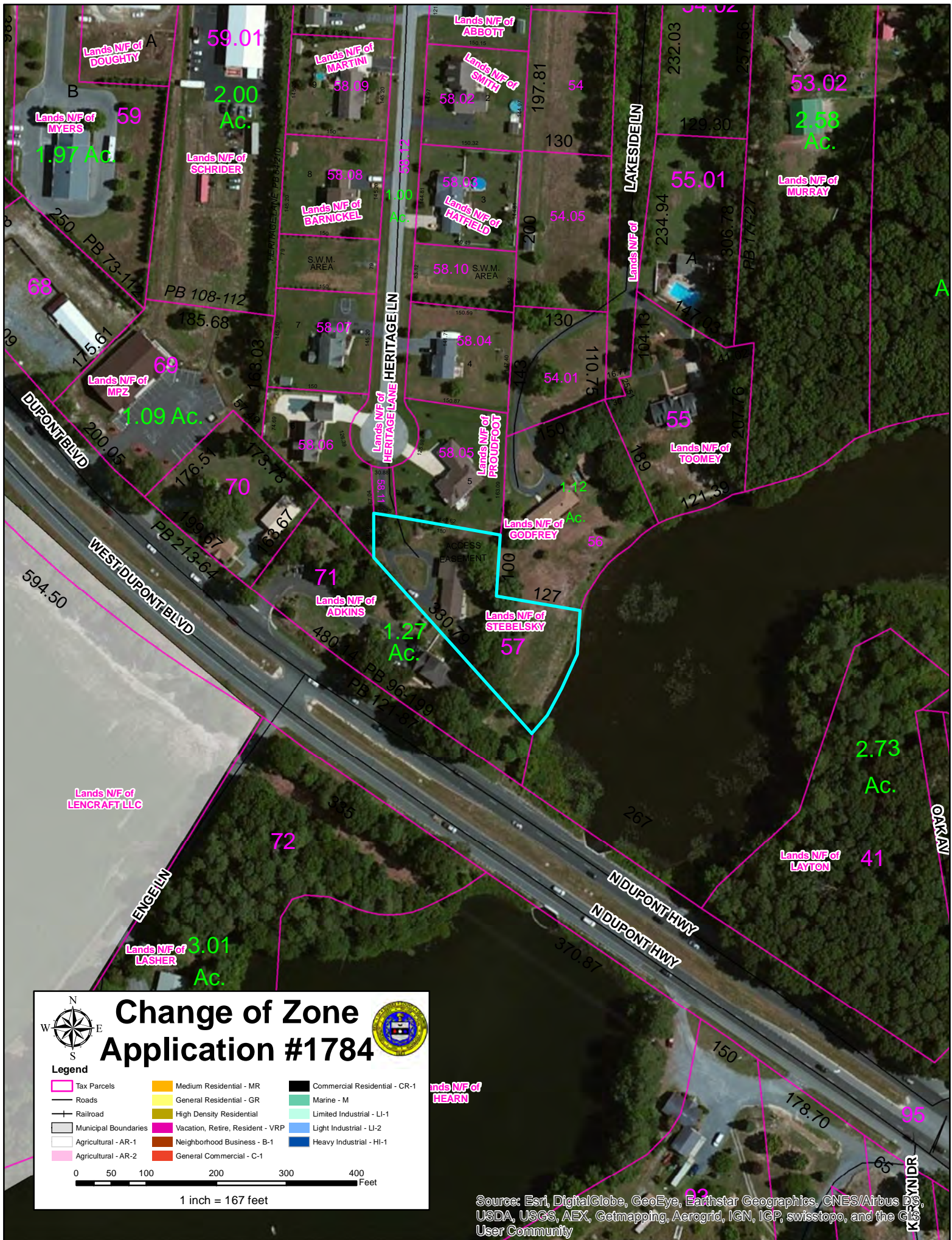
The Commission found that Janet Dubbert, President of the Bayville Shores Homeowners Association, and Mike Milam, of Bayville Shores South, were present and spoke in opposition to the applications referencing that Bayville Shores Drive serves three communities: Bayville Shores, Bayview Landing, and Bayville Shores South; that the three project have densities of 3.5 units per acre or less; that the current owners of the site have two access easements to access the site from Bayville Shores Drive; that they are concerned about additional traffic, increased brown water, surface water ponding, stormwater management, drainage, and runoff; that they support the developers commitment to not access Bayville Shores Drive, but are still concerned about the traffic pattern, increased traffic near the traffic light at Laws Point Road, the lack of amenities, and the number of units proposed; and that a 20-foot wide wooded buffer is not adequate, and should be at least 50-feet wide.

The Commission found, by a showing of hands, that 17 people were present in opposition.

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

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action on Change of Zone No. 1783 for further consideration. Motion carried 4 – 0.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action on Conditional Use No. 2028 for further consideration. Motion carried 4 – 0.



Lands N/F of
TP ONE LLC

Lands N/F of
BUTLER

Lands N/F of
DELAWARE

Lands N/F of
TOWNSEND

Lands N/F of
DUKES

Lands N/F of
SWEETWATER POINT

Lands N/F of
LENHART

Lands N/F of
MILLSBORO

Lands N/F of
LENCRAFT

Lands N/F of
LENCRAFT LLC

Lands N/F of
HEARN

Lands N/F of
WARREN

Lands N/F of
COLLINS

Lands N/F of
KING

Lands N/F of
ROBB

Lands N/F of
EAST-SIDE

Change of Zone Application #1784



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 | |

0 320 640 1,280 1,920 2,560 Feet

1 inch = 1,000 feet

JOSEPH

Introduced 08/04/15

**Council District No. 5 - Arlett
Tax Map I.D. No. 133-16.00-57.00
911 Address: 12 Heritage Lane, Millsboro**

ORDINANCE NO. ____

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

WHEREAS, on the 30th day of June 2015, a zoning application, denominated Change of Zone No. 1784 was filed on behalf of Marlene C. Stebelsky; 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. 1784 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,

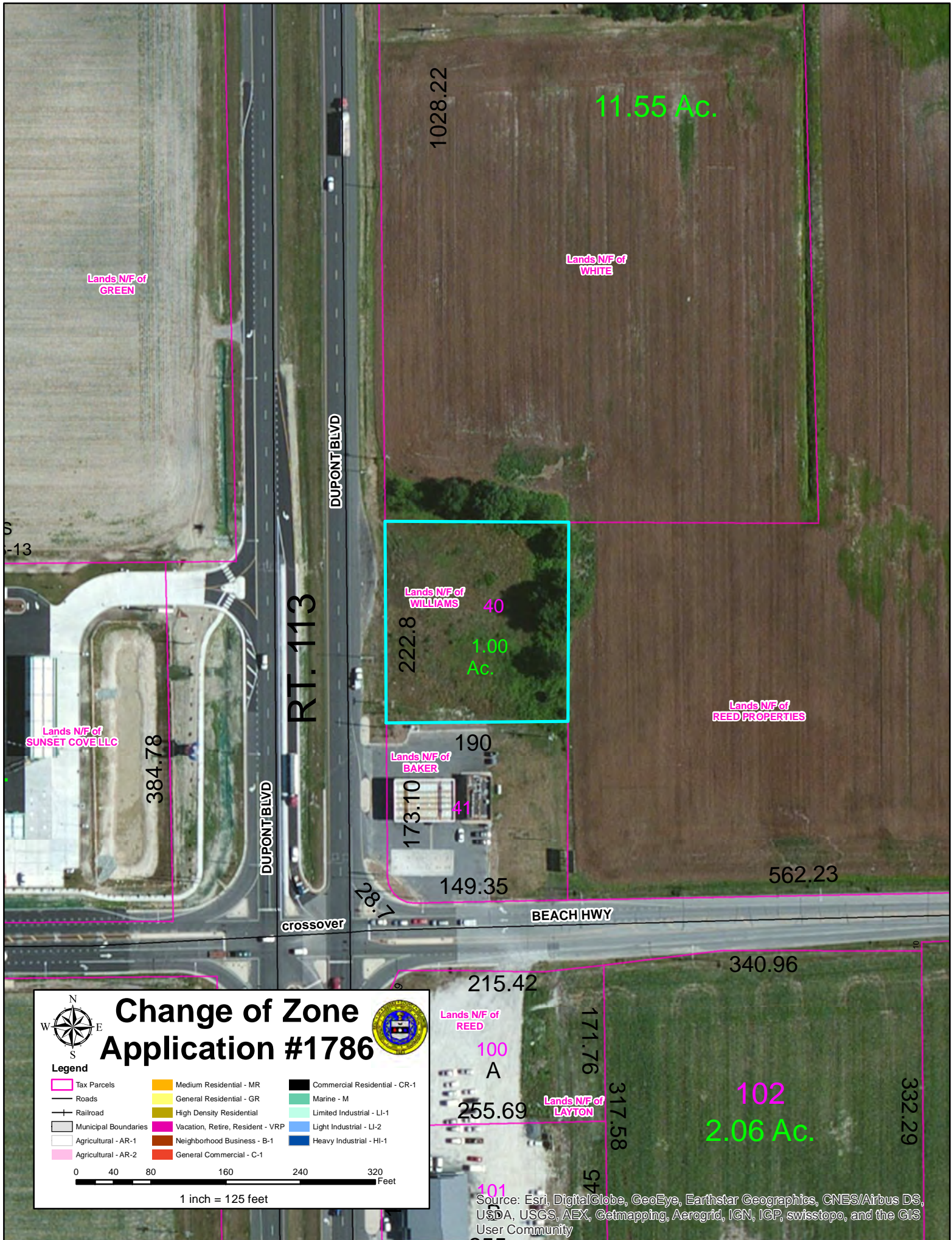
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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 [C-1 General Commercial District] and adding in lieu thereof the designation of MR Medium Density 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 Dagsboro Hundred, Sussex County, Delaware, and lying south of Route 326A (Betts Pond Road) at the southerly end of the dead end of Heritage Lane and north of Betts Pond and being more particularly described in Deed Book 2431 Page 252 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.9 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.



Change of Zone Application #1786



Legend

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|----------------------|----------------------------------|-------------------------------|
| 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

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

Change of Zone Application #1786

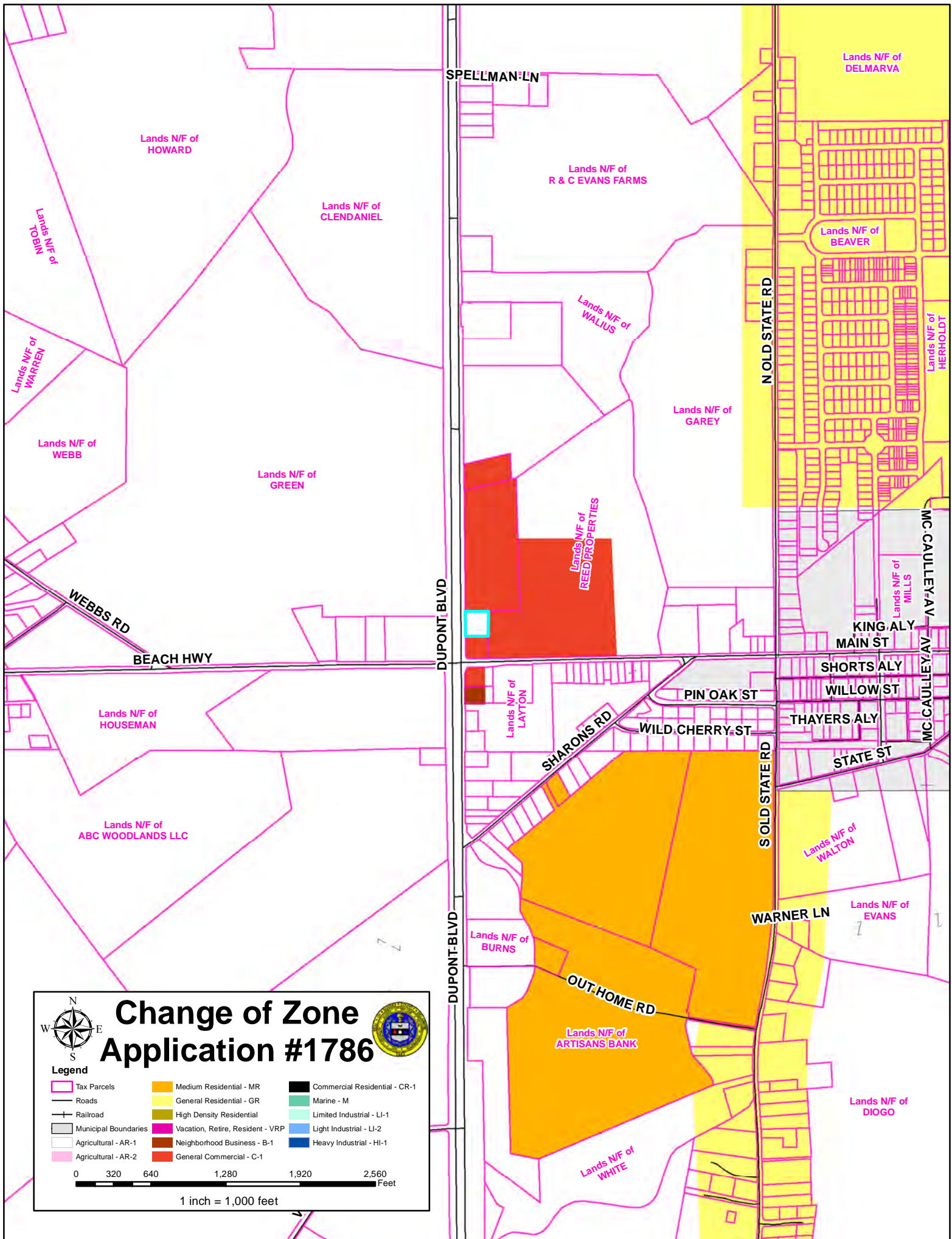


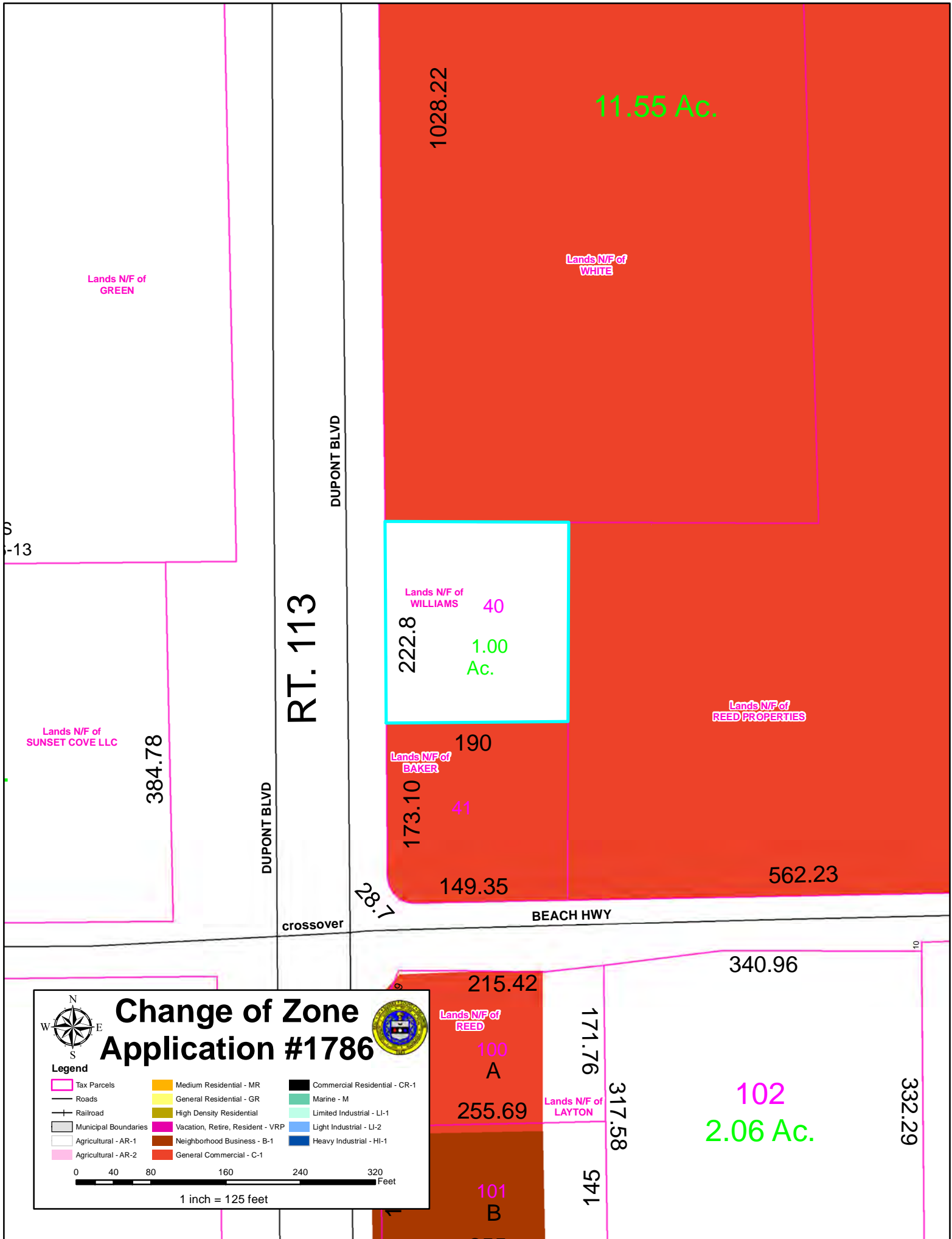
Legend

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|----------------------|----------------------------------|-------------------------------|
| 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 | |

0 320 640 1,280 1,920 2,560 Feet

1 inch = 1,000 feet





Introduced 08/18/15

**Council District No. 3 - Deaver
Tax Map I.D. No. 230-26.00-40.00
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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 7th day of July 2015, a zoning application, denominated Change of Zone No. 1786 was filed on behalf of Wilson Baker, Inc.; 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. 1786 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,

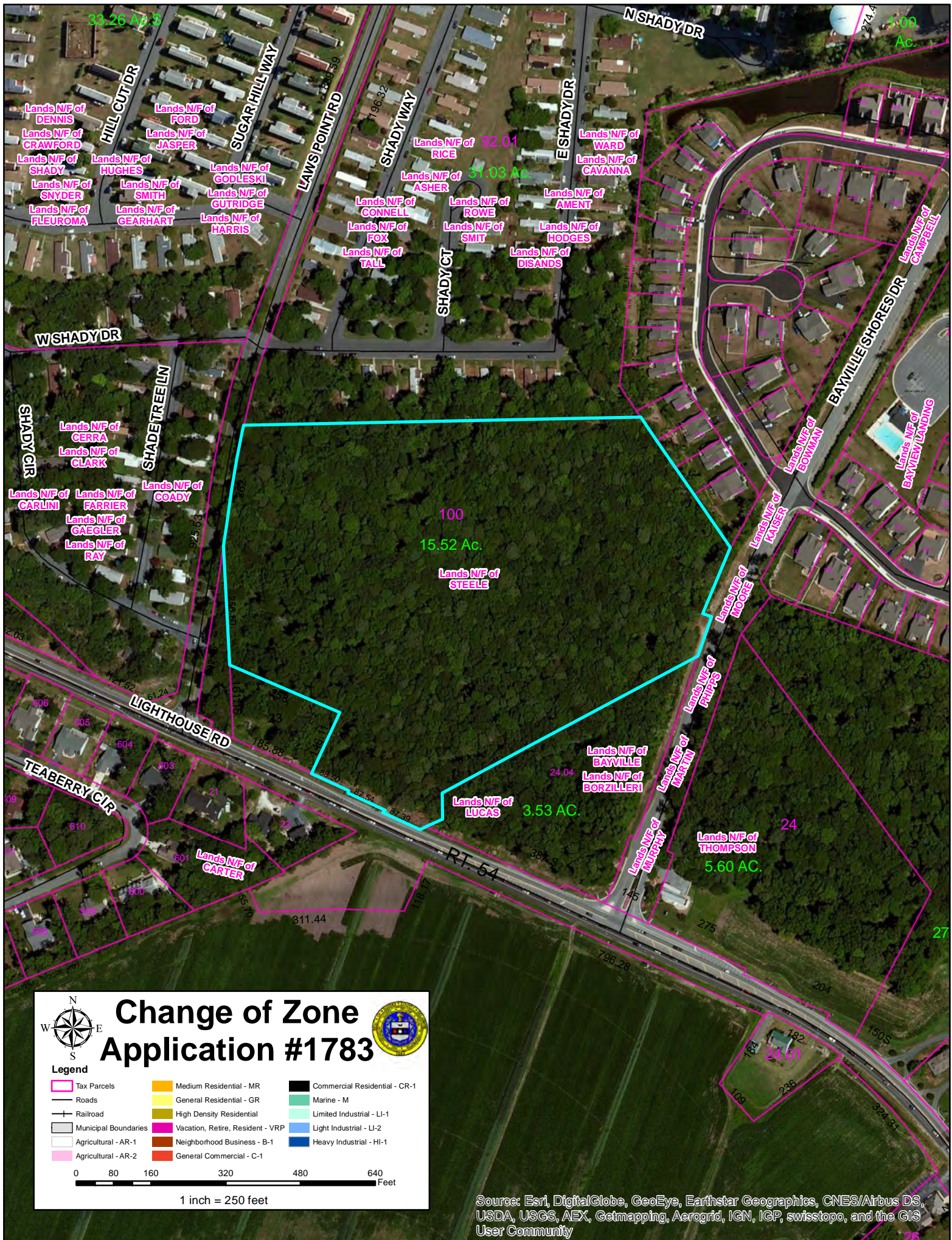
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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 DuPont Boulevard (U.S. Route 113) 200 feet north of Beach Highway (Route 16) and being more particularly described in Deed Book 4389, Page 192, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.0 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.



38.26 Ac.

1.00 Ac.

Lands N/F of DENNIS
Lands N/F of CRAWFORD
Lands N/F of SHADY
Lands N/F of SNYDER
Lands N/F of FLEUROMA
Lands N/F of HUGHES
Lands N/F of SMITH
Lands N/F of GEARHART
Lands N/F of GODLESKI
Lands N/F of GUTRIDGE
Lands N/F of HARRIS

Lands N/F of RICE
Lands N/F of ASHER
Lands N/F of CONNELL
Lands N/F of FOX
Lands N/F of TALL

Lands N/F of WARD
Lands N/F of CAVANNA
Lands N/F of AMENT
Lands N/F of HODGES
Lands N/F of DISANDS

W SHADY DR

SHADY CIR

Lands N/F of GERRA
Lands N/F of CLARK
Lands N/F of CARLINI
Lands N/F of FARRIER
Lands N/F of GAEGLER
Lands N/F of RAY

Lands N/F of COADY

LIGHTHOUSE RD

TEABERRY CIR

Lands N/F of CARTER

Lands N/F of LUCAS

Lands N/F of BAYVILLE
Lands N/F of BORZILLERI

Lands N/F of THOMPSON

BAYVILLE SHORES DR

Lands N/F of BOWMAN
Lands N/F of KASER
Lands N/F of MOORE
Lands N/F of FURTS
Lands N/F of MARTIN
Lands N/F of LUTHER

Lands N/F of CAMPBELL
Lands N/F of BAYVIEW LANDING

RT 54

24

27

24.01

26

Change of Zone Application #1783



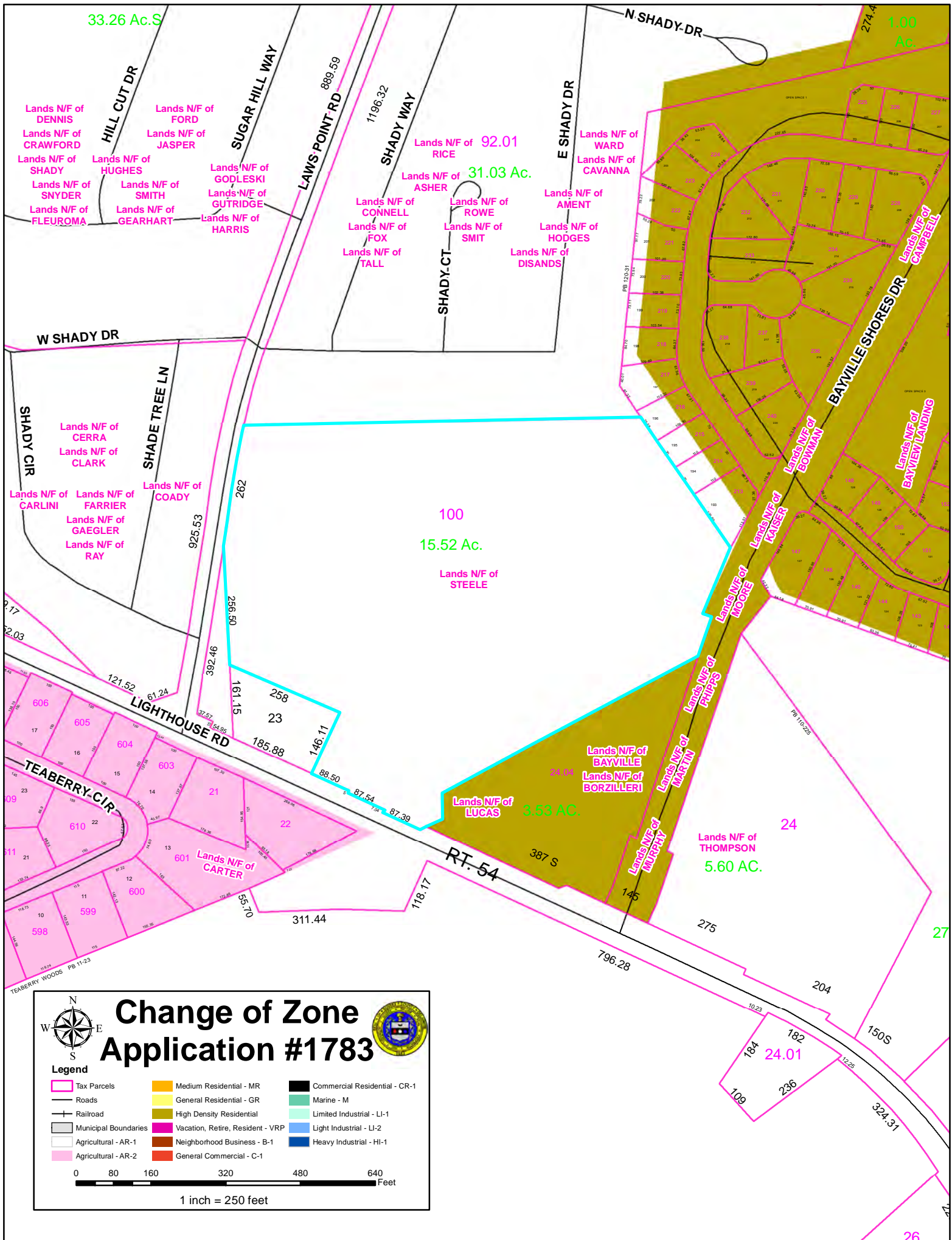
Legend

- | | | |
|----------------------|----------------------------------|-------------------------------|
| 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 80 160 320 480 640 Feet

1 inch = 250 feet

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



To Be Introduced 07/28/15

**Council District No. 5 - Arlett
Tax Map I.D. No. 533-12.00-100.00
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 MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS

WHEREAS, on the 24th day of June 2015, a zoning application, denominated Change of Zone No. 1783 was filed on behalf of Cauthen Ventures DE, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1783 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 Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive and being more particularly described as follows:

BEGINNING at a point on the northeasterly right-of-way of Lighthouse Road (Route 54), a corner for these subject lands and lands, now or formerly, of Raymond McCabe, Jr. et.ux.; thence North 24°51'54" East 146.05 feet along said McCabe lands to a concrete monument; thence North 66°44'54" West 257.53 feet along said McCabe lands to a concrete monument; thence North 03°06'46" West 499.40 feet along Shady Park Trailer Park Development to an iron pipe; thence South 89°34'54" East 975.41 feet along Shady Park Trailer Park Development to a concrete monument; thence South 30°33'24" East 277.53 feet along Bayview Landing Subdivision to a point; thence southwesterly 967.74 feet along the meandering property line with Bayville Shores – South Condominiums (12 bearing breaks) to a point on the northeasterly right-of-way of Lighthouse Road; and thence North 64°36'38" West 185.70 feet along the northeasterly right-of-way of Lighthouse Road to the point and place of beginning, said parcel containing 14.79 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.



W N E S

Conditional Use Application #2028

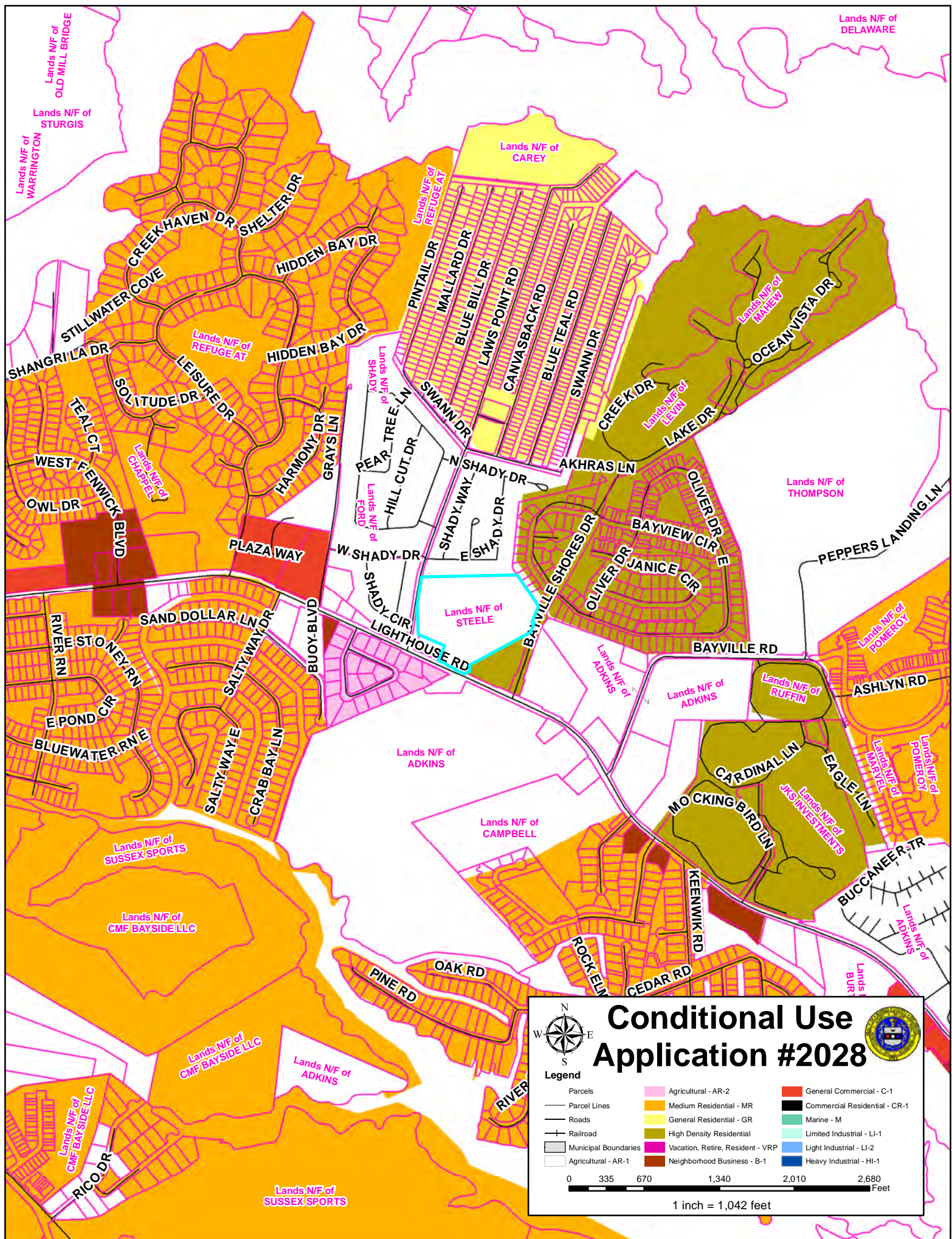
Legend

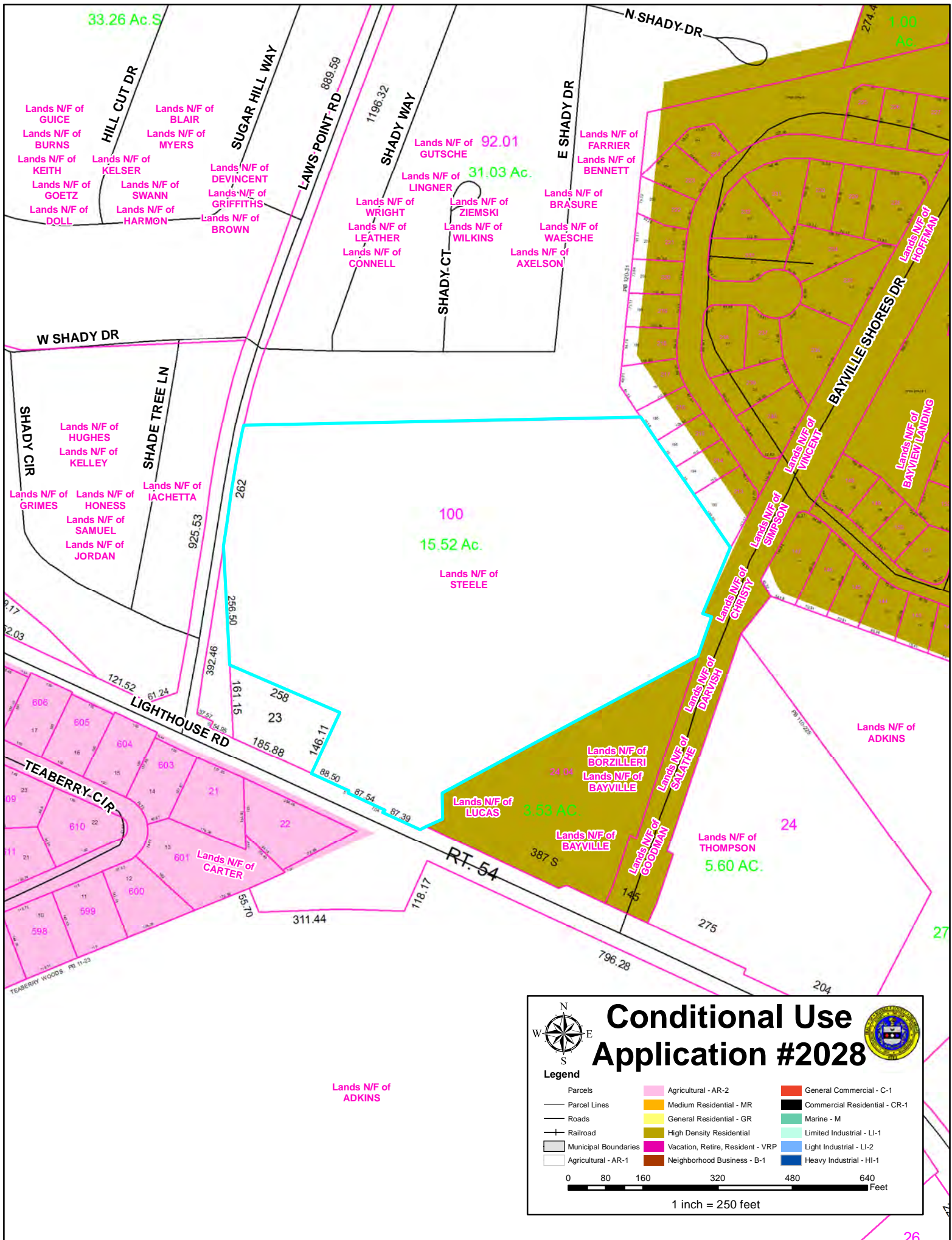
<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 80 160 320 480 640 Feet

1 inch = 250 feet

Source: USDA, USGS, AEA, Geotapping, Aerio, IGN, IGN, SwissTopo, and the GIS User Community





Introduced 7/28/15

Council District No. 5 – Arlett

Tax I.D. No. 533-12.00-100.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS

WHEREAS, on the 25th day of June 2015, a conditional use application, denominated Conditional Use No. 2028 was filed on behalf of Cauthen Ventures DE, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2028 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2028 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Lighthouse Road (Route 54), east of Laws Point Road, and northwest of Bayville Shores Drive and being more particularly described as follows:

BEGINNING at a point on the northeasterly right-of-way of Lighthouse Road (Route 54), a corner for these subject lands and lands, now or formerly, of Raymond McCabe, Jr. et.ux.; thence North 24°51'54" East 146.05 feet along said McCabe lands to a concrete monument; thence North 66°44'54" West 257.53 feet along said McCabe lands to a concrete monument; thence North 03°06'46" West 499.40 feet along Shady Park Trailer Park Development to an iron pipe; thence South 89°34'54" East 975.41 feet along Shady Park Trailer Park Development to a concrete monument; thence South 30°33'24" East 277.53 feet

along Bayview Landing Subdivision to a point; thence southwesterly 967.74 feet along the meandering property line with Bayville Shores – South Condominiums (12 bearing breaks) to a point on the northeasterly right-of-way of Lighthouse Road; and thence North 64°36'38" West 185.70 feet along the northeasterly right-of-way of Lighthouse Road to the point and place of beginning, said parcel containing 14.79 acres, more or less.

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

PROPOSED