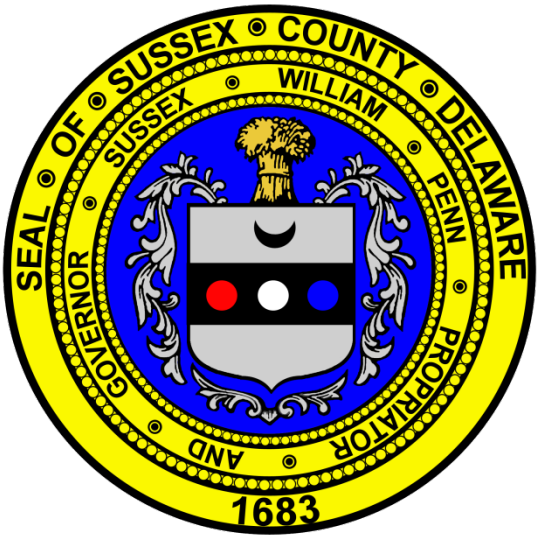

Sussex County Council
Public/Media Packet

MEETING:
November 17, 2015

****DISCLAIMER****

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

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

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

Sussex County Council

A G E N D A

NOVEMBER 17, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Susan Kent - Sussex County Code Purple Presentation

Dr. Matthew Robinson, Chairman of the Delaware Sports Commission - Slam Dunk Presentation

Todd Lawson, County Administrator

1. **Appointment – Planning and Zoning Commission**

2. **Wastewater Agreement No. 927-1**
   Sussex County Project No. 81-04
   Swann Cove – Phase 7
   Fenwick Island Sanitary Sewer District

3. **Administrator's Report**

Lawrence Lank, Director of Planning and Zoning

1. **Request to Withdraw Change of Zone No. 1780, application of Lockwood Design & Construction, Inc.**

Joe Wright, Acting County Engineer

1. **Waters Run – Cash Performance Bonds**

EQUAL HOUSING OPPORTUNITY

Rob Davis, Senior Planner

1. **Pine Country Condo, Unit 1 Annexation - West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

   A. Request to Prepare and Post Public Hearing Notices

Grant Requests

1. **West Rehoboth Community Land Trust for housing initiative**

2. **Southern Delaware Hurricanes for expenses**

3. **Del-Mar-Va Council Boy Scouts of America for Cub Scouts Pack 5**

Introduction of Proposed Zoning Ordinances

Council Members′ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1785 filed on behalf of Truitt Homestead, 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS" (located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road) (Tax Map I.D. No. 334-19.00-3.00) (911 Address: None Available)

Conditional Use No. 2029 filed on behalf of Truitt Homestead, LLC
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR SINGLE-FAMILY / CONDOMINIUM UNITS (AGE RESTRICTED) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS" (located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road) (Tax I.D. No. 334-19.00-3.00) (911 Address: None Available)

Adjourn

****

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 10, 2015 at 4:20 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, NOVEMBER 10, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 20, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Councilman Sam Wilson was absent.

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

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

M 557 15 Approve Agenda **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.**

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**

Minutes **The minutes of November 3, 2015 were approved by consent.**

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

MASON DIXON WOODWORKERS, DELMAR, DELAWARE.
RE: Letter in appreciation of grant.

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

Dan Kramer commented that the proposed Human Service Grants were not included in the public packet.

Mr. Lawson responded that the information will be provided to the public, pending the approval of the County Council.

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Introduction of Proposed Ordinance Relating to Time Extensions

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTERS 99 AND 115 OF THE CODE OF SUSSEX COUNTY TO ALLOW APPLICANTS TO SEEK AN EXTENSION OF TIME FOR APPROVALS FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS UPON WRITTEN REQUEST". The Proposed Ordinance will be advertised for Public Hearing.

DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC)

Mr. Lawson discussed the DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC). He noted that contained in this week's Council packet was a letter from David Small, DNREC Secretary, requesting that the County have a representative attend and participate in the RAC Committee's review of the Delaware Sediment & Stormwater Regulations. Mr. Lawson noted that this is involving the recent ruling by the Delaware Superior Court in *Baker, et. al. v. DNREC, et al.* that the stormwater and sediment regulations were not valid; for this reason, DNREC has gone back to the RAC process whereby the Committee will review some of the regulations, start the procedural process to try to correct the error that the Court has cited as the reason for invalidation, and make recommendations. Mr. Lawson noted that the first meeting of the Committee is being held on this date and the County has sent two staff members to represent the County. Mr. Lawson suggested that, for future purposes, the Council pass a Motion designating him (or his designee) to participate in the RAC.

Council members discussed whether the Council should take a position on the regulations and that a representative of the Council could attend the meetings to represent the Council's position.

M 558 15 Appoint-ment to RAC

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council appoints County Administrator Todd F. Lawson, or his designee, to the Department of Natural Resources and Environmental Control Regulatory Advisory Committee (RAC).

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

Wastewater Agreement

Mr. Lawson presented a Wastewater Agreement for the Council's consideration.

M 559 15 Execute Wastewater Agreement

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 685-3 that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bayville

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M 559 15 Execute Wastewater Agreement/ The Overlook (continued)

Communities, LLC, for wastewater facilities to be constructed in "The Overlook (AKA Bayville Pointe), Phase 3, located in the Fenwick Island Sanitary Sewer District.

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

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

Administrator's Report

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

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

   The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet November 16th at 10:00 a.m. at the Milton CHEER Center, 24855 Broadkill Road, in Milton. Brandy Nauman, Sussex County Housing Coordinator and Fair Housing Compliance Officer, and Karen Horton, Principal Planner, and Devon Degyansky, Management Analyst, with the Delaware State Housing Authority will be speaking on "*Housing Resources for the Senior and Disabled Populations in Sussex County.*" A copy of the agenda for the meeting is attached.

2. **Project Receiving Substantial Completion**

   Per the attached Engineering Department Fact Sheet, Forest Landing – Phase 3B received Substantial Completion effective November 9th.

3. **Veterans Day Holiday**

   Please note that County offices will be closed on Wednesday, November 11th, in honor of Veterans Day. Offices will reopen on Thursday, November 12th, at 8:30 a.m.

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

FY2016 Human Service Grant Program

Mrs. Jennings reviewed the County's Human Service Grant Program which provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, and which contributes to a safe, healthy and self-sufficient community; funds provide grants that assist organizations with resources in support of programs or capital purchases.

Mrs. Jennings explained the formula-based approach to awarding Human Service Grants and she outlined the method and criteria for

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FY2016 Human Service Grant Program (continued)

determining recommended grant amounts.

Mrs. Jennings presented the following recommended grants:

Abbott's Mill Nature Center Delaware Nature Society	**$1,500.00**
Alzheimer's Association Delaware Valley Chapter	**$1,000.00**
American Legion Auxiliary	**$1,000.00**
Best Buddies Delaware	**$1,500.00**
Booker Street Church of God	**$1,250.00**
Boys and Girls Clubs of Delaware/Dagsboro	**$1,550.00**
Boys and Girls Clubs of Delaware/Oak Orchard/Riverdale	**$1,550.00**
Boys and Girls Clubs of Delaware/Laurel	**$1,550.00**
Boys and Girls Clubs of Delaware/Georgetown	**$1,550.00**
Boys and Girls Clubs of Delaware/Rehoboth	**$1,500.00**
Boys and Girls Clubs of Delaware/Western Sussex	**$1,550.00**
Bridgeville Senior Citizen's Center, Inc.	**$5,000.00**
Cadbury Senior Lifestyles, Lewes	**$2,000.00**
Cancer Support Community Delaware	**$1,500.00**
Cape Henlopen Senior Center	**$5,000.00**
Catholic Charities, Inc.	**$1,250.00**
CHEER	
Georgetown	**$5,000.00**
Greenwood	**$5,000.00**
Long Neck	**$5,000.00**
Lewes	**$5,000.00**
Milton	**$5,000.00**
Roxana	**$5,000.00**
Ocean View	**$5,000.00**
Church of God and Saints of Christ	**$2,500.00**
Clothing Our Kids	**$3,100.00**

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FY2016 Human Service Grant Program (continued)	**Delaware Community Reinvestment Action Council, Inc.**	**$1,000.00**
	Delaware Center for Homeless Veterans, Inc.	**$2,025.00**
	Delaware Crime Stoppers	**$1,500.00**
	Delaware Guidance Services for Children and Youth, Inc.	**$2,000.00**
	Delaware Helpline, Inc.	**$3,100.00**
	Delaware Hospice, Inc.	**$1,775.00**
	Delaware Housing Coalition, Inc.	**$1,500.00**
	Delaware Lions Foundation, Inc.	**$3,100.00**
	Delaware Police Chiefs′ Council, Inc.	**$2,500.00**
	Delaware SPCA	**$2,500.00**
	Delmarva Clergy United in Social Action Foundation	**$1,500.00**
	DFRC, Inc.	**$1,775.00**
	Easter Seals Delaware & Maryland's Eastern Shore	**$1,000.00**
	Everlasting Hope Ministries	**$2,525.00**
	Food Bank of Delaware	**$1,775.00**
	Generations Home Care	**$1,500.00**
	Harry K Foundation	**$2,500.00**
	Immanuel Shelter, Inc.	**$1,775.00**
	Indian River Senior Center, Inc.	**$5,000.00**
	ITN Southern Delaware	**$3,050.00**
	Joseph Patrick Fabber Memorial Foundation	**$3,050.00**
	Junior Achievement of Delaware, Inc.	**$3,050.00**
	Just Us Cat Rescue	**$1,000.00**
	Kent-Sussex Industries, Inc.	**$1,775.00**

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FY2016 Human Service Grant Program (continued)	**Kiwanis Foundation of Rehoboth Beach**	**$1,250.00**
	La Esperanza	**$2,525.00**
	La Red Health Center, Inc.	**$2,500.00**
	Laurel Lions Club Foundation, Inc.	**$1,000.00**
	Laurel Senior Center, Inc.	**$5,000.00**
	Lewes Senior Citizens Center, Inc.	**$5,000.00**
	Love Inc. of Mid-Delmarva	**$2,500.00**
	Meals on Wheels of Lewes & Rehoboth, Inc.	**$6,000.00**
	Mental Health Association of Delaware	**$1,775.00**
	Milford Senior Center, Inc.	**$5,000.00**
	Nanticoke Senior Center, Inc.	**$5,000.00**
	New Hope Recreation & Development Center	**$ 800.00**
	Our Youth, Inc.	**$1,000.00**
	People's Place II, Inc.	**$1,000.00**
	Primeros Pasos, Inc.	**$1,250.00**
	Read-Aloud Delaware	**$2,500.00**
	Reading ASSIST Institute	**$1,250.00**
	Ronald McDonald House of Delaware	**$2,500.00**
	Shechinah Empowerment Center	**$1,775.00**
	Sussex Community Crisis Housing Services, Inc.	**$1,500.00**
	Sussex County Habitat for Humanity, Inc.	**$1,250.00**
	Sussex County Retired and Senior Volunteer Program (RSVP) Advisory Committee	**$ 850.00**
	Sussex Pregnancy Care Center, Inc.	**$1,000.00**
	Teens in Perspective, Inc.	**$1,500.00**

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FY2016 Human Service Grant Program (continued)

Arc of Delaware	**$1,000.00**
ARK Educational Consulting, Inc.	**$1,500.00**
Delaware Adolescent Program, Inc. (DAPI)	**$1,500.00**
Jefferson Awards Foundation	**$1,275.00**
Lewes Historical Society	**$2,500.00**
Way Home, Inc.	**$3,050.00**
United Way	**$2,500.00**
Vision to Learn	**$3,050.00**
West Side New Beginnings, Inc.	**$1,000.00**
YMCA of Delaware/Sussex Family YMCA Branch	**$1,250.00**
YWCA Delaware	**$2,500.00**
Total	**$199,975.00**

M 560 15 Approve Distribution of FY2016 Human Service Grants

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the distribution in the amount of $199,975.00 for Human Service Grants, as recommended by the Finance Department.

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

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

Comment on Grant Funding

Mr. Cole commented on the growing problem of homelessness and he requested that the County set aside additional funding for organizations who help the homeless.

Berzin Expansion of the SBSSD

John Ashman, Director of Utility Planning, referenced the Public Hearing held on November 3, 2015 on the Proposed Berzin Annexation to the South Bethany Sanitary Sewer District. On that date, Council asked the Engineering Department to follow up with discussions with the Town of Ocean View on the status of the proposed project. Mr. Ashman stated that they did speak with the Town and that the Town advised that the plan has Preliminary Site Plan approval. The Town also noted that the ability to be connected to sanitary sewer is a condition of approval for the Town; therefore, the County's approval of the Concept Plan would be required for the Town of Ocean View to approve a project. The Town noted that an approved Concept Plan from Sussex County Engineering in no way

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Berzin Expansion of the SBSSD (continued)

guarantees that a plan will be approved by the Town of Ocean View.

Mr. Ashman reported that the developer will install the infrastructure for the project; if the project does not receive the Town's approval, no infrastructure will be installed.

Mr. Cole commented on the fact that the Applicant was not in attendance at the Public Hearing and he suggested that the Council consider making it a requirement in the future for public hearings held on proposed sewer extensions/annexations. Mr. Moore was directed to look into the matter of requiring an applicant to be in attendance.

Mr. Arlett questioned if the Council can place a stipulation on an approval of this annexation request, specifically, i.e. limiting density.

A discussion was held regarding the South Coastal Planning Study and the densities allocated in the study area.

The Council considered the Proposed Resolution entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 361 (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD) AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

M 561 15 Amend Proposed Resolution/ Berzin Expansion to the SBSSD

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Proposed Resolution be amended, as follows: "NOT TO EXCEED THE CAPACITY SET FORTH IN THE SOUTH COASTAL AREA PLANNING STUDY (SCAPS).

Motion Adopted: 4 Yeas, 1 Absent.

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

M 562 15 Adopt R 017 15 as Amended/ Berzin Expansion of the SBSSD

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 017 15 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 361 (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD) AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, NOT TO EXCEED THE CAPACITY SET FORTH IN THE SOUTH COASTAL AREA PLANNING STUDY (SCAPS)", as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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M 562 15 (continued)

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

Grant Requests

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

M 563 15 Council-manic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give $1,000.00 ($500.00 each from Mrs. Deaver's and Mr. Wilson's Councilmanic Grant Accounts) to the DCUSA Foundation for educational programs.

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

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

M 564 15 Council-manic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give $750.00 ($500.00 from Mr. Wilson's Councilmanic Grant Account and $250.00 from Mr. Vincent's Councilmanic Grant Account) to New Coverdale Outreach Mission for project funding.

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

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

Jane Hovington presented the grant request from the Richard Allen Coalition for restoration of the historic Richard Allen School.

M 565 15 Council-manic Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $2,000.00 from Mr. Wilson's Councilmanic Grant Account to the Richard Allen Coalition for costs associated with the National Historic Site designation.

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

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

M 566 15 Council-manic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give $1,000.00 ($500.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Rehoboth Art League for art education and exhibition programs.

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

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M 566 15 (continued)

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

M 567 15 Council-manic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give $600.00 ($500.00 from Mr. Vincent's Councilmanic Grant Account and $100.00 from Mr. Arlett's Councilmanic Grant Account) to the Town of Blades for the Kid's Christmas Fund.

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

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

Council Members' Comments

Council Members' Comments

Mrs. Deaver commented on a grant request from a pickle ball organization.

Mr. Arlett recognized and commended veterans on the occasion of Veterans Day, which will be celebrated on November 11, 2015.

Mr. Vincent commented on the solar project groundbreaking at Allen Harim's Harbeson facility.

Mr. Arlett commented on Perdue's AgriBusiness headquarters which are relocating to Delmar.

Mrs. Deaver commented on Sussex County government's transparency and its progress over the past 7 years.

Mr. Lawson introduced Daniel Brandewie, a new employee in the Planning and Zoning Department.

M 568 15 Go Into Executive Session

At 11:15 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Job Applicants' Qualifications and Personnel.

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

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

Executive Session

At 11:17 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Job Applicants' Qualifications and Personnel. The Executive Session concluded at 12:09 p.m.

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M 569 15 Reconvene Regular Session

At 12:13 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

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

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

There was no action on Executive Session matters.

M 570 15 Adjourn

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 12:13 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

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

DRAFT

ENGINEERING DEPARTMENT

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

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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 10, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SWANN COVE - PHASE 7
AGREEMENT NO. 927 - 1

DEVELOPER:

Mr. James E. Swann III
Swann Cove Limited Partnership
37124 Saw Mill Lane
Selbyville, DE 19975

LOCATION:

Intersection Rt 54 and RD 381

SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

28 Single Family Lots

SYSTEM CONNECTION CHARGES:

$161,700.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
05/26/11

Department Of Natural Resources Plan Approval
06/01/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 40
Construction Admin And Construction Inspection Cost – $19,710.00
Proposed Construction Cost – $131,400.00

ENGINEERING DEPARTMENT

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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 17, 2015

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 927-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SWANN COVE LIMITED PARTNERSHIP" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SWANN COVE – PHASE 7", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 927-1

TODD LAWSON
COUNTY ADMINISTRATOR

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

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MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

RE: Change of Zone No. 1780
Application of Lockwood Design & Construction, Inc.
Request to Withdraw Application for "Arbor-Lyn"

DATE: November 13, 2015

Attached please find copies of two letters from Eugene H. Bayard, Esquire with Morris James Wilson Halbrook & Bayard, LLP requesting permission from the Sussex County Council to allow the withdrawal of the application of Lockwood Design & Construction, Inc.

One of the letters is addressed to myself and the second letter is addressed to J. Everett Moore, Esquire and County Attorney. The letters include an attachment of the County Planning and Zoning Commission Minutes for September 24, 2015 when the Commission denied the application with reasons. The reasons are a part of the Minutes referenced.

The Planning and Zoning Commission held a public hearing on August 13, 2015 and rendered its recommendation on September 24, 2015.

The County Council held a public hearing on September 22, 2015 and action was deferred waiting for a recommendation from the Planning and Zoning Commission.

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

Morris James Wilson Halbrook & Bayard LLP

RECEIVED
NOV 02 2015
PLANNING & ZONING
COMM. OF SUSSEX COUNTY

October 30, 2015

Lawrence Lank, Director
Planning and Zoning Commission
P.O. Box 589
Georgetown, DE 19947

Dear Lawrence:

RE: Arbor-Lyn
C/Z # 1780

Enclosed is a copy of a letter addressed to Everett withdrawing the Arbor-Lyn application.

Given the fact that nothing changes in the application other than the zoning classification, please confirm that an SLER is not necessary.

Thanks.

Very truly yours,

Morris James Wilson Halbrook & Bayard LLP

By: _____
Eugene H. Bayard

EHB:phc
Enclosure

107 West Market Street | Georgetown, DE 19947-1438 T 302.856.0015 F 302.856.7116
Mailing Address P.O. Box 690 | Georgetown, DE 19947-0690 www.morrisjames.com

October 30, 2015

J. Everett Moore, Esquire
Moore & Rutt
P.O. Box 554
Georgetown, DE 19947

Dear Everett:

RE: Arbor-Lyn
Change of Zone #1780

I write on behalf of Lockwood Design and Construction, Inc., the applicant in C/Z #1780, to advise that the application is and hereby is withdrawn, subject to the approval of Council.

Based on the Commission's evident dislike of an HR-RPC zoning classification for this project, the project will be immediately refiled as an MR-Conditional Use, consistent with its neighbor to the east, Sterling Crossing. For your reference, I enclose a copy of the Commission's September 24 meeting minutes, setting forth the Commission's rationale.

Since the site plan, the density, the amenity package and the entrance design will be identical to the application to Change of Zone #1780 already the subject of a public hearing before the Commission before Council, I ask that Council consider giving this new application expedited scheduling treatment.

Please call with any question.

Very truly yours,

Wilson, Halbrook and Bayard, P.A.

By: _____
Eugene H. Bayard

EHB:phc
PC:Lawrence Lank, Director
Vincent Robertson, Esq.
Bob Hood
Lockwood Design and Construction, Inc.
Roger Gross

by the Applicant's family. But, the Applicant also testified that it may be used by the Applicant's employees.

4) The Applicant has not mad a clear record on how the use will be compatible with the surroundings or how it would not adversely affect neighboring properties or traffic.
5) The application does not satisfy the purposes and requirements for a Conditional Use under the Sussex County Zoning Code.
6) For all of these reasons, there is not a sufficient reason to recommend approval of this Conditional Use Application.

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

C/Z #1780 – Lockwood Design & Construction Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a HR-1 (RPC) (High Density Residential District-Residential Planned Community) for a certain parcel of land lying and being in Lewes Rehoboth Hundred, Sussex County containing 35.45 acres, more or less. The properties are located on the northeast side of Warrington Rd. (Rd. 275), 0.25 mile southeast of John J. Williams Hwy. (Rt. 24) (911 Address: None Available) Tax Map I.D. 334-12.0-127.02, 127.04, 127.05

The Commission discussed this application which has been deferred since August 13, 2015.

Mr. Johnson stated that he would not be participating in the discussion for this application since he was not present during the public hearing.

Mr. Ross stated that he is concerned that once approved the HR-1 and zoning stays with the property; that the permitted uses such as hotels are permitted in HR-1 are out of character with the neighborhood; that a Conditional Use is better suited for this area; and that a zoning change HR-1 would set a precedent for other parcels to do the same.

Mr. Burton agreed and added that he has similar concerns with the proposed zoning; that recent growth in the area is similar to the request; however, feels the zoning request does not fit the area; and that use is not in character with the neighboring properties.

Mr. Smith agreed and added that the proposed zoning permits too broad a use for this area; and that the potential uses this zoning would permit would be out of character with the area.

Mr. Ross stated that he would move that the Commission recommend denial of Change of Zone No. 1780 for Lockwood Design & Construction, Inc. for a change in zone from AR-1 Agricultural Residential District to a HR-1 RPC (High Density Residential District-Residential Planned Community) based upon the record made during the public hearing and for the following reasons:

1) The proposed rezoning to HR (High Density Residential) is not compatible with the area.
2) With the exception of small 1.99 acre parcel, there is no other HR zoning located along Warrington Road.
3) Although this application includes a limitation on density as a component of the RPC, the underlying HR-1 zoning would remain even if the RPC lapses or is voided for any reason. As a result, the County must look at the HR-1 zoning, and its maximum permissible density of 12 units an acres, along with permissible hotels and motels, when considering this application.
4) If this 35 acre parcel is rezoned to HR-1, it would be the first large parcel rezoned to HR along this section of Warrington Road, and would establish an unwanted precedent for the other future HR-1 rezoning applications on other nearby underdeveloped properties for the permitted high densities and hotels and motels that are permitted in the HR-1 zone.
5) Warrington Road is not a "major thoroughfare" as contemplated by the Purpose of the HR-1 Zoning District under the County Zoning Code. Under the Code, this parcel is also not "well-located" with respect to a major thoroughfare by either Warrington Road or Old Landing Road.
6) Although the proposed rezoning is in a Development Area according to the current Comprehensive Plan, the Plan also suggests that the higher densities permitted in HR-1 should be located adjacent to a Town Center Area or other high density developed areas. So, rezoning to HR-1 is not the most appropriate zoning classification for this property.
7) A more appropriate zoning for this property, if it is to be rezoned, could be MR. That is more compatible than HR-1 with the Comprehensive Plan, surrounding uses, zoning and densities. In addition, a similar type of development design could be achieved through a Conditional Use within the MR zone. This would require separate consideration and approval by Sussex County.
8) For all of these reasons, it is recommended that this application for a change of the underlying zoning from AR-1 to HR-1 should be denied.

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

C/U #2025 – Rudy South c/o T & C Properties, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for boat sales, 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. The property is located northeast of Robinsonville Rd. (Rd. 277) approximately 1200 ft. northwest of Webb's Landing Rd. (Rd. 277B) (911 Address: None Available) Tax Map I.D. 234-6.00-96.00

The Commission discussed this application which has been deferred since August 27, 2015.

ENGINEERING DEPARTMENT

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

Sussex County

DELAWARE
sussexcountyde.gov

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

MEMORANDUM

TO: SUSSEX COUNTY COUNCIL MEMBERS

FROM: JOE WRIGHT
ACTING COUNTY ENGINEER

RE: WATER'S RUN
CASH PERFORMANCE BONDS

DATE: NOVEMBER 13, 2015

Attached is documentation of the Memorandum Of Understanding (MOU) between Sussex County and WRDG, LLC, dated October 27, 2015, requiring immediate attention to outstanding work items. No work has since been completed, causing the milestone dates to elapse. Specifically, Item Nos. 3 and 7 required work to commence in Magnolia Shores (November 4) and in Phase 1B of Waters Run (November 9) respectively.

The Engineering Department is recommending that Sussex County Council, in accordance with Item No. 9 of the MOU, approve the recall of the cash performance bonds , so that the necessary work can be completed by contractors hired by the County.

MEMORANDUM OF UNDERSTANDING REGARDING WATERS RUN

BY AND BETWEEN **WRDG, LLC** and **SUSSEX COUNTY, DELAWARE**, dated this 27th day of October, 2015.

RECITAL

WRDG is the developer of a subdivision located in Sussex County, Delaware named Waters Run. The subdivision is being constructed in phases, and as of the date of this Memorandum, construction of roads and sewers has occurred or is planned to occur in Phases 1A, 1B and 2A of Waters Run. WRDG has tendered cash performance bonds with accompanying funds to Sussex County to assure completion of the roads and adjacent drainage system as well as to assure completion of all sanitary sewer installation as well as other items of work detailed in said bonds (collectively "Infrastructure").

Due to numerous issues, WRDG has not completed the construction and installation of the Infrastructure. Letters dated July 7, 2015 and July 15, 2015 from David N. Rutt, Esq., Assistant Sussex County Attorney, to Michael Daniels, principal of WRDG, set forth a list of work items WRDG was required to complete. The letters are attached hereto as Exhibit A. To date, many of these items remain to be done.

Sussex County has been contacted by numerous residents of Waters Run as well as by the Delaware Department of Justice regarding WRDG's failure to complete the Infrastructure. Sussex County is willing to permit WRDG to complete the work under certain terms and conditions as set out herein, and WRDG agrees that said terms and conditions are reasonable under the circumstances.

TERMS AND CONDITIONS

1. The terms for completion of the work on the Infrastructure set forth in Exhibit A shall still apply to WRDG; provided, however, where there is a conflict between those terms and the terms and conditions stated in this Memorandum, those stated in this Memorandum shall apply.

2. It is acknowledged Sussex County currently has in its possession the following cash performance bonds and the corresponding funds:

Phase 1A (Roads, plus)	$25,999.00
Phase 1B (Roads, plus)	$64,114.00
Phase 1B (Sewer, plus)	$51,186.88

The specific items to be completed in the event said bonds are called by Sussex County are set forth in the bonds themselves.

3. WRDG shall complete all work necessary for final inspection and acceptance in the subdivision known as Magnolia Shores and in Phase 1A of Waters Run. WRDG shall commence work within seven (7) days upon signing this Memorandum and shall complete all work by December 11, 2015.

4. The funds deposited with Sussex County for Phase 1A shall not be released to WRDG but shall be held by the County to assure installation of the storm sewer grates in Phase 1A and the completion of all work remaining to be performed in Magnolia Shores. When the work for both Phase 1A and Magnolia Shores has been completed by WRDG and inspected and approved by Sussex County, the bond proceeds for Phase 1A shall be released by the County to WRDG.

5. Sussex County will not pay fees for pumping of holding tanks now due or incurred in the future nor release such fees from any bond funds. The fees for pumping holding tanks are the sole responsibility of WRDG.

6. Upon receipt of amended plans for completion of the work in Phase 1B, Sussex County will review them but shall not approve them and issue a notice to proceed until WRDG executes amendments to the cash performance bonds to encompass the lots added to Phase 1B and until this Memorandum of Understanding has been executed.

7. Work on the sanitary sewers to be completed in Phase 1B including installation of all laterals shall commence by November 9, 2015 and be completed by November 20, 2015.

8. The construction of the roads and adjacent drainage system in Phase 1B, as well as any final road construction in Phase 1A, shall start as soon as the sanitary sewer installation has been completed, inspected and approved. All road and drainage system construction shall be completed by December 11, 2015. Said roadwork shall not include sidewalk installation, but shall include all other items set forth on the approved plans.

9. In the event any milestone set forth in this Memorandum is missed, the County shall have the right to call the cash performance bonds and complete the items of work set forth in said bonds. WRDG shall be liable to Sussex County for all expenditures made in excess of the cash bond amounts needed to reasonably and satisfactorily complete the items of work.

10. Upon satisfactory completion, inspection and approval of all work items set forth on the approved plans and as stated in the cash performance bonds by WRDG, Sussex County shall reduce or refund the cash deposits. Any funds retained will be only what are necessary to assure completion of any punch list or outstanding items to be completed.

11. This Memorandum of Understanding shall be binding upon the parties, their principals, successors and assigns.

12. WRDG shall be permitted to convey Lot 2 in Phase 1A upon execution of this Agreement. WRDG shall be permitted to convey Lot 18 in Phase 1B after its compliance with Paragraph 8 herein.

13. This sets forth the final understanding of the parties and any prior statements or representations are deemed merged herein.

IN WITNESS WHEREOF and intending to be legally bound, the parties hereto set their hands and seals on the day and year first set forth above.

WRDG, LLC

WITNESS

By: _____(SEAL)
Michael Daniels

SUSSEX COUNTY

ATTEST

By: _____(SEAL)
Todd Lawson, County Administrator

AMENDED CASH PERFORMANCE BOND

FROM: WRDG, LLC

TO: Sussex County Council

RE: Agreement Number: 634-1
Agreement Name: Waters Run
Phase: 1B

RECITAL

On or about July 12, 2012, WRDG, LLC presented to Sussex County Council a Cash Performance Bond ("Bond") in the principal sum of $51,186.88, accompanied by a deposit of that amount with the County. The Bond is to provide funds to Sussex County Council to complete all items of work stated therein, including, but not limited to, the sanitary sewer facilities installation as well as all labor, materials, appliances, and tools necessary to perform the work in the event of WRDG, LLC's default or failure to complete. The Bond is for Phase 1B of Waters Run. Subsequent to the Bond being presented, Phase 1B has been amended to include additional lots. Therefore, this Amended Cash Performance Bond is tendered to conform to the rephasing.

TERMS

1. This Amended Cash Performance Bond shall hereafter secure completion of the work defined in said Bond in Phase 1B of Waters Run to now include Lots 11 through 18 and Lots 39 through 52.

2. The Cash Performance Bond, as amended by the reduction in bond amount, is incorporated by reference herein and in all other respects unamended except as herein stated.

3. WRDG, LLC agrees it is still bound by the terms as stated in the original Bond as amended.

Signed and sealed on this 27th day of OCTOBER, 2015.

WITNESS

DEVELOPER, WRDG, LLC

By: _____(SEAL)

Print Name: MICHAEL DANIELS

Title: MANAGING MEMBER

AMENDED CASH PERFORMANCE BOND

FROM: WRDG, LLC

TO: Sussex County Council

RE: Agreement Number: 634-1
Agreement Name: Waters Run
Phase: 1B

RECITAL

On September 12, 2013, WRDG, LLC presented to Sussex County Council a Cash Performance Bond ("Bond") in the principal sum of $73,233.75, accompanied by a deposit of that amount with the County. In January, 2014, said Bond amount was reduced to $64,114.00. The Bond is to provide funds to Sussex County Council to complete all items of work stated therein, including, but not limited to, the private roads and drainage systems as well as all labor, materials, appliances, and tools necessary to perform the work in the event of WRDG, LLC's default or failure to complete. The Bond covers the work in Phase 1B of Waters Run, further defined as Lots 11 through 17 and Lots 40 through 52. Subsequent to the Bond being presented, Phase 1B has been amended to include additional lots. Therefore, this Amended Cash Performance Bond is tendered to conform to the rephasing.

TERMS

1. This Amended Cash Performance Bond shall hereafter secure completion of the work defined in said Bond in Phase 1B of Waters Run to now include Lots 11 through 18 and Lots 39 through 52.

2. The Cash Performance Bond, as amended by the reduction in bond amount, is incorporated by reference herein and in all other respects unamended except as herein stated.

3. WRDG, LLC agrees it is still bound by the terms as stated in the original Bond as amended.

Signed and sealed on this 27th day of OCTOBER, 2015.

WITNESS

DEVELOPER, WRDG, LLC

By: _____(SEAL)

Print Name: MICHAEL DAVIES

Title: MANAGING MEMBER

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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FAX	(302) 855-7799

Sussex County

DELAWARE
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JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

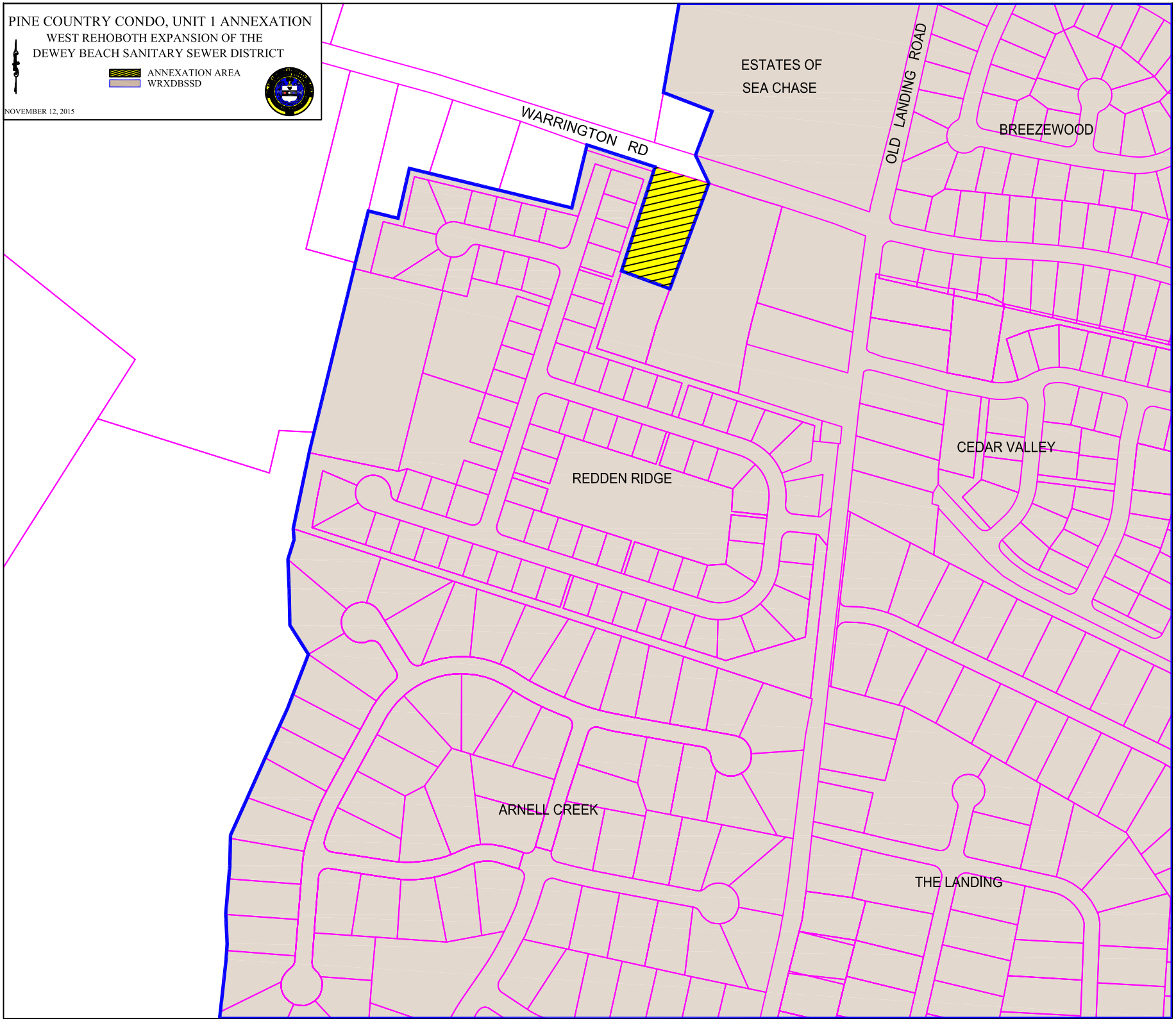
Pine Country Condo, Unit 1 Annexation
West Rehoboth Expansion
of the
Dewey Beach Sanitary Sewer District

- The Engineering Department is requesting permission to prepare and post public hearing notices for annexation of an area of land into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

- The proposed annexation area is south of Warrington Road, and west of Old Landing Road. The area is shown crosshatched on the attached map.

- The area is in Mr. Cole's Councilmatic District.

- The area includes Unit 1, of the Pine Country Condo. Other lands of the parcel were previously annexed into the sewer district. The current owner has provided payment of the application fee and a written request for the area to be added to the sewer district.


PINE COUNTRY CONDO, UNIT 1 ANNEXATION
WEST REHOBOTH EXPANSION OF THE
DEWEY BEACH SANITARY SEWER DISTRICT
ANNEXATION AREA
WRXDBSSD
NOVEMBER 12, 2015
WARRINGTON RD
ESTATES OF
SEA CHASE
OLD LANDING ROAD
BREEZEWOOD
CEDAR VALLEY
REDDEN RIDGE
ARNELL CREEK
THE LANDING

West Rehoboth Community Land Trust, Inc.
Post Office Box 633
Rehoboth Beach, Delaware 19971

Councilman George Cole
Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947

November 2, 2015

Dear Mr. Cole,

The West Rehoboth Community Land Trust Inc., a (501 C 3), is embarking on phase IV of our housing initiative. With a grant of $5,000 from the Sussex County Council and contributions from foundations, businesses, individuals, and churches in our community, we plan to purchase a fourth lot and partner with Sussex Habitat for Humanity to build another house for home ownership.

Phase I began in September 2012 and was completed in February 2013 when we received our certificate of occupancy for two rental units. Two West Rehoboth families who had been living in substandard housing conditions now live in new energy efficient units with a rent of $400 and $500 per month. This project was part of a housing preservation and community improvement initiative. We were able to reach this goal with assistance from Sussex County Council and from others committed to seeing housing conditions improve within this low to moderate income community of West Rehoboth. This project is now self sustaining.

Phase II: WRCLT purchased a property on November 7, 2013 on Norwood St. .in West Rehoboth at a cost of $70,000. Sussex Habitat and West Rehoboth Community Land Trust completed a very successful partnership which was the first in Sussex County. In this partnership the Land Trust retained the property in the Land Trust and Habitat qualified a family in the community for homeownership. In July the family received a no interest mortgage from Sussex Habitat. This family completed 250 volunteer hours and they will serve on the Land trust board per Land Trust rules.

Phase III: The West Rehoboth Community Land Trust plans to purchase another property by the end of 2015. This lot has two rental houses on it. This will provide two more units of safe, decent, affordable housing for two more West Rehoboth families.

We would like the county to be a partner with us as we move forward in 2016 with Phase IV of our housing effort in the West Rehoboth neighborhood. Time is of the essence in purchasing lots before the land cost becomes prohibitive. I have also sent a similar letter to Councilwoman Joan Deaver.

The Land Trust is an all volunteer board so that all monies raised for our projects go toward the mission of the organization.

Thank you for your interest and past support. If you have any questions you can reach me at 302-260-9519 or visit our web site at http://www.westrehobothlandtrust.org.

Sincerely,

Elizabeth Doty, President

October 21, 2015

Dear Sussex County Council Members:

The Southern Delaware Hurricanes are a non-profit travel softball organization serving young ladies from all around the County. Our year round program includes competition in Fall and Summer tournaments throughout the East Coast.

As a non-profit organization, our funding is highly dependent upon the contributions on local businesses and individuals. The SD Hurricanes are focused on teaching and developing the fundamentals of softball to local youth.-as well as to promote academics, good sportsmanship, and teamwork. There is no greater example of teamwork than a community pulling together to financially contribute to the betterment of a team.

The SD Hurricanes are presently seeking sponsorships for our 2015-16 season to help with the cost of tournaments, uniforms, equipment, fields, winter practice facility, etc. Your tax deductible donation would be greatly appreciated and most definitely help these young ladies pursue their dream of playing high level softball.

We thank you in advance for your support.

Thank you,

SD Hurricane Staff

Jeff Shockley

Mike Reed

John Quick

Please make checks payable to SD Hurricanes
Tax ID#-46-3468324
Return to SD Hurricanes, 403 Wilson Street, Georgetown DE 19947

Del-Mar-Va Council Boy Scouts of America
for Cub Scouts Pack 5

November 2 2015

To The Honorable George B. Cole

Sussex County Council

Hi my name is Matthew Ostendarp I am the Committee Chair for Cub Scouts Pack 5 in Long Neck, DE. I am writing you today to seek the support of the Sussex County Council

Let me just take a brief moment and tell you a little about our pack. Our pack was formed over 6 years ago and every year we have increased membership. Currently our Pack consists of 23 boy's grade 1-5 and 6 adult leaders. We have a very active pack, we camp 4-5 times per year, we spend most of the summer building our program so we may provide the boys with the best possible scouting experience, and we perform numerous community service projects and recently have adopted a highway. We meet every Monday at Potnets Lakeside Community Center at 6:00pm.

Our pack runs solely on fundraisers and donations from community members. We are looking for support from The Sussex County Council to help out with our annual Blue and Gold Banquet. This is the birthday of Scouting and the time when our young Scouts become Boy Scouts.

Thank you for your time and consideration. We look forward to hearing from you and your office.

Regards,

Matthew Ostendarp
32286 Bayshore Dr
Millsboro, De 19966
302-344-6468

PUBLIC HEARINGS

November 17, 2015

This is to certify that on October 15, 2015 the Sussex County Planning and Zoning Commission conducted public hearings 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 #1785 – Truitt Homestead, 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 Lewes and Rehoboth Hundred, Sussex County, containing 23.5079 acres, more or less. The property is located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road (911 Address: None Available) Tax Map I.D. 334-19.00-3.00.

C/U #2029 – Truitt Homestead, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for single-family/condominium units (age restricted) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 23.5079 acres, more or less. The property is located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road (911 Address: None Available) Tax Map I.D. 334-19.00-3.00.

After asking James A. Fuqua, Jr. Esquire, present on behalf of the applicants, it was decided that the public hearings for C/Z #1785 and C/U #2029 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 July 1, 2015 and that the applicant provided surveys and site plans relating to the application; that on July 2, 2015 Wm. Roger Truitt, one of the property owners submitted a letter describing their intent of development of the property; and that on October 5, 2015 the applicant provided an Exhibit Booklet which contains a Presentation Outline; a Data Column; a Topographic Worksheet Plan; a Boundary Survey; a copy of the application for the rezoning; a copy of the application for the Conditional Use; a copy of the deed to the property; a legal description; a list of property owners; Preliminary Site Plans; Revised Preliminary Site Plans based on TAC comments; a series of maps; their Response to the PLUS comments; an Environmental Assessment and Public Facilities Evaluation Report; references to compliance with Chapter 99-9C of the Subdivision Code; and Responses to the TAC comments.

Mr. Lank advised the Commission that the file includes separate copies of the referenced PLUS comments, DelDOT comments, and TAC comments.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 14, 2015, referencing that the property is located in the West Rehoboth Expansion Area of the Dewey Beach Sanitary Sewer District; that wastewater capacity is available for the project based on EDU calculations; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is $5,775.00 per EDU; that gravity sewer is available in Shuttle Road; that conformity to the North Coastal Area Planning Study will be required; that sewer connection will be mandatory; that the project site has been allocated for sewer service at 4.0 EDU per acre; that the project as proposed for 90 condominium ownership single family residential units and the clubhouse and pool are within sewer planning assumptions for capacity allocated to the whole site; that development of the additional 1.6 acre area will exceed capacity allocations and shall require some sewer system upgrades, at the developers expense, before additional development of the parcel is approved for sewer connection; that the proposed development will require a developer installed collection system in accordance with County standards and procedures; that the County Engineer shall approve the connection point; that a sewer conceptual plan shall be submitted for review and approval prior to initiating the annexation process; that a concept plan is required; and that conformity to the North Coastal Area Planning Study and the approved concept plan will be required.

Mr. Lank advised the Commission that on October 5, 2015 Mr. Fuqua provided a copy of "Age Restricted" home design considerations to be incorporated in the proposed development for the record.

The Commission found that Roger Truitt was present on behalf of Truitt Homestead, LLC with James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A., Zac Crouch, Professional Engineer, and D. J. Hughes, Professional Engineer, both of Davis Bowen & Friedel, Inc. Deborah Young, an amenities designer for age restricted communities, and Preston Schell, a Principal of Ocean Atlantic and Schell Brothers, and that they stated in their presentations and in response to questions raised by the Commission that they are proposing two applications, one to rezone the property to MR Medium Density Residential and one for a Conditional Use for the

age-restricted project on the site; that the site contains 23.5079 acres and that they are proposing 90 single-family detached condominium units; that the site is across from the State Park & Ride, in close proximity to The Keys at Marsh Harbor, a multi-family project, adjacent to Kings Creek Subdivision, the Villages at Kings Creek, a multi-family project, Stable Farm Subdivision, and Kinsale Glen Residential Planned Community; that the Truitt family has owned the property for 107 years; that the property has restrictive covenants that limit transfer of the property; that the lands around the site have been residentially developed; that the site currently contains an executive golf course; that the land is intended to be leased to the developers; that Ocean Atlantic and Schell Brothers will be developing the site; that the project will be age restricted; that units will have at least one entrance at ground level for wheelchair accessibility; that the units will be ADA compliant; that the units will have central vacuums; that proposed amenities include a clubhouse, indoor aquatic therapy pool, sidewalks and walking paths, and easy access to the Park & Ride facility; that an area of 1.6 acres is reserved in the center of the project for the future application for an assisted living facility, but is not a part of this application; that public water will be provided by Tidewater Utilities; that capacity is available for connection to the County sewer system; that stormwater management and erosion and sediment control facilities will be built to Sussex Conservation District standards; that there are 1.4 acres of Federal wetlands on the site; that there are no State wetlands on the site; that they are proposing to provide a minimum width of 25 feet to buffer any wetlands; that DelDOT did not require a Traffic Impact Study, and have advised that this project will create less traffic per day than an AR-1 Agricultural Residential standard subdivision due to the proposed age-restriction; that the site is located in the Rehoboth Beach Volunteer Fire Department service area; that the site is located in the Cape Henlopen School District; that a condominium association will be established; that the site is located in an Investment Level 1 according to the Strategies for State Policies and Spending; that the site is located in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Land Use Plan; that the zoning requested in consistent with the nearby MR Medium Density Residential zoning and AR-1 Agricultural Residential zoning, the nearby condominium units, the commercial activities along Route One, and the State Park & Ride; that the streets/drives will be built to County Code; that the entrance will be built to DelDOT regulations; that approximately 0.5 acre of the open area on the site is being set aside for active use with a clubhouse, pool, and gardens; that sidewalks will be located on both sides of the streets/drives; that the existing parking area on the site will be retained for overflow; that a 20 foot wide buffer will be provided around the perimeter of the site; that landscaping will be provided per the Subdivision Ordinance; that as many existing trees will be maintained as possible; that no homes will be built in a flood zone; that the existing pond on the golf course will be converted to a stormwater management facility; that they will meet all Codes relating to Well Head Protection Areas; that they will promote the use of the State Park & Ride; that the project will be developed with a long term lease with Ocean Atlantic and Schell Brothers; that the golf project has not recently been profitable; that the Truitt family will remain the landowner; that an age restricted community is needed in the area; that Mr. Truitt met will all of the Homeowners Associations in the community; that the proposed project is consistent with the County Comprehensive Land Use Plan, the Strategies for State Policies and Spending, and the Zoning Ordinance; that Kinsale Glen has a density of approximately 1.69 units per acre; that

Stable Farms has a density of approximately 3.14 units per acre; that the Village at Kings Creek has a density of 4.28 units per acre; that the Keys at Marsh Harbor has a density of 5.26 units per acre; that the Kings Creek Subdivision has a density of less than 2 units per acre; that the proposed project has a density of 3.8 units per acre; that the setbacks for the project relate to perimeter property lines since this is a proposed multi-family project; that they are proposing that units be separated by 10 feet; that the units will have garages and driveway parking; that the streets will have curb and guttering; that the Village at Kings Creek has 8 condominium units, but could not have been developed a 8 single family lots due to the irregular shape of the property; and that the lease is intended to be for a period of 105 years.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Facts and Conditions of Approval for consideration.

Mr. Robertson stated that there are specific guidelines in Federal regulations for age-restricted communities.

The Commission found that there were no parties present in support of the application other than those present on behalf of the application.

The Commission found that Dr. Ray Bryant, a resident of Kinsale Glen, Debbie Donovan, a resident of Kinsale Glen, and Theodora Braver, a resident of the Village at Kings Creek, were present in opposition to the applications and expressed concerns relating to traffic, increased traffic, and pedestrian and cyclist safety; that it is already dangerous to cross Shuttle Road to get to the Park & Ride; that a Traffic Impact Study should have been required; that the new Rehoboth Gateway project will create additional traffic at County Club Road and Shuttle Road due to proposed ingress/egress locations; that 55 year old and older citizens do drive and travel; that a small pet cemetery does exist on the site; that the 10 existing communities along Shuttle Road and County Club Road already are affected by traffic; and that the intended use will add to the congestion of the area.

The Commission found that Mr. Truitt responded that the small pet cemetery is a family pet cemetery for personal use of the family.

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

In reference to Change of Zone No. 1785 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

In reference to Conditional Use No. 2029 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On October 29, 2015 the Commission discussed these applications under Old Business.

In Reference to C/Z #1785 – Truitt Homestead, LLC

Mr. Johnson stated that he would move that the Commission recommend approval of Change in Zone No. 1785 for Truitt Homestead, LLC for a change in zone from AR-1 Agricultural Residential to MR Medium Density Residential based upon information contained in the record and for the following reasons:

1) The proposed zoning to MR Medium Density Residential meets the purpose of the Zoning Ordinance and that it promotes the orderly growth of the County and the proposed project is in a Developing Area according to the Sussex County Comprehensive Land Use Plan.

2) Sewer service will be provided as part of a County operated sanitary sewer district, and adequate wastewater capacity is available for the project.

3) The site will be served with central water.

4) This is basically an infill rezoning. MR Medium Density Residential zoning is consistent with the neighboring and adjacent zoning, which includes other lands that are zoned MR Medium Density Residential. Other nearby zonings and uses include multi-family and single-family residential development, the Route One commercial corridor, a DelDOT transportation hub, and an outdoor water park.

5) MR Medium Density Residential zoning is appropriate for this site and is consistent with the purposes of the MR Medium Density Residential District according to the Sussex County Zoning Ordinance. The purpose of the MR Medium Density Residential District is to provide medium density residential development in areas which are generally urban in character. Again, the surrounding development includes commercial development, the Route One corridor, single-family development and multi-family communities. Rezoning this property to MR Medium Density Residential is consistent with this character and the purpose of the MR Medium Density Residential District.

6) The proposed rezoning to MR Medium Density Residential will not adversely affect the neighboring properties, uses or roadways.

Motion by Mr. Johnson, seconded by Mr. Smith, 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. Mr. Burton did not participate in the discussion or the vote since he was not present during the public hearing.

In Reference to C/U #2029 – Truitt Homestead, LLC

Mr. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 2029 for Truitt Homestead, LLC to allow 90 condominium units based upon the information contained in the record and for the following reasons:

1) The proposed Conditional Use meets the purpose of the Sussex County Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Developing Area according to the Sussex County Comprehensive Land Use Plan.

2) The development of this site with 90 age-restricted condominium units is consistent with the densities of surrounding developments.

3) Sewer service will be provided by Sussex County as part of a County operated sanitary sewer district.

4) The residential development will be served by central water.

5) The Conditional Use will permit the development of the property in a way that is consistent with the uses that exist in the area, including single family houses, multi-family dwellings, and commercial uses.

6) The proposed development will not adversely affect neighboring properties or roadways.

7) This recommendation is subject to the following conditions:

    a. There shall be no more than 90 dwelling units constructed on the site.

    b. All entrances, intersections, inter-connection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements.

    c. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.

    d. The Conditional Use shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.

    e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.

    f. As proffered by the applicant, all roadways shall comply with the Sussex County street design requirements.

    g. As stated by the applicant, there shall be sidewalks on both sides of all streets, which shall be designed and built in accordance with the Sussex County requirements for a street with curbs and gutters.

    h. The applicant shall submit as part of the Site Plan Review a landscape plan showing the proposed tree and shrub landscape design.

i. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of the streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities, and other common areas.

j. 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. This proffer by the applicant was a significant part of the record, including traffic counts, the need for additional traffic analysis, and the basis for the density and site plan of the development.

k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

l. A 20 foot wide perimeter buffer shall be provided as shown on the Preliminary Site Plan. The buffer, which may include existing vegetation, shall be included as part of the Final Site Plan.

m. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. As offered by the applicant, a 25 foot buffer shall be provided for Federal wetlands as shown on the Preliminary Site Plan. The wetland areas and the buffer areas shall be clearly marked on the site with permanent markings to prevent disturbance.

n. Construction, site work, grading and deliveries of construction materials, landscape materials, and fill on, off or to the property shall only occur Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m., and on Saturday between the hours of 9:00 a.m. and noon.

o. This preliminary approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The staff shall approve the revised Plan upon confirmation that all conditions of approval have been depicted or noted on it.

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

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0. Mr. Burton did not participate in the discussion or the vote since he was not present during the public hearing.

Introduced 08/18/15

Council District No. 4 - Cole
Tax Map I.D. No. 334-19.00-3.00
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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS

WHEREAS, on the 1st day of July 2015, a zoning application, denominated Change of Zone No. 1785 was filed on behalf of Truitt Homestead, 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. 1785 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 23.5079 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

LEGAL DESCRIPTION

James Truitt Farm, LLC

3-34-19.00-3.00

BEING all that piece or parcel of land, hereinafter described, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, as shown on a plot entitled "Boundary Survey Plan of the lands of James Truitt Farm, LLC, prepared by Davis, Bowen & Friedel, Inc., dated December 2014; said piece or parcel of land being more particularly described as follows:

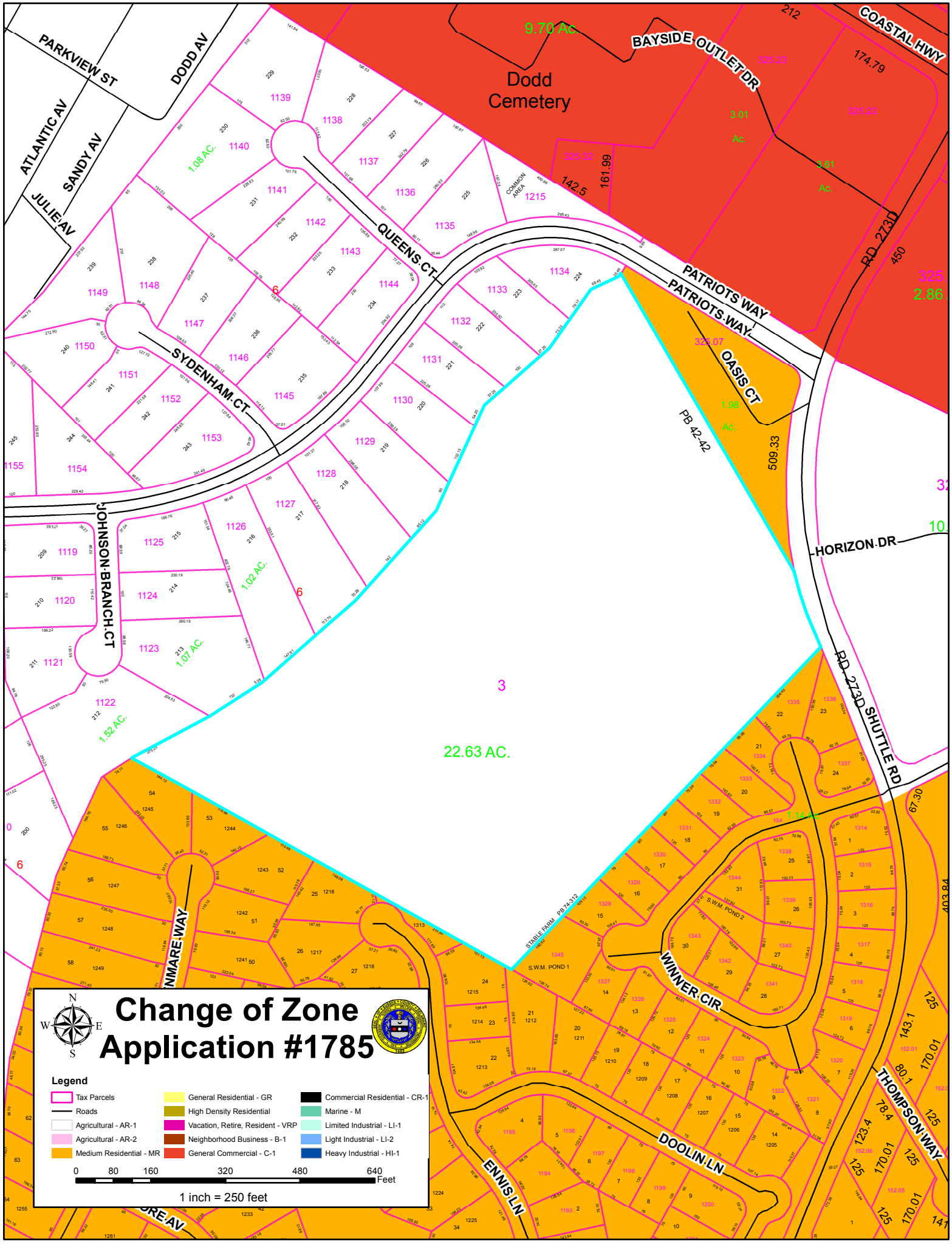
BEGINNING at an iron rod with cap set at a point formed by the intersection of the westerly right-of-way line of County Road 273 (Shuttle Road), 80 feet wide, with the northwesterly line of the subdivision known as Stable Farm, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Plot Book 74, Page 312; said beginning point also bears 340 feet, more or less, northwesterly from the centerline of Winner Circle; said beginning point being coordinated on the Delaware State Grid System as N:259,222.387 feet, E:744,191.990 feet; thence,

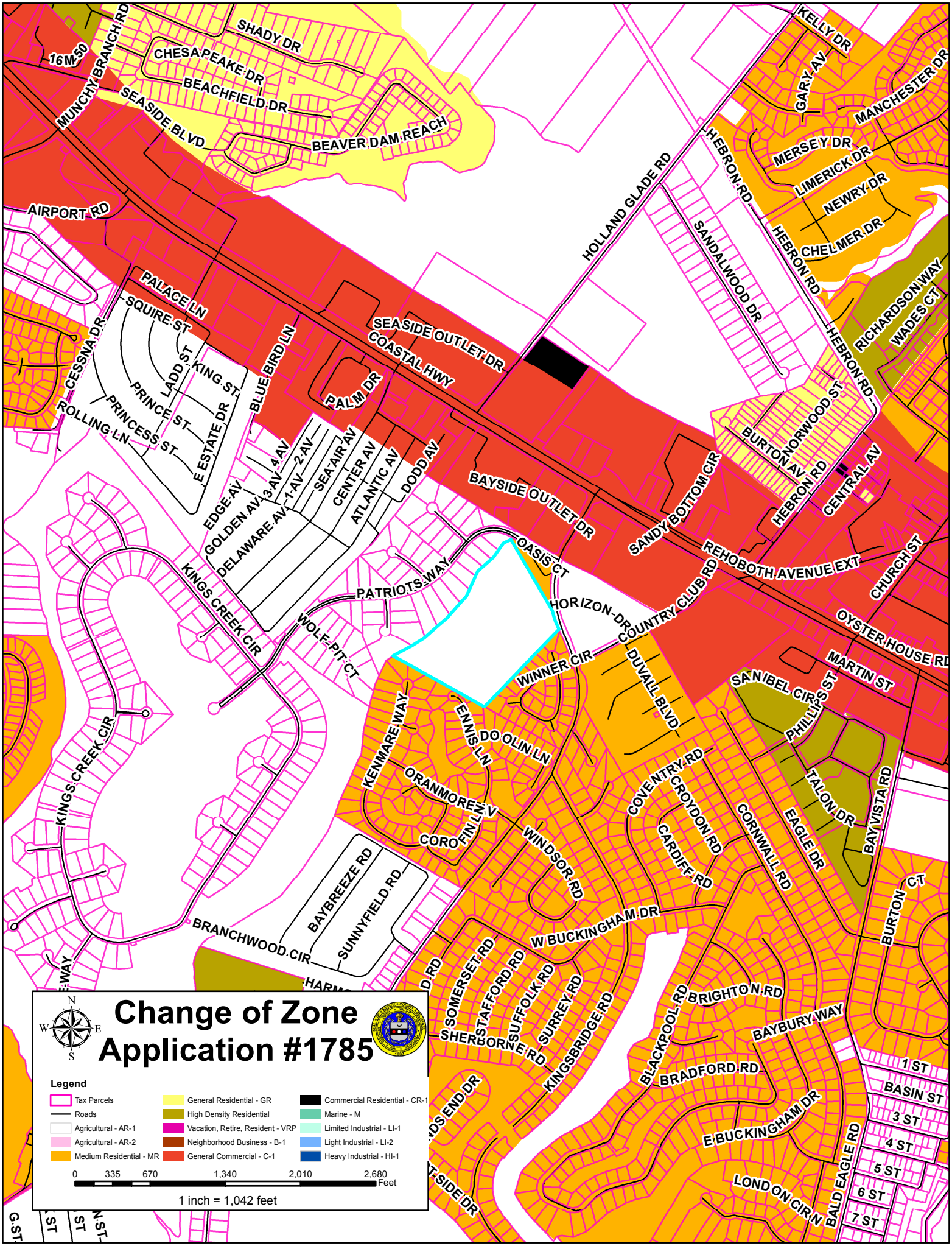
1) **Leaving said right-of-way line of Shuttle Road and running by and with said Stable Farm subdivision, South 42 degrees 49 minutes 02 seconds West 951.10 feet, passing over iron pipes found at 196.95 feet, 292.02 feet, 367.04 feet, 442.07 feet, 522.01 feet and 602.02 feet; to a point on the northeasterly line of the subdivision known as Kinsale Glen as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 73, Page 70, said point bears North 60 degrees 42 minutes 16 seconds West 0.43 feet from an iron pipe found, thence,**
2) **Leaving said Stable Farm subdivision and running by and with said Kinsale Glen subdivision, North 60 degrees 42 minutes 16 seconds West 938.25 feet, passing over iron pipes found at 348.66 feet, 496.70 feet, 607.10 feet, 794.10 feet and an iron rod with cap found at 861.37 feet; to a point on the southeasterly line of the subdivision known as Kings Creek Country Club, Parcel B, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 42, Page 42, said point also being within Wolf Pit Branch, thence,**
3) **Leaving said Kinsale Glen subdivision and running by and with said Kings Creek Country Club subdivision and generally with the many meanderings of Wolf Pit**

Branch, the following seven courses and distances, North 57 degrees 18 minutes 03 seconds East 324.89 feet to a point, thence running,

4) **North 48 degrees 28 minutes 03 seconds East 267.00 feet to a point, thence running,**
5) **North 41 degrees 49 minutes 33 seconds East 260.40 feet to a point, thence running,**
6) **North 24 degrees 35 minutes 33 seconds East 246.33 feet to a point, thence running,**
7) **North 48 degrees 28 minutes 33 seconds East 184.50 feet to a point, thence running,**
8) **North 35 degrees 33 minutes 03 seconds East 152.50 feet to a point, thence running,**
9) **North 63 degrees 30 minutes 33 seconds East 68.45 feet to a point on the westerly line of the subdivision known as The Village @ King's Creek Condominium, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 91, Page 315, thence,**
10) **Leaving said Kings Creek Country Club subdivision and Wolf Pit Branch and running by and with said The Village @ Kings Creek Condominium subdivision, South 28 degrees 22 seconds East 828.55 feet to an iron rod with cap set at a point on the aforesaid westerly right-of-way line of Shuttle Road, said point bears North 30 degrees 27 minutes 40 seconds West 12.44 feet from an iron pipe found, thence,**
11) **Leaving said The Village @ King's Creek Condominium subdivision and running by and with said westerly right-of-way line of Shuttle Road, the following two courses and distances, by and with the arc of a curve deflecting to the left having a radius of 888.83 feet and an arc length of 43.87 feet, the chord of which bears South 19 degrees 48 minutes 11 seconds East 43.86 feet to an iron rod with cap set at a point, thence running,**
12) **South 21 degrees 13 minutes 01 seconds East 43.19 feet to the point and place of Beginning:**

CONTAINING 23.5079 acres of land, more or less.


Change of Zone Application #1785
Legend
Tax Parcels
Roads
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 80 160 320 480 640 Feet
1 inch = 250 feet
Dodd Cemetery
9.70 Ac.
BAYSIDE OUTLET DR
COASTAL HWY
PARKVIEW ST
DODD AV
ATLANTIC AV
SANDY AV
JULIE AV
QUEENS CT
PATRIOTS WAY
SYDENHAM CT
JOHNSON BRANCH CT
OASIS CT
HORIZON DR
RD 273D
SHUTTLE RD
STABLE FARM
S.W.M. POND 1
S.W.M. POND 2
WINNER CIR
DOOLIN LN
ENNIS LN
THOMPSON WAY
1.08 AC.
1.02 AC.
1.07 AC.
1.52 AC.
1.98 Ac.
1.14 Ac.
22.63 AC.
3.01 Ac.
3.61 Ac.
PB 42-42
PB 74-312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N
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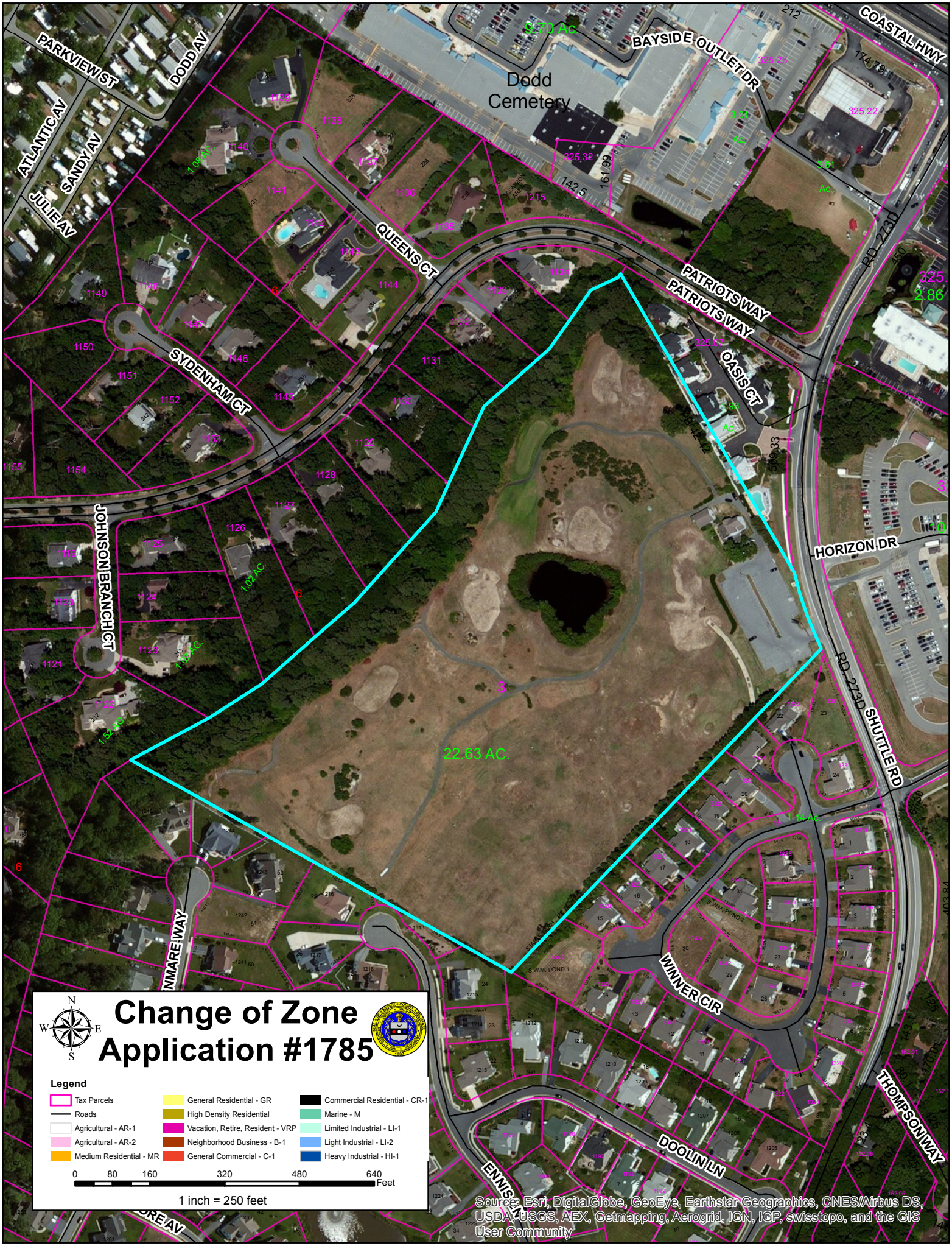
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680 Feet
1 inch = 1,042 feet
16M-50
MUNCHY BRANCH RD
SHADY DR
CHESAPEAKE DR
BEACHFIELD DR
SEASIDE BLVD
BEAVER DAM REACH
AIRPORT RD
PALACE LN
SQUIRE ST
CESSNA DR
ROLLING LN
PRINCESS ST
PRINCE ST
LADD ST
KING ST
E ESTATE DR
BLUE BIRD LN
SEASIDE OUTLET DR
COASTAL HWY
PALM DR
HOLLAND GLADE RD
SANDALWOOD DR
KELLY DR
GARY AV
MANCHESTER DR
MERSEY DR
LIMERICK DR
NEWRY DR
CHELMER DR
HEBRON RD
HEBRON RD
RICHARDSON WAY
WADES CT
NORWOOD ST
BURTON AV
HEBRON RD
CENTRAL AV
SANDY BOTTOM CIR
BAYSIDE OUTLET DR
REHOBOTH AVENUE EXT
CHURCH ST
OYSTER HOUSE RD
EDGE AV
GOLDEN AV
DELAWARE AV
4 AV
3 AV
2 AV
1 AV
SEA AIR AV
CENTER AV
ATLANTIC AV
DODD AV
OASIS CT
PATRIOTS WAY
KINGS CREEK CIR
WOLF PIT CT
HORIZON DR
COUNTRY CLUB RD
WINNER CIR
DUVALL BLVD
MARTIN ST
SANIBEL CIR
PHILLIPS ST
KENMARE WAY
ENNIS LN
DO OLIN LN
ORANMORE LN
COROFIN LN
WINDSOR RD
COVENTRY RD
CROYDON RD
CARDIFF RD
CORNWALL RD
EAGLE DR
TALON DR
BAY VISTA RD
BURTON CT
BAYBREEZE RD
SUNNYFIELD RD
BRANCHWOOD CIR
W BUCKINGHAM DR
SOMERSET RD
STAFFORD RD
SUFFOLK RD
SURREY RD
KINGSBRIDGE RD
SHERBORNE RD
BLACKPOOL RD
BRIGHTON RD
BAYBURY WAY
BRADFORD RD
E BUCKINGHAM DR
BALD EAGLE RD
LONDON CIR N
1 ST
BASIN ST
3 ST
4 ST
5 ST
6 ST
7 ST



Change of Zone
Application #1785
Legend
Tax Parcels
Roads
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Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 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
Dodd Cemetery
PARKVIEW ST
DODD AV
ATLANTIC AV
SANDY AV
JULIE AV
QUEENS CT
SYDENHAM CT
JOHNSON BRANCH CT
BAYSIDE OUTLET DR
COASTAL HWY
PATRIOTS WAY
OASIS CT
HORIZON DR
RD 273D
SHUTTLE RD
WINNER CIR
DOOLIN LN
THOMPSON WAY
22.63 AC.

Introduced 8/18/15

Council District No. 4 - Cole
Tax I.D. No. 334-19.00-3.00
911 Address: None Available

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR SINGLE-FAMILY / CONDOMINIUM UNITS (AGE RESTRICTED) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 23.5079 ACRES, MORE OR LESS

WHEREAS, on the 1st day of July 2015, a conditional use application, denominated Conditional Use No. 2029 was filed on behalf of Truitt Homestead, 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. 2029 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. 2029 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road and being more particularly described per the attached legal description prepared by Davis Bowen & Friedel, Inc., said parcel containing 23.5079 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

LEGAL DESCRIPTION

James Truitt Farm, LLC

3-34-19.00-3.00

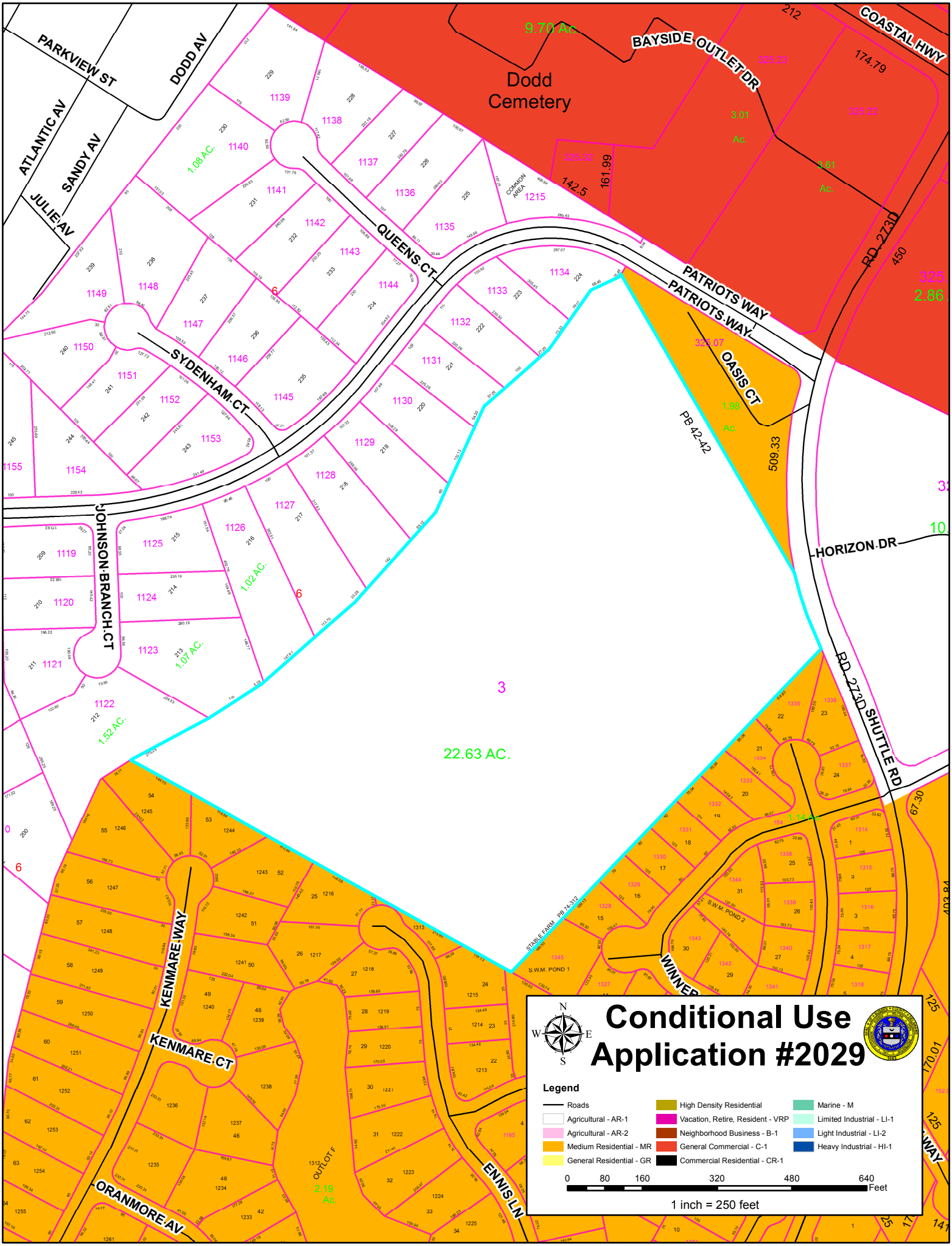
BEING all that piece or parcel of land, hereinafter described, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, as shown on a plot entitled "Boundary Survey Plan of the lands of James Truitt Farm, LLC, prepared by Davis, Bowen & Friedel, Inc., dated December 2014; said piece or parcel of land being more particularly described as follows:

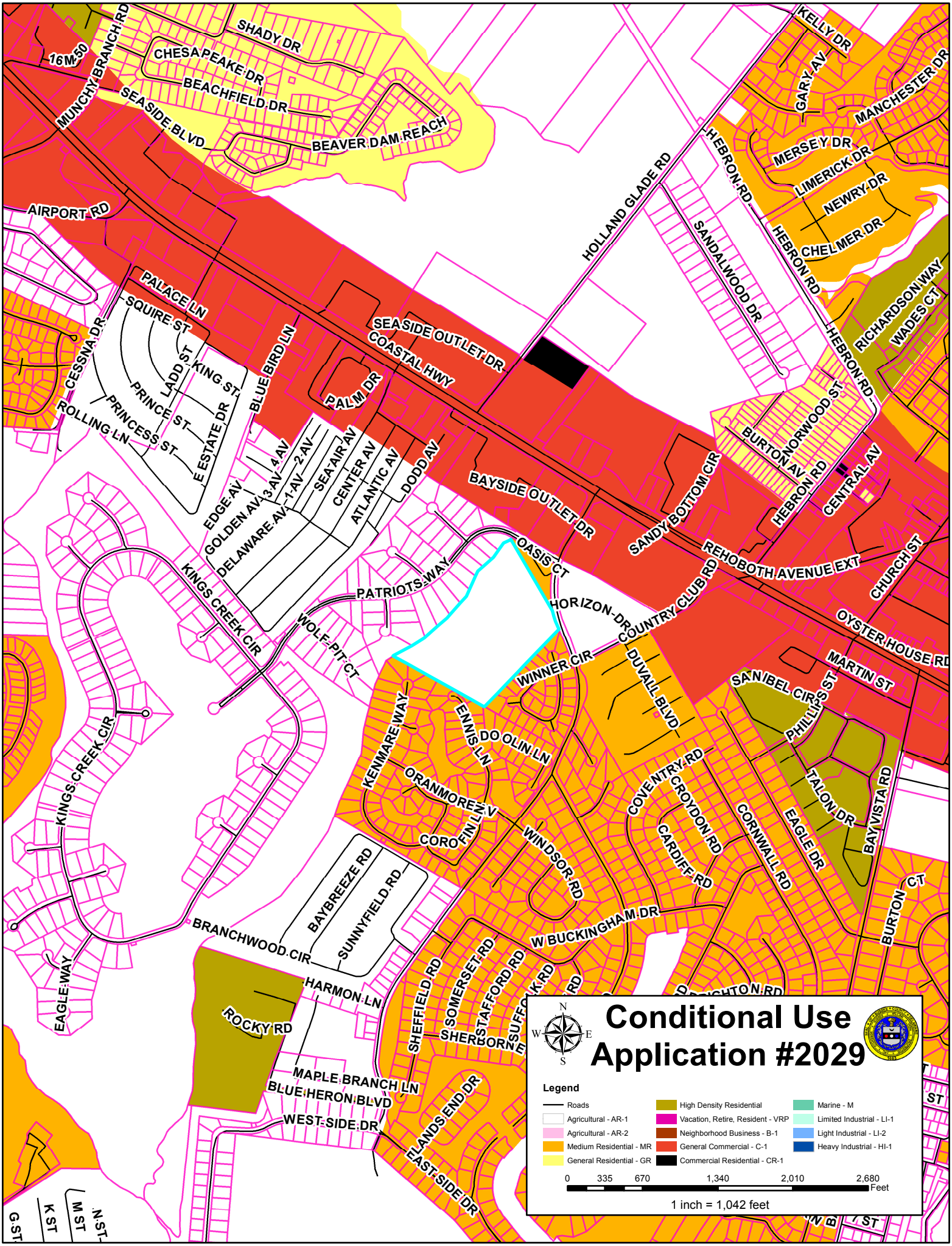
BEGINNING at an iron rod with cap set at a point formed by the intersection of the westerly right-of-way line of County Road 273 (Shuttle Road), 80 feet wide, with the northwesterly line of the subdivision known as Stable Farm, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Plot Book 74, Page 312; said beginning point also bears 340 feet, more or less, northwesterly from the centerline of Winner Circle; said beginning point being coordinated on the Delaware State Grid System as N:259,222.387 feet, E:744,191.990 feet; thence,

1) **Leaving said right-of-way line of Shuttle Road and running by and with said Stable Farm subdivision, South 42 degrees 49 minutes 02 seconds West 951.10 feet, passing over iron pipes found at 196.95 feet, 292.02 feet, 367.04 feet, 442.07 feet, 522.01 feet and 602.02 feet; to a point on the northeasterly line of the subdivision known as Kinsale Glen as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 73, Page 70, said point bears North 60 degrees 42 minutes 16 seconds West 0.43 feet from an iron pipe found, thence,**
2) **Leaving said Stable Farm subdivision and running by and with said Kinsale Glen subdivision, North 60 degrees 42 minutes 16 seconds West 938.25 feet, passing over iron pipes found at 348.66 feet, 496.70 feet, 607.10 feet, 794.10 feet and an iron rod with cap found at 861.37 feet; to a point on the southeasterly line of the subdivision known as Kings Creek Country Club, Parcel B, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 42, Page 42, said point also being within Wolf Pit Branch, thence,**

3) **Leaving said Kinsale Glen subdivision and running by and with said Kings Creek Country Club subdivision and generally with the many meanderings of Wolf Pit Branch, the following seven courses and distances, North 57 degrees 18 minutes 03 seconds East 324.89 feet to a point, thence running,**
4) **North 48 degrees 28 minutes 03 seconds East 267.00 feet to a point, thence running,**
5) **North 41 degrees 49 minutes 33 seconds East 260.40 feet to a point, thence running,**
6) **North 24 degrees 35 minutes 33 seconds East 246.33 feet to a point, thence running,**
7) **North 48 degrees 28 minutes 33 seconds East 184.50 feet to a point, thence running,**
8) **North 35 degrees 33 minutes 03 seconds East 152.50 feet to a point, thence running,**
9) **North 63 degrees 30 minutes 33 seconds East 68.45 feet to a point on the westerly line of the subdivision known as The Village @ King's Creek Condominium, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 91, Page 315, thence,**
10) **Leaving said Kings Creek Country Club subdivision and Wolf Pit Branch and running by and with said The Village @ Kings Creek Condominium subdivision, South 28 degrees 22 seconds East 828.55 feet to an iron rod with cap set at a point on the aforesaid westerly right-of-way line of Shuttle Road, said point bears North 30 degrees 27 minutes 40 seconds West 12.44 feet from an iron pipe found, thence,**
11) **Leaving said The Village @ King's Creek Condominium subdivision and running by and with said westerly right-of-way line of Shuttle Road, the following two courses and distances, by and with the arc of a curve deflecting to the left having a radius of 888.83 feet and an arc length of 43.87 feet, the chord of which bears South 19 degrees 48 minutes 11 seconds East 43.86 feet to an iron rod with cap set at a point, thence running,**
12) **South 21 degrees 13 minutes 01 seconds East 43.19 feet to the point and place of Beginning:**

CONTAINING 23.5079 acres of land, more or less.


Conditional Use Application #2029
Legend
Roads
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 80 160 320 480 640 Feet
1 inch = 250 feet
Dodd Cemetery
9.70 Ac.
BAYSIDE OUTLET DR
COASTAL HWY
PARKVIEW ST
DODD AV
ATLANTIC AV
SANDY AV
JULIE AV
QUEENS CT
SYDENHAM CT
JOHNSON BRANCH CT
PATRIOTS WAY
OASIS CT
HORIZON DR
RD 273D
SHUTTLE RD
KENMARE WAY
KENMARE CT
ORANMORE AV
ENNIS LN
WINNER
COMMON AREA
PB 42-42
STABLE FARM PB 74-312
S.W.M. POND 1
S.W.M. POND 2
OUTLOT F
22.63 AC.
1.08 AC.
1.02 AC.
1.07 AC.
1.52 AC.
1.98 Ac.
3.01 Ac.
3.61 Ac.
2.19 Ac.
325.07
325.32
325.23
325.22
325.
2.86
174.79
161.99
142.5
509.33
67.30
403.84
170.01
1.14 Ac.
3
6


16M-50
MUNCHY BRANCH RD
SHADY DR
CHESAPEAKE DR
BEACHFIELD DR
SEASIDE BLVD
BEAVER DAM REACH
AIRPORT RD
PALACE LN
SQUIRE ST
CESSNA DR
ROLLING LN
PRINCESS ST
PRINCE ST
LADD ST
KING ST
ESTATE DR
BLUE BIRD LN
SEASIDE OUTLET DR
COASTAL HWY
PALM DR
EDGE AV
GOLDEN AV
DELAWARE AV
4 AV
3 AV
2 AV
1 AV
SEA AIR AV
CENTER AV
ATLANTIC AV
DODD AV
BAYSIDE OUTLET DR
HOLLAND GLADE RD
SANDALWOOD DR
KELLY DR
GARY AV
MANCHESTER DR
MERSEY DR
LIMERICK DR
NEWRY DR
CHELMER DR
HEBRON RD
HEBRON RD
HEBRON RD
RICHARDSON WAY
WADES CT
NORWOOD ST
BURTON AV
SANDY BOTTOM CIR
CENTRAL AV
REHOBOTH AVENUE EXT
CHURCH ST
OYSTER HOUSE RD
MARTIN ST
SANIBEL CIR
PHILLIPS ST
OASIS CT
HORIZON DR
COUNTRY CLUB RD
WINNER CIR
DUVALL BLVD
PATRIOTS WAY
WOLF PIT CT
KINGS CREEK CIR
KINGS CREEK CIR
KENMARE WAY
ENNIS LN
DOOLIN LN
ORANMORE WAY
COROFIN LN
WINDSOR RD
COVENTRY RD
CROYDON RD
CARDIFF RD
CORNWALL RD
EAGLE DR
TALON DR
BAY VISTA RD
BURTON CT
W BUCKINGHAM DR
BAYBREEZE RD
SUNNYFIELD RD
BRANCHWOOD CIR
EAGLE WAY
HARMON LN
ROCKY RD
SHEFFIELD RD
SOMERSET RD
STAFFORD RD
SHERBORNE
MAPLE BRANCH LN
BLUE HERON BLVD
WEST SIDE DR
ELANDS END DR
EAST SIDE DR
G ST
K ST
M ST
N ST
ST
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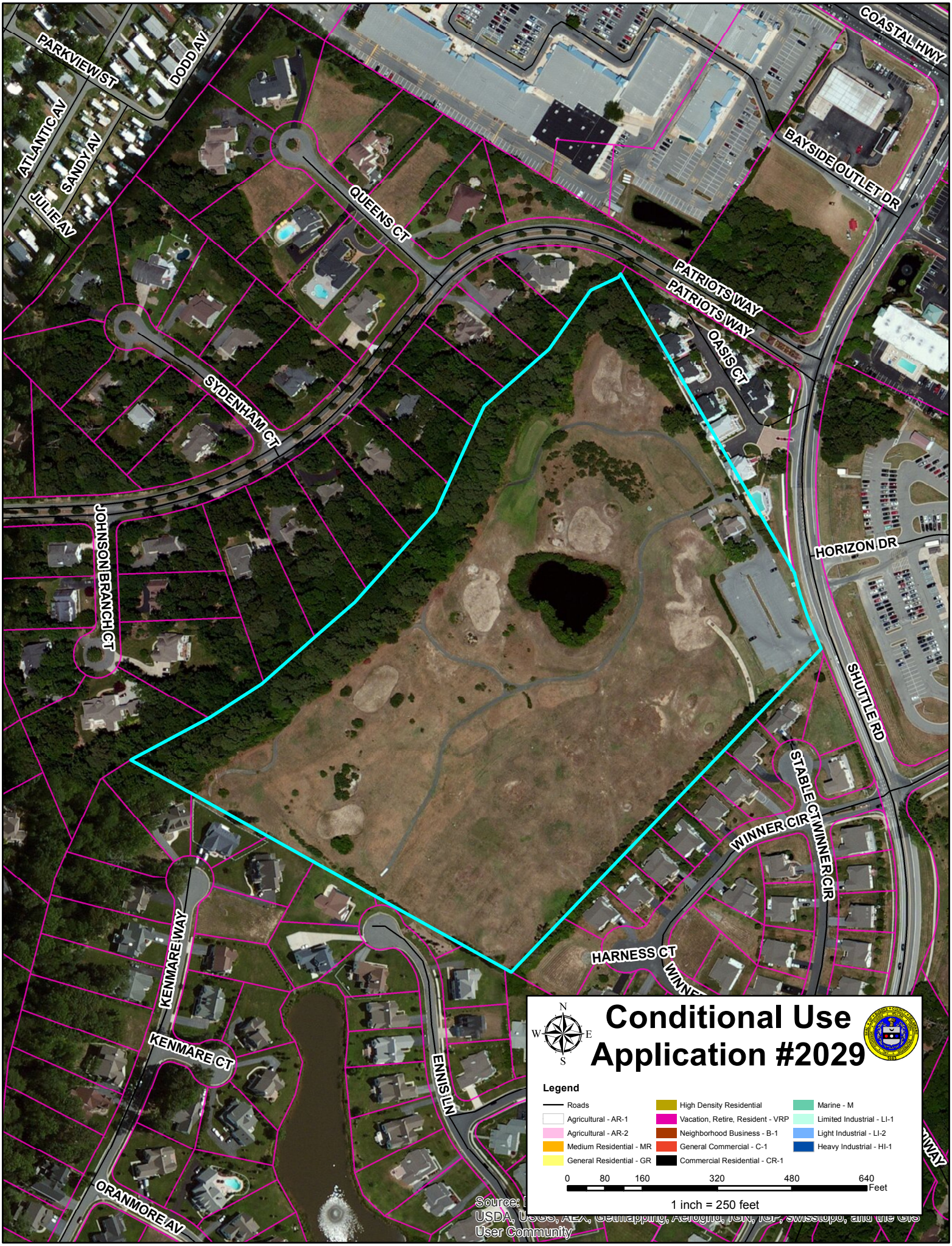
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680
Feet
1 inch = 1,042 feet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Heavy Industrial - HI-1
0 80 160 320 480 640
Feet
1 inch = 250 feet
Source:
USDA, USGS, AEX, GeoMapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community