



Sussex County Council Public/Media Packet

**MEETING:
December 1, 2015**

****DISCLAIMER****

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

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

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



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

Sussex County Council

A G E N D A

DECEMBER 1, 2015

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 343-10
Sussex County Project No. 81-04
Forest Landing – Phase 3C
Miller Creek Sanitary Sewer District
2. Wastewater Agreement No. 343-11
Sussex County Project No. 81-04
Forest Landing – Phase 3D
Miller Creek Sanitary Sewer District

Todd Lawson, County Administrator

1. Third Quarter Employee Recognition – “Pickle Awards”
2. Administrator’s Report

Grant Requests

1. Delmarva Clergy United in Social Action Foundation for program expenses
2. Fenwick Island Lions Club for projects



3. **Downtown Seaford Association for Christmas parade expenses**
4. **All About Pink, Inc., for educational retreat for breast cancer survivors**
5. **CHEER for *Deck the Halls with Christmas CHEER* event**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2021 filed on behalf of VIII P-Loan Portfolio Holding, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.66 ACRES, MORE OR LESS” (located at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299) (Tax I.D. No. 234-23.00-115.00) (911 Address: None Available)

Conditional Use No. 2032 filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE, EQUIPMENT PARKING AND SHOP/YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.125 ACRES, MORE OR LESS” (located north of Sherman Avenue (Road 213B), 135 feet east of North Old State Road (Road 213) (Tax I.D. No. 330-14.16-5.03 and 5.00) (911 Address: 18578 Sherman Avenue, Lincoln)

Change of Zone No. 1788 filed on behalf of Upesh Vyas

“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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,596 SQUARE FEET, MORE OR LESS” (located at the northwest corner of the intersection of John J. Williams Highway (Route 24) and Indian Mission Road (Route 5) (Tax I.D. No. 234-23.00-269.08) (911 Address: 24858 John J. Williams Highway, Millsboro)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 24, 2015 at 4:00 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 17, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 17, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Councilman Samuel R. Wilson, Jr. was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 571 15
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend the Agenda by striking “Joe Wright, Acting County Engineer – Waters Run – Cash Performance Bonds”, “Executive Session – Job Applicants’ Qualifications and Personnel pursuant to 29 Del C. §10004(b)” and “Possible Action on Executive Session Items”; and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 10, 2015 were approved by consent.

**Public
Comments**

Public Comments

There were no public comments.

**Sussex
County
Code
Purple
Presen-
tation**

Susan Kent, Executive Director of Love Inc., provided an update on the organization of Sussex County Code Purple. Ms. Kent reported that Code Purple shelters have been established in several areas in the County; Code Purple will be enacted whenever the night-time temperature is expected to fall below 32 degrees. To make arrangements to stay at shelters, interested parties can contact the Code Purple Hotline at 302-519-0024. Ms. Kent introduced two of the volunteers for this Code Purple initiative – Nikki

(continued) **Gonzalez and Vikki Prettyman.** The Council presented a check in the amount of \$10,000 for the Code Purple initiative.

Slam Dunk to the Beach Presentation **Dr. Matthew Robinson, Chairman of the Delaware Sports Commission,** presented an update on the Slam Dunk to the Beach basketball competition that brings high school teams from around the country, region and state to Cape Henlopen High School for three days in December. Dr. Robinson noted that this event is a high profile, high quality event that is nationally televised and that it is an event that has a positive economic impact on the area. Dr. Robinson thanked the Council for its financial support of the event.

**Appointment/
P&Z
Commission** **Mr. Lawson** presented a recommendation for a reappointment to the Planning and Zoning Commission for District 5. The appointment of Marty Ross, if approved, would be effective as of June 1, 2015 for a term of three years.

**M 572 15
Approve
Reappoint-
ment to
P&Z
Commission** A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the reappointment of Martin L. (Marty) Ross to the Planning and Zoning Commission, effective June 1, 2015, for a term of three years.

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 573 15
Approve
Wastewater
Agreement/
Swann
Cove** A Motion was made by Mr. Arlett, seconded by Mr. Cole, 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 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

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

**Administrator's
Report
(continued)**

1. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for September, there were 281 violent crime arrests with 195 clearances; 2,424 property crimes with 865 clearances; and 35,991 total traffic charges with 25,360 corresponding arrests. Of those traffic arrests, 743 were for DUI. Finally, there were 3,854 total vehicle crashes investigated in September. In total, there were 192 troopers assigned to Sussex County for the month of September.

2. Thanksgiving Holiday

Please note that Council will not meet on Tuesday, November 24th, during the week of Thanksgiving. County offices will be closed on Thursday, November 26th, and Friday, November 27th, for the Thanksgiving holiday and will reopen on Monday, November 30th, at 8:30 a.m. The next regularly scheduled Council meeting will be held on Tuesday, December 1st, at 10:00 a.m.

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

**Request/
DSP Report
to Council**

Mr. Arlett and Mr. Cole suggested that the Delaware State Police report to Council annually, possibly prior to the County's budget process.

**Request to
Withdraw
CZ 1780**

Lawrence Lank, Director of Planning and Zoning, presented a request for permission to withdraw Change of Zone No. 1780 filed on behalf of Lockwood Design & Construction, Inc. The Planning and Zoning Commission held a public hearing on this application on August 13, 2015 at which time action was deferred; on September 24, 2015, the Commission recommended that the application be denied. The County Council held a public hearing on this application on September 22, 2015 at which time action was deferred. Mr. Lank referenced the letter requesting permission to withdraw the application in which the applicant asked that the Council give consideration to expediting the schedule for a new application and he stated that the Applicant is no longer making a request for an expedited hearing schedule.

**M 574 15
Allow
CZ 1780
to be
Withdrawn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to allow Change of Zone No. 1780 to be withdrawn.

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

**Annexation
Request/
Pine
Country
Condo**

Rob Davis, Senior Planner, presented a request to prepare and post public hearing notices for the annexation of an area of land into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The

Annexation Request/ Pine Country Condo/ Unit 1 (continued) proposed annexation area is south of Warrington Road and west of Old Landing Road. The area includes Unit 1 of the Pine Country Condo. Other lands of the parcel (to the south) were previously annexed into the sewer district on September 23, 2014 as part of the Redden Ridge area annexation. The current owner has provided payment of the application fee and a written request for the area to be annexed. Mr. Davis noted that the area adjoins an existing sanitary sewer district.

M 575 15 Authorize Posting of Notices for Proposed Annexation of Pine Country Condo/ Unit 1 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Engineering Department is authorized to prepare and post public hearing notices for extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundary to include an area of land south of Warrington Road and west of Old Landing Road, as presented on November 17, 2015.

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

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

M 576 15 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,500.00 (\$1,000.00 from Mrs. Deaver's Councilmanic Grant Account and \$2,500.00 from Mr. Cole's Councilmanic Grant Account) to the West Rehoboth Community Land Trust for a housing initiative.

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 577 15 Motion Died A Motion was made by Mrs. Deaver, to give \$1,000.00 from Countywide Youth Grants to the Southern Delaware Hurricanes for expenses.

There was no Second to the Motion and the Motion failed.

M 578 15 Countywide Youth Grant A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 from Countywide Youth Grants to the Southern Delaware Hurricanes for expenses.

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

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

**M 579 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Del-Mar-Va Council Boy Scouts of America for Cub Scouts Pack 5.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Council
Members'
Comments**

Council Members' Comments

Mrs. Deaver commented on the Georgetown-Ellendale VFW Veterans House Build Project which was made possible, in part, to the Council's donation to the VFW.

Mr. Cole and Mr. Arlett commented on attending Veterans Day festivities in Ocean View.

Mr. Arlett offered thoughts and prayers to the people of France and the Paris attack victims.

**M 580 15
Recess**

At 11:05 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 581 15
Reconvene**

At 1:44 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules

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

**Public
Hearing/
CZ 1785
and
CU 2029**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR 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" (Change of Zone No. 1785) and the

**Public
Hearing/
CZ 1785
and
CU 2029
(continued)**

Proposed Ordinance entitled “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” (Conditional Use No. 2029) filed on behalf of Truitt Homestead, LLC (Tax Map I.D. No. 334-19.00-3.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on these applications on October 15, 2015 at which time action was deferred; on October 29, 2015, the Commission recommended that Change of Zone No. 1785 be approved and that Conditional Use No. 2029 be approved with 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**

**Public
Hearing/
CZ 1785
and
CU 2029
(continued)**

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.

(See the minutes of the meetings of the Planning and Zoning Commission dated October 15 and 29, 2015.)

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

Mr. Lank distributed copies of Exhibit Books which were previously submitted by the Applicant.

Mr. Lank reported that, following the Planning and Zoning Commission's Public Hearing, one additional correspondence was received – a letter from DelDOT with corrections to the October 2015 letter. Mr. Lank summarized the correspondence (a change in the calculations on the existing conditions with no development, existing conditions with development under existing zoning, and existing conditions with development under proposed zoning).

The Council 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 of Davis Bowen & Friedel, Inc.; Deborah Young, of Empower Ability, LLC; and Preston

**Public
Hearing/
CZ 1785
and
CU 2029
(continued)**

Schell, a Principal of Ocean Atlantic and Schell Brothers and developer of the property. A presentation was given on the two applications - a Change of Zone application to rezone the property to MR Medium Density Residential and a Conditional Use application for a residential project (to be known as The Farm at Truitt Homestead). Information was provided on the proposed use of the property for an age-restricted residential community project with a condominium form of ownership; the history of the site and its ownership by the Truitt family; other residential projects and uses in the area and other area zonings; wetlands delineation, proposed buffer, sewer capacity, parking, amenities, an existing family pet cemetery; existing fencing; buildable area; construction and amenity options considered to meet needs of older adults; the long term lease between the Truitt family and Ocean Atlantic (Schell Brothers); the potential for an assisted living facility in the future (which is not a part of this application) and disclosure of this in contracts with buyers; open space and common areas; and the project's compatibility with the character of the area.

Public comments were heard.

Theodora Braver of Kings Creek stated that she does not oppose the proposed project; however, she has concerns about the existing pet cemetery and its separation from her property/development, the buffer around the proposed project and the need for a visual and hearing buffer, the density of the project; and noise from the sewer pump station. She stated that trees are needed on the side of the pet cemetery; that buffers need to be mandated; that construction hours should be limited, that only cars should be allowed in the parking lot (no boats, etc.); and that no parking should be allowed on the roads in the community.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 582 15
Adopt
Ordinance
No. 2425
CZ 1785**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2425 entitled "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" (Change of Zone No. 1785) filed on behalf of Truitt Homestead, LLC.

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 583 15
Amend
Conditions
for
CU 2029**

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

Construction, site work, grading and deliveries of construction materials, landscape materials, and fill on, off or to the property from May 15th to September 15th shall only occur Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m., with no Saturday or Sunday hours; all other times, hours shall be from 7:00 a.m. to 6:00 p.m. during the week and 8:00 a.m. to 12:00 p.m. on Saturdays, with no Sunday hours.

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 584 15
Adopt
Ordinance
No. 2426
CU 2029**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2426 entitled "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" (Conditional Use No. 2029) filed on behalf of Truitt Homestead, LLC with the following conditions, as amended:

- 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.**

**M 584 15
Adopt
Ordinance
No. 2426
CU 2029
(continued)**

- 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 from May 15th to September 15th shall only occur Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m., with no Saturday or Sunday hours; all other times, hours shall be from 7:00 a.m. to 6:00 p.m. during the week and 8:00 a.m. to 12:00 p.m. on Saturdays, with no Sunday hours.**
- 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 Adopted: 4 Yeas, 1 Absent.

**M 584 15
(continued)**

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

**M 585 15
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at
3:38 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**

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

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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 23, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FOREST LANDING - PHASE 3C
AGREEMENT NO. 343 - 10

DEVELOPER:

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

LOCATION:

Intersection of County Road 368 and County
Road 84.

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

26 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$127,050.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/12/15

Department Of Natural Resources Plan Approval
04/02/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 32
Construction Admin And Construction Inspection Cost – \$19,449.45
Proposed Construction Cost – \$129,663.00



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

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 23, 2015

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FOREST LANDING - PHASE 3D
AGREEMENT NO. 343 - 11

DEVELOPER:

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

LOCATION:

Intersection of County Road 368 and County
Road 84.

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

22 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$127,050.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/17/15

Department Of Natural Resources Plan Approval
4/2/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 28
Construction Admin And Construction Inspection Cost – \$13,974.00
Proposed Construction Cost – \$93,160.00



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



Delmarva Clergy United in Social Action Foundation

November 9, 2015

Bishop M. Foster
President/CEO

Zabrina Gibbs
Secretary

Juanita Gill
Assistant Secretary

Nicole Pacheco
Treasurer

Betty Sampson
Board Member

Harold Truxon
Board Member

Elder William Downing
Board Member

Pattie Hinton
Board Member

Pattie Hinton
Board Member

Leon Bailey
Board Member

Vanessa Hinton
Board Member

Sandra Green
Board Member

Grace Young
Board Member

Joan Deaver (D)
Councilwoman, 3rd District
19208 Plantation Road
Rehoboth Beach, De 9971

RE; Dolls Tea Program

To whom it may concern

Over the past two years, Delmarva clergy United in Social Action Foundation (DCUSA) has provided a program for girls age 6-12 title the Dolls Tea Party. The girls meet frequently with their dolls to discuss several topics that can help assist them with their life struggles such as: bullying, self-confidence, shyness, hygiene, biblical knowledge, sense of trust, school performance, etc.

It is one of DCUSA's goals to expand the needs of low-income parents and their children in greater Ellendale. DCUSA has established collaborative relationship in the community and surrounding communities by targeting its programs to reach low-income families. Therefore, we are requesting a donation to assist with their upcoming Christmas Banquet that will be held on December 19th 2015 at 1:00 pm. We are looking to serve over 100 girls from our Tea Dolls Party. All are welcome! For more information, contact Helena Gibbs or Christine Strickland at (302) 943-1945 or (302) 422-2350 ext.30

Thank you,

Helena Gibbs
Dolls Tea Program Director





Fenwick Island Lions Club

We Care. We Serve. We Accomplish.



President

King Lion
Bruce Schoonover
302-539-2043

August 25, 2015

1st VP

PP Don Stewart
302-537-0338

2nd VP

Lion Fred Moreland
302-988-1438

3rd VP

PRC Fran Pretty
302-436-1773

Secretary

Lion Theresa Pitman
302-539-5280

Treasurer

Lion Bill Neimiller
410-250-4447

Membership

Lion Muriel Mooney
302-436-8216

FILC

37232 Lighthouse Rd
Suite 109
West Fenwick Island
DE, 19975
www.filc22d.org

Lions Clubs

International

Multiple District 22
District 22 D
Region 3
Zone 2

Sussex County Council

Attn: County Councilman Rob Arlett &

Councilman George Cole

P. O. Box 589

Georgetown, DE 19947

Dear Councilmen:

It's time to plan the Selbyville Halloween Parade. The Fenwick Island Lions Club has been sponsoring the Halloween Parade for the past six years and we are going to do it again this year because we believe that this family fun-filled community event is an important tradition to continue. *It is scheduled for Wednesday, October 28th at 7:00 p.m.* The Sussex County Council has supported us in the past by giving us \$1,000 to help defray the costs of putting on this parade.

The Lions motto is **WE SERVE**. In addition to the Selbyville Parade, we awarded \$9,000 in scholarships to graduates of the Indian River High School, remodeled the bathrooms at Camp Barnes and just bought another beach wheelchair for the Fenwick Island State Park. Lions are known for their vision programs and we screened over 600 children in the area as well as the Veterans and their families. And, we continue to buy glasses and hearing aids for those who could not afford them and provide various other services as needed.

We hope you will help us again this year to continue the tradition of the Halloween Parade as well as provide services such as the ones described above to the communities shown at the bottom of this letter. *Every dollar that the Lions raise goes back into the community.* (Refer to the attachment for a more comprehensive summary on the many ways we serve our local communities.) Your consideration of our request is greatly appreciated.

Sincerely,

Linda & Tom St. Clair
Parade Co-Chairs

Serving Fenwick Island, Roxana, Selbyville and South Bethany



Downtown Seaford Association
P.O. Box 12
Seaford, DE 19973

SEAFORD CHRISTMAS PARADE

"Seaford Christmas 1865 - 2015"

November 5, 2015

Honorable Michael H. Vincent
President
Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

Plans for the 30th Annual Seaford Christmas Parade are well under way. The Downtown Seaford Association sponsors the event. The Parade is scheduled to be held on *Saturday, December 5, 2015 at 7:00 P.M.* (Rain date: *Sunday, December 6, 2015, at 7:00 P.M.*) The parade brings the holiday wonder to children of all ages in our community, and in neighboring communities. The theme this year is **"Seaford Christmas 1865 - 2015."** The Christmas Parade is part of our celebration of Seaford's 150th birthday. There will be Christmas Carols, beginning at 6:00 pm. We will also have food vendors.

Each year our parade has been fully funded by the generous donations from our community – civic organizations, businesses, the City of Seaford, Sussex County Council and the residents. This year is no exception. We need your monetary support to make the parade happen. The expenses for the parade are many: trophies, contributions to the bands to help with their travel expenses, candy, printing, postage, etc. All donations are used for the parade.

Your monetary contribution to the parade would be greatly appreciated. We need to raise about \$6,000 to make it happen. Please send your donation to Downtown Seaford Association, PO Box 12, Seaford, DE 19973. If you prefer, you can drop it off to me at Fantasy Beauty Salon, 224 High Street, or at Seaford City Hall.

We want to invite all to join us in the celebration. There is no entry fee for the parade. You can register to be in the parade at our web site, which is www.mychristmasparade.com

Thanks for your help!

Sara Lee Thomas
Fund Raising Chairwoman



October 23, 2015

All About Pink, Inc.
28903 Harmons Hill Road
P.O. BOX 944
Millsboro, DE 19966

Sussex County Council
PO Box 589
Georgetown, DE 19947

Attention: Robert Arlett

Dear Mr. Arlett:

All About Pink, Inc. is a support-based non-profit organization that strives to educate, empower and counsel those who have been affected by breast cancer. Our vision includes helping our community make educated lifestyle and health choices by offering health education counseling, mentoring and support and wellness activities. We believe that support comes in many forms and we are dedicated to providing a multi-dimensional approach to encourage the well-being of survivors and their loved ones.

I'm contacting you today on behalf of the Sussex County non-profit, All About Pink, Inc. As a breast cancer survivor and certified holistic health counselor, I understand the importance of supporting other women that have been affected by this condition.

We are requesting \$1000.00 from Sussex County Council to help with expenses for an educational retreat for these survivors. The retreat will help to pay a nutritionist and cost for the overnight stay.

All About Pink, Inc. was incorporated in 2007 and received 501c3 status in 2010. I have enclosed copies of the 501c3 letter with our Federal ID number.

If you have any questions, you can reach me at 302-947-0309 or at allaboutpinkdelaware@yahoo.com.

I hope that Sussex County Council will consider this request. Thank you for your consideration.

Regards,
Antionette Wright-Johnson
Director, All About Pink, Inc.



Deck The Halls With Christmas CHEER

Deck the Halls with Christmas CHEER is an annual event hosted by the CHEER Foundation to raise funds to support the efforts of CHEER, Inc. CHEER, Inc. is a private, non-profit, community based agency established in 1971 to provide a variety of essential and life-enrichment services for mature adults. Services include, but are not limited to , Home Health Care, Personal Care, Meals On Wheels, Transportation, Companionship, Respite Care, Nutrition, Activity Centers, Support Groups, Housekeeping, Grocery Mini-Mart and Managed Care Services. One of the unique qualities of CHEER, Inc. is the broad range of vital services we offer to seniors across Sussex County. Our goal is to allow every senior citizen to remain independent and in their own home.

Deck the Halls with Christmas CHEER features a wonderful display of decorated wreaths and trees. The wreaths and trees are decorated by local artists who donate their time for this worthy cause. Individuals or organizations are asked to sponsor or purchase a wreath or tree and may designate it to charity, business or an individual in time for the holidays. If you would like to sponsor or purchase a wreath or tree, please fill out the attached order form and mail it with your check or credit card information to the address on the form.

The Deck the Halls with CHEER fundraiser is our annual holiday fundraiser. All funds raised at the event benefit the seniors of Sussex County. As a non-profit agency, CHEER focuses on its clients, not on profits. If you would like to learn more about CHEER, please visit our website, www.cheerde.com or call us at 302-856-5187.



Wreaths and Trees

Please fill out form to sponsor a beautiful decorated wreath or tree. We will deliver the wreath or tree to your designated destination or you may pick it up if you prefer. Just let us know. Thank you for your support of CHEER.

Wreath Sponsor:

_____ 36 inch \$150 _____ 24 inch \$100

Tree Sponsor:

_____ 6' \$400 _____ 4' \$225 _____ 3' \$125

Wreath/Tree Sponsorship Information

Sponsor's Name _____

Address _____

City/State/Zip _____

Telephone _____

Email _____

Destination Information

Destination _____

Address _____

City/State/Zip _____

Telephone _____

Email _____

Make checks payable CHEER, Inc.

CHEER, Inc.

546 S. Bedford St., Ext.

Georgetown, DE 19947

Attn: Dave Tidwell



PUBLIC HEARINGS
December 1, 2015

This is to certify that on October 29, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

C/U #2021 – VIII P-Loan Portfolio Holding, LLC

An Ordinance to grant a Conditional Use of land in a CR-1 (Commercial Residential District) and an AR-1 (Agricultural Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 29.66 acres, more or less. The property is located at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299). (911 Address: None Available). Tax Map I.D. 234-23.00-115.00.

The Commission found that the applicants provided a survey/site plan with their application filed on May 22, 2015.

The Commission found that the Preliminary Land Use Service (PLUS) comments, dated September 22, 2015 are a part of the record, and that Civil Engineering Associates responded to those comments on October 16, 2015.

The Commission found that DelDOT provided comments on May 12, 2015 referencing that while the proposed project meets their volume warrants for requiring a Traffic Impact Study, the developer has the option to pay an Area-Wide Study Fee in lieu of conducting a Traffic Impact Study.

The Commission found that the Sussex Conservation District provided a memorandum on October 27, 2015 referencing that there are 5 soil types on this site; that the applicants will be

required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation; that no storm hazard areas are affected; that it may be possible that off-site drainage improvements will be required; that it is highly likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided a memorandum on October 28, 2015 referencing that the site is located in the Long Neck Planning Area; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,510.00 per EDU (Equivalent Dwelling Unit); that there is no service to this parcel at this time; that the project is capable of being annexed into the Long Neck Sanitary Sewer District; that conformity to the North Coastal Area Planning Study will be required; that the project can be annexed into the sewer district using the County's administrative procedure; that the project site was previously AR-1 zoned lands allocated for sewer service at 4.0 EDU per acre; that based on the planning, sewer capacity is available based on a calculation of 118.64 EDU total; that the project proposes 288 residential units which exceeds the Engineering Departments planning assumptions; that prior to being approved for a sewer district expansion, a planning study shall be performed at the developers expense to determine if capacity exists and whether transmission expansion improvement are required; that any and all system upgrades shall be performed at the developer's expense; 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.

Mr. Lank advised that Commission that a letter was received from Laura Hudson, an adjacent property owner, stating that the information submitted, referring to the property lines that are currently marked AR-1, do not legally belong to the applicants; and that the proper deed, which will eventually transfer that portion to the applicants, has not been signed and filed with the County.

The Commission found that Robert Glantz of Starwood Land Ventures was present on behalf of this application with Aaron C. Baker, Esquire, and Ron Sutton, Professional Engineer, and exhibited a power point display and stated in their presentations and in response to questions raised by the Commission that the site contains approximately 30 acres of land with access to John J. Williams Highway (Route 24) and Autumn Road (Road 299); that the current zoning is primarily CR-1 Commercial Residential; that 288 multi-family apartment units are proposed; that the use is consistent with the Comprehensive Land Use Plan; that the Power Point Display contains: an aerial view of a portion of the Coastal Highway commercial corridor near Midway; a chart showing how development goes from a retail/service area, through high density, medium density, low density, to agricultural areas; an aerial with a similar breakdown highlighting the activities around this site with two hub intersections and showing the locations of other retail/service areas, high density, medium density, low density and agricultural areas; a series of photographs depicting stores in the area, some of which were vacant, and including a Harris Teeter, a Subway, Giant, McDonalds, and several photographs of real estate signage offering properties for sale; a conceptual site plan of a commercial retail development of the site; and the proposed site plan for the apartment complex; that the demand does not currently exist for

additional commercial uses at this time, as noted by the number of vacant store fronts in the area; that in 2005 they submitted for a PLUS review for rezoning from AR-1 Agricultural Residential to HR High Density Residential and did not proceed; that in 2006 the property was split into two parcels; that in 2008 a 30 acres parcel was rezoned to CR-1 Commercial Residential; that in 2014 the two parcel minor subdivision was revised and resubmitted to allow for a land swap with Laura Hudson; that the survey/site plan for the land swap was recorded; that the entrance to Autumn Road will be realigned to correct the intersection of Autumn Road and Branch Road; that the site plan will comply with all Codes; that stormwater management and erosion and sediment control facilities will comply with the Sussex Conservation District; that the site will contain approximately 14 acres of open space/green space; that walking trails, sidewalks, and multi-use paths will have a total length of approximately 1.2 mile; that the proposed density is 11.5 units per acre; that the density of the multi-family condominiums across John J. Williams Highway is 11.4 units per acre; that currently the parcel is not feasible to be developed for commercial uses; that apartments are needed in the area; that the use is consistent with the Comprehensive Land Use Plan; that more residential uses will support the existing commercial uses in the area; that affordable housing is supported in the Comprehensive Land Use Plan; that the Strategies for State Policies and Spending Map depicts this area as Level 2 and 3, Growth Areas; that DelDOT has reviewed and performed many traffic analysis in the area; that they will be performing a Traffic Operations Analysis and be paying fees for an Area Wide Study; that 3 story buildings, not exceeding 165 feet in length containing 32 units each are proposed; that the buildings will not exceed 42 feet in height; that they can improve the parking plan by adding additional parking around the clubhouse and pool area; that the project will comply with all traffic, water, sewer, and site plan requirements from any agency; that they are hoping to create a workforce housing rental community; that rental rates will be market driven; that the apartment complex will be developed on 25 acres of the CR-1 Commercial Residential property, and the additional 5 acres of the property will be reserved for future commercial use; that the zoning across John J. Williams Highway is C-1 General Commercial; that their proposal exceed the EDU calculation by 170 units, and they realize that they will be required to prepare and submit studies to the County Engineering Department to validate the increase in units, and that the developer will be required to pay for the studies and the improvements necessary to complete the project; that, in reference to the boundary issue raised by Ms. Hudson, Ms. Hudson signed the minor subdivision which is of record, that the cross access easements have been recorded, and that the actual deeds for the land swap have not been recorded; that the pool and clubhouse on the site plan have not been sized and are for illustration purposes only; and that elevators are not currently intended.

The Commission found that no parties appeared in support of or in opposition to this application.

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

On October 29, 2015 there was a motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

The Commission has not yet made a recommendation on this application.

C/U #2032 – Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a construction company office, equipment parking, and shop/yard to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 3.125 acres, more or less. The property is located north of Sherman Avenue (Road 213B) 135 feet east of North Old State Road (Road 213) (911 Address: 18578 Sherman Avenue, Lincoln) Tax Map I.D. 330-14.16-5.03 and 5.00.

The Commission found that the applicant provided a survey/site plan with the application when finally accepted for processing on August 27, 2015.

Mr. Lank advised the Commission that numerous complaints were received in reference to activities on the site; that the property owners were sent violation notices; and that the Zoning Inspector and County Constables have visited the site on several occasions to get the applicants to cease and desist or make an application.

The Commission found that DelDOT provided comments on February 26, 2015 and advised that a Traffic Impact Study is not required; that originally two separate applications were filed, and that the application was changed to one application for the two parcels; and that the current Level of Service “A” of Sherman Avenue will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments on October 27, 2015 referencing that there is only one soil type on this property; that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that it is not likely that any on-site or off-site drainage improvements will be required.

The Commission found that the County Engineering Department Utility Planning Division provided comments on October 28, 2015 referencing that the site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a sewer district at this time; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank provided the Commission with copies of a petition from “Concerned Residents of Lincoln, De” expressing concerns in opposition to this application. The petition contains seven (7) signatures and several photographs.

The Commission found that Fernando Vasquez was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that the Conditional Use requested is for the activities that have already been started on the site; that he would like to hear what the neighbors have to say about his activities; that he operates a small concrete business with 10 to 15 employees; that the site plan depicts the two houses on the site;

that his operates his office from one of the houses; that two employees work in the office; that the shop and yard are for the repair and storage of equipment; that adequate parking is available for the employees on site; that employees park on the site and then leave for job sites in company vehicles; that the office contains approximately 1,000 square feet; that business hours are typically from 6:00 a.m. or 6:30 a.m. to 6:00 p.m. or 8:00 p.m.; that the company currently has 5 work trucks and 2 or 3 dump trucks; that he has not spoken to his neighbors about the business activities; that he has been in business for 5 or 6 years; that the business has progressively grown; that originally he operated the business from one of the lots, not both; that he now uses both lots; that he has been using the second lot for approximately 3 years; and that he has looked for another parcel to relocate, but has not found a site suitable for the use to date.

Mr. Ross stated that the use may not be in an appropriate location since it has grown to its current size.

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

The Commission found that Mike Maney, Doris Maney, Diana Richardson, Jack Meredith, and Nancy Meredith were present in opposition to the use, not the applicant; that the applicant has been a good neighbor helping others clear snow from driveways; that the use impacts the quality of life and the quality of the air in the neighborhood; that they have some concerns about soil impacts; that if the use is approved, an escrow account should be provided to protect the residents in the area from any loss of property values; that the use impacts the character of the area and scenic values; that the use is not compatible with the residential character of the area; that the use is not needed for the welfare of the community; that there is no protection of area properties; that both properties were being utilized before the application was even filed; that there are numerous vehicles scattered over the property; that materials are regularly dropped off at the site; that noises impact the community; that the noises include backup beepers, slamming noises from equipment being thrown into trucks, people hollering over vehicle noises, etc...; that the neighborhood is normally quiet, except when the site is active; that concrete crushing activities have taken place on the site; that the business hours are unfair to the neighbors in this residential neighborhood; that they cannot open windows due to dust and noise; that they question the diesel fuel tank installation on the site; that some of the employees speed when driving to and from the site; that the use has gotten out of hand as it grows; that the diesel fumes are annoying; that some of their trees have died from the fumes; that they wish the applicant success, but it should be located somewhere else that is more appropriate for the use; that there may be some runoff/drainage issues that need to be addressed; that permits have not been obtained; that some of the vehicles on the site are unlicensed; that some of the noises scare the pets in the neighborhood; and that the trees that exist do not block out the noises or the fumes.

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

On October 29, 2015 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On November 12, 2015 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend denial of Conditional Use No. 2032 for Guillermo Vasquez t/a F & N Vasquez Concrete, LLC for a Conditional Use to operate a construction company office, equipment parking and shop/yard based upon the record made during the public hearing, and for the following reasons:

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

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 denied for the reasons stated. Motion carried 5 – 0.

C/Z #1788 – Upesh Vyas

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 Indian River Hundred, Sussex County, containing 26,596 square feet, more or less. The property is located at the northwest corner of the intersection of John J. Williams Highway (Route 24) and Indian Mission Road (Route 5) (911 Address: 24858 John J. Williams Highway, Millsboro) Tax Map I.D. 234-23.00-269.08.

The Commission found that the applicant provided a survey/site plan of the existing improvements on the site and a proposed revised survey/site plan of the proposed improvements to replace those that already exist on the site with the application.

The Commission found that DelDOT provided comments in the form of a letter, dated July 30, 2015 and a Support Facilities Report, dated July 28, 2015 referencing that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a development plan is proposed.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated October 27, 2015, referencing that there is one soil type on this property;

that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 28, 2015, referencing that the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available for the use; that Ordinance 38 construction is required; that the parcel has been provided with a sanitary sewer lateral and that the building was connected to sewer on February 23, 1999; that conformity to the North Coastal Area Planning Study and Amendment No. 1 Expansion Area No. 1, Long Neck Sanitary Sewer District Planning Study will be required; that the proposed use is not expected to have an adverse impact on the sewer system; and that a concept plan is not required.

The Commission found that Jim Clark, Architect, was present on behalf of the applicants and stated in his presentation and in response to questions raised by the Commission that the applicant is proposing to remove the existing convenience store and replace the store with a new structure; that the gas pumps and canopy will remain as existing; that the application is basically an infill zoning since the lot is surrounded by Route 24, Route 5 and the Nanticoke Crossing Shopping Center which is zoned C-1 General Commercial.

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

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

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1788 for Upesh Vyas for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The site has been used as a gas station for decades. The use predates zoning, which is why the zoning has remained as AR-1 Agricultural Residential.
- 2) The site is surrounded by a shopping center that was rezoned to C-1 General Commercial. This property should have been rezoned to C-1 General Commercial at the same time, but it was not.
- 3) The area is surrounded by commercial zonings and uses. This rezoning will make the parcel consistent with surrounding zonings and uses.
- 4) CR-1 Commercial Residential is appropriate for this location at the intersection of Route 5 and Route 24.
- 5) The rezoning will make the long-standing use of the property consistent with the property's zoning.
- 6) No parties appeared in opposition to the application.

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 5 – 0.

Introduced 06/30/15

**Council District No. 4 – Cole
Tax Map I.D. 234-23.00-115.00
911 Address – None Available**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.66 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of May 2015, a conditional use application, denominated Conditional Use No. 2021 was filed on behalf of VIII P-Loan Portfolio Holding, 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. 2021 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 XI A, Subsection 115-83.5, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2021 as it applies to the property hereinafter described.

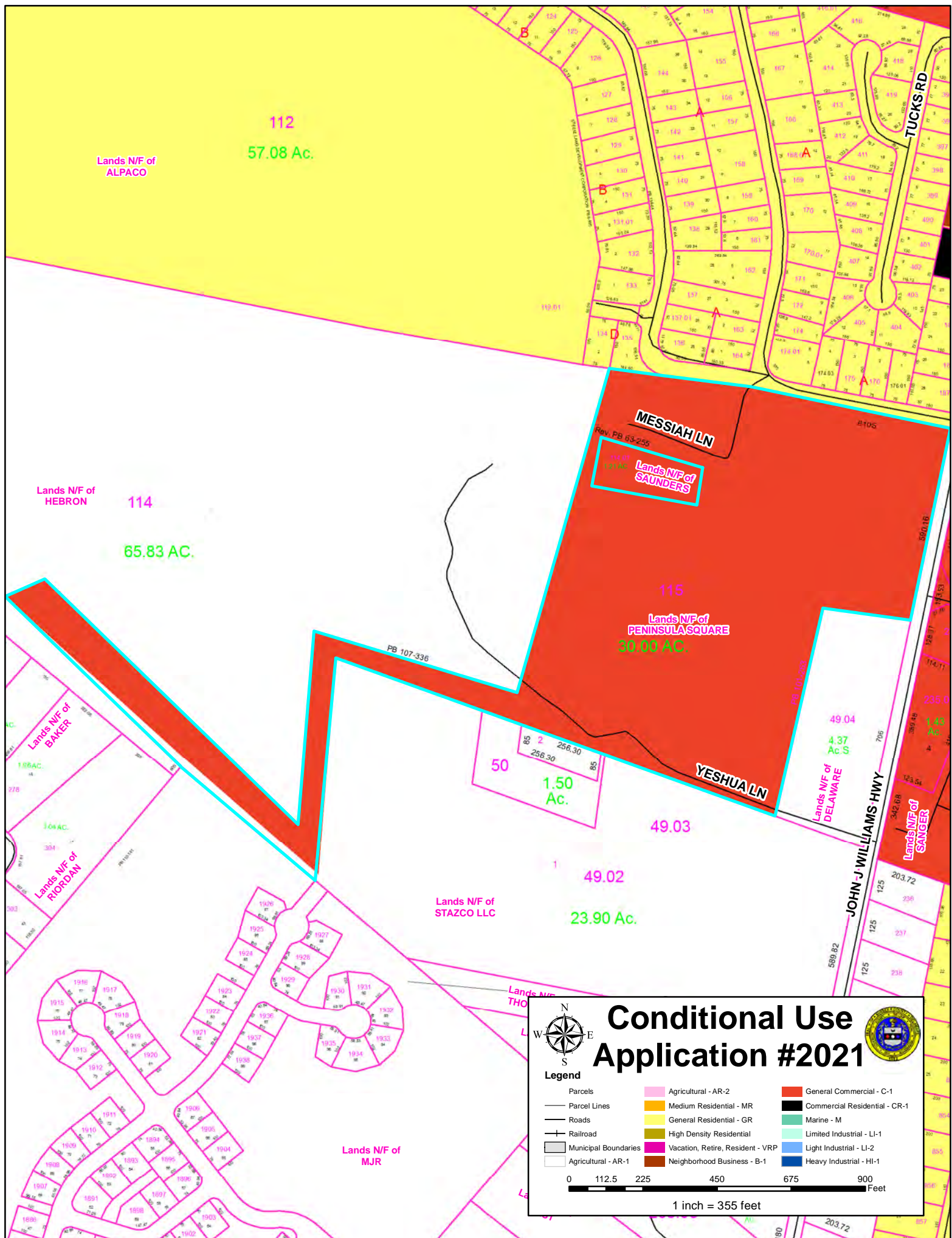
Section 2. The subject property is described as:

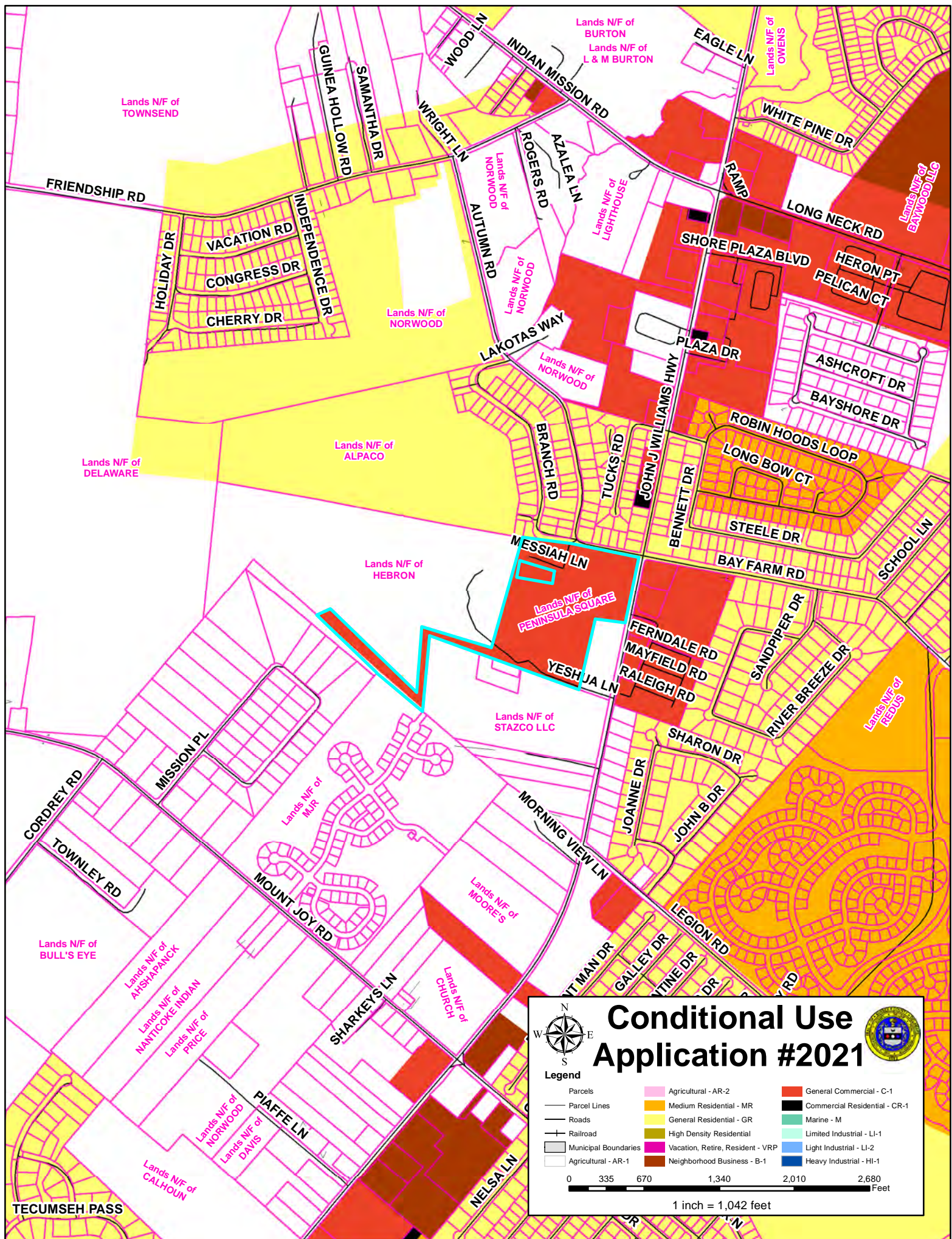
All that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299), and being more particularly described as follows:

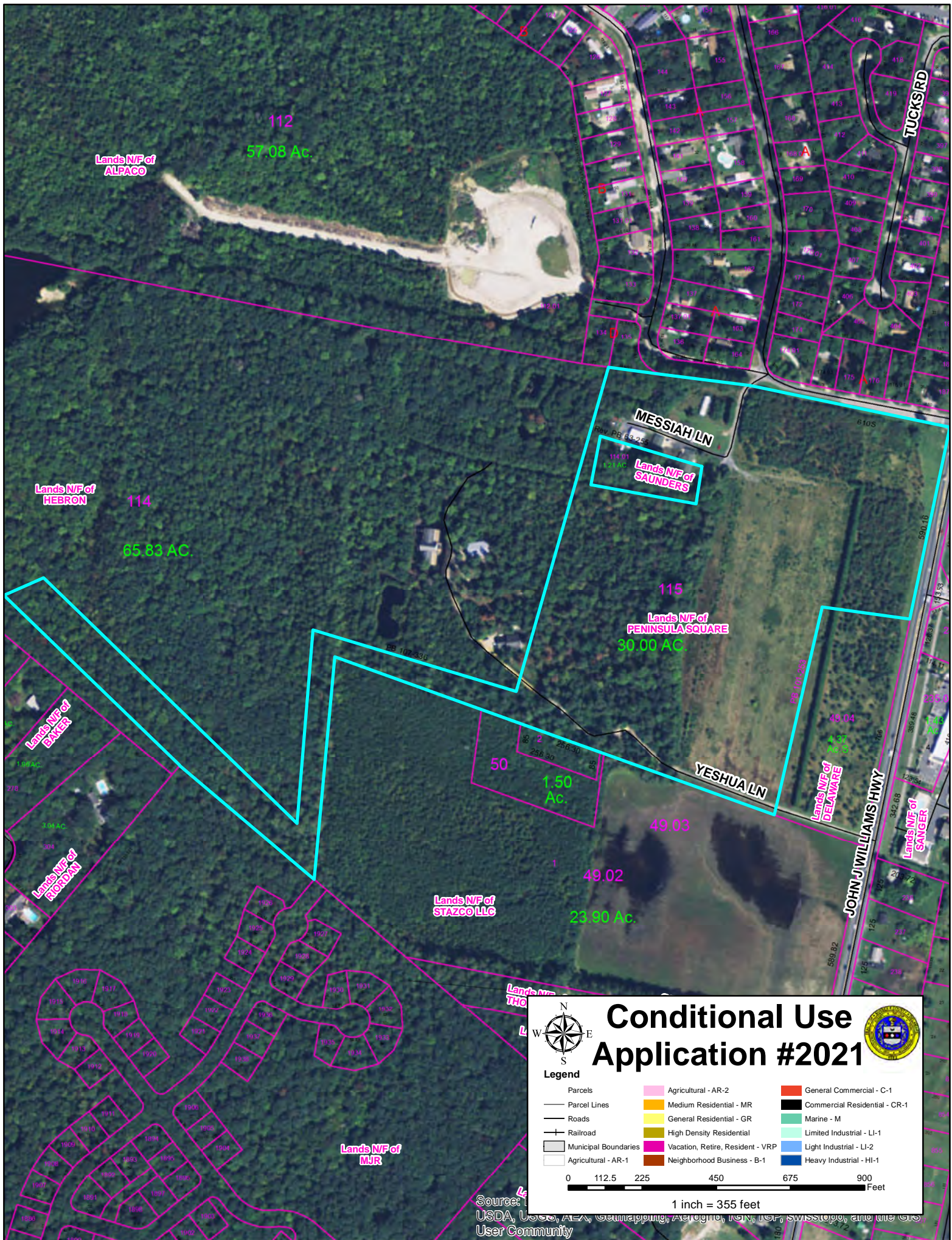
BEGINNING at a capped rebar at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299); thence south 11°39'20" west 579.96 feet along the westerly right-of-way of John J. Williams Highway to

a capped rebar; thence north 81°58'59" west 281.74 feet along lands of the State of Delaware to a capped rebar; thence continuing along lands of the State of Delaware south 11°40'37" west 648.00 feet to a capped rebar; thence northwesterly along lands of Stazco, LLC, the following three (3) courses: north 70°14'01" west 324.23 feet to an iron pipe, north 69°59'49" west 1,095.18 feet to a capped rebar, and south 04°42'45" west 660.53 feet to a nail; thence north 49°40'48" west 507.19 feet to a concrete monument; thence north 47°39'08" west 528.31 feet to a capped rebar; thence north 56°05'05" east 61.77 feet to a capped rebar; thence south 47°39'08" east 512.58 feet along lands, now or formerly, of Hebron Savings Bank to a capped rebar; thence along the aforementioned Bank lands the following three (3) courses: south 49°40'48" east 389.36 feet to a capped rebar, north 04°42'45" east 622.37 feet to a capped rebar, and south 69°59'49" east 620.38 feet to a capped rebar; thence south 69°59'47" east 47.36 feet across lands of the applicants to a point; thence north 08°49'18" east 224.98 feet across lands of the applicants to a point; thence north 78°48'06" west 58.51 feet across lands of the applicants and lands, now or formerly, of Hebron Savings Bank to a point; thence north 08°49'18" east 866.58 feet across the aforementioned Bank lands to a point; thence south 78°48'06" east 292.01 feet along the aforementioned Bank lands and lands of the applicants to a point on the southerly right-of-way of Branch Road, a subdivision street; thence south 78°54'32" east 330.62 feet along Branch Road to a point; thence easterly 590.28 feet along the southerly right-of-way of Autumn Road to the point and place of beginning, excepting lands of William & Phyllis Saunders as recorded in Deed Book 3761, Page 268, said parcel containing 29.66 acres, more or less.

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







Introduced 9/15/15

**Council District No. 2 – Wilson
Tax I.D. No. 330-14.16-5.03 and 5.00
911 Address: 18578 Sherman Avenue, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE, EQUIPMENT PARKING AND SHOP/YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.125 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2015, a conditional use application, denominated Conditional Use No. 2032 was filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, 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. 2032 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.

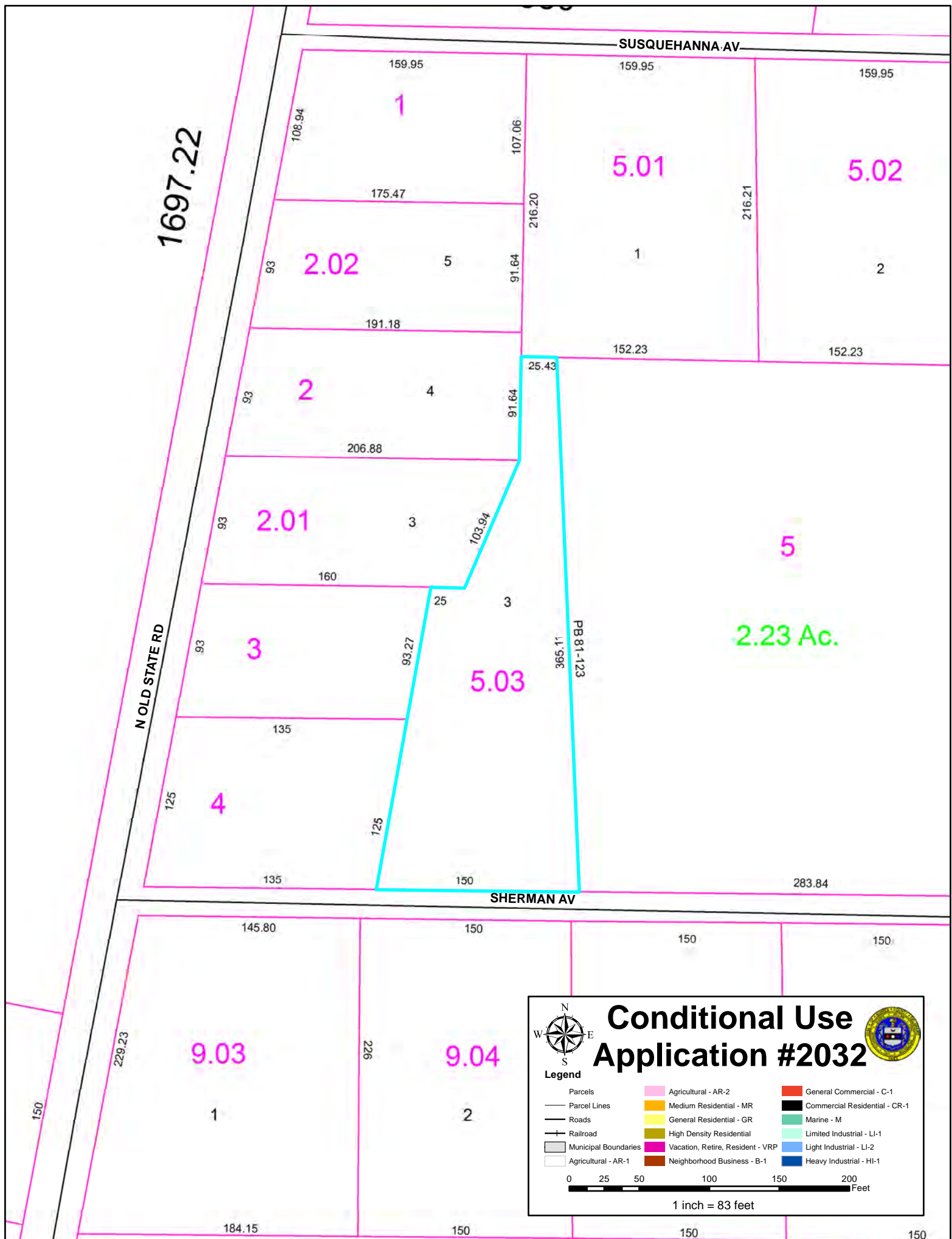
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

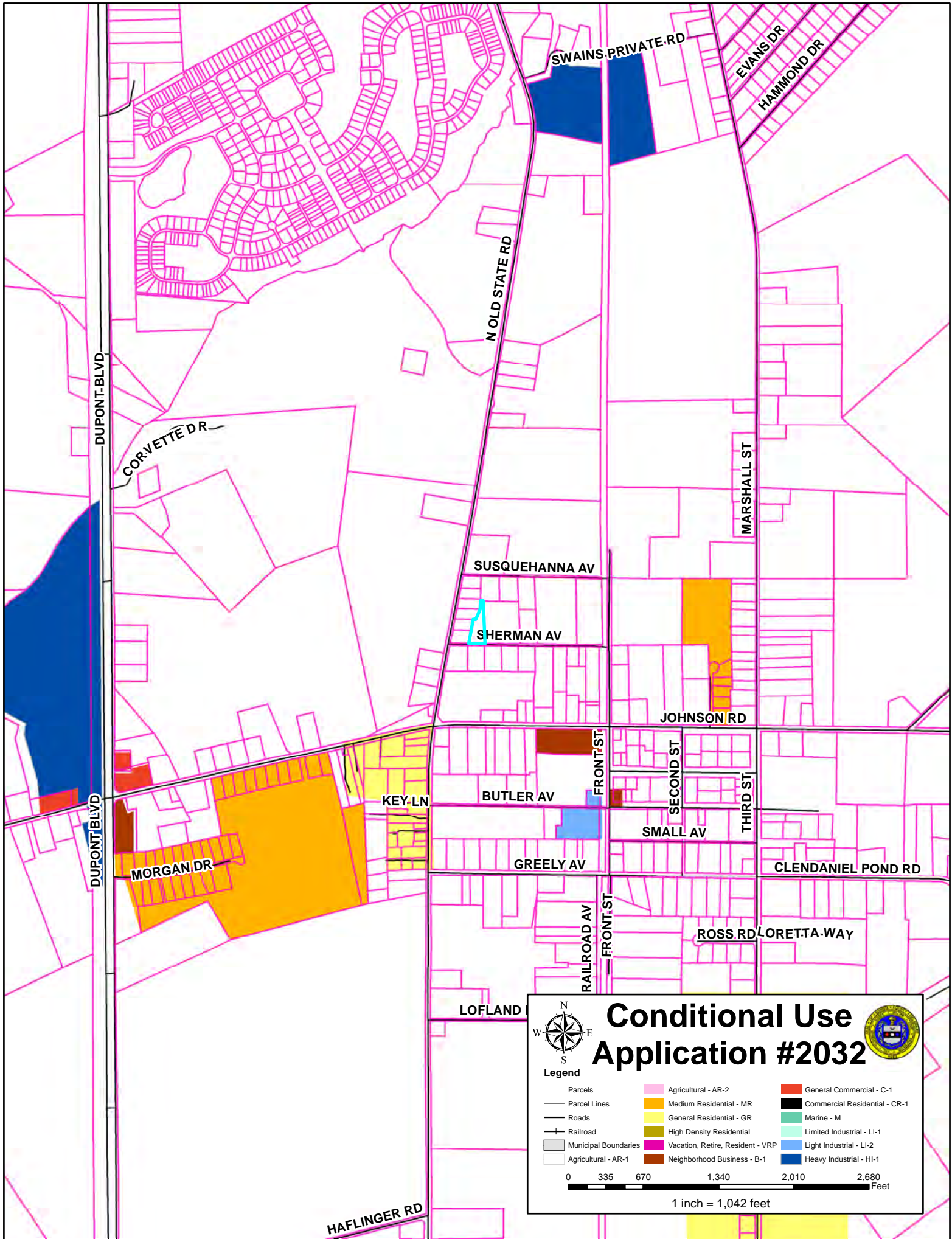
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2032 as it applies to the property hereinafter described.

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 north of Sherman Avenue (Road 213B) 135 feet east of North Old State Road (Road 213) and being more particularly described as Lot 3 and Residual Area in Plot Book 81, Page 123, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.125 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.







Introduced 09/15/15

Council District No. 3 - Deaver

Tax Map I.D. No. 234-23.00-269.08

911 Address: 24858 John J. Williams Highway, Millsboro

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,596 SQUARE FEET, MORE OR LESS

WHEREAS, on the 13th day of July 2015, a zoning application, denominated Change of Zone No. 1788 was filed on behalf of Upesh Vyas; 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. 1788 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 Indian River Hundred, Sussex County, Delaware, and lying at the northwest corner of the intersection of John J. Williams Highway (Route 24) and Indian Mission Road (Route 5) and being more particularly described as follows:

BEGINNING at an iron pipe on the northerly right-of-way of Indian Mission Road (Route 5), a corner for these lands and lands of Nanticoke Crossing Limited Partnership; thence North 29°27'29" East 159.86 feet to a steel T-Bar, and South 77°15'48" East 139.64

feet along lands of Nanticoke Crossing Limited Partnership to an iron pipe on the westerly right-of-way of John J. Williams Highway (Route 24); thence South 22°11'22" West 172.15 feet along the westerly right-of-way of John J. Williams Highway to a point; thence South 75°23'28" West 49.64 feet along the corner cut of the intersection of John J. Williams Highway and Indian Mission Road to a point; and thence North 60°25'15" West 89.30 feet along the northerly right-of-way of Indian Mission Road to the point and place of beginning and containing 26,596 square feet, more or less.

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

PROPOSED

