

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

October 15, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - October 1, 2024

[Draft Minutes 100124](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Chris Keeler, Director of Assessment

1. Reassessment Update and Discussion



Mark Parker, Assistant County Engineer

1. **Stormwater BMP O&M On-Call Contract**

A. Change Order No. 1

[Stormwater CO No 1](#)

2. **Maintenance of Traffic Services, G25-05**

A. Recommendation of Award of Contract

[MOT Services Award Recommendation](#)

Patrick Brown, Project Engineer

1. **Inland Bays Loop Project, S24-01**

A. Change Orders No. 1 & 2

[Inland Bays CO Nos. 1 & 2](#)

Vince Robertson, Assistant County Attorney

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”**

[99-9C](#)

2. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV, SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE”**

[Open Space Ord.](#)

Grant Requests

1. **The Friends of the Laurel Library for their youth services program**
[Friends of the Laurel Library](#)
2. **Selbyville Historical Society for the Townsend Building**
[Selbyville Historical Society](#)
3. **Coastal Concerts, Inc. for their 2024-2025 student scholarship program**
[Coastal Concerts](#)
4. **Cape Henlopen Educational Foundation for their teacher grant program**
[Cape Henlopen Educational Foundation](#)
5. **Better Homes of Seaford, Inc. for their senior resource, activity and vendor events**
[Better Homes of Seaford, Inc](#)
6. **Good Ole Boy Foundation, Inc. for Hurricane Helene relief**
[Good Ole Boy Foundation Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2037 CZ2039 CZ2032](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **[Conditional Use No. 2547 filed on behalf of Justice Boyz Properties, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "C" CONTAINED WITHIN CONDITIONAL USE NO. 2414 (ORDINANCE NO. 3031) REGARDING THE ALLOWANCE OF MAINTENANCE/REPAIR ON COMPANY EQUIPMENT/VEHICLES AND THE INCLUSION OF FUEL TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES, MORE OR LESS” (property lying on the east side of Millsboro Highway [Rt. 30] approximately 0.89 mile south of Laurel Road [Rt. 24]) (911 Address: 32605 Millsboro Highway, Lewes) (Tax Map Parcel: 233-13.00-1.04)

[CU 2547](#)

2. **[Change of Zone No. 2030 filed on behalf of ACR Auto Center, LLC](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS” (property and lying on the northeast side of Zoar Road [S.C.R.48], approximately 0.238 of a mile south of Sussex Pines Road [S.C.R. 324]) (911 Address: 22035 Zoar Road, Georgetown) (Tax Map Parcel: 135-23.00-24.00)

[CZ 2023](#)

3. **[Ordinance No. 23-08](#)**

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00” (property lying on the northeast side of Gravel Hill Road [Rt. 30], approximately 0.14 mile southeast of Lewes Georgetown Highway [Rt. 9]) (911 Address: 20093 Gravel Hill Road, Georgetown) (Tax Map Parcel: 135-11.00-82.00)

[Ord. 23-08 FLUM](#)

4. **[Change of Zone No. 1976 filed on behalf of John H. Legg](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS” (properties lying on the northeast side of Gravel Hill Road [Rt. 30], approximately 0.14 mile southeast of Lewes Georgetown Highway [Rt. 9]) (911 Address: 20093 Gravel Hill Road, Georgetown) (Tax Map Parcel: 135-11.00-82.00)

[CZ 1976](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 8, 2024 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 1, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 1, 2024, at 12:00 p.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 509 24
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the September 24, 2024, meeting were approved by consent.

Correspondence

Mr. Moore reported that correspondence was received from the Delaware State University Band Organization thanking Council for their donation.

**Public
Comments**

There were no public comments.

**Presentation
Carvel
Research
and
Education
Center**

Mark Isaacs, Director, Carvel Research and Education Center thanked Council for its continued support of all of the programs at the Carvel Research and Education Center. Mr. Isaacs gave an overview of how the County's funding is used by the Center in Sussex County: Extension Programs, Poultry Research, Lasher Lab, Crop Programs, Safety Programs and Internship Program. Mr. Isaacs noted that are funds are used in Sussex County to support the agricultural community.

**SCLT
Update**

Mr. Mark Chura provided an update on behalf of the Sussex County Land Trust. Mr. Chura reported that the Land Trust currently has 13 properties. Mr. Chura focused on providing an update for the parks and preserve throughout the County including Hudson Park, Nanticoke Crossing Park, Ickford Park, Hopkins Preserve and the Forest of the Broadkill Preserve.

Mr. Chura reviewed the funding that has been received from various sources. He then discussed new projects including the Ard Na Grene preserve and the Layfield tract.

Mr. Lawson announced that settlement occurred on the Layfield property last Friday. The County was successful in purchasing 165 acres located just northwest of Dagsboro.

Mr. Lawson then reviewed the property management agreement with the Sussex County Land Trust for the Forest on the Broadkill Preserve.

**M 510 24
Approve
Property
Manage-
ment/Forest
on the
Broadkill
Preserve**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, be it moved that Sussex County Council approves the property management agreement for the property known as the Forest on the Broadkill and further approves entering into said agreement with the Sussex County Land Trust.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Mrs. Jennings presented an ORPT grant submission Resolution for Hudson Park for Council's consideration.

**M 511 24
Adopt
Resolution/
Hudson
Park**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it resolved that the Sussex County Council hereby acknowledges its support of Hudson Park, approves and acknowledges the ORPT application and submission on behalf of Sussex County Land Trust for a 2024 DNREC ORPT grant in the amount of \$125,000 and furthermore designates the Sussex County Land Trust Executive Director to serve as the ORPT grant project manager if the grant is awarded.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estuary – Phase 4D (Construction Record) and The Estuary Phase 4E (Construction Record) effective September 18th.

**Administrator's
Report
(continued)**

2. Wings & Wheels

Sussex County is excited to have Delaware Coastal Airport serve as host of the 15th annual Wings & Wheels Fall Festival, which is set for Friday, Oct. 4, and Saturday, Oct. 5, at the airport just outside Georgetown. Sponsored by the Georgetown Chamber of Commerce, Wings & Wheels has become a mainstay on the fall festival circuit here in Sussex County. This year's festivities begin with a Friday Night Beach Party full of food and fun music, from 6 to 10 pm, with proceeds from tickets benefiting the Pathways to Aviation program. The main event is Saturday, beginning at 10 a.m. and lasting through 4 p.m., with attractions of new and classic cars on display, and an array of aircraft on the ground and in the skies above. There will be demonstrations, including World War II re-enactments, parachute jumps, and the fan favorite "flour bombing" competition, as well as music, food trucks, and much more. While tickets are required for Friday night's Beach Party event, all of the activities on Saturday are free. For more information, including to purchase Beach Party tickets, as well as a complete schedule of events, visit www.wings-wheels.com.

3. Frances Susie

It is with great sadness that we inform you that pensioner, Frances Susie passed away on Thursday, September 19, 2024. Ms. Susie began her career with Sussex County in October 2006 where she worked until June 2020 for a total of 13 years of service. Her last position with the County was Library Assistant II. We would like to extend our condolences to the Susie family.

4. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 8th. The next regularly scheduled Council meeting will be held on Tuesday, October 15th at 10:00 a.m.

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

**Paramedic
Station 103**

Mark Parker, Assistant County Engineer presented change order no. 3 for Paramedic Station 103 for Council's consideration. Mr. Parker reviewed the items that were included in the change order.

**M 512 24
Approve CO
No. 3/
Paramedic
Station 103**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department that County Council approve change order no. 3 in the net charge amount of \$9,437.36 increasing the total contract amount to \$1,828,504.56.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Grant

Requests

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

**M 513 24
Developing
Artist
Collabora-
tion**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$2,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account and \$1,000 from Mrs. Green's Councilmanic Grant Account) to Developing Artist Collaboration for the West Rehoboth wall restoration.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 514 24
Seaford
Music and
Education
Institute**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mr. Vincent's Councilmanic Grant Account) to Seaford Music and Education Institute for affordable music lessons.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 515 24
American
Legion Post
8, Inc.**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000 (\$2,000 from Mr. Rieley's Councilmanic Grant Account) to American Legion Post 8, Inc. for Georgetown EMS Return Day coverage.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Proposed
Ordinance
Introduct-
ion**

Mr. Schaeffer introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLINGS (5 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" filed on behalf of Mason Hayes.

Proposed Ordinance Introduction (continued)

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION D FOR CONDITIONAL USE NO. 2264 (ORDINANCE NO. 2813) RELATING TO THE PERMITTED DAYS AND HOURS OF OPERATION FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRE, MORE OR LESS” filed on behalf of Lauden Investments, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES MORE OR LESS” filed on behalf of Toney Floyd & Charletta Speaks-Floyd.

The Proposed Ordinances will be advertised for a public hearing.

Council Member Comments

Mr. Rieley commented about the good work that the Sussex County Land Trust is currently doing. Mr. Rieley requested an update on Ordinances that he would like to see move forward as mentioned previously. Mr. Lawson replied that after the last meeting when it was mentioned, he met with Mr. Whitehouse and the attorneys and identified two proposed Ordinances that will be brought forward at the next meeting.

Mr. Schaeffer thanked the Sussex County Land Trust for everything that they do.

Mr. Vincent recommended that Mr. Lawson and Mrs. Jennings go to Dover in January to have RTT added so that it can be used for farmland preservation.

**M 516 24
Go Into
Executive
Session**

At 12:54 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive Session At 12:59 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 2:05 p.m.

M 517 24 Reconvene At 2:08 p.m., a Motion was made by Mrs. Green, seconded by Mr. Hudson to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 518 24 E/S Action/ Parcel 2024-R A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to authorize the County Administrator to negotiate, enter into a contract and proceed to closing for a parcel identified as 2024-R.

Motion Adopted: 4 Yeas, 1 Nay

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Nay

Public Hearing/ Starlight Meadows A Public Hearing was held for the Proposed Starlight Meadows Pavement Improvements Assessment Roll.

Mark Parker, Assistant County Engineer reported that Starlight Meadows is a community consisting of thirty-four parcels located off Williams Farm Road just north of the Town of Milton. The HOA for Starlight Meadows originally requested assistance from the County on January 11, 2023. Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implementation

An official election was completed, and it was found that majority of owners that voted desired to move forward with the project. The Engineering Department then completed project design, developed bidding documents, the project was put out to bid and awarded to the lowest responsible bidder.

Public Hearing/ Starlight Meadows (continued)

The Engineering Department oversaw the project during construction and facilitated the close out. Based on the final cost of the project (\$191,078.01), the Engineering and Finance Departments developed a proposed assessment roll which identifies an equal sharing of the total project balance amongst 34 parcels that are in the community. The proposed assessment roll proposes a lump sum assessment of \$5,619.94 and \$745.59 for an annual financed amount.

Mr. Rieley questioned if there are any assistance programs for anyone that had a financial hardship.

Public comments were heard.

Ms. Christine O'Connor spoke about the Proposed Resolution; that there were some discrepancies on the amount and asked for clarification. Mr. Parker replied that part of the process is a requirement for public bidding. The Engineering Department puts together preliminary estimates which is gathered and then it is conveyed to the community at the petition stage and the community meeting stage. The estimate is then later refined by County Engineering personnel at the election stage which is what the residents vote on. In this case, the lowest bidder was higher than the estimate which the County does not have control over. At that time, the HOA board is notified and they confirmed in writing that they wished to move the project forward. When the project was built, the cost of the project then came in lower than the bid. The final program numbers and estimate are based on the actual construction cost.

The Public Hearing and public record were closed.

M 519 24 Adopt Resolution R 020 24/ Starlight Meadows

A Motion was made by Mrs. Green, seconded by Mr. Rieley to Adopt Resolution No. R 020 24 entitled "A RESOLUTION ADOPTING THE UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING FINAL COSTS OF THE STARLIGHT MEADOWS PAVEMENT IMPROVEMENTS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T24-07".

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Rules

Mr. Moore read the rules of procedure for public hearings.

Public Hearing/ CU2406

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE LOCATED ON A CERTAIN

**Public
Hearing/
CU2406
(continued)**

PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS” (property lying on the west side of Collins Street within the Collins Russell Subdivision, accessed from the north side of Milton Ellendale Highway [Rt. 16], approximately 0.5 mile west of Mulberry Street) (911 Address: 14400 Collins Street, Milton) (Tax Map Parcel: 235-14.00-43.01) filed on behalf of Monish Malhotra.

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended denial of the application for the 9 reasons as outlined below.

- 1. Although this application seeks approval for vehicle maintenance, storage and repairs and was advertised for that purpose, it was apparent from the testimony during the public hearing that the primary use is intended to be for the operation of a medical transportation business that was not identified as part of the application. The vehicle parking, repairs and storage are associated with that main business.**
- 2. The site is within a residential subdivision that has developed over many years with single family homes. Although there is not a recorded prohibition against commercial uses within the subdivision, there is no evidence that other commercial uses exist in the subdivision other than within lots that have direct frontage along Route 16. This lot is an internal lot that does not have frontage upon Route 16.**
- 3. While there may be other activities in the subdivision that resemble a small business use, these are either home occupations or hobbies. There is nothing in the record to suggest that any other conditional uses have been approved for the internal lots within this subdivision.**
- 4. The Applicant’s proposed use would include the storage of vehicles including junked “donor cars” for use in the repairs of operational vehicles used in the Applicant’s medical transportation business and parked on the site. This residential subdivision is not an appropriate location for the storage of junked donor cars to be stripped for parts. This subdivision should not become a junkyard.**
- 5. This is not an appropriate location for vehicle repairs to occur as part of a transportation business. This is not the same thing as an individual working on personal cars. Instead, this is a transportation business that involves a fleet of cars in regular in use, and the wear and tear that occurs as a result. This volume of repairs is not suitable for a residential subdivision.**
- 6. I am not satisfied that there is sufficient space on the property for what the Applicant proposes, including the fleet of vehicles in use as part of the transportation business, the donor cars waiting to be stripped for parts, or the applicant’s own vehicles.**
- 7. I am not satisfied that there will be an adequate and safe provision for the collection and disposal of fluids associated with the repairs on the operational vehicles and the removal of parts from the donor**

**Public
Hearing/
CU2406
(continued)**

- vehicles. This is an even more of a concern where the proposed use is tucked within an existing residential subdivision.
8. It is not appropriate to approve this conditional use since the underlying medical transportation business that is intended to occur on this site is also neither appropriate nor approved at this location.
 9. There are other more appropriate locations for this use that are not within a residential subdivision and where the proposed use would be more consistent with the surrounding area.
 10. For all of these reasons, this conditional use application should be denied.

The Council found that Mr. Monish Malhotra spoke on behalf of his application; that during the meeting held on August 21, 2024, he explained the situation that he has non-emergency medical transport business; that he takes people to their medical appointments; that he can fix the cars himself; that the most expensive part of transport business is repairing the vehicles; that currently, they have 8-10 cars out on the road; that the cars are parked with the drivers; that on August 21st, he explained that he needs to park company cars sometimes especially the ones that he needs to hold onto in case there is a breakdown of a car; that he is only asking for an extra three cars to be parked at his residence; that there is a 30x33 building that was there when he purchased the property where he can do the minor repairs and maintenance; that there were some questions that were discussed later in the PZ Commission meeting; that he sent the answers to those questions; that it was questioned if the subdivision had a HOA; that there is not a HOA; that the property has its own well and septic tank; that there is a fence surrounding the backyard which includes the mental garage measuring 30x33 feet; that approximately half of their driveway is inside of the fenced area; that he has extended his driveway to ensure that proper parking is available; that the untagged vehicles will be inside of the fenced in area that will be used for parts; that the garage is equipped with a lift and a concrete floor; that all vehicles that are being worked on are to be brought into the garage; that he recycles all of the fluids; that he uses the oils to heat the shop in the winter; that the coolant he filters and uses it; that they are trying to be as organic as possible; that he included a letter that he sent to everyone before they signed in support of his application; that there is a commercial place across from his residence that have a business; that he submitted a video showing the commercial business; that the vehicles that are not drivable will not be able to be seen from the street; that his reason for the Conditional Use was due to the cars being parking on his property.

There were no public comments.

The Public Hearing and public record were closed.

**M 520 24
Adopt
CU2406/
DENIED**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to adopt an Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE

LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS”.

Motion DENIED: 5 Nays

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Nay;
Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay**

**Public
Hearing/
CU2438**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS” (property lies on the south side of Lighthouse Road [Rt. 54] approximately 525 ft. east of Dickerson Road [S.C.R. 389]) (911 Address: 33142 Lighthouse Road, Selbyville) (Tax Map Parcel: 533-18.00-68.00) filed on behalf of Robert Frey (Sandy Hill Acre, LLC).

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 8 recommended conditions as outlined.

The Council found that Mr. Robert Frey and Mrs. Gina Frey spoke on behalf of their application; that the intent is for this property to serve as a professional office space to rent; that it will be an interior design business; that this will support the local market in Sussex County and surrounding properties; that they do desire to have a sign; that the business is done by appointment only.

There were no public comments.

The Public Hearing and public record were closed.

**M 521 24
Adopt
Ordinance
No. 3047/
CU2438**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 3047 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

**M 521 24
Adopt
Ordinance
No. 3047/
CU2438
(continued)**

- 1. There is a home that currently exists on the property. This application seeks the allow the renovation of the existing home into a professional office.**
- 2. The property is located along Route 54 known as Lighthouse Road, which has developed into one of the main east-west roadways in Sussex County. This location is appropriate for this use as a small professional office.**
- 3. The applicant has stated that this site will only be used as a small office. There will not be any retail sales or other types of uses that generate excessive traffic to or from the site.**
- 4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.**
- 5. The property is located within the Developing Area according to the Sussex County Comprehensive Plan. Professional Offices like this are appropriate in this Area according to the Plan.**
- 6. No parties appeared in opposition to the application.**
- 7. This recommendation is subject to the following conditions:**
 - a. The use shall be limited to use as a professional office.**
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
 - c. The applicant shall comply with any DeIDOT entrance and roadway improvement requirements.**
 - d. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.**
 - e. All dumpsters shall be screened from view of neighboring properties and roadways.**
 - f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
 - g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
 - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2361**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS” (property lying on the northwest side of Central Avenue, approximately 160 feet southwest of Canal Crossing Road)

**Public
Hearing/
CU2361
(continued)**

(911 Address: 19840 Central Avenue, Rehoboth Beach) (Tax Map Parcel: 334-13.20-20.00) filed on behalf of Beachfire Brewing Co., LLC.

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of August 21, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 7 recommended conditions as outlined.

Mr. Rieley stepped out of the room due to a potential conflict.

The Council found that Ms. Mackenzie Peet, of Saul Ewing, spoke on behalf of the applicant which has been operating for the past 9 years in Sussex County; that Revolution operation of its business has had a transformative and positive impact on the community in particular Central Ave.

Mr. Rieley stepped out of the room due to a potential conflict.

Ms. Peet stated that they operate a microbrewery that operates on Central Ave; that there has been a lot of growth in the area; that there was prior approval for a food truck that was located on the parcel behind this site; that the lease expired and terminated; that in the code, Section 115-77, in the C1 district it allows for temporary vendor stands food trucks to operate between March 15 and November 15 for the sale of food and agricultural products subject to receipt of a temporary vendor permit; that a food truck located and operated outside this time frame, the March 15 and November 15, falls under the special events category, requiring a conditional use approval; that the code allows property owners to undertake certain uses by right while others require conditional use approval for uses that cannot be well adjusted to their environment; that the purpose of a conditional use is to ensure that public or semipublic uses which are essential and desirable for the communities, convenience and welfare are properly located and managed; that the food truck will continue to enhance the public character of the area located within this commercial district along with other public serving establishments, such as the outdoor special events venue and tomato sunshine; that during the PZ Commission meeting held on August 21, 2024, the Commission recommended approval of the application; that the applicant agrees with the conditions given; that there are no requested changes; that the application has received considerable support with 18 letters on the docket; that approval of the application was requested.

There were no public comments.

The Public Hearing and public record were closed.

**M 522 24
Adopt
Ordinance
No. 3048/**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3048 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO OPERATE FOR A PERIOD

CU2361

EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This is an application to allow a food truck or trailer serving pizza and food upon the property leased by the Applicant.**
- 2. The site is zoned C-1 General Commercial, which permits service uses that are more intensive than what is proposed here, including full-scale restaurants. In addition, there are commercial uses on either side of this site and throughout the immediate area. This site is also across from the Revelation Micro-brewery and this use will be accessory to that microbrewery.**
- 3. The food truck will serve residents of the community, people at the nearby bike trails and patrons of the microbrewery.**
- 4. The use will not adversely affect the neighboring community or roadways.**
- 5. No parties spoke in opposition to this application.**
- 6. This recommendation shall be subject to the following conditions:**
 - a. The use shall be limited to a mobile or temporary food and beverage vendor.**
 - b. The use shall comply with all setbacks and parking requirements.**
 - c. The use shall not be permanently affixed or attached to the property.**
 - d. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.**
 - e. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.**
 - f. The hours of operation shall be from 11:00 a.m. until 9:00 p.m., Monday through Sunday.**
 - g. A final Site Plan showing the location of the food truck shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**Public
Hearing/
CU2450**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS” (properties are lying on the northeast side of

**Public
Hearing/
CU2450
(continued)**

Malloy Street approximately 100 feet southeast of Central Avenue) (911 Address: 37411 & 37417 Malloy Street, Rehoboth Beach) (Tax Map Parcels: 334-13.20-27.00 & 27.01) filed on behalf of GGA Construction.

The Planning & Zoning Commission held a Public Hearing on the application on August 21, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 10 recommended conditions as outlined.

The Council found that Mr. Jim Fuqua, represented the applicant, GGA Construction, and spoke on their behalf; that this is a conditional use application for an office building on Lloyd St. in Rehoboth and the adjacent building that fronts on Central Ave. is utilized as an art cooperative building; that the site has a variety of businesses and commercial activities, including the Revelation Craft beer brewing and beer garden, which is a popular stop of many bikers who have gone along the bike trail along their rides; that there is a large wall that separates the lot from the Henlopen Junction; that to the east of the site is the Henlopen Junction and Henlopen Station development; that there are commercial uses along Rehoboth Ave. and then behind the commercial uses is a multifamily residential development; that on their side of the wall a mural has been painted; that when looking at the Zoning Map it's all C1 zoning except for a little tan in the middle of it which is where the two lots are located; that in 1970, this parcel was originally zoned commercial when they did the original zoning map; that in 2000, an application was filed to rezone the lot from C1 to GR; that it appear that there were several mobile homes on these parcels that were combined as one; that one mobile home was to be removed, one was going to remain, a newer one was to be brought in and another existing one was going to be converted into a storage unit; that it is assumed that you couldn't bring a new mobile home into a C1 district, so they had to get it rezoned to GR in order to bring the manufactured home in; that GGA Construction purchased this property in 2022 and the survey showed that there was an existing mobile home on the property which wasn't in good shape, an abandoned trailer on the property and a bunch of abandoned decks which had been attached to a mobile home that had been removed; that the applicant removed the trailers and the other things that were on the site and cleaned it up; that this application was filed in May of 2023; that the C1 District was closed at that time; that it is best to utilize the conditional use route since the applicant has a specific use in mind for an office building; that there are two tax map parcels containing 11,396 sq feet and about 110 feet wide by 100 feet deep; that the rear is about 8 feet wider than the front; that the proposed building will be two stories and have a total floor area of 4,940 sq feet, with 4,200 sq feet being office space and 740 sq feet for storage only; that the building would maintain a 30 foot setback from the front; that the building would have a 5 ft rear setback and along the one side as shown on the site plan; that would be a six foot privacy fence along the rear and north side; that there would be 21 parking spaces, 4 in the front one being ADA compliant: that part of condition D as recommended by the P&Z Commission was to have no parking be allowed in the front yard setback;

**Public
Hearing/
CU2450
(continued)**

that they are requesting to delete that language from condition D; that the situation is that there are no other lots located on the dead end street; that the proposed parking is a practical and reasonable use for this site and creates no traffic impact; that a 10X10 trash enclosure would be built on a concrete pad with proper landscaping around all areas; that all lighting would be downward and shielded and have one lighted sign not to exceed 32 sq feet; that no wetlands are present and sewer is provided by Sussex County and water by City of Rehoboth Beach; that DelDOT stated in its SLER that traffic impact would be negligible; that during the PZ Commission meeting on September 11, 2024, they recommended approval of the request and stated in the minutes subject to the conditions as noted; that the conditions are acceptable to the applicant with the exception of condition B being amended; that they are seeking approval of the application.

There were no public comments.

The Public Hearing and public record were closed.

**M 523 24
Amend
Condition D/
CU2450**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to amend Condition D by removing the last sentence that states “No parking shall be allowed in the front yard setback”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 524 24
Adopt
Ordinance
No. 3049/
CU2450**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 3049 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

1. The area surrounding this property is all zoned C-1 General Commercial and this property itself was zoned C-1 until it was rezoned to GR General Residential in 2000. Although it is currently zoned GR, this zoning classification is inconsistent with the surrounding area and is essentially what is considered to be “spot zoning”.
2. Since the C-1 District is now a closed district, the Applicant has chosen to seek a conditional use instead of a completely different commercial zoning classification from the surrounding property.

M 524 24
Adopt
Ordinance
No. 3049/
CU2450
(continued)

3. The use as an office building will be consistent with many other uses in the area including a brewpub, storage and warehouse buildings, a community event center and other varied types of uses.
4. The property has frontage on Malloy Street which is a dead-end street. This property is the only property with frontage on Malloy Street so the use will not impact any other properties on the street.
5. The Applicant has stated that this site will be used as an office building. There will not be excessive traffic to or from the site. DelDOT has also stated that the traffic impact will be “negligible”.
6. The property will be served by central water and Sussex County central sewer.
7. There is no evidence in the record that the use will adversely affect area roadways or neighboring properties.
8. The property is located within the Commercial Area according to the Sussex County Comprehensive Plan. Offices like this are appropriate in this Area according to the Plan.
9. No parties appeared in opposition to the application.
10. This recommendation is subject to the following conditions:
 - a. The use shall be as an Office Building with a total square footage that does not exceed 5,000 square feet. No retail sales or outdoor storage shall occur on the site.
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - c. The applicant shall comply with any DelDOT entrance and roadway improvements requirements.
 - d. Parking areas shall be shown on the Final Site plan and clearly marked on the site itself.
 - e. All dumpsters shall be screened from the view of neighboring properties and roadways.
 - f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - g. A solid fence shall be constructed along the North and East sides of the property as shown on the Preliminary Site Plan. The details of the fencing and landscaping shall be shown on the Final Site Plan.
 - h. Stormwater management shall be constructed in accordance with all applicable state and county requirements.
 - i. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 525 24

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to adjourn at

Adjourn 3:15 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
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mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia Green
The Honorable Douglas B. Hudson
The Honorable Mark Schaeffer

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Stormwater BMP O&M On-Call Contract
A. Change Order No. 1***

DATE: October 15, 2024

Maintenance services are solicited each year, often on multiple occasions, to supplement the routine upkeep of Sussex County owned properties. This occurs since total costs exceed the requirements for nonprofessional service procurement, as per Delaware Code which the County follows. Several County properties include various types of stormwater management controls and/or Best Management Practices (BMPs), designed and constructed in accordance with approved Stormwater Facility plans. Maintenance of these facilities can include more specialized knowledge, equipment, and licensing versus current mowing and landscaping contracts.

Therefore, the Engineering Department prepared specifications for various types of on-call maintenance work with the proposal evaluation identified as a best value basis using three defined factors: Price, Experience/Qualifications of Bidder and Equipment and Labor Availability. Upon public advertisement and direct notification to qualified contractors specialized in Stormwater BMP operation and maintenance, eight (8) contractors were acknowledged as plan-holders. Three bids were received on March 14, 2024; however, one bid was submitted after the deadline and public opening, and therefore disqualified.

The Engineering Department reviewed the two proposals and determined the best value bid was submitted by Tributaries, LLC, with a total bid price of \$254,000.00. On April 9, 2024 based on Engineering Department recommendation, Council awarded the contract to Tributaries, LLC in the amount of \$254,000.00, with the option to renew up to two (2) additional years in accordance with contract specifications. Funding was allocated between FY 24 and FY 25 budgets based on anticipated use of Contract resources.



Currently this contract covers vegetation management for all county-owned and managed BMPs. During several field meetings with the Contractor at the onset of the Contract, additional work items were identified that would be necessary to maintain compliance with the Delaware Sediment & Stormwater Regulations. These items include storm debris removal, erosion repairs, trash rack repairs, minor outfall device modifications, slope stabilization and channel stabilization. At the Engineering Department's request, the Contractor has provided a unit price of \$400 per hour for a 3-person crew to cover the necessary additional work items. We estimate 120 hours will be needed over the Contract term to accomplish this work, which equates to **\$48,000.00** in labor. In addition to the unit price work, an increase of **\$16,000.00** to the material allowance included in the original Contract is needed to cover the necessary materials related to completing the additional work items.

Based on the above, the Engineering Department recommends acceptance of Change Order No. 1 in the not to exceed amount of **\$64,000.00**.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Stormwater BMP Maintenance On-Call Contract**
2. Sussex County Project No. RFP
3. Change Order No. 1
4. Date Change Order Initiated 10/1/24
5.
 - a. Original Contract Sum \$254,000.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$254,000.00
 - d. Requested Change \$64,000.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$318,000.00
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Addition of a General Pond Maintenance Category for minor stormwater facility repairs in addition to an increase in the materials allowance.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Burr Monroe, President

Burr Monroe 09/27/2024
Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

[Signature] 9/27/2024
Signature Date

- 3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

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mark.parker@sussexcountyde.gov



Sussex County

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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Mark Parker, P.E., Assistant County Engineer
Paul Mauser, P.E., Assistant County Engineer

RE: ***Maintenance of Traffic Services, Contract G25-05***
A. Recommendation of Award of Bid

DATE: October 15, 2024

The Engineering Department is working with the County's Environmental Services (ES) Division to provide County staff with an on-call Contractor to perform countywide Maintenance of Traffic (MOT) Services. The MOT Services are planned to be utilized to support Environmental Services staff for tasks such as general utility inspection, maintenance, repair, and emergency response activities. Environmental Services staff currently utilizes the General Labor & Equipment (GL&E) Contract to fulfill the need for maintenance of traffic services on an as-needed basis.

By having a specific on-call Agreement in place for MOT Services, the County will save money by not having to pay the profit and overhead to the general contractor in the GL&E Contract. In addition, County staff will have more control of being able to source MOT Services on-demand, particularly in emergency situations, as opposed to routing the services through the general contractor in the GL&E Contract.

The Bid Form developed for the MOT Services contract includes Unit Prices for specific types of traffic control applications that are anticipated to be needed to support County staff. Quantities for the traffic control applications were derived based on estimated number of times each traffic control application would be needed over the specified 3-year period of the Contract. The Contract also has provisions for the development of custom Traffic Control and/or Detour Plans if needed based on the intended work, which would be produced based on an hourly rate. If determined necessary, the Engineering Department would negotiate a fee with the selected Vendor for custom maintenance of traffic services associated with implementing the provisions of the approved Traffic Control and/or Detour Plans in the field.



The MOT Services contract was publicly advertised on August 28, 2024 and a public Bid Opening was conducted in Council Chambers on October 2, 2024 at 1:00 PM. Only one Bid was received, and the Bid results are summarized below:

Vendor:	Total Project Bid:
Atlas Flasher & Supply Co., Inc.	\$419,725.00

The Total Project Bid of \$419,725.00 is the total estimated amount of work that will be needed over the 3-year period of the Contract. The Bid Documents states that there is no guarantee of work and that work will be assigned and paid on a task-by-task basis, where and when the maintenance of traffic services are needed.

As an aside, Atlas Flasher & Supply Co., Inc. is currently serving as one of the on-call Maintenance of Traffic Contractors for DelDOT. County Staff did reach out to DelDOT as a reference for Atlas Flasher & Supply Co., Inc. and received favorable feedback on overall performance.

The Bid from Atlas Flasher & Supply Co., Inc. was reviewed in detail and the Engineering Department was able to compare the publicly available Unit Prices that Atlas provided in their bid to DelDOT in August 2021 to the Unit Prices that Altas subitted as part of the bid for this Contract. Eleven of the thirteen Unit Prices were higher by 25% or less in the 3+ year span between the August 2021 DelDOT Contract and the current bid. This increase in price is deemed acceptable given the lower volume of work that Sussex County will be performing compared to DelDOT, as well as factoring in inflation over this time period.

Based on the above, the Engineering Department recommends award of the MOT Services on-call contract to Atlas Flasher & Supply Co. in the amount of \$419,725.00 for a three (3) year term with an optional 1-year Contract renewal.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer, ret.
Via - Patrick Brown, P.E., Project Engineer

RE: *Inland Bays Loop Project, S24-01*
A. Change Orders No. 1 & 2

DATE: October 15, 2024

The 5-year capital plan approved in the County's FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (IBRWF). Ultimately, treated effluent from the IBRWF will be distributed to agricultural partners and forested spray sites under the recently issued DNREC permit no. 359141-08, as well as a rapid infiltration basin under DNREC permit review to be permitted, constructed and maintained by Artesian Wastewater Resources on leased County property.

The Inland Bays Loop Project, S24-01, included over 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) locations where effluent disposal is planned. The majority of the work occurs on Sussex County owned lands, with some portions of the pipeline crossing or running with DelDOT right-of-way, including the Mount Joy Road segment applicable to the DelDOT Utility Agreement approved by Council on February 20, 2024.

The Loop Project was publicly advertised and twelve (12) contractors attended a pre-bid meeting on February 21, 2024. On March 14, 2024, seven (7) bids were received, with Atlantic Contracting & Material Co., Inc. submitting the lowest base bid. Several alternate bids for addition or deduction of pricing were included in the Bid Form to evaluate pipeline material options, including Alternate Bid 9A which stipulated use of domestic pipe fittings. The Engineering Department reviewed all bid pricing and considered Base Bid with Alternate Bid 9A, in the amount of \$7,649,916.00, as serving the best project interests of Sussex County.



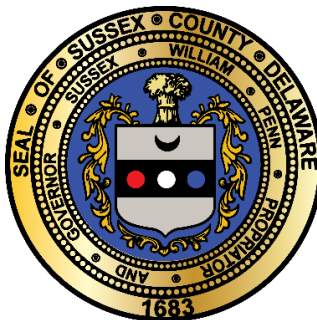
On April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00 with funding provided through the ARPA.

The Loop Project was the initial step towards constructing a treated effluent distribution system at IBRWF. Design and permitting efforts continued for anticipated projects including the forested spray-field header piping; forested spray-field diffuser piping; treated effluent storage; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with ACM. They presented Change Order No. 1, for construction of the forested spray-field header piping, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where future distribution & diffuser piping will connect to the spray-field header. The Engineering Department recommends Council approve Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00.

A DP&L electrical transmission right-of-way with three (3) separate overhead circuits exists on County property at the IBRWF. The Loop Project included three (3) locations where the buried effluent loop pipeline crosses the DP&L right-of-way. Recent coordination of the Loop Project scope with DP&L resulted in the shift of the pipeline alignment further away from existing utility poles. The Engineering Department requested ACM develop costs for additional tree clearing and field survey associated with revisions to the Loop Project alignment. As requested, ACM presented Change Order No. 2. The Engineering Department recommends Council approve Change Order No.2 for Project S24-01, in the amount of \$136,460.00.

Change Orders No. 1 and No.2 will also be funded through the ARPA.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **IBRWF – LOOP PROJECT**
2. Sussex County Project No. S24-01
3. Change Order No. 1
4. Date Change Order Initiated - 10/15/2024
5.
 - a. Original Contract Sum \$ 7,649,916.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$ 7,649,916.00
 - d. Requested Change \$ 2,179,674.00
 - e. Net Change (No. of days) 100
 - f. New Contract Amount \$ 9,829,590.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion
7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

In accordance with unit prices bid, furnish and install 12" ductile iron pipe, fittings and appurtenances per supplemental drawings provided for the forested spray-field headers. New not to exceed costs shall apply to additional survey, additional tree clearing, and labor associated with bullhead fitting assemblies.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No _____

E. APPROVALS

1. Atlantic Contracting & Materials Co., Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



CHANGE ORDER #01

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

Date: September 26, 2023
Original Contract Value: \$7,649,916.00

Total Previous Change Order(s): \$0.00
Amount This Change: \$2,179,674.00
Revised Contract Amount: \$9,829,590.00

ACM Project No.: 975
Project Name: Inland Bays Regional
Wastewater Facility
Loop Project

Description of Change Order:

Clearing and Grubbing for the additional 12” line that was discussed in the pre-construction meeting. This price is for clearing and grubbing the area 25’ including taking the trees. Also ACM will be installing 12” lines along with bull tee fittings per the provided drawings PC01 sent on 8/14/2024

	UNIT PRICE	UNITS	QTY	VALUE
Additional Pipe Alignment Clearing, Grubbing, and Mulching	\$20.00	LF	16,232	\$324,640.00
Bull Tee Fittings Installation (Labor)	\$700.00	EA	59	\$41,300.00
Furnish and Install 12-inch Ductile Iron Pipe (Pressure Class 350)	\$81.00	LF	16,232	\$1,314,792.00
Furnish and Install 12-inch Gate Valve / Box	\$5,700.00	EA	7	\$39,900.00
Furnish and Install Ductile Iron Fittings & Spare Parts (All Sizes)]	\$13.00	LB	30,234	\$393,042.00
Additional Survey (Estimated Cost + Fixed Fee)	\$50,000.00	LS	1	\$50,000.00
12x6 FLGXPE CL BT DI SPL	\$1,600.00	EA	10	\$16,000.00
**QUANTITIES TO BE MEASURED IN FIELD				
TOTAL COST				\$2,179,674.00



9712 DORVAL AVENUE
OFFICE: (301) 868-3227

UPPER MARLBORO, MD 20772
FAX: (301) 868-8862

Sussex County Engineering Department

By: _____

Name:

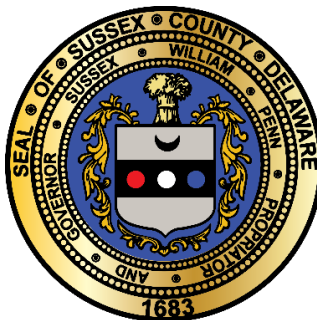
Title:

Atlantic Contracting & Material Co., Inc.

By: _____

Name: Thomas Madden

Title: President



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **IBRWF – LOOP PROJECT**
2. Sussex County Project No. S24-01
3. Change Order No. 2
4. Date Change Order Initiated - 10/15/2024
5.
 - a. Original Contract Sum \$ 7,649,916.00
 - b. Net Change by Previous Change Orders \$ 2,179,674.00
 - c. Contract Sum Prior to Change Order \$ 9,829,590.00
 - d. Requested Change \$ 136,460.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$ 9,966,050.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion
7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

As requested for power utility right-of-way coordination, provide tree clearing and additional field survey as necessary to shift pipeline alignment.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No _____

E. APPROVALS

1. Atlantic Contracting & Materials Co., Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



CHANGE ORDER #02

Owner:

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

Date:

September 26, 2023

Original Contract Value:

\$7,649,916.00

Total Previous Change Order(s):

\$2,179,674.00

Amount This Change:

\$136,460.00

Revised Contract Amount:

\$9,966,050.00

ACM Project No.: 975

Project Name: Inland Bays Regional
Wastewater Facility
Loop Project

Description of Change Order:

Clearing and Grubbing for the new alignment per PC-02 along with new survey.

	UNIT PRICE	UNITS	QTY	VALUE
Additional Pipe Alignment Clearing, Grubbing, and Mulching For Alignment	\$20.00	LF	6,073	\$121,460.00
New Survey (Estimated Cost + Fixed Fee)	\$15,000.00	LS	1	\$15,000.00
**QUANTITIES TO BE MEASURED IN FIELD				
TOTAL COST				\$136,460.00

Sussex County Engineering Department

Atlantic Contracting & Material Co., Inc.

By: _____

By: _____

Name:

Name: Thomas Madden

Title:

Title: President

TO: Sussex County Council

FROM: Vince Robertson, Esq
Assistant County Attorney

RE: Ordinance Revising Section 99-9C

DATE: October 11, 2024

Attached is an ordinance to amend Section 99-9C of the Subdivision Code. Recall that this section contains 17 items that must be “considered” as part of a subdivision review. Unfortunately, as currently worded, this does not give clear guidance to the County: what does it mean to simply “consider” them? This revision has been discussed both formally and informally by Commissioners for some time and this ordinance provides that these items (as modified) now must be “satisfied”.

At the same time, staff has reviewed the 17 existing criteria and modified the wording of each one for clarity and/or to bring them current with other existing expectations or requirements (for instance, updating them to refer to “Resources”, and to tie the requirements to the adopted MOU with DelDOT regarding LOS on area roadways). Since the revisions to the 17 (now 19) items are fairly self-explanatory in the body of the ordinance, it is not necessary to address each one here.

For ease of review, it follows the required deletions in [brackets] with additions in *italics and underlined*. However, to assist in your review and consideration, deletions are also shown in [red] while additions are shown in *green*.

We will be available to answer any questions during introduction and during the subsequent public hearings.

VGR

CC: Todd Lawson, County Administrator
J. Everett Moore, Esq. County Attorney
Jamie Whitehouse, Director of Planning & Zoning

31 WHEREAS, it has been determined that this Ordinance promotes and protects the
32 health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex
33 County.

34 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

35
36 **Section 1. The Code of Sussex County, Chapter 99, Article II, §99-9 “Public**
37 **hearing on preliminary plat approval or disapproval” is hereby amended by**
38 **deleting the language in brackets and by inserting the italicized and underlined**
39 **language in Subsection 99-9.C thereof as follows:**

40
41 **§ 99-9 Public hearing on preliminary plat approval or disapproval.**

42
43 . . .

44
45 C. In addition to the other provisions contained within this article, [**the approval**
46 **of a subdivision shall include consideration of the following**] *an Applicant for*
47 *approval of a preliminary plat shall provide that the following criteria are satisfied*
48 *and the manner in which each one is satisfied through the design of the preliminary*
49 *plat:*

50
51 (1) [**Integration of the proposed subdivision into existing terrain and surrounding**
52 **landscape**] *That the proposed subdivision is integrated into existing terrain and*
53 *surrounding landscape.*

54
55 (2) [**Minimal use of wetlands and floodplains.**] *That all resources and resource*
56 *buffers are protected in accordance with Chapters 99 and 115 herein and that*
57 *floodplains are minimally used.*

58
59 (3) [**Preservation of natural and historical features.**] *That natural and historic*
60 *features are preserved and forest fragmentation is minimized. In addition, a forest*
61 *assessment shall be conducted with a forest assessment report included with the*
62 *preliminary plat. If woodlands or mature forests that contain high habitat value are*
63 *found, these areas shall be conserved to the maximum extent possible.*

64
65 (4) [**Preservation of open space and scenic views.**] *That open space and scenic views*
66 *are preserved.*

67

68 (5) [Minimization of tree, vegetation and soil removal and grade changes.] That the
69 design of the proposed subdivision, including the stormwater management and
70 drainage design minimizes the removal of trees, vegetation and soil.

71
72 (6) [Screening of objectionable features from neighboring properties and roadways.]
73 That objectionable features are screened from neighboring properties and
74 roadways.

75
76 (7) [Provision for water supply.] That the supply of potable water to future residents
77 of the proposed subdivision is safe and adequate for their use.

78
79 (8) [Provision for sewage disposal.] That the means and method of sewage disposal
80 are adequately addressed for the proposed subdivision.

81
82 (9) [Prevention of pollution of surface and groundwater.] That the proposed
83 subdivision will not pollute surface water or groundwater.

84
85 (10)[Minimization of erosion and sedimentation, minimization of changes in
86 groundwater levels, minimization of increased rates of runoff, minimization of
87 potential for flooding and design of drainage so that groundwater recharge is
88 maximized.] That erosion and sedimentation is minimized, and the methods of
89 minimization are adequately identified.

90
91 (11) That changes to the groundwater levels will be minimized and that
92 groundwater recharge is maximized as a result of the proposed subdivision and that
93 the methods of both are adequately identified. In addition, that there will not be
94 increased rates of runoff or increased risk of flooding onto adjoining properties from
95 the design and construction of the proposed subdivision, and the methods used to
96 achieve these criteria are adequately identified.

97
98 [(11)Provision for safe vehicular and pedestrian movement within the site and to
99 adjacent ways.]

100
101 (12) [Effect on area property values.] That area property values will not be
102 adversely affected.

103
104 (13)[Preservation and conservation of farmland.] That any active farmland adjacent
105 to the proposed subdivision is adequately preserved through the design and
106 construction of the proposed subdivision.

107
108 (14)[Effect on schools, public buildings and community facilities.] That the
109 Applicant has consulted with the local school district where the proposed
110 subdivision will be located.

111
112 (15) That public buildings and community facilities will not be adversely affected
113 by the proposed subdivision.

114
115 (1[5]6) [Effect on area roadways and public transportation.] That the subdivision is
116 either within an established Transportation Improvement District or the subdivision
117 endeavors to maintain the current Delaware Department of Transportation Level of
118 Service on all adjacent roads and intersections after the subdivision is completed
119 and in no event will allow the Level of Service to degrade below a Level of Service
120 D.

121
122 (1[6]7)[Compatibility with other area land uses.] That the proposed subdivision will
123 be compatible with other area land uses.

124
125 (1[7]8)Effect on area waterways. That the proposed subdivision will not adversely
126 affect area waterways.

127
128 (19) That there will be safe and efficient vehicular and pedestrian movement within
129 the site and to and from adjacent developed properties with interconnectivity.

130

131 **Section 2. Effective Date.**

132 This ordinance shall become effective upon its adoption by Sussex County Council.

TO: **Sussex County Council**

FROM: **Vince Robertson, Esq**
Assistant County Attorney

RE: **Open Space Revisions**

DATE: **October 11, 2024**

Attached is an ordinance to amend the County’s Open Space requirements. It focuses largely on the definitions, which are currently duplicated in both Chapter 99 and 115. The definitions are clarified to better describe what “is” and what “is not” open space. Perhaps the most significant of these is to exclude clubhouses, pools and similar impervious amenities from “open space”; they are structures that cover the land and are not truly “open space” within a development.

Chapter 99 has an added “guide” for minimum open space; that is converted by this ordinance to a “requirement”. The ordinance also restates this provision in Chapter 115 so that it covers not only subdivisions (Ch. 99) but also Multifamily and Townhouse residential conditional uses (Ch. 115).

There is also new language providing that the immediate area around Multifamily and Townhouse structures is not considered “open space”, much like the lot around a single family dwelling is not considered open space. This eliminates a loophole where Multifamily or Townhouse structures can utilize all the land right up to a building’s exterior walls for open space calculations, while the open space stops at a lot line within a subdivision.

In addition to the above revisions, it also provides that small, isolated “pockets” of open space will not count towards the minimum open space requirements. In the same manner, boulevards, parking islands, grass strips between pavement and curbing and similar areas don’t count.

For ease of review, it follows the required deletions in [brackets] with additions in *italics and underlined*. However, to assist in your review and consideration, deletions are also shown in [red] while additions are shown in *green*.

We will be available to answer any questions during introduction and during the subsequent public hearings.

VGR

CC: Todd Lawson, County Administrator
J. Everett Moore, Esq. County Attorney
Jamie Whitehouse, Director of Planning & Zoning

1 **AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III & IV,**
2 **SECTIONS 99-5 “DEFINITIONS”, 99-21, “PUBLIC SITES AND OPEN**
3 **SPACES”, §99-23 “PRELIMINARY PLAT REQUIREMENTS” AND**
4 **CHAPTER 115, ARTICLES I & XXVIII, SECTION 115-4 “DEFINITIONS**
5 **AND WORD USAGE” AND §115-220 “PRELIMINARY SITE PLAN**
6 **REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING**
7 **OPEN SPACE.**

8 WHEREAS, Pursuant to the provisions of Title 9, Chapters 68 and 69 of the
9 Delaware Code, the Sussex County Government has the power and authority to
10 regulate the use of land; and

11 WHEREAS, Pursuant to Chapters 99 and 115 of the Code of Sussex County, the
12 Sussex County Government has undertaken to regulate the use of land; and

13 WHEREAS, there are currently inconsistencies and ambiguities within the
14 definition of “Open Space” in Chapters 99 and 115 of the Code of Sussex County
15 including the inclusion of recreational facilities in open space calculations while
16 excluding building footprints from the calculation; and

17
18 WHEREAS, the 2019 Sussex County Comprehensive Plan and its Future Land Use
19 Element contemplates the revision of the Subdivision Code through amendments
20 such as this, including Objective 4.3.2 (“Promote new development that incorporates
21 usable open space and mitigates for the protection or replacement of environmental
22 resources in subdivision design”), Strategy 4.3.2.3 (“Strengthen County
23 development regulations to ensure that open space dedicated by developers contains
24 contiguous open space”) and Strategy 4.3.2.4 (“Revisit County Code to determine if
25 modifications are needed to open space requirements to promote less fragmentation
26 of open space”); and

27
28 WHEREAS, this ordinance has been drafted to address the current ambiguities in
29 the Code of Sussex County as well as the directives of the 2019 Sussex County
30 Comprehensive Plan; and

31
32 WHEREAS, it has been determined that this Ordinance promotes and protects the
33 health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex
34 County.

35 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**
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Section 1. The Code of Sussex County, Chapter 99, Article I, §99-5 “Definitions” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 99-5 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined:

...

OPEN SPACE

Those land areas within all major residential subdivisions, residential planned communities or developments which have a purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped or natural state, including lands used for agricultural purposes, promote conservation, protect wildlife or serve as a buffer between residential and nonresidential areas and/or commercial and noncommercial areas.

(1) The following uses are permitted and the land area devoted to said uses will be included in the calculation of open space:

(a) *[Recreational facilities, including swimming pools, game courts, p]Play areas not including playgrounds, tot lots or other structures, walking paths, bike paths and multimodal paths that are not located on state road rights-of-way[, **provided that impervious cover does not exceed 15% of calculated open space area**].*

(b) Ponds [**which have a demonstrated recreational value**].

(c) *Resource [B]buffers, perimeter buffers and perimeter buffer protection areas and forested areas.*

(d) Areas protected by perpetual conservation easements.

(e) Areas providing scenic vistas, areas providing wildlife corridors.

[(f) Sidewalks not located within street rights-of-way.]

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(~~g~~) Areas designated as "safe zones" under the Source Water Protection Ordinance contained in Chapter 89.

~~[(h) Spray irrigation areas, not including areas occupied by rapid infiltration basins.]~~

(~~i~~) [Tidal and nontidal wetlands] Resources.

(~~j~~) Stormwater management facility area.

(2) The following uses are not permitted and the land area devoted to said uses will not be included in the calculation of open space:

(a) Land area included within designated lot lines.

(b) Building footprints.

(c) Predominantly impervious surfaces such as street rights-of-way, sidewalks within street rights-of-way, parking and/or loading areas.

(d) Utility facilities, including but not limited to, any building, plant, equipment for treatment or pumping, lagoons and rapid infiltration basins, for sewer, water, gas, and/or electric utilities.

(f) Clubhouses, community buildings, recreational facilities, including swimming pools, game courts, tot lots and playgrounds, pavilions, community patios, sidewalks and other impervious recreational or community facilities.

(g) Medians, boulevards, parking islands or areas between the pavement or curb and sidewalk within a right of way.

(3) Any reference in this chapter to "open space" shall be subject to and governed by this definition.

112 **Section 2. The Code of Sussex County, Chapter 99, Article III, §99-21 “Public**
113 **Sites and Open Spaces” is hereby amended by deleting the language in brackets**
114 **and by inserting the italicized and underlined language as follows:**

115
116

117 **§ 99-21 Public sites and open spaces.**

118

119 A. Where the proposed subdivision includes lands proposed for use as parks,
120 playgrounds, playfields, public landings or school sites in the Comprehensive Plan,
121 the subdivider shall indicate the location of such lands on the subdivision plat and
122 shall reserve the right of purchase of such lands by the appropriate jurisdiction for
123 the time period specified herein. If the reserved lands are not purchased by the
124 appropriate jurisdiction within the specified time limit, the subdivider shall be free
125 to market such lands for an alternate purpose as specified on the approved
126 subdivision plat.

127

128 B. Park, playground and playfield areas may be required to be reserved for a period
129 of two years from the date of recording the subdivision, and school sites shall be
130 reserved for four years from such date.

131

132 C. Where deemed essential by the Commission upon consideration of the type of
133 development proposed in the subdivision, the subdivider may be required to dedicate
134 other areas or sites of a character, extent or location suitable to meet the needs of
135 such development. In lieu of dedication, such additional areas may be reserved for
136 the common use of all property owners in the proposed subdivision through deed
137 restrictions or agreements approved by the Commission, which restrictions or
138 agreements may include a right of enforcement by the County Council.

139

140 D. For residential subdivisions and other residential land development, the following
141 table shall [serve as a guide for determining] *establish* the minimum percentage of
142 the total site which shall be set aside for park and open space uses; *in achieving the*
143 *minimum percentage of open space, isolated areas of open space that are not*
144 *directly connected to contiguous open space and that are smaller than 21,780 square*
145 *feet in size shall not be counted:*

146

Gross Density (dwelling units per acre)	Minimum Percentage of Open Space
2 to 5	10

Gross Density (dwelling units per acre)	Minimum Percentage of Open Space
6 to 10	15
Over 10	25 or more

147

148

149 **Section 3. The Code of Sussex County, Chapter 99, Article IV, §99-23**
 150 **“Preliminary Plat Requirements” is hereby amended by deleting the language**
 151 **in brackets and by inserting the italicized and underlined language as follows:**

152

153 **§ 99-23 Information to be shown.**

154 The preliminary plat shall be drawn in a clear and legible manner and shall show the
 155 following information:

156

157 S. *[The designation of all areas proposed as open space.] The locations,*
 158 *dimensions and purposes of all open space areas. The legend or plot notes must*
 159 *show a breakdown of acreages, both gross and net, of open space, the percentage of*
 160 *impervious cover area, the percentage of open space to total gross acreage and the*
 161 *total acreage of proposed streets, roads, parking lots, alleys and ways used for*
 162 *vehicle access and multimodal paths located within state rights-of-way.*

163

164 **Section 4. The Code of Sussex County, Chapter 155, Article I, §115-4**
 165 **“Definitions and Word usage” is hereby amended by deleting the language in**
 166 **brackets and by inserting the italicized and underlined language as follows:**

167

168 **§ 115-4 Definitions and word usage.**

169 . . .

170

171 B.
 172 General definitions. For the purpose of this chapter, certain terms and words are
 173 hereby defined as follows:

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175 . . .

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OPEN SPACE

Those land areas within all major residential subdivisions, residential planned communities or developments which have a purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped or natural state, including lands used for agricultural purposes, promote conservation, protect wildlife or serve as a buffer between residential and nonresidential areas and/or commercial and noncommercial areas.

(1) The following uses are permitted and the land area devoted to said uses will be included in the calculation of open space:

- (a) *[Recreational facilities, including swimming pools, game courts, p]Play areas not including playgrounds, tot lots or other structures, walking paths, bike paths and multimodal paths that are not located on state road rights-of-way[, provided that impervious cover does not exceed 15% of calculated open space area].*
- (b) Ponds *[which have a demonstrated recreational value]*.
- (c) *Resource [B]buffers, perimeter buffers and perimeter buffer protection areas and forested areas.*
- (d) Areas protected by perpetual conservation easements.
- (e) Areas providing scenic vistas, areas providing wildlife corridors.
- [(f) Sidewalks not located within street rights-of-way.]*
- [(g)] Areas designated as "safe zones" under the Source Water Protection Ordinance contained in Chapter 89.*
- [(h) Spray irrigation areas, not including areas occupied by rapid infiltration basins.]*
- [(i)g] [Tidal and nontidal wetlands]Resources.*
- [(j)h] Stormwater management facility area.*

214
215 (2) The following uses are not permitted and the land area devoted to said uses will
216 not be included in the calculation of open space:

217
218 (a) Land area included within designated lot lines.

219
220 (b) Land area included within an area within 40 feet from the front, 10 feet
221 from the side and 10 feet from the rear of any multifamily or townhouse
222 dwelling.

223
224 ([b]c) Building footprints.

225
226 ([c]d) Predominantly impervious surfaces such as street rights-of-way,
227 sidewalks within street rights-of-way, parking and/or loading areas.

228
229 ([d]e) Utility facilities, including but not limited to, any building, plant,
230 equipment for treatment or pumping, lagoons and rapid infiltration basins, for
231 sewer, water, gas, and/or electric utilities.

232
233 (f) Clubhouses, community buildings, recreational facilities, including
234 swimming pools, game courts, tot lots and playgrounds, pavilions, community
235 patio, sidewalks and other impervious recreational or community facilities.

236
237 (g) Medians, boulevards, parking islands or areas between the pavement or
238 curb and sidewalk within a right of way.

239
240 (3) For residential subdivisions and other residential land development, the
241 following table shall establish the minimum percentage of the total site which shall
242 be set aside for park and open space uses; in achieving the minimum percentage of
243 open space, isolated areas of open space that are not directly connected to
244 contiguous open space and that are smaller than 21,780 square feet in size shall not
245 be counted:

246

<u>Gross Density</u> <u>(dwelling units per acre)</u>	<u>Minimum Percentage of Open Space</u>
<u>2 to 5</u>	<u>10</u>
<u>6 to 10</u>	<u>15</u>
<u>Over 10</u>	<u>25 or more</u>

247 ([3]4) Any reference in this chapter to "open space" shall be subject to and governed
248 by this definition.

249
250 **Section 5. The Code of Sussex County, Chapter 115, Article XXVIII, §115-220**
251 **“Preliminary Site Plan Requirements” is hereby amended by deleting the**
252 **language in brackets and by inserting the italicized and underlined language**
253 **as follows:**

254
255 **§ 115-220 Preliminary site plan requirements.**

256 A. The preliminary site plan shall show the North point, scale and date.

257 B. The preliminary site plan shall show the following:

258 . . .

259
260 (15) [~~The designation of all areas proposed as open space.~~] *The locations,*
261 *dimensions and purposes of all open space areas. The legend or plot notes must*
262 *show a breakdown of acreages, both gross and net, of open space, the percentage of*
263 *impervious cover area, the percentage of open space to total gross acreage and the*
264 *total acreage of proposed streets, roads, parking lots, alleys and ways used for*
265 *vehicle access and multimodal paths located within state rights-of-way.*

266
267 **Section 6. Effective Date.**

268 This ordinance shall become effective _____.

269
270
271

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, September 23, 2024 12:15 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization	The Friends of the Laurel Library
Project Name	Youth Services Programs (Book Bunch and Code Club)
Federal Tax ID	51-0389380
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To support the Laurel Public Library so that they may better serve members of the community.
Address	101 E 4th Street
City	Laurel
State	Delaware
Zip Code	19956
Contact Person	Laina Betts-Dunn

Contact Phone Number	3028419898
Contact Email Address	laina.betts@gmail.com
Total Funding Request	1,900
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	500
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50
Program Category (choose all that apply)	Educational
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County	69946

Beneficiaries served, or expected to be served, annually by this program

Scope

The library's funding for things, such as programs, decreased this year. This is due to an outdated assessment of each library and its functions. Library's are much more than book surrounded by walls, yet the primary information considered to determine a library's budget is materials borrowed. Youth services is a large part of what the library offers, and is one of the most active and attended services provided. The library asked our organization to sponsor two programs that would meet monthly for the duration of the school year. Code Club will meet the 3rd Wednesday of the month. Book Bunch will meet the 4th Wednesday of each month. Code Club is a class that would teach students 10 and up coding skills. A similar program was offered in the past and was well attended. Book Bunch is a book club that is for ages 5-10. Both programs costs include: instructor (at a VERY discounted price), curriculum, and incentives. In addition to this grant, we have also received a donation from a local business to offset the costs. Resources that were free of charge were utilized first and as often as possible.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

1,000.00

Description

curriculum code club

Amount

1,600.00

Description

curriculum book bunch

Amount

500.00

Description	personnel code club
Amount	270.00
Description	personnel book bunch
Amount	270.00
Description	incentives code club
Amount	67.98
Description	incentives book bunch
Amount	61.94
Description	other operating costs Code Club
Amount	64.80
Description	other operating costs Book Bunch
Amount	64.80
TOTAL EXPENDITURES	2,899.52
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,899.52
Name of Organization	The Friends of the Laurel Library
Applicant/Authorized Official	Laina Betts-Dunn
Date	09/23/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

yes. 9/25.
HUDSON.

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Selbyville Historical Society
PROJECT NAME: Townsend Building
FEDERAL TAX ID: 92-0925055 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

The Selbyville Historical Society envisions "a Selbyville that celebrates and preserves its history and architectural heritage to enhance community today and for future generations."

ADDRESS:

P.O. Box 917

Selbyville, DE 19975
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Susan Bunting

TITLE:

Selbyville Historical Society Vice-President

PHONE:

302-542-9120 EMAIL: sbunting8@mchsi.com

TOTAL FUNDING REQUEST:

\$1,500 see attached email. cyh.

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

Selbyville's current library is housed in the former home of Sen. John G. Townsend, Jr., who was Selbyville's most noted citizen. In addition to prospering in the lumber business, starting the town's Baltimore Trust bank, organizing transportation and growers in a manner that led to the town's becoming "the Strawberry Capital of the World," and founding Townsend's poultry business, he became the state's governor and a US Senator. Well-respected throughout the nation, Eleanor Roosevelt dined in his home and Richard Nixon came to town to celebrate the Senator's 86th birthday. Thus, the residence has significant meaning for our community.

The town's new library will be completed in the next few months. By the end of the year, the vacated Townsend residence will be gifted to the Selbyville Historical Society. Although we do not yet own or occupy the building, we are preparing for the expenses that will be related to maintaining the structure. In addition to sharing it with others as a tribute to the Senator, we are hoping to transform it into a potential museum and educational center to enhance opportunities for civic use and community programs.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	\$42,814.20
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	95% of this is the result of our first fund-raising event on 6/1/24)
TOTAL REVENUES	42,814.20
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Utilities (Electric, water, sewer, trash, etc.)	-\$ 5,500.00
Insurance	-\$ 4,000.00
Maintenance and repairs	-\$ 5,000.00
Internet service	-\$ 800.00
TOTAL EXPENDITURES	-\$ 15,300.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 27,514.20

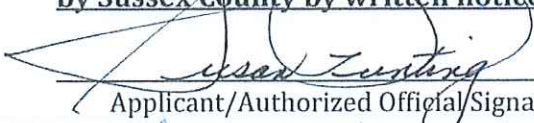
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Selbyville Historical Society agrees that:
(Name of Organization)

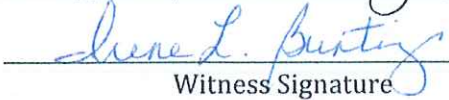
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**


Applicant/Authorized Official Signature

09/15/2024
Date


Witness Signature

09/15/2024
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

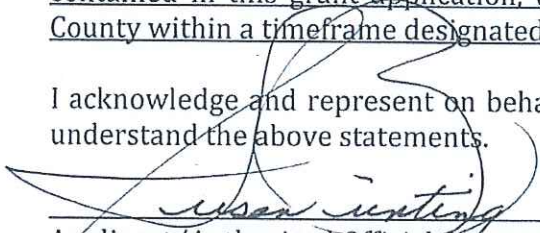
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature



Witness Signature

Vice-President

Title

9/16/24

Date

Casey Hall

From: Irene Bunting <ireneviolet8001@gmail.com>
Sent: Tuesday, September 17, 2024 9:54 PM
To: Casey Hall
Subject: Re: Selbyville Historical Society Application

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Morning Casey:

Sorry for the delay:

It is my understanding that this grant is \$500 to \$1,500.

We would like to request the full \$1,500.00.

We have scheduled a walk through of the building for this Thursday to get a handle on the immediate needs of the building.

Thanks for your help !
Irene

On Mon, Sep 16, 2024 at 12:44 PM Casey Hall <casey.hall@sussexcountyde.gov> wrote:

Good morning.

The application does not list an amount requested. Can you let me know how much your organization is looking for from County Council.

Thank you,

Casey Hall

Casey Hall, Administrative Secretary

Sussex County Government

P.O. Box 589 | 2 The Circle | Georgetown, DE 19947

Tel: 302.855.7741 Fax: 302.855.7749

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, September 12, 2024 1:02 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization Coastal Concerts, Inc.

Project Name 2024-2025 Season Student Scholarship Program

Federal Tax ID 51-0390279

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission Coastal Concerts enriches our community by presenting live concerts, outreach, and educational activities by renowned musicians, encompassing rich traditions of the past while reflecting cultural diversity in the evolution of classical music. Coastal Concerts promotes classical music through live concerts, outreach, and educational activities. We are entering our 26th season and are excited to bring a wide range of classical music to our stage in Lewes. We will continue to make fine music accessible, enjoyable, and understandable for members of the community by presenting an annual concert subscription series, featuring internationally acclaimed and culturally diverse, classically

trained artists. We will provide free concert admission for youth ages 10 to 18 plus one accompanying adult, and discounted admission for students 19 and older, as well as for active duty and career military personnel and first responders. We will sponsor annual music scholarship awards to talented middle and high school students. We will offer free concerts and community music appreciation programs, including our RAVE concert series and Performance Insights lectures that examine themes, forms and other elements of music, thereby enhancing audience members' experience. We will continue to arrange free interactive educational programs and master classes in Sussex Count schools by our guest artists and will strive to collect used but playable musical instruments donated to our "Toot Your Own Horn" program and place them with the Cape Henlopen School District and other Southern Delaware Schools.

Address	P.O. Box 685
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	Carol Dennis
Contact Title	Executive Director
Contact Phone Number	410-745-5699
Contact Email Address	coastalcarol226@gmail.com
Total Funding Request	\$2500

Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	40
Program Category (choose all that apply)	Cultural Educational
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	4
Scope	As part of our outreach program, Coastal Concerts sponsors an annual Scholarship Competition for musically talented middle school and high school students throughout the Delmarva Peninsula. The program is designed to assist students with continuing their music

education, purchasing instruments, repair of instruments, music lessons, summer music camps, etc. Within age groups, awards are made based upon a written essay and an in-person audition, adjudicated by professional musicians and instructors. To date, 65 awards totaling upwards of \$62,000, have been given to deserving young musicians in the area. A key component of the program is the judging of the in-person auditions by a panel of adjudicators. Providing the adjudicators with a small, but reasonable stipend to reimburse them for their related travel and related expenses to reach the audition locations would strengthen the program. Contributions to the Scholarship Fund would also assure the stability of the program going forward and allow the possibility of increasing the awards. Sponsorship of the Annual Scholarship Fund, beginning with the amount of \$2500, would allow for reasonable consideration for the adjudicators, with any remaining funds deposited within the Coastal Concerts Scholarship reserve fund.

Religious Components	NA
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Expected Scholarships
Amount	6,000.00
TOTAL EXPENDITURES	6,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-6,000.00

Name of Organization	Coastal Concerts, Inc
Applicant/Authorized Official	Lee Adam April
Date	09/12/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Sunday, September 22, 2024 4:49 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Cape Henlopen Educational Foundation

Project Name Teacher Grant Program

Federal Tax ID 51-0403370

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The Cape Henlopen Educational Foundation (CHEF) seeks to inspire learning and to prepare all students for a healthy, productive life in a diverse and global society. To accomplish this, we seek to engage the entire community - educators, parents, business, civic and legislative leaders - in providing students with the tools they need to excel.

Address 1270 Kings Highway

City Lewes

State DE

Zip Code	19958
Contact Person	Stephanie Mastrangelo
Contact Title	CHEF Board Member - Fundraising Chair
Contact Phone Number	3024660811
Contact Email Address	stephaniesarley@msn.com
Total Funding Request	\$3000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	7000
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	5
Program Category (choose all that apply)	Educational

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	6500
Scope	<p>The grant would be used to support CHEF's Teacher Grant Program, Performing Arts Scholarships, Teacher of the Year Awards and our Caravan of Caring Program. These programs support the over 6500 students in the Cape Henlopen School District (consisting of 5 Elementary, 3 Middle, Cape Henlopen High School and the Sussex Consortium), while focusing on the low income and underserved population within this community.</p> <p>The Teacher Grant Program allows teachers to create grant opportunities for students that are not otherwise supported in normal operating budgets. This program is built upon a thorough vetting process and fiscal accountability. All teachers must submit a grant request that identifies the specific education expectations that meet state standards. The grant requests are reviewed by school district administrators and reviewed by the entire CHEF Board. All teachers are expected to submit receipts and final report.</p> <p>The Caravan of Caring Program focuses on helping our underserved students with needs such as school supplies, (including back packs, water bottles, ear buds, etc.) to hygiene kits and products to winter coats! We keep a dialog going with the school social workers in each school as well as with the district wide homeless liaison office to make sure we are working together to provide our most vulnerable students with the supplies they need to succeed in school.</p>

CHEF awarded \$60K in teacher grants last school year and \$19k in Performing Arts Scholarships.

Here are a few examples for your review:

Eileen Baker, Cape District Supervisor of Special Education, was granted \$2400 for the District Wide Special Olympics Bocce Ball Tournament, supporting 240 students

Jess Rodrigez, 5th Grade ELA Teacher at Love Creek Elementary, was granted \$150 for an Immersion/5th grade Podcast, supporting 60 students

Pamela Wilmont, Assistant Principal of the Sussex Consortium, was granted \$1000 for a Delmarva Shorebirds School Day Game, supporting 130 special needs students

Jill Wittman, PK-5 Math Specialist, District Wide, was granted \$996.61 for a program called Strength-Based Mathematics, supporting 2900 students

The grant from Sussex County Council will help us continue this support for our teachers, students and our entire CAPE community for this school year!

Religious Components	n/a
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	57,000.00
Description	Teacher Grants, school supplies, scholarships, Teacher of Year awards
Amount	60,000.00

TOTAL EXPENDITURES	60,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,000.00
Name of Organization	Cape Henlopen Educational Foundation
Applicant/Authorized Official	Stephanie Mastrangelo
Date	09/22/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, September 27, 2024 6:13 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Better Homes of Seaford, Inc
Project Name	Senor Resource, Activity and Vendor Events
Federal Tax ID	237353267
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Mission of Better Homes of Seaford, Inc., a non-profit corporation, is to develop, preserve and provide safe, energy efficient and affordable housing with onsite resources and healthy lifestyle amenities for seniors, special populations (including disabled and/or handicapped), families and/or individuals who are low-income residents of Sussex County, DE.
Address	101 Independence Drive
City	Seaford

State	DE
Zip Code	19973
Contact Person	Susan Kent
Contact Title	Executive Director
Contact Phone Number	3026298048
Contact Email Address	director@betterhomesofseaford.org
Total Funding Request	2,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	21.2

Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Low to Moderate Income
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	425
Scope	<p>We provide 284 Housing Units for Low to Very Low-Income Families, Seniors (62 and older), Disabled and/or Handicapped and special populations. All of our residents have unique barriers to connecting to resources for one reason or another. Resources do exist – but are often difficult to navigate and often those who need help when need arises, they lose their housing or health and wellness.</p> <p>Problem: We have found that especially with our Senior Properties (6); as our residents age in place, they become disconnected with how to navigate the systems of care. Things are now computerized and multistep to gain access to many things a senior need to age in place. Many seniors have a loss of energy, have minor memory issues and loss of other faculties that are necessary to connect to services they need to age in place with success. It is overwhelming to go through the processes required to connect and or apply or be aware of the resources that are now needed and never were before. Often, this is the first time our seniors are struggling, because they never had needs before. We recognized that on site help was important to the health and wellbeing of our residents. We also realized that in order for them to be successful in staying healthy and housed, it was important to bring resources, activities and information directly to our residents.</p>

Solution:

We have begun to bring events targeted toward their needs on site. We began hosting and partnering with partners to bring weekly, monthly, and quarterly events/activities/resources in to the community rooms and on our campus. We host cookouts and picnics and invite Providers of social service and health resources to engage the residents. These essential connection to things such as health insurance, health screenings, nutrition classes, exercise classes, craft activities, social activities (Bingo) , senior companion programs, clothing outreach, food distributions, book mobile and mobile health fairs that provide screenings, vaccines and so much more . These events allow our seniors to have one on one conversations with trusted partners all year long in big settings, and with one on one time with a professional. Aging in place is hard for many seniors that do not have transportation, knowledge or family to help them. Our properties are NOT assisted living, and our residents can live independently, but just need a little help. We have found by offering activities surrounding the resource events and door prizes while attending are essential to the success of the events. For the door prizes we do get some from our partners who come, but also have found buying things like cleaning supplies, hygiene and other essential items are the first picked when we host an event. All this comes with a cost and there seems to be a gap each year of ways to fund these events.

We also do the same at our two-Family Properties and allow a Non-profit to use an office onsite at no charge to work with our low-income residents and families.

Doing onsite social services has a cost. We are able to get most of the cost covered but find a gap in funding each year. Anyone from the county is eligible to apply and live at our affordable housing rentals. Our 2 big events each year host over 100 participants. Our Quarterly events are also well attended by the Residents and include an educational component, such understanding the changed to Medicare, etc. Our weekly and monthly events are broken into smaller groups and held at in the 5 community centers across our 8

properties. We believe this is essential for the health and well being of our residents and is a missing component to our housing.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

7,420.00

Description

Food

Amount

2,000.00

Description

Incentives /Door Prizes

Amount

500.00

Description

Event Supplies (togo trays, table clothes, plastic ware, etc.)

Amount

800.00

Description

Give Aways with contact information (Pens, T-shirts, Totes, Journals, etc.)

Amount

1,800.00

Description

Staffing (Board Volunteers In-Kind 432 hours@\$10/hr=\$4,320)

Amount

4,320.00

TOTAL EXPENDITURES

9,420.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-2,000.00

Name of Organization	Better Homes of Seaford, Inc
Applicant/Authorized Official	Susan Kent
Date	09/27/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

OK

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, October 9, 2024 2:03 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Good Ole Boy Foundation , Inc .
Project Name	36111 Pear Tree Rd
Federal Tax ID	46-1526864
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Help families in their unexpected time of need, with this request going to supporting those who are providing Hurricana Helene relief.
Address	36111 PEAR TREE RD
City	Millsboro
State	DE
Zip Code	19966

Contact Person	Joshua S Wharton
Contact Title	Board Member
Contact Phone Number	3022457893
Contact Email Address	jwharton80@gmail.com
Total Funding Request	5000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Homeless

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	100
Scope	There is a group of individuals who live local that are providing aid to the victims of Hurricane Helene. We want to help provide them with transportation/lodging/meal expenses incurred by their aid.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
TOTAL EXPENDITURES	0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0.00
Name of Organization	Good Ole Boy Foundation
Applicant/Authorized Official	Joshua S Wharton
Date	10/09/2024
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 10/15/24

Council District 3: Mr. Schaeffer

Tax I.D. No.: 334-12.00-46.00 & 47.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS

WHEREAS, on the 6TH day of September, 2024, a zoning application, denominated Change of Zone No. 2037 was filed on behalf of Mulberry Knoll Associates, LLC; and

WHEREAS, on the ____ day of _____ 2025, 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. 2037 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-4 Planned Commercial 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 on the northwest side of John J. Williams Highway (Rt. 24) at the corner of Mulberry Knoll Road (SCR 284) and being more particularly described in the attached survey prepared by Bohler Engineering, said parcels containing 73.5 acres, more or less.

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

To Be Introduced: 10/15/24

Council District 4: Mr. Hudson

Tax I.D. No.: 134-17.00-17.10, 17.11, 17.12, & 17.13

911 Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS

WHEREAS, on the 17th day of September 2024, a zoning application, denominated Change of Zone No. 2039 was filed on behalf of Melson Funeral Services, LTD.; and

WHEREAS, on the ____ day of _____ 2025, 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. 2039 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [B-1 Neighborhood Business District] and adding in lieu thereof the designation AR-1 Agricultural 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 parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Sharon Lane and accessed from the east side of Parker House Road (S.C.R. 362) approximately 0.44 mile north of Beaver Dam Road (S.C.R. 368), and being more particularly described in the attached legal description prepared by Hugh A. George, Company said parcels containing 5.171 acres, more or less.

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

To Be Introduced: 10/15/24

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-265.00 & 264.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2024, a zoning application, denominated Change of Zone No. 2032 was filed on behalf of ELU DeLuca Mid-Atlantic, LLC; and

WHEREAS, on the ____ day of _____ 2025, 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. 2032 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [GR General Residential District] and adding in lieu thereof the designation GR-RPC General Residential – Residential Planned Community 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 on the south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24), and being more particularly described in the attached legal description prepared by Haller & Hudson and Moore & Rutt, P.A., said parcels containing 63.28 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 11, 2024

RE: County Council Report for C/U 2547 filed on behalf of Justice Boyz Properties, LLC

The Planning and Zoning Department received an application (C/U 2547 filed on behalf of Justice Boyz Properties, LLC) for an amendment of conditions of approval for Conditional Use No. 2414 regarding the allowance of maintenance/repair on company vehicles, to be located at Tax Parcel 233-13.00-1.04. The property is located at 32605 Millsboro Highway. The parcel size is 4.72 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the reasons as outlined within the motion and subject to the recommended revised condition wording (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of September 11, 2024.

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

C/U 2547 Justice Boyz Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "C" CONTAINED WITHIN CONDITIONAL USE NO. 2414 (ORDINANCE NO. 3031) REGARDING THE ALLOWANCE OF MAINTENANCE/REPAIR ON COMPANY EQUIPMENT/VEHICLES AND THE INCLUSION OF FUEL TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES, MORE OR LESS. The property is lying on the east side of Millsboro Highway (Rt. 30)



approximately 0.89 mile south of Laurel Road (Rt. 24). 911 Address: 32605 Millsboro Highway, Lewes. Tax Map Parcel: 233-13.00-1.04.

Mr. Whitehouse advised the Commission that submitted into record were a copy of Ordinance No. 33031, which is conditional use dated July 16, 2024, a copy of the conditional use site plan, a copy of the DelDOT SLER, a copy of the staff analysis and zero comments.

Mr. Bret Hogan spoke on behalf of the applicant that they would like to Amend Condition “C” in C/U 2414 regarding the allowance of maintenance and repair on the company equipment and vehicles and for the inclusion of fuel tanks to be located on the property; that it is for the landscaping business that rents the garage space and for the maintenance/repair of the lawn mowers and trucks they own; that there would be oil changes and tire rotations on company vehicles.

Chairman Wheatley asked if there would be above ground fuel tanks and what size?

Mr. Hogan stated that there would be 300-gallon tanks for fuel storage.

Ms. Wingate asked if the maintenance would be completed within the garages or if they would be doing work outside?

Mr. Hogan stated that all work on vehicles and equipment would be completed in the garages, and everything will be properly disposed of.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

Mr. Robertson read Ms. Wingate’s prepared motion per Ms. Wingate’s request.

Ms. Wingate moved that the Commission recommend approval of C/U 2547 Justice Boyz Properties, LLC based upon the record made during the public hearing and for the following reason:

1. Delete Condition “C” of Conditional Use #2414 Justice Boyz Properties, LLC, and replace it with *any vehicle or equipment repair shall occur indoors and all fuels, chemicals and oils shall be properly stored and disposed of.*

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

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302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 11th, 2024

Application: C/U 2414 Justice Boyz Properties, LLC

Applicant: Justice Boyz Properties, LLC
32605 Millsboro Highway
Millsboro, Delaware 19966

Owner: Mr. Travis Justice
32605 Millsboro Highway
Millsboro, Delaware 19966

Site Location: The property is lying on the east side of Millsboro Highway (Rt. 30), approximately 0.89 mile south of Laurel Road (Rt. 24). 911 Address: 32605 Millsboro Highway, Millsboro

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: A amendment of Condition "C" contained within Conditional Use No. 2414 (Ordinance No. 3031) regarding the allowance of maintenance/repair company and equipment/vehicles and the inclusion of fuel tanks.

Comprehensive Land Use Plan Reference: Low-Density Area

Councilmanic District: District 5 - Mr. Rieley

School District: Indian River School District

Fire District: Gumboro Fire Department

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 4.72 acres +/-

Tax Map ID: 233-13.00-1.04



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 4, 2024
RE: Staff Analysis for C/U 2547 Justice Boyz Properties, LLC

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/U 2547 Justice Boyz Properties, LLC to be reviewed during the September 11th, 2024, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 233-13.00-1.04

Proposal: The request is for a Conditional Use for Tax Parcel: 233-13.00-1.04 to allow for a contractor office and storage on the site. The Application was originally submitted as (CU 2414) which included the contractor office and storage. This Application (CU 2547) was approved by County Council on July 16th, 2024, by Ordinance No. 3031. This subsequent Application requests to amend or remove Condition “C” of the Conditions of Approval for (CU 2414) to include vehicle repair and fueling operations to be allowed on the site. Condition “C” states specifically, “No Vehicle repair or fueling operations shall be performed on site.” The property is located on the east side of Millsboro Highway (Rt. 30), approximately 0.89 mile south of Laurel Rd. (Rt. 24). The parcel is comprised of a total of 4.72 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, east, and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Low Density” as outlined in the Sussex County’s 2018 Comprehensive Plan.

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Future Land Use designation of “Low Density.” The properties to the north, south, east, and west also have a Future Land Use designation of “Low Density.”



As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the “Low Density” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

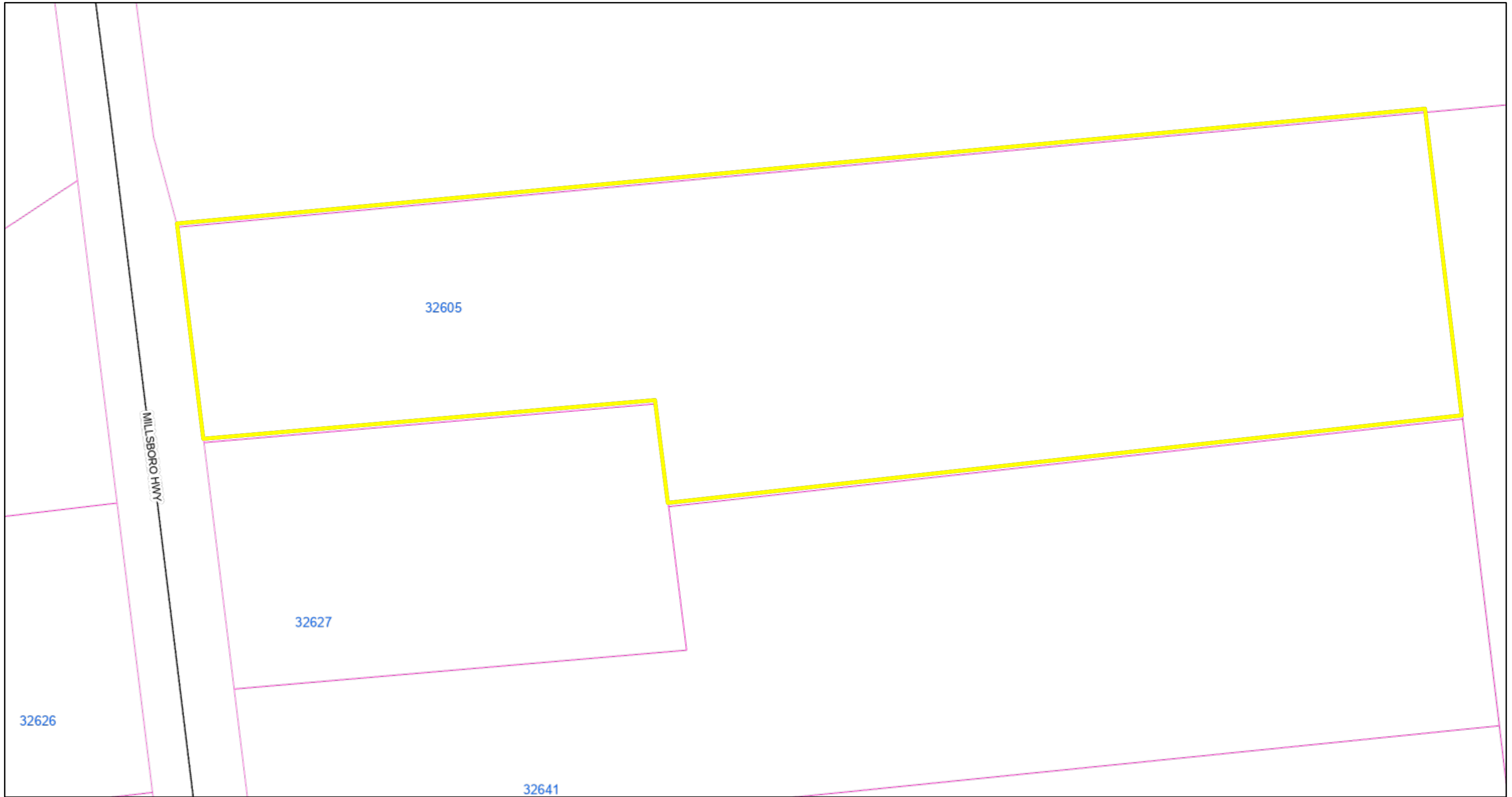
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that are actively farmed, including the property itself.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.
- **Forested Areas:** The property is located within the vicinity of heavily forested areas. A portion of the property is forested.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is not located within any Flood Zone; however, A tax ditch runs along the north side of the property with a Tax Ditch Right-of-Way of 80-ft from the centerline of the ditch. Additionally, the County’s Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of “Fair” Groundwater Recharge Potential.

Existing Conditional Uses within the Vicinity of the Subject Site: There is one (1) Conditional Use Application, since 2011, within a 1.0-mile distance from the subject site. That is Conditional Use No. 2414 which this application wishes to amend.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a contractor’s office and storage, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Sussex County



May 20, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts

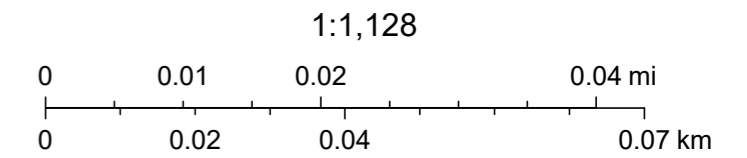
DOE School Districts

layer43

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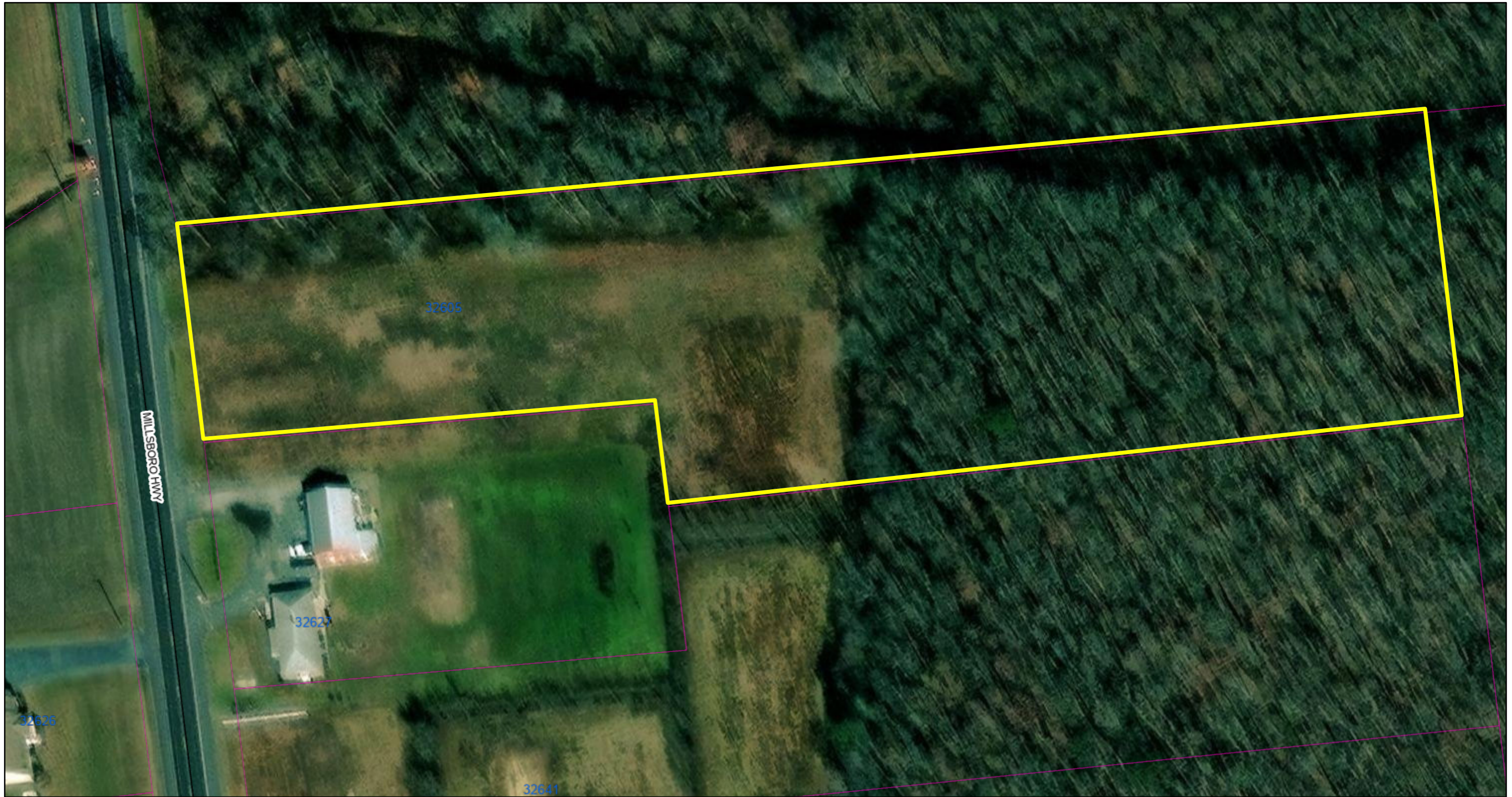
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Blue: Band_3



Delaware Department of Education, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Sussex County



May 20, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts

DOE School Districts

World Imagery

Low Resolution 15m Imagery

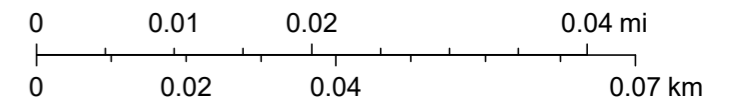
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

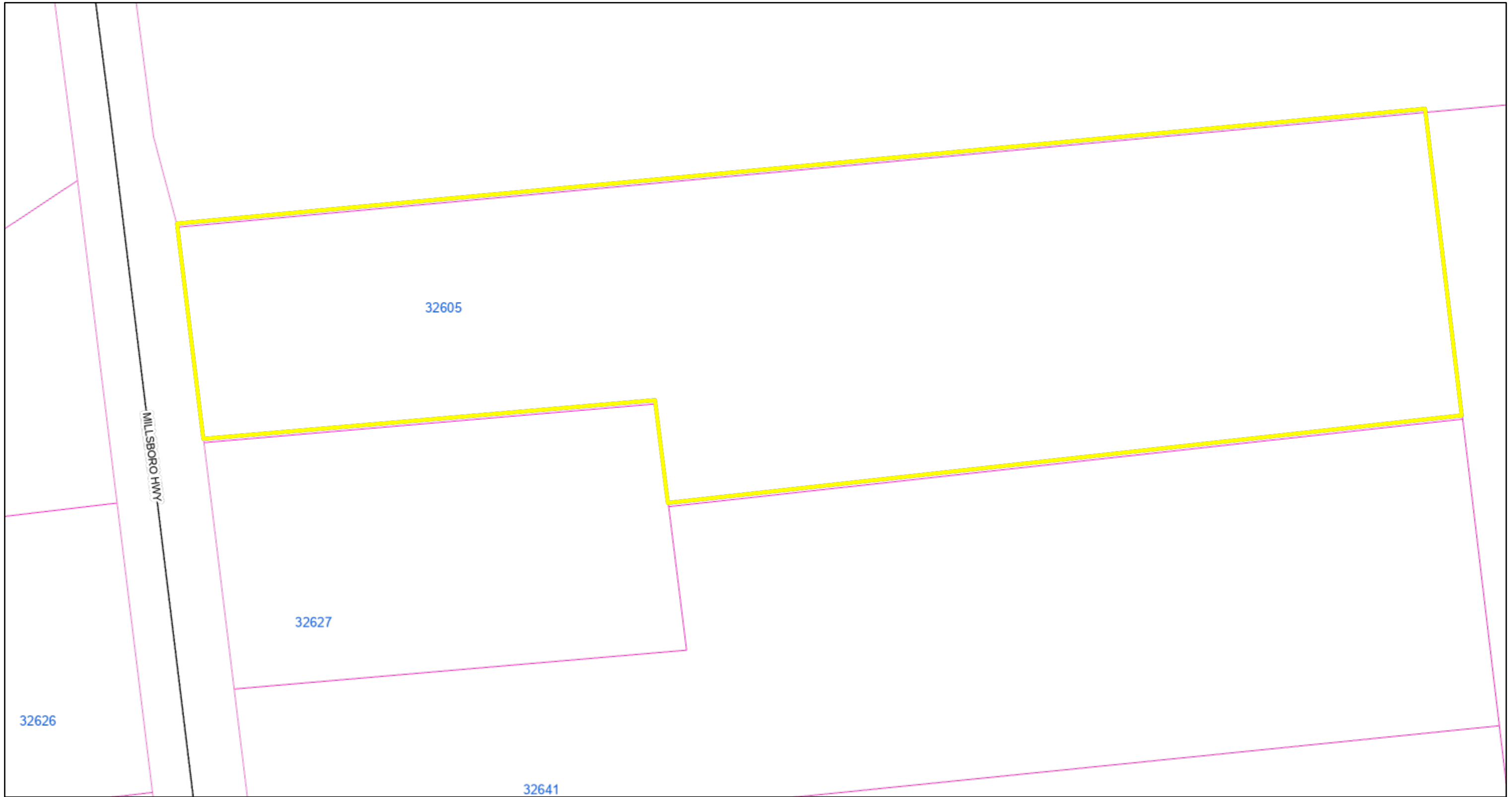
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Delaware Department of Education, Maxar, Microsoft, Sussex County Government, Sussex County Mapping and Addressing

Sussex County



May 20, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts

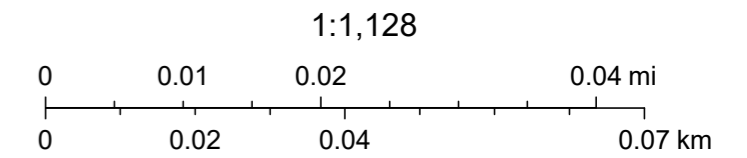
DOE School Districts

layer43

Red: Band_1

Green: Band_2

Blue: Band_3



Delaware Department of Education, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 8/27/24

**Council District 5: Mr. Rieley
Tax I.D. No.: 233-13.00-1.04
911 Address: 32605 Millsboro Highway, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITION "C" CONTAINED WITHIN CONDITIONAL USE NO. 2414 (ORDINANCE NO. 3031) REGARDING THE ALLOWANCE OF MAINTENANCE/REPAIR ON COMPANY EQUIPMENT/VEHICLES AND THE INCLUSION OF FUEL TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES, MORE OR LESS

WHEREAS, on the 12th day of August 2024, a Conditional Use application, denominated Conditional Use No. 2547 was filed on behalf of Justice Boyz Properties LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2547 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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, Subsections 115-22 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2547 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of Millsboro Highway (Rt. 30) approximately 0.89 mile south of Laurel Road (Rt. 24) and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC said parcel containing 4.72 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 11, 2024

RE: County Council Report for C/Z 2030 filed on behalf of ACR Auto Center, LLC

The Planning and Zoning Department received an application (C/Z 2030 filed on behalf of ACR Auto Care Center, LLC) for a change of zone from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial Zoning District, for a 0.238 ac. parcel, to be located at Tax Parcel 135-23.00-24.00. The property is located at 22035 Zoar Road, Georgetown.

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 11, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of September 11, 2024.

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

C/Z 2030 ACR Auto Center, LLC.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS. The property is and lying on the northeast side of Zoar Road (S.C.R.48), approximately 0.238 of a mile south of Sussex Pines Road (S.C.R. 324). 911 Address: 22035 Zoar Road, Georgetown. Tax Map Parcel: 135-23.00-24.00.



Mr. Whitehouse advised the Commission that submitted into record were a copy of the staff analysis, a copy of the applicants exhibits, a copy of the DelDOT SLER, a copy of the applicants conceptual site plan and we have received 1 written comment.

Mr. Ken Christenberry, of AXIOM Engineering, spoke on behalf of the applicant in regard to the application is about an auto collision repair shop about half mile north at 43 North St.; that the applicant has outrun his current space and there is about a half-acre at the new location so he will be able to do more body work; that it is an old commercial building that was used for a contractors business prior; that there is currently a 6-foot privacy fence around the property that is in good condition; that the applicant asked for a change of zone rather than because it will fit more in tune with the zoning surrounding the property.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

Mr. Robertson read Ms. Wingate’s prepared motion per Ms. Wingate’s request.

Ms. Wingate moved that the Commission recommend approval of C/Z 2030 ACR AUTO CENTER, LLC for a change in zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. The property has a prior history of commercial uses. According to the testimony in the record, this property was previously the site of an electrical business under Conditional Use # 1598. The proposed C-3 zoning is consistent with the prior use of the property.
2. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations. Although a number of uses are permitted, this Applicant intends to use the site for auto repair and auto body work.
3. This property has frontage along Zoar Road and it directly across for approximately 45 acres of land that has a C-1 Zoning. This is an appropriate location for C-3 Zoning.
4. This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.
5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
6. No parties appeared in opposition to this rezoning application and one letter of support was received with regard to the Application.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 11th, 2024

County Council Public Hearing Date: October 15th, 2024

Application: C/Z 2030 ACR Auto Center, LLC – c/o Steve Connolly

Applicant: ACR Auto Center, LLC – c/o Steve Connolly
1203 Fairfield Estates Lane
Crownsville, MD 21032

Owner: ACR Auto Center, LLC – c/o Steve
Connolly 1203 Fairfield Estates Lane
Crownsville, MD 21032

Site Location: Lying on the northeast side Zoar Road (S.C.R. 48), approximately
0.238 of a mile south of Sussex Pines Road (S.C.R. 324) at 22035 Zoar
Road, Georgetown.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Heavy Commercial (C-3) District

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: On-site (Septic)

Water: On-site (Private well)

Site Area: 3.080 acres +/-

Tax Map ID: 135-23.00-24.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: September 4, 2024
RE: Staff Analysis for C/Z 2030 ACR Auto Center, LLC

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 2030 ACR Auto Center, LLC to be reviewed at the September 11th, 2024, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 135-23.00-24.00

Proposal: The request is for a Change of Zone for Tax Parcel 1135-23.00-24.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District. The property is lying on the northeast side of Zoar Rd. (S.C.R. 48), approximately 0.238 mile south of Sussex Pines Rd. (S.C.R. 324). The Parcel contains 3.080 acres +/-.

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Developing Area.” The adjoining parcels to north, south, east, and west are also within the “Developing Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, The Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental trends. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home (Sussex County Comprehensive Plan, 4-14).



Zoning Information: The parcel is zoned Agricultural Residential (AR-1) District. Adjacent parcels to the north, east, and south are zoned Agricultural Residential (AR-1) District. Parcels further to the north are within the jurisdiction of the Town of Georgetown with the parcels across Zoar Road to the west zoned Commercial Residential (CR-1) District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the proposed Heavy Commercial (C-3) District is currently listed as an Applicable Zoning Districts within the “Developing Area” Future Land Use Map category.

Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** This property is located within the vicinity of lands used as active agricultural, including adjacent properties to the north, south, and east.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone. The parcel is located within an area of “fair” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

Existing Change of Zones within the Vicinity of the Subject Property:





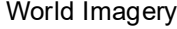
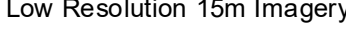
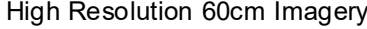
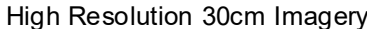
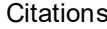
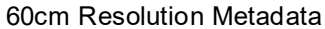
Since 2011, there have been zero (0) Change of Zone Applications within a 1-mile radius of the Application site.

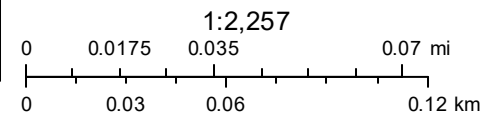


Sussex County



PIN:	135-23.00-24.00
Owner Name	ACR AUTO CENTER LLC
Book	5781
Mailing Address	1203 FAIRFIELD ESTATES LN
City	CROWNSVILLE
State	MD
Description	RD GEO MILLSBORO
Description 2	E/RT 48
Description 3	N/A
Land Code	

-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery
-  High Resolution 30cm Imagery
-  Citations
-  60cm Resolution Metadata



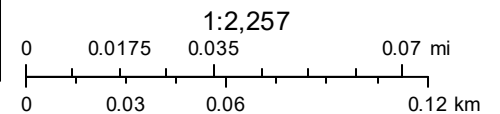


Sussex County



PIN:	135-23.00-24.00
Owner Name	ACR AUTO CENTER LLC
Book	5781
Mailing Address	1203 FAIRFIELD ESTATES LN
City	CROWNSVILLE
State	MD
Description	RD GEO MILLSBORO
Description 2	E/RT 48
Description 3	N/A
Land Code	

- Tax Parcels
- 175 911 Address
- Streets
- County Boundaries



Sussex County

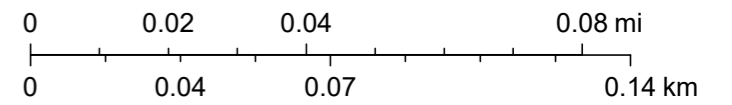


August 15, 2024

- polygonLayer Zoning
- Override 1
 - Override 2
 - Commercial Residential - CR-1
 - Tax Parcels
 - 911 Address

- Streets
- County Boundaries
- layer44
- Green: Band_2
 - Blue: Band_3
 - World Hillshade
 - Red: Band_1

1:2,257



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 7/16/24

**Council District: Mr. Rieley
Tax I.D. No.: 135-23.00-24.00
911 Address: 22035 Zoar Road, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS

WHEREAS, on the 8th day of April 2024, a zoning application, denominated Change of Zone No. 2030 was filed on behalf of ACR Auto Center, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2030 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-3 Heavy Commercial 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 Georgetown Hundred, Sussex County, Delaware, and lying on the northeast side of Zoar Road (S.C.R.48), approximately 0.238 of a mile south of Sussex Pines Road (S.C.R. 324), and being more particularly described in the attached deed prepared Tunnell & Raysor P.A., said parcels containing 3.080 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.



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 11, 2024

RE: County Council Report for Ord. 23-08 Relating to the Future Land Use Map Element of the Comprehensive Plan (Parcel No. 135-11.00-82.00)

On May 23, 2023, the County Council introduced an Ordinance to consider the potential amendment of the Future Land Use Map element of the Comprehensive Plan in relation to Tax Parcel No. 135-11.00-82.00. The property is located at 20093 Gravel Hill Road, Georgetown.

If adopted, the amendment would change the area designation of the parcel from a low-density area to an industrial area.

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended the adoption of the Ordinance for the 6 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of September 11, 2024, and September 25, 2025.

[Minutes of the September 11, 2024, Planning & Zoning Commission Meeting](#)

Ord. 23-08 Future Land Use Map Amendment (John Legg)

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00. The property is lying on the northeast side of Gravel Hill Road (Rt. 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Rt. 9). 911 Address: 20093 Gravel Hill Road, Georgetown. Tax Map Parcel: 135-11.00-82.00.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Ordinance as it was introduced by County Council on May 23, 2023, a copy of the PLUS comments that have been received dated August 21, 2024, and zero comments.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Ordinance.

In relation to Ord. 23-08. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the September 25, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 11, 2024.

Mr. Mears requested that Mr. Roberston read the motion on his behalf.

Mr. Mears moved the Commission to recommend the adoption of Ord.. 23-08 Future Land Use Map Amendment – John Legg in the current Sussex County Comprehensive Plan for Parcels 135-11.00-82.00, based on the record made during the public hearing and for the following reasons:

1. The parcel is currently designated as being within the “Low Density Area” according to the Sussex County Future Land Use Map contained within the Comprehensive Plan. This application seeks to convert the property to the “Industrial Area” designation.
2. The site has been used for heavy commercial and industrial purposes for decades. There was testimony in the record that this type of use relates back as far as World War Two and the buildup of Fort Miles. It was an oversight to omit this property from the Industrial Area designation within the current Future Land Use Map given the longstanding use of the property. This amendment corrects that oversight.
3. According to the County’s Comprehensive Plan, the “Industrial Area” is intended for “lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporates a combination of light industry and other business uses.” The change in the Future Land Use Map to recognize the ongoing use of the property is appropriate.
4. The property is also located along Route 30, in close proximity to the intersection with Route 9. The Industrial Area designation is appropriate at this location.
5. Because this Map Amendment simply reflects the longstanding use of this particular property, this revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways, or future land-use planning in the area.
6. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of Ord. 23-08 Future Land Use Map Amendment - John Legg for the reasons and the conditions stated

in the motion. Motion carried 4 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-82.00

WHEREAS, on May 17th, 2023, the Sussex County Planning and Zoning Office received an Application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel No. 135-11.00-82.00 from the Low Density Area to the Industrial Area; and

WHEREAS, the Parcel approximating 14.426 acres of land, lying and being within Georgetown Hundred, and located on the northeast side of Gravel Hill Road (Route 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Route 9);

WHEREAS, The Property is currently designated as being within the Low Density Area as set forth in the “Sussex County 2045 Future Land Use Map” identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, A pending Change of Zone Application (C/Z 1976) has been filed with the Department of Planning and Zoning for the subject property to facilitate a change of zone from Agricultural Residential (AR-1) District to Limited Industrial (LI-1) District;

WHEREAS, the Limited Industrial (LI-1) District is not listed as an Applicable Zoning District within the Low Density Area within Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, the Limited Industrial (LI-1) District is listed as an Applicable Zoning District within the Industrial Area within Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 135-11.00-82.00 from the Low Density Area to the Industrial Area. The entirety of Sussex County Parcel No. 135-11.00-82.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

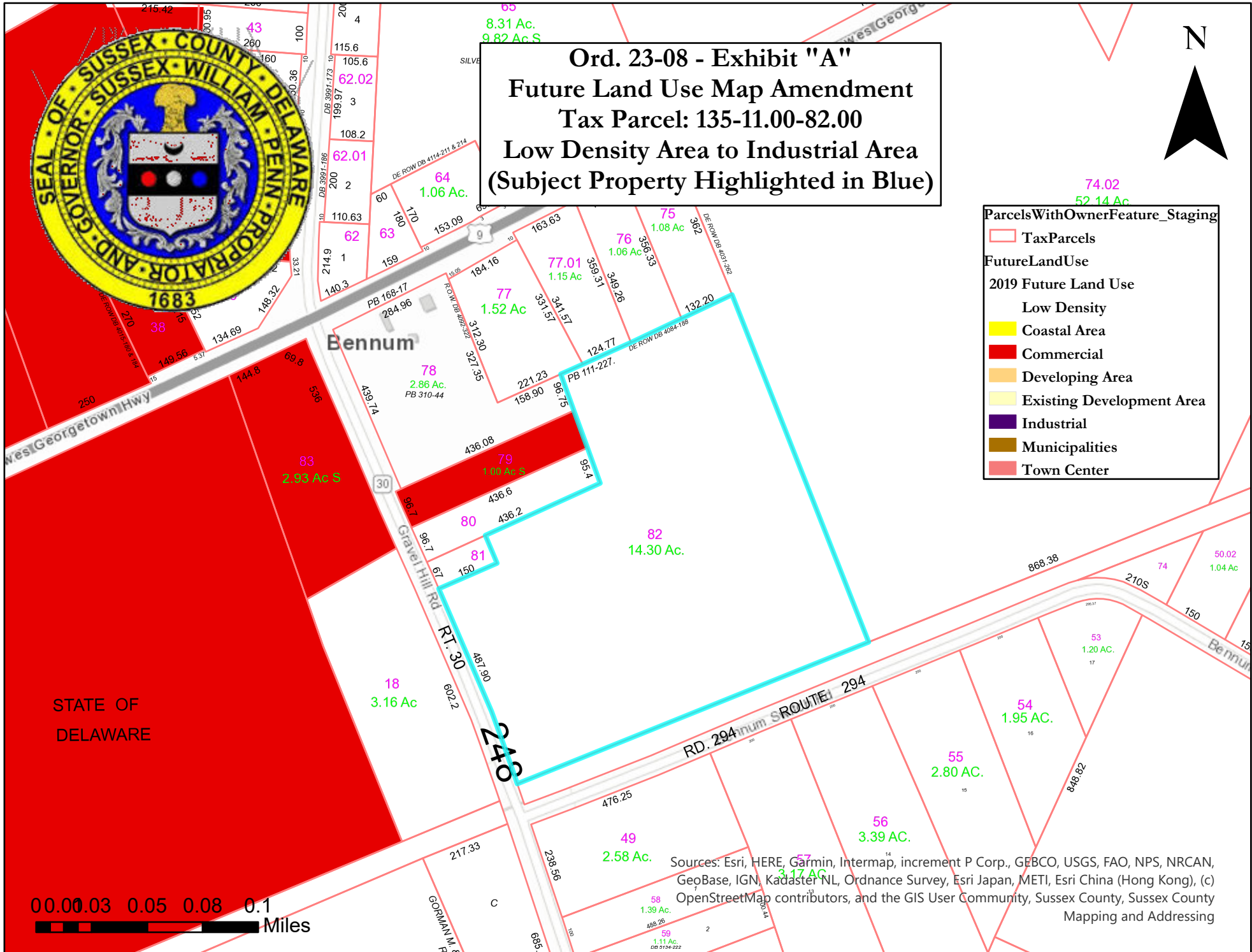


Ord. 23-08 - Exhibit "A"
Future Land Use Map Amendment
Tax Parcel: 135-11.00-82.00
Low Density Area to Industrial Area
(Subject Property Highlighted in Blue)

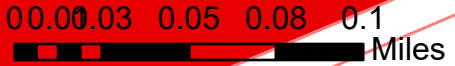


ParcelsWithOwnerFeature_Staging

- TaxParcels
- FutureLandUse
- 2019 Future Land Use
 - Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
 - Town Center



STATE OF
DELAWARE



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Mapping and Addressing



STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

August 21, 2024

Mr. Jamie Whitehouse, AICP
2 The Circle
Georgetown, DE 19947

RE: PLUS review – 2024-07-08; Sussex Ordinance No 23-08

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on July 24th to discuss the proposed Sussex comprehensive plan amendment. According to the application, the County desires to amend parcel 135-11.00-82.00 on the Future Land Use Map within their Certified Comprehensive Plan to change the area designation from low-density area to industrial area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

It is difficult to address this comp plan amendment without knowing the intended use of the property. The office of State Planning supports Agricultural Industrial areas that will support our farms and help bring agricultural goods to markets and distributors. We

realize; however, that if this comprehensive plan amendment is approved and the parcel rezoned, the owner could submit a site plan for any of the many uses allowed in the LI zone, which includes manufacturing facilities, Office buildings, restaurants, and greenhouse facilities.

If this amendment is approved, the owner/developer would, depending on square footage of the development, need to submit a site plan through PLUS for review. The Strategies for State Policies and Spending Level 4 designation will remain on the site and if, at the site plan stage, the use is not compatible with the agricultural industry or if the use is better suited to be closer to a municipality, it is possible we would not support the development of this property as presented.

The State encourages the County to consider the possibility of an Agricultural Zoning District to allow this type of development that can meet the needs of the Ag industry.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed ordinance.

Department of Natural Resources and Environmental Control – Beth Krumrine (302) 735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments does not indicate that there are not additional constraints, nor does it indicate DNREC support of a project, code or ordinance.

- The property is currently zoned Agricultural, but the current use is Industrial. While DNREC reviewers have no objections to this change, it is recommended to consider future impacts of formalizing the zoning to Industrial. Future unforeseeable uses may be incompatible with the character of this area, currently low density residential and agriculture. This change could also impact neighboring properties in the future.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

- DEMA has no comments or objections to the amendment change.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- This parcel is currently developed and there is low potential for any intact archaeological resources. No survey is recommended.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- At this time, this Agency has no objection to, and makes no comments regarding, the amendment to the Comprehensive Plan.

Once the amendment is voted on by Planning and Zoning and/or Town Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP
Director, Office of State Planning Coordination



Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 11, 2024

RE: County Council Report for C/Z 1976 filed on behalf of John H. Legg

The Planning and Zoning Department received an application (C/Z 1976 filed on behalf of John H. Legg) for a Change of Zone from an AR-1 Agricultural Residential District to a LI-1 Limited Industrial Zoning District, for a 14.426 ac. parcel, to be located at Tax Parcel 135-11.00-82.00. The property is located at 20093 Gravel Hill Road, Georgetown.

The Planning & Zoning Commission held a Public Hearing on the application on September 11, 2024. At the meeting of September 25, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of September 11, 2024, and September 25, 2025.

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

C/Z 1976 John H. Legg

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS. The properties are lying on the northeast side of Gravel Hill Road (Rt. 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Rt. 9). 911 Address: 20093 Gravel Hill Road, Georgetown. Tax Map Parcel: 135-11.00-82.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the DelDOT



SLER, a copy of the applicant survey, a copy of the staff analysis and one letter of opposition.

Mr. Hal Dukes, of Tunnell & Raysor, PA, spoke on behalf of the applicant that the site in question has been used in its present state for almost 100 years; that in the late 1920's and 1930's it was a concrete yard and the Federal government took control during World War II because it was located along the rail line; that when the site came back the rail line was recorded with the County, but the concrete site was not and we are trying to correct the situation now; that a presentation was given a year or two ago concerning this case and it is requested that all of those documents be added to this case as reference.

Ms. Wingate stated that the staff was drawn to this case because there was a shooting range at the site that was being utilized by police officers and that's what led to the land use question.

Mr. Dukes stated that the police did use this site as shooting range, and it was approved every 10 years until the last renewal when it was not allowed to continue.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/Z 1976 John H. Legg. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the September 25, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 11, 2024.

Mr. Mears requested that Mr. Roberston read the motion on his behalf

Mr. Mears moved the Commission to recommend APPROVAL of C/Z 1976 JOHN H. LEGG for a change in zone from an AR-1 Agricultural Residential District to a LI-1 Limited Industrial District based upon the record made at the public hearing and for the following reasons:

1. The Commission has just made a recommendation to Sussex County Council that the County's Future Land Use Map designation for this property should be corrected to the "Industrial Area" designation to reflect its undisputed historical use for commercial and industrial purposes. The LI-1 Zoning District is an appropriate zoning designation within the "Industrial Area" according to the County's Future Land Use Map and the Comprehensive Plan.
2. The property is also located along Route 30 in close proximity to the intersection with Route 9. This location, near two significant Sussex County roadways, is appropriate for LI-1 Zoning.
3. The site is across Route 30 from the State of Delaware Department of Transportation's Gravel Hill storage and staging facility. This facility utilizes rail and truck access and provides parking for DelDOT equipment and materials used in road maintenance and construction. LI-1

zoning at the Applicant's property is similar to, and compatible with, the intensive uses at the DelDOT yard across the road.

4. The site has been used for heavy commercial and industrial purposes for decades. There was testimony in the record that this type of use relates back as far as World War Two and the buildup of Fort Miles. Other commercial and industrial uses have continued without interruption on this site since then. This rezoning will bring the property's zoning into conformity with its longstanding use.
5. The proposed LI-1 Zoning at this location is consistent with the purposes of that zoning district as stated in Section 115-92 of the Sussex County Zoning Code.
6. The rezoning will promote the local economy and will create and preserve jobs in the area for Sussex County residents.
7. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1976 John H. Legg for the reasons and the conditions stated in the motion. Motion carried 4 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Chairman Wheatley – yea

The Commission voiced their opinion that they would encourage the property owner to make an effort to clean the property up or encourage the Constable to visit the site if necessary.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 11th, 2024

County Council Public Hearing Date: October 15th, 2024

Application: C/Z 1976 John H. Legg

Applicant: John H. Legg
21 Cardiff Road
Rehoboth Beach, DE 19971

Owner: John H. Legg
21 Cardiff Road
Rehoboth Beach, DE 19971

Site Location: Lying on the northeast side of Gravel Hill Road (Route 30), approximately 0.22 mile southeast of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway (Route 9).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Limited Industrial (LI-1) Zoning District

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: On-site

Water: On-site

Site Area: 14.3 acres +/-

Tax Map ID: 135-11.00-82.00





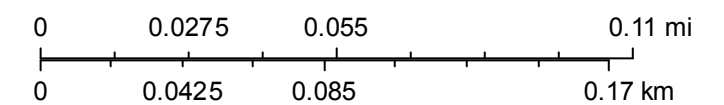
Sussex County



PIN:	135-11.00-82.00
Owner Name	SMARR CAROL S IVA L LEGG
Book	2240
Mailing Address	PO BOX 126
City	HARRINGTON
State	DE
Description	GRAVEL HILL TO MILLS
Description 2	E/RT 30 696'
Description 3	S/RT 18
Land Code	

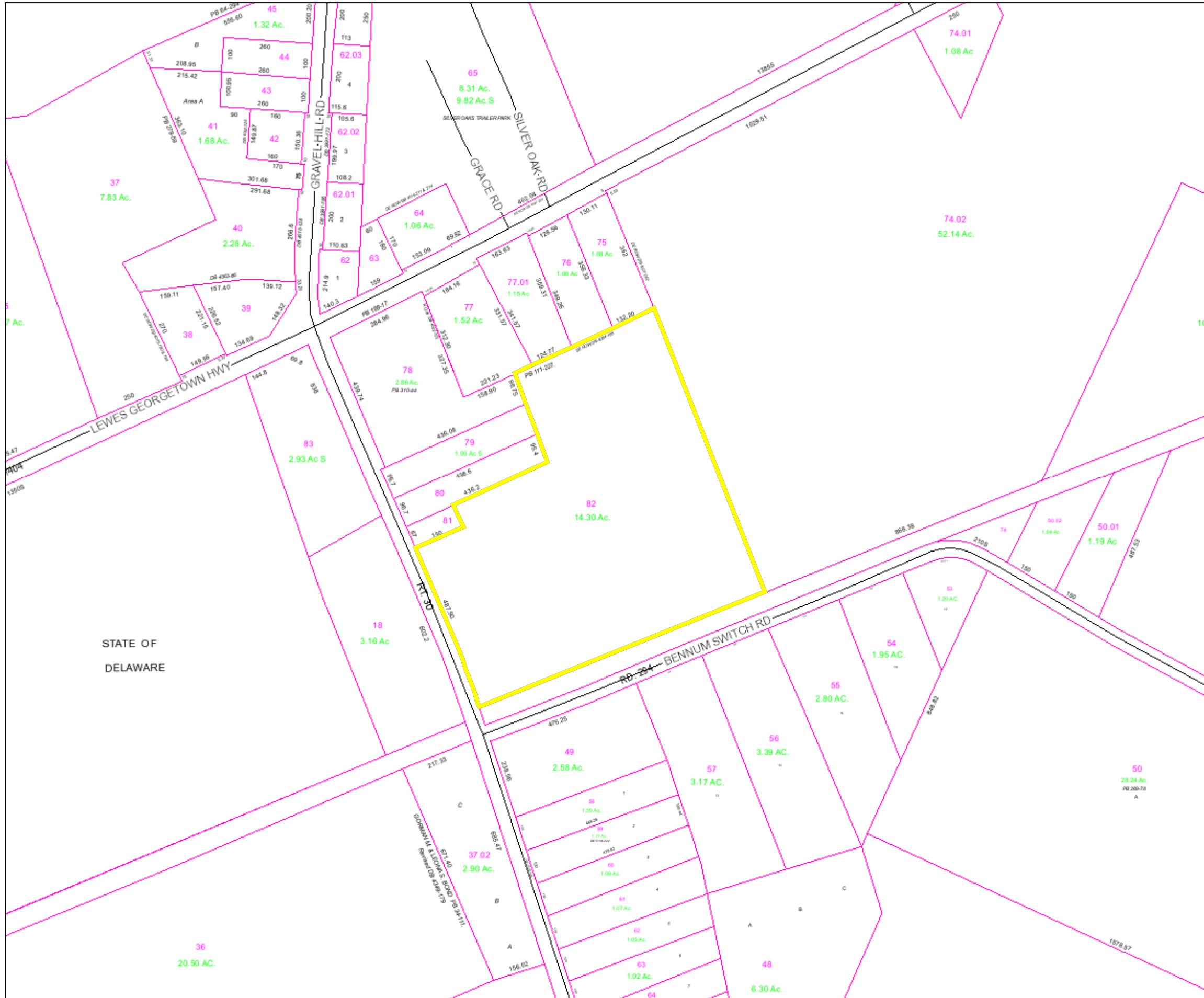
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- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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Sussex County



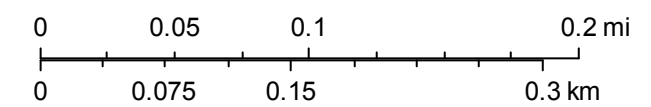
PIN:	135-11.00-82.00
Owner Name	SMARR CAROL S IVA L LEGG
Book	2240
Mailing Address	PO BOX 126
City	HARRINGTON
State	DE
Description	GRAVEL HILL TO MILLS
Description 2	E/RT 30 696'
Description 3	S/RT 18
Land Code	

- polygonLayer**

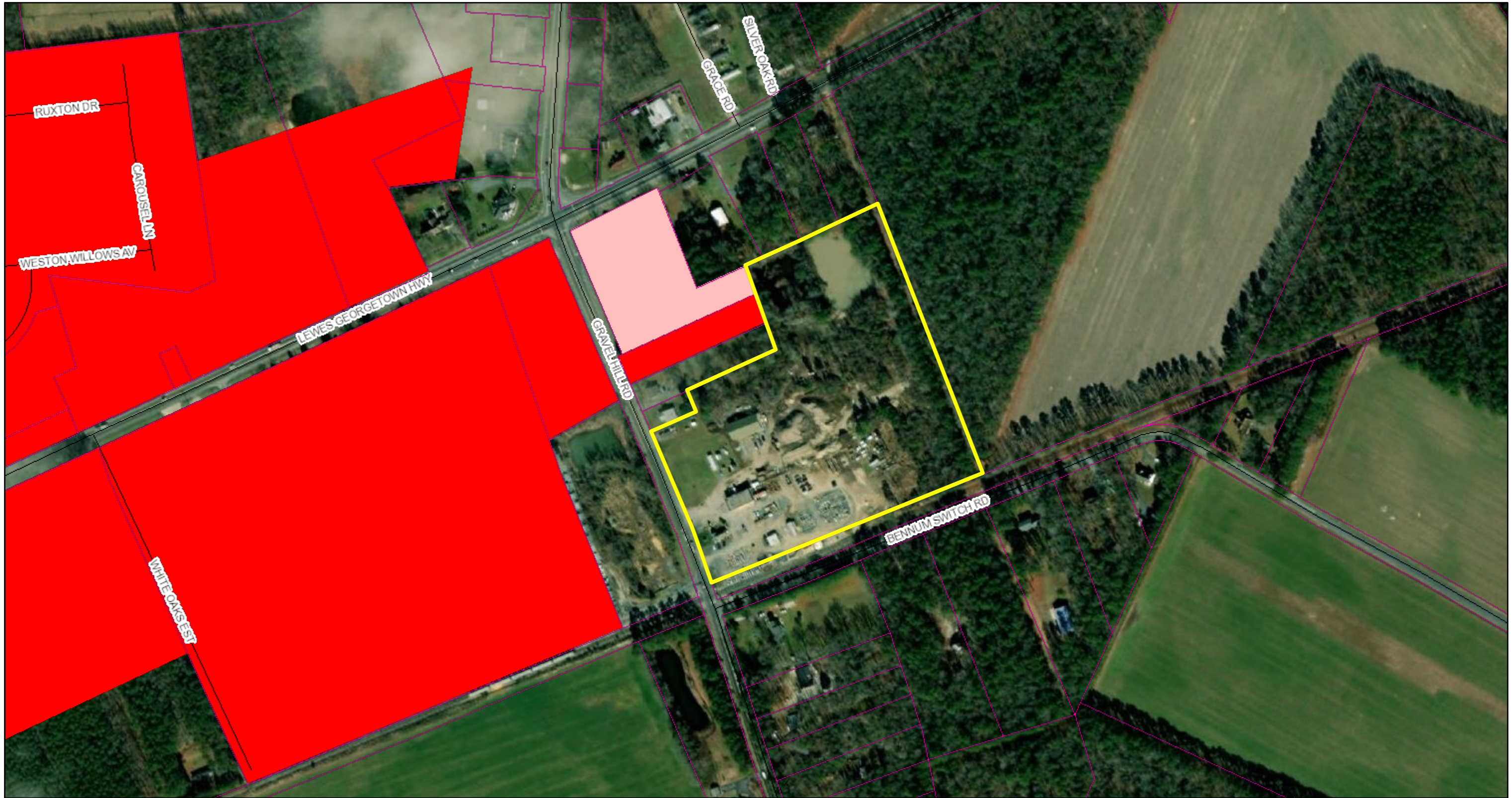
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- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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Sussex County



February 7, 2023

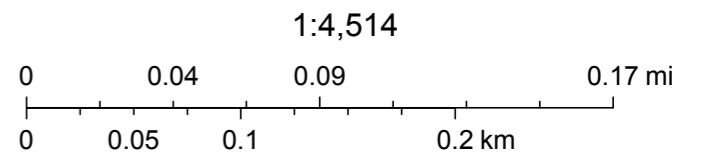
- Override 1
- Override 1
- Tax Parcels
- Streets
- Zoning**
- Agricultural Residential - AR-1

- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP

- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3

- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1

- Light Industrial - LI-2
- Heavy Industrial - HI-1
- County Boundaries



Sussex County, Sussex County Government, Maxar

Introduced: 3/28/23

Council District 5: Mr. Rieley
Tax I.D. No. 135-11.00-82.00
911 Address: 20093 Gravel Hill Road, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14.426 ACRES, MORE OR LESS

WHEREAS, on the 8th day of February 2022, a zoning application, denominated Change of Zone No. 1976 was filed on behalf of John H. Legg; and

WHEREAS, on the ____ day of _____ 2023, 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. 1976 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation LI-1 Limited Industrial 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 Georgetown Hundred, Sussex County, Delaware, and lying on the northeast side of Gravel Hill Road (Rt. 30), approximately 0.14 mile southeast of Lewes Georgetown Highway (Rt. 9) and being more particularly described in the attached legal description prepared by William E. Wright, said parcel containing 14.426 ac., 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.