

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

April 9, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - March 19, 2024

[Draft Minutes 031924](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Infrastructure Agreement – IUA-08 01 270.1
Beebe Healthcare – Long Neck Campus, Long Neck Area**
[Beebe Healthcare Long Neck](#)
2. **Use of Existing Infrastructure Agreement – IUA-1267
Chapel Branch Apartments, Angola Neck Area**
[Chapel Branch](#)
3. **Proclamation Request - Fair Housing Month**

Presentation – Margaret Hughes, Director of Delaware 250



Todd Lawson, County Administrator

1. **Recognition of Retiree – Robert Moore**
2. **Board of Adjustments and Appeals Appointments**
3. **Administrator’s Report**

Hans Medlarz, County Engineer, Ret.

1. **Stormwater BMP O&M On-Call**
 - A. **Recommendation to Award**
[Stormwater BMP Award](#)
2. **IBRWF Loop Project, Project S24-01**
 - A. **Recommendation to Award**
[IBRWF Loop Project S24-01](#)
3. **Tanglewood/Oak Acres**
 - A. **Recommendation to Award**
 - B. **Amendment No. 1**
[Tanglewood Oak Acres Award Amend No.1](#)

Patrick Brown, Project Engineer III

1. **Waterside Community Road Improvements – Chapter 96 Sussex Community Improvements**
 - A. **Introduction of Project Resolution**
[Waterside Community Road Improvements](#)

Old Business

1. **[Conditional Use No. 2407 filed on behalf of Lori & Jose Solis Marin](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS” (property lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road [S.C.R. 305], approximately 0.50 mile south of Lawson Road [S.C.R. 296]) (911 Address: 25709 Whispering Wind Lane, Millsboro) (Tax Map Parcel: 234-21.00-140.01)

[CU 2407 filed on behalf of Lori & Jose Solis Marin](#)

2. [Ordinance No. 23-09](#)

“AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02” (property lying on the northeast side of Zion Church Road [Rt. 20], approximately 275 feet northwest of Deer Run Road [S.C.R. 388]) (911 Address: N/A) (Tax Map Parcel: 533-11.00-23.02) (Zoning: AR-1 [Agricultural Residential])

[Ord 23-09 Sewer Tier Map](#)

3. [Conditional Use No. 2389 filed on behalf of AWH Properties, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS” (property lying on the northeast side of Zion Church Road [Rt. 20], approximately 275 feet northwest of Deer Run Road [S.C.R. 388]) (911 Address: N/A) (Tax Map Parcel: 533-11.00-23.02)

[CU 2389 filed on behalf of AWH Properties, LLC](#)

4. [Conditional Use No. 2392 filed on behalf of Zion Church Ventures, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS” (properties lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00, 23.03 & 23.04)

[CU 2392 filed on behalf of Zion Church Ventures](#)

Grant Requests

1. **Red Bird Legacy Foundation for their kickoff event featuring Bethany Hamilton**
[Red Bird Legacy Foundation](#)
2. **West Side New Beginnings, Inc. for Project Safe Street lighting**
[West Side New Beginnings](#)
3. **Developing Artist Collaboration for their West Side Creative Market Investment**
[Developing Artist Collaboration](#)
4. **Nanticoke Indian Association, Inc. for their 46th annual Nanticoke Indian Powwow**
[Nanticoke Indian Association Inc](#)
5. **Greater Lewes Foundation for their 3rd Annual Rally for our first responders**
[Greater Lewes Foundation](#)

6. **Cape Henlopen Senior Center for their Rehoboth Concert band fundraiser**
[Cape Henlopen Senior Center](#)
7. **What Is Your Voice Inc. for their Runway Princess project**
[What Is Your Voice Inc](#)
8. **Lewes Lions Foundation for their Beach Bowl event**
[Lewes Lions Foundation](#)
9. **Laurel School District (Laurel High BPA) for their Business Professionals of America program**
[Laurel School District \(Laurel High BPA\)](#)
10. **Seaford School District (Seaford High Drama Club) for their Drama Club program**
[Seaford School District - Seaford High Drama Club](#)

Introduction of Proposed Zoning Ordinances

[Ord Into CU2488](#)

Council Members' Comments

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

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 2, 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://sussexcountyde.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://sussexcountyde.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 19, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 19, 2024, at 10:00 a.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 Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 146 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 from March 12, 2024, were approved by consensus.

Correspond.

Mr. Moore reported that there was no correspondence.

Comments

There were no public comments.

Recognition

Joe Thomas was recognized for his upcoming retirement.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for February 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for

**Adminis-
trator's
Report
(continued)**

the month of February.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Winward Village effective March 6th and Millville by the Sea – Tupelo Sands (formerly known as Roxana) effective March 7th.

3. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Friday, March 29th, to observe the Good Friday holiday. In addition, Council will not meet on Tuesday, March 26th or Tuesday, April 2nd. The next regularly scheduled Council meeting will be on Tuesday, April 9th at 10:00 a.m.

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

**MOU/Dog
Control**

Gina Jennings, Finance Director reported that the County Council signed a Memorandum of Understanding (MOU) in December 2015 that transferred the County's authority of dog control to the Office of Animal Welfare beginning in 2016. The State of Delaware's authority of dog control was later formalized in Delaware Code in 2017, which moved the responsibility of dog control from Title 9 to Title 16. In 2021, the State of Delaware and the three counties signed a three-year Dog Control MOU. The MOU will expire in June. The State is proposing another three-year MOU, the pricing structure is still based on per capital distribution among the three counties and the City of Wilmington. Mrs. Jennings noted that the other two Counties and the City of Wilmington have approved their MOUs.

Mrs. Jennings explained that the difference between the 2021 MOU and the new MOU is the allocation among the three Counties. The allocation is based on 2022's population rather than 2019's population. There is also a three percent escalation each of the next two years. The current cost of the County's MOU is \$887,901. The proposed cost for FY 2025 will be \$1,046,174, a \$158,273 increase.

Christina Motoyoshi, Executive Director, and Chief Mark Tobin of the Office of Animal Welfare provided a presentation on the services that they provide the County under this MOU.

**M 147 24
Approve
MOU**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved that the Sussex County Council approve the MOU with the State of Delaware to enforce Delaware dog control and dangerous dog statutes 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**

**ARPA
Update/
Recommen-
dation**

Mrs. Jennings, Finance Director provided an update of the American Rescue Plan Act Grant. Mrs. Jennings reminded Council that she has been before them twice before with previous updates.

Mrs. Jennings explained that the funds need to be committed by December 31st this year. Mrs. Jennings explained that the dollar amounts have shifted but the categories have always stayed the same since the beginning. Mrs. Jennings reviewed what has been spent to date and the successes that have occurred. Therefore, she is recommending reallocating funds to some of the successful low-income partnerships and Cares Act programs. In addition, she is recommending granting \$750,000 of the ARPA funds to the Food Bank specifically for food purchases. Mrs. Jennings is also recommending continuing with the housing sustainability assistance program of \$150,000. She explained that it helps continue those partnerships that have already been created with the CARES act, community resource center and First State Community Action Agency.

**M 148 24
Approve
ARPA
Recommen-
dation**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved that the Sussex County Council agree to enter into a grant agreement with the Food Bank to provide \$750,000 of ARPA funds to purchase food.

Motion Adopted: 5 Yeas

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

**Stop-Loss
Insurance
Coverage**

Karen Brewington, Human Resources Director presented a recommendation for Stop-Loss insurance coverage for Council's consideration. Mrs. Brewington reported that stop-loss coverage insurance also known as excess insurance provides protection for self-insured employers by serving as a reimbursement mechanism for catastrophic claims exceeding pre-determined levels. Our current annual specific deductible is \$295k.

Insurance Buyers Council (IBC) completed an RFQ with our current Stop Loss vendor, Highmark. IBC was able to negotiate a reduction in the original renewal from 12.49% to 8.98% and reported a very favorable renewal in the context of medical stop loss policies. Mrs. Brewington reported that it is IBC's recommendation to accept Highmark's renewal and maintain the current specific deductible of \$295k per claim with a \$100,000 deductible.

Stop-Loss Insurance Coverage

In addition, Mrs. Brewington discussed the renewal proposal for The Hartford Insurance. They are both the County's current vendor for providing Basic & Supplemental Life Insurance, Accident, Death & Dismemberment and Short- & Long-Term Disability. The 2024 renewal proposal comes with a 0% increase in premiums, there has not been a rate increase since 2021. IBC and HR's recommendation is to renew the existing contract with the option to extend on a year-to-year basis.

M 149 24 Approve Stop-Loss Insurance Coverage

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it moved that the Sussex County Council renew its annual contract with Highmark for stop-loss coverage at rate per month of \$32.36 for single coverage and \$92.15 for family coverage with an annual specific deductible of \$295,000 effective May 1, 2024 and renew its contract with the Hartford Life & Disability benefits based on the existing premiums for a period of one year ending June 30, 2025 with the option to extend on a year-to-year basis.

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/ Perimeter Buffer

Vince Roberston, Assistant County Attorney discussed a Proposed Ordinance related to Perimeter Buffers. Mr. Robertson stated that it pulls the buffer requirements out of the definition section of the subdivision Ordinance and puts them in a new section within the subdivision Ordinance. It also consolidates them as one set of standards for all buffers whether it is a regular or cluster subdivision. In addition, it is more specific on the planning requirements and what to do if you a situation where the buffer area is currently wooded vs. a buffer area that is currently farmed with the goal being to preserve the woodlands in that buffer area. It also improves the timing and schedule of the buffer planting.

Mr. Whitehouse pointed out that it applies to subdivisions and RPC's but it can apply to residential conditional uses.

Proposed Ordinance Introduction

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV, V AND VI SECTIONS 99-5, 99-6, 99-23, 99-26, 99-27, 99-30, 99-31 AND 99-32 AND BY ADDING A NEW SECTION 99-21A, AND CHAPTER 115, ARTICLES IV, V, VI, VII, VIII AND XXVIII SECTIONS 115-20, 115-25, 115-29, 15-37, 115-45, 115-53 AND 115-28 REGARDING PERIMETER BUFFERS AROUND RESIDENTIAL DEVELOPMENT".

Proposed Ordinance/ ADU

Jamie Whitehouse, Planning & Zoning Director presented recommendations for accessory dwelling units. Mr. Whitehouse explained that the Ordinance replaces the definition of garage/studio apartment. The new definition for an ADU would be "a self-contained dwelling unit that is

Proposed Ordinance/ADU (continued) secondary to the principal dwelling unit on a property and includes independent living facilities, such as a separate entrance, bathroom, and kitchen. The dwelling unit may be attached to, or detached from, the primary dwelling on the property. Accessory dwelling units do not include duplexes, tourist homes, servant quarters, or guest homes”. In addition, the Proposed Ordinance would make a ADU a permitted use on a property in the residential zoning district subject to 6 criteria’s that were listed.

Proposed Ordinance Introduction Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE III, SECTIONS 110-9 AND CHAPTER 115, ARTICLES I, IV, V, VI, VII, VIII, IX, AND XXVII SECTIONS 115-4, 115-20, 115-23, 115-29, 115-32, 115-40, 115-48, 115-53, 115-56, 115-64, AND 115-210 REGARDING ACCESSORY DWELLING UNITS”.

Request for Approval/Piney Neck RWF Mike Harmer, County Engineer presented a request to approve progressive design – build approvals for Piney Neck Regional Wastewater Facility for Council’s consideration.

M 150 24 Approve Piney Neck/ Progressive Design-Build Approach A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that County Council authorizes the County Engineer to develop a 2-step quality based selection request for proposals to establish a design build contract for the Piney Neck Regional Wastewater Facility Diversion Transmission System project.

Motion Adopted: 5 Yeas

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

Declare District Area/South Greenwood John Ashman, Director of Utility Planning & Design Review presented a Resolution to declare the district area for South Greenwood Area of the Sussex County Unified Sanitary Sewer district for Council’s consideration. Permission to prepare and post notices was granted by County Council on December 5, 2023. A public hearing on the boundary was held on January 23, 2024. The deadline for absentee ballots was February 29, 2024, at noon. The referendum was based solely on the absentee ballots based on the size of the boundary (2 parcels), both properties returned ballots and the vote was unanimous (2) property owners in favor and none opposed.

M 151 24 Adopt Resolution No. R 006 24 A Motion was made by Mrs. Green, seconded by Mr. Hudson, to Adopt Resolution No. R 006 24 entitled “SOUTH GREENWOOD AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE”.

Motion Adopted: 5 Yeas

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

Lagoon Solar Lease Hans Medlarz, County Engineer, Ret. presented a request for approval for lagoon solar lease agreement for Council's consideration.

M 152 24 Approve Lagoon Solar Lease Agreement A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department that County Council approve the solar energy lease and easement agreement with Addendum, Memorandum of Solar Energy Lease and Easement Agreement as well as the Decommissioning Funding agreement with Noria-Chaberton JB LLC 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**

Proposed Ordinance Introduction Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT, A CR-1 COMMERCIAL RESIDENTIAL DISTRICT, AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT, A CR-1 COMMERCIAL RESIDENTIAL DISTRICT, AND A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 21.11 ACRES, MORE OR LESS" filed on behalf of Sadie Properties, LLC.

The Proposed Ordinance will be advertised for a Public Hearing.

CC Member Comments Mr. Vincent congratulated Tracy Torbert, Clerk of the Council on achieving her Master Municipal Clerk certification.

M 153 24 Go Into Executive Session At 11:10 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to go into Executive Session for the purpose of discussing matters related to land acquisition, personnel, job applicants' qualifications & pending & potential litigation.

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 11:13 a.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters related to pending & potential litigation, personnel, job applicants' qualifications & pending & potential litigation. The Executive Session concluded at 11:40 a.m.**

M 154 24 Reconvene **At 11:43 a.m., a Motion was made by Mr. Hudson, seconded Mr. Rieley 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 155 24 Litigation 2024-A **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that legal Counsel is authorized to sign a stipulation and proposed order of dismissal in matter 2024-A.**

Motion Adopted: 5 Yeas

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

M 156 24 Personnel/ Candidate A **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to authorize the County Administrator to negotiate terms of employment with Candidate A.**

Motion Adopted: 5 Yeas

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

M 157 24 Adjourn **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to adjourn at 11:45 a.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

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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: John J. Ashman
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Beebe Healthcare-Long Neck Campus IUA 08 01 270.1
File: OM 9.01*

DATE: April 9, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **SCMC Long Neck, LLC** for **Beebe Healthcare – Long Neck Campus** project in the **Long Neck Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Beebe Healthcare – Long Neck Campus** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **SCMC Long Neck, LLC** will contribute **\$41,989.00** for the financial catch-up contribution of the existing infrastructure to serve **27.30** Equivalent Dwelling Units. Payments of the contribution will be submitted prior receiving a sewer connection permit.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Beebe Healthcare - Long Neck Campus IUA-08 01 270.1

THIS AGREEMENT (“Agreement”), made this 9TH day of April 2024, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

SCMC LONG NECK, LLC, a Limited Liability Corporation and developer of a project known as **Beebe Healthcare - Long Neck Campus**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 234-23.00-270.01 to be known as **Beebe Healthcare - Long Neck Campus** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Long Neck Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **27.30** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$41,989.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a sewer connection permit.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **859 Golf Links Lane, Magnolia DE 19962.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR SCMC LONG NECK, LLC

By: Megan Glick (Seal)
Megan Glick

3/26/24 (DATE)

WITNESS:



ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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: John J. Ashman
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Chapel Branch Apartments IUA 1267
File: OM 9.01*

DATE: April 9, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Chapel Branch, LLC** for **Chapel Branch Apartments** project in the **Angola Neck Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Chapel Branch Apartments** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Chapel Branch, LLC** will contribute **\$209,592.00** for the financial catch-up contribution of the existing infrastructure to serve **86.67** Equivalent Dwelling Units. Payments of the contribution will be submitted prior to connection to the county infrastructure.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

CHAPEL BRANCH APARTMENTS IUA-1267

THIS AGREEMENT ("Agreement"), made this 9th day of April 2024, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

CHAPEL BRANCH, LLC, a limited liability corporation and owner of a project known as Chapel Branch Apartments, hereinafter called the "Owner."

WITNESSETH:

WHEREAS, Owner is developing a tract of land identified as Tax Map parcel 234-11.00-59.05 to be known as Chapel Branch Apartments (Project") and;

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Owner is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to 86.67 equivalent dwelling units to County's existing transmission system and to utilize the existing capacity in said system, Owner agrees to a financial catch-up contribution towards the debt service of said transmission facilities in the amount of \$209,592.00.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to connection to the county infrastructure.**
- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Owner, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Owner shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Owner receives the sewer connection permit.
- (8) Owner shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Owner shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Owner shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Owner shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Owner may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Owner or to any third party who purchases, leases, or otherwise controls any portion of Owner's property without the consent of County. Owner, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Owner shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Owner's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented, or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire, and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties, or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Owner of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Owner is **464 S. Hickory Street, Suite C, Fond du Lac, WI 54935.**

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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.

RE: ***Stormwater BMP O&M On-Call
Award of one (1)-year Maintenance Contract***

DATE: April 9, 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. Partial funding for this work is approved in the current FY 24 budget, with funding budgeted accordingly for upcoming fiscal years.

Hence, the Sussex County Engineering Department recommends award 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.



Stormwater Operations & Maintenance Services, On-Call
Project G24-03

Ecotone, LLC

Tributaries

Penny Hill Lawn *

Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price
A.1	Pesticide Application, Herbicide - Phragmites	80	HR (crew)	\$417.00	\$33,360.00	\$315.00	\$25,200.00
A.2	Pesticide Application, Herbicide - Aquatic Invasive	40	HR (crew)	\$417.00	\$16,680.00	\$315.00	\$12,600.00
A.3	Mowing, Finish	80	HR	\$266.00	\$21,280.00	\$150.00	\$12,000.00
A.4	Mowing, Brush	240	HR	\$266.00	\$63,840.00	\$400.00	\$96,000.00
A.5	Bulk Mowing, Brush	20	AC	\$266.00	\$5,320.00	\$265.00	\$5,300.00
A.6	Embankment Mowing (>3:1), Brush	80	HR	\$266.00	\$21,280.00	\$265.00	\$21,200.00
A.7	Overseeding	40	HR (crew)	\$282.25	\$11,290.00	\$160.00	\$6,400.00
A.8	Topsoil, Seed & Mulch	20	HR (crew)	\$282.25	\$5,645.00	\$165.00	\$3,300.00
A.9	Woody Species Removal	40	HR (crew)	\$387.00	\$15,480.00	\$80.00	\$3,200.00
A.10	Reinforcement Tree Planting	40	HR (crew)	\$1,165.00	\$46,600.00	\$255.00	\$10,200.00
A.11	Reinforcement Shrub Planting	40	HR (crew)	\$1,165.00	\$46,600.00	\$255.00	\$10,200.00
A.12	Reinforcement Wetland / Plug Planting	80	HR (crew)	\$1,165.00	\$93,200.00	\$255.00	\$20,400.00
A.13	Reinforcement Watering	80	HR (crew)	\$297.00	\$23,760.00	\$125.00	\$10,000.00

Materials - Markup Percentage (%)

M.1	Materials Allowance	15,000.00	\$	10.00%	\$16,500.00	20.00%	\$18,000.00
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TOTAL BASE BID (Bid Items 1-39)

\$420,835.00

\$254,000.00

Math Error

* Bid from Penny Hill Lawn and Landscape received after bidding deadline.

Basis of Bid - Evaluation		Ecotone, LLC	Tributaries
A	Price - 60 Points	36	60
B	Experience / Qualifications of Bidder - 15 Points	15	15
C	Equipment and Labor Availability - 25 Points	25	25
Total Score		76	100

Notes

Max score to lowest bidder; remaining scores by multiplying max points by ratio of low bid to submitted bid
Fully compiled therefore full scores - Tributaries 5A - Aquatic; Ecotone 02- Forestry & 5A-Aquatic
All self-performed work therefore full scores

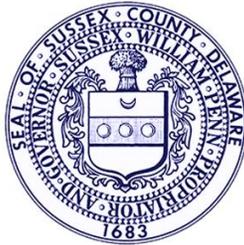
ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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mike.harmer@sussexcountype.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: Hans Medlarz, P.E., County Engineer, ret.

RE: ***Inland Bays Loop Project, S24-01***
A. Recommendation to Award

DATE: April 9, 2024

The County 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (IBRWF). The Inland Bays Loop, Project S24-01 will ultimately provide treated effluent distribution from the IBRWF to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property.

The Project includes over 7 miles of mostly 18" – 24" diameter ductile iron pipeline, along with concrete meter vaults at thirteen (13) locations where effluent disposal is planned. The majority of work will occur on Sussex County owned lands, however some portions of the pipeline cross or run 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 is the initial step towards constructing the treated effluent distribution system; design and permitting efforts continue for anticipated projects to include the forested spray site header and distribution piping, treated effluent storage, and electrical control with final connection and integration to plant operations. The entire project is funded by the ARPA.

Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Twelve (12) contractors attended the pre-bid meeting on February 21, 2024, and on March 14, 2024, seven (7) bids were received. Atlantic Contracting & Material Co., Inc. submitted 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 only domestic made 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.

The Engineering Department recommends Council approve the award of Project S24-01 to Atlantic Contracting & Material Co., Inc. in the amount of \$7,649,916.00.



Sussex County

BID TABULATION SHEET

Project: Inland Bays Regional Wastewater Facility Loop Project

Project No.: S24-01

Award Date:

Awarded Bidder:

Bidder	Base Bid + Alternate 9A
Atlantic Contracting & Material Co., Inc.	\$7,649,916.00
Allan Myers	\$7,935,000.00
Eastern States Construction	\$8,603,180.00
Kinsley Construction	\$8,636,805.00
George & Lynch	\$10,892,112.00
Lindstrom Excavating	\$12,547,960.00
Pact One	\$14,279,500.00

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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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: Hans Medlarz, P.E., Retired County Engineer

RE: ***Tanglewood/Oak Acres***
A. Recommendation to Award
B. GMB Amendment No. 1

DATE: April 9, 2024

On February 5, 2008, the Engineering Department held a public hearing before council for the Bayard Expansion of the Miller Creek Sanitary Sewer District. Residents from Tanglewood/New Marydel and Oak Acres appeared and question council on the possibility of their communities being included in the boundary. The Engineering Department was tasked with collecting information from the residents and reporting back the next week. On February 12, 2008, the Engineering Department came back to council with information on the community poll. Council included only those parcels responding in New Marydel and all of Tanglewood and Oak Acres.

The turn in the economy affected the construction of infrastructure that was to be built by the developers of the Estuary to serve the area. Once the project began moving forward the main infrastructure became available for the Oak Acres Community. The County agreed to a cost share agreement with the developer for the pumpstation required to serve their phase 4 and the Oak Acres Community. On May 24, 2022, Council approved an engineering services agreement with GMB to design the gravity collection system for Oak Acres, which will connect to the pumpstation in the not to exceed amount of \$68,940.00.

Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Six (6) contractors attended the pre-bid meeting on February 22, 2024, and on March 7, 2024, six (6) bids were received. Teal Construction, Inc. submitted the lowest bid of \$1,891,891.00.



Tanglewood/Oak Acres

A. Recommendation to Award

B. GMB Amendment No. 1

April 9, 2024

George, Miles and Buhr submitted Amendment No. 1 in the amount of \$206,076.00 to provide construction administration and resident project representative services. The Engineering Department recommends contract award to Teal Construction, Inc. in the amount of \$1,891,891.00 contingent upon SRF concurrence and approval of GMB's Amendment No. 1 in the amount of \$206,076.00.



Sussex County

BID TABULATION SHEET

Project: Oak Acres & Tanglewood Sanitary Sewer Extension

Project No.: S22-24

Award Date:

Awarded Bidder:

Bidder	Total Bid
Teal Construction	\$1,891,891.00
Pact One	\$1,927,450.00
Atlantic Contracting & Material Co., Inc.	\$2,128,930.00
R.E. Pierson	\$2,494,287.00
Kinsley Construction	\$2,626,168.00
A-Del Construction	\$2,773,460.00

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated May 24, 2022.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Owner-Engineer Agreement: May 24, 2022

Owner: Sussex County

Engineer: George, Miles & Buhr, LLC

Project: **Oak Acres Project, Project #S22-24**

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Additional Engineering Phase Services as outlined in Exhibit L – Proposal for Additional Engineering Services – Construction and RPR Phase Services:

- ***Construction Phase Services: \$65,171.00***
- ***Resident Project Representative: \$140,905.000***

****Services based on Contractor achieving substantial completion in 240 consecutive calendar days.***

Agreement Summary:

Original agreement amount:	\$ <u>68,940.00</u>
Net change for prior amendments:	\$ <u>0.00</u>
This amendment amount:	\$ <u>206,076</u>
Adjusted Agreement amount:	\$ <u>275,016</u>

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County

By: _____

Print

name: Michael H. Vincent

Title: President, Sussex County Council

Date Signed: _____

ENGINEER:

George Miles & Buhr, LLC

By: _____

Print

name: James C. Hoageson, P.E.

Title: Sr. Vice President

Date Signed: 2/8/2024

PREVIOUSLY APPROVED FORM

EXHIBIT A.1 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. <i>Grantee</i> Sussex County, Delaware		2. <i>Grant Number</i>	
3. <i>Name of Consultant</i> George, Miles & Buhr, LLC		4. <i>Date of Proposal</i> 7-Feb-24	
5. <i>Address of Consultant</i> 206 West Main St Salisbury, MD 21801-4907		6. <i>TYPE OF SERVICE TO BE FURNISHED</i> Contract Administration Phase Services - New Marydels, Tanglewood, & Oak Acres Sanitary Sewer Extension	

PART II - COST SUMMARY

7. <i>DIRECT LABOR</i>	<i>ESTIMATED HOURS</i>	<i>HOURLY RATE</i>	<i>ESTIMATED COST</i>	<i>TOTALS</i>
Project Director JCH	80	\$ 215.00	\$ 17,200.00	
Project Manager(s)	-	\$ 190.00	\$ -	
Project Engineer JES	-	\$ 140.00	\$ -	
Graduate Engineer JBM	311	\$ 120.00	\$ 37,320.00	
Construction Rep DC	34	\$ 125.00	\$ 4,250.00	
Project Coordinator SLH	24	\$ 105.00	\$ 2,520.00	
SR. Designer DLB	-	\$ 125.00	\$ -	
Designer MMD	24	\$ 100.00	\$ 2,400.00	
Surveyor DG	-	\$ 130.00	\$ -	
	-	\$ -	\$ -	
DIRECT LABOR TOTAL:	473			\$ 63,690.00
8. <i>INDIRECT COSTS</i>	<i>RATE</i>	<i>x BASE =</i>	<i>ESTIMATED COST</i>	
Overhead and Fringe	-	\$ 63,690.00	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. <i>OTHER DIRECT COSTS</i>				
a. <i>TRAVEL</i>			<i>ESTIMATED COST</i>	
(1) <i>TRANSPORTATION</i> mileage	700.00	mi @ \$0.58/mi	\$ 406.00	
(2) <i>PER DIEM</i> meals				
TRAVEL SUBTOTAL:			\$ 406.00	
b. <i>EQUIPMENT, MATERIALS, SUPPLIES</i>			<i>ESTIMATED COST</i>	
plots/prints	200	\$ 3.00	\$ 600.00	
copies b/w	1,500	\$ 0.20	\$ 300.00	
copies color	100	\$ 0.50	\$ 50.00	
postage	1	\$ 125.00	\$ 125.00	
survey equipment	-	\$ 1,265.00	\$ -	
EQUIPMENT SUBTOTAL:			\$ 1,075.00	
c. <i>SUBCONTRACTS</i>				
		Electrcial	\$ -	
		Geotechnical	\$ -	
		Private Utility Locator	\$ -	
SUBCONTRACTS SUBTOTAL:			\$ -	
OTHER DIRECT COSTS TOTAL:				\$ 1,481.00
10. ESTIMATED COST				\$ 65,171.00
11. FEE Included in Standard Hourly Rate				\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 65,171.00

EXHIBIT A.2 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. <i>Grantee</i> Sussex County, Delaware		2. <i>Grant Number</i>	
3. <i>Name of Consultant</i> George, Miles & Buhr, LLC		4. <i>Date of Proposal</i> 31-Jul-23	
5. <i>Address of Consultant</i> 206 West Main St Salisbury, MD 21801-4907		6. <i>TYPE OF SERVICE TO BE FURNISHED</i> Resident Project Representative - New Marydel, Tanglewood, & Oak Acres Sanitary Sewer Extension	

PART II - COST SUMMARY

7. <i>DIRECT LABOR</i>	<i>ESTIMATED HOURS</i>	<i>HOURLY RATE</i>	<i>ESTIMATED COST</i>	<i>TOTALS</i>
Project Director JCH	-	\$ 215.00	\$ -	
Project Manager(s)	-	\$ 190.00	\$ -	
Project Engineer JES	-	\$ 140.00	\$ -	
Graduate Engineer JBM	-	\$ 120.00	\$ -	
Construction Rep DC	-	\$ 125.00	\$ -	
Inspector TBD	1,408	\$ 95.00	\$ 133,760.00	
CADD MMD	-	\$ 100.00	\$ -	
Surveyor DG	-	\$ 130.00	\$ -	
	-	\$ -	\$ -	
DIRECT LABOR TOTAL:	1,408			\$ 133,760.00
8. <i>INDIRECT COSTS</i>	<i>RATE</i>	<i>x BASE =</i>	<i>ESTIMATED COST</i>	
Overhead and Fringe	-	\$ 133,760.00	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. <i>OTHER DIRECT COSTS</i>				
a. <i>TRAVEL</i>			<i>ESTIMATED COST</i>	
(1) <i>TRANSPORTATION</i> mileage	12,320.00	mi @ \$0.58/mi	\$ 7,145.60	
(2) <i>PER DIEM</i> meals				
TRAVEL SUBTOTAL:			\$ 7,145.60	
b. <i>EQUIPMENT, MATERIALS, SUPPLIES</i>			<i>ESTIMATED COST</i>	
plots/prints	-	\$ 3.00	\$ -	
copies b/w	-	\$ 0.20	\$ -	
copies color	-	\$ 0.50	\$ -	
postage	-	\$ 70.00	\$ -	
survey equipment	-	\$ 150.00	\$ -	
EQUIPMENT SUBTOTAL:			\$ -	
c. <i>SUBCONTRACTS</i>				
		Electrcial	\$ -	
		Geotechnical	\$ -	
		Private Utility Locator	\$ -	
SUBCONTRACTS SUBTOTAL:			\$ -	
OTHER DIRECT COSTS TOTAL:				\$ 7,145.60
10. ESTIMATED COST				\$ 140,905.60
11. FEE	Included in Standard Hourly Rate			\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 140,905.60

■ ■ ■ ■

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
salisbury@gmbnet.com

SALISBURY
BALTIMORE
SEAFORD
LEWES
OCEAN VIEW

www.gmbnet.com

■ ■ ■ ■

February 7, 2024

Sussex County Engineering Department
2 The Circle
PO Box 589
Georgetown, DE 19947

Attn: Mr. Hans Medlarz, P.E.

Re: Proposal for Engineering Professional Services
New Marydels Rd, Tanglewood, and Oak Acres Sanitary Sewer Extension
Construction and RPR Phase Services

Dear Hans:

George, Miles & Buhr, LLC (GMB) is pleased to present this proposal for Contract Administration (CA) and Inspection Services (RPR) within the New Marydels, Tanglewood, and Oak Acres. Our proposal is more particularly described as follows.

PROJECT DESCRIPTION

GMB, as the engineer of record for the New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension, has been requested to provide contract administration and inspection services. The construction of the sewer extension includes gravity sewer, low pressure force main, and grinder stations. The project shall be constructed in accordance with Sussex County Standards and DelDOT Standards, and in accordance with the approved permits.

SCOPE OF SERVICES

A. Construction Phase Services

1. Construction Phase Services as outlined in Exhibit A, Section A1.05, of the Agreement between the Owner and Engineer for Professional Services. Generally defined as follows:
 - a. Participate and chair a pre-construction conference prior to the commencement of Work at the Site.
 - b. Establish electronic transmittal protocols.
 - c. Review and determine the acceptability of monthly progress schedules.
 - d. Visit the site at various stages of construction.
 - e. Review and respond to Request for Information (RFIs).
 - f. Review and/or recommend change orders as appropriate.
 - g. Shop drawing review.
 - h. Review application for payments and make recommendations.
 - i. Review project status for issuance of Substantial Completion.
 - j. Review and issue Final Notice of Acceptability of the Work.

JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

PETER A. BOZICK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. BURNS
CHRISTOPHER J. PFEIFER, P.E.
BENJAMIN K. HEARN, P.E.

B. Resident Project Representative (RPR) Services

1. RPR Services as outlined in Exhibit A, Section A1.05 and as set forth in Exhibit D – Duties, responsibilities, and authority of the RPR.

FEE SUMMARY

We propose to provide the above defined Engineering Phase Services in accordance with EJCDC, EXHIBIT C - COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates per the following breakdown of fees:

Contract Administration Services:	\$65,171
RPR Inspection Services:	\$140,905
TOTAL CA/RPR SERVICES FEE:	\$206,076

This proposal is valid for a period of sixty (60) days at which time GMB reserves the right to modify the fee and/or schedule.

EXCLUSION, ASSUMPTIONS, AND CONSIDERATIONS

- Construction Phase Services is based on a contract duration of 240 consecutive days to reach Substantial Completion as defined in the project specifications.
- Any item not specifically indicated herein is excluded from this agreement.

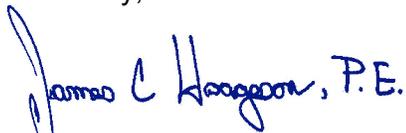
SCHEDULE

We propose to begin the CA and RPR services for this project immediately upon Council's approval.

If this proposal meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance and notification to proceed.

If you have any questions, do not hesitate to call me. We thank you for this opportunity.

Sincerely,



James C. Hoageson, P.E.
Sr. Project Manager

JCH/slh

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

mike.harmer@sussexcountype.gov



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: Patrick Brown, P.E., Project Engineer III

RE: ***WATERSIDE COMMUNITY ROAD IMPROVEMENTS –
CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS
INTRODUCTION OF PROJECT RESOLUTION***

DATE: April 9, 2024

Waterside is a subdivision of 80 residential units with private streets and cul-de-sacs owned and maintained by the community Homeowners Association (HOA). The community is located near Ocean View, DE and accessed from Muddy Neck Road, a DelDOT roadway, via a short shared-use easement. The subdivision contains approximately 2,700 LF of paved roadway and parking in fair condition.

The community by letter dated July 16, 2023, requested assistance from the County to repair and resurface their existing roads, along with concrete gutters and swales, through the Sussex Community Improvement Program provided under Chapter 96 of Sussex County Code. Following provisions of the Code, the Engineering Department to date has determined the community meets the eligibility criteria defined in the Code; has petitioned all assessable property owners within the Community; has provided a cost estimate for a hot-mix pavement overlay project; has provided the approximate costs to property owners in both lump sum and 10-year repayment options; and has provided notification and held a public meeting for the community to discuss the Chapter 96 program, the estimated project costs borne by each owner, and the election process necessary for a project to advance.

The Engineering Department recommends approval of the Resolution provided, establishing a date, time, place, and judge for an Election to be held to consider the proposed Chapter 96 Sussex Community Improvement Project for the Waterside community.

Enclosures: Resolution
Community & Project Boundary Map
Cost Estimate



RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION
TO BE HELD TO CONSIDER THE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT FOR
WATERSIDE AS AMMENDED WITH PROPER NOTIFICATION OF ANY DATE, TIME, AND PLACE CHANGES**

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other construction designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as Waterside, as represented on Sussex County Tax Map 134 - 17.00 Parcel 14.00-1 through 14.00-80, and Recorder of Deeds Book 4931 - Page 96; located north of Muddy Neck Road (#361), just west of the intersection with Double Bridges Road (#363), near Ocean View, DE, within the Baltimore Hundred, requested petition forms be provided from Sussex County Engineering Department to determine if there was enough interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of Waterside to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

WHEREAS, it was determined by the Sussex County Engineering Department that Waterside meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within Waterside on November 1, 2023, in accordance with the Sussex County Code, along with a project boundary map and project cost estimate, with estimated charges to each property owner; and

WHEREAS, 60 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 75% of the 80 assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5 of the Sussex County Code; and

WHEREAS, on January 17, 2024, the Sussex County Engineering Department mailed to all Waterside property owners of record within the proposed project area a Notice of Community Meeting to be held on February 16, 2024; as required by §96-5 of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department held the Community Meeting by virtual format to discuss the proposed Chapter 96 community improvements project as scheduled February 16, 2024, with Waterside property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.

NOW, THEREFORE,

BE IT RESOLVED, Sussex County Council hereby formally accepts the community of Waterside into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED, that Sussex County Council approves for Waterside proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$ 803.00 for a ten (10) year time period, or an estimated lump sum payment cost of \$ 5,705.00 for each assessable property located within the boundary of the proposed Waterside Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

BE IT FURTHER RESOLVED, that the Sussex County Council does establish Thursday, May 16, 2024, during the hours of 9:00 a.m. – 4:00 p.m., within the Engineering Administration Offices located at 2 The Circle, Georgetown, Delaware, as the date, time, and place for the Election to determine if the property owners of Waterside are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the Community Meeting. A provision for Absentee Ballots will be provided; and

BE IT FURTHER RESOLVED, Sussex County Council appoints Patrick J. Brown, PE, of the Sussex County Engineering Department, or his designee, to be the judge of the Election on May 16, 2024; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in the Waterside proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code, and to provide proper notification of any necessary changes to date, time and location of the Election.

Patrick Brown, P.E.
Project Engineer III
Presented: April 9, 2024

WATERSIDE – PROPOSED ROADS PROJECT
CHAPTER 96 – SUSSEX COMMUNITY IMPROVEMENTS

EXHIBIT 'A'

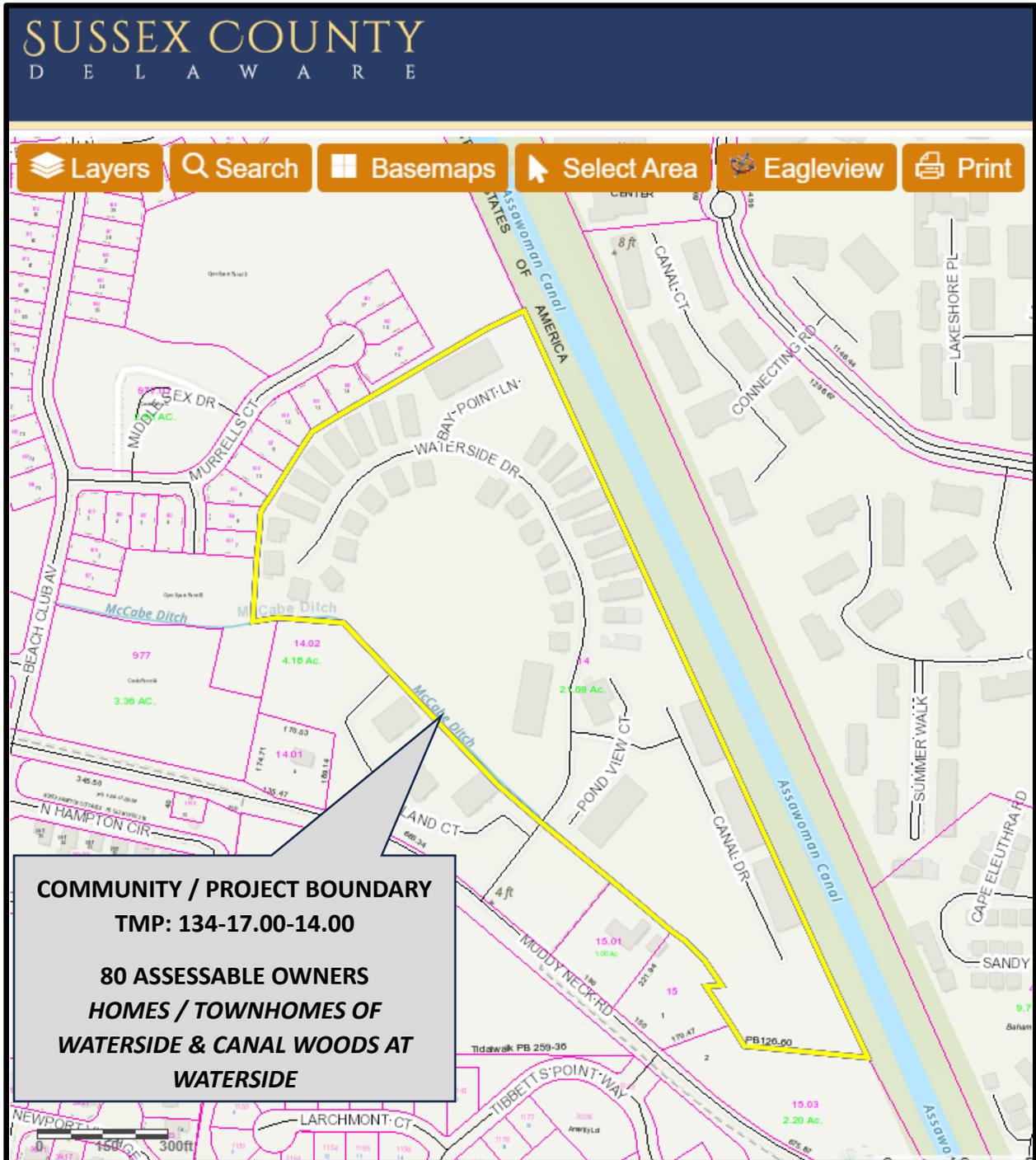


EXHIBIT B - PRELIMINARY COST ESTIMATE

October 31, 2023

Waterside

ITEM	ITEM DESCRIPTION	UNIT	QTY	UNIT COST	ITEM COST
1	Preliminary Design Cost				
1.1	Miscellaneous Permits	LS	N/A	\$ -	\$ -
1.2	DNREC NOI <i>(not needed)</i>	LS	N/A	\$ -	\$ -
1.3	SCD Design Review/Inspection Fees <i>(not applicable)</i>	LS	N/A	\$ -	\$ -
1.4	DelDOT Safety Permit <i>(not needed)</i>	LS	N/A	\$ -	\$ -
1.5	Design Survey <i>(none needed)</i>	LS	N/A	\$ -	\$ -
Subtotal Preliminary Design Cost					\$ -
2	Preliminary Construction Cost				
2.1	Mobilization	LS	1	\$ 11,623.44	\$ 11,623.44
2.2	Hot-Mix Milling	SY-IN	21150	\$ 2.00	\$ 42,300.00
2.3	Hot-Mix Type C Superpave, PG 64-22, 9.5 mm mix	TON	1202	\$ 175.00	\$ 210,298.30
2.4	Tie-in at "entrance bridge"	LS	1	\$ 2,000.00	\$ 2,000.00
2.5	Driveway Tie-in <i>(not applicable)</i>	EA	0	\$ 150.00	\$ -
2.6	Maintenance of Traffic	LS	1	\$ 2,500.00	\$ 2,500.00
2.7	Remove & Replace Concrete Curbing	LF	175	\$ 200.00	\$ 35,000.00
2.8	Remove & Replace Concrete Valley Gutter	LF	135	\$ 250.00	\$ 33,750.00
2.9	Crack Repair Concrete Curbing	EA	25	\$ 250.00	\$ 6,250.00
2.10	Catch Basin Repair / Adjustment	EA	4	\$ 2,000.00	\$ 8,000.00
2.11	Sewer Manhole Casting Adjustment	EA	15	\$ 1,500.00	\$ 22,500.00
2.12	Striping / Painting	LS	1	\$ 3,000.00	\$ 3,000.00
Subtotal Preliminary Construction Cost					\$ 377,221.74
Subtotal Preliminary Design & Construction Cost					\$ 377,221.74

Project Engineer: Patrick Brown

Approved by County Engineer:

 Date: 10/31/2023

Approved by Finance Director:

 Date: 10/31/23

COST ESTIMATE SUMMARY

Subtotal Prelim Design & Construction Cost	\$ 377,221.74
10% Project Contingency	\$37,722.17
Total Prelim Design & Construction Cost	\$ 414,943.91
10% Administration Fee	\$ 41,494.39
HOA Contributed Funds	\$ -
Total Project Cost	\$ 456,438.30
Total Parcels / Assessments	80
Interest Rate (10 yr)	6.75%
Lump Sum Repayment Cost Option	\$ 5,705
10 Year Repayment Period Cost Option (per year, per parcel)	\$ 803

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

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: March 28, 2024

RE: County Council Report for C/U 2407 filed on behalf of Lori & Jose Solis Marin

The Planning and Zoning Department received an application (C/U 2407 filed on behalf of Lori & Jose Solis Marin) for an auto repair shop, to be located at Tax Parcel 234-21.00-140.01. The property is located at 25709 Whispering Wind Lane, Millsboro. The parcel size is 3.5 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 7, 2024. At the meeting of February 7, 2024, the Planning & Zoning Commission recommended denial of the application for the 8 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on March 12, 2024. At the conclusion of the Public Hearing action on the application was deferred for further consideration.

Below is a link to the Minutes of the March 12, 2024, County Council Meeting

[Link to the Minutes of the March 12, 2024, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of February 7, 2024.

[Minutes of the February 7, 2024, Planning & Zoning Commission Meeting](#)

C/U 2407 Lori & Jose Solis Marin

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS.



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

The property is lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). 911 Address: 25709 Whispering Wind Lane, Millsboro. Tax Map Parcel: 234-21.00-140.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff Analysis, the Applicant's Survey, the DelDOT Service Level Evaluation Response, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated that one written comment had been received for the Application, and the letter had been included within the paperless packet.

The Commission found that Mr. Boris Berrera, Language Translator, spoke on behalf of the Applicants, Ms. Lori Solis Marin and Mr. Jose Solis Marin, who were also present on behalf of their application. Mr. Berrera stated, on behalf of Mr. Solis Marin, that the proposed business provides a service to the community; that his business does not bother or negatively affect anyone; that he and his business help the community as much as possible; that he and his wife pay taxes; that the complaint filed on them felt like harassment; that every time enforcement has visited the site, no violation was found; that if a violation is found, he will remedy the issue as soon as possible; that the proposed use is for an auto mechanic business, which includes oil changes, emission service, and vehicle towing; that the Applicants have never received a violation for any unsafe storage or disposal of chemicals or waste, and they are currently clearing trees in preparation to the place a house, which would not be related to the requested conditional use.

Ms. Solis Marin stated that they were requesting a Conditional Use to operate an auto mechanic and towing business from their property; that they operate Monday through Friday 8:00 AM – 5:00 PM and Saturdays 8:00 AM – 12:00 PM with the exception of towing calls which is a 24hr service and is occasionally required on Sundays; that they provide towing services to their shop, as well as other shops in the area as well; that they are not an impound lot; that there is no storage of vehicles except for the vehicles being worked on; that the mechanic work is performed inside the building; that if a vehicle is waiting for a required auto part, it is stored outside until the required part arrives; that there is approximately 20-25 cars on the property at any given time; that they do not perform painting, but do replace auto parts; that they have a company, Safety Clean, who handles all of their oil disposal; that all supplies are labeled and organized in their shop; that they are clearing the area of the back of the lot to build a home at some point; that they would use the front of the property for the conditional use of the mechanic shop, and they would like to split the property in half and use the front half for the business conditional use and the back half to remain strictly residential.

Ms. Wingate questioned what portions of the property would be used for the Conditional Use, and what portion of the property would be used for residential.

Mr. Berrera and Mr. Solis Marin pointed out the area of the requested Conditional Use for the Commission, which resulted in approximately half of the property.

Chairman Wheatley questioned if all the vehicles stored on the site were titled vehicles with current registrations.

Mr. Berrera stated yes; that all the vehicles stored on the site were titled vehicles with current registrations.

Mr. Mears questioned if the Applicants desired a sign for the business.

Ms. Solis Marin stated they do not currently have a sign and would like permission to have a sign.

Mr. Butler questioned if the oil filters, oil, and similar substances were being properly stored and disposed of and how scrap metal was handled and disposed of.

Mr. Solis Marin stated that they have private companies who come in and dispose of the oil and remnants and the scrap metal is stored in a metal dumpster until a separate company arrives to dispose of it.

Mr. Whitehouse stated within inspection notes there was mention of the external storage of tires; that he questioned if tire storage was proposed to continue; that the inspectors mentioned a conversation with the Applicants regarding existing structures that required permits; that he questioned if the Commission were to approve the application, would the Applicants be willing to abide by the stipulation of obtaining all building permits needed within six months of the date of approval.

Mr. Butler stated that DNREC will soon be requiring a limitation to the number of outside stored tires, being limited to 50 tires, due to mosquito issues.

Ms. Wingate stated that if the application was approved, she would desire that no outdoor tire storage be allowed, and she did not see any outside storage of tires when she visited the site.

Mr. Berrera stated, on behalf of Mr. Solis Marin that recently the inspectors were out and told them to remove the tires on the property, and they immediately handled the complaint; that anytime a complaint was filed they did what they needed to rectify the issue.

The Commission found that one person was present who wished to speak in support of the application and two people who wished to speak in opposition to the application.

Mr. John Mitchum spoke in support of the application. Mr. Mitchum stated that the Applicant's run a great business; that he has used their business for years; that the Applicants are passionate about what they do, and that they will help anyone in need no matter the time of day.

Mr. Tim Willard, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of Ms. Judy King, an adjacent property owner to the site. Mr. Willard stated that when the applicants purchased their land the only access to it was through Whispering Lane; that Whispering Lane is on her property because DelDOT restricted their access to Whispering Lane; that over time the applicants have created a separate entrance to their property from Hollyville Rd and because of that, their access off of Whispering Lane should be dissolved by mutual consent; that there is no proof that this entrance onto Hollyville went through the proper DelDOT requirements; that putting this service in a low density, agricultural area, that shows no real demand and that is not fair to the neighbors around the business; that under the conditional use they ask that access from Whispering Lane be cut off, that a fence be put in place separating the properties, that signage for the business be placed to distinguish the business location, in an attempt to limit the number of vehicles accessing the property and to prohibit the use of a salvage yard.

Ms. Judy King spoke in opposition to the Application. Ms. King stated that she has lived at the adjacent property since 2015; that the access to the property was through Whispering Lane up until about two years ago; that the amount of cars and new buildings on the applicant's property has significantly increased since she purchased her property in 2015; that there are a lot of cars and trucks in and out of the property;

that the Applicant has no signage to identify the business, so many people try to access the shop from Whispering Lane; that she has witnessed large fires and burning of things at the shop; that the applicants have been clearing all of the trees to the rear of the property and are burning the debris; that the Fire Marshal had been called about the fires numerous times; that her concern is that the Applicant is operating a business in an agricultural zone and the proposed use is bringing her home value down.

Chairman Wheatley asked the applicants if they received a permit from DelDOT to put the entrance in on Hollyville Rd.

Ms. Solis Marin stated that they just created the entrance on their own and did not go through DelDOT when doing so; that they received a notice that they needed to submit for street name; that they have complied with that and are awaiting a response.

Mr. Butler stated when looking at the aerial photo of the property, there appeared to be approximately 53 vehicles, between cars and trailers, on the site, and he did not have much concern about the burning of tree debris, as long as it was not burning of tires, chemicals etc.

Ms. Wingate stated it was not tree debris she smelled when visiting the site.

Mr. Berrera stated, on behalf of Mr. Solis Marin that the inspector was out after an anonymous complaint was filed to check on his heating system and the reasoning for the burning, and with every complaint filed they have made the corrections that were required for remediation, and that the applicants had obtained a permit for tree clearing but did not have it with them at that time.

Mr. Whitehouse asked about the foundations of the buildings on the property as they do not appear to be permitted and are located within the 15 ft. setback requirement for that parcel; that the buildings were constructed without going through proper channels and will need to be moved or a variance will need to be obtained to allow the structures to stay where they are currently located.

Mr. Robertson stated that the issue with the application is that the Applicant has already built multiple buildings without obtaining permits; that because of this, the buildings were never inspected by the County; that now the buildings are not in compliance with the required setbacks; that the Applicants have illegal buildings, that are illegally placed, and now the Applicants are requesting a Conditional Use, but the Applicants have not followed the proper steps to get their business where it is today; that the Commission cannot approve something that will place the Applicant in violation from the get go; that the Applicants do not have building permits, and they are in violation of the required setbacks; that they have more cars on the property than is stated in the application; that there is an access issue with the new road entrance and there has been tree clearing without proper permits; that the lack of building permits for the structures on the site is a fundamental issue, and all of the issues should have been taken care of prior to submitting an application for Conditional Use.

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 denial of C/U 2407 Lori & Jose Solis Marin for an auto repair shop located on land that is zoned AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

1. The proposed use is not compatible with the surrounding properties as there are no other business uses in the area as this is a low-density area.
2. This use is developed without a multitude of approvals including building permits and it appears several structures are located within the setbacks which adversely affects the ability to conduct this business as proposed.
3. The current unpermitted use has adversely affected neighboring adjacent properties and approval of this conditional use would allow these existing problems to continue to adversely affect neighboring properties.
4. It is evident that the applicant has expanded upon properties of other ownership based upon photographs that were presented in the record.
5. Had the property owners sought approval before any development occurred, it is not likely that this intensive use would have been approved in this location.
6. Although the Commission is supportive of small businesses, there is simply no way to condition this particular use into an approval that is workable for the applicant and the neighboring properties.
7. For all of these reasons, it is appropriate to deny this application.
8. In addition to the denial, the Commission directs that the County inspect and require any remedial action for compliance with regard to the building locations, whether that's moving the buildings or seeking variances from the Board of Adjustment and at the same time investigate whether the entrance can be located on Hollyville Road.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend denial of C/U 2407 Lori & Jose Solis Marin for the reasons and the conditions stated in the motion. Motion carried 4-0.

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



Sussex County

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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: February 7, 2024

Application: C/U 2407 Lori & Jose Solis Marin

Applicant: Mr. & Mrs. Lori & Jose Solis Marin
25709 Whispering Wind Lane
Millsboro, DE 19966

Owner: Lori Solis Marin, Jose Luis Solis Marin, Reyna Garza, Eduardo Garza
25709 Whispering Wind Lane
Millsboro, DE 19966

Site Location: The property is lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). The property is located at 25709 Whispering Wind Lane in Millsboro, Delaware.

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

Proposed Use: 2,804 square foot repair shop & 702 square foot office in support of Auto Repair Shop use.

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire District

Sewer: Private (On-site septic)

Water: Private (On-site well)

Site Area: 3.50-acre(s) +/-

Tax Map ID.: 234-21.00-140.01



PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 12th, 2024
RE: Staff Analysis for C/U 2407 Lori & Jose Solis Marin

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2407 Lori & Jose Solis Marin to be reviewed during the February 7th, 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: 234-21.00-140.01

Proposal: The request is for a Conditional Use for Tax Parcel 234-21.00-140.01 to allow an auto repair shop within an Agricultural Residential (AR-1) District on a parcel lying on the southwest side of Whispering Wing Lane and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). The subject property is located at 25079 Whispering Wind Lane in Millsboro. The parcel consists of 3.50 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west of the subject property are also zoned Agricultural Residential (AR-1) District. Staff further note that much of the surrounding lands are also zoned Agricultural Residential (AR-1) District, with fourteen (14) Parcels to the northeast on the south side of Hollyville Road (S.C.R. 290) being zoned General Residential (GR) District as well as an area to the southwest on the north and south sides of Mount Joy Road (S.C.R. 297).

Future Land Use Map Designation w/in Comprehensive Plan: Low Density Area

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 is designated as a Rural Area land use designation of "Low Density Area." As outlined in the 2018 Sussex County Comprehensive Plan, the "Low Density Area" areas where "the primary uses envisioned are agricultural activities and homes" (2018 Sussex County Comprehensive Plan, 4-19). The Plan further notes that "Business development should be largely considered to businesses addressing the needs of these two uses" (2018 Sussex County Comprehensive Plan, 4-19).



There is a large swath of land to the southwest of the property that has a Growth Area Future Land Use designation of “Existing Development Area.”

The 2018 Sussex County Comprehensive Plan notes that, “Existing Development Areas” “consist primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts” and that “these areas are scattered throughout the County” (2018 Sussex County Comprehensive Plan, 4-16). The Plan also notes that “there is no intention to expand this land use classification”. Furthermore, the Plan notes “the full range of housing types allowed in the underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses and multi-family units” and that “non-residential development consists of uses found in the neighborhood business district and commercial districts (2018 Sussex County Comprehensive Plan, 4-17).

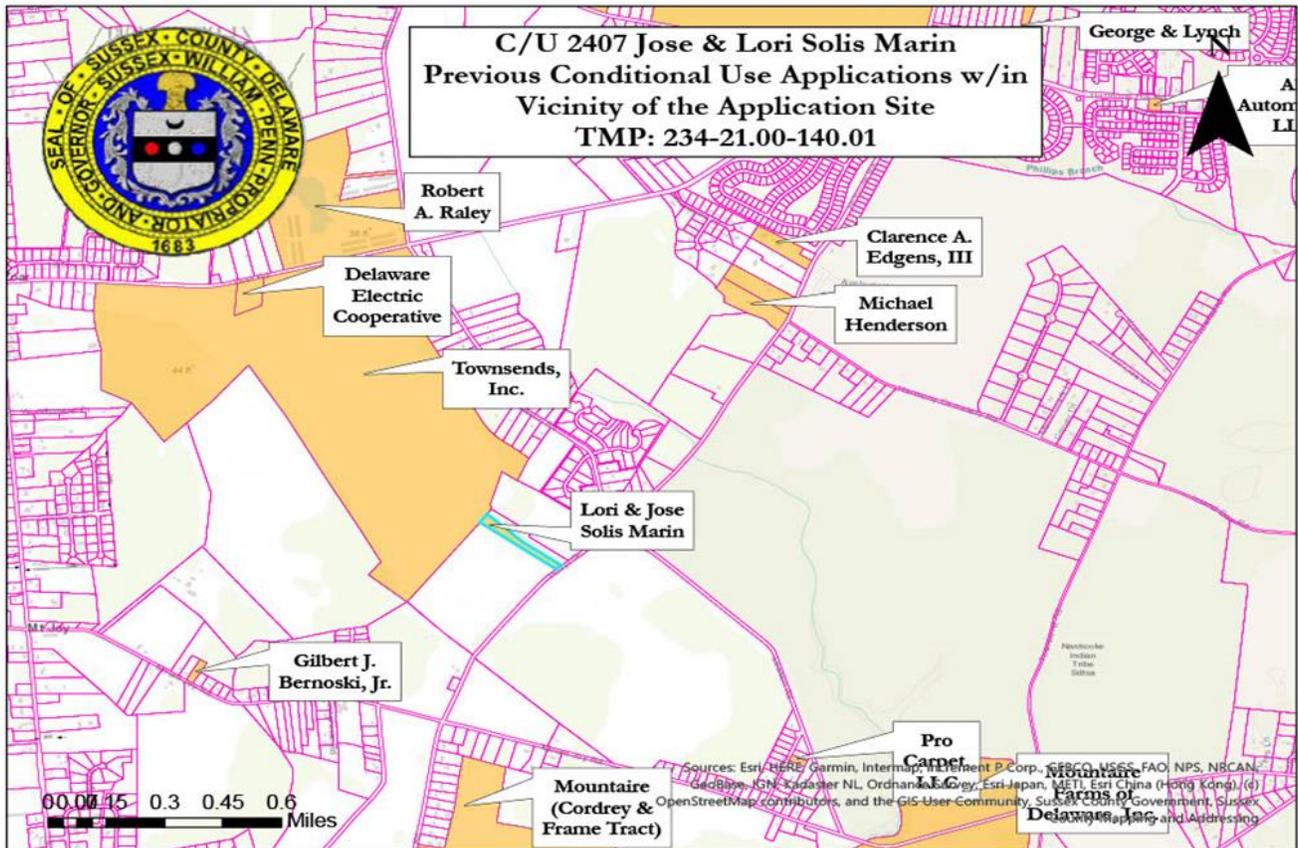
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Aerial imagery of the property shows that the site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within any established Transportation Improvement Districts. Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be diminutive in the context of the “Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”
- **Forested Areas:** GIS analysis of the site indicates that the current property consists of approximately 2.28 acres of existing forest.
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate the presence of wetlands on the subject property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – “Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. Delaware Department of Natural Resources (DNREC’s) Flood Planning Tool indicates that the property is located in the Indian River Bay Watershed and the Swan Creek Indian-River Subwatershed. The approximate Ground Elevation Height at the Parcel is approximately 33-39-ft. A separate map has been provided reflecting this information. The property is also located within an area of “fair” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for an auto repair shop, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

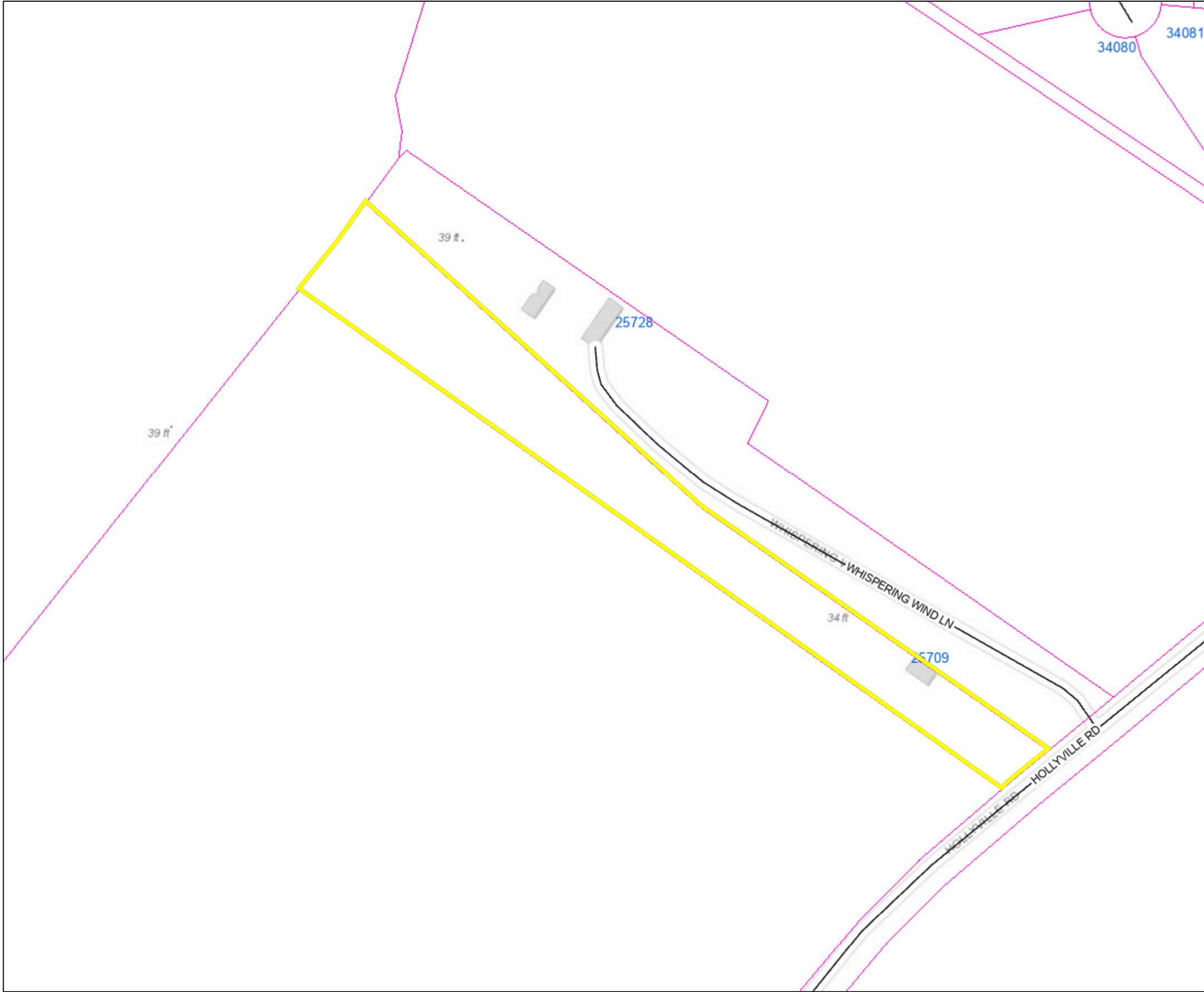
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1-mile distance from the subject site.

Conditional Use Applications (w/in a 1-mile radius of the Application Site)								
Application Number	Applicant Name	Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/U 765	Robert A. Raley	AR-1	Borrow Pit/Farm Pond	12/8/1983	Recommended Approval	1/10/1984	Approved	
C/U 1090	Townsend, Inc.	AR-1	Land Application of treated sludge	10/13/1994	Recommended Denial	12/13/1994	Approved	997
C/U 1888	Michael Henderson	AR-1/GR	Boat Repair/Storage	4/28/2011	Recommended Denial	8/16/2011	Approved	2211
C/U 2265	Pro Carpet, LLC	AR-1	Carpet Business	10/28/2021	Recommended Approval	11/9/2021	Approved	2808





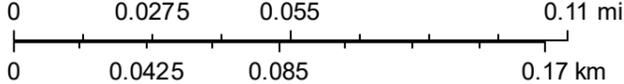
Sussex County



PIN:	234-21.00-140.01
Owner Name	GARZA EDUARDO REYNA A GARZA
Book	5110
Mailing Address	PO BOX 1914
City	MILLSBORO
State	DE
Description	W/RT 305
Description 2	806'S/RT 296
Description 3	LOT 1 T#50205
Land Code	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





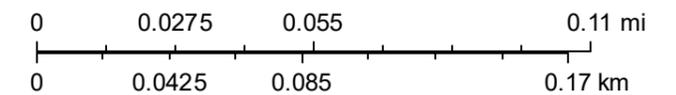
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- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

1:2,257



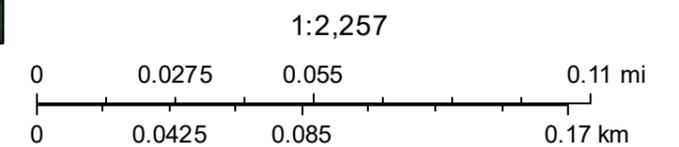


Sussex County



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Land Code	

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



Introduced: 5/16/23

Council District 5: Mr. Rieley
Tax I.D. No. 234-21.00-140.01
911 Address: 25709 Whispering Wind Lane, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS

WHEREAS, on the 15th day of November 2022, a Conditional Use Application, denominated Conditional Use No. 2407 was filed on behalf of Lori & Jose Solis Marin; 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 Conditional Use No. 2407 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2407 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 Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Whispering Wind Lane and on the north side of Hollyville Road (S.C.R. 290), approximately 0.50 mile south of Lawson Road and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A. said parcels containing 3.50 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.



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: March 28, 2024

RE: County Council Report for Ord. 23-05 relating to the Sewer Tier Map of the Comprehensive Plan in Relation to Tax Parcel 533-11.00-23.02.

On May 16, 2023, the County Council introduced an Ordinance to amend the Sewer Tier Map within the adopted 2018 Comprehensive Plan in relation to Tax Parcel 533-11.00-23.02.

The Planning & Zoning Commission held a Public Hearing on the application on October 12, 2023. At the meeting of October 12, 2023, the Planning & Zoning Commission recommended the adoption of the Ordinance for the reasons as outlined within the motion.

Following the Commission's recommendation to adopt the Ordinance, the Ordinance was submitted to the State of Delaware's Preliminary Land Use Review process. The PLUS meeting was held on November 15, 2023. The County Council held a Public Hearing on the potential amendment at its meeting of November 14, 2023. As the PLUS response from the State of Delaware was not available at the time of the County Council hearing, the Council deferred action on the application and left the record open to receive PLUS comments from the Office of State Planning and Coordination.

At the meeting of March 5, 2024, the required PLUS comments were presented to the County Council. The record was then left open for a period of 30 calendar days for receipt of any additional written public comments on the PLUS comment letter.

Below is a link to the minutes of the March 5, 2024, County Council meeting

[Link to the Minutes of the March 5, 2024, County Council Meeting](#)

Below is a link to the Minutes of the County Council Meeting of November 14, 2023.



[Link to the Minutes of the November 14, 2023, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of October 12, 2023.

Minutes of the October 12, 2023, Planning & Zoning Commission Meeting

Ord. 23-09

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02.

The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Concept Plan, a copy of the current Sewer Tier Map taken from the Comprehensive Plan, and a letter from the Sussex County Engineering Department. Mr. Whitehouse stated no public comment was received in relation to the Ordinance Application and stated PLUS comments had not been received, as it would not get sent to PLUS until it receives a recommendation from the Commission.

Mr. Robertson advised the Commission that typically, Mr. Hans Medlarz, Sussex County Engineer, performs the presentations for these types of Ordinance requests on behalf of the Sussex County Engineering Department, but unfortunately, he was unable to make the public hearing that evening; that historically, this type of Sewer Tier Map amendment would have been handled at the County Engineering level, but because it was placed within the Comprehensive Plan as a map, it is now required to come before the Planning & Zoning Commission, Sussex County Council, as well as PLUS. Mr. Robertson stated the request was to amend the Sewer Tier Map to bring the property into the appropriate Sewer Tier; that he did not want to diminish the role of the Commission, however, the particular request was strictly an engineering issue, and typically if the Engineering Department stated they were satisfied, the Commission and Council typically accept that approval.

The Commission found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Ordinance Application. Mr. Hutt stated that currently the property is shown to be within a Sewer Tier 4 area, which is a "System Optional" area; that the current Application proposes a change to a Sewer Tier 2 area, which is a "Sussex County Planning Area"; that there was a previously approved Sewer Tier Map amendment, which was approved by County Council in June 2023, as Ordinance No. 2931; that this Ordinance was adopted for properties located on the western side of Zion Church Rd.; that it is an Engineering Department concern, however, it does involve Chapter 4, as it relates to areas within the Coastal Areas; that with Chapter 4 it states, that central sewer facilities are strongly encouraged within the Future Land Use Map designation of the Coastal Area; that the entire site is located within the Coastal Area, and with the approval provided in June 2023, this amendment request would simply fill in the location on the map.

Mr. Robertson stated the recommendation of the amendment to the Sewer Tier Map, will have no relation to the recommendation made for the following land use application for C/U 2389 AWH

Properties, LLC, and the Ordinance would have not been introduced, had County Engineering not already signed off on it.

Mr. Whitehouse advised the Commission on the PLUS process for the Application.

The Commission found that no one wished to speak in support of or in opposition to the Ordinance Application.

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

Mr. Robertson stated he had prepared a motion and read the prepared motion into the record per the Commission's request.

Mr. Mears moved that the Commission recommend approval of ORD 23-09 to amend the Sussex County Sewer Tier Map of the Comprehensive Plan in relation to Tax Parcel 533-11.00-23.02, based on the recommendation from Sussex County Engineering, the coordination of Sussex County Engineering with the property owners, and the fact that this is an amendment to the Sewer Tier Map to reflect the sewer tiers on adjacent properties.

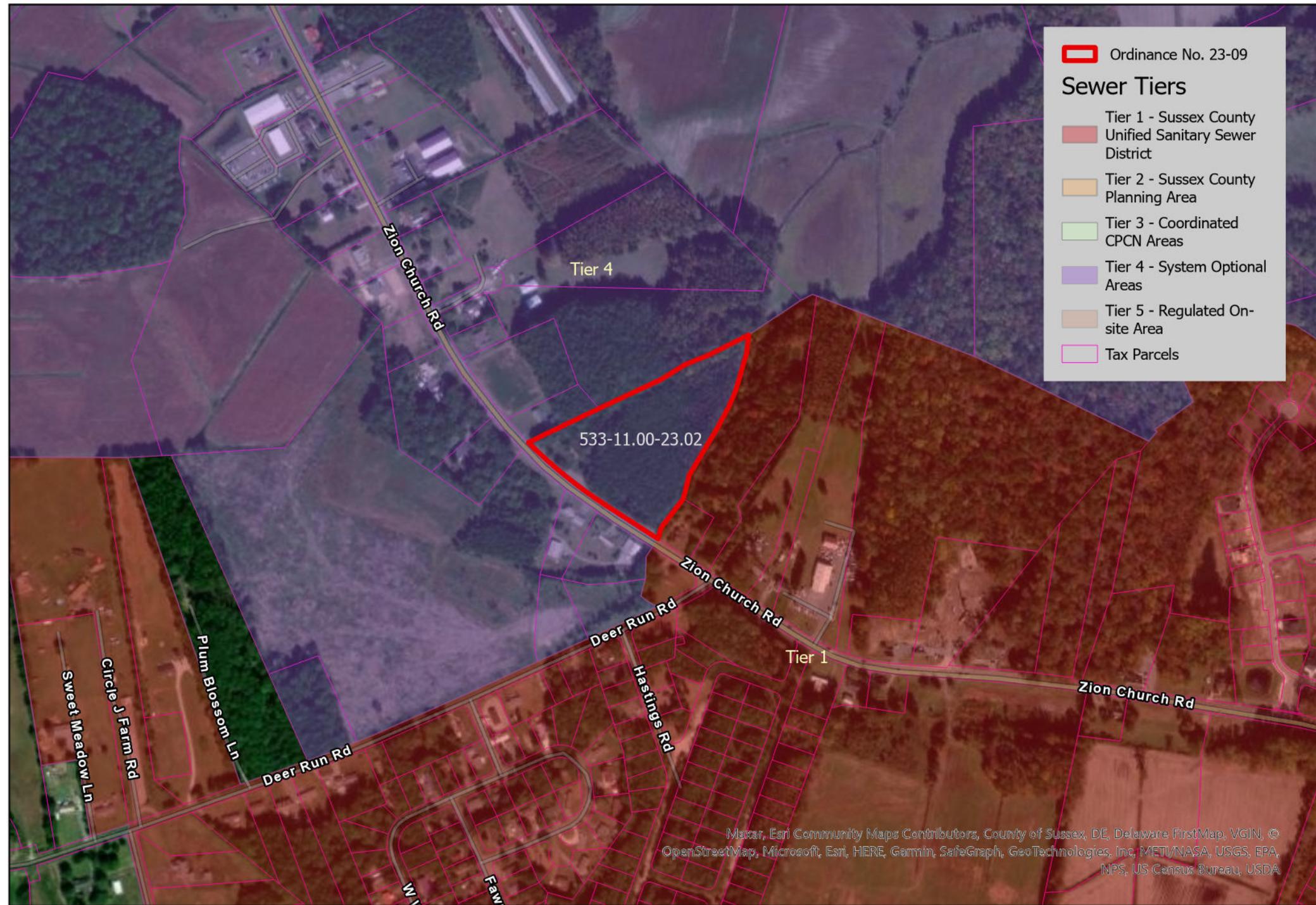
Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of ORD 23-09 to amend the Sussex County Sewer Tier Map of the Comprehensive Plan in relation to Tax Parcel No. 533-11.00-23.02 for the reasons stated in the motion. Motion carried 4-0.

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

 Ordinance No. 23-09

Sewer Tiers

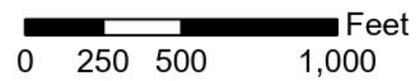
-  Tier 1 - Sussex County Unified Sanitary Sewer District
-  Tier 2 - Sussex County Planning Area
-  Tier 3 - Coordinated CPCN Areas
-  Tier 4 - System Optional Areas
-  Tier 5 - Regulated On-site Area
-  Tax Parcels



Maxar, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Exhibit A
 Ordinance No. 23-09
 AWH Properties, LLC
 FLUM - 533-11.00-23.02 (Sewer Tier Amendment)

 Ordinance No. 23-09



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02

WHEREAS, on September 27th, 2022, the Sussex County Planning and Zoning Office received an Application for a requested Comprehensive Plan Amendment to amend the Sussex County Sewer Tier Map element of the Comprehensive Plan to change the Sewer Tier designation of Sussex County Parcel No. 533-11.00-23.02; and

WHEREAS, the Parcel approximating 6.95 acres of land, more or less, lying and being within Baltimore Hundred, and lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388);

WHEREAS, The Property is designated as being within the Tier 4 – System Optional Areas as set forth in the Sussex County Sewer Tier Map as Figure 7.3-2 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, The Property is designated as being within the Coastal Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Sussex County Sewer Tier Map element of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Sussex County Sewer Tier Map identified as Figure 7.3-2 of the Sussex County Comprehensive Plan is hereby amended to change the Parcels currently classified as Tier 4 – System Optional Areas for Sussex County Parcel No. 533-11.00-23.02 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 2 – Sussex County Planning Area designation; Sussex County Parcel No. 533-11.00-23.02 so changed as 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: March 28, 2024

RE: County Council Report for C/U 2389 filed on behalf of AWH Properties, LLC

The Planning and Zoning Department received an application (C/U 2389 filed on behalf of AWH Properties, LLC) for a commercial storage facility including RV/Boat storage, the storage of commercial vehicles, and an office, to be located at Tax Parcel 533-11.00-23.02. The property is located on the northeast side of Zion Church Road (Rt.20), approximately 275 feet northwest of Deer Run Road (SCR. 388). The parcel size is 6.95 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 12, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 14 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on November 14, 2023. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration. Below is a link to the minutes of the County Council meeting of November 14, 2023.

[Link to the Minutes of the November 14, 2023, County Council Meeting](#)

At the meeting of March 5, 2024, the County Council considered the application under Old Business, and a motion was made and passed to defer action on the application for further consideration.

Below is a link to the minutes of the March 5, 2024, County Council meeting.

[Link to the Minutes of the March 5, 2024, County Council Meeting](#)



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

Below are the minutes from the Planning & Zoning Commission meeting of October 12, 2023, and October 26, 2023.

Minutes of the October 12, 2023, Planning & Zoning Commission Meeting

C/U 2389 AWH Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS. The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, the Applicant's Exhibit Booklet, a Jurisdiction Determination letter, a Soil Survey, the DelDOT Service Level Evaluation Response, and a letter received from the Sussex County Engineering Department - Utility Planning Division.

Mr. Whitehouse stated the original PLUS comments included in the record had been revised to correct a typo, and he submitted into the record the revised PLUS comments, which remain the same other than the correction of minor typographical errors.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the owners and Applicants for C/U 2389 AWH Properties, LLC, and C/U 2392 Zion Church Ventures, LLC; that also present were Mr. Matt Williams and Mr. Brad Absher, Principals of both AWH Properties, LLC and Zion Church Ventures, LLC, and Mr. Jamie Sechler, P.E. with Davis Bowen & Friedel, Inc.

Mr. Hutt stated that the properties are located directly across from each other along Zion Church Rd.; that the property's ownership groups are the same, despite the different names of the entities; that the properties are located along Zion Church Rd. (Rt. 20), being a short distance north from Deer Run Rd; that C/U 2392 Zion Church Ventures, LLC would be the western project, and C/U 2389 AWH Properties, LLC would be the eastern project; that the Application for C/U 2389 AWH Properties, LLC is for RV, boat and self-storage, which is a permitted Conditional Use within the AR-1 (Agricultural Residential) District; that the proposed use for the western side, is a new form of self-storage; that this form of self-storage is a bit more elaborate, being where a person can buy an individual self-storage unit, that would be located within the proposed project area; that these projects are often referred to as a "Hobby Condo"; that within the surrounding area for both properties are Your Space Self Storage, European Coach Werkes, Inc., the recently approved GR-RPC known as Twin Cedars, and Hampton Park; that both properties are located within Investment Level 3, which is where the State anticipates growth in the near and long term future; that there is a portion of the western parcel, for C/U 2392 Zion Church Ventures, LLC, which is located within Investment Level 4, where the State does not anticipate growth; that the surrounding areas are generally located within Investment Levels 2 and 3; that in areas located within Investment Level 4 are areas where the State

believes there may be wetlands; that neither of the Applications will involve public funds for their proposed uses; that these Applications will provide a service for the existing residents in the area to store their belongings; that according to the 2045 Future Land Use Map found in Sussex County's Comprehensive Plan both properties are located within the Coastal Area, which is a Growth Area; that properties located to the west of the sites are located within the Developing Area, which is also a Growth Area; that the permitted uses within the Coastal Area and the Developing Area are very similar; that mixed-use development is encouraged in those areas, to help provide convenient services that allow people to work close to home; that the Applications propose a mixed use for the area, to provide a service for individuals who live in communities or cluster subdivisions where they are not permitted to have an RV, boat or multiple vehicles; that these Applications will provide people a location to be able to do so; that he felt, this makes the proposed uses very consistent with the Comprehensive Plan; that both properties are located with the AR-1 (Agricultural Residential) Zoning District; that there are a variety of zoning classifications along Zion Church Rd. consisting of C-1 (General Commercial), B-1 (Neighborhood Business), CR-1 (Commercial Residential), GR (General Residential) and HR-1 (High Density Residential); that Mr. Hutt shared a visualization of all the subdivisions located within a five mile radius of the properties, which reflected a large number of existing subdivisions within the surrounding area of the sites; that the surrounding area is a highly residential area of Sussex County, making the proposed uses a need for the area; that the objective for both Application's is to provide a location in the proximity to all the various subdivisions for those uses; that on the eastern side, for C/U 2389 AWH Properties, LLC, the primary use is for boat and RV storage, which would be stored outside; that on the western side, for C/U 2392 Zion Church Ventures, LLC, the proposed units would provide indoor, climate controlled storage space, where work could be performed, or vehicles could be washed; that the style of the two self-storage units is the biggest difference between the two Applications; that neither property is located within a flood plain, as they are both located within the Flood Zone X area; that Artesian Water Company holds the CPCN for both properties; that they have acquired a Willing & Able letter for C/U 2389 AWH Properties, LLC, however, they had not yet received the Willing & Able letter for C/U 2392 Zion Church Ventures, LLC; that both properties were right on the edge of the Sewer Tier Map; that in June 2023, through Ordinance No. 2931, the western property was brought into the Sewer Tier 2; that Ord 23-09 proposes to do the same on the eastern property; that there are no rare, threatened or endangered species likely to be located on either property; that there was a report from Watershed Eco submitted into both exhibit books; that there are no known archaeological sites or national registered, listed or eligible properties located on either site and there are no Wellhead Protection Areas or Excellent Water Recharge areas on either site.

Mr. Hutt stated that C/U 2389 AWH Properties, LLC, being the eastern property, was the subject site of the previously heard application for ORD 23-09; that this location is for the proposed use of boat and RV storage; that there would be a 2,500 sq. ft. self-storage building located to the northern end of the property; that there would be a 576 sq. ft. office located just in front of the self-storage building; that the entrance would be located off Zion Church Rd., which will align with the entrance to the western property; that one unlit sign is requested to be placed along Zion Church Rd., not to exceed 32 sq. ft.; that any security lighting would be downward screened, as to not shine onto Zion Church Rd. or onto neighboring properties; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that there was a recent Supreme Court decision, which reclassified

wetlands and the definition of wetlands nationally; that there are two ditches that run along the boundaries of the property with a 50 ft. tax ditch right of way; that they had discussions with Mr. James McCulley and Mr. William Twupack, with Watershed Eco, who indicated the wetlands located to the rear of the property, may continue to be classified as wetlands as they have intermittent connections to the tax ditches; that there is a 25 ft. buffer proposed from the wetlands; that the Application does pre-date the adoption of the Resource Protection Buffer Ordinance; that per the DelDOT Service Level Evaluation Response, there would be a diminutive impact on traffic, which is the lowest impact a project could have, with less than 50 vehicle trips per day for the proposed use; that they have proposed a condition that no washing, cleaning or maintenance are permitted on the site and he requested to submit for the record proposed conditions and the Willing & Able letter for C/U 2389 AWH Properties, LLC at the end of his presentation.

Mr. Hutt stated that C/U 2392 Zion Church Ventures, LLC, being the western property, proposing 180,500 sq. ft. of warehouse or storage buildings; that reflected on the site plan are 19, 9,500 sq. ft. buildings, located to the rear of the property; that in addition to the proposed climate-controlled buildings, there is a proposed 2,500 sq. ft. building for a car wash, with a potential additional amenity of a clubhouse, pool and patio area, to be located just off Zion Church Rd.; that the additional amenities are optional; that the individual units are anticipated to be much like a “Man Cave; that a person would purchase a unit; that the person would then have, through that purchase, access to the car wash and amenities; that the frequent users of these types of units are people with hobbies, who desire to have their hobbies located within a climate controlled environment; that these are typically people who wish to store motorcycles, sports cars, classic cars, RVs, boats and other hobby type items; that many people who have these types of hobbies, also enjoy tinkering with those hobby items; that this proposed use will allow people to do that; that these units would allow people to work on their hobby items, and be around others who may share the same hobby interests; that this is the reasoning for the potential clubhouse, to allow for people a place to meet to discuss their similar hobbies; that the car wash amenity would not be an optional amenity and is absolutely proposed; that the car wash area would be an area for those who are a part of the condominium association to wash their vehicles; that to allow people the ability to work on their vehicles, there would be an oil recycling facility located on the site; that all work would be performed indoors; that each unit would have a regular sized door, as well as a large garage door; that because it is a condominium unit, there would be flexibility for personalization to the interior of the unit; that the entrance would be located off Zion Church Rd.; that Mr. Jamie Sechler did participate in a pre-submittal meeting with DelDOT for both properties; that there would be a fence around the entirety of the property, with a gated entrance; that a request for one unlit sign, not exceeding 32 sq. ft., would be located on Zion Church Rd.; that any security lighting would be downward screened, as to not shine onto neighboring properties or Zion Church Rd. or Deer Run Rd.; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that the wetland areas on the site do not have any connections, and are likely no longer regulated or jurisdictional wetlands; that this is still a determination which needs to be made; that in the case those areas are considered wetlands, a 25 ft. buffer is proposed from those areas; that in addition, there are two locations where there would be an impact to the wetlands; that per consultation with Watershed Eco, they indicated that a nationwide permit to fill the two locations, because they are less than .5 acre, would be readily available; that within the pre-submittal meetings with DelDOT the western entrance from Zion Church Rd. was required, and therefore would offer no other way to

access the bulk of the property without crossing what may, or may not, be wetlands according to the Supreme Court; that according to the DeDOT Service Level Evaluation Response, the proposed use would have a negligible impact on traffic, indicating that the anticipated traffic would be less than 50 vehicles per hour and less than 500 vehicle trips per day; that he requested to submit the proposed findings and conditions for C/U 2392 Zion Church Ventures, LLC; that proposed Condition O states, *any wetlands will be delineated on the Final Site Plan, which Plan should also show a 25 ft. buffer from those wetlands or a permit from the U.S. Army Corp of Engineers for mitigate in specific locations shown on the Final Site Plan*; that proposed Condition B states, *no unit or area within the property can be used for housing or overnight accommodations*; that proposed Condition C states, *that the business may only use the area for climate controlled storage*, and goes on to state the business cannot use the units for a manufacturing or industrial uses or to be used as a mail center or mail drop off location; that business are welcome to use the units for their self-storage needs, however they would not be permitted to conduct their business from the site; that another proposed condition states that there would be no outdoor storage; that there would an RV sewer cleanout on the site, which would be located near the oil recycling area; that these areas would be shown on the Final Site Plan, and the car wash amenity is certain; that the other amenities would be dependent on the market, but request a place holder on the plan to prevent the Applicant from having to return for a future Conditional Use.

Mr. Hutt stated both Applications are requesting a Conditional Use; that Conditional Uses are uses that are public or semi-public in character, for the convenience and welfare of area residents, and to promote the orderly general convenience, orderly growth, and prosperity of the County; that the Commission will get to place conditions on any approval they provide for the Applications and with the specific proposed conditions, they feel both Applications will provide a valuable service to individuals who live within the area.

Mr. Mears questioned if the office would be for the use of the business or anticipated to be rented to another business, if the car wash and pool were for the exclusive use of the unit owners, and mentioned there may need to be a condition for quiet time, as there is potential for hot rods and motorcycles.

Mr. Hutt stated the office is intended to be used for the business; that it would be located outside of the gated fence as a place to sign up to purchase one of the units; that he confirmed that the car wash and pool would be only for the use of the condominium owners, and he believed the quiet time would be handle by the condominium restrictions and regulations.

Ms. Wingate questioned what the reasoning was for the proposed clubhouse and pool; that the types of people who would be drawn to use the storage units, typically already have a clubhouse and pool within their own community; that she questioned who will ensure that no one resides in any of the units, and she stated a lot of communities are beginning to offer storage facilities.

Mr. Hutt stated the Condominium Association would monitor and regulate through the monitored access gate; that the Association would be able to distinguish if a person has entered but has not left; that much like a residential condominium, there would be the management of the facilities and property as well; that the proposed clubhouse and pool are optional amenities; that he felt these amenities are offered for owners who would like to have access to those amenities, while not being

home; that other option would be the unit owner may drop their significant other and/or children off at the pool while they work on their hobby in the unit, and the amenities offer owners a place to meet and socialize over common hobbies.

The Commission found that no one wished to speak in support of the Applications, and two people spoke with questions regarding the Applications.

Mr. James Frey questioned the Application. Mr. Frey questioned how a condominium could be associated with boat and RV storage and if each unit would have individual water and sewer service.

Mr. John Frey questioned the Application. Mr. Frey questioned the need for the clubhouse and pool; that he was confused regarding the wetlands, he questioned if the property could become something bigger or different in the future and requested that there be fencing, or a buffer placed between the project and his property should the Application be approved.

Mr. Hutt stated water and sewer would be available to each unit.

Chairman Wheatley questioned if someone could place a full bathroom in a unit.

Mr. Hutt stated yes, a unit owner would be permitted to place a full bath in the unit if they desired, and the Applicant would have no objection to some type of landscape buffer or fencing being placed along those boundaries of concern.

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

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

In relation to C/U 2389 AWH Properties, LLC. Motion by Mr. Mears to defer for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the October 26, 2023, Planning & Zoning Commission Meeting

C/U 2389 AWH Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS. The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02.

The Commission discussed the Application which had been deferred since October 12, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2389 AWH Properties, LLC for a commercial storage facility including outdoor RV and boat storage and an office within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 6.95 acres.
2. The location is within the “Coastal Area” according to the Sussex County Comprehensive Plan. This type of use can be appropriate in this Area according to the Plan.
3. The site is in the vicinity of several areas that have developed with commercially and residential-zoned properties. This includes properties in the area with HR (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning, and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.
4. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off-site storage of their boats and RVs.
5. The Applicant has stated that access will be limited and will be controlled by keycards. As a result, the use will not have a substantial impact on area roadways. DelDOT has also stated that the use will have a “Diminutive” impact on area roadways.
6. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact on the neighboring properties or community.
7. The use is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
8. No parties appeared in opposition to this Application.
9. This recommendation for approval is subject to the following conditions:
 - A. The use shall be limited to the storage of boats and RVs, a 2,500-square-foot storage building, and a 576-square-foot office building. No other storage of vehicles or equipment shall occur on the site.
 - B. The facility shall only be accessible from 6:00 a.m. until dusk and access to the site shall be locked to prevent after-hours access.
 - C. The perimeter of the site shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways. In addition, there shall be a landscaped berm along the property’s road frontage. The details of this berm shall be shown on the Final Site Plan.
 - D. No sales or maintenance of boats or RVs shall occur on the site.
 - E. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - F. Any wetlands shall be delineated on the Final Site Plan and there shall be a 25-foot buffer from those wetlands.
 - G. The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment, and disposal Unified District facilities. The Applicant shall comply with all requirements and specifications of the County Engineering Department.

- H. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the property itself. There shall be no parking within the Property's setbacks.
- I. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- J. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.
- K. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.
- L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
- M. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
- N. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2389 AWH Properties, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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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: October 12th, 2023

Application: CU 2389

Applicant: AWH Properties, LLC
107 W. Market Street
Georgetown, DE 19947

Owner: AWH Properties, LLC
107 W. Market Street
Georgetown, DE 19947

Site Location: Located on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388).

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

Proposed Use: Commercial Storage Facility to include RV/Boat Storage, Storage of Commercial Vehicles, and an Office

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Co.

Sewer: Sussex County

Water: Artesian Water Company, Inc.

Site Area: 6.95

Tax Map ID.: 533-11.00-23.02



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 2, 2023
RE: Staff Analysis for C/U 2389 AWH Properties, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2389 AWH Properties, LLC to be reviewed during the MONTH XXth, 2023, Planning 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.

The request is for a Conditional Use for Tax Parcel 533-11.00-23.02 to allow for a commercial storage facility to include RV/Boat Storage, storage of commercial vehicles, and an office. The Plan includes covered and uncovered RV/Boat Storage, a 2,500 square foot commercial storage building, and a 576 square foot office structure. The property is located on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). The parcel is comprised of a total of 6.95 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 (FLUM) 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 parcels have a Growth Area designation of "Coastal Area." The parcels adjacent to the subject property landward and all along Indian River Bay also have the Future Land Use Map (FLUM) designation of "Coastal Area."

Coastal Areas are growth areas that are among "the most desirable locations in Sussex County for new housing" and contain "ecologically important and sensitive characteristics." The Plan also notes that these areas have "significant impact upon water quality within the adjacent bays and inlets" (2018 Sussex County Comprehensive Plan, 4-15). The Plan includes guidelines for growth in Coastal Areas noting "retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads" and notes that "commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home" (2018 Sussex County Comprehensive Plan, 4-15).

Under the guidelines in the Plan, the proposed Conditional Use to permit commercial storage including the storage of RVs, boats, and commercial vehicles could be seen as appropriate at this site.

Zoning Information



The subject parcels are zoned Agricultural Residential (AR-1) District with the adjacent properties also zoned Agricultural Residential (AR-1). The extended Zion Church Road corridor east and west of the parcel also include parcels in the General Residential (GR), General Commercial (C-1), Medium Commercial (C-2), Service/Limited Manufacturing (C-5), Commercial Residential (CR-1), and Neighborhood Business (B-1) Zoning Districts.

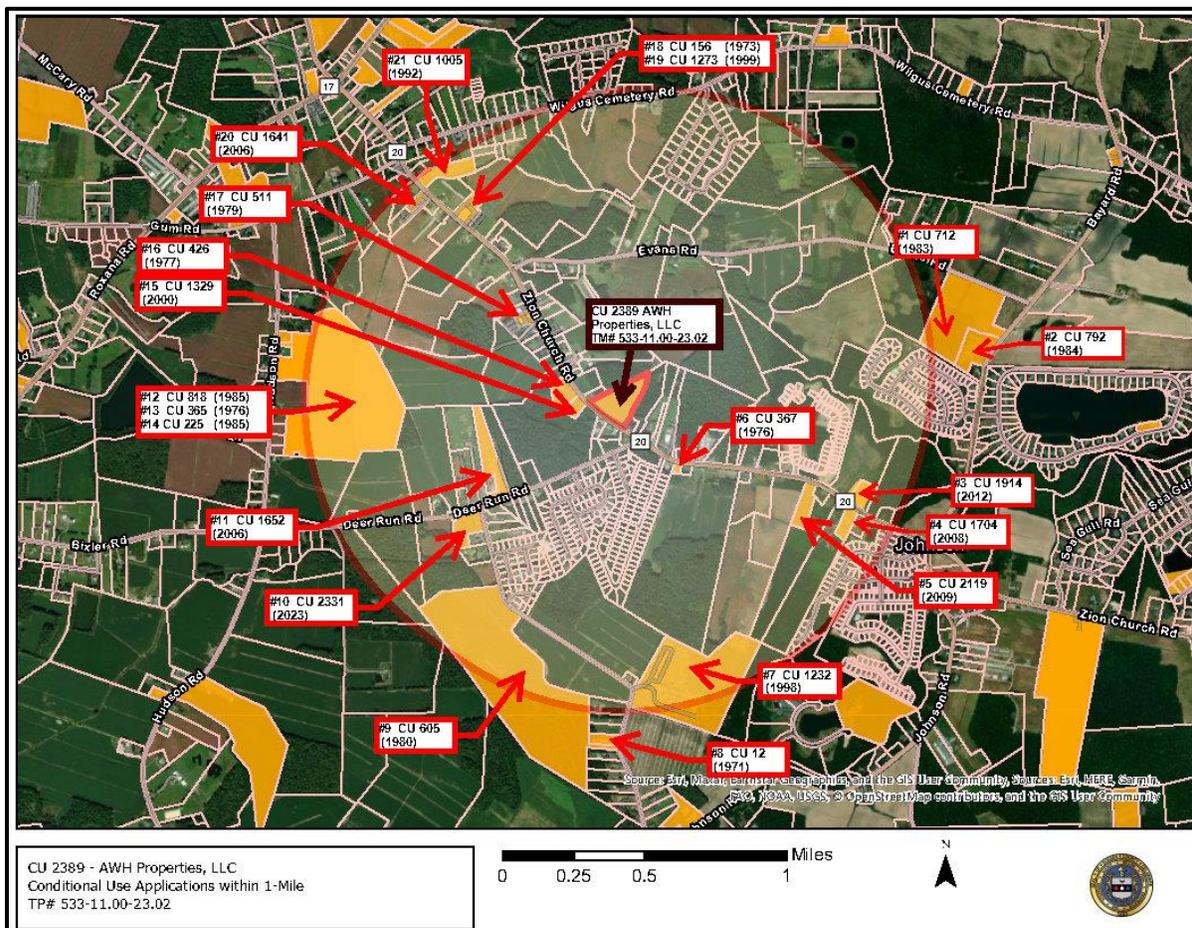
Conditional Use Applications within the Vicinity of the Subject Site
 (Within a 1-mile radius of the subject site)

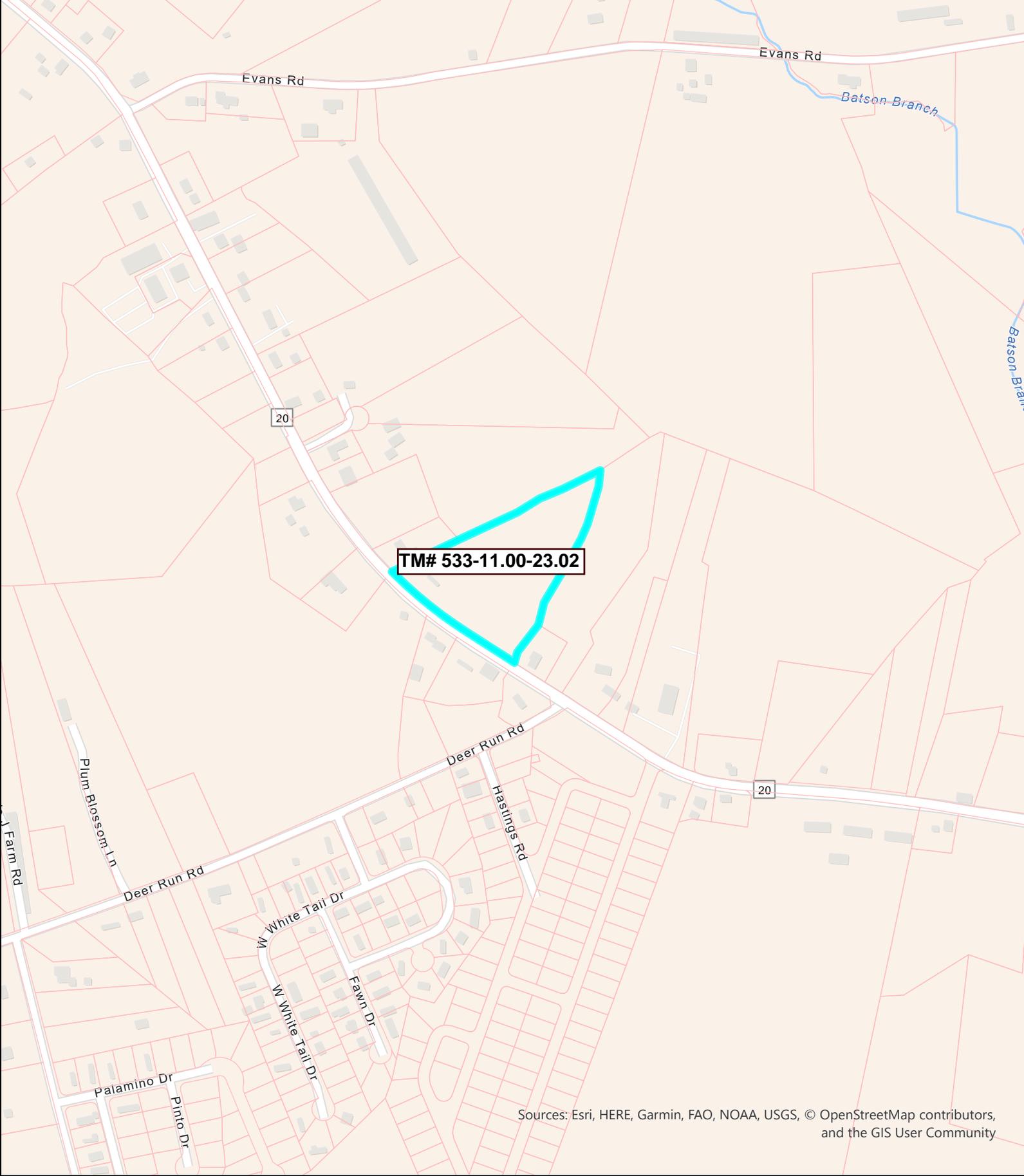
Conditional Use Applications							
(Within a 0.5-mile radius of the subject site)							
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
#1	<u>CU 712</u>	Harvey C. Becker, etux.	AR-1	Manufactured Home Park	Denied	5/17/1983	N/A
#2	<u>CU 792</u>	Peter J. Berntsen,	AR-1	Appliance Repair & Sales	Approved	5/8/1984	N/A
#3	<u>CU 1914</u>	Steven Krebs & Barbara Krebs	B-1	Barbeque Prep and Sales	Approved	1/17/2012	Ord. No. 2233
#4	<u>CU 1704</u>	PMP Associates	B-1	Health Care & Medical Offices	Approved	1/8/2008	Ord. No. 1950
#5	<u>CU 1812</u>	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	Withdrawn	12/7/2009	N/A
#6	<u>CU 367</u>	George P. Fountain	C-1	Automobile & Truck Repair Shop	Approved	8/10/1976	N/A

#7	<u>CU 1232</u>	William D. & Karen L. Simpson.	GR	Recreational Vehicle Park/Campground & Boat Storage	Approved	3/17/1998	Ord. No. 1222
#8	<u>CU 12</u>	Fenwick Properties	AR-1	Manufactured Home Park	Approved	7/20/1971	Ord. No. 808
#9	<u>CU 605</u>	Cee Bee, Inc.	AR-1	Borrow Pit	Approved	11/25/1980	N/A
#10	<u>CU 2331</u>	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. Overnight Accommodations	Approved	1/10/2023	N/A
#11	<u>CU 1652</u>	Ken Gillam & Joan Gillam	AR-1	Boat Storage	Withdrawn	6/5/2006	N/A
#12	<u>CU 818</u>	Cygnnet Construction Corp.	AR-1	Borrow Pit Expansion	Approved	5/7/1985	Ord. No. 246
#13	<u>CU 365</u>	Gladys Swann	AR-1	Manufactured Home Park	Denied	9/7/1976	N/A
#14	<u>CU 517</u>	Cygnnet Construction Corp	AR-1	Borrow Pit	Approved	03/17/81	N/A
#15	<u>CU 1329</u>	John & Mary Frey	AR-1	Used Car Sales	Denied	4/11/2000	N/A
#16	<u>CU 426</u>	Ronald Chandler	AR-1	Repair & Service All Type of Motor Vehicles	Approved	8/2/1977	N/A
#17	<u>CU 511</u>	Charles & Holly Carmack	C-1	Drywall Contractor, Building Material Sales & Warehouse of Building Materials	Approved	1/16/1979	N/A

#18	<u>CU 156</u>	Roxana Volunteer Fire Co	AR-1	Equipment Storage	Approved	8/21/1973	N/A
#19	<u>CU 1273</u>	Roxana Vol. Fire Company	AR-1	Expansion Of Fire Station	Approved	3/30/1999	Ord. No. 1296
#20	<u>CU 1641</u>	Carroll & Diane Brasure	AR-1	Service Vehicles Parking	Approved	3/28/2006	Ord. No. 1838
#21	<u>CU 1005</u>	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	Approved	7/14/1992	Ord. No. 843

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for the construction of a commercial storage facility to include RV/Boat Storage and an office at this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

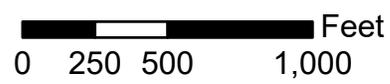


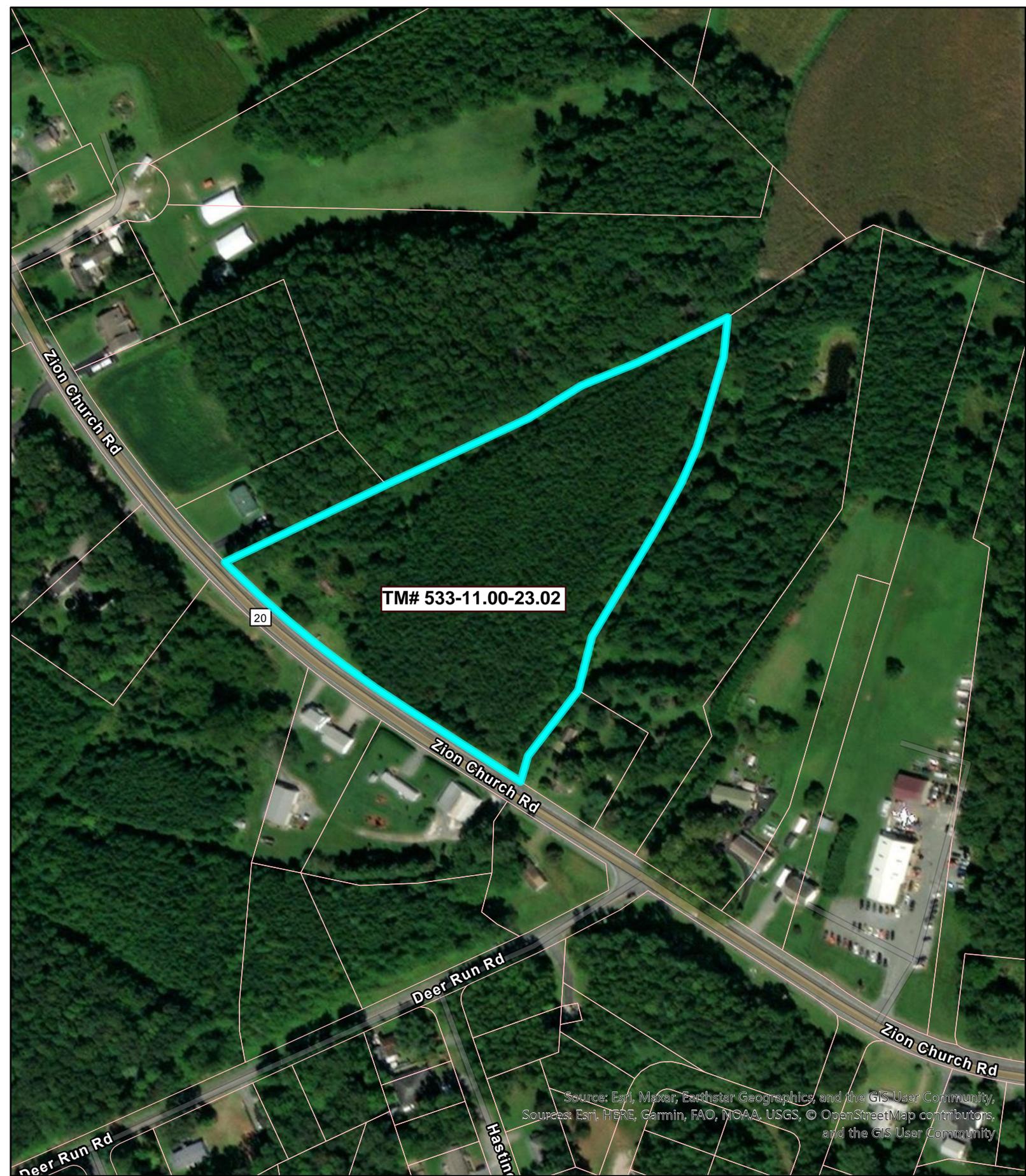


TM# 533-11.00-23.02

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2389 - AWH Properties, LLC
Street Map
TP# 533-11.00-23.02





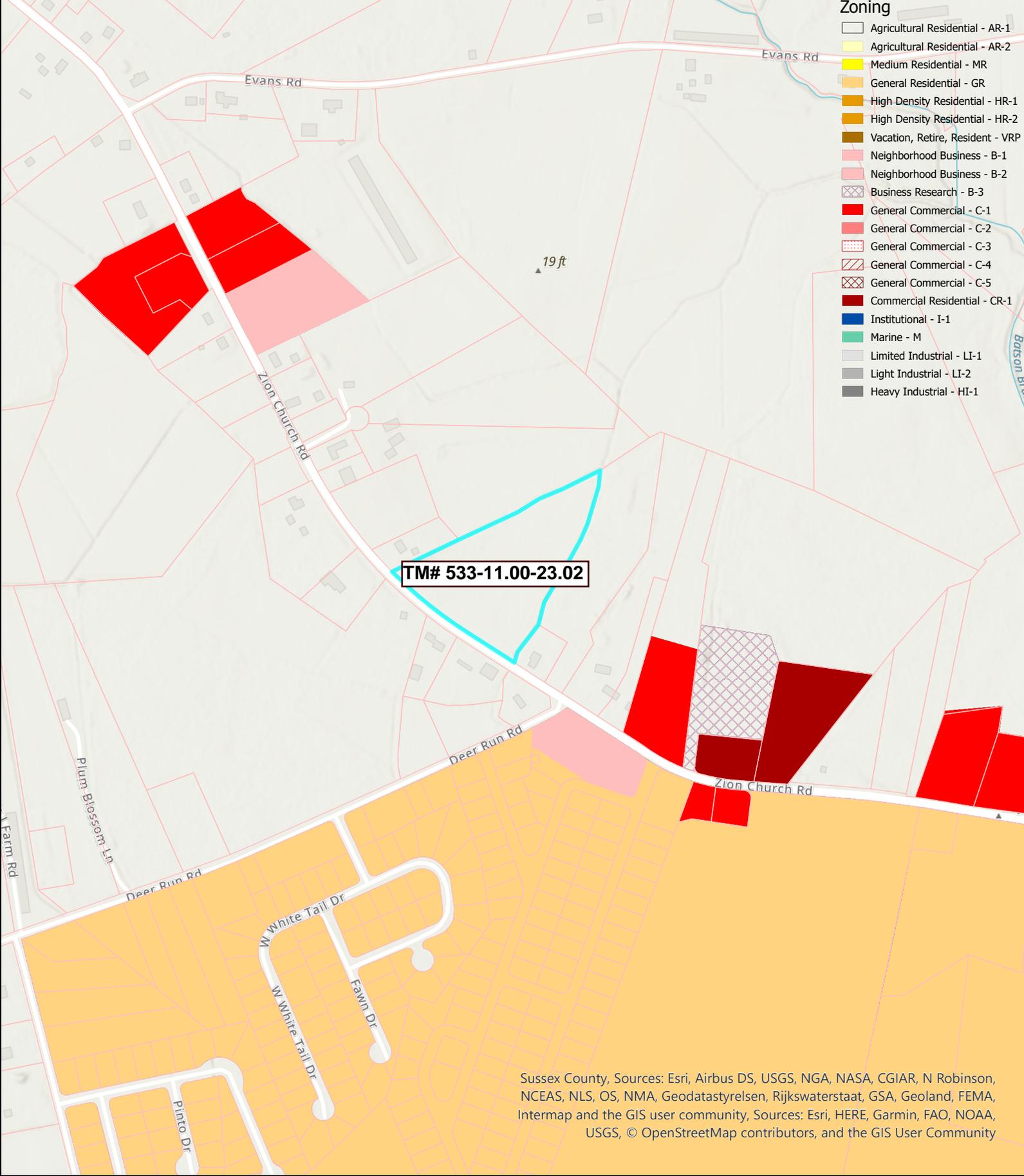
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community,
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors,
and the GIS User Community

CU 2389 - AWH Properties, LLC
Aerial Map
TP# 533-11.00-23.02



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



Sussex County, 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, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2389 - AWH Properties, LLC
Zoning Map
TP# 533-11.00-23.02



Introduced: 5/16/23

Council District 4: Mr. Hudson
Tax I.D. No.: 533-11.00-23.02
911 Addresses: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS

WHEREAS, on the 11th of July 2022, a conditional use application, denominated Conditional Use No. 2389 was filed on behalf of AWH Properties, LLC; 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 Conditional Use No. 2389 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2389 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388), and being more particularly described in the attached legal description prepared by Davis , Bowen, & Friedel, Inc., containing 6.95 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: April 3, 2024

RE: County Council Report for C/U 2392 filed on behalf of Zion Church Ventures, LLC

The Planning and Zoning Department received an application (C/U 2392 filed on behalf of Zion Church Ventures) for a commercial storage/warehouse buildings, a car wash, and a clubhouse with swimming pool, to be located at Tax Parcel 533-11.00-23.00, 23.03 & 23.04. The property is located on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). The parcel size is 31.83 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 12, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 19 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting of November 14, 2023. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration.

Below is a link to the approved minutes of the November 14, 2023, County Council Meeting

[Link to the Minutes of the November 14, 2023, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of October 12, 2023, and October 26, 2023.



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

[Minutes of the October 12, 2023, Planning & Zoning Commission Meeting](#)

C/U 2392 Zion Church Ventures, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS. The properties are lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00, 23.03 & 23.04.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibit Booklet, the Staff Analysis, the PLUS response, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse stated zero comments had been received for the Application.

Mr. Whitehouse stated the original PLUS comments included in the record had been revised to correct a typo, and he submitted into the record the revised PLUS comments, which remain the same other than the correction of minor typographical errors.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the owners and Applicants for C/U 2389 AWH Properties, LLC, and C/U 2392 Zion Church Ventures, LLC; that also present were Mr. Matt Williams and Mr. Brad Absher, Principals of both AWH Properties, LLC and Zion Church Ventures, LLC, and Mr. Jamie Sechler, P.E. with Davis Bowen & Friedel, Inc.

Mr. Hutt stated that the properties are located directly across from each other along Zion Church Rd.; that the property's ownership groups are the same, despite the different names of the entities; that the properties are located along Zion Church Rd. (Rt. 20), being a short distance north from Deer Run Rd; that C/U 2392 Zion Church Ventures, LLC would be the western project, and C/U 2389 AWH Properties, LLC would be the eastern project; that the Application for C/U 2389 AWH Properties, LLC is for RV, boat and self-storage, which is a permitted Conditional Use within the AR-1 (Agricultural Residential) District; that the proposed use for the western side, is a new form of self-storage; that this form of self-storage is a bit more elaborate, being where a person can buy an individual self-storage unit, that would be located within the proposed project area; that these projects are often referred to as a "Hobby Condo"; that within the surrounding area for both properties are Your Space Self Storage, European Coach Werkes, Inc., the recently approved GR-RPC known as Twin Cedars, and Hampton Park; that both properties are located within Investment Level 3, which is where the State anticipates growth in the near and long term future; that there is a portion of the western parcel, for C/U 2392 Zion Church Ventures, LLC, which is located within Investment Level 4, where the State does not anticipate growth; that the surrounding areas are generally located within Investment Levels 2 and 3; that in areas located within Investment Level 4 are areas where the State believes there may be wetlands; that neither of the Applications will involve public funds for their proposed uses; that these Applications will provide a service for the

existing residents in the area to store their belongings; that according to the 2045 Future Land Use Map found in Sussex County's Comprehensive Plan both properties are located within the Coastal Area, which is a Growth Area; that properties located to the west of the sites are located within the Developing Area, which is also a Growth Area; that the permitted uses within the Coastal Area and the Developing Area are very similar; that mixed-use development is encouraged in those areas, to help provide convenient services that allow people to work close to home; that the Applications propose a mixed use for the area, to provide a service for individuals who live in communities or cluster subdivisions where they are not permitted to have an RV, boat or multiple vehicles; that these Applications will provide people a location to be able to do so; that he felt, this makes the proposed uses very consistent with the Comprehensive Plan; that both properties are located with the AR-1 (Agricultural Residential) Zoning District; that there are a variety of zoning classifications along Zion Church Rd. consisting of C-1 (General Commercial), B-1 (Neighborhood Business), CR-1 (Commercial Residential), GR (General Residential) and HR-1 (High Density Residential); that Mr. Hutt shared a visualization of all the subdivisions located within a five mile radius of the properties, which reflected a large number of existing subdivisions within the surrounding area of the sites; that the surrounding area is a highly residential area of Sussex County, making the proposed uses a need for the area; that the objective for both Application's is to provide a location in the proximity to all the various subdivisions for those uses; that on the eastern side, for C/U 2389 AWH Properties, LLC, the primary use is for boat and RV storage, which would be stored outside; that on the western side, for C/U 2392 Zion Church Ventures, LLC, the proposed units would provide indoor, climate controlled storage space, where work could be performed, or vehicles could be washed; that the style of the two self-storage units is the biggest difference between the two Applications; that neither property is located within a flood plain, as they are both located within the Flood Zone X area; that Artesian Water Company holds the CPCN for both properties; that they have acquired a Willing & Able letter for C/U 2389 AWH Properties, LLC, however, they had not yet received the Willing & Able letter for C/U 2392 Zion Church Ventures, LLC; that both properties were right on the edge of the Sewer Tier Map; that in June 2023, through Ordinance No. 2931, the western property was brought into the Sewer Tier 2; that Ord 23-09 proposes to do the same on the eastern property; that there are no rare, threatened or endangered species likely to be located on either property; that there was a report from Watershed Eco submitted into both exhibit books; that there are no known archaeological sites or national registered, listed or eligible properties located on either site and there are no Wellhead Protection Areas or Excellent Water Recharge areas on either site.

Mr. Hutt stated that C/U 2389 AWH Properties, LLC, being the eastern property, was the subject site of the previously heard application for ORD 23-09; that this location is for the proposed use of boat and RV storage; that there would be a 2,500 sq. ft. self-storage building located to the northern end of the property; that there would be a 576 sq. ft. office located just in front of the self-storage building; that the entrance would be located off Zion Church Rd., which will align with the entrance to the western property; that one unlit sign is requested to be placed along Zion Church Rd., not to exceed 32 sq. ft.; that any security lighting would be downward screened, as to not shine onto Zion Church Rd. or onto neighboring properties; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that there was a recent Supreme

Court decision, which reclassified wetlands and the definition of wetlands nationally; that there are two ditches that run along the boundaries of the property with a 50 ft. tax ditch right of way; that they had discussions with Mr. James McCulley and Mr. William Twupack, with Watershed Eco, who indicated the wetlands located to the rear of the property, may continue to be classified as wetlands as they have intermittent connections to the tax ditches; that there is a 25 ft. buffer proposed from the wetlands; that the Application does pre-date the adoption of the Resource Protection Buffer Ordinance; that per the DelDOT Service Level Evaluation Response, there would be a diminutive impact on traffic, which is the lowest impact a project could have, with less than 50 vehicle trips per day for the proposed use; that they have proposed a condition that no washing, cleaning or maintenance are permitted on the site and he requested to submit for the record proposed conditions and the Willing & Able letter for C/U 2389 AWH Properties, LLC at the end of his presentation.

Mr. Hutt stated that C/U 2392 Zion Church Ventures, LLC, being the western property, proposing 180,500 sq. ft. of warehouse or storage buildings; that reflected on the site plan are 19, 9,500 sq. ft. buildings, located to the rear of the property; that in addition to the proposed climate-controlled buildings, there is a proposed 2,500 sq. ft. building for a car wash, with a potential additional amenity of a clubhouse, pool and patio area, to be located just off Zion Church Rd.; that the additional amenities are optional; that the individual units are anticipated to be much like a "Man Cave"; that a person would purchase a unit; that the person would then have, through that purchase, access to the car wash and amenities; that the frequent users of these types of units are people with hobbies, who desire to have their hobbies located within a climate controlled environment; that these are typically people who wish to store motorcycles, sports cars, classic cars, RVs, boats and other hobby type items; that many people who have these types of hobbies, also enjoy tinkering with those hobby items; that this proposed use will allow people to do that; that these units would allow people to work on their hobby items, and be around others who may share the same hobby interests; that this is the reasoning for the potential clubhouse, to allow for people a place to meet to discuss their similar hobbies; that the car wash amenity would not be an optional amenity and is absolutely proposed; that the car wash area would be an area for those who are a part of the condominium association to wash their vehicles; that to allow people the ability to work on their vehicles, there would be an oil recycling facility located on the site; that all work would be performed indoors; that each unit would have a regular sized door, as well as a large garage door; that because it is a condominium unit, there would be flexibility for personalization to the interior of the unit; that the entrance would be located off Zion Church Rd.; that Mr. Jamie Sechler did participate in a pre-submittal meeting with DelDOT for both properties; that there would be a fence around the entirety of the property, with a gated entrance; that a request for one unlit sign, not exceeding 32 sq. ft., would be located on Zion Church Rd.; that any security lighting would be downward screened, as to not shine onto neighboring properties or Zion Church Rd. or Deer Run Rd.; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that the wetland areas on the site do not have any connections, and are likely no longer regulated or jurisdictional wetlands; that this is still a determination which needs to be made; that in the case those areas are considered wetlands, a 25 ft. buffer is proposed from those areas; that in addition, there are two locations where there would be an impact to the wetlands; that per

consultation with Watershed Eco, the indicated that a nationwide permit to fill the two locations, because they are less than .5 acre, would be readily available; that within the pre-submittal meetings with DelDOT the western entrance from Zion Church Rd. was required, and therefore would offer no other way to access the bulk of the property without crossing what may, or may not, be wetlands according to the Supreme Court; that according to the DelDOT Service Level Evaluation Response, the proposed use would have a negligible impact on traffic, indicating that the anticipated traffic would be less than 50 vehicles per hour and less than 500 vehicle trips per day; that he requested to submit the proposed findings and conditions for C/U 2392 Zion Church Ventures, LLC; that proposed Condition O states, *any wetlands will be delineated on the Final Site Plan, which Plan should also show a 25 ft. buffer from those wetlands or a permit from the U.S. Army Corp of Engineers for mitigate in specific locations shown on the Final Site Plan*; that proposed Condition B states, *no unit or area within the property can be used for housing or overnight accommodations*; that proposed Condition C states, *that the business may only use the area for climate controlled storage*, and goes on to state the business cannot use the units for a manufacturing or industrial uses or to be used as a mail center or mail drop off location; that business are welcome to use the units for their self-storage needs, however they would not be permitted to conduct their business from the site; that another proposed condition states that there would be no outdoor storage; that there would an RV sewer cleanout on the site, which would be located near the oil recycling area; that these areas would be shown on the Final Site Plan, and the car wash amenity is certain; that the other amenities would be dependent on the market, but request a place holder on the plan to prevent the Applicant from having to return for a future Conditional Use.

Mr. Hutt stated both Applications are requesting a Conditional Use; that Conditional Uses are uses that are public or semi-public in character, for the convenience and welfare of area residents, and to promote the orderly general convenience, orderly growth, and prosperity of the County; that the Commission will get to place conditions on any approval they provide for the Applications and with the specific proposed conditions, they feel both Applications will provide a valuable service to individuals who live within the area.

Mr. Mears questioned if the office would be for the use of the business or anticipated to be rented to another business, if the car wash and pool were for the exclusive use of the unit owners, and mentioned there may need to be a condition for quiet time, as there is potential for hot rods and motorcycles.

Mr. Hutt stated the office is intended to be used for the business; that it would be located outside of the gated fence as a place to sign up to purchase one of the units; that he confirmed that the car wash and pool would be only for the use of the condominium owners, and he believed the quiet time would be handle by the condominium restrictions and regulations.

Ms. Wingate questioned what the reasoning was for the proposed clubhouse and pool; that the types of people who would be drawn to use the storage units, typically already have a clubhouse and pool within their own community; that she questioned who will ensure that no one resides in any of the units, and she stated a lot of communities are beginning to offer storage facilities.

Mr. Hutt stated the Condominium Association would monitor and regulate through the monitored access gate; that the Association would be able to distinguish if a person has entered but has not left; that much like a residential condominium, there would be the management of the facilities and property as well; that the proposed clubhouse and pool are optional amenities; that he felt these amenities are offered for owners who would like to have access to those amenities, while not being home; that other option would be the unit owner may drop their significant other and/or children off at the pool while they work on their hobby in the unit, and the amenities offer owners a place to meet and socialize over common hobbies.

The Commission found that no one wished to speak in support of the Applications, and two people spoke with questions regarding the Applications.

Mr. James Frey questioned the Application. Mr. Frey questioned how a condominium could be associated with boat and RV storage and if each unit would have individual water and sewer service.

Mr. John Frey questioned the Application. Mr. Frey questioned the need for the clubhouse and pool; that he was confused regarding the wetlands, he questioned if the property could become something bigger or different in the future and requested that there be fencing, or a buffer placed between the project and his property should the Application be approved.

Mr. Hutt stated water and sewer would be available to each unit.

Chairman Wheatley questioned if someone could place a full bathroom in a unit.

Mr. Hutt stated yes, a unit owner would be permitted to place a full bath in the unit if they desired, and the Applicant would have no objection to some type of landscape buffer or fencing being placed along those boundaries of concern.

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

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

In relation to C/U 2389 AWH Properties, LLC. Motion by Mr. Mears to defer for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

In relation to C/U 2392 Zion Church Ventures, LLC. Motion by Mr. Mears to defer for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

[Minutes of the October 26, 2023, Planning & Zoning Commission Meeting](#)

C/U 2392 Zion Church Ventures, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE

LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS. The properties are lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00, 23.03 & 23.04.

The Commission discussed the Application which had been deferred since October 12, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2392 Zion Church Ventures, LLC for 180,500 square feet of warehouse/storage building, a 2,500 square foot car wash, and a pool and clubhouse amenity based upon the record made during the public hearing and for the following reasons:

1. The purpose of this application is to create climate-controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars, and collectibles including specific areas for a car wash, proper recycling, and disposal of automobile fluids to serve the many individuals in the area who do not have room within their home and property to store or work on such items. The use also includes a pool and clubhouse amenity for the owners of the units and their guests.
2. The site is in the vicinity of several areas that have developed with commercially and residential-zoned properties. This includes properties in the area with HR (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning, and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.
3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways. DeIDOT has stated that the traffic generated by this use will be “negligible.”
4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
5. The property is located in the Coastal and Developing Areas, which are both “Growth Areas” according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan’s guidelines for these areas since it will provide convenient areas for businesses, homeowners, and property owners in this area of Sussex County.
6. The site will be served by central water and sewer.
7. There are wetlands that have been preliminarily delineated on the Property and a 25-foot buffer is proposed from those wetlands except in two locations which will be mitigated with approval from the USACOE.
8. With conditions and limitations proposed by the applicant, the conditional use will not adversely affect the neighboring and adjacent properties.
9. This recommendation is subject to the following conditions:
 - A. This conditional use shall be limited to 180,500 square feet of warehouse/storage area, a 2,500 square foot car wash area, and a pool and clubhouse amenity for the owners of the units. The pool and clubhouse shall be for the exclusive use of the owners and their families and guests; it shall not be operated commercially or as a club for persons not otherwise affiliated with the primary use of this project. No

- businesses that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or food service.
- B. No unit or area within the conditional use shall be used as a dwelling or for housing. No overnight accommodation shall be allowed.
 - C. There shall not be any outside storage, including boats, materials, RVs, or equipment within the site.
 - D. If a unit is used for business purposes, that business may only use the area for climate-controlled storage. The property shall not be used by a business for manufacturing or industrial purposes. In addition, the property may not be used by a business as a “mail-drop” or pick-up or delivery location for customers.
 - E. An oil recycling and disposal facility shall be provided, and its location shall be shown on the Final Site Plan.
 - F. An RV sewer cleanout shall be provided on the property and its location shall be shown on the Final Site Plan.
 - G. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - H. A fence shall be installed along the perimeter of this project. The location and type of fencing shall be shown on the Final Site Plan.
 - I. Any dumpsters must be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - J. The applicant shall comply with all DeIDOT requirements for entrance and roadway improvements.
 - K. There shall be adequate parking as required by the Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property’s setbacks.
 - L. One lighted sign, not to exceed 32 square feet per side, shall be permitted along Zion Church Road.
 - M. The Applicant shall submit as part of the Final Site Plan a landscape plan showing all “Limits of Disturbance” within the Property. These “Limits of Disturbance” shall be clearly marked on the Property itself.
 - N. There shall be an on-site Management Office maintaining the property and the operation of it. It shall be open during regular business hours.
 - O. The units shall only have bathrooms with a sink and toilet. No showers, bathtub-type fixtures, or plumbing connections shall be permitted. Instead, any shower/bathing facilities shall be in standalone, centrally located buildings on the site.
 - P. Any wetlands will be delineated on the Final Site Plan which shall also show a 25-foot buffer from those wetlands or a permit from the USACOE for mitigation (fill) in specific locations shown on the Final Site Plan.
 - Q. The applicant, its successors, and/or assigns, shall cause a condominium association to be formed to be responsible for the maintenance of the roads, parking areas, amenities, stormwater management facilities, and other common areas, and the compliance with these conditions, which shall be incorporated into the condominium documents.

- R. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Butler and carried unanimously to recommend approval of C/U 2392 Zion Church Ventures, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 12, 2023

Application: C/U 2392 Zion Church Ventures, LLC

Applicant: Zion Church Ventures, LLC
35380 Atlantic Avenue
Millville, DE 19967

Owner: Zion Church Ventures, LLC
35380 Atlantic Avenue
Millville, DE 19967

Site Location: 36054 Zion Church Road. The property is lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Storage/Warehouse Buildings, a Car Wash and Clubhouse with Swimming Pool

Comprehensive Land Use Plan Reference: Developing Area & Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County

Water: Artesian Water Company, Inc.

Site Area: 31.83 acres +/-

Tax Map ID.: 533-11.00-23.00, 23.03 & 23.04



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: October 4th, 2023
RE: Staff Analysis for C/U 2392 Zion Church Ventures, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of the Application for Conditional Use No. 2392 Zion Church Ventures, LLC to be reviewed during the October 12th, 2023, Planning 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.

The request is for a Conditional Use for Tax Parcel IDs: 533-11.00-23.00, 23.03 and 23.04 to allow for the development of nineteen (19) 9,500 square foot +/- warehouse buildings (totaling 180,500 square feet +/-), a 2,500 square foot +/- car wash building, a 6,400 square foot +/- clubhouse with a pool and patio and other related site improvements within an Agricultural Residential (AR-1) District. The project area is comprised of a total of 31.829 acres +/- . The property is located on at 36054 Zion Church Road and is lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

Further Site Considerations

Staff note that the subject properties are located within Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC’s Flood Planning Tool notes that the properties are within the Inland Bays Watershed, the Little Assawoman Bay Subwatershed and that the Ground Elevation Height at the Parcel is between 14-19-ft. A separate DNREC Flood Map has been provided in the Commission’s Packet showing this information.

The County’s Online Mapping System indicates the presence of lotic wetlands on the properties, with the National Wetland Inventory indicating that there are palustrine non-tidal wetlands on the property which appear to primarily be present on the middle, southern and southeastern portions of Parcel 23.00 with intermittent streams on the western end of the property to the rear of Parcels 23.03 and 23.04.

There are two (2) separate Tax Ditch Areas which encumber Parcel 23.00. The first is the Bear Hole Tax Ditch and the second is the Batson Branch Tax Ditch. There are also two (2) related Tax Ditch Rights-Of-Way on the property which are measured 80-ft from the centerline of the ditch (the northeastern portion of the property), 50-ft from the Top of Bank as reduced through Court Order Change #16 along the west and northern portion of Parcels 23.03 and 23.04 and measured 80-ft from the Top of Bank of a small portion of Parcel 23.00 where it adjoins Parcel 23.03. A



separate Environmental Constraints Map has been included in the Commission's Packet reflecting this information.

The properties are not located within any established Transportation Improvement Districts. The Delaware Department of Transportation's (DelDOT's) Service Level Evaluation Response states that the land use is anticipated to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day and that the development's traffic impact is expected to be negligible in the context of the "Sussex County/Delaware Department of Transportation Memorandum of Understanding for Land Development Coordination." Therefore, DelDOT is not recommending that the Applicant be required to perform a Traffic Impact Study (TIS) for this project.

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 parcels have a Growth Area designation of "Coastal Area" and "Developing Area."

The Comprehensive Plan notes that Coastal Areas are growth areas which "are areas that can accommodate development provided that special environmental concerns are addressed," and "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes and multifamily units" (2018 Sussex County Comprehensive Plan, 4-15). The plan notes that "retail uses are appropriate" with "appropriate mixed-use development also [being] allowed" (2018 Sussex County Comprehensive Plan 4-15).

The Comprehensive Plan states that Developing Areas are "newer, emerging growth areas that demonstrate the characteristics of developmental pressures" (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that, "a careful mixture of homes with light commercial uses can be appropriate to provide convenient services and allow people to work close to home" (2018 Sussex County Comprehensive Plan, 4-14).

Zoning Information

Staff note that the subject parcels are zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north, east and west of the subject properties on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20).

The property to the south of Deer Run Road (S.C.R. 388) consisting of the Deer Run Acres Subdivision and the Hampden Park Subdivision are zoned General Residential (GR) District. There is a single parcel to the south of Deer Run Road and Zion Church Road that is zoned Neighborhood Business (B-1 & B-2). There are also commercially zoned properties on the north side of Zion Church Road to the southwest of the subject properties.

Applicability to Comprehensive Plan

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 Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the Coastal Area and Developing Area Future Land Use Map designations (Sussex County Comprehensive Plan, 4-25).

Conditional Use Applications within the Vicinity of the Subject Site

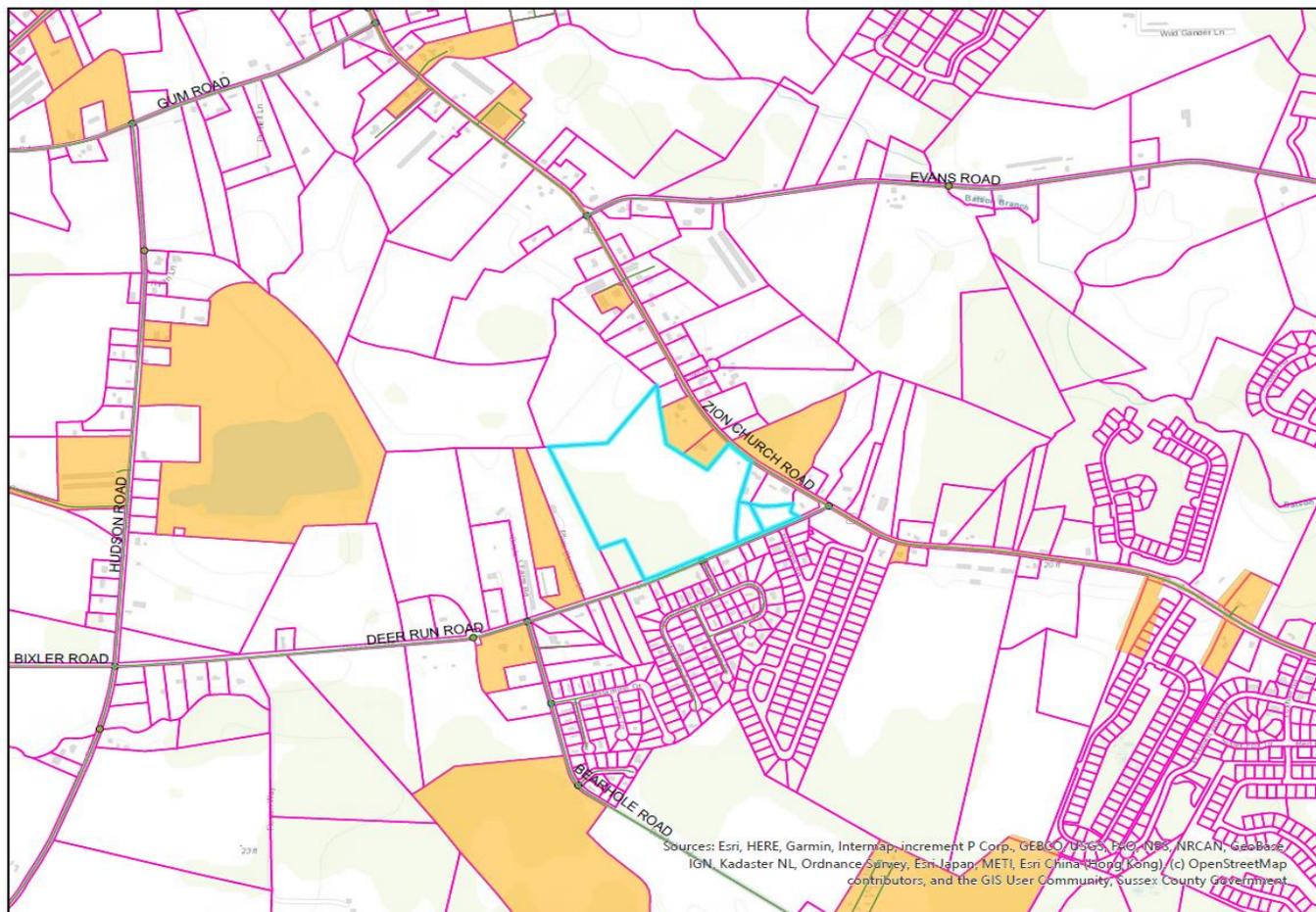
Within the last 10 years (since 2013) there has been 1 (one) Conditional Use Application within a 1-mile radius of the subject site. This Application was for Sweet Meadows Riding Academy (c/o Shelly Wright) to allow for the establishment of a horse-riding academy with overnight accommodations within an Agricultural Residential (AR-1) District.

Further details regarding this Application may be found in the table below:

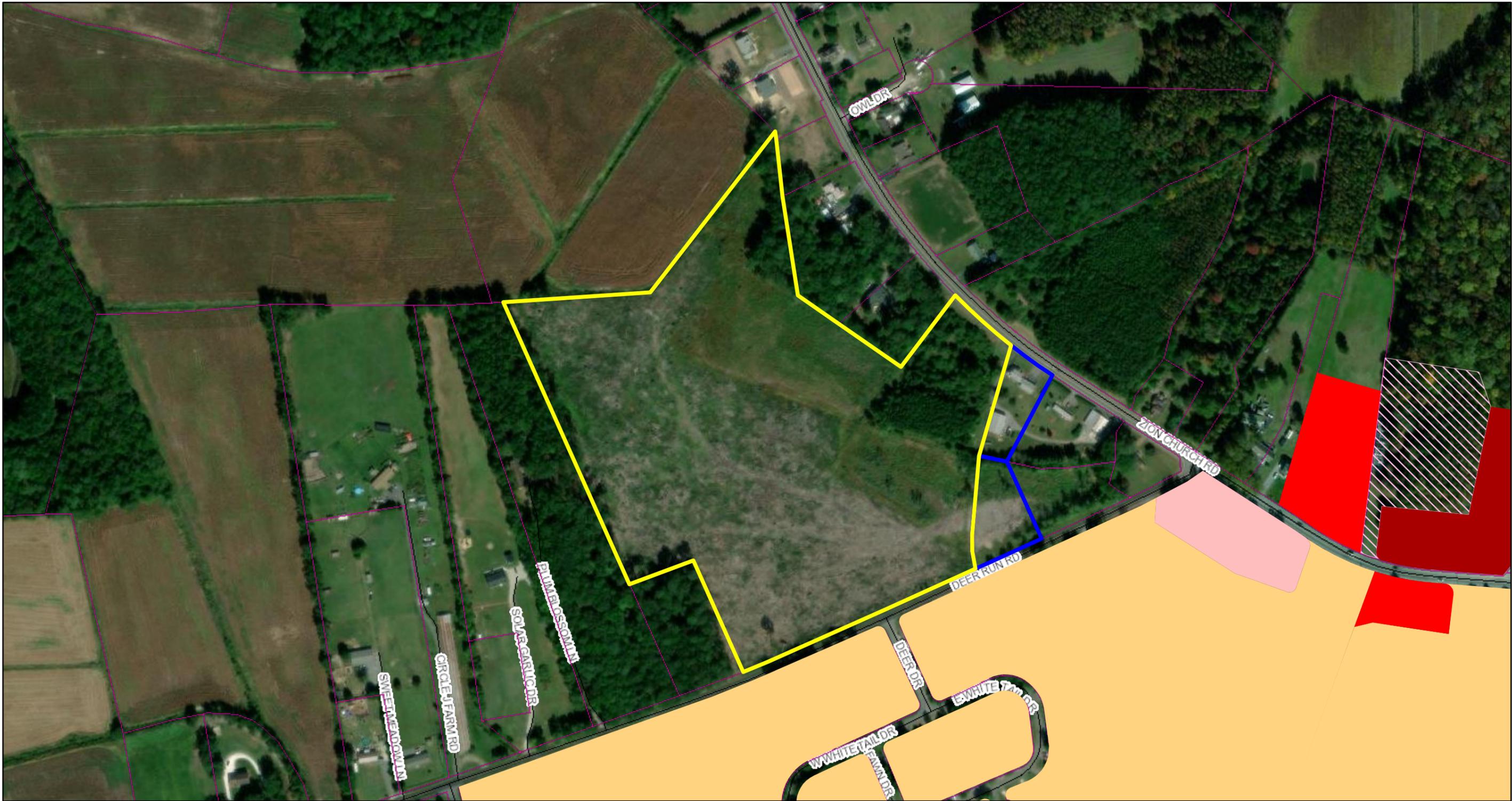
Conditional Use Applications (w/in a 1-mile radius of the subject site)*								
Application Number	Applicant Name	Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/U 2331	Sweet Meadows Riding Academy (c/o Shelly Wright)	AR-1	Horse Riding Academy w/overnight accommodations	11/17/2022	Recommended Approval	1/10/2023	Approved	2899

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use for the development of nineteen (19) 9,500 square foot +/- warehouse buildings (totaling 180,500 square feet +/-), a 2,500 square foot +/- car wash building, a 6,400 square foot +/- clubhouse with a pool and patio and other related site improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

A Supplemental Map has been provided showing the general location of all Conditional Use Applications w/in a vicinity of the project Site. (Please note: The lands of the subject Application have been highlighted in order to provide further clarity.)



Sussex County



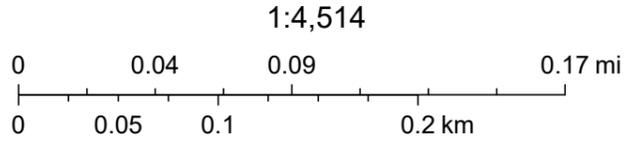
September 13, 2023

- polygonLayer
- Override 1
- Override 2
- Zoning
- Agricultural Residential - AR-1

- General Residential - GR
- Neighborhood Business - B-1
- Business Research - B-3
- General Commercial - C-1
- Commercial Residential - CR-1

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery

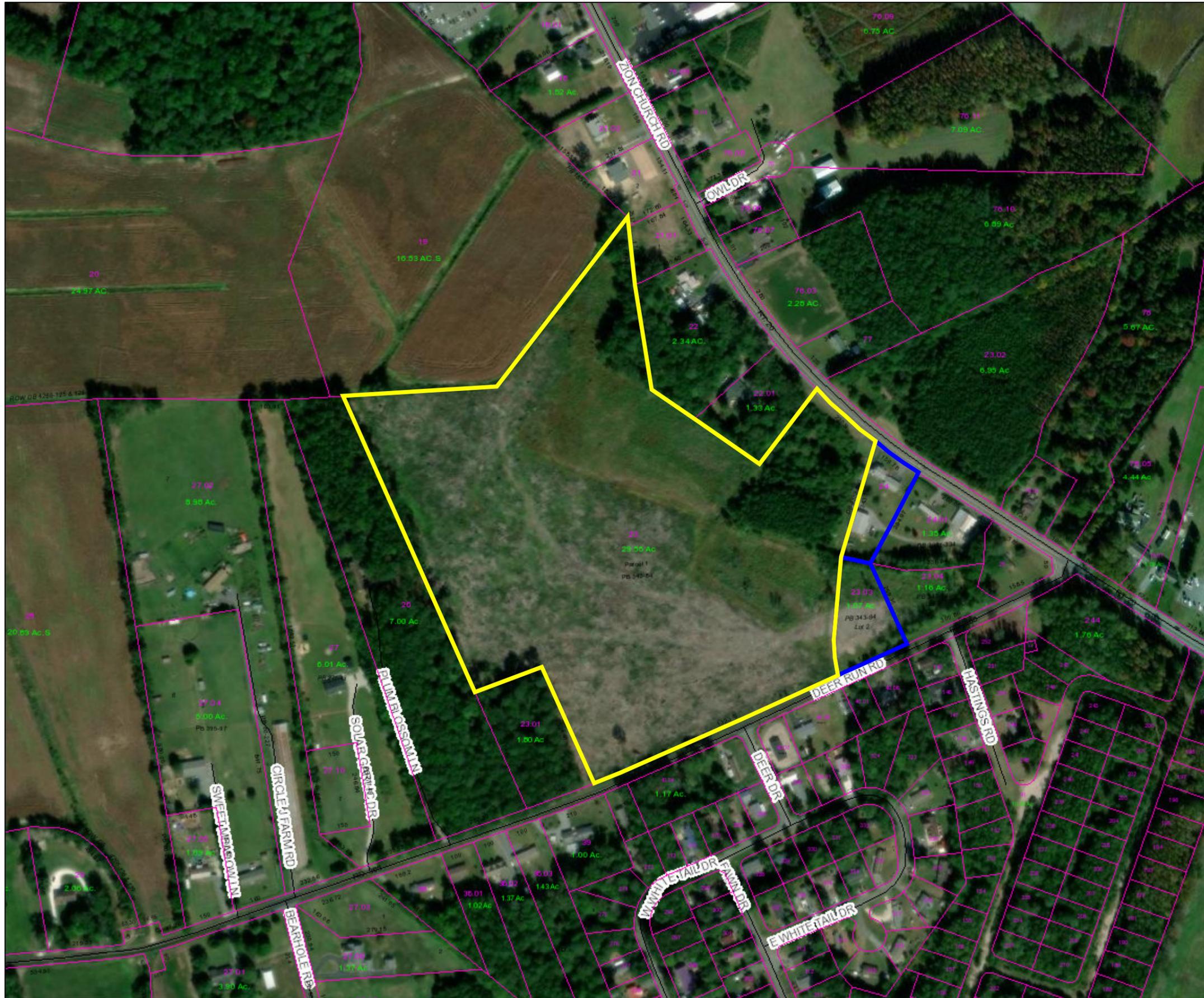
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata



Sussex County, Sussex County Government, Maxar



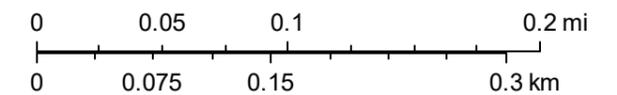
Sussex County



PIN:	533-11.00-23.00
Owner Name	ZION CHURCH VENTURES LLC
Book	5467
Mailing Address	25252 SUMMER RD
City	MILLSBORO
State	DE
Description	N/ DEER RUN RD
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



Introduced: 1/3/23

Council District 4: Mr. Hudson
Tax I.D. No. 533-11.00-23.00, 23.03, & 23.04
911 Address: 36054 Zion Church Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS

WHEREAS, on the 8th day of August 2022, a conditional use application, denominated Conditional Use No. 2392 was filed on behalf of Zion Church Ventures, LLC; 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 Conditional Use No. 2392 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2392 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 31.83 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.

yes. 3/13.

VINCENT.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Sunday, March 10, 2024 1:52 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form	
Legal Name of Agency/Organization	Red Bird Legacy Foundation ✓
Project Name	Kickoff Event featuring Bethany Hamilton
Federal Tax ID	932289186 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Red Bird Legacy Foundation restores hope to and touches the hearts of parents with life-threatening illnesses by facilitating the creation of personalized and professionally produced photographs and videos, projects, keepsakes, and experiences so that their legacies are preserved, and their minor children carry their memory forward.
Address	4637 Phillips Landing Road
City	Laurel
State	DE

Zip Code 19956

Contact Person Justin Woodland

Contact Title President

Contact Phone Number 3028415000

Contact Email Address justin@redbirdlegacyfoundation.org

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? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 12.5

Program Category (choose all that apply) Cultural
Educational
Health and Human Services

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	700
Scope	<p>We formed Red Bird Legacy Foundation in 2023. In an effort to spread the word about the Foundation's mission, we reached out to wife, mother, and professional surfer, Bethany Hamilton, to be our featured speaker for a kickoff event. We just received confirmation less than 3 weeks ago of Bethany's commitment to travel from HI to Sussex County, DE.</p> <p>This will be an opportunity for us to raise funds and share our mission, but to also bring an inspirational story live to Sussex County. Founders, Justin and Amber Woodland, are lifelong Sussex Countians and believe in giving back to the community they grew up in. All funds raised at this event will directly impact the families our Foundations serves.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	10,000.00
Description	Speaker fees and related costs
Amount	30,000.00
Description	Venue expenses
Amount	2,500.00

Description	Giveaways and raffle items
Amount	2,500.00
Description	Miscellaneous operating costs
Amount	5,000.00
TOTAL EXPENDITURES	40,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-30,000.00
Name of Organization	Red Bird Legacy Foundation
Applicant/Authorized Official	Justin Woodland
Date	03/10/2024
Affidavit Acknowledgement	Yes

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, February 28, 2024 10:00 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	West Side New Beginnings, Inc. ✓
Project Name	Project Safe Street Lights
Federal Tax ID	51-0350410 ✓
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 establish a cohesive network to make the West Rehoboth community a safe place to live, to address the needs and concerns of the community as they relate to public safety, alcohol, tobacco, and other drug prevention, self-esteem, housing, nutrition, education, recreation, and provide after-school tutoring, mentoring, and summer educational enrichment programs for the children.
Address	19801 Norwood Street
City	Rehoboth

State	Delaware
Zip Code	19971
Contact Person	Diaz Bonville
Contact Title	President
Contact Phone Number	3025282265
Contact Email Address	Diaz122455@aol.com
Total Funding Request	\$3,000.00
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?	1500
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)	Cultural Educational Health and Human Services
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	150
Scope	The program for which funds are being request is to make sure our community is safe for children and adults walking home, especially during the night when the after-school programs are over, as well as those adults who work early in the morning and evenings. The West Side New Beginnings, Inc. is a safe haven for adults and children. Most of our children live with a single parent. No child should have to experience walking home in the dark.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Street Lights for community safety
Amount	3,000.00
TOTAL EXPENDITURES	3,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,000.00

Name of Organization West Side New Beginnings, Inc.

Applicant/Authorized Official Diaz Bonville

Date 02/28/2024

Affidavit Acknowledgement Yes

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, February 16, 2024 4:07 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization

Developing Artist Collaboration ✓

Project Name

West Side Creative Market Investment

Federal Tax ID

821214176 ✓

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

DAC is dedicated to forging a vibrant, fulfilled, creative community. This begins with transforming the Artist's scarcity mindset to one of abundance while simultaneously educating the public about the importance of Artists in society. If Artists have a stable career foundation that allows their basic needs to be met, they in turn are able to put their skills towards innovative, creative projects that also support social causes and enrich our communities. We do this through education, peer connection, and opportunities to grow personally and professionally to achieve the next level of their creative journey.

DAC is an Artist-First Movement. We uplift Artists by providing career development, peer connections, and access to opportunities while strengthening their community connections. This model will empower Artists to build profitable and fulfilling creative careers.

Address 37401 Malloy St

City Rehoboth Beach

State DE

Zip Code 19971-1237

Contact Person Leah Beach

Contact Title Founder

Contact Phone Number 3022129798

Contact Email Address leah@developingarts.org

Total Funding Request \$5000.00

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 No

other than Sussex County Council?	
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Cultural
Primary Beneficiary Category	Other
Beneficiary Category Other	General Public and Local Artists
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	25000
Scope	<p>The West Side Creative Market is an open-air public art market that operates annually from Memorial Day to Labor Day, featuring twenty-one vendor booths designed to showcase local artists and creative handmade businesses. West Side Creative Market also features local musicians, food trucks, hands-on art projects, yard games, and plenty of seating for the community members who want to relax for the evening. Currently, only (2) reputable galleries are rotating local and regional Artists, the Rehoboth Art League and Gallery 50, serving the downtown Rehoboth Beach community. This program addresses the critical need for artists to access supportive platforms that enable them to promote their work, generate income, and build sustainable careers in the arts.</p>

The DAC serves over 500 local artists. There is a pressing need for accessible and inclusive avenues for artists to exhibit and sell their art. West Side Creative Market was built to give local emerging and professional visual and performance artists consistent opportunities for career expansion. The Creative Market seeks to address these challenges by creating a vibrant and inclusive marketplace that connects artists with potential buyers and art enthusiasts.

In 2023, West Side Creative Market had 27 Market events, which gave 486 opportunities for local Artists to showcase their art and products, generating over (\$250,000) in Artist revenue back into Sussex County's creative economy. It paid over (\$10,000) to local musicians for providing entertainment. Food trucks generated (\$30,000) in sales during the Market. Creative Market welcomed roughly (15,000) local community members and tourists. West Side Creative Market employed 10 Sussex County residents. The Developing Artist Collaboration is dedicated to spreading awareness of the historical Black and Brown community of West Rehoboth, ensuring that the negative stigma that once was West Rehoboth is rather celebrated as a historical community of color. The DAC and West Side New Beginnings are working together to host another successful Juneteenth celebration at Creative Market this summer.

Furthermore, The Creative Market is vital in stimulating economic growth and cultural vibrancy within our community. By facilitating direct sales between artists and buyers, the program injects revenue directly into the local arts economy, supporting artists' livelihoods and contributing to the overall vitality of our creative ecosystem. Additionally, The Creative Market catalyzes community engagement and cultural enrichment, providing residents and visitors with opportunities to experience and celebrate our community's diverse artistic talent.

Our challenge that needs to be addressed is to ensure that we fundraise effectively to offset the cost of operating the Creative Market so that we can keep Artist fees as low as

possible and that the costs of running Creative Market do not strain DAC's operations. Most of our event supplies, like tables, chairs, lights, and signage, were purchased originally in 2021 and require replacement this year. We anticipate a larger upfront cost when reopening the Creative Market this season. The only anticipated revenue from the Creative Market is the Artist fees (\$27,000 FY24 Budget) and partial funds from the DAC Donation Bar (\$12,000 Budget for FY24), which sells alcohol to raise funds for the entire organization's programming. The landlord of the lo donates the land for our use, a (\$5000) in-kind donation, in addition, the furniture store adjacent to the lost pays for the utilities (\$1250) in-kind donation. These in-kind donations have been included in the support dollar amount. The rest of the costs to operate this market fall on the operations of our nonprofit and any sponsorship or community support we can raise to support the event.

We would like to ask Sussex County Council to support West Side Creative Market with an investment of \$5000. This investment in the Creative Market helps us to increase the capacity and the quality to ensure that we are giving more Artists affordable opportunities, and increasing operational days at the Market allows for more community attendance, cultural enrichment, and opportunities for local Artists and performers. An investment from Sussex County Council makes a public statement that our County Council invests in Artists and the expansion of our Arts and culture. As a thank you for your investment, we will prominently display a sign above our information booth at the front entrance of the Market to recognize the Sussex County Council's investment.

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

45,250.00

Description	Personnel
Amount	53,100.00
Description	Entertainment
Amount	10,000.00
Description	Seasonal Marketing, Info Signage, Marketing Materials
Amount	3,000.00
Description	Sod Care & Insect Control
Amount	2,500.00
Description	General Supplies and Furniture Replacement
Amount	5,000.00
Description	Lot Rent & Utilities
Amount	6,250.00
Description	Insurance
Amount	675.00
TOTAL EXPENDITURES	80,525.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-35,275.00 *
Name of Organization	Developing Artist Collaboration
Applicant/Authorized Official	Leah Beach

Date 02/16/2024

Affidavit Yes

Acknowledgement

HUDSON.
yes. 3/14.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Saturday, March 9, 2024 8:32 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	The Nanticoke Indian Association Inc ✓
Project Name	The 46th Annual Nanticoke Indian Powwow
Federal Tax ID	51-0261316 ✓
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 The Nanticoke Indian Association (NIA) is to improve and promote the well-being of the Nanticoke Indian Community and to increase the visibility of American Indian cultures in rural areas in order to cultivate awareness, understanding, and respect, while Preserving the Existence of the Nanticoke Tribe as an Aboriginal/Indigenous Society through Conservation, Education and Cultural Awareness Programs.
Address	27073 John J Williams Hwy
City	Millsboro

State	DE
Zip Code	19966
Contact Person	Avery "Leaving Tracks" Johnson
Contact Title	Chief
Contact Phone Number	3025840537
Contact Email Address	ajpowerline@aol.com
Total Funding Request	11,500
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?	8300
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?	10

Program Category (choose all that apply) Cultural
Educational
Other

Program Category Other Communtiy

Primary Beneficiary Category Elderly Persons (62 +)

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 15000

Scope

Our Nanticoke Indian Powwow objective is to educate and enhance the public's respectful and compassionate engagement in Native American history, traditions, values, beliefs, and culture. Our primary focus is to interactively educate people about the history and culture of the Nanticoke Tribe, which is presented with several engaging approaches such as native spirituality, Mother Earth, storytelling, ancestry/genealogy, traditional native dancing, and native music.

The pow-wow begins with the Grand Entry and the Flag Song, followed by the Veterans' Honor Song. All Veterans - male/female, Native/non-Native are honored this way. The Emcee will provide information on the dances, including male and female traditional dances, jingle dress and grass dance, and male and female fancy dances. Social dances, such as the inter-tribal, round dance, and two-step, are also featured, and the audience is invited to participate. Artisan and vendor booths provide a variety of craft items, reference materials, and food. The pow-wow is truly a one-of-a-kind cultural learning experience.

The Nanticoke Indian Powwow educates various people and groups throughout the entire state of Delaware and the surrounding Eastern Shore. Specific target populations

include but are not limited to private/public school systems (K-12), post-secondary educational institutions including the University of Delaware, Delaware State University, Wilmington University, Del Tech Community College, Senior Centers, state parks, Lewes Historical Society, Milton Historical Society, Millsboro Art League, Beebe Healthcare, visitors, tourist, seniors, retirees, and other community groups.

Other than our tribal community, the population and demographics we serve reflect the cultural diversity throughout Delaware, the surrounding states, and notably Sussex County, including the poor and disadvantaged.

Religious Components

N/A

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

15,000.00

Description

Personnel - State Police, Traffic Control, & Security

Amount

15,000.00

Description

Paramedics and Fire Police

Amount

7,000.00

Description

Equipment - Canopies, Bleachers, Generators, Fencing etc

Amount

20,000.00

Description

Performers - Dancers, Drummers, Singers,

Amount

20,750.00

Description	Merchandise and Food products
Amount	19,500.00
Description	Insurance, employees, fuel, Marketing & Advertising,
Amount	7,000.00
Description	Caterer for workers, performers, police, paramedics etc
Amount	8,000.00
Description	Land Rent
Amount	3,500.00
TOTAL EXPENDITURES	100,750.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-85,750.00
Name of Organization	The Nanticoke Indian Association Inc
Applicant/Authorized Official	Avery Johnson
Date	03/09/2024
Affidavit Acknowledgement	Yes

yes 3/14.

Schaeffer.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, March 13, 2024 8:25 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	Shaffer Family Foundation, LLC. ✓ Greater Lewes Foundation.
Project Name	3rd Annual Rally For Our First Responders
Federal Tax ID	51-0400365 ✓
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 Come Together as a Community to give Thanks and Give Back to our Local First Responders.
Address	PO Box 110
City	Lewes
State	DE
Zip Code	19958
Contact Person	Michael Rasl

Contact Title	Director
Contact Phone Number	3022-644-0107
Contact Email Address	tcolegrove@horizonphilanthropic.com
Total Funding Request	5,000
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?	3000
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	Other

Beneficiary Category	First Responders
Other	
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	12
Scope	<p>Local Fire Departments: Lewes, Milton, Georgetown, Indian River, Rehoboth Beach, Sussex County Paramedics Association, Fit 4 Duty, Delaware C.O.P.S., Crime Stoppers, Friends of DSP Aviation, Camp Barnes, Beebe Medical Foundation. *</p> <p>Fire Departments receive money that is not enough from the state and rely on donations to keep the stations going. Every Fire Department needs something that cost hundreds of thousands of dollars. Milton Fire Department needs a new Ladder Truck, Rehoboth Beach needs a new ladder Truck, Georgetown needs a new Pole Building as does Indian River.</p> <p>Delaware C.O.P.S. works with the family of fallen officers to help them by sending them to different organizations to help them cope with the loss of their loved one. Fit 4 Duty helps law enforcement through fitness (they pay for 2 months of crossfit membership for those who apply. Just some examples.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Event Insurance

Amount	950.00
Description	Stage/Bands/Sound
Amount	11,000.00
Description	Tickets/Flyers/Signs/Banner
Amount	3,000.00
Description	Porta Johns/Trash Cans/Fencing
Amount	3,000.00
Description	Tables/Chairs/Tents
Amount	1,400.00
Description	Paramedics standby
Amount	1,000.00
Description	Misc.
Amount	1,000.00
TOTAL EXPENDITURES	21,350.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-21,350.00
Name of Organization	Shaffer Family Foundation *
Applicant/Authorized Official	Kyle Shaffer
Date	03/13/2024

Affidavit

Yes

Acknowledgement

yes. 3/14
SCHAEFFER.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, March 12, 2024 9:57 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	Cape Henlopen Senior Center ✓
Project Name	Rehoboth Concert Band Fundraiser
Federal Tax ID	51-0105667 ✓
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 Adults 50 and Over To Lead Their Best Lives
Address	11 Christian St
Address 2	City
City	Rehoboth Beach
State	DE
Zip Code	19971

Contact Person	Linda Bonville
Contact Title	Administrator
Contact Phone Number	3022272055
Contact Email Address	Lindachsc@aol.com
Total Funding Request	1800.00 ^{NEW.}
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?	5600.00
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)	Cultural Other
Program Category Other	Fundraiser

<p>Primary Beneficiary Category</p>	<p>Elderly Persons (62 +)</p>
<p>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</p>	<p>1000</p>
<p>Scope</p>	<p>The Cape Henlopen Senior Center is requesting your support in our endeavor to continue our annual fundraisers. As we all know, senior citizens are an invaluable part of our community, and it is our duty to ensure their well-being and happiness.</p> <p>The funds we are requesting will be used to offset the costs of our fundraisers, which are vital to the success of our programs and activities for senior citizens. These events not only bring joy and entertainment to our beloved seniors, but they also provide a sense of community and belonging. One of the main challenges we face is the increasing costs associated with organizing these fundraisers. From venue rentals to the preparation and advertising, the expenses continue to rise every year. By receiving your generous support, we will be able to alleviate some of these financial burdens and focus our efforts on making the event not only profitable however more memorable and enjoyable for our seniors. Our senior citizens have given so much to our society, and it is only fair that we give back to them. Many of them face social isolation, health issues, and financial constraints, which can greatly impact their overall well-being. Through our annual fundraisers, we are able to provide them with activities, resources, and opportunities that enhance their quality of life.</p> <p>By supporting us in raising the necessary funds, you are directly contributing to the welfare and happiness of our beloved seniors. You are ensuring that they have access to programs that combat social isolation, promote mental and physical well-being, and create lasting friendships and memories.</p>

Let's come together as a community to support our annual fundraisers and make a difference in the lives of our senior citizens. With your help, we can continue to provide the vital services and events that they deserve.

Thank you for your time and consideration. Together, we can make a positive impact on the lives of our senior citizens.

Religious Components

N/A

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

0.00

Description

Advertisement Newspapers

Amount

550.00

Description

Church Rental and Fees

Amount

900.00

Description

Tickets and Program Printing

Amount

350.00

TOTAL EXPENDITURES

1,800.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-1,800.00

Name of Organization

Cape Henlopen Senior Center

**Applicant/Authorized
Official** Linda Senior Bonville

Date 03/12/2024

**Affidavit
Acknowledgement** Yes

yes. 3/28

Schaeffer

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, March 21, 2024 2:46 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization

What Is Your Voice Inc. ✓

Project Name

Runaway Princess - a performance addressing addiction, abuse and trafficking

Federal Tax ID

47-2276605 ✓

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

What is Your Voice, Inc. provides Sussex County with fully trained and skilled Domestic Violence Peer Support Advocates. Our Peer Support Advocates use a structured and therapeutic model to empower the individuals and children using our program as they work to break free from domestic violence and trafficking. Our objective is to address the complexities and causes of intimate partner abuse and family domestic violence experienced by those in our program. Our goal is to empower and inspire every life we touch.

We provide a holistic approach for our clients: Body, Soul, Spirit. Our intensive aftercare program engages with the whole person. We focus on returning our clients to a full sense of self and well-being.

What Is Your Voice, Inc. targets rehabilitation and community reintegration in all of its forms by utilizing a multi-focused strategy. By forming bridges of encouragement for those experiencing isolation and bringing them back to a sense of community, and by supporting clients experiencing financial lack, we assist our clients in finding a foothold for economic self-sufficiency.

Address 15783 Shady Rd

City Lewes

State DE

Zip Code 19958

Contact Person Jacqueline Sterbach

Contact Title Executive Director

Contact Phone Number 302-467-3310

Contact Email Address jsterbach@whatisyourvoice.org

Total Funding Request 1000

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?	5
Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Victims of Domestic Violence
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	800
Scope	We are looking for sponsors for Runaway Princess, a performance by survivor Mary Goggin, a professional actress, who tours the country telling her story and bringing hope to survivors of abuse, addiction and trafficking. A portion of ticket sales and sponsorships will help non-profits tackling this issue, including What Is Your Voice, Zoe Ministries and Survivor Ventures. For more information, go here: whatisyourvoice.org/runaway-princess/event-details/
Please enter the current support your	15,000.00

**organization receives
for this project (not
entire organization
revenue if not
applicable to request)**

Description Rental of Cape Henlopen High School

Amount 5,680.00

Description Performer Mary Goggin

Amount 5,000.00

Description Signage & Program printing

Amount 2,500.00

Description Per Diem for Performer (hotel/meals)

Amount 1,500.00

Description Tech team to run show

Amount 1,812.00

TOTAL EXPENDITURES 16,492.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,492.00

Name of Organization What Is Your Voice

**Applicant/Authorized
Official** Jacqueline Sterbach

Date 03/21/2024

Affidavit

Yes

Acknowledgement

ves. 3/28.

Schacffer

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Saturday, March 23, 2024 8:01 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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	Lewes Lions Club <i>Foundation.</i> ✓
Project Name	The Beach Bowl
Federal Tax ID	30-1246144 ✓
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 empower volunteers to serve their communities, meet humanitarian needs, encourage peace and promote international understanding through Lions Clubs
Address	P. O. Box 791
City	Lewes
State	DE
Zip Code	19958

Contact Person	Ray Quillen
Contact Title	Director with the Lewes Lions Club
Contact Phone Number	302-236-2313
Contact Email Address	leweslionsclub@gmail.com
Total Funding Request	\$3,950
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?	5
Program Category (choose all that apply)	Other
Program Category Other	public safety

Primary Beneficiary Category	Other
Beneficiary Category Other	all residents of Lewes and surrounding area
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	5000
Scope	<p>The Lewes Fire Department [*] has ordered a 100' ladder truck that will cost \$1.4 million dollars. The Lewes Lions Club is having a fundraiser The Beach Bowl at Lefty's Alley and Eats on 9-12th to help raise money for this truck. We are asking businesses, civic organizations and churches for Sponsorships, and selling Ads for our Program/Ad Book. We are also recruiting participants to raise money and pledges and we will give them a free night of bowling, pizza, soda and an event t-shirt for their help.</p> <p>We hope to raise over \$20,000 from all of the above all money raised will go to the fire department for this truck.</p> <p>[*] The Lewes Lions are only asking for a grant for our expenses at the Beach Bowl.</p>
Religious Components	N/A
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Event t-shirts for participants and volunteers.

Amount	2,500.00
Description	Pizza, soda and shoe rental for 80 bowlers.
Amount	1,000.00
Description	Program/Ad Books 125 x \$3 = \$375
Amount	375.00
Description	Event Posters 3 x \$25= \$75
Amount	75.00
TOTAL EXPENDITURES	3,950.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,950.00
Name of Organization	Lewes Lions Club
Applicant/Authorized Official	Ray Quillen
Date	03/23/2024
Affidavit Acknowledgement	Yes

yes 4/1
Vincent

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, March 28, 2024 9:56 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form	
Legal Name of Agency/Organization	Business Professionals of America- Laurel High School
Project Name	National State Leadership Conference
Federal Tax ID	3101135712
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 Business Professionals of America Delaware Association is to build a strong foundation for our members to help enable them to develop leadership skills to use in their academics and the world class workforce while using their experience to engage future members.
Address	1133 S Central Ave
City	Laurel
State	De

Zip Code	19956
Contact Person	Chesney West
Contact Title	BPA Advisor-LHS
Contact Phone Number	3022602896
Contact Email Address	chesney.west@laurel.k12.de.us
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?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	49
Program Category (choose all that apply)	Educational

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	10
Scope	<p>Laurel High School BPA students placed in the TOP 3 of states, making them eligible to compete nationally, for the first time in Laurel's history. This program was reopened last school year, so the funds are minimal. We are also doing fundraisers to try and help cover the cost. Due to most of our participants living in town limits, and the socioeconomic status of the majority of the students here in Laurel, them being able to provide their own funding is impossible. The grant would cover, flights, hotels and the registration fees of the students. As they have earned their right to attend nationals, funding is the only thing that would be holding them from representing Laurel High School in such a prestigious manner. The date of the NLC is May 10-May 14 in Chicago, IL.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Registration Fees for 7 students attending NLC
Amount	1,871.00
Description	Hotel Stay for 2 rooms (1 girl room, 1 boy room)
Amount	3,392.90

Description	Flights for 7 students (Southwest)
Amount	2,000.00
TOTAL EXPENDITURES	7,263.90
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-7,263.90
Name of Organization	Laurel High School BPA
Applicant/Authorized Official	Chesney West
Date	03/28/2024
Affidavit Acknowledgement	Yes

yes. 4/1

VINCENT

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, March 26, 2024 12:35 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization Seaford ~~High School Drama Club~~ **School District Scholarship foundation.**

Project Name Seaford High School Drama Club

Federal Tax ID 80-0817702. ✓

Non-Profit Yes

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

Organization's Mission Mission Statement: Our aim is to elicit creative self-expression, critical thinking, and artistry through our theatre course offerings and mainstage productions as students grow as performers, designers, and stage technicians. We are also committed to producing shows that will continue to delight, entertain, to educate audiences and serve at-risk youth through the arts. Seaford High School Drama Club was founded as a 501(c)(3) in 1970 with the goal of bringing the highest standard of theater to audiences while also serving as a dynamic community force. Since 1970 Seaford High School's Drama has enjoyed a long-standing relationship

with the communities of the Bay Area, Seaford High School Drama Club has had volunteers from other theatrical organizations acting as a champion of the arts and of service. Seaford High School is working to become a professional theater presenting incisive and demanding shows. Furthermore, it is an actor's conservatory, having trained the likes of Annette Bening and Denzel Washington. And, it is a community force that works to spread theater and the arts to youth through its drama club. Seaford High School Arts Department plans to bring the arts to youth of all backgrounds and demographics. For the last year, Seaford High School Drama Club has worked with other youth theater programs in surrounding areas to develop a new program for poetry. Our school district serves middle school and high school serving traditionally economically disadvantaged populations of students. After a thorough study of candidate schools during which SHS members met with administrators, teachers,

Address 299 North Market Street Extended

City Seaford

State De

Zip Code 19973

Contact Person Dr. Alisha Broughton

Contact Title Drama Teacher/English Teacher

Contact Phone Number 3022363557

Contact Email Address alishabroughton@seaford.k12.de.us

Total Funding Request 5,000

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?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Cultural Educational
Primary Beneficiary Category	Disability & Special Needs
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	10000
Scope	The creation of a drama program at Seaford High School in Seaford, DE would stand as a bold step in helping this school toward positive success. Located in Sussex COUNTY in Seaford, DE. Seaford High's School's English-Language Arts proficiency was only

39.8 percent for 2009. In mathematics, proficiency was a mere 34.1 percent. Broken down further by demographic groups, traditional U.S. minority groups of students at Seaford High School fared even worse. African-American student achieved proficiency rates of only 20.3 respectively. For Latino students, the numbers were 28.9 percent for English and 18.1 percent for math. Filipino students scored 43.7 percent (English) and 27.8 percent (math). And, it must be noted these three demographic groups accounted for 65.8 percent of the school's 2008 population. While the creation of a drama program at James Denman Middle School will not solve every problem regarding academic proficiency, increased participation in the performing arts will most definitely work to increase student test scores and achievement. Not only are drama and the arts vital to students, but the public also recognizes the arts' importance.

Religious Components

No religious affiliation.

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

0.00

Description

Props and Costumes

Amount

2,500.00

Description

Lighting and Sound

Amount

2,500.00

TOTAL EXPENDITURES

5,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -5,000.00

Name of Organization Seafor High School Drama Club

Applicant/Authorized Official Alisha Broughton

Date 03/26/2024

Affidavit Acknowledgement Yes

Casey Hall

From: Casey Hall
Sent: Thursday, March 28, 2024 8:42 AM
To: Casey Hall
Subject: RE: [External] RE: Grant

From: Galaska, Christine R. <Christine.Galaska@Seaford.k12.de.us>
Sent: Thursday, March 28, 2024 8:40 AM
To: Broughton, Alisha L. <Alisha.Broughton@Seaford.k12.de.us>; Casey Hall <casey.hall@sussexcountyde.gov>
Subject: RE: [External] RE: Grant

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Good Morning,
Our Tax ID is 51-6000279. Check can be written to Seaford School District or Seaford High School. Please note SHS Drama in the memo. Feel free to contact me for any additional information.
Thank you,
Chris



Christine Galaska
Financial Secretary to the Principal
Seaford High School
399 North Market Street Ext.
Seaford, DE 19973
302-629-4587 ext.2520
www.seafordbluejays.org
christine.galaska@seaford.k12.de.us

From: Broughton, Alisha L. <Alisha.Broughton@Seaford.k12.de.us>
Sent: Wednesday, March 27, 2024 9:34 PM
To: Casey Hall <casey.hall@sussexcountyde.gov>
Cc: Galaska, Christine R. <Christine.Galaska@Seaford.k12.de.us>
Subject: RE: [External] RE: Grant

Hello Ms. Hall.

I hope this email finds you well. I have included our Finance Secretary on the email. She will be able to provide you with the Tax ID number. It's not the Seaford School District Foundation one.

Check payable to:
Seaford High School Drama Club
299 North Market Street Extended
Seaford, DE 19971

c/o: Alisha Broughton

Again, thank you! Christine Galaska, our school's Finance Secretary, will respond back to you in regards to the TAX ID#.

Have a great day!

From: Casey Hall <casey.hall@sussexcountyde.gov>
Sent: Wednesday, March 27, 2024 10:13 AM
To: Broughton, Alisha L. <Alisha.Broughton@Seaford.k12.de.us>
Subject: RE: [External] RE: Grant

Good morning.

I would just like to confirm that this application was to be submitted under the Tax ID for the Seaford School District Foundation and not as the Seaford High School. This information will determine who the check is made payable to.

Once I have confirmation of this information we will send the application to county council for consideration.

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

To Be Introduced: 4/9/24

Council District 4: Mr. Hudson
Tax I.D. No.: 134-17.00-15.00 & 15.03
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WATERSPORT RECREATIONAL FACILITY TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.13 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of October 2023, a Conditional Use application, denominated Conditional Use No. 2488 was filed on behalf of Kelly Benson; 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. 2488 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. 2488 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 northeast side of Muddy Neck Road (S.C.R. 361), directly across from the intersection of Muddy Neck Road (S.C.R. 361) and Double Bridges Road (S.C.R. 363), and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., said parcel containing 3.13 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.