

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBAUM
MATT LLOYD
STEVE C. McCARRON



Sussex County

DELAWARE
sussexcountysde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

April 8, 2025

10:00 AM

AMENDED on April 3, 2025 at 1:55 P.M. ***

Call to Order

Approval of Agenda

Approval of Minutes - March 25, 2025

[Draft Minutes 032525](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. Proclamation Request – Fair Housing Month
2. Use of Existing Wastewater Infrastructure Agreement – IUA 1246
Heritage Shores Phase 7A

[Consent agenda](#)

Presentation – Dr. David Tam, President and CEO, Beebe Healthcare

Presentation - Kevin Roche, FACETS Consulting - Delaware Fire Service Financial Review



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

Todd Lawson, County Administrator

1. Presentation and Discussion related to sediment and stormwater regulations
2. Consideration & Approval of updated Dewey Beach Memorandum of Understanding
[Dewey Beach MOU](#)
3. Administrator's Report

Karen Brewington, Human Resources Director

1. First Quarter Employee Recognition Awards
2. Stop Loss Insurance for consideration and possible approval
[Stop Loss Renewal](#)

Rob Mauch, EMS Deputy Director

1. **Review and Approval of EMS Lease – Medic Station 114*****
[EMS Lease Station 114](#)

Hans Medlarz, Project Manager

1. 2019 Delaware Coastal Airport and Business Park Property Maintenance

A. Jakor Enterprises, LLC - Change Order No. 1
[Jakor CO 1](#)

Robert Bryant, Airport Manager

1. Delaware Coastal Airport Taxiway Restriping Project, Project A25-36

A. Bid Award
[Taxiway Restriping - Bid Award Project A25-36](#)

Jamie Whitehouse, Planning & Zoning Director

1. Conditional Use No. 2290 filed on behalf of Toback Development, LLC – request for an extension
[CU 2290 Toback Flex ParkTime Extension Request Memo](#)

Grant Request

1. Friends of the Georgetown Library, Inc. for their Annual 5K Race & 1 Mile Walk
[Friends of the Georgetown Public Library Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2442 CU2441 CZ2010 Ord 23-07](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. [Change of Zone No. 2034 filed on behalf of Parkada Investments, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-22.00)

[Public Hearing CZ2034](#)

2. [Change of Zone No. 2035 filed on behalf of Parkada Investments, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-20.00 & 24.01)

[Public Hearing CZ2035](#)

3. [Conditional Use No. 2468 filed on behalf of Richard H. Bell, III](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (property is lying on the southeast side of Lewes Georgetown Highway [Rt. 9], approximately 0.23 mile southwest of Park Avenue [S.C.R. 321]) (911 Address: 22592 Lewes Georgetown Highway, Georgetown) (Tax I.D. No.: 135-15.00-79.03)

[Public Hearing CU2468](#)

4. [Conditional Use No. 2556 filed on behalf of William Melton](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS” (property is lying on the south side of Old Mill Road [S.C.R. 349], approximately 550 feet west of Railway Road [S.C.R. 350]) (911 Address: 36294 Old Mill Road, Ocean View) (Tax Map Parcel: 134-12.00-73.02)

[Public Hearing CU2556](#)

*****Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.**

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 1, 2025 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://sussexcountype.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://sussexcountype.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 25, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 25, 2025, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	<p>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</p> <p>Mr. Hudson called the meeting to order.</p>
M 127 25 Approve Agenda	<p>A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda as presented.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Minutes	<p>The minutes from March 11, 2025 were approved by consensus.</p>
Correspondence	<p>Mr. Moore reported that a letter was received from Autism Delaware thanking Council for their support.</p>
Public Comments	<p>Public comments were heard, and the following people spoke:</p> <p>Mr. Alan Roth spoke about development, County law and zoning in Sussex County.</p> <p>Ms. Susan Petze-Rosenblum thanked the County staff and Council for the work that they have done this year and spoke about the approval process for applications.</p>
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1. <u>Projects Receiving Substantial Completion</u></p>

Per the attached Engineering Department Fact Sheets, the

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

following projects have received Substantial Completion: Silver Woods Villas – Phase 2B (Construction Record) effective March 6th; and Patriots Glen – Phase 1E (Construction Record) effective March 10th.

2. Reassessment Appeals

The deadline to submit your application to appeal Sussex County property tax assessment is March 31, 2025. To request an appeal hearing, property owners should submit an application to the Sussex County Assessment Division before the deadline. For an application and instructions, visit Sussex County's reassessment page at www.sussexcountyde.gov/reassessment and then click the Board of Assessment Review link.

3. Land Use Reform Working Group

The Land Use Reform Working Group will hold its first meeting on Thursday, March 27th at 10:00 AM at the County's Public Safety Complex, 21911 Rudder Lane, Georgetown. This is the kick-off meeting to a series of planned workshops with selected stakeholders from a variety of disciplines. County Council requested the working group to review land use trends in Sussex County and to provide recommendations to the Council for future consideration. Information regarding the meetings can be found at www.sussexcountyde.gov.

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

**EMS
Monitor
RFP**

Robbie Murray, Director of Public Safety presented a heart monitor request for proposal results and recommendation of award for Council's consideration.

**M 128 25
Approve
Heart
Monitor
Request**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council authorize the Director of Public Safety to negotiate and execute a contract with Striker, the highest scoring vendor to purchase 47 cardiac monitors.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Bookmobile RFP/ Contract Rachel Lynch, County Librarian presented results from the Bookmobile RFP and a recommendation for an award for a contract for Council's consideration.

M 129 25 Approve Bookmobile Contract A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum be it moved that the Sussex County Council, based on the recommendation of the Sussex County Department of Libraries award the contract for the purchase of the new bookmobile to Tesco Specialty Services, in the amount of \$309,115 to be completed and in possession of Sussex County by June 30, 2025.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

New Marydels Rd. CO No. 1 Mark Parker, Assistant County Engineer presented change order no. 1 for New Marydels Road, Tanglewood & Oak Acres sewer extension for Council's consideration.

M 130 25 Approve CO No. 1 A Motion was made by Mr. McCarron seconded by Mr. Lloyd, be it moved based on the recommendation of the Sussex County Engineering Department that change order no. 1 be approved for joint contracts S19-19 & S22-24 increasing the contract from 240 calendar days to 243 calendar days with no additional cost to the contract.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Paramedic Station 103 CO No. 5 Mark Parker, Assistant County Engineer presented final balancing change order no. 5 and project closeout for Paramedic Station 103 for Council's consideration.

M 131 25 Approve CO No. 5/ Paramedic Station 103 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that balancing change order no. 5 be approved for contract C21-18, Paramedic Station 103 decreasing the overall contract amount by \$17,200.00 and that final project closeout be granted.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Permission to Prepare & Post Notices/ Millsboro Martial Arts into SCUSSD	John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Millsboro Martial Arts Annexation of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area). The Engineering Department received a request from Plitko Engineering, LLC on behalf of their client Dupont Properties, LLC owners/developers of parcels 233-16.00-22.00, 24.00 & 25.00 in the Tier 2 area for sewer service. The firm was informed the parcels were not contiguous to the existing area and that a request for annexation from the intervening parcels was needed. The engineer provided signed letters from the owners of parcel 233-11.00-244.00, 233-11.00-240.00 & 233-11.00-240.01 making the project contiguous to the existing district. The project will be responsible for system connection charges in place at the time of connection.
M 132 25 Approve Permission to Prepare & Post Notices/ Millsboro Martial Arts	A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved by Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Millsboro Martial Arts Expansion of the Sussex County Unified Sanitary Sewer District to include six parcels along Route 113 as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Permission to Prepare & Post Notices/ Crescent Place into SCUSSD	John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Crescent Place Annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area). The Engineering Department received a request from Beacon Engineering, LLC on behalf of their client, The Evergreene Companies, LLC owners/developers of parcel 134-19.00-24.00, adjacent to the existing Miller Creek Area of the SCUSSD. Parcels are located along Central Ave; the project is proposed for 57 single family lots plus a clubhouse. The project will be responsible for system connection charges at the time of connection.
M 133 25 Approve Permission to Prepare & Post Notices/ Crescent Place	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that be it moved that the Sussex County Engineering Department is authorized to prepare and post notices for the Crescent Place Expansion of the Sussex County Unified Sanitary Sewer District to include parcel 134-19.00-24.00 as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Pintail	Hans Medlarz, Project Manager presented final balancing change order no.

**Pointe/
CO No. 2** **2 and substantial completion for Pintail Pointe for Council's consideration.**

**M 134 25
Approve CO
No. 2/
Pintail
Pointe CO
No. 2 &
Closeout** **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 2 for contract S21-16, Pintail Pointe be approved decreasing the contract amount by \$13,404.00 and granting substantial completion as of March 1st, 2025 with any held retainage released in accord with the contract documents, contingent upon SRF concurrence.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Wolfe Neck
RWF
Agreement** **Hans Medlarz, Project Manager presented an agreement for denali sludge removal for the Wolfe Neck regional wastewater facility for Council's consideration.**

**M 135 25
Approve
Wolfe Neck
RWF Sludge
Removal
Agreement** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve an agreement in the standard Sussex County format with the Denali Corporation in the amount of \$3,850,800.00 for the sludge removal at the Wolfe Neck Regional Wastewater facility.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Absent;
Mr. Hudson, Yea**

**SCRWF CO
No. 29** **Hans Medlarz, Project Manager presented final balancing change order and substantial completion for electrical construction for South Coastal WRF and Rehoboth Beach WTP for Council's consideration.**

**M 136 25
Approve CO
No. 29/
SCRWF** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that final balancing change order no. 29 for contract C19-17, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 Electrical Construction be approved for a decrease of \$26,420.00 granting substantial completion as of March 21, 2025 and a deduction in retainage to \$35,000.00, as part of the final payment.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Absent;**

Mr. Hudson, Yea

**SCWRF
Bioworks
Aeration PO** **Hans Medlarz, Project Manager presented bioworks aeration equipment purchase order for South Coastal WRF treatment process upgrade no. 3 – Inland Bays Extension for Council’s consideration.**

**M 137 25
Approve
Bioworks
Aeration
Equipment
PO** **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd that be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approves a purchase order to Bioworks in the amount of \$1,397,640.00 for the conversion and upgrade of the aeration system, as part of the Inland Bays expansion project.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Old
Business/
CU2458** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” (property lying on the north side of Oneals Road [S.C.R. 485] approximately 500 ft. southwest of Sussex Highway [Rt. 13]) (911 Address: 27720 Oneals Road, Seaford) (Tax Map Parcel: 132-6.00-303.00 [p/o]) filed on behalf of O’Neals Solar, LLC.**

The County Council held a Public Hearing on the application at the meeting of March 4, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and action on the application was deferred for further consideration.

**M 138 25
Amend
Condition C/
CU2458** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to amend Condition C so that the second sentence now reads “There shall be a landscaped buffer that is at least 50 feet wide along the boundary lines of the site.”**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 139 25
Adopt
Ordinance
No. 3081/** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to Adopt Ordinance No. 3081 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY TO BE LOCATED**

CU2458

ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as amended by this Council as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. The solar array will be located on approximately 19.75 acres of a larger 49.7-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. The proposed solar array is located on a parcel of land that is used for agricultural purposes. It is surrounded on two sides by land used for agricultural purposes, including poultry houses. Although there are residential properties to the north of this site, the arrays are at least 200 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation. None of the residents along the northern boundary of the site objected to the proposed use.**
- 5. The land is designated as being within the “Low Density Area” according to Sussex County’s Future Land Use Map; this is an appropriate location for a solar array.**
- 6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.**
- 7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:**
 - a. The use shall be for ground-mounted solar array. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.**
 - c. All required fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. There shall be a landscaped buffer that is at least 50 feet wide along the boundary lines of the site. The landscaping shall include at least fifteen trees within every fifty linear feet of the buffer. Wherever trees exist within the buffer areas, they**

**M 139 25
Adopt
Ordinance
No. 3081/
CU2458
(continued)**

- shall be preserved, and these non- disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.
- d. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - f. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
 - g. 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 using Best Management Practices.
 - h. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Grant
Requests**

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

**M 140 25
Milton
Historical
Society**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$1,000 (\$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to the Milton Historical Society for their When Trains Arrive Exhibit.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 141 25
Mariner
Middle
School**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$1,000 (\$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to Mariner Middle School for their National Junior Honor Society 2025.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Proposed
Ordinance
Introduct-
ions**

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf of Marlin Cove, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23.90 ACRES, MORE OR LESS” filed on behalf of Marlin Cove, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCE INSTALLATION BUSINESS WITH OUTSIDE STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” filed on behalf of Christopher Hanyok.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” filed on behalf of Stockley Materials, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2290 (ORDINANCE NO. 2849) TO AMEND CONDITION “A” RELATING TO BUILDING SIZE AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD KILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” filed on behalf of Michael Makowski.

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN

**Proposed
Ordinance
Introduct-
ions
(continued)**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN C-1 GENERAL COMMERCIAL DISTRICT FOR A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS” filed on behalf of Tharros Village (c/o Code Purple at the Cape).

Mr. Lloyd introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS” filed on behalf of Hastings Community Energy Initiative, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Mr. Lloyd commented that the working group is scheduled to meet now through July with meetings scheduled.

**M 142 25
Go Into
Executive
Session**

At 10:55 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley to enter into an Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Executive
Session**

At 11:00 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session ended at 11:42 a.m.

**M 143 25
Reconvene**

At 11:44 a.m., a Motion was made by Mr. Rieley, seconded by Mr. McCarron to come out of Executive Session and go back into Regular Session.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 144 25
E/S Action/
Parcel 2025-
B**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to give the County Administrator the authority to negotiate, enter into a contract and close or settlement for parcel 2025-B.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 145 25 At 11:46 p.m., a Motion was made by Mr. McCarron, seconded by Mr.
Recess Lloyd to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 146 25 At 1:33 p.m., a Motion was made by Mr. Rieley, seconded by Mr.
Reconvene McCarron to come out of recess back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea

Mr. Moore reviewed the rules for public hearings.

**Public
Hearing/
Amend
Chapter
103/
Taxation**

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE II (“REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT”.

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”), ARTICLE I (“REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS”) OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT’S DISABILITY WHEN CALCULATING APPLICANT’S INCOME”.

Mrs. Jennings reviewed the two tax programs that are calculated on taxable assessed value and are established in County Code; Low-income Over 65 and Disability. She reported that currently, if a taxpayer qualifies, they will get \$12,500 off their taxable assessment. There are 818 property owners that qualify. With the new assessed values, it is recommended to increase from \$12,500 to \$229,000. For the Low-Income Over 65 program, it is recommended to change the exemption from \$12,500 to \$229,000 and change the residency requirement from 3 years to 5 years. It is also being recommended to change the County Disability Program (non-veteran)

**Public Hearing/
Amend
Chapter
103/
Taxation
(continued)**

exemption from \$12,500 to \$229,000, change the residency requirement from 3 years to 5 years and change income limits to match the low-income 65 program \$4,500 to \$6,000 for single and \$6,500 to \$7,500 for married (income does not include social security benefits, railroad retirement benefits and pension income from the applicant's disability).

Mrs. Jennings noted that these changes do not impact the State 65 program or the Disabled Veterans Tax Credit.

There were no public comments.

The Public Hearing and public record were closed.

**M 147 25
Adopt
Ordinance
No. 3082/
Property
Exemption/
Senior
Citizens**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3082 entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION"), ARTICLE II ("REAL PROPERTY EXEMPTION FOR SENIOR CITIZENS") OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE THRESHOLD AND RESIDENCY REQUIREMENT".

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

For the second Ordinance, there were no public comments.

The Public Hearing and public record were closed.

**M 148 25
Adopt
Ordinance
No. 3083/
Tax
Exemption/
Disabled
Persons**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3083 entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION"), ARTICLE I ("REAL PROPERTY TAX EXEMPTION FOR DISABLED PERSONS") OF THE CODE OF SUSSEX COUNTY TO UPDATE THE ASSESSED PROPERTY VALUE, RESIDENCY REQUIREMENT AND INCOME THRESHOLDS, THE APPLICATION PROCEDURE AND TO EXCLUDE PENSION INCOME DIRECTLY RELATED TO THE APPLICANT'S DISABILITY WHEN CALCULATING APPLICANT'S INCOME".

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

**Public
Hearing/
Camp Salty**

A Public Hearing was held for the Camp Salty Farm Annexation into the Sussex County Unified Sanitary Sewer District (Miller Creek Area).

Farm Annexation Into SCUSSD John Ashman, Director of Utility Planning & Design Review reported that Council granted permission on February 11th for the proposed expansion of the Sussex County Unified Sanitary Sewer District. The Engineering Department has received a request from Stephens Environmental Consulting Group Inc. on behalf of their client Camp Salty Farm, LLC the owner of parcel 134-19.00-118.00. The project is adjacent to the existing Sussex County Unified Sanitary Sewer District. The project will be responsible for system connection charges at the time of connection. To date, no correspondence has been received in support or opposition to this annexation.

There were no public comments.

The Public Hearing and public record were closed.

M 149 25 Adopt Resolution No. R 009 25 Camp Salty Farm Annexation A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Resolution No. R 009 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE CAMP SALTY FARM ON THE SOUTH SIDE OF CAMP BARNES ROAD LOCATED IN THE BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Public Hearing/ Bridgeville Warehouses Annexation into SCUSSD A Public Hearing was held for the Bridgeville Warehouse Annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area). John Ashman, Director of Utility Planning & Design Review reported that Council permission on February 11th for the proposed expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area). The Engineering Department received a request from Becker Morgan Group Inc. on behalf of their client FPDN Management, LLC, the owners/developers of a project to be known as Bridgeville Warehouses for parcel 131-19.00-4.00 and the neighboring parcel 131-19.00-5.00. The parcels are zoned CR-1 and adjacent to the existing town boundary and the Sussex County Unified Sanitary Sewer District. The project will be responsible for system connection charges at the time of connection. To date, there has been no correspondence received in support or opposition to this application.

Public comments were heard.

Mr. Frank DiMondi spoke about the proposed annexation; that he is one of the half owners of FDPN; that this project has been underway for a long time; that it was readjusted to build a business center; that due to its location, the marketing has paid off; that it is going to be a successful center; that the last piece is to get the sewer to the site; that they have to have some business located there within the next 4-5 months.

The Public Hearing and public record were closed.

M 150 25 Adopt Resolution No. R 010 25 Bridgeville Warehouses Annexation	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Resolution No. R 010 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE BRIDGEVILLE WAREHOUSES ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORD HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.
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Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Rules	Mr. Moore read the rules of procedure for zoning hearings.
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Public Hearing/ CU2466	A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS” (property lying on the east side of Bethany Road [Rt. 17] approximately 580 ft. southwest of Polly Branch Road [S.C.R. 386]) (911 Address: N/A) (Tax Map Parcel: 533-17.00-11.10) filed on behalf of Albert Fanelli.
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The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 6 recommended conditions as outlined.

The Council found that Mr. Albert Fanelli and Ms. Kelly Markomarolakis, spoke on behalf of the Applicant; that the application purchased the property to use for a farm; that due to medical conditions, he is no longer able to do that; that the plan is to utilize the property for boat storage and repairs to gain some supplemental income; that Mr. Fanelli has his boat on the property and one of his friends has a boat there; that they plan to lease it out.

There were no public comments.

The Public Hearing and public record were closed.

**M 151 25
Adopt
Ordinance
No. 3084/
CU2466**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 3084 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR & STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.54 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This site was previously the subject of a Conditional Use granted in 1998 for mini storage and outside recreational vehicle and boat storage. That was approved as Conditional Use No. 1253.**
- 2. The Applicant now seeks approval for this conditional use to allow boat repairs to also occur on this site. This is a reasonable expansion of the existing use.**
- 3. The boat repair and storage will occur inside. This is an appropriate, convenient location at the existing boat storage site.**
- 4. The Applicant has stated that the use will not have a substantial impact upon area roadways.**
- 5. This minor expansion of the existing use will not have an adverse impact upon the neighboring properties or community.**
- 6. Tourism and outdoor recreational activities on the area’s waterways are a significant part of the Sussex County economy. Boat repairs promote and support both of these activities. As a result, it is of a public or semi-public character and is desirable for the general convenience and welfare of residents and visitors to this area of Sussex County.**
- 7. No parties appeared in opposition to this Application.**
- 8. This recommendation for approval is subject to the following conditions:**
 - a. The conditions set forth in Conditional Use 1253 that are not inconsistent with this recommendation and shall remain in effect.**
 - b. This additional use shall be limited to boat repairs. No other types of repairs (i.e. automobiles and trucks) shall occur on the site.**
 - c. All repairs and maintenance shall only occur indoors, with all fluids disposed of properly.**
 - d. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and watercraft located on the site.**
 - e. No more than ten boats shall be under repair or awaiting repair on the property at any time. The area set aside on the site for the placement of boats awaiting repair shall be clearly shown on the Final Site Plan.**
 - f. The Final Site Plan shall be subject to the review and approval of**

the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Public
Hearing/
CZ 2014**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” (property lying on the northwest side of Savannah Road [Rt. 9B], approximately 620-feet northeast of the intersection of Savannah Road and Old Orchard Road [S.C.R. 269A]) (911 Address: 1545 Savannah Road, Lewes) (Tax Map Parcel: 335-12.05-12.00) filed on behalf of J & T Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated as outlined.

The Council found that Mr. Tim Willard, Esq., of Fuqua, Willard & Sharp, spoke on behalf of the Applicant that in the 2019 Comprehensive Plan both properties were designated commercial and in a coastal zone, that the area is surrounded by commercial zoning; that the J&T Properties, LLC parcel was previously granted a conditional use for a two (2) story medical building in 2010; that it never got built due to issues with DelDOT and their entrance requirements; that DelDOT is taking a portion of the lining of Old Orchard and Savannah Road and a light will be installed at the intersection; that DelDOT has given a right in and right out for both properties; that there is a conceptual plan with a cross access easement for two (2) small office buildings; that the Comprehensive Plan designates these properties in growth areas and commercial; that medical buildings are appropriate for this area and there is a demand for more of them; that there has been a lot of conditionals uses granted in this area.

Ms. Juile Knowles stated that she has tried to get this rezoned for a long time; that there were some hold ups with DelDOT; that they hope to get a therapy center in there and continue working.

Public comments were heard.

Mr. Alan Roth spoke in opposition of the application; that these two cases exemplifies his point of where the responsibility lies for development pressure; that these two parcels are located near DelDOT’s planned

Public
Hearing/
CZ 2014
(continued)

reconstruction of one of the most complicated and busiest intersections in the community; that there is a big project that is scheduled to commence shortly and will take until 2028 to complete per DelDOT; that the applicants have plans to demolish the buildings there and construct two much larger buildings; that on Kings Highway, DelDOT is planning to put five roundabouts at the same time that this is taking place; that the residents will be unable to get in and out of town; that there is nothing in writing of anything that the attorney said about the plans that were presented; that the time for this application is after all of these projects are finished and we see how it is all working; that DelDOT does not start or finish on time.

The Public Hearing and public record were closed.

M 152 25
Adopt
Ordinance
No. 3085/
CZ2014

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3085 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. No parties appeared in opposition to this Application.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. Any future development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Years

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

**Public
Hearing/
CZ2023**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS” (property lying on the northwest side of Savannah Road [Rt. 9], approximately 200 feet northeast of the intersection of Savannah Road [Rt. 9] and Westcoats Road [S.C.R. 12]) (911 Address: 1543 Savannah Rd., Lewes) (Tax Map Parcel: 335-12.05-6.01) filed on behalf of Jane Brady.

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated as outlined.

The Council found that Mr. Tim Willard, Esq., of Fuqua, Willard & Sharp, spoke on behalf of the Applicant that in the 2019 Comprehensive Plan both properties were designated commercial and in a coastal zone, that the area is surrounded by commercial zoning; that the J&T Properties, LLC parcel was previously granted a conditional use for a two (2) story medical building in 2010; that it never got built due to issues with DelDOT and their entrance requirements; that DelDOT is taking a portion of the lining of Old Orchard and Savannah Road and a light will be installed at the intersection; that DelDOT has given a right in and right out for both properties; that there is a conceptual plan with a cross access easement for two (2) small office buildings; that the Comprehensive Plan designates these properties in growth areas and commercial; that medical buildings are appropriate for this area and there is a demand for more of them; that there has been a lot of conditionals uses granted in this area.

Ms. Jane Brady stated that DelDOT is taking some of the property; that they were able to figure something out with enough parking spaces and square foot for the building; she hopes that the request is granted.

Public comments were heard.

Mr. Alan Roth spoke in opposition of the application; that these two cases exemplifies his point of where the responsibility lies for development pressure; that these two parcels are located near DelDOT’s planned reconstruction of one of the most complicated and busiest intersections in the community; that there is a big project that is scheduled to commence shortly and will take until 2028 to complete per DelDOT; that the applicants have plans to demolish the buildings there and construct two

much larger buildings; that on Kings Highway, DelDOT is planning to put five roundabouts at the same time that this is taking place; that the residents will be unable to get in and out of town; that there is nothing in writing of anything that the attorney said about the plans that were presented; that the time for this application is after all of these projects are finished and we see how it is all working; that DelDOT does not start or finish on time.

The Public Hearing and public record were closed.

**M 153 25
Adopt
Ordinance
No. 3086/
CZ2023**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to Adopt Ordinance No. 3086 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is located at the Westcoats Corner intersection on the outskirts of the City of Lewes. It is next to the proposed relocated and redesigned intersection of Old Orchard Road, Savannah Road, and Westcoats Road. There is other business, medical, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. No parties appeared in opposition to this Application.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. Any future development of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;**

Mr. Hudson, Yea

**Public
Hearing/
CZ2012 &
CU2449**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” (properties are lying on the east side of Banks Road [S.C.R. 298], approximately 0.61 mile northeast of Long Neck Road [Rt. 23]) (911 Addresses: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A) (Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00) filed on behalf of Rudder Road, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS” (properties are lying on the east side of Banks Road [S.C.R. 298], approximately 0.61 mile northeast of Long Neck Road [Rt. 23]) (911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A) (Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00) filed on behalf of Rudder Road, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated and subject to the 19 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq., of Morris James LLP, spoke on behalf of the Applicant that the application relates to three tax parcels totaling a little over 30 1/2 acres of land; that the first application is an application to change the zoning classification of the property from the AR-1 Agricultural Residential District to the MR Medium Density Residential District, the second application is a conditional use seeking to have a multi-family use on the property that would consist of 116 units, with a mixture of those units being seventy-five (75) townhomes and forty-one (41) single family lots; that the property is located off of Banks Road which is surrounded by a number of residential uses, single family homes, manufactured home communities and multi-family uses; that the property has been timbered several times; that the property sat vacant for several years and plants and shrubs have started to grow; that the Applicant hired Mr. Will Twupack with Watershed Eco, a DNR qualified forest professional, to conduct a

**Public
Hearing/
CZ2012 &
CU2449
(continued)**

forestation delineation report of the property; that the report identifies 3 tiers; that the tier 1 is a high quality forest and includes the highest habitat; that the value decreases with level 2 and decreases further with level 3; that it was determined that there was no Tier 1 or Tier 2 forest and habitat value on this property; that there is a little more than 3 acres of Tier 3 forest and approximately twenty-seven (27) acres is referred to as non-forest; that this is the area of where plants have grown up since the last time it was timbered; that there is an abandoned home on the corner of the property, that once was part of the Dupont Colored Schools Initiative, known as the Friendship School; that in the 1950s it was converted to a private residence; that mother nature is now taking over that building; that the Applicant recognized the past history of the structure and reached out to the Nanticoke Indian Tribe Association along with other organizations to see if they would be interested in the dwelling being moved and they were not; that it is proposed that building will be removed and a place marker will be put on the property; that the property is located Level 2 on the State Strategies Map; that the property lies within a coastal area on the Future Land Use Map; that Chapter 4 describes coastal areas as being an area where a range of housing types should be permitted, including single family homes, townhouses and multi-family units which is consistent with this application; that the predominant zoning district in this area is GR General Residential, but the applicant chose to request for a change to MR Medium Density Residential; that the zoning code defines the purpose of the MR Zoning District as being to provide for a medium density residential development in areas which are, or are expected to become generally urban in character and where sanitary sewers and public water supplies may or may not be available at a time of construction; that there are several communities around this property with much higher densities of units per acre; that Garden Villas is 9.4 units per acre, Bayshore is 8.9 units per acre, Shawn's Hideaway is 5.2 units per acre, Enchanted Acres is 3.9 units per acre; that the proposal of the Creekside development is 3.8 units per acre; that the property has central water and sewer available; that the property is located near many commercial uses and employment centers; that the layout was purposefully designed to reflect the area in which the property is located; that the Creeks End Community at the rear of the property was considered and the single family homes were aligned adjacent to the single family homes already within the Creeks End Community; that the townhomes will be placed at the entrance to the community approximately 125 feet off of Banks Road; that as you enter into the development there will be the forty-one (41) single family homes towards the rear and there will be approximately 12 acres or 40% of open space; that there will be a pool, pool house and a dock with kayak launch on the Guinea Creek with walking trails along the Guinea Creek that would intersect with the community sidewalks; that the units along the Guinea Creek will have a proposed 30 foot landscape buffer with the closest homes sitting back more than 125 feet; that along the Guinea Creek there would be a 30-foot buffer management plan per the County Code; that there are both tidal and non-tidal wetlands associated with the boundary of the Guinea Creek and Mr. Launay has worked on the delineation, reporting and development of the resource buffer management plan; that the design of the

**Public
Hearing/
CZ2012 &
CU2449
(continued)**

community kept all of the lots and housing out of the flood plain area; that the balance is in Flood Plain X; that there are public utilities available to the site with Tidewater indicating its willingness to provide central water to the property; that the Sussex County Engineering Department filed its report indicating that this property is in a Tier 1 Sewer District or planning area, and that it has capacity for the proposed project; that there are no wellhead protection areas on the property; that Mr. Launay reported that there are no endangered species on the site; that the report showed the monarch butterfly and tri colored bat but the critical habitat for those two species is not present on the property; that there would be a Homeowners Association created to manage and govern the common areas and the Indian River School District will determine a necessary bus stop within the development; that DelDOT's response to that Service Level Evaluation Request, indicated that this proposed community would have a minor impact on traffic which means less than 200 vehicle trips in any hour and less than 2,000 vehicle trips per day; that the area wide study fee memo states when something qualifies as a minor impact, DelDOT indicates that a party can pay an area wide study fee and in addition to that fee the Applicant would be required to improve Banks Road in front of the property to its functional classification including two 11 foot travel lanes and five foot shoulders for Banks Road; that there are nine items in the land use docket; that Creekside submitted a letter of concern that has three points to address, first was the increase in traffic and DelDOT has noted that the traffic impact would be minor; that the second was the buffer between the two developments, which will be the 30 foot landscape buffer; that several of the properties have fences that exist; that they requested more details and information on the buffer; that the applicant did not want to create a double fence situation; that the applicant proposed to take the landscape plan and start it out more mature than required to be a good neighbor; that Creek Ends does not have it own corresponding buffer; that it was required prior to the need of that; that the third concern was the depth of the water in Guinea Creek to support a marina and dock; that the marina and dock would need to get approval from DNREC through their permitting process and they will assess the plans and determine if that is suitable for this area; that there was concern raised about a non-renewal of their insurance; that looking into that, it has nothing to do with this project; that there are a series of pictures from a property owner relating to flooding along Guinea Creek; that looking into that concern, the property is within the flood plain; that the proposed community has no proposed units within that flood plain; that this project is on the high side of the creek; that the other property is on the lower side of the creek.

A discussion was held about the rising of the creek, wetlands and the buffer. Mr. Ed Launay stated that there is a buffer of natural trees that was left from the edge of the creek to the area that was timbered; that the existing matured woods is about 75 to 100 feet wide; that as you get closer to Banks Road, it is a bit wider up to 130 feet or so; that there is a 30 foot buffer from the tidal line; that there is a 100 foot buffer also proposed.

Mr. Rieley expressed concerns of incidents within the two years in the same

**Public
Hearing/
CZ2012 &
CU2449
(continued)**

general area, where there has been projects under construction and there has been significant rainfall that led to dirt and silt entering into the waterway. Mr. Rieley questioned what measures they would take to ensure that would not happen. Mr. Hutt replied that they would do all of the requirements that are required as necessary. Mr. Rieley commented that there will be less open space, and he is concerned about the waterway. Mr. Hutt replied that the open space for this project exceeds the requirement; that the other communities discussed preceded the County's buffer management plan; that these were put in place to address the concerns.

Ms. Gruenebaum questioned how they planned to dig without killing the roots of the trees; that it is incorporated into the resource code; that there would be fence and signage that would go along the buffer; that there will be fencing that will be placed. Mr. Rieley commented that if heavy equipment is running over the area, then the trees will be affected. Mr. Launay stated that he is not sure that there will be a lot of bulldozers there.

Mr. Lloyd questioned if the applicant would be in favor of doing phasing for construction.

The Resource Buffer Ordinance was discussed; Mr. Whitehouse reported that this may be one of the first application since that Ordinance was put in place that the Council has seen.

Mr. Hutt stated that this site was carefully reviewed and planned; that it was determined that the site was not well situated for the construction of affordable housing options being it was 6/10 of a mile from the nearest collector road, but the developer wanted to commit to supporting affordable housing by contributing \$3,500 per building permit that's issued to the Sussex County Housing Trust Fund to help affordable housing; that the Applicant is proffering a \$500 contribution to the Indian River Fire Company per building permit issued and an additional \$10 per month per unit contribution to be made to the Indian River Fire Company or ambulance company possibly collected by the Property Owners Association; that the recommended conditions from the Planning Commission included conditions A-Q; that there was a requested change to condition A; that the last two sentences are proposed to be deleted; that this is to make sure that it is clear; that the other changes proposed are to change it to condominium/property owners association.

Ms. Gruenebaum questioned the history of the creek and frequency of flooding.

Mr. Lloyd questioned the use of a temporary swale and discussed the stormwater ponds.

Public comments were heard.

Mr. Calvin Wayne Miller spoke in opposition of the applications; that his

**Public
Hearing/
CZ2012 &
CU2449
(continued)**

wife's family has owned property for over 100 years near this location; that the pollutants and yard chemicals are going to make their way into the creek; that he does not see a way that can be stopped; that the property did have wildlife on it at one point in time; that Banks Road has been paved several times and it is a slick road when it rains; that there is a curve that is blind; that you cannot see around the curve; that there is not enough room to slow a car down when it is raining; that he believes that the only concern is making a profit and running away.

Mr. Steven Miller spoke in opposition of the applications; that a concern that he has is a bunch of trash flowing into his property; that he would request putting a privacy fence between the properties; that it is very grown up and thick right now; that it is about 30 acres; that he camped out in there last winter; that whitetail deer make their beds in the area where the proposed development is located; that the deer will push over into their land; that there will be a lot of deer that will get sick; that the 1962 flood went across Banks Road.

Ms. Eul Lee spoke about the application; that the trees by the wetlands will die over time; that the trees that stand today will become ghost trees; that the traffic on Banks Road is terrible; that there are subdivisions in the area that have been approved; that if this road is widen only in front of the community, what about the rest of Banks Road; that the density that the applicant presented of the neighboring communities do not tell the whole story.

**M 154 25
Defer
Action/
CZ2012**

The Public Hearing and public record were closed for both applications.

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS" for the reasons given by Planning & Zoning.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 155 25
Defer Acton/
CU2449**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS" for the reasons and

conditions given by Planning & Zoning.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 156 25
Adjourn**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn
at 4:09 p.m.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, 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
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MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

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

RE: *Existing Wastewater Infrastructure Use Agreement*
Heritage Shores Phase 7A – IUA 1246
File: OM 9.01

DATE: April 8, 2025

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 **Passwater Farms, LLC** for the **Heritage Shores Phase 7A** project in the **Western Sussex 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, the **Heritage Shores Phase 7A** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Passwater Farms, LLC** will contribute **\$66,369.00** for the financial catch-up contribution of the existing infrastructure to serve **58.00** Equivalent Dwelling Units. Payments of the contribution will be required prior to beneficial acceptance of the on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Heritage Shores Phase 7A – IUA 1246

THIS AGREEMENT (“Agreement”), made this 14th day of March 2025, by and between:

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

PASSWATER FARMS, LLC a Limited Liability Company and developer of a project known as **Heritage Shores Phase 7A**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 131-14.00-44.00 to be known as **Heritage Shores Phase 7A** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Sussex 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 **58.00** 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 **\$66,369.00** 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 beneficial acceptance of the on-site collection system.**

- (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 **3201 Jermantown Road, Suite 150, Fairfax VA 22030.**

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 PASSWATER FARMS, LLC

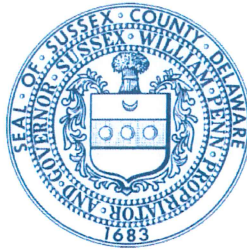
By:  _____ (Seal)
Neil Patel - Authorized Signatory

03/14/2025 _____ (DATE)

WITNESS:

 _____


TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron

FROM: Todd F. Lawson
County Administrator 

RE: **SUSSEX COUNTY AND TOWN OF DEWEY UPDATED MOU – NEW TOWN HALL**

DATE: April 4, 2025

During Tuesday's meeting, Council is scheduled to review and approve the updated Memorandum of Understanding (MOU) between Sussex County and the Town of Dewey related to the new Dewey Town Hall.

Since 2022, the Sussex County Emergency Medical Services (EMS) have occupied a portion of the Town of Dewey's building located on Coastal Highway (Route 1) in the center of town. The EMS operate a seasonal unit out of this location and have found the proximity to Route 1 and the coastal towns during the summer months improves their response times exponentially.

When the Town of Dewey embarked on the initiative to construct a new Town Hall and Police Department, Town officials approached the County to gauge interest in co-locating an EMS station at the new Town Hall. Based on the improvement to the EMS system as a whole, County stakeholders agreed this arrangement would be worth pursuing.

In December 2023, the County Council approved the original MOU that specified the County's and Dewey's roles and responsibilities for the property. The MOU called for the County to contribute \$1,000,000 to the overall Town Hall and Police Department construction costs and in return the County would receive dedicated quarter and garage space for the EMS.



In January 2025, the Town received bids for the Town Hall and Police Department from seven contractors. The average price for the complete building was \$12.22M. The bid was divided up into two phases. The average price of the second phase which includes the police sally port, shared storage, EMS port, and EMS station was \$2.71M. The Town awarded the contract to Costello Construction of Maryland. Costello bid the second phase section of the Town Hall at \$1,600,000. The Town approached the County for consideration of increasing the County's contribution for this section of the building.

After meeting with Dewey officials and discussing the increase in the cost of the construction project, County staff recommends increasing the County's contribution to \$1,500,000 for the project. In return, when the lease is executed, it will be extended to 30 years and EMS staff will have 3 designated parking spots outside the building. The updated MOU reflects these recommendations, a copy of which is attached.

I will present this information on Tuesday. In the meantime, please let me know if you have any questions.

UPDATED MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

SUSSEX COUNTY, DELAWARE
AND
THE TOWN OF DEWEY BEACH, DELAWARE

WHEREAS, Sussex County, Delaware (the “County”) provides Emergency Medical Services (EMS) by and through its paramedic personnel; and

WHEREAS, the County owns or leases EMS stations throughout its coverage area to ensure personnel respond to emergency incidents in a timely manner; and

WHEREAS, the County currently leases property from the Town of Dewey Beach (“Dewey Beach”) for seasonal EMS personnel coverage; and

WHEREAS, Dewey Beach is planning to construct a new Town Hall for its employees and Police Department; and

WHEREAS, the County and Dewey Beach (each, a “Party” and collectively, the “Parties”) have each determined that it is mutually beneficial to include a County EMS station within the new Dewey Beach Town Hall and Police Department; and

WHEREAS, the Parties have entered into this Memorandum of Understanding (“MOU”) to set forth the terms and conditions of an agreement whereby they will establish their roles and responsibilities in the construction of the new Dewey Beach Town Hall and Police Department; and

WHEREAS, the Parties have updated this MOU to reflect the additional considerations to the agreement upon the receipt of construction bids; and

NOW, THEREFORE, the Parties hereby agree as follows:

I. THE PROJECT

- a. Project Goal. The goal of the construction of the Dewey Beach Town Hall and Police Department (the “Project”) is to enhance the Town’s governmental center and improve the safety and security of the footprint used by its Police Department. The inclusion of the

County EMS within the Town Hall will benefit the EMS coverage on the eastern side of the County and improve synergy among first responders in the resort communities.

- b. Dewey Beach Exclusive Responsibility. Dewey Beach shall have exclusive responsibility for managing all phases of the Project, including:

- i. Initial planning, engineering, design and permitting;
- ii. Project site work and construction; and
- iii. Project monitoring commencing after construction.

Dewey Beach shall retain the ultimate authority to determine, in its sole discretion, whether to proceed with the Project upon review of bids submitted for services.

- c. Sussex County EMS Station Footprint. The Town Hall and Police Department is designed with a portion of the building to include the Sussex County EMS Station's internal area and external parking ("EMS Footprint"). The EMS Footprint shall be based on the Construction Drawings produced by George, Miles & Buhr, LLC ("GMB") with the GMB File No. 220242 and dated June 20, 2023 ("GMB Drawings"). Any changes to the EMS Footprint on the GMB Drawings shall be approved in writing by the Sussex County Administrator.

- d. Future Lease Agreement. Dewey Beach and the County shall execute a Lease Agreement prior to the Town Hall's Certificate of Occupancy issuance. The Lease Agreement shall be based on the GMB Drawings illustrating the EMS Footprint. The Lease Agreement will include terms and conditions covering the following:

- i. The County's use of the property as an EMS station;
- ii. The County's dedicated quarters and garage space and corresponding square footage;
- iii. Three dedicated EMS vehicle parking spaces; and
- iv. A minimum term of ~~20~~30 years with no operation and maintenance costs being billed to the County for its use.

II. PROJECT FUNDING

- a. Total Project Cost Estimate. As of the date of this MOU, the Parties agree that the estimated total Project cost is ~~approximately greater than eleven million dollars~~ (\$11,000,000.00). It is understood that estimates of the total Project cost may change as the Project progresses.
- b. Contributions of the Parties. The Parties agree that Dewey Beach shall bear the majority responsibility for all Project costs and that the County's sole responsibility shall be to contribute the amount of one million five hundred thousand dollars (\$1,~~000~~500,000.00) ("County's Contribution") to reduce Dewey Beach's total Project costs and to include the EMS footprint within the new Town Hall. Upon the Project's award and execution of the contract with a vendor, Dewey Beach will invoice the County for half the County's Contribution, or \$~~500~~750,000, and County shall pay the County's Contribution to Dewey Beach within thirty (30) days of the County's receipt of such invoice. The remaining amount of the contribution shall be billed by the Town of Dewey to the County at 75 percent of construction completion.

III. MISCELLANEOUS

1. The County shall have the right to cancel this MOU and forego the Lease Agreement and County's Contribution should the EMS Footprint be altered without County approval.
2. The County is not, and shall not be, a party to any agreement between Dewey Beach and its Consultants and/or Contractors.
3. Dewey Beach shall comply with all applicable state and federal requirements for bidding, and contract award associated with the Project.
4. Notices by either Party shall be provided to the other Party in writing at the applicable address below:
 - a. If to the Dewey Beach:
Town of Dewey Beach
Attn: Bill Zolper, Town Manager
105 Rodney Avenue
Dewey Beach, DE 19971

b. If to the County:

Sussex County Council

Attn: Todd F. Lawson, County Administrator

2 The Circle

P.O. Box 589

Georgetown, DE 19947

5. This MOU shall be governed by the laws of the State of Delaware.
6. This MOU shall be binding on the Parties' successors and assigns.
7. This MOU may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.
8. This MOU represents the entire agreement between the Parties regarding the Project and may not be amended or modified except by written agreement signed by both Parties.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereunto have caused this Memorandum of Understanding to be executed and made effective as of the date below.

TOWN OF DEWEY BEACH:

WITNESS:

Name:

Date:

Williams Stevens

Mayor

Date:

SUSSEX COUNTY, DELAWARE:

WITNESS:

Name:

Date:

Douglas B. Hudson

President

Date:

KAREN BREWINGTON
DIRECTOR OF HUMAN RESOURCES
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Sussex County
DELAWARE
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MEMORANDUM

TO: Sussex County Council:
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steve C. McCarron

FROM: Karen Brewington
Director Human Resources

DATE: March 18, 2025

SUBJECT: Stop Loss Insurance

On Tuesday, April 8, 2025, I will be presenting the renewal proposal for Stop Loss insurance, also known as *excess insurance*. It 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 with an aggregate specific deductible of \$100k.

Insurance Buyers Council (IBC) completed an RFQ with our current Stop Loss vendor, Highmark. The detailed analysis is included in your packets. IBC was able to negotiate a reduction in the original renewal from 13.1% to 7.6%. and reported a very favorable renewal in the context of medical stop loss policies. The detailed analysis is attached.

Sussex County Government
Stop Loss Renewal Summary 2025
HM Insurance: Aggregate - Medical Only
2024 Contract vs. 2025 Renewal

Stop Loss Benefits	HM Insurance Aggregate: Medical; Contract: Paid									
	2024 Current		2025 Renewal		2025 Revised Renewal		Option 1		Option 2	
Specific	Lives		Lives		Lives		Lives		Lives	
Covered Benefits		Medical/Rx Card		Medical/Rx Card		Medical/Rx Card		Medical/Rx Card		Medical/Rx Card
Contract Basis		36/12		48/12		48/12		48/12		48/12
Annual Specific Deductible		\$295,000		\$295,000		\$295,000		\$305,000		\$315,000
Exception (Lasers)		N/A		N/A		N/A		N/A		N/A
Aggregate Specific Deductible		\$100,000		\$100,000		\$100,000		\$100,000		\$100,000
Maximum Annual Reimbursement		Unlimited		Unlimited		Unlimited		Unlimited		Unlimited
Maximum Lifetime Reimbursement		Unlimited		Unlimited		Unlimited		Unlimited		Unlimited
Rate per Month										
Single	238	\$32.36	238	\$36.88	238	\$34.94	238	\$33.12	238	\$32.08
Family	331	\$92.15	331	\$105.34	331	\$99.79	331	\$95.23	331	\$92.91
Estimated Annual Specific Premium		\$458,440		\$523,740		\$496,155		\$472,844		\$460,659
Aggregate										
Covered Benefits		Medical		Medical		Medical		Medical		Medical
Contract Basis		36/12		48/12		48/12		48/12		48/12
Maximum Annual Reimbursement		\$1,000,000		\$1,000,000		\$1,000,000		\$1,000,000		\$1,000,000
Rate per Month										
Composite Rate	569	\$5.85	569	\$5.85	569	\$5.85	569	\$5.92	569	\$5.94
Estimated Annual Aggregate Premium		\$39,944		\$39,944		\$39,944		\$40,422		\$40,558
Total Combined Estimated Contract Premium		\$498,384		\$563,684		\$536,098		\$513,266		\$501,217
\$ Difference to Current Premium				\$65,300		\$37,715		\$14,882		\$2,834
% Difference to Current Premium				13.1%		7.6%		3.0%		0.6%
\$ Difference to Renewal Premium						(\$27,585)		(\$50,418)		(\$62,466)
% Difference to Renewal Premium						-4.89%		-8.94%		-11.08%
\$ Difference to Revised Renewal Premium								(\$22,832)		(\$34,881)
% Difference to Revised Renewal Premium								-4.26%		-6.51%
Aggregate Monthly Factors										
Rate per Month										
Single (Medical)	238	\$1,011.26	238	\$1,011.26	238	\$1,011.26	238	\$1,015.31	238	\$1,018.36
Family (Medical)	331	\$2,427.03	331	\$2,427.03	331	\$2,427.03	331	\$2,436.74	331	\$2,444.05
Annual Aggregate Deductible (Attachment Point)		\$12,528,322		\$12,258,322		\$12,258,322		\$12,578,457		\$12,616,203
Aggregate Corridor		125%		125%		125%		125%		125%
Run-In Limitation		\$0		\$0		\$0		\$0		\$0
\$ Difference to Current Aggregate Deductible				\$0		\$0		\$50,135		\$87,881
% Difference to Current Aggregate Deductible				0.00%		0.00%		0.40%		0.70%
\$ Difference to Renewal Premium						\$0		\$50,135		\$87,881
% Difference to Renewal Premium						0.00%		0.40%		0.70%
\$ Difference to Revised Renewal Premium								\$50,135		\$87,881
% Difference to Revised Renewal Premium								0.40%		0.70%

**DEPARTMENT OF PUBLIC SAFETY
EMERGENCY MEDICAL SERVICES**

ROBERT D. MAUCH III
DEPUTY DIRECTOR



Sussex County

DELAWARE
sussexcountype.gov

(302) 855-1000 T
(302) 855-7780 F

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve C. McCarron

FROM: Robert Mauch, Deputy Director *RDM*

RE: Lease Location – Medic 114

DATE: April 4, 2025

With the construction project underway for the new Dewey Beach Town Hall, Police Station, and Paramedic Station, a temporary location to house Medic 114 is needed. A rental property located at 37251 Rehoboth Avenue Extended in Rehoboth Beach was found and will allow continued service to the Rehoboth and Dewey Beach communities. This property is located near the intersection of Rehoboth Avenue and Church Street.

The initial lease one year lease is \$36,000 paid in full upon signing, then continuing monthly at a rate of \$3,000 per month until terminated. County legal representatives have reviewed and updated the lease. The property is owned by Shomo Properties, LLC.

Enclosure

- Lease

THIS LEASE AGREEMENT ("Lease") is made this _____ day of _____, 2025 between Shomo Properties, LLC, a Delaware limited liability company, with an address of 35488 Peregrine Road, Lewes, DE 19958 ("Landlord") and Sussex County, a political subdivision of the State of Delaware, with an address of 2 The Circle, P.O. Box 589, Georgetown, DE 19947 ("Tenant").

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by Tenant to the Landlord, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, each intending to be legally bound hereby, do mutually covenant and agree as follows:

1. The Landlord hereby leases to the Tenant, subject to the conditions hereinafter expressed, the building located in the northernmost end of 37251 Rehoboth Avenue Ext, Rehoboth Beach, DE 19971, identified as Sussex County Tax Map No. 334-13.20-46.00 ("Leased Premises"), along with improvements to the Leased Premises, consisting of two garage areas, office area, crew lounge, lavatory and storage area.
2. The term of this Lease shall commence on the 1st day of April, 2025 and shall continue for a period of one (1) year to the 31st day of March, 2026. Unless Tenant provides Landlord with at least ninety (90) days' notice of its intent to terminate this Lease at the expiration of the term, this Lease shall become a month-to-month Lease upon the same terms and conditions set forth herein, subject to monthly rental payments in accordance with paragraph 3. Upon becoming a month-to-month lease, either party may terminate upon providing the other party with at least ninety (90) day's prior written notice of termination.
3. Tenant agrees to pay the Landlord one year's rental of Thirty-Six Thousand Dollars (\$36,000) upon execution of this Lease. In the event this Lease become a month-to-month lease as set forth in paragraph 2, Tenant agrees to pay the Landlord a monthly rental of Three Thousand Dollars (\$3,000.00). Said monthly rental payment shall be due and payable commencing on the 1st day of April 2026 and continuing on the first day of each month thereafter until terminated by either party. The said monthly payment is to be sent to the official mailing address of the Landlord as stated in paragraph 24 of this Lease.
4. It is expressly agreed and understood that the Tenant relies upon the General Assembly of the State of Delaware for the funding of the paramedic operations of Sussex County, Delaware, and should the General Assembly of Delaware at any time fail to appropriate sufficient funds for the purpose of maintaining this Lease, the Tenant's total liability under this Lease shall be limited to the funds designated for this Lease by the County Council of Sussex County and the Tenant's obligation under this Lease shall immediately terminate when the funds available have been exhausted in making payments as provided for in this Lease.

5. The Tenant may use and occupy the Leased Premises for any paramedic services and operations. The Tenant shall not use or knowingly permit any part of the Leased Premises to be used for any unlawful purpose.
6. The Landlord shall maintain a clear thoroughfare for ingress/egress of Paramedic vehicles and shall provide parking for at least three (3) of the Tenant's employees.
7. The Tenant shall not place or erect any signs of any nature on any part of the Leased Premises, or the sidewalk adjoining the leased property, or on any part of the Landlord's property adjacent to the leased property which do not conform to requirements of any State, Federal or municipal or county law, ordinance, rule or regulation. Said sign(s) shall not be placed without the prior consent of the Landlord, and said consent shall not be unreasonably withheld.
8. The Tenant, upon the payment of the rent herein reserved, and upon performance of all the terms of this lease, shall at all times during the term of this Lease and during any extension or renewal thereof peaceably and quietly enjoy and have the free and uninterrupted right of exclusive access and possession of the Leased Premises without any disturbance from the Landlord or from any other person claiming through the Landlord.
9. Maintenance and Repairs
 - a. The Landlord shall maintain and make all necessary repairs to the foundations, load bearing walls, roof, gutters, downspouts, exterior water and sewer lines, fixtures, glass and equipment on or associated with the Leased Premises (including but not limited to heating and air conditioning systems, hot water heater, and plumbing and electrical systems), sidewalks and landscaping on or appurtenant to the building.
 - b. Tenant shall maintain and keep the Leased Premises in good repair, free of refuse and rubbish.
 - c. Tenant shall attend to the painting of and repairs to all interior surfaces, including walls, floors and ceilings.
 - d. Notwithstanding the other provisions of this paragraph, any repairs and replacements necessitated by any act, omission or negligence of either party or its agents or servants shall be made at the expense of that party.
 - e. Landlord shall keep the grounds surrounding the building mowed and trimmed to provide a kept appearance to the property.
 - f. Landlord shall, within a reasonable time, remove or cause to be removed any snow accumulating in the parking lot area which would prevent adequate parking for the Tenant or its clients.
10. Tenant shall arrange for, procure and pay for all electricity and all other utilities required for adequate lighting, heating and other requirements of the Tenant and

the Leased Premises, with the exception of water and sewer, which shall be provided for by the Landlord for no additional charge to the Tenant.

11. Any alterations to the Leased Premises to be made by the Tenant shall be done only with the prior approval of the Landlord, which shall not be unreasonably withheld, and shall conform to the requirements of any applicable county, state or federal law, ordinance, rule or regulation. Any alterations to the Leased Premises made by the Tenant shall be maintained at all times by the Tenant in conformance with the terms hereof and shall be removed upon the expiration of the term of the Lease or its earlier termination, at the option of the Landlord, provided Tenant repairs any damage done in connection with such removal.
12. Upon expiration or other termination of this Lease, , the Tenant shall surrender the Leased Premises in as good condition as it was in the beginning of the term, reasonable use and wear and damages by the elements excepted.
13. The Landlord acknowledges that no security deposit shall be required.
14. At Landlord's option, this Lease shall become null and void, and the Landlord shall have the right to repossess the Leased Premises by summary proceedings if: (a) the Tenant defaults in the payment of rent or any sum collectable by Landlord as rent, and such default shall continue for thirty (30) days after notice thereof by Landlord to Tenant; or (b) Tenant defaults in the prompt and full performance of any covenant, condition, agreement or provision of this Lease and such default shall continue for thirty (30) days after written notice thereof delivered in accordance with paragraph 24 of this Lease; provided, however, that in the case of a default which Tenant cannot with due diligence correct within a period of thirty (30) days, Tenant shall have such additional time to correct the same as may reasonably be necessary, provided Tenant proceeds promptly and with due diligence to correct such default.
15. In the event Landlord defaults on any of its obligations under this Lease, Tenant shall provide Landlord with written notice of Landlord's default and Landlord shall have a period of fifteen (15) days from the date of the notice to cure the default. The notice shall be delivered in accordance with paragraph 24 of this Lease. In the event Landlord fails or refuses to cure the default within the 15-day cure period, Tenant shall, at its sole discretion, have the right to terminate this Lease and shall have no further obligation hereunder. In the event Landlord does not cure the default and Tenant does not terminate the Lease, Tenant's failure to terminate shall not act as a waiver of any potential future default on Landlord's behalf
16. The Landlord or his agents shall have the right to enter the Leased Premises at all reasonable times during normal business hours in order to examine it or to show it to prospective lessees, upon no less than twenty-four (24) hours' prior notice to Tenant. Unless the parties agree otherwise in advance, the Landlord's

entry onto the Leased Premises shall be in the company of a representative of the Tenant. The Landlord's right of entry shall not be deemed to impose upon the Landlord any obligation, responsibility or liability for the care, supervision or repair of the leased property other than as herein provided.

17. Throughout the term of this Lease, the Landlord shall pay and maintain insurance coverage on the Leased Premises, including fire and windstorm insurance, casualty insurance, comprehensive public liability insurance with a responsible insurance company licensed to do business in Delaware.
18. Insurance.
 - a. The Landlord shall maintain special form property insurance covering fire and extended coverage on the leased property that insures against direct physical loss of or damage to Landlord's real and personal property on a replacement cost valuation basis.
 - b. The Tenant shall maintain special form property insurance covering fire and extended coverage on the leased property that insures against direct physical loss of or damage to Tenant's personal property and tenant's betterments and improvements on a replacement cost valuation basis.
 - c. Both parties shall maintain Commercial general liability insurance that insures against bodily injury, property damage and personal and advertising injury claims arising out of the occupancy of the Premises or operations incidental thereto, with minimum limits of \$1,000,000 combined single limit – each occurrence and \$2,000,000 combined single limit – general aggregate. Landlord's insurance shall be endorsed to name the Tenant as additional insured. Tenant's insurance shall be endorsed to name the Landlord as additional insured.
 - d. Both parties shall furnish certificates of insurance evidencing all policies required above at execution of this Lease and prior to each insurance policy renewal thereafter
19. Indemnification.
 - a. To the extent permitted by law, the Tenant shall indemnify, defend and hold Landlord harmless from and against claims for bodily injury and property damage arising out of Tenant's occupancy of the leased premises or operations incidental thereto, unless such claims arise from the negligence of the Landlord.
 - b. To the extent permitted by law, the Landlord shall indemnify, defend and hold Tenant harmless from and against claims for bodily injury and property damage arising out of Landlord's ownership, maintenance or use of the premises or operations incidental thereto, unless such claims arise from the negligence of the Tenant.
20. Nothing herein is intended to waive, alter, or otherwise amend the immunity of the parties under the Delaware Code or otherwise, including, but not limited to, the County and Municipal Tort Claims Act. Additionally, the above provisions

are not intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any of the above obligations of this paragraph are determined by court or arbitration order or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses that are permitted under this paragraph shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

21. If, during the term of the Lease, the building is so injured by fire or otherwise that the Leased Premises are rendered wholly unfit for occupancy and said Leased Premises cannot be repaired within ninety (90) days from the date of such injury, then the Lease shall cease and terminate from the date of such injury. In such case, the Tenant shall pay the rent apportioned to the time of injury and shall surrender to the Landlord, who may enter upon and repossess the Leased Premises. If the injury is such that the Leased Premises can be repaired within the ninety (90) days thereafter, Landlord shall enter and repair with reasonable promptness, and this Lease shall not be affected, except that the rent shall be suspended while such repairs are being made.
22. Any controversy which shall arise between the Landlord and the Tenant regarding the rights, duties or liabilities hereunder of either party may be settled by arbitration, if agreed upon by the parties. Such arbitration shall be before one disinterested arbitrator if one can be agreed upon, otherwise before three disinterested arbitrators, one named by the Landlord, one named by the Tenant, and one by the two thus chosen. The arbitrator or arbitrators shall determine the controversy in accordance with the laws of the State of Delaware, as applied to the facts found by him or them. The arbitrator's decision shall be non-binding. Nothing herein contained shall be construed as a waiver by either party to file suit, either in law or in equity, against the other party to resolve any and all disputes under this Lease.
23. The Tenant may not sublet or assign any or all of the Leased Premises without the prior written consent of the Landlord. Such written consent by the Landlord shall not be unreasonably withheld, provided that the business or occupation of the subtenant is not extra hazardous, disreputable, or illegal. The consent by the Landlord to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the Landlord to any further assignment or subletting.

24. All notices, requests, demands and other communications, including a notice to quit, required or permitted under this Lease shall be in writing, signed by or on behalf of the person giving such notice and may be served in any one of the following manners and shall be effective as of the time specified: (a) if by personal service upon Landlord or Tenant, on the date of such service when served by an adult person upon the party to receive the notice or upon an adult member of the household or upon the agent of any corporation, or other business entity; (b) if by posting on the Leased Premises, on the date of posting the same in a conspicuous place on the Leased Premises (this method of service to be used only for notices, requests, demands and other communications, including notices to quit, from Lessor to Lessee); or (c) if by registered or certified mail, on the date of receipt of the same as evidenced by the return receipt if signed by the party to be served or an adult member of the household or agent of the corporation or other business entity. If the same is returned by the U.S. Postal Service bearing notations such as "Refused" or "Unclaimed," service shall be deemed to have been made on the first business day following mailing of the same.

The Landlord hereby designates his address as:

Shomo Properties, LLC
35488 Peregrine Road
Lewes, DE 19958
Attention: _____

With a copy to:

The Tenant designates its address as:

Sussex County Emergency Medical Services
21911 Rudder Lane
Georgetown, DE 19947
Attention: Robert W. Murray, Jr., Director of Public Safety

With a copy to:

J. Everett Moore, Jr., Esquire
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 584
Georgetown, DE 19947

25. The language in all parts of this Lease shall in all cases be simply construed according to its fair meaning and not strictly for or against Landlord or Tenant. This Lease is the product of the parties hereto and no conclusion shall be made as to its drafter in the event of any dispute.
26. If any particular term, covenant or provision of this Lease shall be determined to be invalid, illegal, void or unenforceable, the same shall not affect the remaining provisions of this Lease which shall nevertheless remain in full force and effect and said term, covenant or provision shall be deemed modified to conform with the law. This Lease shall be governed under the laws of the State of Delaware. The parties acknowledge and agree that this is a Commercial Lease. Accordingly, this Lease shall NOT be governed by the Delaware Landlord-Tenant Code 25 Del. C., Section 5101 et seq.
27. This Lease sets forth all the promises or representations, agreements and undertakings between Landlord and Tenant relative to the Leased Premises. There are no promises, representations, agreements or undertakings, either oral or written, between Landlord or Tenant except as set forth herein. No amendment, change or addition to this Lease shall be binding upon either party unless reduced to writing and signed by both parties. This Lease shall be binding upon Landlord and Tenant, their heirs, executors, administrators, assigns and successors, both Landlord and Tenant being duly authorized to execute the same.
28. This Lease may be executed in two (2) counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.
29. In the event any action is brought to enforce the terms of this Lease, the prevailing party shall be entitled to collect costs and reasonable attorney's fees arising therefrom.
30. The parties to this Lease agree to waive their rights to demand a jury trial in any action which may be brought to enforce any portion of this Lease.
31. Time shall be of the essence for the performance of all terms of this Lease.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.
SIGNATURE PAGE TO FOLLOW.]

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have hereunto set their hands and seals on the respective day(s) and year set forth below.

LANDLORD:

SHOMO PROPERTIES, LLC, a Delaware
limited liability company

Date

By: _____ (SEAL)
_____, Authorized Person

TENANT:

SUSSEX COUNTY, a political subdivision
of the State of Delaware

Date

By: _____ (SEAL)
Douglas B. Hudson, President

Attest: _____
Tracy Torbert, Clerk of the
Sussex County Council

Date

Approved as to Form:

J. Everett Moore, Jr.,
Sussex County Attorney

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 Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Steve C. McCarron
The Honorable Matt Lloyd

FROM: Hans Medlarz, P.E., Project Manager

RE: ***2019 Sussex County Delaware Coastal Airport/Business Park
& Miscellaneous Property Maintenance
A. Change Order No. 1***

DATE: April 8, 2025

In February of 2018, the Sussex County Engineering Department requested proposals for a one (1) year site maintenance agreement, with the option of annual renewals based on satisfactory performance, for up to five (5) years for the Delaware Coastal Airport/Business Park and one lot within the Herring Creek Sanitary Sewer District. Bidders could submit their bid for any or all of the bid items. Bid items 1-3 involved Delaware Coastal Airport/Business Park mowing activities. Bid item 4 involved the lot clearing at the Business Park expansion while alternate bid item 1 involved sediment removal from the drainage ditches in the Business Park.

Jakor Enterprises, LLC was awarded the contract for the sediment removal from the drainage ditches at the Business Park in the amount of \$36,000.00. Bid Items 1-3 were approved to be re-advertised on March 20, 2018, due to insufficient competition.

In February of 2019, an updated RFP including minimum equipment requirements necessary to properly maintain the Delaware Coastal Airport and Business Park properties was advertised. On March 26, 2019, Council successfully awarded a contract to Jakor Enterprises, LLC for fine and bulk mowing at the Delaware Coastal Airport in the amount of \$55,035.00, with a renewal option based on satisfactory performance.

At the August 10, 2021 meeting, the Department detailed a history of property site maintenance contracts and the challenges experienced in securing services. The Department recommended Council authorize the contracts be modified to performance-based, year over year, continual contracts with consumer price index (CPI) adjustments starting in 2022.



On February 22, 2022, Council approved a clarifying motion for the value of Jakor Enterprise's Maintenance Contract in the overall amount of \$57,660.00 with the inclusion Downs Property maintenance. The 6.6% CPI adjustment per the U.S. Bureau of Labor Statistics, resulted in an annual cost of \$61,465.56 for 2022.

The five-year term of the 2018 contract for the sediment removal from the drainage ditches at the Business Park concluded at the end of the 2022. On March 3, 2023, Council approved (i) inclusion of the ditch maintenance services into the 2019 Delaware Coastal Airport/Business Park & Property Site Maintenance year after year, continual CPI adjusted contract and (ii) a 2023 CPI adjustment of 6.4% for an overall contract value of \$103,703.36.

Portions of the Airport and Business Park are maintained by either Jakor Enterprises or County employees. To reduce mobilization efforts and consolidate areas of responsibility, the Facilities Team suggested assuming fine mowing areas near the Joint Maintenance Garage and EOC while adding areas to Jakor's contract in the Business Park.

Under the proposal, County forces will take over the majority of the fine mowing contract, reducing the cost from \$18,302.83 to \$6,200.00 per year. On the other hand, Jakor's contract will now include bulk mowing of the Business Park, grass strips along the streets and empty lots at \$1,771.23 bi-weekly, for a total of \$28,339.68 per year. The delta of the proposed modifications results in \$16,821.55 per year.

Therefore, the Engineering Department is requesting approval of Change Order No. 1 Jakor Enterprises, LLC's annual contract in the amount of \$16,821.55, in addition to the annual CPI adjustment applied to the overall contract value.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Eastern Sussex County Property Maintenance**
2. Sussex County Project No. RFP
3. Change Order No. 1
4. Date Change Order Initiated 4/3/25
5.
 - a. Original Contract Sum \$111,303.46
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$111,303.46
 - d. Requested Change \$ 16,821.55
 - e. Net Change (No. of days)
 - f. New Contract Amount \$127,540.32
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

☐ ☐ 6. Factors Affecting Time of Completion

☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Reduction of scope for line item 1b by -\$6,200.00. Additional mowing at the Business Park, streets and lots for the season, \$28,339.68.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. Jakor Enterprises, LLC

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

Area Mowing

Bulk Mowing Areas (292.1 Ac.)

Fine Mowing (20.8 Ac.)

Wetlands Area (Not Mowed)

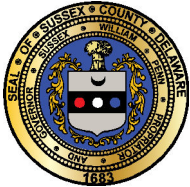
Fine Mowing	
Area	Description
1	Records Center
2	Maintenance Facilities/DTCC
3	Lifenet
4/5	EOC/Terminal
6	Lot 3
7	Aviation Avenue
8	Aviation Avenue Extension

Bulk Mowing	
Area	Acres
1	33.2
2	25.7
3a	40.7
3b	19.5
4a	21.5
4b	5.1
5	40.4
6	15.8
7	5.3
8	10.7
9	14.0
10	14.1
11	10.0
12	3.5
13	32.6
Total	292.1



2019 Sussex County Delaware Coastal Airport/Business Park

Property Maintenance



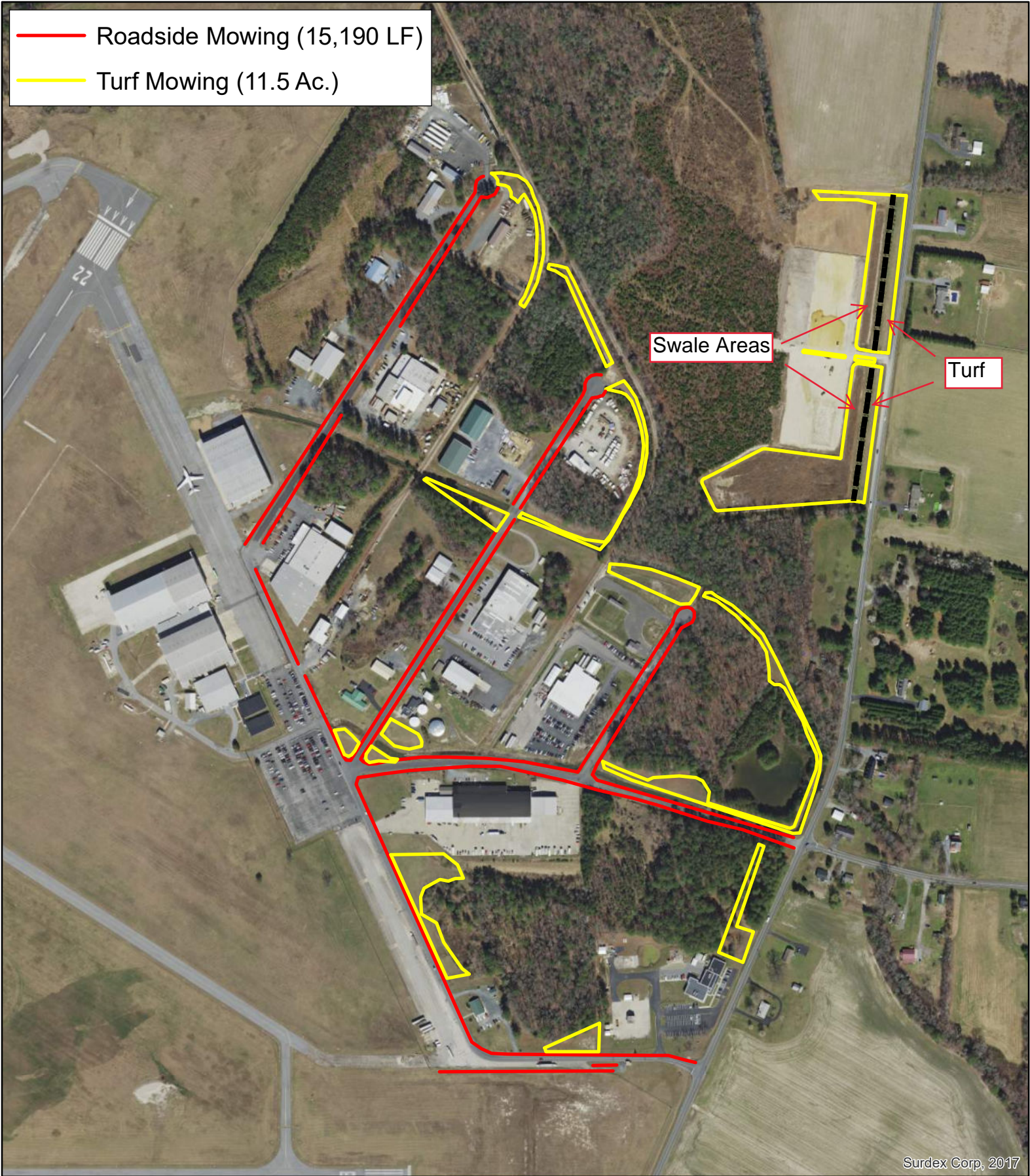
SUSSEX COUNTY ENGINEER

EXHIBIT

Hans M. Medlarz, P.E.

Date: _____

- Roadside Mowing (15,190 LF)
- Turf Mowing (11.5 Ac.)



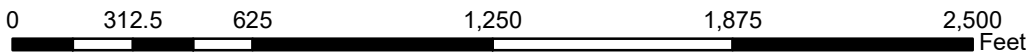
Surdex Corp, 2017

2019 Sussex County Delaware Coastal Business Park Mowing



1 inch = 500 feet

EXHIBIT



ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & BUSINESS PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
RECORDS MANAGEMENT (302) 855-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7773




Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

ROBERT L. BRYANT, A.A.E.
AIRPORT MANAGER

TO: Sussex County Council
The Honorable Douglas B. Hudson - Council President
The Honorable John L. Rieley, Vice President
The Honorable Matt Lloyd
The Honorable Jane Gruenebaum
The Honorable Steve C. McCarron

FROM: Robert L. Bryant, A.A.E., Airport Manager 

REFERENCE: Delaware Coastal Airport Taxiway Restriping Project – Bid Award
Project A25-36

DATE: April 1, 2025

On Wednesday, March 19, 2025, on behalf of the Delaware Coastal Airport, the Sussex County Engineering Department held a bid opening for the referenced Taxiway Restriping Project. Technical Specifications called for restriping (painting) all Runway 4-22, Runway 5-23, and Taxiway Delta markings and included the application of glass beads as identified in the Technical Specifications in compliance with Federal Aviation Administration Advisory Circular 150/5340-1M, titled, Standards for Airport Markings.

The following four bids were received:

Zone Striping, Inc.	Glassboro, New Jersey	\$78,320.10
Straight Line Solutions, LLC	Milton, Delaware	\$104,479.10
Hi-Lite Airfield Services, LLC	Watertown, New York	\$129,040.50
Zack Excavating, Inc.	Smyrna, Delaware	\$627,410.90

After careful consideration and review of all bids received by representatives of the Engineering Department and Airport Management, a recommendation is made that the Sussex County Council approve a Bid Award for the Delaware Coastal Airport Taxiway Restriping Project A23-16 to Zone Striping, Inc. in the Total Base Bid amount of \$78,320.10

Side Note: Zone Striping, Inc., has experience with removal of mold, mildew, and/or algae contaminants, surface preparation and runway/taxiway restriping. Zone Striping, Inc., has completed



projects at various airports under the control of the Delaware River Bay and Sussex County contracted with Zone Striping, Inc., to restripe our Runway 10-28 in 2019.

Authority Straight Line Solutions, LLC was the striping/markings subcontractor on the construction phase of the new Expanded General Aviation Apron Project. Straight Line Solutions, LLC, marked all the yellow and black taxiway and aircraft tie-down markings associated with this project.

Cc: Todd F. Lawson, County Administrator
Mike Harmer, P.E., County Engineer
J. Mark Parker, P.E., Assistant County Engineer

Attachments:

Bid Tabulation Sheet

Zone Striping, Inc. Bid Submittal

Contract Specifications Taxiway Restriping Project A23-16 (selected pages)

SECTION 00300

BID FORM

1. BID RECIPIENT:

This Bid is submitted by Zone Striping, Inc.
("Bidder")

To SUSSEX COUNTY ("Owner"), 2 The Circle, Georgetown, Delaware 19947.

2. BIDDER ACKNOWLEDGEMENTS:

- 2.1 The Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the Owner to perform all Work for **Delaware Coastal Airport Runway 4-22, Runway 10-28, and Taxiway Restriping Project, Project A25-36**, in strict accordance with the Contract Documents and other terms and conditions of the Bidding Documents and at the prices stated herein.
- 2.2 The undersigned Bidder has visited the Site of Work and upon examination satisfied itself of the conditions that may affect cost, progress and performance of all Work.
- 2.3 The undersigned Bidder has carefully and thoroughly studied all Plans, General Conditions, Supplemental Conditions, Technical Specifications, the Agreement, and all other Contract Documents as listed in the Agreement for construction of the Project, is satisfied to the general nature of the Work, and has given the Engineer written notice of all conflicts, errors, ambiguities or discrepancies discovered by Bidder, and confirms the written resolution thereof by Engineer is acceptable to Bidder.
- 2.4 The Bidder has the labor and equipment capacity at time of Bid to staff the Project in a timely manner and furnish all material prescribed by Contract Documents, and hereby agrees to commence Work under this Contract as instructed by Owner and to complete the Work for a final payment as defined in the Contract Documents.
- 2.5 The undersigned Bidder further understands that all supplies and materials covered by this Bid shall be new and of the best quality and the highest-grade workmanship.
- 2.6 The Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents and the following Addenda, receipt of which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>None</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

- 2.7 Bidder accepts the provisions of the Agreement as to Liquidated Damages.

- 2.8 Accompanying this Bid is a Bid Bond / certified check in the amount of 10% of total bid, payable to Sussex County Council, Sussex County, Delaware, which is to be forfeited to the extent necessary to make up the difference between the Bid and the second low bid, or if the undersigned shall fail to execute the Agreement and furnish satisfactory Performance and Payment Bonds under the conditions and within the time specified; otherwise said Bid guarantee shall be returned to the undersigned. If the Bid Bond or guarantee is not sufficient to make up the difference between the Bid and the second low bid, together with any consequential damages, the undersigned Bidder agrees to pay the Owner any losses in excess of the bond or guarantee.
- 2.9 Bidder acknowledges that Unit Prices in the Bid include an amount considered by Bidder to be adequate to cover Contractor's overhead and profit, including any sales tax or other applicable tax and fee, for each separately identified item; that estimated quantities are not guaranteed and are solely for the purpose of comparison of the Basis Bid; that final payment for all unit price Bid items will be based on actual quantities as provided in the Contract Documents; and that the Bid reflects a Total Price to complete the Work prescribed by the Contract Documents in entirety.
- 2.10 The Bidder understands subcontracting is limited to **50%** of the Total Bid price, and must complete this "Listing of Subcontractors" below in its entirety:

Type of Work	Subcontractor Name & Address	Subcontract Amount
NONE		

Total Subcontracted Amount: \$ _____

Percent of Total Contract: _____ %

Note: Contractor should indicate "self" for any type of work directly performed and omit such amount from calculation.

3. BIDDER CERTIFICATIONS:

- 3.1 During the performance of this Contract, Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, gender identity or national origin. Contractor will take positive steps to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, sex, sexual orientation, gender identity or national origin.
- 3.2 Bidder agrees to comply with Title VI of the Civil Rights Act of 1964.

- 3.3 This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization or corporation;
- 3.4 By submission of this Bid, the Bidder certifies; and in the case of a joint Bid each party thereto certifies as to its own organization, that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.
- 3.5 Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid;
- 3.6 Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- 3.7 Bidder has not engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract. For the purposes of this Paragraph:
- A. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process.
 - B. "Fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
 - C. "Collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels.
 - D. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.
- 3.8 The Bidder certifies by the submission of this Bid that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the product or services shipped or ordered as a result of this Bid. Said Bidder shall, at his own expense, defend any and all actions or suits charging such infringements, and will save Owner, and its appointed and elected officials, officers, partners, directors, employees, and agents harmless from any and all liability, loss, or expense occasioned by any such violation.

4. BASIS OF BID:

Existing Conditions:

All runways and taxiways are paved and have either an asphalt or concrete surface. All runways and taxiways have been previously marked with the existing markings having deteriorated (faded) to unacceptable levels. All same runways and taxiways existing markings are covered with mold, mildew, and/or algae growth which requires to be thoroughly cleaned prior to the application of new paint and glass beads.

None of the existing white runway centerlines, threshold, aiming point, and designation number markings and yellow taxiway centerlines included the application of reflective glass beads. None of the existing white arrowheads and white tails require reflective glass beads. None of the existing white runway markings were previously outlined with black borders, which is now a Federal Aviation Administration requirement. No glass beads are to be applied to black paint.

Taxiway D - the standard taxiway centerline marking width is 6 inches (6") except for the Holding Position Marking and Intermediate Holding Marking for Taxiway/Taxiway Intersection where the standard marking width is 12 inches (12"). In cases where the taxiway marking width is 12", the Quantities (QTY) have been doubled (example - $6" \times 2 = 12"$). Uniform width must be maintained for the entire length of the taxiway except under the following conditions. For this project, only the application of yellow paint with glass beads is required. The existing 6" black borders are NOT to be repainted and are currently deemed acceptable.

Runway 4-22 - the standard runway centerline marking width is 18 inches (18"). The standard runway threshold marking width is 5 feet 9 inches (72"). The standard runway aiming point marking width is 30 feet (360"). The area for each runway designation number has been determined to equal the area of a single runway threshold marking. In cases where the runway marking width exceeds 6", the Quantities (QTY) have been adjusted (example - $6" \times 3 = 18"$ and $6" \times 12 = 72"$ and $6" \times 60 = 360"$). All white runway markings require the application of glass beads. All white runway markings are required to be outlined with a 6" black border. Uniform width must be maintained for the entire length of the runway marking and application of glass beads.

Runway 10-28 - the standard runway centerline marking width is 12 inches (12"). The standard runway threshold marking width is 5 feet 9 inches (72"). The area for each runway designation number has been determined to equal the area of a single runway threshold marking. In cases where the runway marking width exceeds 6", the Quantities (QTY) have been adjusted (example - $6" \times 2 = 12"$ and $6" \times 12 = 72"$). All white runway markings require the application of glass beads. All white runway markings are required to be outlined with a 6" black border. Uniform width must be maintained for the entire length of the runway marking and application of glass beads.

SPECIAL NOTES:

All work performed on Runway 4-22, to include removal and cleaning mold, mildew and/or algae growth from airport runway surface painted markings and repainting of same white and black runway markings MUST be performed at night between the hours of 8pm until

8am. Runway 4-22 is the Delaware Coastal Airport primary runway and CANNOT be closed during normal business (aircraft operating) hours.

All work performed on Runway 10-28, Taxiway Charlie and Taxiway Delta CAN be performed during normal business (aircraft operating) hours.

TWY D (Map-1 & Map-2)

ITEM	DESCRIPTION	QTY.	UNITS	UNIT PRICE	EXTENDED PRICE
1	Provide labor, materials, mobilization, and equipment to thoroughly clean and remove all mold, mildew, and/or algae growth from existing yellow markings prior to the application of new paint and glass beads, as stated in product manufacturer's Specifications.	3,290	SF	0.26	855.40
2	Provide labor, materials, mobilization, and equipment to repaint all yellow markings, include glass beads, as stated in the Bid Specifications.	6,580	6" LF	0.44	2,895.20

North T-Hangars (Map-3)

ITEM	DESCRIPTION	QTY.	UNITS	UNIT PRICE	EXTENDED PRICE
1	Provide labor, materials, mobilization, and equipment to repaint all yellow markings, include glass beads, as stated in the Bid Specifications.	1,920	6" LF	0.34	652.80

RWY 4-22 – East & West (Map-1 & Map-2)

ITEM	DESCRIPTION	QTY.	UNITS	UNIT PRICE	EXTENDED PRICE
1	Provide labor, materials, mobilization, and equipment to thoroughly clean and remove all mold, mildew, and/or algae growth from existing white markings prior to the application of new paint and glass beads, as stated in product manufacturer's Specifications.	52,110	SF	0.21	10,943.10
2	Provide labor, materials, mobilization, and equipment to repaint all white	104,220	6" LF	0.34	35,434.80

	markings, include glass beads, as stated in the Bid Specifications.				
3	Provide labor, materials, mobilization, and equipment to paint all black markings (bordering white markings) as stated in the Bid Specifications.	18,110	6" LF	0.34	6,157.40

RWY (Runway) 10-28 (Map 4 & Map 5)

ITEM	DESCRIPTION	QTY.	UNITS	UNIT PRICE	EXTENDED PRICE
1	Provide labor, materials, mobilization, and equipment to thoroughly clean and remove all mold, mildew, and/or algae growth from existing white markings prior to the application of new paint and glass beads, as stated in product manufacturer's Specifications.	15,610	SF	0.26	4,058.60
2	Provide labor, materials, mobilization, and equipment to repaint all white markings, include glass beads, as stated in the Bid Specifications.	31,220	6" LF	0.44	13,736.80
3	Provide labor, materials, mobilization, and equipment to paint all black markings (bordering white markings) as stated in the bid specifications.	8,150	6" LF	0.44	3,586.00

TOTAL Runway and Taxiway Restriping Project COST \$ 78,320.10

5. ATTACHMENTS:

- 5.1 A copy of a current State of Delaware business license or attach evidence that an application process for such license has been initiated.
- 5.2 A copy of a current Delaware Contractor Registration Act Certificate.
- 5.3 Bid Bond / certified check as required security defined herein.

6. BID SUBMITTAL:

This Bid is submitted by:

Name: Zpne Striping, Inc.

(SEAL) (Type or Print – Individual, Partnership, LLC, or Corporation Name)

By: 
(Signature)

Title: Paul R. Mitchell, Jr., President

Address: P.O. Box 568

City, State, Zip: Glassboro, NJ 08028

Phone: 856-582-5900 Fax: 856-863-2183 Cell: 609-828-4500

Email: p.mitchell@zonestriping.com

State of Delaware License No.: 1991834855

STATE OF DELAWARE

Department of Finance Division of Revenue

ACTIVE BUSINESS LICENSE

1991834855

EFFECTIVE

01/01/2025 - 12/31/2025

ISSUED TO

ZONE STRIPING INC
PO BOX 568
GLASSBORO NJ 08028-0568

LOCATION

ZONE STRIPING INC
718 JACOB HARRIS AVE
GLASSBORO, NJ 08028-3272

TRADE, BUSINESS, OR PROFESSIONAL ACTIVITY

NON-RESIDENT CONTRACTOR

Is hereby licensed to practice, conduct, or engage in the
occupation or business activity indicated above in
accordance with the license application duly filed
pursuant to Title 30, Delaware Code.

ISSUED: 12/21/2024
FEE PAID: \$75.00

POST CONSPICUOUSLY - NOT TRANSFERABLE



2025



Certificate Number:

DE-2021-000000697

Valid for both Private and Public Work



Registration Date:

07/13/2021

Expiration Date:

07/13/2026

State of Delaware

Department of Labor

Office of Contractor Registration

Delaware Contractor Registration Act

Pursuant to 82 Del. Laws, c. 291, § 2; §3604. Registration required [Effective upon fulfillment of 82 Del. Laws, c. 168, § 6, as amended by 82 Del. Laws, c. 291, § 2] of the Contractor Registration Act. This certificate is required under this chapter before performing construction services or maintenance.

ZONE STRIPING INC

Valid for both Private and Public Work

Responsible Representative(s)

Mark A. Mitchell

Non Transferable

This Certificate may not be transferred or assigned and may be suspended or revoked by the Secretary of the Delaware Department of Labor

A handwritten signature in black ink, appearing to read "Karyl D. Hubbard".

Karyl D. Hubbard

Secretary of the Delaware Department of Labor

SECTION 00340

BID BOND

TO ACCOMPANY BID FORM

KNOW ALL MEN BY THESE PRESENTS That: Zone Striping, Inc. of
Glassboro in the County of Gloucester and State of New Jersey as **Principal**, and
Atlantic Specialty Insurance Company of Southfield in the County of Oakland and State of MI
 as **Surety**, legally authorized to do business in the State of Delaware, and are
held and firmly unto **Sussex County (Owner)** in the sum of 10% of the Amount Bid Dollars (\$ 10%
of Bid), for **Sussex County Delaware Coastal Airport Runway 4-22, Runway 10-28,**
and Taxiway Restriping Project, Project A25-36 to be paid to the **Owner** for the use and benefit of
Owner for which payment well and truly to be made, we do bind ourselves, our and each of our heirs,
executors, administrators, and successors, jointly and severally for and in the whole firmly by these
presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bounden **Principal**
who has submitted to the **Owner** a certain proposal to enter into this contract for the furnishing of certain
material and/or services within the State, shall be awarded this Contract, and if said **Principal** shall well
and truly enter into and execute this Contract as may be required by the terms of this Contract and
approved by the **Owner** this Contract to be entered into within twenty days after the date of official
notice of the award thereof in accordance with the terms of said proposal, then this obligation shall be
void or else to be and remain in full force and virtue.

Sealed with our seal and dated this 19 day of March in the year of our
Lord two thousand and twenty five (2025).
5

SEALED, AND DELIVERED IN THE
Presence of

Zone Striping, Inc.

Name of Bidder (Organization)

Corporate
Seal

By:

Authorized Signature

Attest

Title

Atlantic Specialty Insurance Company

Name of Surety

Witness:

By:

Eric B. Goldstein, Attorney-in-fact

Title



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Justin J Silva, Laura E. Scholze, Thomas A. Whipple, Brian C. Whipple, Courtney W. Judge, Zachary D. Dixon, Lauren K. Burkhart, Neil C. Krauter, Eric Goldstein, Melody Gist**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.

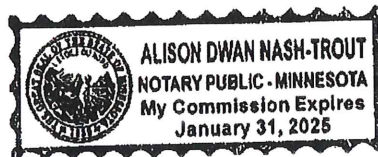
STATE OF MINNESOTA
HENNEPIN COUNTY



By

Sarah A. Kolar, General Counsel

On this first day of January, 2023, before me personally came Sarah A. Kolar, General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 19 day of March, 2025



This Power of Attorney expires
January 31, 2025

Kara Barrow, Secretary

SECTION 00300

BID FORM

1. BID RECIPIENT:

This Bid is submitted by Zone Striping, Inc.
("Bidder")

To SUSSEX COUNTY ("Owner"), 2 The Circle, Georgetown, Delaware 19947.

2. BIDDER ACKNOWLEDGEMENTS:

- 2.1 The Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the Owner to perform all Work for **Delaware Coastal Airport Runway 4-22, Runway 10-28, and Taxiway Restriping Project, Project A25-36**, in strict accordance with the Contract Documents and other terms and conditions of the Bidding Documents and at the prices stated herein.
- 2.2 The undersigned Bidder has visited the Site of Work and upon examination satisfied itself of the conditions that may affect cost, progress and performance of all Work.
- 2.3 The undersigned Bidder has carefully and thoroughly studied all Plans, General Conditions, Supplemental Conditions, Technical Specifications, the Agreement, and all other Contract Documents as listed in the Agreement for construction of the Project, is satisfied to the general nature of the Work, and has given the Engineer written notice of all conflicts, errors, ambiguities or discrepancies discovered by Bidder, and confirms the written resolution thereof by Engineer is acceptable to Bidder.
- 2.4 The Bidder has the labor and equipment capacity at time of Bid to staff the Project in a timely manner and furnish all material prescribed by Contract Documents, and hereby agrees to commence Work under this Contract as instructed by Owner and to complete the Work for a final payment as defined in the Contract Documents.
- 2.5 The undersigned Bidder further understands that all supplies and materials covered by this Bid shall be new and of the best quality and the highest-grade workmanship.
- 2.6 The Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents and the following Addenda, receipt of which is hereby acknowledged:

Addendum No.

Addendum Date

None - 1

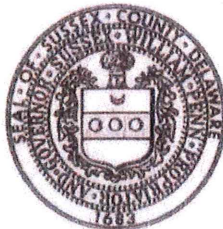
03/17/2025

- 2.7 Bidder accepts the provisions of the Agreement as to Liquidated Damages.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 856-7370 T
(302) 854-5391 F
mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

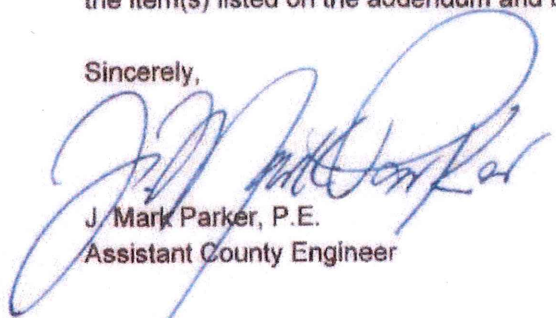
March 17, 2025

TO ALL CONTRACT BIDDERS:

**RE: ADDENDUM NO. 1
RUNWAY 4-22, RUNWAY 10-28, AND TAXIWAY RESTRIPIING PROJECT
SUSSEX COUNTY PROJECT M25-36**

Enclosed please find Addendum No. 1 for the above-referenced project. The inclusion of an executed Addendum in the bid package is mandatory for a bid to be considered. Please review the item(s) listed on the addendum and bid accordingly.

Sincerely,



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

Enclosure



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

ADDENDUM NO.1

Runway 4-22, Runway 10-28, & Taxiway Restriping Project

March 17, 2025

The Bidder acknowledges receipt of the following Addendum:

Questions & Answers:

Q. Is there a water hydrant on site that we are able to use for the cleaning?

A. Fire hydrants located in our Industrial Park (adjacent to airport) can be made available for water filling – Contractor should bring their own storage container or other device for use. No permit will be necessary, but Sussex County staff will install a meter and back-flow preventer at the desired hydrant. Water usage specific to this project will not be billed to the Contractor

Q. Can the successfully contract just open up a fire hydrant to fill up their sweeper/broom or pressure washer?

A. See response above.

Q. Would we need a water meter? If so, who would we need to contact in order to obtain one?

A. See response above.

Q. Is grey water allowed to flow off the pavement?

A. Grey water being is generally allowed to flow directly off the paved surfaces. As part of the work, the contractor is required to thoroughly clean off mold, mildew and/or algae growth from all existing airport runway and taxiway surface painted markings using a 100% biodegradable cleaning product. The cleaning product will not harm metals, runway pavement seals or caulking, runway lights or aircraft and protects the integrity of the paved surfaces.

Note that some soaps, solvents, and fungicides typically can be a point of concern for stormwater runoff. If fungicides or algaecides are necessary as part of the work, the Contractor should contact DNREC to confirm permitting requirements.

As for the biodegradable detergents, if the temporary runoff flows through the grass filter strip areas adjacent to the runways/taxiways and does not discharge directly to the storm sewer system, there should be no adverse impacts downstream.

Q. Under technical specifications, Item P-620-2.3, Materials, it notes that:

Reflective media. Glass beads shall meet the requirements for Federal Specification TT-B-1325D, Type III.

However, In **Table 1. Application Rates For Paint and Glass Beads** it shows Type I at 7lbs/gal min and also Type III at 10lbs/gal.

Are we just using Type III beads for all paint or will Type I also be used?

A. Type 3 is acceptable. Table 1 was taken directly from the AC as a reference to the Application Rate for Type 3.

RESPECTFULLY ACKNOWLEDGED:

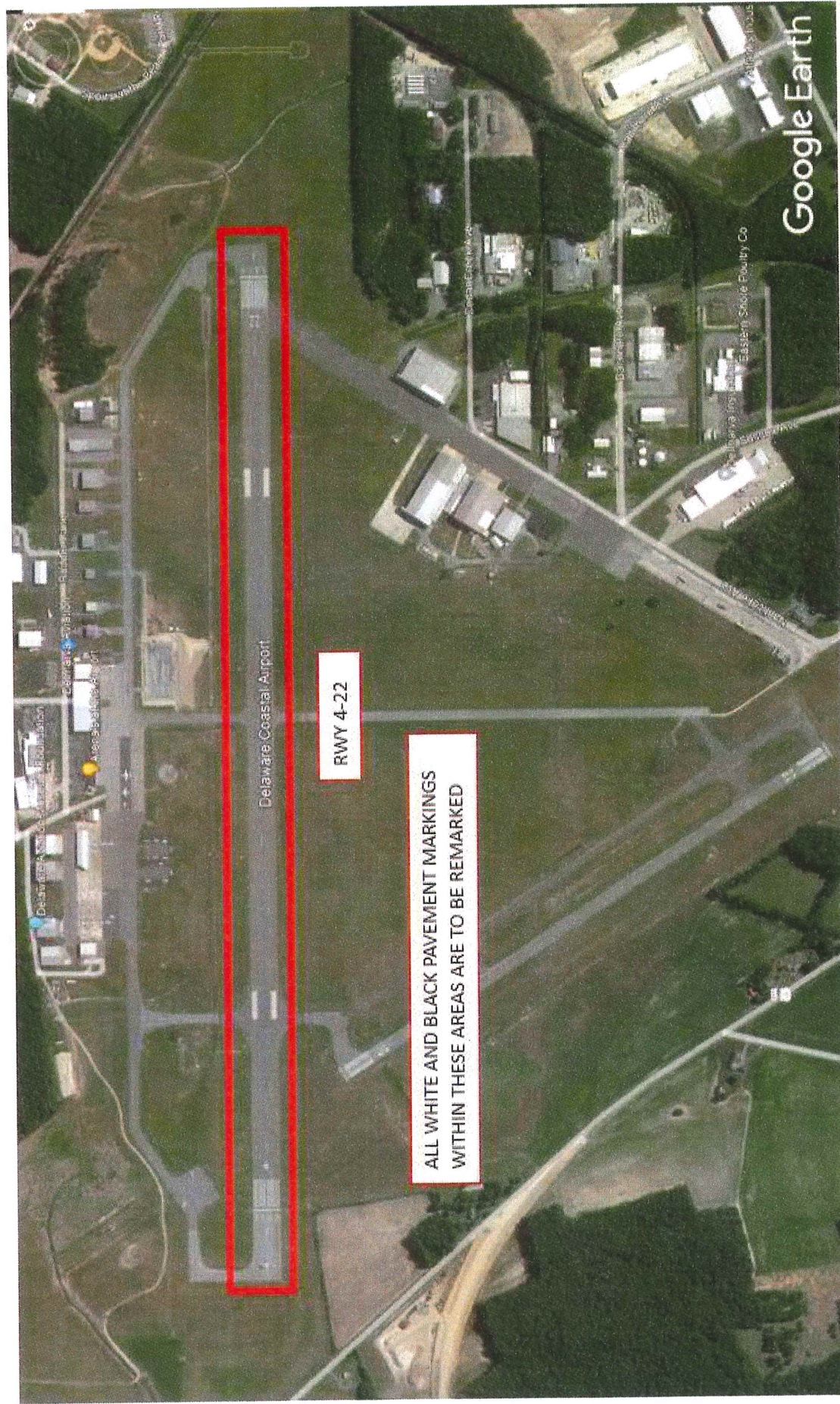
FIRM: Zone Striping, Inc.

SIGNATURE: 

TITLE: Paul R. Mitchell, Jr., President

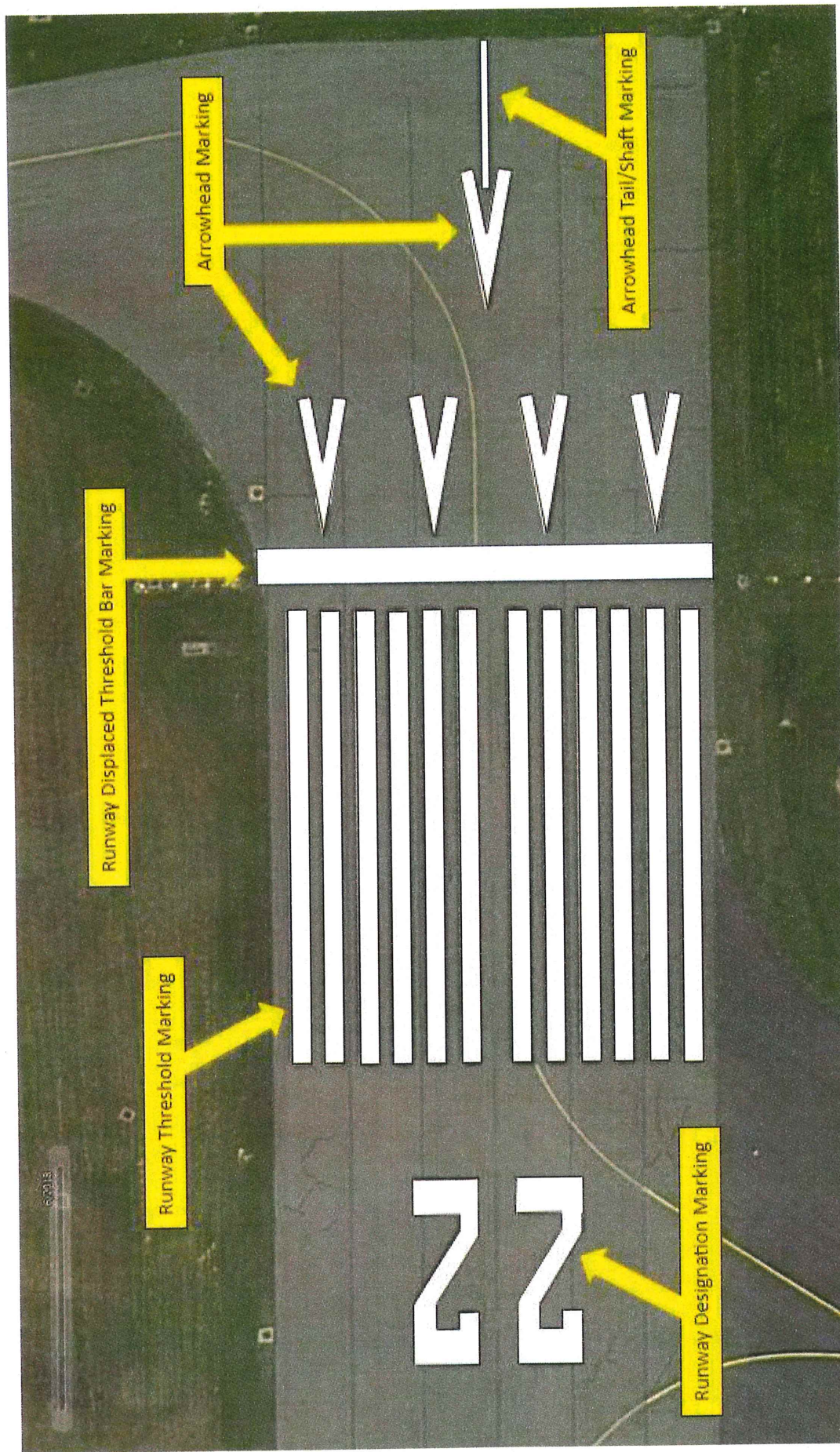
DATE: March 18, 2025

Note: This form must be executed and included in the bid package



RWY 4-22 (Map 8)

- | | |
|---|---|
| 11 - Total Arrowhead Markings. | 3 - Total Arrowhead Tail/Shaft Markings |
| 2 - Total Runway Displaced Threshold Bar Markings | 4 - Total Runway Aiming Point Markings. |
| 3 - Total Runway Designation Numbers | 24 - Total Runway Threshold Markings |
| 23 - Total Runway Centerline Markings | |



RWY (Runway) 4-22 - North (Map 12)

Runway Threshold Markings are 5-feet 9-inches wide ($6'' \times 12 = 5'9''$).

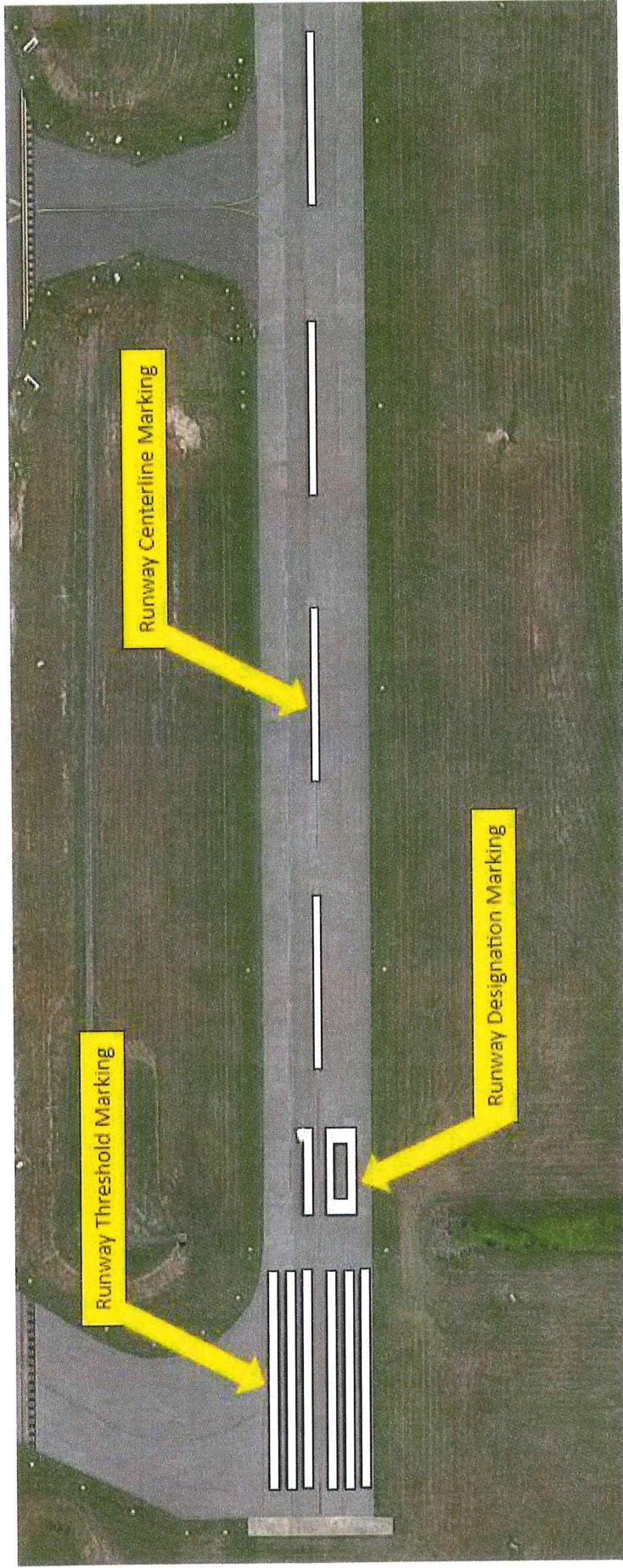
Runway Displaced Threshold Bar Markings are 10-feet wide ($6'' \times 20 = 10'$)

Runway Centerline Markings are 18-inches wide ($6'' \times 3 = 18''$).

Runway Designation Number dimensions were determined using Figure A-6.

All white runway markings are outlined with 6-inch black borders.

All white runway markings include glass beads. Glass beads **ARE NOT** added to black markings.



RWY (Runway) 10-28 – West (Map 6)

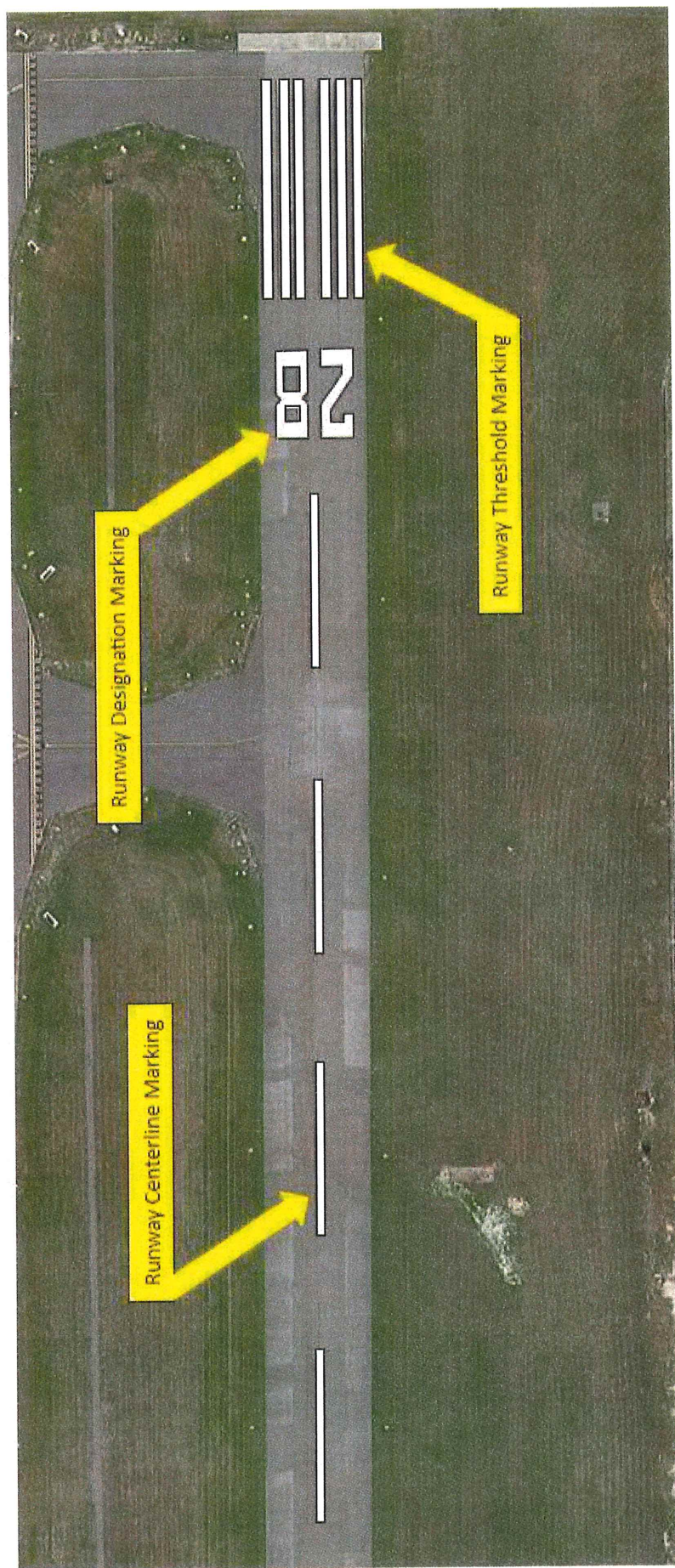
Runway Threshold Markings are 5-foot 9-inches wide (6" x 12 = 5'9").

Runway Centerline Markings are 18-inches wide (6" x 3 = 18").

Runway Designation Number dimensions were determined using Figure A-6.

All white runway markings are outlined with 6-inch black borders.

All white runway markings include glass beads. Glass beads **ARE NOT** added to black markings.



RWY 10-28 - East (Map 7)

Runway Threshold Markings are 5-feet 9-inches wide (6" x 12 = 5'9").

Runway Centerline Markings are 18-inches wide (6" x 3 = 18").

Runway Designation Number dimensions were determined using Figure A-6.

All white runway markings are outlined with 6-inch black borders.

All white runway markings include glass beads. Glass beads **ARE NOT** added to black markings.



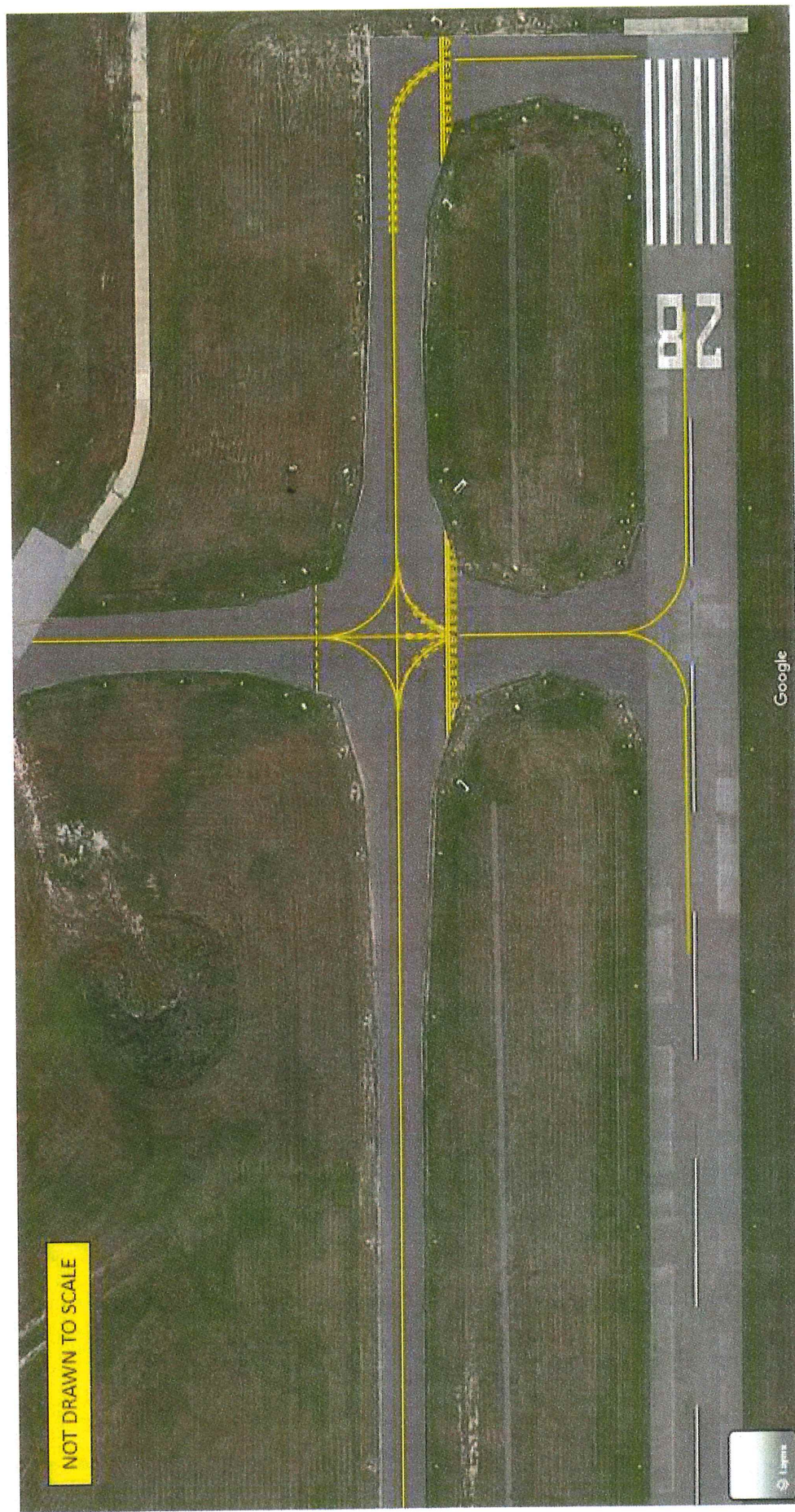
TWY (Taxiway) D - West (Map-3)

Includes a Holding Position Marking (Figure A-13) and Enhanced Taxiway Centerline Marking (Figure A-13). The Holding Position dashes and hold line bars are 12-inches wide (6" x 2 = 12").

All Taxiway centerlines and stripes are 6-inches wide.

All yellow taxiway markings are outlined between existing 6-inch black borders.

All yellow markings include glass beads. Glass beads **ARE NOT** added to black markings.



TWY (Taxiways) D – East (Map-2) includes a Holding Position Marking (Figure A-13) and Enhanced Taxiway Centerline Marking (Figure A-13). The Holding Position dashes and hold line bars are 12-inches wide (6" x 2 = 12"). All Taxiway centerlines and stripes are 6-inches wide. All yellow taxiway markings are outlined between existing 6-inch black borders. All yellow markings include glass beads. Glass beads ARE NOT added to black markings.

JAMIE WHITEHOUSE, AICP, MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Jamie Whitehouse, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 27, 2025

RE: County Council Report for Toback Flex Park – Request for extension of Conditional Use (CU 2290)

On March 19, 2025, the Planning and Zoning Department received a request for an extension of the Conditional Use (CU 2290) for a contractor flex space on the lands of Toback Development, LLC. The Conditional Use was approved by Sussex County Council on May 10, 2022. The applicant indicates that construction was delayed due to reasons outside of their reasonable control. The applicant has filed an amendment application with the Department of Planning & Zoning (Conditional Use No. 2525 Michael Makowski). Specifically, the request is to amend Condition “A” of Ord. 2849 to permit 5 buildings rather than the 2 originally permitted under the ordinance. The applicant is seeking an extension on these grounds and has provided materials to demonstrate that the project will meet the “substantially underway” threshold required if County Council were to grant an extension under the provisions of (§99-40) in Sussex County Code. Under (§115-174) the Conditional Use approval is valid for a period of three years and will expire on May 10, 2025, unless “construction or use” is “substantially underway.” The property is located on the northwest corner of Lewes Georgetown Highway (Rt. 9) and Prettyman Road (S.C.R. 254).

The applicant filed this request with the Planning & Zoning Department in writing on February 10, 2025. The request for extension has been submitted under the sunset provision of (§99-40(C)) which allows an applicant to request up to a six-month extension of the Conditional Use approval. The Council may grant a time extension for up to six (6) months pursuant to (§99-40 based on the following:

1. Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in this § 99-40C may request an extension up to six months for the validity of said approval. The six-month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For



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

- any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
- (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. The applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Examples of reasons beyond the applicant's reasonable control include, but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third-party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting the applicant's key stakeholders.
 - (d) For conditional uses, a specific schedule and plan demonstrating that the construction or use will be substantially underway within six months of the expiration of the current approval.

The following is the status of agency approvals. The applicant's representative at Axiom Engineering indicates that the plans were submitted to the Delaware Department of Transportation, Delaware State Fire Marshal's Office, Sussex Conservation District, Artesian Water and Artesian Wastewater Management since filing the request for amendment to C/U 2290 on April 2, 2024.

It may be difficult for the site to be under substantial construction; however, the Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have substantially constructed the project prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council under (§99-40(C)), and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that Toback Development, LLC (CU 2290) shall be granted a six (6) month time extension until November 10, 2025, which is six (6) months from May 10, 2025, the original expiration date for the Conditional Use.



From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, March 18, 2025 1:30 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

**Legal Name of
Agency/Organization**

Friends of the Georgetown Public Library Inc. ✓

Project Name

Annual 5K Race & 1 Mile Walk

Federal Tax ID

51-0403103 ✓

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 Georgetown Library Friends are a volunteer non-profit dedicated to enhancing our local library. Our all-volunteer group supports the Georgetown Public Library by advocating for the library; raising funds to support library programs; and by strengthening its ties to the community.

The events and activities we do include but are not limited to the following:

- Sponsor special occasions and literary events
- Support children's crafts and reading programs
- Encourage teen participation
- Organize book sales with donated books

- Volunteer in the library
- Purchase supplies for library programs

Address 123 Weet Pine Street

City Georgetown

State Delaware

Zip Code 19947

Contact Person Ivan D. Neal

Contact Title 5K Race Coordinator

Contact Phone Number 302-519-1928

Contact Email Address ivandneal7@gmail.com

Total Funding Request \$500.00

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 other than Sussex County Council? Yes

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

25

Program Category (choose all that apply)

Other

Program Category Other

:Programs & Operations

Primary Beneficiary Category

Youth

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

5000

Scope

Throughout the year the Friends host events to help raise funding that goes Our mission is to raise money in an effort to help finance the Georgetown Public Library's budget. In the past, the Friends have allocated funds for the library's e-book collection, tablets with educational testing (SAT prep, Math, Learning a foreign language, Brain games, etc); toys for the children's area; audio/visual materials, etc.

All members of the community, but especially residents of Sussex County benefit from the many services the Georgetown Public Library offers. One of the greatest opportunities to residents is the use of computers and internet access to those residents who do not have internet service (or slow internet service) in their homes. In addition, the Friends support a variety of special programs and classes offered at the library.

One hundred percent (100%) of this grant will be used to supplement our annual 5K race event. Funds raised from this event will benefit library programs and other operating costs directly to the Georgetown Public Library.

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

0.00

Description

Publicity

Amount

100.00

Description

Refreshments

Amount

100.00

Description

Race Fees & Materials

Amount

1,500.00

Description

Awards

Amount

150.00

TOTAL EXPENDITURES

1,850.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-1,850.00

Name of Organization

Friends of the Georgetown Public Library

Applicant/Authorized Official

Ivan D. Neal

Date 03/18/2025

Affidavit Yes

Acknowledgement

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

To Be Introduced: 4/8/25

**Council District 5: Mr. Rieley
Tax I.D. No.: 235-27.00-11.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2442 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2442 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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. 2442 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 Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9) and being more particularly described in the attached legal description prepared by _____, said parcel containing 194.17 acres, more or less.

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

To Be Introduced: 4/8/25

**Council District 5: Mr. Rieley
Tax I.D. No.: 235-27.00-11.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2441 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2441 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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. 2441 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 Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290) and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and Lewes Georgetown Highway (Rt. 9) and being more particularly described in the attached legal description prepared by _____, said parcel containing 194.17 acres, more or less.

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

To Be Introduced: 4/8/25

Council District 5: Mr. Rieley

Tax I.D. No.: 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00

911 Address: N/A, 28645 Log Cabin Hill Road, Lewes, & 16915 Hudson Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a zoning application, denominated Change of Zone No. 2010 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2010 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR-RPC Medium Residential District – Residential Planned Community 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 Broadkill Hundred, Sussex County, Delaware, and lying on the north and south side of Log Cabin Hill Road (S.C.R. 247), the east and west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9) and being more particularly described in the attached legal description prepared by _____, said parcels containing 637 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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO.334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00.

WHEREAS, on April 13th, 2023, the Sussex County Planning and Zoning Office received an application for a requested Comprehensive Plan Amendment to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel Nos. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 from the Low Density Area to the Coastal Area; and

WHEREAS, the Parcel comprises 796.26 acres of land, lying and being within Broadkill Hundred, and are located on the north and south sides of Log Cabin Hill Road (S.C.R. 247), the east and west sides of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9), at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9).

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00 from the Low-Density Area to the Coastal Area. The entirety of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 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.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 4, 2025

RE: County Council Report for C/Z 2034 filed on behalf of Parkada Investments, LLC

The Planning and Zoning Department received an application (C/Z 2034 filed on behalf of Parkada Investments, LLC) for a change of zone from the AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District for Tax Parcel 133-2.00-22.00. The property is located at on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (SCR. 321). The parcel size is 5.03 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 11 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 5, 2025, and February 19, 2025.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

C/Z 2034 Parkada Investments, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS. The property is lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321). 911 Address: N/A. Tax Map Parcel: 133-2.00-22.00.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed for the property, a copy of the SLER, a copy of written comments from the County Engineering Department Utility Planning Division, a copy of the staff analysis, a copy of the preliminary site plan for the property and zero comments.

Mr. Jim Parker, co-owner of Parkada Investments, LLC., spoke on behalf of himself that the application is for a Change of Zone from an AR-1 to C2 Medium Commercial to build two (2) stand-alone commercial buildings to have retail and office space in the front and storage in the rear; that this idea was brought up from the recent bypass plan in Georgetown which forced businesses to close and this would allow for them to have a new location for their businesses within the same area.

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

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

In relation to C/Z 2034 Parkada Investments, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 5, 2025.

Ms. Wingate moved the Commission to recommend approval of C/Z 2034 PARKADA INVESTMENTS, LLC for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is 5.03 acres that has frontage along Route 113 just outside of the Georgetown Town Limits. It has the Georgetown Speedway property along its rear boundary. This is an appropriate location for C-2 Zoning.
3. Given the location of this property, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. Because this property is bordered by Route 113 and the Georgetown Speedway, there is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the “Developing Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Developing Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to the rezoning application.

10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Ms. Wingate, seconded by Mr. Butler and carried unanimously to recommend APPROVAL of C/Z 2034 Parkada Investments, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7878 T
(302) 854-5079 F

JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 5th, 2025

Sussex County Council Public Hearing Date: April 8th, 2025

Application: C/Z 2034 Parkada Investments, LLC

Applicant: Mr. James Parker
P.O. Box 1776
Millsboro, DE 19966

Owner: Parkada Investments, LLC
P.O. Box 1776
Millsboro, DE 19966

Site Location: The property is lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321).

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: C-2 (Medium Commercial)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Rieley

School District: Indian River

Fire District: Georgetown Volunteer Fire Company

Sewer: N/A

Water: N/A

Site Area: 5.03

Tax Map ID.: 133-2.00-22.00





Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 30th, 2025
RE: Staff Analysis for C/Z 2034 Parkada Investments, LLC

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2034 Parkada Investments, LLC to be reviewed during the February 5th, 2025 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.

Tax Parcel ID: 133-2.00-22.00

Proposal: The request is for a Change of Zone for Tax Parcel #335-12.05-6.01 from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcel is located on the east side of Dupont Boulevard (Rt. 113) approximately 500-feet south of the intersection of Wood Branch Road and Dupont Boulevard (Rt. 113) and comprised of a total of 5.03 acres +/-.

Staff note that a related Application (C/Z 2035) proposing a Change of Zone from (AR-1) to Limited Industrial (LI-1) accompanies this Application accompanies this application related to the adjacent Parcels – TM#s 133-2.00-20.00 & 24.01.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. The adjoining properties on all sides are also zoned Agricultural Residential (AR-1) District with the parcels to the west across Dupont Boulevard (Rt. 113) also within the Agricultural Residential (AR-1) District.

Staff have highlighted below some of the uses permitted by-right within the proposed Medium Commercial (C-2) Zoning District from (§ 115-83.11) [\(C-2\) Permitted Uses](#):

- Residential uses: Bed-and-breakfast (tourist homes)/Hotel, motel or motor lodge
- Commercial uses: Convenience store, Fuel station, Retail (< 75,000 sq ft), Restaurants, Brew Pub, Winery, Brewery/Distillery (< 7,500 sq ft), Pharmacy
- Self-Storage, Warehouse, Funeral Home, Animal Hospital
- Office Uses: Professional Office, Bank, etc.
- Institutional Uses: Assisted Living, Extended Care, Day Care, Medical Clinic

Staff note that the Concept Plan includes parking within the required front yard setback. Should this Application be approved, Staff recommend any subsequently submitted site plan meet the

requirements of (§115-166C) prior to submission for review by the Planning & Zoning Commission.

Future Land Use Map Designation - (Comprehensive Plan): Developing 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 parcel has a designation of “Developing Area”. All adjacent parcels to the north, south, and also have a Future Land Use Map designation of “Developing Area”. The adjacent parcels to the west across Dupont Boulevard (Rt. 113) and extending to the south beyond the neighboring parcels have a Future Land Use Map designation of “Low Density Area.”

Recommendations/Guidelines for land categorized as *Developing Area* per the Future land Use Classification in the Comprehensive Plan:

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

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (C-2) in an applicable Zoning Districts within the “Developing Area” Future Land Use Map Designation.

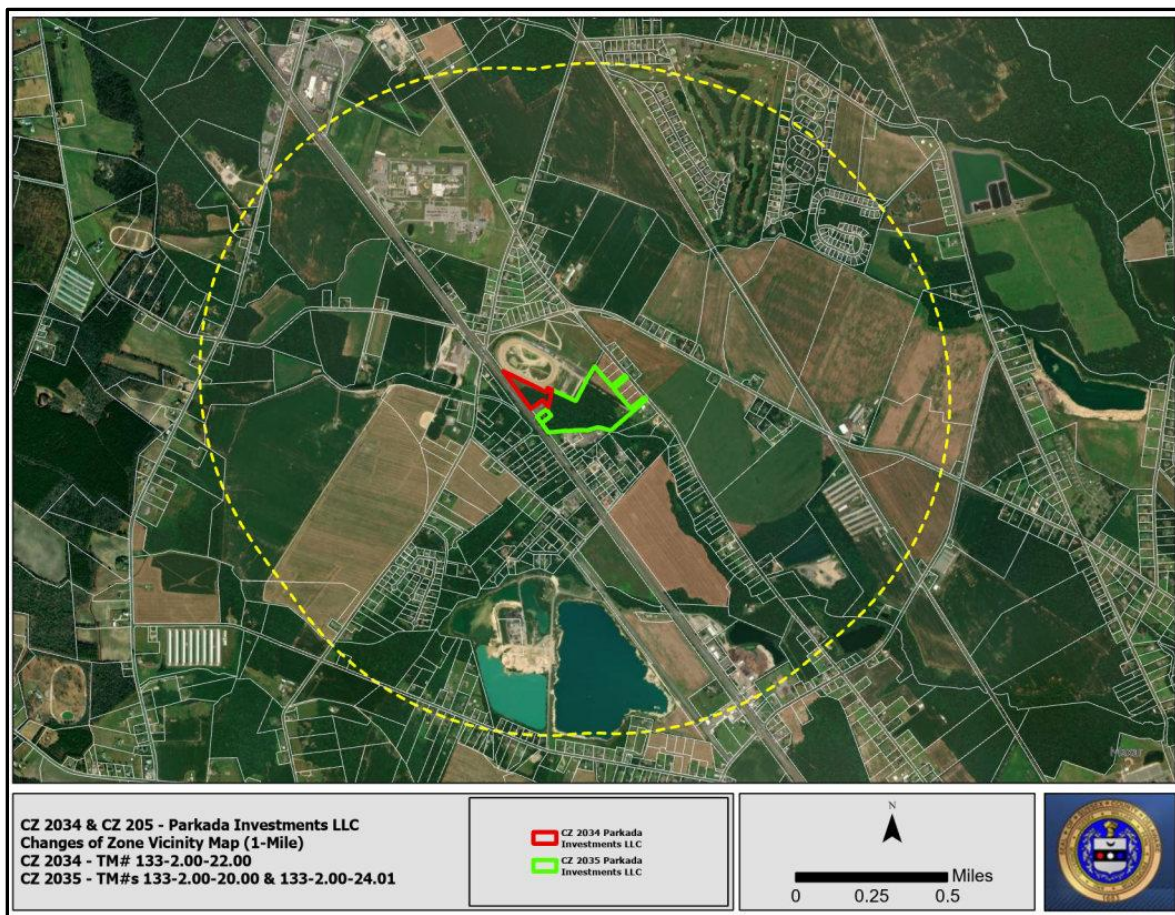
Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** The Applicant’s Concept plan does not provide for connectivity. Staff recommend the any site plan submitted as part of any result of this Application include stubs/easements for connection to adjacent parcels to the south on the Route 113 corridor to accommodate potential future development.
- **Transportation Improvement District (TID):** N/A

- **Forested Areas:** Staff estimate that approximately 60% of the site is forested. Staff appreciate efforts to preserve as many mature trees as possible.
- **Wetlands Buffers/Waterways:** Staff note the potential that a small portion of the Parcel at the southern boundary with Parcel # 133-2.00-22.00 is with jurisdictional wetlands.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone and is located within an area of “Fair” groundwater recharge.


Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: There have been no historic Changes of Zone within a 1-mile radius of the site.







CZ 2034 - Parkada (AR-1 to C-2)
Street Map
TM# 133-2.00-22.00


 **CZ 2034 - Parkada (AR-1 to C-2)**

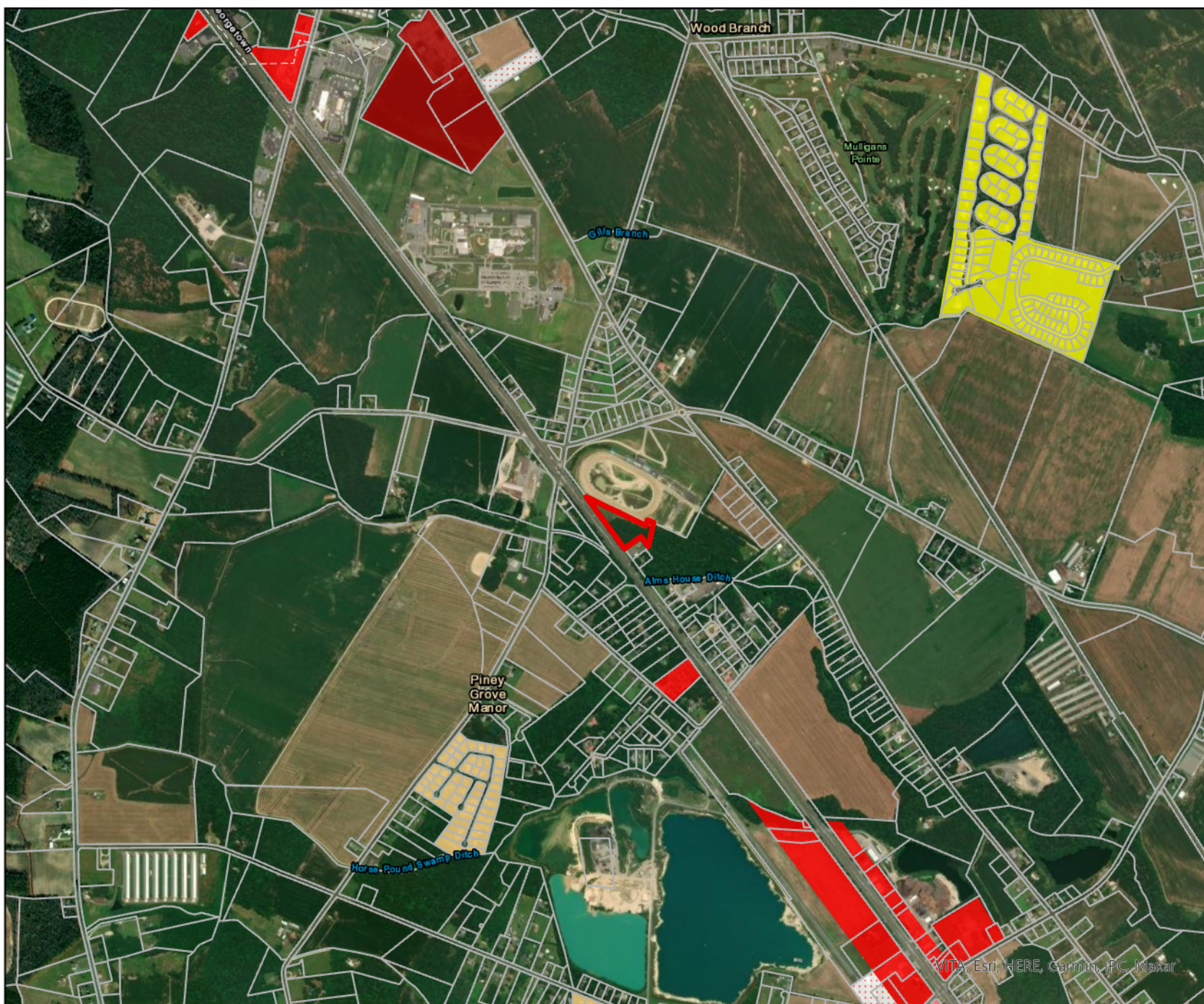
N



0 500 1,000 Feet









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
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

CZ 2034 - Parkada (AR-1 to C-2)
Zoning Map
TM# 133-2.00-22.00

 CZ 2034 - Parkada (AR-1 to C-2)

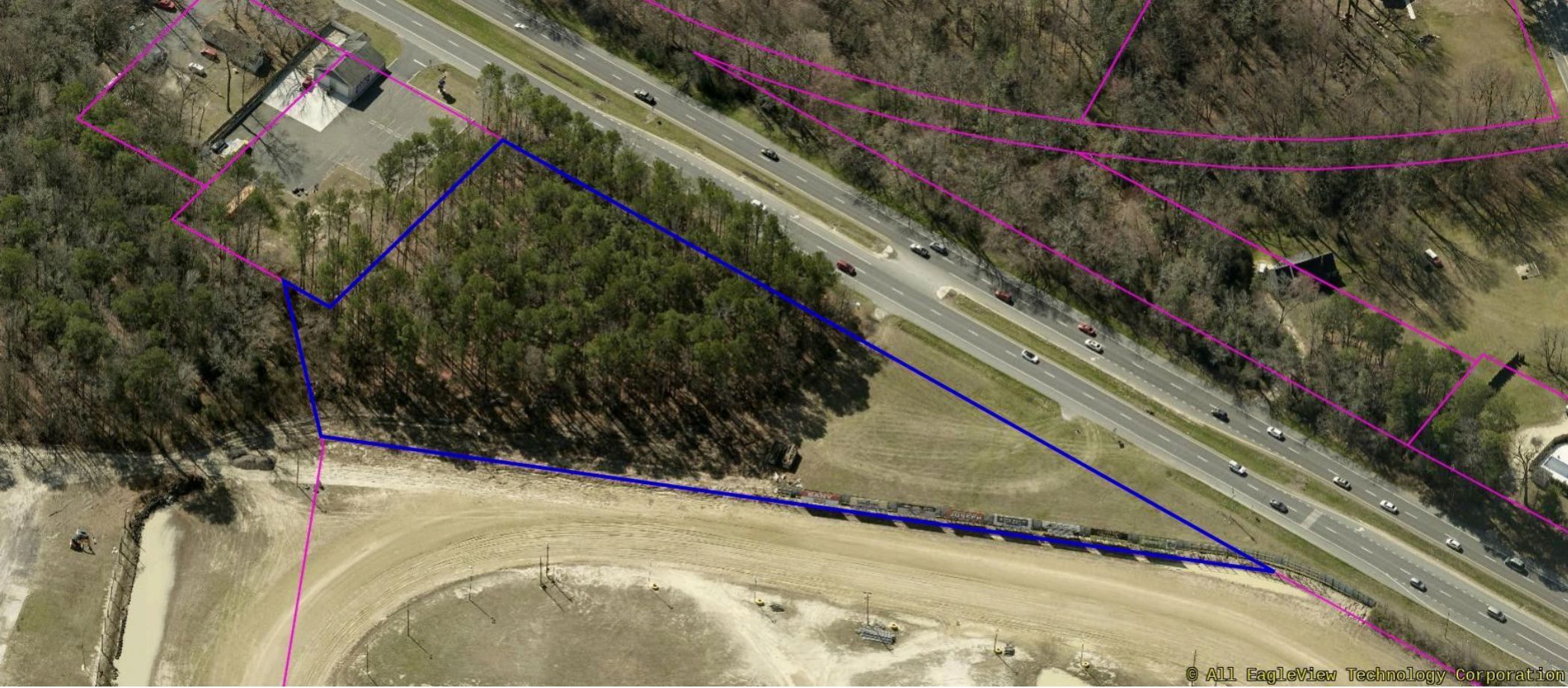


Miles



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CZ 2034 Parkada Investments LLC

TM# 133-2.00-22.00

Aerial Map 2

03/05/2023

Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 133-2.00-22.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS

WHEREAS, on the 1st day of August 2024, a zoning application, denominated Change of Zone No. 2034 was filed on behalf of Parkada Investments, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2034 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321), and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcels containing 5.03 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 4, 2025

RE: County Council Report for C/Z 2035 filed on behalf of Parkada Investments, LLC

The Planning and Zoning Department received an application (C/Z 2035 filed on behalf of Parkada Investments, LLC) for a change of zone from the AR-1 Agricultural Residential Zoning District to a LI-1 Limited Industrial Zoning District for Tax Parcels 133-2.00-20.00 and 24.01. The property is located at on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (SCR. 321). The parcel size is 23.1 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on February 5, 2025, and February 19, 2025.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

C/Z 2035 Parkada Investments, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS. The property is lying on the east side of DuPont Boulevard (Rt. 113), approximately 500 feet south of Woods Branch Road (S.C.R. 321). 911 Address: N/A. Tax Map Parcel: 133-2.00-20.00 & 24.01.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed for the property, a copy of the SLER, a copy of written comments from the Sussex County Engineering, Utility Planning Division, a copy of the Applicant's conceptual site plan, a copy of the staff analysis letter and zero comments.

Mr. Jim Parker, co-owner of Parkada Investments, LLC., spoke on behalf of himself that application is for a Change of Zone from an AR-1 to LI-1, Limited Industrial Zoning; that the concept for this land consists of eight (8) sites which will be utilized for light industrial businesses; that a few examples of those would be like a landscaping company, a trash company or a light manufacturing company; that these sites are larger consisting of approximately two (2) acres each; and that this would benefit smaller companies by giving them the opportunity to grow in our area by leasing one of these sites.

Mr. Bob Parker, of Beacon Engineering, spoke on behalf of the Applicant that the property is in the developing area for the Town of Georgetown; that this is part of Georgetown's long range plans for what the town would like to see in the next comprehensive plan cycle; and that the Applicant spoke of all of the other commercial properties around this property and the LI-1 would have a number of special conditions that are put on site plans that are approved for Limited Industrial uses.

Mr. Joe Smith, who lives alongside the property, spoke in opposition to the application that he is concerned about the entrance to the property and the amount of traffic that it will draw to the area.

Ms. Wendy Webb, of Bethesda Rd., spoke in opposition to the application that there is concern that the entrance to the property would get missed and her family owns homes right next to the property and the traffic will use their driveways to turn around in; and that the major concern is about the entrance/exit of the property.

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

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

In relation to C/Z 2035 Parkada Investments, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 5, 2025.

Ms. Wingate moved the Commission to recommend approval of C/Z 2035 PARKADA INVESTMENTS, LLC for a change in zone from an AR-1 Agricultural Residential District to a LI-1 Limited Industrial District based upon the record made at the public hearing and for the following reasons:

1. The County's Future Land Use Map designation for this property is the "Developing Area" designation. The LI-1 Zoning District is an appropriate zoning designation within the "Developing Area" according to the County's Future Land Use Map and the Comprehensive Plan.

2. The property is also located along Route 113 and next to the Georgetown Speedway property. This location is appropriate for LI-1 Zoning. Conversely, it is no longer viable to use the property for agricultural or residential purposes under the existing AR-1 zoning.
3. The proposed LI-1 Zoning at this location is consistent with the purposes of that zoning district as stated in Section 115-92 of the Sussex County Zoning Code.
4. There is a need for smaller shovel-ready light industrial sites at appropriate locations like what is proposed with this Application. This small LI-1 Industrial Park serves this need in Sussex County.
5. The rezoning will promote the local economy and will create and preserve jobs in the area for Sussex County residents.
6. No parties appeared in opposition to this application.
7. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/Z 2035 Parkada Investments, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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



Sussex County

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JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 5th, 2025

Sussex County Council Public Hearing Date: April 8th, 2025

Application: C/Z 2035 Parkada Investments, LLC

Applicant: Parkada Investments, LLC
P.O. Box 1776
Millsboro, DE 19966

Owner: Parkada Investments, LLC
P.O. Box 1776
Millsboro, DE 19966

Site Location: The properties are lying on the east side of DuPont Boulevard (Rt. 113), and the west side of Bethesda Road (S.C.R. 326), approximately 0.26 mile south of Speedway Road (S.C.R 325).
911 Addresses: 24497 DuPont Boulevard, Georgetown & N/A.

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: LI-1 (Limited Industrial)

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Rieley

School District: Indian River

Fire District: Georgetown Volunteer Fire Company

Sewer: N/A

Water: N/A

Site Area: 23.10

Tax Map ID.: 133-2.00-20.00 & 24.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: January 30, 2025
RE: Staff Analysis for C/Z 2035 Parkada Investments, LLC

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 2035 Parkada Investments, LLC to be reviewed at the February 5, 2025, 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 IDs: 133-2.00-20.00 & 24.01

Proposal: The request is for a Change of Zone for Tax Parcels 133-2.00-20.00 & 24.01 allow for a change of zone from an Agricultural Residential (AR-1) District to a Limited Industrial District (LI-1). The properties are lying on the east side of DuPont Boulevard (Rt. 113), and the west side of Bethesda Road (S.C.R. 326), approximately 0.26 mile south of Speedway Road (S.C.R 325). The Parcels contain 23.10 acres +/-.

Staff note that a related Application (CZ 2034) proposing a Change of Zone from (AR-1) to Medium Commercial (C-2) accompanies this Application related to the adjacent Parcel – TM# 133-2.00-22.00.

Zoning Information: The parcels are zoned Agricultural Residential (AR-1), District. Adjacent parcels to the north, south, east, and west are zoned Agricultural Residential (AR-1).

Staff have highlighted below some of the uses which are permitted by-right within the proposed Limited Industrial (LI-1) Zoning District from (§115-94) [\(LI-1\) Permitted Uses](#):

- Light Manufacturing, Laboratories,
- Auditorium, Lecture Hall, Private Club
- Commercial Uses: Banks, Restaurants,
- Office Uses
- Wholesale Merchandising/Storage Warehouses, Marijuana Cultivation Facilities



Staff note that the Concept Plan includes a future intent to subdivide the larger Parcel TM# 133-2.00-22.00. Staff recommend the Applicant consult the Planning & Zoning Office prior to any subdivision of the parcel given the potential for wetlands on the site and to ensure compliance with all the contents of (§115-193) and Chapter 99.

Future Land Use Map Designation - (Comprehensive Plan): Developing Area

Comprehensive Plan Analysis: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of “Developing Area”. All adjacent parcels to the north, south, and also have a Future Land Use Map designation of “Developing Area”. The adjacent parcels to the west across Dupont Boulevard (Rt. 113) and extending to the south beyond the neighboring parcels have a Future Land Use Map designation of “Low Density Area.”

Recommendations/Guidelines for land categorized as *Developing Area* per the Future land Use Classification in the Comprehensive Plan:

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

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Limited Industrial (LI-1) in an applicable Zoning Districts within the “Developing Area” Future Land Use Map Designation.

Site Considerations:

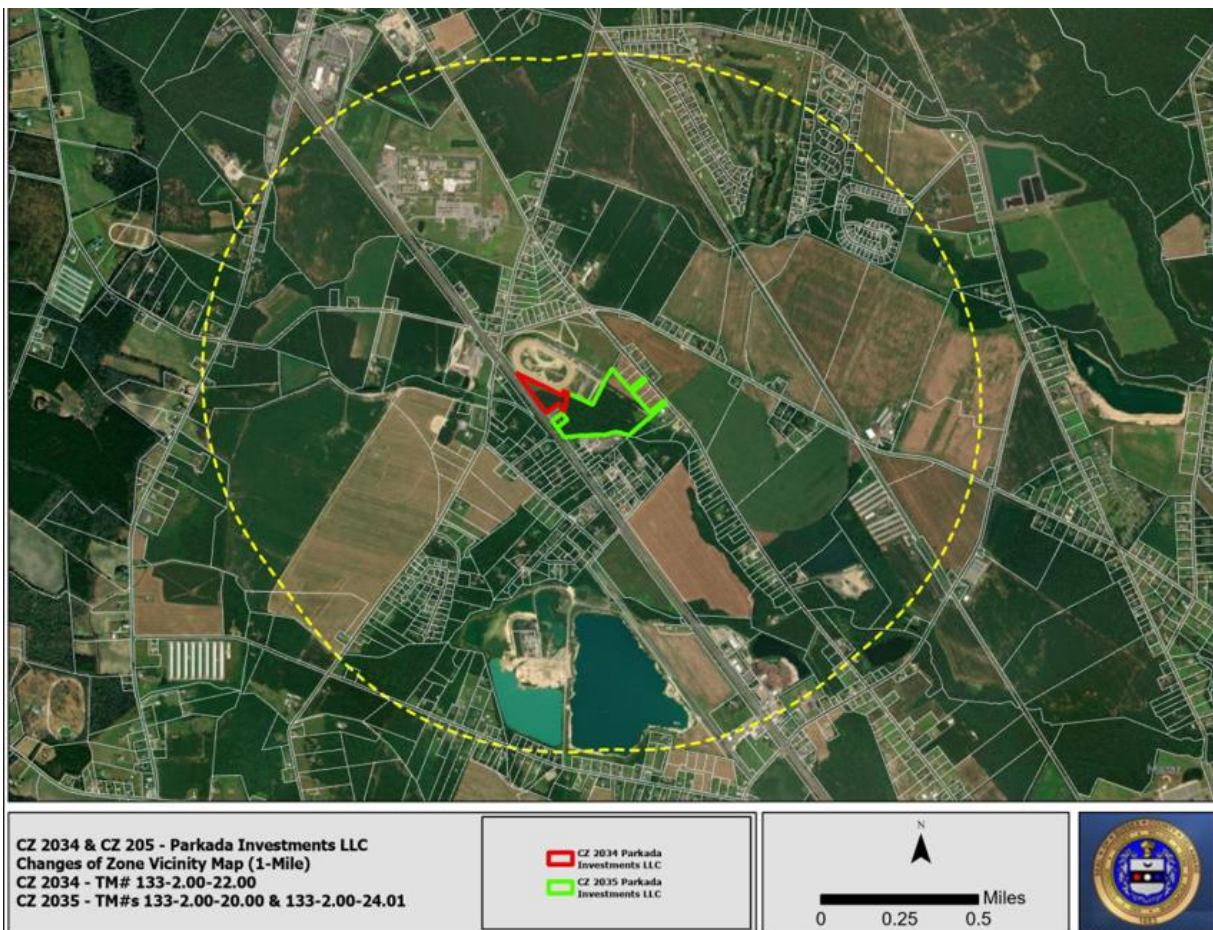
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** The Applicant’s Concept plan does not provide for connectivity. Staff recommend the any site plan submitted as part of any result of this Application include stubs/easements for connection to adjacent parcels to the south on the Route 113 corridor to accommodate potential future development.

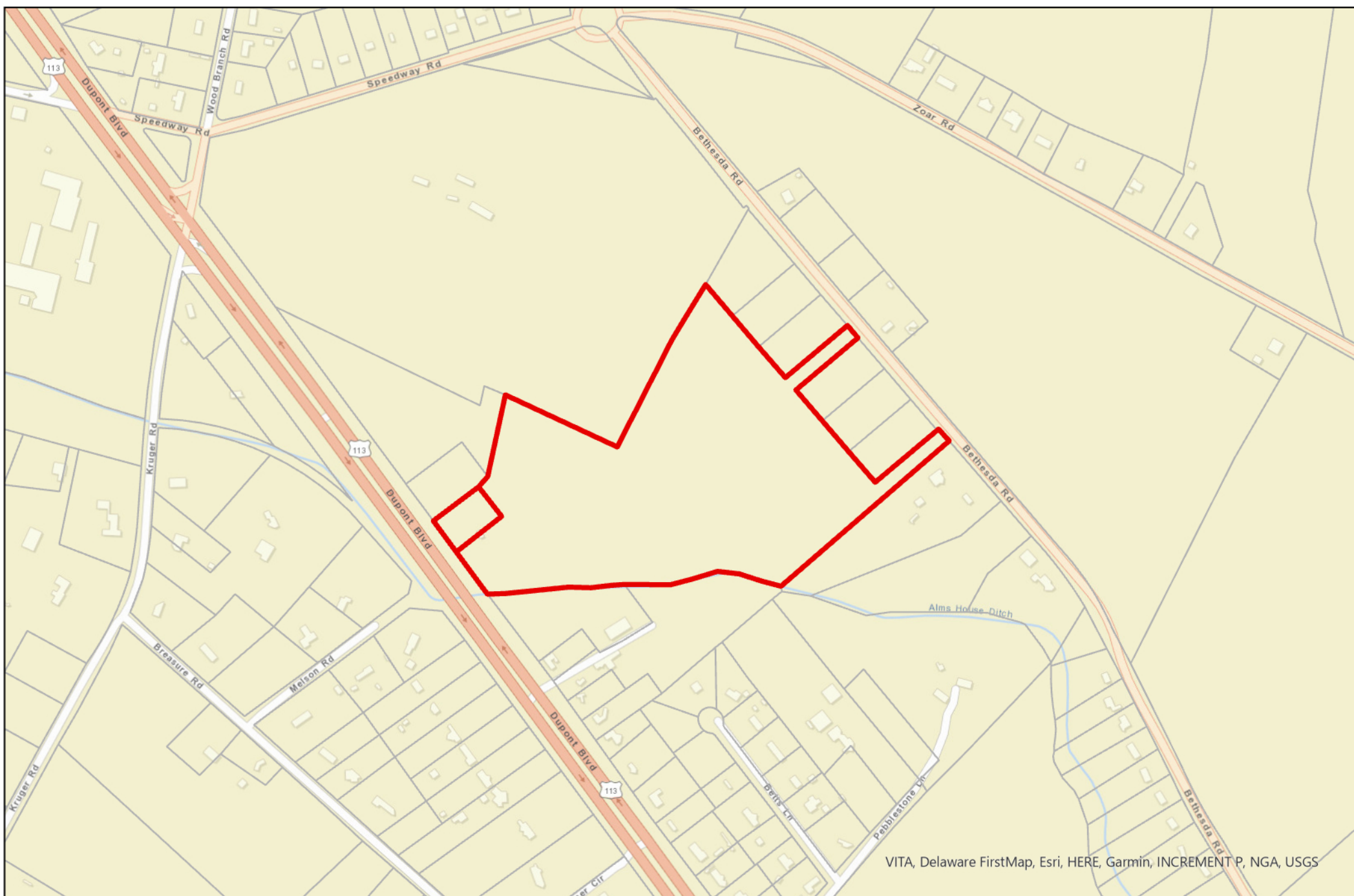
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within predominantly the “X” Flood Zone with small portions of the Parcel within the AE Flood Zone adjacent to Alms House Ditch and the southern Boundary of Parcel #22.00. The Parcels are located within an area of “Fair” groundwater recharge.

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


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

There are no Change of Zone Applications within a 1-mile radius of the Application site.







CZ 2035 - Parkada (AR-1 to LI-1)
Street Map
TM# 133-2.00-20.00 & 24.01

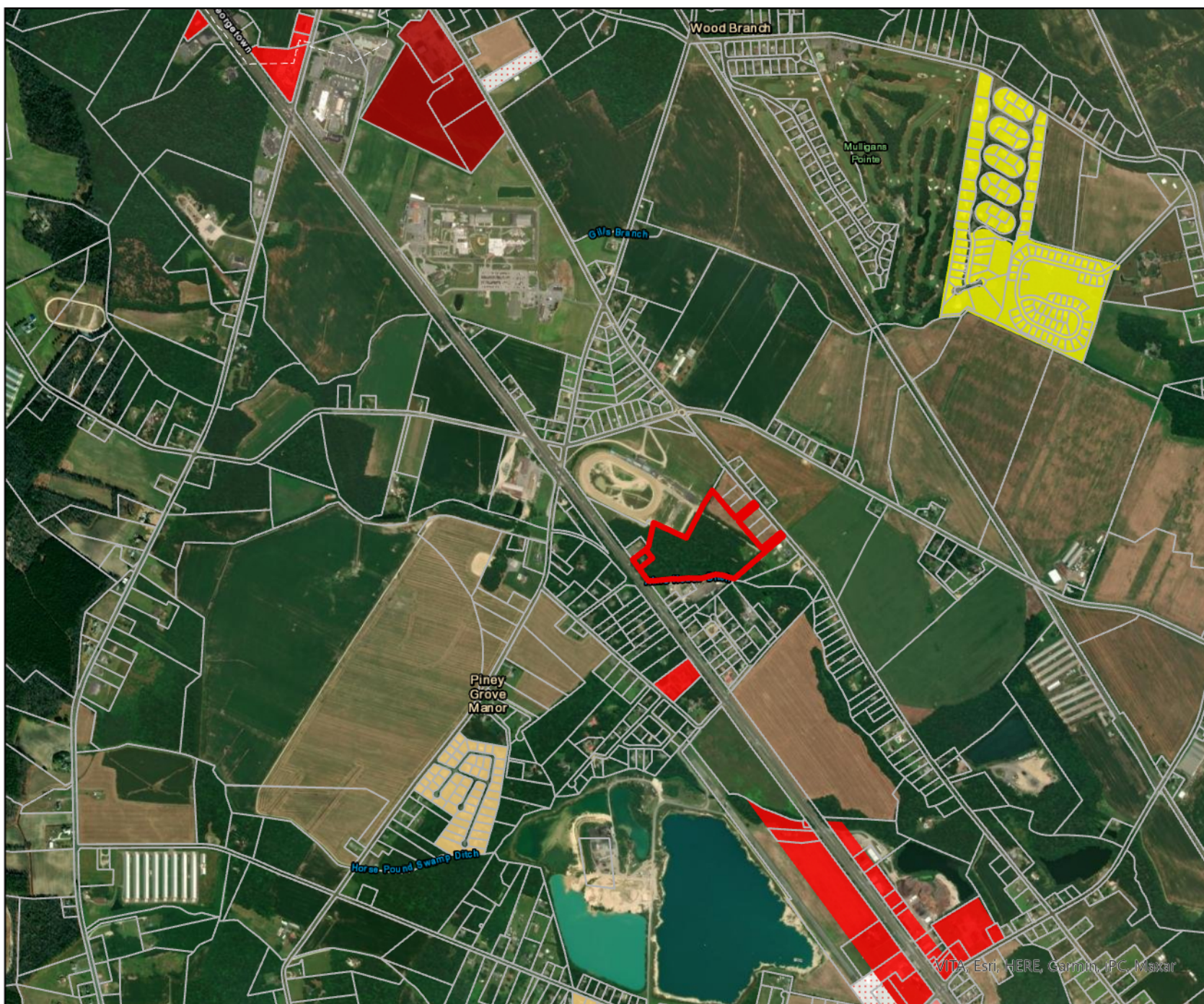
 **CZ 2035 - Parkada (AR-1 to LI-1)**

N



0 500 1,000 Feet



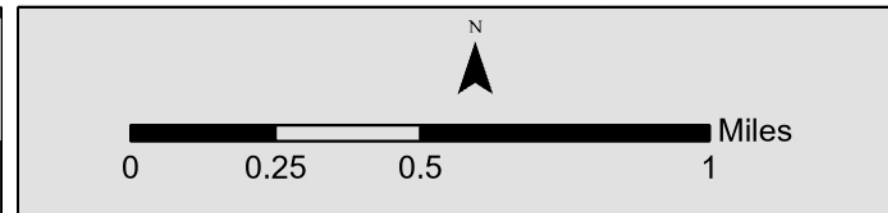


Zoning

-  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
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research





CZ 2035 - Parkada (AR-1 to LI-1)
Zoning Map
TM# 133-2.00-20.00 & 24.01

 CZ 2035 - Parkada (AR-1 to LI-1)





Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

<p>CZ 2035 - Parkada (AR-1 to LI-1) Aerial Map TM#s 133-2.00-20.00 & 24.01</p>	<p> CZ 2035 - Parkada (AR-1 to LI-1)</p>	<p>N   0 250 500 Feet</p>	
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Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 133-2.00-20.00 & 24.01

911 Address: 24497 DuPont Boulevard, Georgetown & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS

WHEREAS, on the 1st day of August 2024, a zoning application, denominated Change of Zone No. 2035 was filed on behalf of Parkada Investments, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2035 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation LI-1 Limited Industrial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of DuPont Boulevard (Rt. 113), and the west side of Bethesda Road (S.C.R. 326), approximately 0.26 mile south of Woodbranch Road (S.C.R 321), and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A, said parcels containing 23.10 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 4, 2025

RE: County Council Report for C/U 2468 filed on behalf of Richard H. Bell, III

The Planning and Zoning Department received an application (C/U 2468 filed on behalf of Richard H. Bell, III) for a mobilization yard for the Park Avenue relocation project, to include the storage of soil and materials, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-15.00-79.03. The property is located at 22592 Lewes-Georgetown Highway, Georgetown. The parcel size is 5.96 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 19, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 6 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 19, 2025, and March 19, 2025.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

C/U 2468 Richard H. Bell, III

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS. The property is lying on the southeast side of



Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321).
911 Address: 22592 Lewes Georgetown Highway, Georgetown. Tax I.D. No.: 135-15.00-79.03.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the DelDOT SLER, a copy of the staff analysis, a copy of the letter received from the Sussex County Engineering Department Utility Planning Division, and zero comments. To provide a brief summary of the background of this application, this is a violations case that came through the Constables office; that there was a prior CU application which was approved for a contracting business with outdoor storage and the crushing of concrete that was Conditional Use 2468, which was approved by Council in August of 2017; that prior to that, the Applicant did submit a site plan and that site plan was approved in February of 2022; that that approved site plan is the basis of your conceptual site plan today; that following the approval of that CU, it was noted that there was a significant storage of soil on the property and that triggered an outreach to the Applicant, which led to the submittal of this application.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant that this is an application for a mobilization yard for a road construction project that is being done through DelDOT; that there is currently a large pile of topsoil with a smaller pile of organic material behind it located on the property; that these materials were brought to the site by the general contractor as part of Phase One of the Park Ave. relocation project, which is specifically DelDOT project number T-2020004601, which is for the relocation of Park Ave. to extend the runways at the Delaware Coastal Airport; that Mr. Allan Myers was the general contractor for the Park Ave. relocation and as they were doing the work they were looking for a location for the soil, shrubbery, tree roots and other organic materials that were being generated by that site work to be stored; that Mr. Bell's property is on Route 9, less than 1/4 mile from its intersection with Park Ave., and his property is fenced and is being used as a contractor's yard for his business, Clean Cut Pavers and Pools; that this was an ideal location to Mr. Allan Myers to begin transporting materials and leaving them there as needed as part of the site work for the relocation of Park Ave.; that as the pile grew the Constables noted and a violation was issued which triggered this application; that there was an existing Conditional Use 2083, Ordinance #2515 for an office, storage building, storage yard and crushing of concrete for a contracting business; that the concrete crushing was for a limited time to get rid of an existing pile of concrete that was on the property; that this is a temporary use that will occur as long as it is permitted by the County during the relocation work for Park Ave.; that Phase One of this project started on Route 113, with the reconstruction of Arrow Safety Rd. starting at Route 113 and leading to a new roundabout that was installed on South Bedford St.; that this phase also included the construction of that new roundabout and the relocation of Park Ave. to connect to the roundabout and head to the southern boundary of the airport, where Phase One of the relocation work ended; that Phase Two will pick up at the southern boundary of the airport and then redo Park Ave. all the way to Route 9 and then some of the greater Route 9 area at the intersection of Park Ave. and Route 9; that Phase Two is still in the bidding stages, so the hope is that Mr. Allan Meyers will get that contract and utilize the Applicant again for the storage of the materials; that that is the reason for the temporary usage request; that the Applicant proposes a time limit that coordinates with the completion of the Park Ave. relocation, specifically that within 180 days of the completion of Phase Two all of the topsoil and other materials that were brought to the site will be removed from the property; and that there are two (2) proposed Conditions from the Applicant, being:

1. The Conditional Use shall allow the property to be used for a temporary mobilization yard for DelDOT's Park Ave. relocation project, Phase One and Phase Two.
2. The time limit is for all the materials as part of the Park Ave. relocation project and shall be removed within 180 days of the conclusion of Phase Two of the project.

That Sussex County can ensure that the use is first of all related to the Park Ave. relocation project and secondly that it is a temporary use that will only occur during the duration of the project; that this application came forward as a result of a violation against the current Conditional Use that was for the storage of the stone and materials for the Applicant's paver company; that the build up of the organic material caused a violation and now the need to have a new Conditional Use for this property; that Mr. Allan Meyers brought in soil and all of the grubbing activities from Phase One of the project and some of those items have already been redistributed back out, but those that have not are hoped to be used in Phase Two; and that if they do not use it in Phase Two then Mr. Allan Meyers will need to remove it from the Applicant's property at the completion of the project.

Ms. Wingate asked if the wood chips, tree stumps and tree debris would be used for Phase Two of the project?

Mr. Richard Bell, III, the Applicant, stated that the plan is to grind that into a fine mulch and mix it with the topsoil, so they have this bio mix for the next phase.

Mr. Robertson stated that the current Ordinance prohibits any further grinding of any material being brought onto the site or already on the site and now new material has been brought onto the site besides the dirt and there is grinding of that material.

Mr. Hutt stated that if the Commission recommends approval, then a condition can be made for the materials that are grubbed from the Park Ave. project can be grinded and mixed with soil at the site and then removed from as part of Phase Two; that the hours of operation would be consistent with the current Conditional Use which is 7:00AM-5:00PM.

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

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

In relation to C/U 2468 Richard H. Bell, III. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 19, 2025.

Ms. Wingate moved the Commission to recommend approval of C/U 2468 RICHARD H. BELL, III, with conditions, for a mobilization yard for the Park Avenue Relocation Project based upon the record made during the public hearing and for the following reasons:

1. This property is already the subject of Conditional Use #2083, codified by Ordinance #2515. That prior conditional use permitted "an office, storage building, storage yard, and crushing

of concrete for a contracting business”. That prior conditional use arose out of a violation issued for the concrete crushing operations and the approval required all concrete crushing operations to cease 45 days after the adoption of the ordinance. That prior conditional use also specifically prohibited “processing of wood” and stated that “No other wood or metal chipping or grinding shall occur and no other materials, including concrete, wood and metal shall be accepted at the site for crushing or recycling.”

2. This pending conditional use arose out of a second violation issued against the property and this Applicant. Despite the prohibitions of the prior Ordinance, the Applicant has been accepting soils and other materials at the site including wood, trees and roots for storage, screening and grinding. According to the Applicant, all of this was in conjunction with the ongoing relocation of Park Avenue outside of Georgetown.
3. The relocation of Park Avenue is an important project for the safety of vehicles and trucks that use the roadway and for the expansion of the airport and the County’s industrial park located there. The project also mitigates traffic issues in and around Georgetown. This use supports this road project, but it should be limited to this road project. Given its location next to other residential properties, the Sports at the Beach youth sports complex and the emerging commercial corridor along this area of Route 9, this industrial-type use should not become permanent.
4. The Applicant has stated that the use is needed not only for Phase I of the Park Avenue Relocation Project but also Phase II if the current DelDOT contractor that is depositing materials on this site successfully wins the bid to perform work in Phase II. For that reason, the duration of this conditional use should be limited to this specific DelDOT work.
5. This is an appropriate limited expansion of the existing conditional use for this property but with the conditions imposed with this recommendation, including the limited duration of the use.
6. This recommendation is subject to the following conditions:
 - A. All of the conditions of Conditional Use #2083 and Ordinance #2515 shall remain in effect unless specifically modified by these conditions.
 - B. There shall not be any grinding, sifting, screening, mulching, or similar processes applied to wood, logs, stumps, or roots. No additional wood, roots or wood products shall be delivered to the property, and all existing wood, roots or wood products must be removed within 45 days of the adoption of this Ordinance.
 - C. All dirt and other materials stored at the site pursuant to this Conditional Use shall be removed from the site within 45 days from the completion of Phase I of the Park Avenue Relocation Project, as confirmed by a determination of “Substantial Completion” by DelDOT. If “Substantial Completion” has already been determined for Phase I, then the materials shall be removed within 45 days from the adoption of this Ordinance by Sussex County Council. Alternatively, if Alan Myers, the current DelDOT contractor for Phase I of DelDOT’s Park Avenue Relocation Project is awarded the contract for Phase II, then this date shall be extended until 45 days from the completion of Phase II as confirmed by a determination of “Substantial Completion” by DelDOT for Phase II. This use shall not apply to any contractor other than Alan Myers, nor for any project other than the Phase I of the Park Avenue Relocation Project and Phase II of that Project if the contract for Phase II is awarded to Alan Myers. No dirt or other materials shall be brought onto the site from any other source or for any other purpose.

- D. The Final Site Plan shall depict all material storage areas, and the type of material stored in each area.
- E. The Final Site Plan shall contain the review and approval of the Sussex Conservation District.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/U 2684 Richard H. Bell, III for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



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 5, 2025

Application: CU 2468 Richard H. Bell, III

Applicant: Richard H. Bell, II
115 Savannah Road
Lewes, DE 19958

Owner: Richard H. Bell, II
115 Savannah Road
Lewes, DE 19958

Site Location: 22592 Lewes Georgetown Highway, Georgetown

Site Location: Located on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321).

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

Proposed Use: A mobilization yard for the Park Avenue relocation project to include storage of soil and materials

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 5 – Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 5.96-acre(s) +/-

Tax Map ID.: 135-15.00-79.03



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountye.gov



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2025
RE: Staff Analysis for C/U 2468 Richard H. Bell, III

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2468 Richard H. Bell, III to be reviewed during the February 19th, 2025, 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.

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

Tax Parcel ID: 135-15.00-79.03

Proposal: The request is for a Conditional Use for Tax Parcel 135-15.00-79.03 to allow for a mobilization yard for the Park Avenue relocation project to include the storage of soil and materials on a parcel lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321) in Georgetown. The property is comprised of 16.4f acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels of the subject property are all Agricultural Residential (AR-1) District with parcels to the east and west being zoned Neighborhood Business (B-1) District, Commercial Residential (CR-1) District and General Commercial (C-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Developing 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 has land use designation of "Developing Area." All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of "Developing Area."

Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures and the Plan notes that "most of the proposed Developing Areas are adjacent to municipalities...or adjacent to Town Centers" (2018 Sussex County Comprehensive



Plan, 4-14). The Plan also notes guidelines for density in areas classified Developing Area, noting that a “density (4-12 units per acre) can be appropriate” where development can be supported by central water/sewer, a proximity to commercial and employment centers, or location along a main road or intersection (2018 Sussex County Comprehensive Plan, 4-14). Finally, the Plan notes that “a range of housing types should be permitted in Developing Areas, including single-family homes, townhouses, and multi-family units.” (2018 Sussex County Comprehensive Plan, 4-14).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is located within the vicinity of active agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site. An existing Condition Use is located on the site, C/U 2083 for a contracting business with outdoor storage and concrete crushing that was approved by Sussex County Council on Tuesday, August 8, 2017, through Ordinance No. 2515.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a mobilization yard for the Park Avenue relocation project to include the storage of soil and materials, 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 has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2017, that are less than 1 mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
2083	Richard H. Bell, III	AR-1	contracting business with outdoor storage and crushing of concrete	8/8/2017	Approved	2515
2119	Chad Hayes	AR-1	automotive sales with minor repair and contractor office with storage	4/17/2018	Approved	2571
2182	Samuel G. Thomas	AR-1	automotive repair and dealer	9/17/2019	Approved	2679
2228	M.L. Joseph Heirs Farm Account, LLC	AR-1	Campground	11/17/2020	Approved	2755
2369	Leeward Chase DE, LLC	AR-1	Multi-Family (106)	<Null>	Deferred	<Null>
2412	Marco Morales	AR-1	Professional Office for Construction	<Null>	<Null>	<Null>

Sussex County



January 9, 2025

polygonLayer

Override 1

Override 2

Tax Parcels

Streets

County Boundaries

layer44

Green: Band_2

Blue: Band_3

Red: Band_1

1:4,514

0

0.04

0.09

0.17 mi

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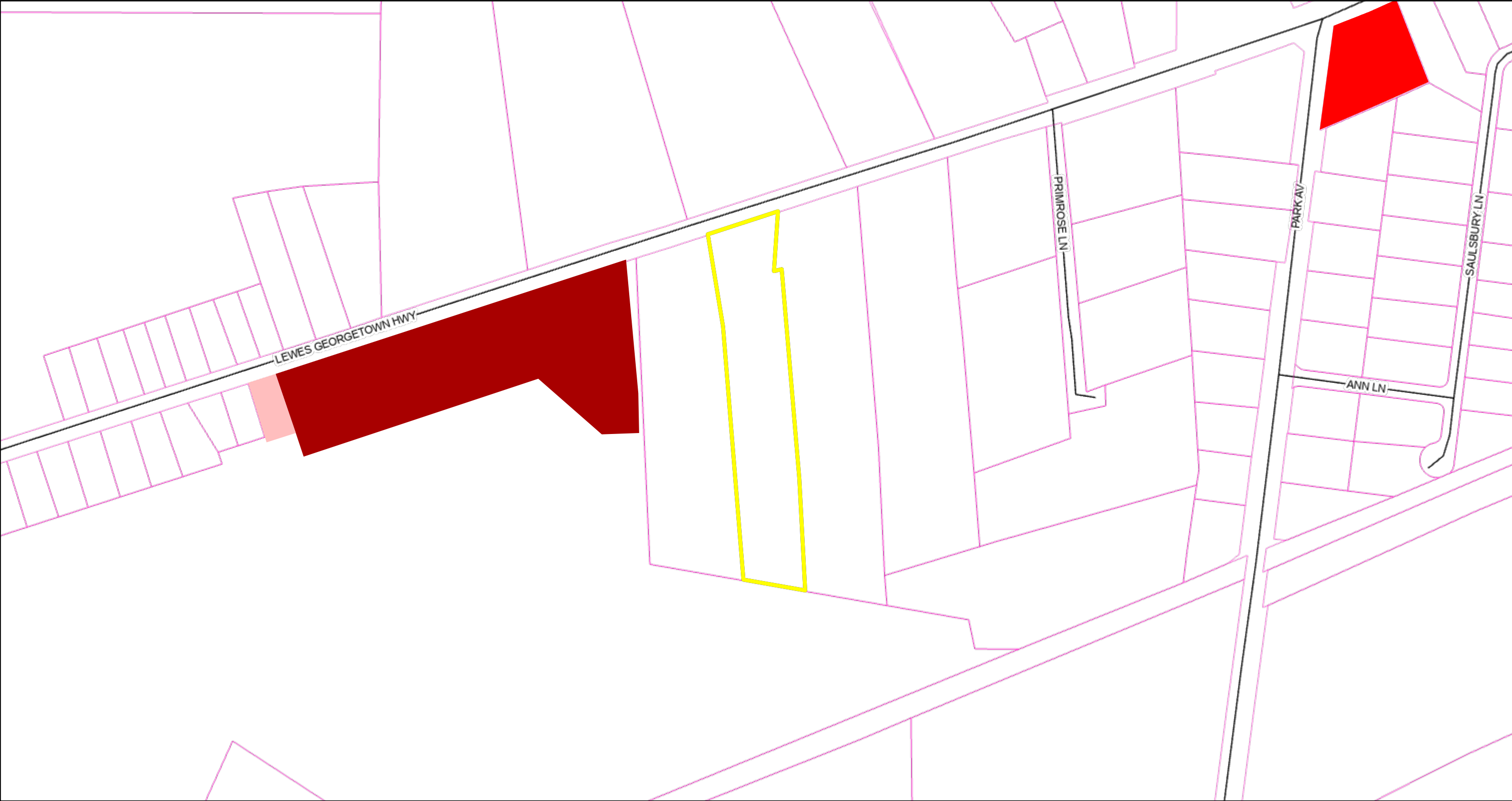
0.05

0.1

0.2 km

Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government

Sussex County



January 9, 2025

polygonLayer

Override 1

Override 2

Commercial Residential - CR-1

C1: General Commercial

B-1: Neighborhood Business

Tax Parcels

Streets

County Boundaries

layer44

Red: Band_1

Green: Band_2

Blue: Band_3

1:4,514

00.040.090.17 mi

00.050.10.2 km

Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government

Sussex County



January 9, 2025

layer43

Red: Band_1

Green: Band_2

Blue: Band_3

polygonLayer

Override 1

Override 2

Tax Parcels

Streets

County Boundaries

World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

1.2m Resolution Metadata

1:4,514

00.040.090.17 mi

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Wetland mapping is supported with funding provided by the Environmental Protection Agency., DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sussex County, Sussex County Government, Maxar

Introduced: 1/14/25

Council District 5: Mr. Rieley

Tax I.D. No.: 135-15.00-79.03

911 Address: 22592 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS

WHEREAS, on the 14th day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2468 was filed on behalf of Richard H. Bell, III; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2468 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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. 2468 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 16.4 acres, more or less.

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



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: April 4, 2025

RE: County Council Report for C/U 2556 filed on behalf of William Melton

The Planning and Zoning Department received an application (C/U 2556 filed on behalf of William Melton) for a professional office to be located in a GR General Residential Zoning District at Tax Parcel 134-12.00-73.02. The property is located at 36294 Old Mill Road, Ocean View. The parcel size is 0.82 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 9 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 5, 2025, and February 19, 2025.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

C/U 2556 William Melton

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS. The property is lying on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350). 911 Address: 36294 Old Mill Road, Ocean View. Tax Map Parcel: 134-12.00-73.02.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the deed to the property, a copy of the SLER, a copy of the Applicant's exhibits, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis, a copy of the Preliminary Site Plan, a copy of the Final Site Plan that was submitted on February 5, 2025, and 53 public comments included in the paperless packet.

Mr. William Melton, the Applicant, spoke on behalf of himself that he presented a similar application to this Commission a year prior and it was ultimately denied by the County Council due to the amount of opposition that was submitted; that the same opposition seems to be presented for this case; that while looking at the opposition comments they all came from residents of the Whites Creek Manor, which is a mile down the road from the property listed in this application; that the immediate neighbors of this application did not have any opposition to what was being proposed; that the proposal is to leave the existing structure as is, as the home is currently being rented and they are using the space above the garage as well; that the plan is to convert the garage into professional office; that there is someone interested in utilizing the space that runs a part time chiropractic office; that the business would most likely be on an as needed basis, but the application is asking for hours of operation to be Monday through Saturday, 8:00 AM – 2:00 PM; that the request is for a 24x36 sign, parking will be to code for the property and security lighting will be downlit as to not bother any neighbors; that the trash receptacle will be behind the building as to be out of sight from passing traffic; and that the access to the dwelling upstairs will be in the back of the property.

Ms. Wingate asked if there would be more than one (1) employee at the chiropractor office and how many patients will be seen in the office.

Mr. Melton stated that there would be two employees, and they would only be seeing two (2) to three (3) patients per day, so a maximum of six (6) to eight (8) cars in the parking lot at one time.

Mr. Martin Lampner of 205 Chad Place in Whites Creek, spoke in opposition to the application; that he is speaking on behalf of the White Creek Manor and Whitesnake Community Alliance; and that they are all concerned with the amount of traffic that will be brought to the area as it is overwhelming already.

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

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

In relation to C/U 2556 William Melton. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 5, 2025.

Mr. Mears moved the Commission to recommend approval of C/U 2556 WILLIAM MELTON for a professional office based upon the record made during the public hearing and for the following reasons:

1. The site is in the Coastal Area according to the current Sussex County Comprehensive Plan. Small offices are appropriate in the Coastal Area according to the Plan.
2. This location is centrally located in an area that contains a lot of existing and new low- and medium-density residential development. This will be a convenient location a small professional office space and will reduce the need for current and future nearby residents to have to travel to Route 26 for services that can be located on this site.
3. The location is served by central water and sewer.
4. The conditional use will not adversely affect area roadways or traffic.
5. The conditional use will also not adversely affect nearby properties or property values.
6. The proposed conditional use meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a Professional Office with a total square footage that does not exceed 2,150 square feet. No retail sales or outdoor storage shall occur on the site.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Parking areas shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
 - E. All dumpsters shall be screened from the view of neighboring properties and roadways.
 - F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - G. Stormwater management shall be constructed in accordance with all applicable state and county requirements.
 - H. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
 - I. 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. Collins and carried unanimously to recommend APPROVAL of C/U 2556 William Melton for the reasons and the conditions stated in the motion. Motion carried 4-1.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – no, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 5, 2025

Application: CU 2556 William Melton

Applicant: William Melton
36294 Old Mill Road
Ocean View, DE 19970

Owner: William Melton
36294 Old Mill Road
Ocean View, DE 19970

Site Location: 36294 Old Mill Road, Ocean View, DE

Site Location: Located on the south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350).

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Professional Office

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Sussex County

Water: Tidewater

Site Area: 0.82-acre(s) +/-

Tax Map ID.: 134-12.00-73.02



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountype.gov



Sussex County

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sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 29, 2025
RE: Staff Analysis for C/U 2556 William Melton

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2556 William Melton to be reviewed during the February 5th, 2025, 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.

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: 134-12.00-73.02

Proposal: The request is for a Conditional Use for Tax Parcel 234-23.00-276.00, 276.01, & 277.00 to allow for multi-family dwellings (116 units) on a parcel lying on the east side of Banks Road (S.C.R. 298), approximately 0.61 northeast of Long Neck Road (Rt. 23) in Millsboro. The properties are comprised of 30.57 acres +/-.

Zoning: The Parcel is zoned General Residential (GR) District. The surrounding parcels of the subject property are all General Residential (GR) District with parcels to the northwest being zoned Medium Density Residential (MR) District and General Commercial (C-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal 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 has land use designation of "Coastal Area." All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are "areas that can accommodate development provided that special environmental concerns are addressed" (2018 Sussex County Comprehensive Plan, 4-15.) The Plan further notes that "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family



units” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Comprehensive Plan notes that “central water and sewer facilities are strongly encouraged” within the Coastal Area, of which the Application indicates, is on central water and sewer (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is located within the vicinity of active agricultural areas.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** There appears to be a man-made pond located adjacent to and partially on the subject property. There are non-tidal wetlands located in the rear of the property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Fair” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a professional office, 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 has been supplied which provides 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 (Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
2462	Gulf Stream Glen Cove, LLC) seeking	AR-1	Multifamily Condominiums (Single - Detached)			
2401	OA Sundance Club, LLC	GR	Multi-Family (180 Units)	1/30/2024	Approved	2977
2323	Lesle Brossus	GR	Short-term rental for yurt & treehouse	6/13/2023	Approved	2928
2206	Linder & Company, Inc. (Evans Farm)	GR	multi-family (200)	6/15/2021	Approved	2776
2111	Michael Moutzalias	AR-1	RV/Park Model Trailer Repair and Refurbishment business	3/20/2018	Denied	
1983	Gerald W. & Emily W. Hocker	C-1	Food Vendor	5/20/2014	Approved	2349
1913	Jeremy W. Smith	AR-1	Yard & Waste Composting Facility	2/7/2012	Approved	2236
1897	Russell V. Banks	AR-1	borrow pit	6/12/2012	Approved	2259
1849	Linder & Company	GR	Multi-Family	2/1/2011	Approved	2176
1502	Windmill Venture LLC	MR	multi-family	12/16/2003	Approved	1647

1148	Great Scott Broadcasting	AR-1	Radio Broadcast Tower	3/12/1996	Approved	1081
1104	Eileen P. McCaffery	AR-1	expand park 81 lots	3/28/1995	Approved	1017

Sussex County



January 9, 2025

Override 1

911 Address

Streets

County Boundaries

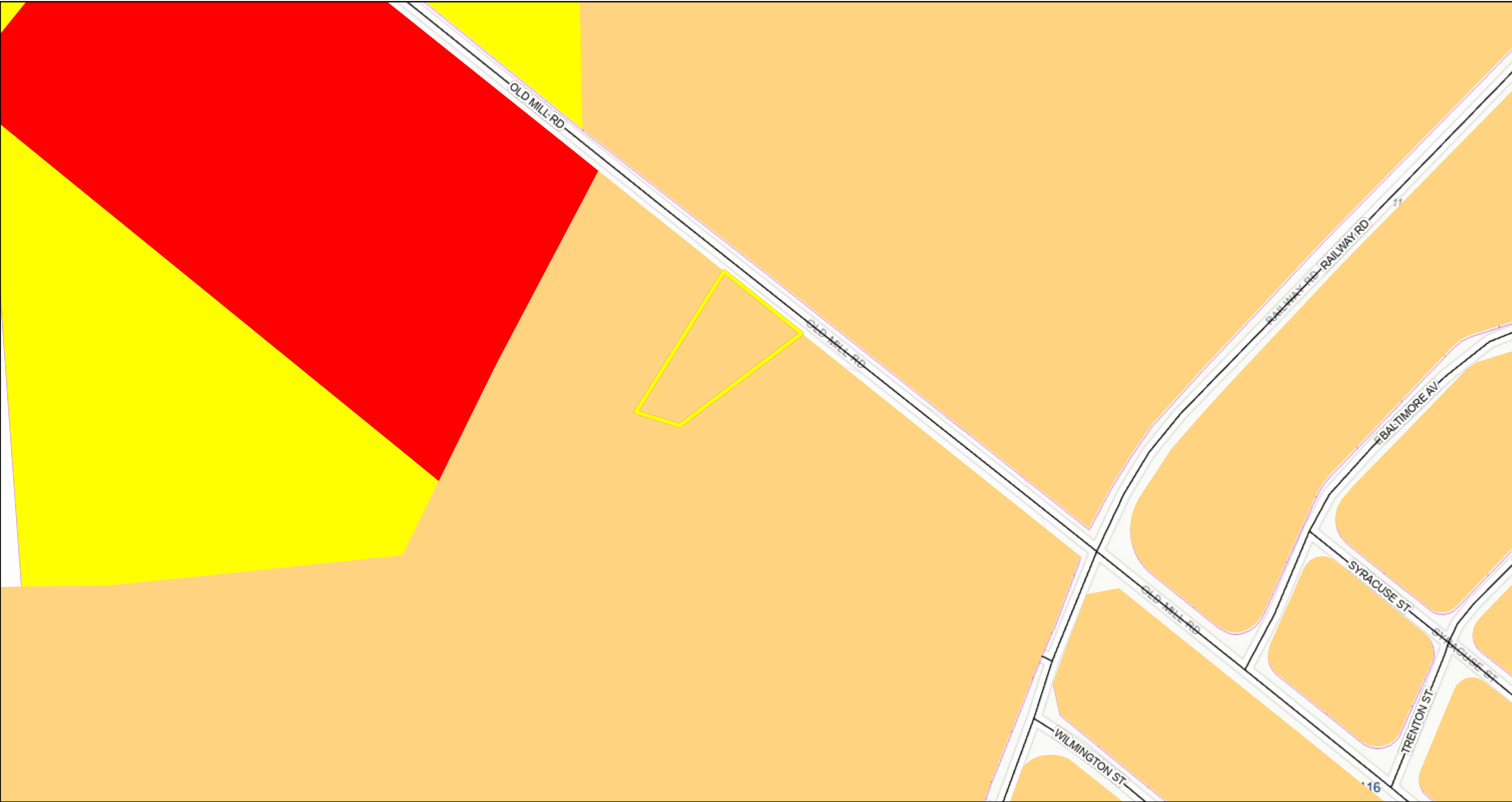
Tax Parcels

00.0100.0200.0400.07 mi

00.0200.0400.07 km

Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, U.S. Geological Survey, Delaware Public Service Commission, FEMA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA,

Sussex County



January 9, 2025

1:2,257

0 0.02 0.04 0.08 mi

0 0.04 0.07 0.14 km

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sussex County Government, Sussex County Mapping and Addressing

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

C1: General Commercial

Tax Parcels

911 Address

Streets

County Boundaries

layer1

Red: Band_1

Green: Band_2

Blue: Band_3

Sussex County



January 9, 2025

Override 1

911 Address

County Boundaries

Tax Parcels

Streets

00.020.040.08 mi

00.040.070.14 km

Maxar, Microsoft, Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sussex County Mapping and Addressing

Introduced: 1/14/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-73.02

911 Address: 36294 Old Mill Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS

WHEREAS, on the 7th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2556 was filed on behalf of William Melton; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2556 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 VI, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2556 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 south side of Old Mill Road (S.C.R. 349), approximately 550 feet west of Railway Road (S.C.R. 350) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A. said parcel containing 0.82 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.