



Town Council
Town of Millsboro
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Mayor Jim Kells
Vice Mayor John Thoroughgood
President Pro Tem Ron O'Neal
Treasurer Robert Bryan
Secretary Kimberley Kaan
Councilman Matthew Davis
Councilman Marty Presley

Jamie Burk, Town Manager

Posted on December 5, 2023 at 4:00pm

**TOWN OF MILLSBORO
NOTICE OF PUBLIC HEARINGS**

A PUBLIC HEARING WILL BE HELD ON TUESDAY, JANUARY 2, 2024, AT 7:00PM, IN MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, SUSSEX COUNTY, DELAWARE, ON EACH OF THE FOLLOWING MATTERS:

- (1) TO CONSIDER GRANTING FINAL APPROVAL OF THE MAJOR SUBDIVISION REQUEST SUBMITTED BY JACK LINGO ASSET MANAGEMENT, LLC, FOR 69.412 +/- ACRES OF REAL PROPERTY OWNED BY SOMERTON CHASE HOLDINGS, LLC (FORMERLY OWNED BY NR & NR, LLC), LOCATED TO THE WEST OF THE INTERSECTION OF S. DELAWARE AVENUE AND HICKORY HILL ROAD (SCR 82) AND RADISH ROAD (SCR 338), IN THE TOWN OF MILLSBORO, SAID REAL PROPERTY FURTHER IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBERS 133-20.00-40.00, 41.00, 41.01 AND 41.02.

- (2) TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF MILLSBORO, CHAPTER 210, ZONING, § 210-20. RESIDENTIAL PLANNED COMMUNITY (RPC) DISTRICT, SUBPARAGRAPH J. MINIMUM LOT AREA AND WIDTH, BY STRIKING THE LAST SENTENCE THEREOF AND BY ADDING A REQUIREMENT THAT SETBACKS SHALL NOT BE REDUCED FOR DETACHED SINGLE-FAMILY DWELLINGS LOTS.

A RESOLUTION ESTABLISHING THAT A PUBLIC HEARING BE HELD TO CONSIDER GRANTING FINAL APPROVAL OF THE MAJOR SUBDIVISION REQUEST SUBMITTED BY JACK LINGO ASSET MANAGEMENT, LLC, FOR 69.412 +/- ACRES OF REAL PROPERTY OWNED BY SOMERTON CHASE HOLDINGS, LLC (FORMERLY OWNED BY NR & NR, LLC), LOCATED TO THE WEST OF THE INTERSECTION OF S. DELAWARE AVENUE AND HICKORY HILL ROAD (SCR 82) AND RADISH ROAD (SCR 338), IN THE TOWN OF MILLSBORO, SAID REAL PROPERTY FURTHER IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBERS 133-20.00-40.00, 41.00, 41.01 AND 41.02, AND THAT SAID HEARING BE HELD ON THE 2ND DAY OF JANUARY, 2024, AT 7 O’CLOCK IN THE EVENING, PREVAILING TIME, AT MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, DELAWARE.

WHEREAS, on November 7, 2022, Jack Lingo Asset Management, LLC (hereinafter “Applicant”), received preliminary approval from the Town Council of the Town of Millsboro of its major subdivision request for 69.412 +/- acres of real property owned by Somerton Chase Holdings, LLC, (formerly owned by NR & NR, LLC), located to the west of the intersection of S. Delaware Avenue and Hickory Hill Road (SCR 82) and Radish Road (SCR 338), in the Town of Millsboro, said real property further identified as Sussex County Tax Map and Parcel Nos. 133-20.00-40.00, 41.00, 41.01 and 41.02 (hereinafter “subject property”); and

WHEREAS, Applicant’s proposed major subdivision is located in the Medium-Density Residential (MR) District and will be comprised of 214 single family lots; and

WHEREAS, the Applicant is now requesting final approval of said major subdivision request; and

WHEREAS, the Applicant’s major subdivision request is submitted pursuant to § 178-7 of the Town Code of the Town of Millsboro; and

WHEREAS, § 178-7.C.(5) of the Town Code requires that, prior to final approval of a major subdivision, the Town Council shall hold a public hearing after 15 days’ notice published in a newspaper of general circulation in the Town and posting of the subject property.

NOW THEREFORE BE IT RESOLVED that a Public Hearing shall be held on **Tuesday, January 2, 2024**, at 7 o'clock in the evening, prevailing time, at Millsboro Town Center, 322 Wilson Highway, Millsboro, Sussex County, Delaware, to consider Jack Lingo Asset Management, LLC’s request for final approval of a major subdivision of 69.412 +/- acres of real property owned by Somerton Chase Holdings, LLC, (formerly owned by NR & NR, LLC), located to the west of the intersection of S. Delaware Avenue and Hickory Hill Road

(SCR 82) and Radish Road (SCR 338), in the Town of Millsboro, said real property further identified as Sussex County Tax Map and Parcel Nos. 133-20.00-40.00, 41.00, 41.01 and 41.02.

AND BE IT FURTHER RESOLVED that the Town Manager be and he is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Resolution by title to be published in a newspaper of general circulation in the Town of Millsboro, at least fifteen (15) days prior to the date set forth in this Resolution for the Public Hearing.

I, Kimberley M. Kaan, Secretary of the Town Council of The Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on December 4, 2023, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Dated: _____

Kimberley M. Kaan, Secretary

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON TUESDAY, JANUARY 2, 2024, AT 7:00PM, IN MILLSBORO TOWN CENTER, 322 WILSON HIGHWAY, MILLSBORO, SUSSEX COUNTY, DELAWARE, TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF MILLSBORO, CHAPTER 210, ZONING, § 210-20. RESIDENTIAL PLANNED COMMUNITY (RPC) DISTRICT, SUBPARAGRAPH J. MINIMUM LOT AREA AND WIDTH, BY STRIKING THE LAST SENTENCE THEREOF AND BY ADDING A REQUIREMENT THAT SETBACKS SHALL NOT BE REDUCED FOR DETACHED SINGLE-FAMILY DWELLINGS LOTS.

WHEREAS, in November, 2022, the Town Council amended Chapter 210, Zoning, of the Town Code of the Town of Millsboro (“Zoning Code”), by increasing the minimum lot area, minimum lot frontage and minimum lot depth for lots located in the Medium-Density Residential (MR) District; and

WHEREAS, as a result of the aforementioned amendment to the Zoning Code, it has been brought to the Town Council’s attention that existing language in Section 210-20.J of the Zoning Code concerning minimum lot area and minimum lot width requirements in the Residential Planned Community (RPC) District, which is an overlay district that is sometimes superimposed on property located in the Medium-Density Residential (MR) District, may cause some confusion and be perceived as conflicting; and

WHEREAS, a suggestion has also been made to the Town Council that Section 210-20.J of the Zoning Code might be revised to impose a requirement that setbacks shall not be reduced for detached single-family dwelling lots located in any superimposed Residential Planned Community (RPC) District; and

WHEREAS, the Town Council has reviewed the information presented by Town staff and concluded that, for the sake of clarity, Section 210-20.J of the Zoning Code, should be revised by deleting the confusing language that may be perceived as creating a conflict with respect to minimum lot area and minimum lot width requirements; and

WHEREAS, the Town Council has further concluded that including in Section 210-20.J of the Zoning Code the proposed requirement that setbacks shall not be reduced for detached single-family dwelling lots located in any superimposed Residential Planned Community (RPC) District is desirous in order to maintain appropriate open space between dwellings; and

WHEREAS, 22 Del. C. § 304 provides that any amendment to any zoning ordinance shall only be after a public hearing following fifteen (15) days notice thereof by publication in an official paper or a paper of general circulation within the municipality.

NOW THEREFORE BE IT RESOLVED that a Public Hearing shall be held on

Tuesday, January 2, 2024, at 7:00PM, in Millsboro Town Center, 322 Wilson Highway, Millsboro, Sussex County, Delaware, to consider amending Chapter 210, Zoning, of the Town Code of the Town of Millsboro, as follows:

Item 1:

Amend § 210-20. **Residential Planned Community (RPC) District**, by revising subsection J. Minimum lot area and width, thereof as follows (removed language is stricken through; new language is underlined):

- J. Minimum lot area and width. The minimum lot area and minimum lot width of detached single-family dwelling lots established within the development shall not be less than 2/3 of the normal minimum lot area and minimum lot width required for detached single-family dwellings in the district in which the lot is located. ~~In no case shall a detached single family lot be created with an area of less than 6,000 square feet or a lot width of less than 60 feet.~~ Setbacks shall not be reduced for detached single-family dwellings.

AND BE IT FURTHER RESOLVED that the Town Manager be and he is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Resolution by title to be published in a newspaper of general circulation in the Town of Millsboro, at least fifteen (15) days prior to the date set forth in this Resolution for the Public Hearing.

I, Kimberley M. Kaan, Secretary of the Town Council of the Town of Millsboro, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Town Council at its Regular Meeting held on December 4, 2023, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Kimberley M. Kaan, Secretary