

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 4, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 4, 2025, at 1:00 p.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
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	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 045 25 Approve Agenda	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda as presented. Motion Adopted: 3 Yeas, 2 Absent Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea
Minutes	The minutes from January 28, 2025 were approved by consensus.
Correspondence	Mr. Moore read correspondence received from Love, Inc., Redemption City and Developing Artist Collaboration thanking Council for their donation.
Public Comments	Public comments were heard, and the following people spoke: Mr. George Lodato spoke about a proposed moratorium. Ms. Jill Hicks spoke about the environment in Sussex County and the creation of a working group. Mr. Rich Borrasso spoke about growth and development in Sussex County. Mr. Keith Steck spoke about an Ordinance for putting speakers under Oath when presenting and a way for public to request a correction in minutes, etc.
M 046 25 Approve Consent	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to approve the following item under the Consent Agenda:

Agenda **Use of Existing Wastewater Infrastructure Agreement
The Estates at Bridgewater, Miller Creek Area**

Motion Adopted: **3 Yeas, 2 Absent**

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

Food Drive Recognition **Mr. Lawson recognized those that participated in the Caroling on the Circle Food Drive effort and thanked everyone that volunteered and contributed.**

Administrator's Report **Mr. Lawson read the following information in his Administrator's Report:**
1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for November 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of September.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Egret Shores – Phase 3B (Construction Record) received Substantial Completion effective January 28th.

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

**BOAR
Ordinance**

Mrs. Jennings presented an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION") OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED "BOARD OF ASSESSMENT REVIEW" TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004" for Council's consideration.

Mrs. Jennings reported that the members have been appointed to the Board of Assessment Review as established in Title 9 of Delaware State Code. The next step is for Council to adopt an ordinance that allows that Board to carry out the required duties outlined in the Code.

**Introduction
of BOAR
Ordinance**

Mr. Lloyd introduced an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 ("TAXATION") OF THE CODE OF SUSSEX COUNTY TO ADD A NEW ARTICLE VIII, ENTITLED "BOARD OF

ASSESSMENT REVIEW” TO GRANT THE BOARD OF ASSESSMENT REVIEW AUTHORITY TO ADOPT RULES AND PROCEDURES TO CARRY OUT ITS DUTIES AS OUTLINED IN 9 DEL. C. § 7004”.

Warwick Park Phase II Ordinance Mike Harmer, County Engineer presented an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH” for Council’s consideration.

Introduction of Warwick Park Phase II Ordinance Mr. McCarron introduced an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Winding Creek Hans Medlarz, Project Engineer presented amendment 6 – close out for Winding Creek Village water district project for Council’s consideration.

M 047 25 Approve Amendment No. 6/ Winding Creek A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it moved based up the recommendation of the Sussex County Engineering Department that modified amendment no. 6 to the EJCDC engineering contract for the Herring Creek sanitary sewer district with Whitman, Requardt & Associates LLC be approved in the credit amount of \$273,000 and for closing out amendments no. 3, 5 and 7 after granting substantial completion of project S20-07.

Motion Adopted: 3 Yeas, 2 Absent

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

SCWRF Amendment 29 Hans Medlarz, Project Engineer presented amendment no. 29 for South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program for Council’s consideration.

M 048 25 Approve SCWRF Amendment 29 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 29 to the base engineering contract with GHD, Inc., be approved in the amount not to exceed \$468,000, for process control and equipment logic integration associated with the South Coastal WRF treatment process upgrade no. 3.

Motion Adopted: 3 Yeas, 2 Absent

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

Mr. Hudson, Yea

Grant Request

Mrs. Jennings presented a grant request for Council's consideration.

**M 049 25
ReTemp
Develop-
ment Center**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$500 (\$300 from Mr. Lloyd's Councilmanic Grant Account and \$200 from Mr. Hudson's Councilmanic Grant Account) to ReTemp Development Center for their food project for seniors & homeless.

Motion Adopted: 3 Yeas, 2 Absent

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

Ord Intro

There were no Ordinances for introduction.

**CC Member
Comments**

There were no Council Member comments.

**Public
Hearing/
Love Creek
MHC
Annexation
of the
SCUSSD**

A Public Hearing was held for the Love Creek Manufactured Home Community Annexation of the Sussex County Unified Sanitary Sewer District (Angola North Area).

Hans Medlarz, Project Engineer reported that the County received a request from the owner of the Love Creek MHC expressing interest in annexation into the Sussex County Unified Sanitary Sewer District (SCUSSD) for the purpose of providing central sewer service. On January 14th, County Council agreed to post notices for a public hearing of annexing the community into the SCUSSD. Mr. Medlarz noted that if the Council votes in the affirmative, the County will apply for State & Federal project funding. Consultant engineers will be approved by County Council to develop biddable construction documents. Since the advertisement of the public hearing, the department has received a request for inclusion from Lazy Pine Retreat LLC, tax map 334-18.00-29.00.

Mr. Medlarz reviewed pollution control strategy information as well as the requirements. He then showed the proposed project schedule. The Engineering Department will evaluate different methods, using life cycle costs, for providing sewer service to Love Creek MHC and summarized in a Preliminary Engineering Report in support of the funding application. The Engineering Department anticipates the most cost-effective way to provide central sewer service will be via a low pressure forcemain throughout the community piped to a designated wastewater partner's connection point on the opposite site of Route 24. Most of the individual mobile homes will be served by grinder pumps installed in the existing septic tanks as designated grinder pump plastic well will only be used if the septic tank is compromised. Roadways, distributed by the sewer connection, will be replaced with hot mix in accordance with current County private road standards. The existing septage drain fields do not require remediation and can be abandoned in place. However, cesspools must be pumped and filled.

Public
Hearing/
Love Creek
MHC
Annexation
of the
SCUSSD
(continued)

After low pressure system connection, individual mobile home septic tank conversions will commence. The conversions will be a project expense but will require a temporary suspension of sewer service to the home.

Mr. Medlarz then reviewed the County rate structure and estimated rates.

Public comments were heard.

Mr. Shawn Rhodes, property manager of Love Creek Manufactured Home Park; that when this project is completed and residents are hooked up, there is going to be a rental adjustment to their rent charge; that there is a state formula that will be used; that their attorneys are reviewing it at this time; that about 85%-90% of the residents are currently year-round; that the residents rent the land.

Mr. Ro Rozari stated that he resides in the community; that he questioned how much noise the grinding pumps would make; that he questioned how long the temporary shutdown will be; that he questioned the cost for the one-time fee and the rent decrease; that he questioned where the funding would come from if the income comes below the estimated amount.

Mr. Medlarz replied that there is a slight humming noise with the pumps, however, they have not received any complaints from other communities that they have been placed in; that there will be a one-day down time for the homes that are connected; that there will be advanced notice given; that currently, the tenants pay an amount for this service, in the future, they will receive a sewer bill from the County; that the end result for the resident at the lower end would a small amount.

Mr. Aron Osterlund asked what his option were to connect as private property owners; that he would like to know how he connect and what the connection fee would be.

Mr. Medlarz explained that once the information is heard today, a decision can be made if they would like to connect or not.

Mr. McCarron questioned if the other property owners have been asked if they would like to connect that are located near this parcel.

The Public Hearing and public record were closed.

A discussion was held about the properties that have not responded if they are in favor or against the annexation.

M 050 25
Approve
Love Creek
MHC

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to approve the engineering department's recommendation to annex the entire area including the 4 parcels that are not present today along with the other property owner present that desires to be included.

Motion Adopted: 3 Yeas, 2 Absent

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

Rules

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

**Public
Hearing/
CU2504**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2 ACRES MORE OR LESS” (parcel is lying on the west side of Staytonville Road [S.C.R. 224], approximately 0.42 mile northwest of Blacksmith Shop Road [S.C.R. 44]) (911 Address: 13848 Staytonville Road, Greenwood) (Tax Map Parcel: 430-1.00-13.06) filed on behalf of Living Hope Fellowship.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on December 4, 2024. At the meeting of December 4, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and 3 recommended conditions of approval as outlined.

Mr. Allan Warfel, Chair of the Church Board for the Living Hope Fellowship, spoke in regard to the application; that they are requesting to build a cemetery on their land; that the church has been operating in this location for approximately five years and they are looking to put a cemetery in for the parishioners.

There were no public comments.

The Public Hearing and public record were closed.

**M 051 25
Adopt
Ordinance
No. 3071/
CU2504**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 3071 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2 ACRES MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. It is appropriate for a church to include a cemetery on its property for its congregation.**
- 2. This property is large enough to accommodate a cemetery in**

**M 051 25
Adopt
Ordinance
No. 3071/
CU2504
(continued)**

- addition to the existing church. The cemetery will have about 200 gravesites and will be limited to people affiliated with the church.
3. The proposed cemetery will not adversely affect traffic, roadways, neighboring properties or neighboring uses.
 4. There are no wetlands on the proposed site.
 5. No parties appeared in opposition to the application.
 6. This recommendation is subject to the following conditions:
 - a. The cemetery area shall be at least 30 feet from all property lines.
 - b. The access road and parking areas for the cemetery area shall be clearly shown on the site plan.
 - c. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 3 Yeas, 2 Absent

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

**Public
Hearing/
CU2469**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY WITH OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS” (properties are lying on the west side of John J. Williams Highway [Rt. 24] and the east side of Robinsonville Road [S.C.R. 277], approximately 0.95 mile northeast of the intersection of John J. Williams Highway [Rt. 24] and Robinsonville Road [S.C.R. 277]) (911 Address: N/A) (Tax Map Parcels: 234-6.00-104.00, 104.02, 104.03, & 104.04) filed on behalf of Rehoboth Family Storage, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on December 4, 2024. At the meeting of January 8, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 13 recommended conditions of approval as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

Ms. Mackenzie Peet, Esq., introduced her client, the applicant, to the Council to give some history on himself and his business; that the applicant agrees with all conditions that the Commission proposed and there are no requested amendments.

Mr. Bill Soltesz spoke on behalf of the application; that he is the managing member of Rehoboth Family Storage, LLC; that he was one of the very first Chick-Fil-A franchise owners; that he has been in the self-

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Hearing/
CU2469
(continued)

storage business for 29 years and currently owns six facilities; that the goal is to set a new standard for self-storage facilities by providing exterior colors to match the environment, outstanding landscaping, high tech security and relaxing music within the buildings; that they want to be a good neighbor and provide a positive asset to the community; that self-storage is one of the lowest traffic generators; that approximately 30 vehicles trips per day; that there will be no 24 hour facilities; that their property will not be able to be accessed after 10:00 a.m. and all rental offices are closed on Sundays.

Ms. Mackenzie Peet, Esq., of Saul Ewing, spoke on behalf of the Applicant, Mr. Bill Soltesz, principal owner of Rehoboth Family Storage, LLC.; that Mr. Soltesz has successfully developed and currently owns six self-storage facilities; that the current project proposes three one story buildings consisting of 891 units each to include a mix of interior, climate controlled units and perimeter drive up non climate controlled units; that there will be no outdoor storage and the total building area will consist of approximately 125,000 square feet, with building one consisting of approximately 28,745 square feet, building two, consisting of approximately 56,600 square feet and building three consisting of 40,125 square feet; that each building is a one story low profile design that seamlessly integrates into the surrounding landscape and the design minimizes the visual impact of the project on nearby land uses, and enhances the overall aesthetics of the area; that extensive buffering from adjacent properties in the form of perimeter trees, which will consist of as many trees as possible while supplementing with additional plantings as needed; that each building will have a sprinkler system as required by the Fire Marshal; that the applicant is seeking three signs, an illuminated wall sign on the front of building one, an illuminated monument sign located along Route 24 in the landscaping bed and another along Robinsonville Rd.; that condition D as recommended by the Commission will permit such signage if adopted; that the four parcels will be consolidated; that the property is located in an AR-1 zoning district and the proposed use aligns with the character of the surrounding community, which consists of both a mix of residential and commercial properties; that the property is in a designated growth area; that there is a diverse blend of commercial and residential in the area; that the proposed use aligns with the character in the surrounding community; that there is a significant demand for self-storage solutions in Sussex County and especially in the Rehoboth Beach and Lewes area; that this demand is driven by the four D's; that they are downsizing, death, divorce and dislocation; that the site is located in Investment Level 3.

Mr. Edward Launay, a professional wetlands scientist, of Environmental Resource Insights spoke on behalf of the Applicant; that the site is a 6.68 acre site and based on the USDA maps it is considered a well-drained, sandy soil site; that soils he found on site are well suited to all types of developments with very few development limitations; that the site is not

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CU2469
(continued)

within any DNREC mapped wellhead area protection area or within any special ground water recharge area and the sites not within any 100 year floodplain; that there is no presence of any state or federally regulated wetlands on the site or adjacent to it; that the site is wooded and was clear cut in 2010; that there's a few scattered old growth trees along Robinsonville Rd. and the rest is a relatively young forested area consisting of Tulip Poplar Lava, Early Pine and an occasional Red Maple; that the project proposes to retain 1.62 acres of forest around the perimeter of the site a retention of 24.3% of the entire site; that there are no endangered species located on the property.

Ms. Peet stated that the site is located within the Henlopen Transportation Improvement District; that the applicant is required to pay into the Henlopen Transportation Fund for the project; that the public has noted some concern with the entrance being on Robinsonville Rd, but it should be noted that the developer has no control over the entrance as that is determined by DelDOT and they restricted the access from Route 24; that traffic generated by the facility is characterized as low, stable and predictable due to their operational nature and based on the gate access logs of Mr. Soltesz's other facilities, suggest an average of approximately 30 vehicle trips per day; that the location was selected as to draw traffic away from Route One and was placed within a three mile radius of the nearest storage facility; that Tidewater will provide utilities; that the applicant has received an approved site evaluation from DNREC; that this site will be secured with a fence around the perimeter as well as a gate, security cameras will be provided, hours of operation, unlike typical storage facilities in the area, this facility will not offer 24 hour access; that gate access will only be available from 6:00 a.m. to 10:00 p.m. seven days a week, additionally, office hours will be from 9:00 a.m. to 6:00 p.m. Monday through Saturday, with no Sunday office hours; that this will be used to be store personal and business property; that there will be no distribution, etc. on site.

Mr. Cliff Mumford, P.E., of Davis, Bowen & Friedel, spoke on behalf of the Applicant, that the correspondence with DelDOT determined that the site's traffic does not warrant a TIS, but it is located within the TID and the applicant is required to pay a fee that is over \$400,000, based on the square footage of the buildings; that at the May 17, 2023, meeting the applicant proposed to have the entrance on Route 24, but DelDOT's policy states that access be provided from the lower functional classification roadway, which is Robinsonville Rd.; that a follow up meeting was held with DelDOT on June 22, 2023; that the site line stays within the right-of-way of Robinsonville Road; that a meeting was held with Sussex Conservation District, a stormwater assessment study was done and to be in compliance with their requirements an infiltration pond will be used to control runoff; that the pre-application meeting with the Fire Marshal determined that all buildings will have fire sprinklers and a Knox

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(continued)**

box will be provided on the gate so the fire department will have access into the site; that a fire hydrant flow test was performed by Tidewater Utilities that confirmed sufficient flow for fire suppression, and there's an existing water main and a fire hydrant in front of the site on Robinsonville Rd.; that a soil evaluation was done and it was confirmed that a septic can be supported by the soil; that the site will generate less wastewater than a single-family house.

Ms. Peet stated that the Code provides that property owners in each zoning district can undertake certain uses of their property by right; that others are allowed upon receipt of a Conditional Use approval; that several people stated that the applicant failed to meet the purpose of a Conditional Use; that they provided no clear explanations and asked for a denial without details; that the applications have met the criteria for a Conditional Use; that the Commission findings also detail how this application meets the criteria for a Conditional Use; that the proposed use is permitted in that district; that similar uses have been approved in this district; that the site is well suited for this development; that there are no federal or state wetlands; that this project is far from your typical storage facility; that the applicant has chosen a different and more thoughtful path with a product that integrates with the community; that the family has a deep pride in the finished product; that the building design is appealing and blends in with the natural environment; that this development may have a heightened standard of how self-storage should be for future projects; that the proposed development has received positive responses from the agencies as mentioned by Mr. Mumford; that the applicant agrees to all conditions as proposed by the Commission; that prior to the Commission meeting, Mr. Soltesz contacted three people that submitted letters into the record at that time; that at the last meeting, the emails that were sent were submitted into the record of the conversations; that the applicant submitted a letter yesterday regarding the opposition that has been received; that there are 26 letters of support; that 11 additional letters of support were submitted into the record; that the applicants requests approval of this Conditional Use request for self-storage.

Mr. Moore questioned if the applicant had an objection if the colors and single story were added to the conditions. Ms. Peet replied that they would not have an objection to that.

Mr. Lloyd questioned the width of the buffer and if there was a plan to save the existing trees.

Mr. McCarron questioned if the design was reviewed as part of the process. Mr. Soltesz explained the look of the property; that the closet self-storage business is 95% occupied; that the layout of the property was shown.

Public comments were heard.

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Hearing/
CU2469
(continued)**

Mr. Brendan O’Toole spoke in favor of the application; that he is speaking on behalf of his parents; that his parents recently lost their home to a storm and went to find a storage facility for their belongings; that it was a challenge to find storage during that time; that all nearby self-storage facility was full; that they had to rent a unit more than 90 minutes away; that this added unnecessary delays and expenses; that his parents fully support this facility.

Mr. Dustin Oldfather spoke in favor of the application; that as a real estate agent, he sees the demand; that the growth of the County is continuing at a rapid pace; that clients rely on self-storage for downsizing, moving delays, merging households, college students returning homes and new homes being built; that most self-storage facility are built along Route 1 which makes clients compete with seasonal traffic; that the impact on traffic and services would be minimal; that he requested support for this facility.

Mr. Anduel spoke in opposition of the application; that four years ago he started looking for a house; that it was hard to find a home that met his requirements; that he looked at the zoning requirements; that the traffic has increased significantly; that the homeowners bought into this area because it is mostly residential; that he asked why the access cannot be from John J. Williams; that there are a lot of rentals in this area; that he is concerned about traffic, security and the property values; that he has a concern about the wildlife.

Ms. Susan Anderheggen spoke about the application; that the applicant called her; that the call did not solve the issue of objection; that there are not many entrances on Robinsonville Road; that the businesses mentioned are mainly homebased businesses; that they do not have clients coming in and out; that since she has moved in, there has been 8 new developments under construction within a short distance; that the supporters do not live on Robinsonville Road; that by introducing this, the door will be opened up.

Ms. Mary Han spoke about the application; that she recently retired here; that there is a tremendous shortage of mini storage; that the needs of the citizens need to be met; that the growth of the County is going to continue to soar; that we have to plan to prepare and plan for the future; that the landscaping is incredible; that this will be an asset to the community.

The Public Hearing and public record was left open only to allow the Council Members not present today to review the record for no more than three weeks.

**M 052 25
Defer
Action/**

A Motion was made by Mr. McCarron, 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

CU2469

RESIDENTIAL DISTRICT FOR A MINI-STORAGE FACILITY WITH OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.68 ACRES, MORE OR LESS” for the reasons and conditions given by Planning & Zoning.

Motion Adopted: 3 Yeas, 2 Absent

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

**Public
Hearing/
CZ2041 &
CU2464**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” (property is lying on the east side of Old Shawnee Road [S.C.R. 619] approximately 0.35 mile northeast of Shawnee Road [Rt. 36]) (911 Address: N/A) (Tax Map Parcel: 130-3.00-170.04) filed on behalf of James Yorkie, II.

Jamie Whitehouse, Planning & Zoning Director presented the applications.

The Planning & Zoning Commission held a Public Hearing on the application on December 4, 2024. At the meeting of January 8, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons 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 OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (property is lying the east side of Old Shawnee Road [S.C.R. 619] approximately 0.35 mile northeast of Shawnee Road [Rt. 36]) (911 Address: N/A) (Tax Map Parcel: 130-3.00-170.04) filed on behalf of James Yorkie, II.

The Planning & Zoning Commission held a Public Hearing on the application on December 4, 2024. At the meeting of January 8, 2025, the Planning & Zoning Commission recommended approval of the application for the 4 reasons and 9 recommended conditions of approval as outlined.

Mr. James Yerkie, II, spoke on behalf of the application, that he plans for this location to be his forever home; that he has a lot of cars; that he does not see any issues with any parking; that he has storage containers on a

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CZ2041 &
CU2464
(continued)**

pad; that he plans to paint the containers and put a fence up.

Mr. McCarron questioned how an accessory dwelling would play into this type of application.

There were no public comments.

The Public Hearing and public record were closed.

**M 053 25
Adopt
Ordinance
No. 3072/
CZ2041**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 3072 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.53 ACRES, MORE OR LESS” for the reasons given by the Planning Commission as follows:

- 1. The property is currently a 1.5-acre lot. The applicant is requesting this change in Zone to AR-1 so that a conditional use can be sought to allow the applicant to store vehicles and equipment on his property before he constructs a home there. As stated by the Applicant, the primary use of the property will ultimately remain residential. This type of conditional use is not possible in the MR-1 Zoning District.**
- 2. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.**
- 3. Should the conditional use not be approved, or should it expire, the AR-1 zoning will remain in place, which is a less-intensive zoning district than the MR District.**
- 4. There was no opposition to this rezoning application.**
- 5. For all of these reasons, the rezoning of this property from MR to AR-1 is appropriate.**

Motion Adopted: 3 Yeas, 2 Absent

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

**M 054 25
Adopt
Ordinance
No. 3073/
CU2464**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 3073 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

**M 054 25
Adopt
Ordinance
No. 3073/
CU2464
(continued)**

- 1. The Applicant owns this property and intends to build his home with a large garage on the property at some point in the future. In the meantime, the Applicant seeks approval for this conditional use to allow the outdoor storage of his vehicles, equipment, and other items until such time as he can build his own home and garage upon the property.**
- 2. The use will be very limited, and the Applicant has stated that there will be no public access to the property. It will not be used as a commercial storage facility. As a result, the use will not have any impact upon area roadways.**
- 3. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.**
- 4. No parties appeared in opposition to this Application.**
- 5. This recommendation for approval is subject to the following conditions:**
 - a. The use shall be limited to the outdoor storage of vehicles, equipment, and similar items.**
 - b. The property shall not be accessible to the public.**
 - c. No maintenance or repair activities shall occur on the site, and no equipment, parts or materials associated with HVAC systems shall be stored on the site.**
 - d. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
 - e. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of the vehicles, equipment, and similar items located on the site.**
 - f. The areas to be used for outside storage, including driveways, parking areas, pad sites, and bins shall be clearly marked on the Final Site Plan and on the site itself. There shall not be any storage, bins, pad sites or parking within the property's setbacks.**
 - g. This conditional use shall expire upon the sale or transfer of title to the property or upon the issuance of a Certificate of Occupancy to the Applicant for a home that is constructed on the property. If a home is constructed, the Conditional Use is no longer necessary since the use will be accessory to the primary residential use of the property.**
 - h. The failure to abide by any of these conditions may be grounds for the revocation of this Conditional Use.**
 - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Absent

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

M 055 25

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to adjourn

Adjourn at 3:40 p.m.

Motion Adopted: 3 Yeas, 2 Absent

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