

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 27, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 27, 2024, at 12:30 p.m., in Council Chambers, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 098 24  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes from February 20, 2024, were approved by consensus.**

**Corre-  
spondence**

**Mr. Moore reported that there was no correspondence.**

**There were no public comments.**

**Public  
Comments**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve the following items under the Consent Agenda:**

**M 099 24  
Approve  
Consent  
Agenda**

**Proclamation Request – Sussex Central High School Wrestling Team  
Division I State Champions**

**Motion Adopted: 5 Yeas**

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

**Recognition** Mr. Fred Haas was recognized for his retirement.

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

**Report**

1. Delaware State Police Activity Report

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

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Patriots Glen – Phase 1B (PS & FM) effective February 12<sup>th</sup> and Millville by the Sea – Seagull Village (FKA MBTS Village 2) – Phase 1 effective February 13<sup>th</sup>.

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

**Wolfe Neck Solar Project**

Hans Medlarz, County Engineer, Ret. presented a recommendation to award for the Wolfe Neck Solar project for Council's consideration.

**M 100 24 Award Wolfe Neck Solar Project**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Council authorize to finalize lease terms with Noria Energy/Chaberton Energy and present the agreement to County Council for final approval at a future date.

**Motion Adopted:** 5 Yeas

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

**Starlight Meadows Award Recommend**

Mark Parker, Assistant County Engineer presented a recommendation to award for Starlight Meadows Road Improvements, Project T24-07 for Council's consideration.

**M 101 24 Award Starlight**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Starlight Meadow Road Improvements, Sussex County project T24-07 be awarded to the low bidder, George & Lynch, Inc. in the

**Meadows Project** amount of \$190,166.50 set amount consisting of a base bid of \$181,228.50 and a contingent bid of \$8,938.00 with the contingent items used only at the direction of Sussex County project personnel.

**Motion Adopted:** 5 Yeas

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

**Old Business/  
CZ1991** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented 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-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 73.95 ACRES, MORE OR LESS” filed on behalf of Sycamore Chase Expansion.

The County Council held a Public Hearing on the application at its meeting on January 23, 2024. At the conclusion of the Public Hearing, the record was closed and action on the application was deferred for further consideration.

**M 102 24  
Amend  
Condition  
10C/  
CZ1991** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend Condition 10 C to add the following: This in no way requires any right of way or easements on any surrounding or adjacent properties or in order to comply with DelDOT regulations and places no obligations to provide that on any other neighboring properties.

**Motion Adopted:** 5 Yeas

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

**M 103 24  
Adopt  
Ordinance  
No. 2990/  
CZ1991** A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2990 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 73.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

1. The property is currently zoned AR-1, and it is adjacent to the existing AR-1 subdivision known as Sycamore Chase. The developer is seeking

**M 103 24  
Adopt  
Ordinance  
No. 2990/  
CZ1991  
(continued)**

- to expand that subdivision but with a variety of housing types including single-family homes and townhomes. The MR-RPC application supports this variety of housing types.
2. The MR-RPC will be integrated into the existing Sycamore Chase development and there will be two interconnecting roadways between the MR-RPC and the existing subdivision.
  3. The proposed development will have no more than 176 dwellings consisting of 176 single-family lots and townhomes on 74.12 acres. The net density is 2.37 units per acre which is close to the allowable density in AR-1 and significantly less than the maximum density permitted under the MR zoning.
  4. The MR-RPC is consistent with the development trend of the area that includes MR, GR, and C-1 zoning and both single-family homes and townhomes. It is also similar to the densities of nearby communities.
  5. Central water and sewer will be provided to the MR-RPC by a publicly regulated utility.
  6. The MR-RPC is located near Route 26 and the commercial corridor there. This is an appropriate location for this MR-RPC and the expansion of Sycamore Chase and the variety of housing types that are proposed.
  7. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will also maintain approximately 36 acres of open space. This represents 48% of the entire site.
  8. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this MR-RPC is appropriate in this area according to the Plan which permits residential development with a mix of housing types.
  9. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
  10. This recommendation is subject to the following conditions:
    - a. There shall be no more than 176 dwelling units consisting of single-family homes and townhomes.
    - b. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas. Alternatively, this project shall be annexed into the existing Sycamore Chase community and homeowners' association to provide for this maintenance and repair.
    - c. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements. This in no way requires any right of way or easements on any surrounding or adjacent properties or in order to comply with DelDOT regulations and places no obligations to provide that on any other neighboring properties.
    - d. The RPC shall be served by central water and sewer provided by a publicly regulated utility.

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Adopt  
Ordinance  
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CZ1991  
(continued)**

- e. **Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.**
- f. **Interior street design shall meet or exceed Sussex County’s Street design requirements. There shall also be sidewalks on at least one side of the streets within the RPC. The streets and sidewalks shall be interconnected with the streets in Sycamore Chase to provide for vehicular and pedestrian movement between them.**
- g. **The development shall be served by its own on-site amenities including a clubhouse and swimming pool. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.**
- h. **A 30-foot wide vegetated or forested buffer shall be established along the entire perimeter of the site except for the common boundary with the existing Sycamore Chase subdivision or where wetlands or the tax ditch exist. This buffer shall increase to 50feet in areas where the development borders any land in agricultural use. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located at least 10 feet from the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. Signage identifying this perimeter buffer as a “non-disturbance area” shall be installed along the buffer at 300-foot intervals.**
- i. **If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- j. **The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- k. **The Final Site Plan shall include a landscape plan confirming all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved. The landscape plan shall also identify all “Limits of Disturbance” within the site.**
- l. **Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 5:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- m. **During site work and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.**

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Ordinance  
No. 2990/  
CZ1991  
(continued)**

- n. The Applicant shall obtain all the necessary amendments to the tax ditches and their rights of way necessary for this project prior to Final Site Plan approval.**
- o. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.**
- p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
- q. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.**
- r. 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: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

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

**M 104 24  
Laurel  
Library**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to Friends of the Laurel Library for their youth activity series.**

**Motion Adopted: 5 Yeas**

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

**M 105 24  
Blades  
Police  
Department**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Blades Police Department for their community outreach program.**

**Motion Adopted: 5 Yeas**

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

**M 106 24  
Ocean View  
Historical**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant Account) to Ocean View Historical Society for barn restoration at Coastal Towns museum.**

- Society**            **Motion Adopted:**    **5 Yeas**
- Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- M 107 24**            **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**  
**Rehoboth**            **\$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to**  
**Art League**            **Rehoboth Art League Inc. for their historic homestead garden restoration.**  
**Inc.**
- Motion Adopted:**    **5 Yeas**
- Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- M 108 24**            **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give**  
**Seaford**            **\$1,500 (\$1,500 from Mr. Vincent’s Councilmanic Grant Account) to**  
**Tomorrow,**            **Seaford Tomorrow, Inc. for their Friday Night Live event.**  
**Inc.**
- Motion Adopted:**    **5 Yeas**
- Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- M 109 24**            **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**  
**Greater**            **\$500 (\$500 from Mr. Schaeffer’s Councilmanic Grant Account) to Greater**  
**Lewes**            **Lewes Foundation for the Lewes Community Garden.**  
**Foundation**
- Motion Adopted:**    **5 Yeas**
- Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- M 110 24**            **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**  
**Race4Warr-**            **(\$400 from each Councilmanic Member Grant Account) to Race4Warrors**  
**riors**            **for their Race4Warriors event.**
- Motion Adopted:**    **5 Yeas**
- Vote by Roll Call:**    **Mrs. Green, Yea; Mr. Schaeffer, Yea;**  
**Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Vincent, Yea**
- Ordinance**            **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE**  
**Introduction**            **TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX**  
**COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT**

**AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.92 ACRES, MORE OR LESS” filed on behalf of 4 Points Towing & Roadside, LLC.**

**CC Member  
Comments**

**There were no Council Member comments.**

**M 111 24  
Go Into  
Executive  
Session**

**At 12:56 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition & pending & potential litigation.**

**Motion Adopted: 5 Yeas**

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

**Executive  
Session**

**At 1:00 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to pending & potential litigation & land acquisition. The Executive Session concluded at 1:42 p.m.**

**M 112 24  
Reconvene**

**At 1:46 p.m., a Motion was made by Mr. Hudson, seconded Mr. Schaeffer to come out of Executive Session back into Regular Session.**

**Motion Adopted: 5 Yeas**

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

**E/S Action**

**There was no action related to Executive Session matters.**

**Rules**

**Mr. Moore read the rules and procedure for public hearings.**

**Public  
Hearing/  
CU2409**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A YEAR-ROUND FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES MORE OR LESS” (property lying on the north side of Coastal Highway [Route 1], approximately 0.15 mile east of Savannah Road [Route 9]) (911 Address: 17581 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-2.00) filed on behalf of Bryan Stewart.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the**



**Public  
Hearing/  
CU2409**

application on January 24, 2024. At the meeting of February 7, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 4 recommended conditions as outlined.

The Council found that Mr. Bryan Stewart spoke on behalf of his Application. Mr. Stewart stated that he is requesting approval to remain open year-round; that he has crabbers in the Delaware Bay that he takes care of; that the business provides a service of affordable crabs to not only families visiting the beach, but also locals; that this time of the year, he gets crabs from the Outer Banks; that if a customer calls and asks for shrimp or lobster, they get it for them.

There were no public comments.

The Public Hearing and public record were closed.

**M 113 24  
Adopt  
Ordinance  
No. 2991/  
CU2409**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2991 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A YEAR-ROUND FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission as follows:

1. This is an application to allow a food truck or trailer selling crabs to be located on part of a property developed as a gas station and convenience store.
2. The site is zoned C-1 General Commercial, which permits various uses that are more intensive than what is proposed here, including full-scale restaurants. A small trailer or truck selling crabs in the parking lot is consistent with the underlying C-1 zoning.
3. The Applicant has stated that he has a growing customer base at this location and that it is a convenient location for people to come buy crabs.
4. The use will not adversely affect neighboring properties, the community or area roadways.
5. A representative of the owner of the property stated that there is no objection to the use as long as it remains in its current configuration as a truck or trailer and does not become a permanent structure.
6. No parties spoke in opposition to this application.
7. This recommendation is subject to the following conditions:
  - a. The use shall be limited to a mobile or temporary seafood vendor. When not in continuous operation, it must be removed from the site, and it must not become permanently affixed to the site.
  - b. The use shall comply with all setback and parking requirements.
  - c. Any trash containers associated with the use shall be screened

**M 113 24  
Adopt  
Ordinance  
No. 2991/  
CU2409  
(continued)**

**from view of neighboring properties and roadways.  
d. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas**

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

**Public  
Hearing/  
CU2410**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 ACRES MORE OR LESS” (property lying on the north side of Garden Circle within the County Seat Gardens Subdivision) (911 Address: 58 Garden Circle, Georgetown) (Tax Map Parcel: 135-9.00-122.00) filed on behalf of Nicasia Chaves Reyes.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of February 21, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined.**

**The Council found that Mr. Danny Perez spoke on behalf the application. Mr. Perez stated that the Applicant and her husband were present; that he submitted paperwork to show the layout of the store; that this is a small grocery store to operate 7 days a week; that there are only partial hours on Sundays; that it is run by a husband and a wife; that the building is in the rear of the home; that a garage was outfitted to be the small grocery store; that the site plan for the location of the property was shown; that there is enough parking available; that the rear building was approved by building inspectors for the electric; that there is only one sign by the door that says open and closed; that a store is currently operating at this location; that there is not a HOA; that a petition was submitted.**

**Mr. Whitehouse stated that the Commission’s recommendation was based on the applicant speaking to the restrictive covenants for the community. This was communicated by staff to the applicant’s team in advance of today’s hearing. Mr. Perez stated that yesterday afternoon, he was handed paperwork that stated that Mr. Rico had no objections to the store being there.**

**Mr. Whitehouse explained that the restrictive covenants for County Seat**

**Public  
Hearing/  
CU2410  
(continued)**

**Gardens contains a restrictive covenant that states that no commercial activity of any type shall be conducted in the residential lots plotted in County Seat Gardens and that no structure shall be for other than a single-family dwelling on each lot unless approved by the grantor, its successors, or its assigns. He added that the Commission's recommendation was contingent on this being clarified by the applicant's attorney as part of today's hearing. Mr. Moore stated that he would like for the record to be left open for the specific purpose of looking at this and researching this further to see if this person has the authority to give that grant of approval for the restrictions.**

**Public comments were heard.**

**Mr. Meja Ventura Macedonia spoke in favor of the application; that he believes that the store favors the community.**

**Ms. Mercedes Ramivez spoke in favor of the application; that the community is in favor of the store; that there a lot of people that do not know how to drive; that the store is convenient and close.**

**Ms. Nicasia Chaves Reves, the owner of the grocery store came forward.**

**The Public Hearing was closed, and the public record remained open for the purpose of determining the status of the Restrictive Covenants on the property.**

**M 114 24  
Defer  
Action/  
CU2410**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 ACRES MORE OR LESS".**

**Motion Adopted: 5 Yeas**

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

**Public  
Hearing/  
CZ1999**

**A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.11 ACRES, MORE OR LESS" (property lying on the south side of Handy Road [S.C.R. 337], approximately 545 ft. northwest of DuPont Boulevard [Rt. 113]) (911 Address: 26614 Handy Road, Millsboro) (Tax Map Parcel: 233-5.00-132.00**

**Public  
Hearing/  
CZ1999  
(continued)**

[p/o]) filed on behalf of Horacio Paxtor.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of January 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined.

The Council found that Mr. John Roach, of John B. Roach Engineering, spoke on behalf of the Applicant, Mr. Horacio Paxtor. Mr. Roach stated that the Applicant is requesting a partial rezoning of their property as it currently is a C-1 (General Commercial) and GR (General Residential); that the Applicant would like to change it to C-2 (Medium Commercial) in order to move their current business (Tri-State Manufactured Homes) onto this property and build approximately a 2,000 sq. ft. building.

Public comments were heard.

Ms. Virginia Nock spoke in opposition of the application; that she has a problem with the store coming to this location; that it will bring a lot of traffic to the area; that the property has been surveyed a few times; that every time it is surveyed, they come closer to her property; that the survey they ended up in the middle of her backyard stating that it was their property; that when she purchased the property in 2003, she had the property surveyed; that the County came in and told her where she could put everything; that she has a problem with them trying to put a store there because they are in the middle of her drain field.

The Public Hearing and public record were closed.

**M 115 24  
Adopt  
Ordinance  
No. 2992/  
CZ1999**

A Motion was made by Mr. Rieley seconded by Mr. Schaeffer to Adopt Ordinance No. 2992 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.11 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. The property currently has a split zoning with the property's frontage already zoned C-1. The back of the property is zoned GR, which is the subject of this application. This application brings the entire property under commercial zoning.
2. Since the C-1 District is a closed zoning district, it is not possible to rezone this property to be entirely C-1. C-2 zoning is the most consistent zoning.
3. The properties on either side are also partially zoned C-1. This property is also zoned CR-1 to the rear. C-2 zoning is consistent

**M 115 24  
Adopt  
Ordinance  
No. 2992/  
CZ1999  
(continued)**

**with the surrounding property.**

- 4. This rezoning eliminates split zoning, which creates issues with different setbacks and use requirements. Bringing the property under one zoning classification is beneficial to both the property owner and Sussex County’s administration of the property.**
- 5. Any future development of this portion of the property will require a site plan approval from the Sussex County Planning & Zoning Commission.**
- 6. For all of these reasons, the change in zone from GR to C-2 is appropriate in these circumstances.**

**Motion Adopted: 5 Yeas**

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

**Public  
Hearing/  
CZ2000**

**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 AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.57 ACRES, MORE OR LESS” (properties are lying on the east side of Sussex Highway [Rt. 13], approximately 0.38 mile south of Beach Highway [Route 16]) (911 Address: 12847 Sussex Highway, Greenwood & N/A) (Tax Map Parcel: 530-10.00-58.08 & 58.09) filed on behalf of Budget Holdings, LLC.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of January 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined.**

**The Council found that Mr. Edwin Tennefoss with Site Works Engineering spoke on behalf of the Applicant and Owner, Budget Holdings, LLC. Mr. Tennefoss stated that they are requesting a change of zone from a C-1 (General Commercial) and AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that currently the Applicant has an existing mini storage on one parcel and they would like to expand the business to the other parcel, however, it is not zoned to allow for it; that they recently purchased a residential unit in the back; that this is an appropriate use for this parcel; that this would not create a negative impact to those surrounding the area; that by changing to a C-2 zoning will allow for the parcels to remain consistent and will allow for the storage facility to be there.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 116 24  
Adopt  
Ordinance  
No. 2993/  
CZ2000**

**A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2993 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.57 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:**

- 1. The property currently has a split zone of AR-1 and C-1. This rezoning of the entire property to C-2 will bring the entire property under one uniform zoning classification.**
- 2. The C-2 zoning classification will allow the applicant to expand its existing storage facility within this property.**
- 3. The properties on either side are also partially zoned C-1. This property is also zoned CR-1 to the rear. C-2 zoning is consistent with the surrounding property.**
- 4. This rezoning eliminates split zoning, which creates issues with different setbacks and use requirements. Bringing the property under one zoning classification is beneficial to both the property owner and Sussex County’s administration of the property.**
- 5. There are other commercial uses and zonings in this area. This rezoning to C-2 is consistent with the surrounding zonings and use.**
- 6. Any future development of this portion of the property will require a site plan approval from the Sussex County Planning & Zoning Commission.**
- 7. For all of these reasons, the change in zone from GR to C-2 is appropriate in these circumstances.**

**Motion Adopted: 5 Yeas**

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

**M 117 24  
Adjourn**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:28 p.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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