SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 10, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 10, 2026, at 12:30 p.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**
J. Everett Moore, Jr.	**County Attorney**

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

Call to Order **Mr. Hudson called the meeting to order.**

M 100 26 Approve Agenda **Mr. Lawson announced that CU2485 filed on behalf of Christopher Hanyok under 1:30 p.m. Public Hearings has requested to postpone their hearing. A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda, 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**

Minutes **The minutes from March 3, 2026 were approved by consensus.**

Corre-spondence **Mr. Moore reported that correspondence was received from Clothing our Kids and Mariner's Bethel Global Methodist Church and ABC Bike Ministry thanking Council for their support.**

Public Comments **Public comments were heard, and the following people spoke:**

Ms. Beth DeFrances spoke about library funding.

Mr. Jeff Seemans spoke about school impact fees.

M 101 26 Approve Consent Agenda **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:**

Use of Existing Wastewater Infrastructure Agreement – IUA 690-1 Huntsfield (Hocker Properties), Millville Area

Use of Existing Wastewater Infrastructure Agreement – IUA 1250 Rev. 1

Vines Creek Crossing, Dagsboro/Frankford Area

Proclamation Request – Milton Fire Department, Inc. 125th Anniversary

Motion Adopted: **5 Yeas**

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

Presentation Bayhealth

A presentation was given by Mr. Terry Murphy providing an update for Bayhealth.

Recognition

Earl Chaffinch was recognized for his retirement.

Administrator's Report

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

1. **Assessment Appeals**

   Property owners who believe the assessed value of their property does not reflect fair market value as of July 1, 2023, may file an application for appeal. Applications must be submitted by 4:30 p.m. on March 15, 2026. Hearings will be held as needed through May 31, 2026. Applications and filing guidelines are available on our website at https://sussexcountyde.gov/board-assessment-review and may also be picked up in the main lobby.

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

SCRP Program Proposed Ordinance

Vince Robertson, Assistant County Attorney presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM".

Mr. Robertson provided an overview of the Ordinance.

Ordinance Introduction

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM.

Open Space

Mr. Robertson presented a Proposed Ordinance entitled "AN

Proposed Ordinance

ORDINANCE TO AMEND CHAPTER 99, ARTICLES I AND III, SECTIONS 99-5 "DEFINITIONS", 99-21, "PUBLIC SITES AND OPEN SPACES" AND CHAPTER 115, ARTICLES I & V, §115-4 "DEFINITIONS AND WORD USAGE" AND §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE.

Mr. Robertson provided an overview of the Ordinance.

Ordinance Introduction

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I AND III, SECTIONS 99-5 "DEFINITIONS", 99-21, "PUBLIC SITES AND OPEN SPACES" AND CHAPTER 115, ARTICLES I & V, §115-4 "DEFINITIONS AND WORD USAGE" AND §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING OPEN SPACE.

Preliminary Plat Proposed Ordinance

Mr. Robertson presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II and III, SECTIONS 99-9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" 99-17 "STREET LAYOUT", AND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS".

Mr. Robertson provided an overview of the Ordinance.

Ordinance Introduction

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II and III, SECTIONS 99-9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" 99-17 "STREET LAYOUT", AND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS".

Cluster Subdivision Proposed Ordinance

Mr. Robertson presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" AND ARTICLE XVI §115-120 "SUPERIMPOSED DISTRICT; EFFECT ON OTHER PROVISIONS" OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS".

Mr. Robertson provided an overview of the Ordinance.

Ordinance Introduction

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA

AND BULK REQUIREMENTS" AND ARTICLE XVI §115-120 "SUPERIMPOSED DISTRICT; EFFECT ON OTHER PROVISIONS" OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS".

IB Change Order **Hans Medlarz, Project Manager, presented change order no. IB-002 for the Inland Bays extension for Council's consideration.**

M 102 26 Approve CO No. IB-002 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. IB-002 for the Inland Bays Phase 2C expansion project – electrical construction, be approved, in the amount of $463,500 for construction of two new clarifiers and associated structures.**

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 **Hans Medlarz, Project Manager, presented change order no. 3 for Wolfe Neck regional wastewater facility for Council's consideration.**

M 103 26 Approve CO No. 3 Wolfe Neck WWTF **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 to the Wolfe Neck Regional Wastewater Facility – Denali sludge removal agreement be approved, increasing the contract by $333,250.00 for additional bottom sludge removal from Lagoon 1 at the Wolfe Neck Regional Wastewater facility.**

Motion Adopted: **5 Yeas**

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

M 104 26 Approve CO No. 4 Wolfe Neck WWTF **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 4 to the Wolfe Neck Regional Wastewater Facility – Denali sludge removal agreement be approved, increasing the contract by $967,158.00 for additional sludge removal and linear replacement from Lagoon A at the South Coastal Regional Wastewater facility.**

Motion Adopted: **5 Yeas**

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

Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Introduction or Proposed Ordinances

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR AND VEHICLE STORAGE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS" filed on behalf of Anthony DeGirolano.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS" filed on behalf of Sunset Bridge Corporation.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MECHANICAL TRAILER A MAINTENANCE BUSINESS AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" filed on behalf of Antulio Chavez Lopez.

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 30.55 ACRES, MORE OR LESS" filed on behalf of Milton DE Solar CSS LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM Comments

There were no Council Member comments.

Rules

Mr. Moore read the rules of procedure for zoning matters.

Public Hearing/ CZ2054

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 SUSSEX COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS" (property is lying on the southeast side of Savannah Road [Rt. 9], approximately 535 feet north of Wescoats Road [S.C.R. 12]) (911 Address: 1534 Savannah

Public Hearing/ CZ2054 (continued)

Road, Lewes) (Tax Map Parcel: 335-12.06-52.00) filed on behalf of 1534 Savannah Road, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on February 4, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons as outlined.

The Council found that Mr. Glenn Mandalas, Esq. with Brockstedt Mandalas Federico, LLC, spoke on behalf of the Applicant and property owner, 1534 Savannah Road, LLC; that also present were Ms. Jean Rial, Principal of 1534 Savannah Road, LLC. Mr. Mandalas stated that the site consists of 0.57 acres, on the south side of Savannah Road and located outside of the corporate boundaries of the City of Lewes, near the Savannah Road and Wescoats Road intersection; that the parcel is improved with a single structure; that the parcel checks all the boxes, in his view, for good planning as far as rezoning goes; that the property is located within the nearby area of the Weis grocery store, a CVS, Ahl & O'Connor Orthodontist, Waves Car Wash, Walgreens, Sherman Companies, and medical facilities; that there is a fair amount of commercial uses within the surrounding area; that Old Orchard Road is being rerouted, and currently under construction; that the intersection there is intended to become a fairly major intersection; that within the last year, a nearby property was approved to be rezoned from AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that the site is located very close to the property recently approved for that rezoning, and it exactly the same rezoning they are requesting; that when heading into the City of Lewes, there is a yellowish building located to the right which provides commercial and medical services; that this property is zoned C-1 (General Commercial); that directly across from the property is the Beebe Medical Facility and a professional center; that when heading toward Route 1, Aftercare Mental Health and Atlantic Adult & Pediatric Medicine are located on the left-hand side from the site; that the site is lying within the Coastal Area, according to the Comprehensive Development Plan, where appropriate forms of new development are encouraged; that there are multiple Conditional Uses approved within the surrounding area; that the site's current zoning of AR-1 (Agricultural Residential) sticks out like a sore thumb to the surrounding commercial uses; that there are some nearby properties zoned B-1 (Neighborhood Business); that according to the 2018 Comprehensive Development Plan, the proposed rezoning is consistent with the plan; that the parcel is within the Future Land Use Map designation of a Coastal Area, where appropriate forms of new development are encouraged; that according to the 2020 Strategies for State Policies and Spending, the parcel is located within Investment Level 1, where future redevelopment or infill projects are expected to and encouraged by the State; that the application was subject to the PLUS process; that the Office of State Planning Coordination had no objection to

Public Hearing/ CZ2054 (continued)

the proposed rezoning; that the Staff Analysis report indicated that the proposed zoning change is consistent with the surrounding land uses, zoning, and the uses, subject to considerations of scale and impact; that the site is consistent with the character of the surrounding area, as the two properties to the west of the parcel are withing the C-1 (General Commercial) District; that the three properties immediately to the east of the parcel are subject to Conditional Use approvals for commercial uses; that Sussex County recently approved zoning changes from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for two properties located across the street from the site; that those applications are known as C/Z 2014 for J&T Properties and C/Z 2023 for Jane Brady; that the proposed use is not a reason for granting approval of the requesting zoning, however, the Applicant did provide a Concept plan for the record; that the Applicant's intention is to develop the site for medical services; that these types of properties are exactly what is needed for that goal; that the Historical Lewes Byway Committee requested a condition of approval for his client to work with them for a landscape plan; that he reached out to them to let them know that they are willing to work with them during the site plan stage; that for all the reasons and information provided, they felt the rezoning would be in the best interest of the safety, health, and welfare of the community, and that they would respectfully request that the Council recommend approval of the application.

There were no public comments.

The Public Hearing and public record were closed.

M 105 26 Adopt Ordinance No. 4045/ CZ2054

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Ordinance No. 4045 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 SUSSEX COUNTY, CONTAINING 0.5739 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 generally located near the Wescoats Corner intersection along Savannah Road between the City of Lewes and Route One. It is near many other medical offices and there are many other business, commercial and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning.**
3. **C-2 Zoning for a medical office at this location near 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**

M 105 26 Adopt Ordinance No. 4045/ CZ2054 (continued)

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. **The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, prosperity and welfare of the County.**
7. **No parties appeared in opposition to this Application.**
8. **Any future use 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/ CU2625

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 TO AMEND CONDITION E OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS" (properties are lying on the northwest side of the intersection of Hastings Farm Road [S.C.R. 526] and Coverdale Road [S.C.R. 252]) (911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A) (Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01) filed on behalf of Greg Mitchell.

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

The Planning & Zoning Commission held a Public Hearing on the application on February 4, 2026. At the meeting of February 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the revised condition wording within the motion.

The Council found that Mr. Richard Rexrode, the promoter for Middleford Speedway, spoke on behalf of the Applicant, Mr. Greg Mitchell, who was also present for the hearing. Mr. Rexroad stated that the site had previously received a Conditional Use approval last year; that currently, the operations are limited to racing on Fridays, Saturdays, and Sundays; that operations run on Fridays from 6:00 p.m. until 11:30 p.m. and Sundays from 12:00 p.m. until 9:00 p.m.; that racing practice is limited throughout the week from 12:00 p.m. to 9:00 p.m., with only one vehicle; that the key point is that facility operations already exist and are regulated; that they do follow those regulated operations very strictly; that their team is very cognizant of the Conditional Use that is in place; that they want to ensure that they follow

Public Hearing/ CU2625 (continued)

those conditions; that they will continue to follow those conditions should the proposed amendment be approved; that currently, they are requesting an amendment to remove the restriction, limiting racing to evenings only; that they are requesting to expand a few weekday event expansion; that they do not plan to have more than one day a week; that there a number of classes that come in at a time; that there are special shows that expand to more classes; that they do not want to expand beyond 11:30 p.m.; that they want to get done sooner; that one of the challenges the ran into as they went through the 2025 season was realizing the restriction from 6:00 p.m. until 9:00 p.m. really placed them in a box, making them unable to start earlier or end later; that they requested the current amendment to provide more flexibility, allowing them to accommodate for things like weather or a traveling series; that by having the flexibility in their start time opens up opportunities for them to be more effective and efficient in that way; that should they be allowed to have a race begin earlier in the day, they could end the event earlier in the evening; that they felt this would hopefully make the residents in the area a bit happier; that they plan to maintain the same season, running April 1st to November, and are not proposing any amendment to the season; that they plan to keep the same Sunday end time, being 9:00 p.m., and the same practice restrictions; that they only request a change regarding the time of day for operations, not a use change; that they are not requesting to do anything more than what was already permitted for the facility; that they are not requesting any increase to the number of events per week for a standard week; that they do have one week that they are proposing to have a bit more usage; that they are not proposing an increase in the number of races per event; that in fact, they plan to make it more efficient; that they realized that their customers would prefer to see a more efficient show, and have it end earlier, and this is what they proposed to do; that currently, they are looking at four to five; that there are a couple of shows that may step into six or seven o'clock range; that the majority of their shows are going to be very short, with fewer classes running on the evening; that no change is proposed to the Sunday end time and no change is being proposed to the practice limitations; that earlier start times improve the event flow; that they are looking to have the flexibility to be able to start the show a little earlier, specifically in colder months; that as it becomes colder, they want to try to accommodate the needs of their participants and all those attending; that this releases late night congestion and delays; that by starting earlier, they can avoid some of those congestion issues; that their request allow flexibility for weather, safety and scheduling; that these are the issues they are trying to address; that their request also provides a way to recover rain-out events; that they will keep the Sunday options; that currently they have not had to host a Sunday event as of yet; that they do not have any plans for this coming season, however, they would still request to keep the flexibility to have Sunday events, in the case they have rain-outs or any other reason to cancel a show; that last year, they lost seven events to rain; that losing that number of events really impacts the operations revenue, not only for the racetrack, but for the community a large; that racing draws in a lot of people who participate; that they utilize the facilities around Sussex County and Seaford in general; that

Public Hearing/ CU2625 (continued)

they support touring series; that touring series have reached out to them, requesting to race at their facility; that Mr. Mitchell's Middleford Speedway facility is phenomenal; that it is a beautiful facility, which has the ability to attract a lot of people; that with the current limitations, it does not allow them to open up to those touring series the way that they would like to; that a ton of effort and money have been placed into the facility; that they want to be able to use the facility to its fullest potential; that many competitors travel from across the Mid-Atlantic region to their facility, opening up economic activity for Sussex County, Seaford, and obviously for the racetrack as well; that they are considering what would be good for the racetrack, what would be good for Sussex County and Seaford, while keeping in mind the citizens in the area; that some of the traveling series the see are Stage-One Modifieds, Middle-Length, Sprint Series, and USED features; that some racers come to stay overnight; that they are requesting that racers have the opportunity to stay overnight but no camping; that by amending the Conditional Use, they are able to place themselves in a position to accommodate all of those series in a very good way for everyone, being track teams, crews, and fans; that it is all economic development for Sussex County; that the average attendance is about 650; that they are looking to expand that a bit, as some of the new shows will be bringing new people in; that the attendance will not grow much at all; that Friday attendance is slightly lower than Saturdays; that attendees will arrive and depart throughout the event; that typically, attendees will trickle in over time, and as the racing ends throughout the evening, the attendees tend to leave as their particular event they were interested in ends; that traffic congestion has not been an issue; that they have no expectation of attendance increase as a result of the proposed new hours of operation; that they do not anticipate a huge increase in participation; that they hope to increase participation and attendance, but do not expect to see this as a result of the requested amendment; that if the amendment should be approved, they would be able to open up to a wide variety of touring series, creating economic development to hotels, short-term lodging, restaurants and all other similar entities within Sussex County and the Seaford area; that these entities will be positively impacted by this; that touring events, can bring out of County and out of State visitors, which can provide consistent weekend revenue for local businesses, and support seasonal tourism beyond beach-driven activities; that they understand the beaches are a big draw for Sussex County; that they feel racing is one of those events visitors can do while they visit the beach; that these events contribute to directly to Sussex County's local economy, which is what they are hoping to address with a more efficient show; that the new request would allow flexibility to host a show during the week ; that they hope to grow to about 1,000 seats with the addition of another 300 seats or so; that they hope to expand to potentially park a few more spectator vehicles; that this aligns with the prior Conditional Use intent; that the amendment request will allow them to better serve families, support local tourism without increasing the number of events or extending operational hours.

Mr. McCarron discussed the ability to stay overnight at the racetrack. It was

determined that overnight stays does not require prior approval.

There were no public comments.

The Public Hearing and public record were closed.

M 106 26 Adopt Ordinance No. 4046/ CU2625

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4046 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION E OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **Conditional Use No. 2270 and Ordinance No. 3070 was approved for the operation for an existing outdoor racetrack on January 28, 2025. Condition E of that Ordinance included day and time limitations for racing to limit the impact of the use on neighboring properties.**
2. **The Applicant has stated that earlier start times are needed to safely and reasonably accommodate the racing activities. The end times will not change.**
3. **The Applicant has stated that the racetrack has been very successful and will continue to be a benefit to the racing community of Sussex County and others who come to Sussex County to participate in the motorsports that occur at the track.**
4. **The Applicant has stated that the racetrack will continue to provide an economic benefit to western Sussex County and the businesses and communities there.**
5. **This amendment to the racing hours that allows an earlier start time while maintaining the same end of racing operations each night will improve the track's operations while still providing reasonable protection to the neighboring property and community.**
6. **For all of these reasons, it is appropriate to amend Condition E of the Conditional Use No. 2270 and Ordinance No. 3070 so that it now states as follows:**
   "*Race events may only occur on Fridays, Saturdays and Sundays from April 1st through November 30th with two midweek events permitted during each calendar month within this timeframe. At the events, the gates may open at 8:00 a.m. with no racing before 10:00 a.m. Racing must end by 11:30 p.m. on Fridays, Saturdays and midweek events and 9:00 p.m. on Sundays. Practices shall be allowed whenever a race event is not occurring but only during the hours of 12:00 p.m. and 9:00 p.m. and shall be limited to one automobile or truck on the Outdoor Racetrack so no racing occurs."*

Motion Adopted: **5 Yeas**

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

M 107 26 Adjourn **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 2:28 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.}