

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 11, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 11, 2025, at 1:00 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
Gina A. Jennings	Finance Director
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 114 25
Approve
Agenda**

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 4, 2025 were approved by consensus.

**Corres-
pondence**

Mr. Moore reported that letters were received from Dr. Martin Luther King, Jr. celebration organization and the Food Bank of Delaware thanking Council for their support.

**Public
Comments**

Public comments were heard, and the following people spoke:

Mr. Jay Dean Abbott spoke about development in Sussex County and impact fees.

Mr. Michael Tyler spoke about development in Sussex County.

Ms. Kim Pierce spoke about the number of housing developments in her area.

Mr. Henry Bennett spoke about development in Sussex County.

Mr. Paul Barbin spoke about development in Sussex County.

**Public
Comments
(continued)**

Ms. Patricia Maffucci spoke about an idea about bonds that builders were responsible for in neighborhoods in Arizona.

Mr. Steven Kraitz spoke about proposed fees on new homes.

Retirement

Ms. Loretta Benson was recognized for her retirement.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Silver Woods Villas – Phase 2A-2 (Construction Record) effective February 28th; Suncrest (FKA Marsh Homestead) (Plan Approval & Construction Record) effective February 28th; and Channel Pointe (FKA Bishops Pointe) - Phase 1 (Construction Record) effective March 5th.

2. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for February 2025 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 189 troopers assigned to Sussex County for the month of February.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, March 18th. The next regularly scheduled Council meeting will be held on Tuesday, March 25th.

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

**Pension
Committee
Update &
Recommendation**

Gina Jennings, Finance Director presented an update and recommendation from the pension committee for Council's consideration. Mrs. Jennings reported that a quarterly pension meeting was held on February 20th. Mrs. Jennings reviewed the Investment Performance and the actuarial valuation process for pension and OPEB. An experience study was completed for July 1, 2018 through June 30, 2024 to see how assumptions lined up with actual experience and to see if any changes need to be made. Based on the study, a recommendation is being made for changes to be made for mortality rates, retirement rates, termination rates and salary increases. The cost impact for these changes was discussed and shown.

M 115 25
Approve
Revision of
Assumptions **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron through their experience study, revise the following assumptions for both funds as presented: mortality rates, retirement rates, termination rates, and salary increases.**

Motion Adopted: 5 Yeas

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

M 116 25
Approve
Amortiz-
ation
Schedule **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron, change the actuarial amortization schedule for both funds to a 20-year layered approach.**

Motion Adopted: 5 Yeas

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

Interview
Pension
Committee

Gina Jennings, Finance Director completed a public interview of a Possible Pension Committee Member, George Spindell. She reported that an appointment is needed to fill one of the two community member seats.

M 117 25
Approve
Pension
Committee
Member **A Motion was made by Mr. Rieley seconded by Mr. Lloyd, be it moved that the Sussex County Council appoint Mr. George Spindell for a four-year term to the Pension Committee.**

Motion Adopted: 5 Yeas

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

Amend. No.
3/Warwick
Park **Patrick Brown, Project Engineer III presented amendment no. 3 for Warwick Park Phase I for the 2019 miscellaneous engineering base contract for Council's consideration.**

M 118 25
Approve
Amendment
No. 3/
Warwick
Park **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 3 to the EJCDC 2019 miscellaneous engineering base contract with George, Miles & Buhr, be approved in the amount not to exceed \$8,122.00 for geotechnical phase services associated with the Warwick Park project.**

Motion Adopted: 5 Yeas

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

Lochwood CO No. 4 Hans Medlarz, Project Manager presented change order no. 4 for Lochwood Community area, sewer expansion project for Council's consideration. Mr. Medlarz reviewed the items included in the change order.

M 119 25 Approve CO No. 4/ Lochwood Community A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 4 for contract S22-17, Lochwood Community Area sewer expansion, be approved, increasing the contract amount by \$44,777.99 and extending the contract time by ninety-nine days, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas

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

Old Business/ CU2454 Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS" filed on behalf of H&K Group, Inc.

The County Council held a Public Hearing on the application at the meeting on February 11, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and action on the application was deferred for further consideration.

M 120 25 Approve CU2454/ DENIED A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS".

Motion DENIED: 4 Nays, 1 Yea

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

Ms. Gruenebaum, Mr. Rieley and Mr. Hudson voted nay for the reasons provided and given by Mr. Lloyd.

**Grant
Request**

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

**M 121 25
Town of
Blades**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,500 (\$200 from Mr. Hudson's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account, \$200 from Ms. Gruenebaum's Councilmanic Grant Account and \$200 from Mr. McCarron's Councilmanic Grant Account and \$700 from Mr. Rieley's Councilmanic Grant Account) to the Town of Blades for their community outreach program.

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
Introduct-
ions**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS" filed on behalf of Toney Floyd Trucking, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS" filed on behalf of Toney Floyd Trucking, 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 hearings.

**Public
Hearing/
CZ2025 &
CZ2026 &
CU2499**

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-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND

BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Property, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined.

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 AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9], and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 9 reasons as outlined.

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (911 Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Properties, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the

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(continued)**

Planning & Zoning Commission recommended approval of the application for the 15 reasons and subject to the 18 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the applications.

Mr. Whitehouse reported that when these applications went through the Planning & Zoning Commission, there was a fourth application, Application 2023-14 which was a cluster subdivision. Mr. Whitehouse noted that application is not before Council today, that was considered and approved by the Commission.

Ms. Gruenebaum stated that she was active in a local civic group, Sussex Preservation Coalition prior to her election that expressed concerns about overdevelopment, our infrastructure and our environment. She expressed opinions at that time in her role as a private citizen or a member of that group. She understands that now as an elected official, she has a different role, and she does not take that lightly. She has discussed that role with Mr. Moore so that she understands the guardrails that must be place for all of her votes. She understands that she must cast her vote strictly on the record that was made at the Planning & Zoning hearing, the hearing today and those items properly placed in the record including submissions from the public and applicant. Her role now is to review and vote accordingly. She is confident that she can separate her prior advocacy from the important role that she is not entrusted with. She will be fair and impartial to the applicant.

Ms. Gruenebaum asked about a conflict with the DelDOT proposal to widen Route 9 and the placement of the development that is being considered today. Ms. Pamela Steinbach spoke on behalf of DelDOT, she replied that the project development section did originally have their pond location near where the affordable housing section was located. However, they are in active coordination with the developer's team and their project development section to work out the details. Ms. Gruenebaum questioned the timeline. Ms. Steinbach replied that they are far enough in advance to coordinate the two efforts.

Mr. Lloyd asked what the timeline was for the improvements down to Dairy Farm Road. Ms. Steinbach stated that the project in the front is being engineered now, and the next section of Route 9 will follow and is scheduled to start project development in FY27, which is as early as July 1, 2026.

A discussion was held about Mulberry Knoll Road and Beaver Dam Road and the plans and timeline for them.

Mr. McCarron commented that funds will be received for the TID and questioned what more DelDOT would do if this development is approved. Sarah Coakley from DelDOT explained the TID process and what improvements will be made as part of this project.

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(continued)

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the fourth application for a cluster subdivision was approved by the Planning Commission at its October 9, 2024 meeting and it is not part of today's presentations; that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was completed in 2019, as well as the comprehensive plan; that Council participated in a workshop with the Delaware State Housing Authority about affordable housing; that the affordable housing opportunity that is presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with the Ingerman Group, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and work through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to

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carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd.; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage; that there is about 380 acres that are apart of the cluster subdivision; that across Route 9 from the project is The Vineyards, which is a mixture of high density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jimtown community off of Jimtown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge No. 2540; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that first is the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the majority of the property is within the states investment Level 2; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable; that the state's intent is to use its spending and management tools to promote well designed development in these areas, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and

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Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily units, retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads; that appropriate mixed-use development should also be allowed; that a mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned

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(continued)**

trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that they have ongoing meetings and they have requested expedite review; that Mulberry Knoll Rd. will be maintained by DelDOT upon completion; the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Launay completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for this project; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Dr. Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to

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(continued)**

provide stormwater management as it bisects the property; that the affordable housing units will consist of four buildings; that a forested buffer is proposed along the common boundary with Lewes Crossing; that they will all be rentals; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing, the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to work out with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to be constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3rd phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that there will be DART bus stops; that during the Planning & Zoning Commission meeting, it was attempted to address the concerns of buffering and lighting with neighboring communities; that besides a 60-foot forested buffer, the buildings will be 100 feet from the property lines; that during the Commission hearing, there is a proposed condition N that describes the exterior street lighting cannot be closer than 100 feet to the property line and must face away from Lewes Crossing; that it is being proposed for the street lights to be no closer than 40 feet from the property line and shining away and back screened; that it is planned to make it part of a dimmable system to be able to further dim; that a stormwater assessment was completed; that the development will meet all sediment stormwater regulations for the watershed; that the plan is to install approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that the coastal plain meadows intent is to provide natural plants throughout the community; that the 2nd waiver requested was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage

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Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements, nor did it describe the type of grading plan that's required; that it has been requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that the plan is to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DelDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, it was found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the rest of Mulberry Knoll Ext. will drain into pond 17P and 19P and then all of the ponds will drain into the headwaters of Goslee Creek; that they are coordinating with DelDOT so the pond that was proposed will not be installed; that the study was submitted this morning to DelDOT; that the project has been designed to be pedestrian and bicycle friendly and connects to off-site bus stops and paths; that the site is on a DART route; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal; that there are six bus stops right along the frontage or within a couple 100 feet of the frontage; that is one of the requirements of the affordable housing to have access to public transportation; that the developer will be installing a shared use path; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that with all of the changes, it is believed that it will make this block above average; that proposed timelines for the residential portion and the affordable housing units was included in the exhibits; that the design and submittal for that portion is planned to be done by end of 2025; that the project was reviewed by PLUS in December 2021 and was submitted.

Mr. David Hutt distributed a proposed change to condition 16N based on the recommendation given by the Planning & Zoning Commission; that it relates to the lighting; that there is an addition of the word exterior; that it is also recommended to change the distance.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to

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96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, a site plan could be submitted that would meet all of the various requirements, of Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Ms. Natalie DeFlippo, Vice President of Development with the Ingerman Development Company spoke on behalf of the affordable housing aspect of the application; that she evaluates different development opportunities and helps the development through the process specifically for affordable housing; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that the low income tax credit program is administered through DSHA and provides majority of the funding; that all of the units will be affordable; that an application has been filed with DSHA; that in order to submit a tax credit application, it takes a lot of work including financing partners, marketing study, environmental reports and a lot of coordination; that they coordinate with DelDOT to ensure that they are providing accessible path to proposed transit routes; that they have locate the community in a proposed area of

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opportunity; that there is a set deadline that is competitive; that the main feedback they received from an application they submitted last year was that they did not have proper zoning in place; that the application is scored on a point system; that affordable housing in this area is a top priority; that the low income tax credit program is a federal program, however, there is some state funding; that it was explained how the tax credit program works; that it all rentals, no homeownership.

Mr. McCarron expressed the need for workforce housing, and he questioned what problem is being solved with that need. Mr. Hutt replied that some of the maps being shown were also shown during the meetings held within the last month; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened in the fall of 2023 including 60 units of and similar to what is being proposed; that they leased all of the units up quickly and maintain a waiting list of 650; that they anticipate that these units would fill up quickly and have a waiting list similar to Foster Commons; that they do accept Section 8; that they have a dedicated compliance department and they have a department of community support services; that they report to Sussex County Housing Department as well as the State; that Condition B talks about the oversight that the County will have; that in addition, there are more requirements with reporting to DSHA and other agencies; that they report occupancy rate, specific information to make sure residents comply with the program and to make sure they are renting units to qualified individuals; that Ingerman has developed about 10,000 units and manage a little under 7,000 units; that they have been taking on the work for about 35 years; that all of 90-95% of their units are affordable units; that they do evict people if they do not uphold their lease obligations; that if there is an increase in their income, the rent will increase; that they applied to the Sussex County Housing Trust Fund; that this complies with the County's 42 foot height requirement; that once you go higher than three stories, you would need to put in an elevator which would drive your costs up; that a fully submitted application for this year, the application is due on May 29th and has to be complete; that DSHA will make a decision in early August and then they finalize going through the process; that they would need to be complete no later than the end of 2027; that it is anticipated that residents can move in the spring to summer of 2027 if this application is voted favorably.

Mr. David Hutt stated that DelDOT sent an SFR response that stated "The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that there are appropriate places for growth where it has been planned for; that this is one of the locations that growth has been planned for; that placing affordable housing on a DART route; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000

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over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire Department; that would be \$679,000 to the Lewes Fire Department; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that Chapter 8 of the Comprehensive Plan discusses diverse housing; that Comprehensive Plan Goal, 8.2 states that the County should ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed; that the applicant requests that the Council approve the application.

Public comments were heard.

Ms. Joyce Green spoke about the application; that she is somewhat in favor of what is being proposed; that it is her understanding that this project is in a DelDOT traffic improvement district; that her thought is to come up with a citizen initiative to come up with the funds to purchase properties of interest and concerns; that there are several non-profits to assist to turning these areas into parks; that she has one near her house, Hudson Park; that she knows of some people that would be interest in helping with the traffic issues; that she is not for or against this plan.

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Mr. Rich Barrasso, co-founder of SARG, spoke in regards to the application in regards to transportation/traffic around the Northstar project; that this is about a ten year project from start to finish; that the traffic count shows an increase each year; that the analysis was done by the traffic group; that he projects that this project will bring 34,112 vehicle trips going forward; that the public hearing with Planning & Zoning, three request were made; that the first request is for DelDOT to provide full details on the land use transportation plan (LUTP) update of the TID; that second the construction must be coordinated in phased with a completion with the area CTP; that third, pause any decision on the Northstar project until the Route 9 Coastal Corridor Study; that in the coordination manual Section 2.41, it states a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the TID; that the first required element is that a land use, transportation plan or a LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP is very important to make a decision where a TIS is not required; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. to US 9, Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR 12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR 16, US 9, 113 and SR 1; that this study was initiated in 2019 and was finalized in 2024 and is available to view

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on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US 9; that US 9/SR.5 and showed the need to widen the road; that secondly, it determined appropriate setback requirements along US 9 between Georgetown and SR 1; that the current Sussex County Code setbacks is insufficient; that some of the recommendations were that there should no more than 750 lots and that given the location and size of the development, the development shall provide a phasing schedule that shall coordinate and establish the timing of lot construction and the construction of off site entrances and roadways and improvements that DelDOT will require that are not covered by the TID; that the phasing schedule shall be presented to the Planning Commission as part of the final site plan; that a phasing plan is what Planning & Zoning has placed on one of the conditions; that another condition was that no more than 124 building permits shall be used in any calendar year; that the County not historically done phasing; that there is precedent; that on June 22, 2021, the Chapel Farms development was an example where the County had a condition for phasing; that on that property, they have two large commercial pads and building occupancy will be held back until grading is completed; that a lack of coordination leads to traffic congestion and sprawl; that he questioned how the phasing should be completed.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in regard to the application; that the entire project received expedited treatment because the 400 acre site plan included 8 acres dedicated to the 94 affordable housing units; that Sussex Preservation Coalition was pleased to see a project submitted where 100% percent of the rental units were committed to affordable housing and were to be built first; that the project also included 96,000 square feet of commercial space and a cluster subdivision of 758 single-family homes; that the four applications were presented to the Planning & Zoning Commission and then separated; that due to the size and area, this project exemplifies the reason County Council should be the one that should rule on the approval of the total mixed use plan and like plans going forward; that on October 9, 2024, the cluster subdivision received preliminary site plan approval from the Commission; that the problem is that the affordable housing is not 100% sure yet; that the complication of separating out these applications has created inconsistencies that need to be clarified and corrected; that the County needs to be consistent in its expectations; that the Commission recommended approval for CU2499 including condition 9 which states “this project received expedited treatment because of the affordable rental housing being sought as justified by the County Code and the Comprehensive Plan. This project was also considered holistically at the same time as subdivision 2023-14 and C-3 rezoning because the other applications benefited from the application of this one, there is a condition of approval requiring that affordable housing project be built first”; that condition q placed by the Commission of the cluster subdivision states “because this multi-family rental project was linked with subdivision 2023-14 and the projects have both been expedited and considered

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simultaneously, as a result, and because of the importance of providing affordable housing for Sussex County residents, construction of this project shall be substantially completed and receive its Certificate of Occupancy from Sussex County prior to the issuance of a Notice to Proceed for Phase Two of Subdivision 2023-14”; that there is inconsistency in those two conditions; that the timeline submitted by the developer June of 2027 for buildings one and two; that buildings three and four are not mentioned; that the timeline for the notice to proceed is September 2024; that would be prior to the completion of the promised affordable housing units; that since the approval has been given for the subdivision, the promises are shifting; that clarity should be provided to the developer and the public so there is no misunderstanding or continue shift; that it provided incentive to get the rental units completed before directing resources towards the cluster subdivision; that DelDOT made a presentation showing the necessary road improvements and expansion of Lewes Georgetown Highway; that the plan includes a large stormwater pond which is the same location for the affordable housing; that a meeting was held with the developer and DelDOT; that from that meeting, the minutes state “the masterplan and runoff will be managed using wet ponds, bioswales and infiltrated, construction plans will be developed and approved phase by phase; that each phase of the development will confirm the assumption made during the masterplan design and update the masterplan; that they are currently working with DelDOT to accommodate runoff from their Route 9 project as well as plan on how to accommodate runoff from the Mulberry Knoll Road Ext. which will be state maintained”; that the issue is that the developer had not communicated to DelDOT; that the Sussex Preservation Coalition is recommending that a condition be included that the final site plan for the cluster subdivision, commercial area and affordable housing include drainage plans for the total project; that they do not wish to delay any funding for affordable housing; that they request that for the cluster subdivision and commercial area drainage area be included in the final site plans; that SPC does not believe that the location of the affordable housing is the best location on the site; that the residents in the affordable housing units will need to cross two major roadways to access the sidewalks; that perhaps the best use of the 8 acres where the affordable is located is a DelDOT stormwater pond; that the affordable housing unit residents will have no access to the amenities of the community and cannot be a part of the HOA; that the Commission recommended amenities for the affordable housing units in their conditions; that the developer states that they will purchase and distribute passes to the YMCA; that she questioned why they would have to travel to that location rather than a pool and clubhouse in their own neighborhood; that also in the conditions she questioned if there was anything that stated that the units must stay affordable; that another recommendation made by the Commission in Condition L “a 30-foot buffer shall be installed along the perimeter across from Lewes Crossing”; that SPC would like to see a 50-100 foot buffer as stipulated in the SCRP program; that the parking lot for the affordable housing units will have more lighting and noise than the single-family section; that at night, parking located against the perimeter, when they drive around or park,

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their lights will be shining what is there now through Lewes Crossing; that SPC wants to see affordable housing but done in a way that set standard and expectations; that the commercial area has not provided a site plan yet, however, the service road needs to be added or made as a condition as approval as required; that the CO for the 94 affordable housing units should be received before the cluster subdivision; that the DeIDOT stormwater pond approved by SCD before final site plan; that SPC questions the safety of the affordable housing section; that if the parking area abuts Lewes Crossing, the buffer should be a minimum of 50 feet; that SCP is concerned with the physical and social separation of the affordable housing families; that a service road should be added between the commercial areas.

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in regard to the application; that SPC believes that the record should be left open for more information; that the public needs to hear that information as well which they may have comments; that the data through 2023 for the volume at the Old Vine Blvd has been received; that the data for 2024 has not yet been posted; that the volume of traffic grew in a single year by 9%; that we have exceeded the traffic projections with the increases; that dualization is being looked at as a solution for the traffic problems; that studies have shown that adding traffic capacity often produces more traffic; that we do not know the data for the traffic that is projected to be generated for the two projects being presented today; that he believes that the data would be helpful; that the list of permitted uses in the commercial uses is impressive; that C-3 brings a list of permitted uses; that they range from a convenience store with gas pumps, banks, places of worship, childcare facilities, etc.; that we are not getting any sense of what they have in mind; that one of the concerns is that C-3 is the wrong zoning for that commercial parcel; that they recommend one of the zoning C-1, B-1 as used across the street be used; that the walkability index is related to that; that in the supplemental book completed by the traffic group included information about the walkability index; that they have concluded that the net traffic impact is most important; that the section of Route 9 is a section of Delaware Bayshore Scenic Byway; that there are few protections for Delaware Byways; that there are limits on signage; that he hopes that the developers approve a landscaping plan and work with PZ staff to make sure this is done; that this is a sensitive location; that there is more traffic coming to this area from the Henlopen TID that is already in the pipeline; that a decision today would be premature and there is reflection that needs to be done to see what can make the situation better; that it was questioned if the affordable housing did not move forward; that it was suggested that the entire area could be also be made affordable housing; that it was questioned if DeIDOT will be establishing temporary construction zone or request easements that would impact the affordable housing units.

Marge spoke about in regard to the application; that she lives off of Route 9; that within the past 18 months, there has been 3 cars that have had accidents; that one of the cars came through the fence of her development;

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that Route 9 is going to be widen and they are going to take more ground from the distance between the street and the pathway where people are walking; that it is not safe; that what is shown on the paper is different than reality; that other points she wanted to make have already been touched on including the pond for water runoff; that the people at the end of her street have wet spaces near their homes; that lighting should not be a continuing problem.

Mr. Gerald Allen spoke in regard to the application; that he is in opposition of the applications presented today; that when you widen the road, people travel faster which makes it more dangerous for cars and pedestrians; that affordable housing is always the key to get in; that the affordable housing is only a small portion of the project; that he questioned what an affordable home was; that he would like the Council to consider the items outlined by the Sussex Preservation Coalition.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance.

Mr. Whitehouse commented that it may be in relation to the Subdivision application which is not before County Council today.

Mr. Patterson commented that when completed, the entrance will be less than 50 feet from their property on an already well traveled road; that it is said that there will be a traffic signal placed at that entrance upon completion of construction; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to their property and to the property of their neighbors.

Mr. Moore commented that the project that is being discussed was voted on and approved by the Planning and Zoning Commission.

Mr. Patterson stated that traffic is a problem today and the additional vehicles will make it worse; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case they would lose a third of their parking, a very nice sign and a flagpole; that if developed they request that a vegetated buffer be put between their property and the project being discussed; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered.

Mr. Moore commented that the conditions cannot be changed that they were voted on and approved by the Planning & Zoning Commission.

Mr. Patterson stated that they are asking for a physical barrier to separate Northstar from their property and a privacy fence; that they would like to

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work with the developer and DelDOT to ensure that if Beaver Dam is widened, parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that they would like to be good neighbors.

Mr. Michael Quinn spoke about the application; that what he has learned is that the concerns about the build out already out pace the schools and fire department's ability to safely and effectively serve the community; that they need to pause the decision and at some point, need to say no.

Mr. Melvin Mousley, owner of Pam Ann Stables spoke in regard to the application; that he questioned what type of buffering would be around the property to protect his horses; that nobody has discussed the other developments that are using the same roads; that roads need to be ready before the development is approved.

Ms. Allison White spoke in regard to the application; that she supports the statements made by the SPC; that she spoke about well developed landscaping plans; that they should have landscaping and buffering that is in the part of the application that has already been approved; that there were several recommendations made by the PZ staff which she discussed; that the road is designated as a scenic byway which is a tourist attraction; that she urges that all three of the PZ staff recommendations be implemented; that she requested that a screening buffer be placed along Route 9.

Ms. Susan Petze-Rosenblum spoke in regard to the application; that she supports the comments made earlier today by the representatives of the SPC; that she realizes that zoning may be necessary; that she does not see this change of zone balancing the needs of current residents.

The Public Hearing was closed.

**M 122 25
Leave
Record
Open**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to leave the record open for the purpose of obtaining additional written information regarding DelDOT concerns with written comments being provided to the Sussex County Planning & Zoning Office by 4:30 p.m. on March 25, 2025, after which, DelDOT may respond to any comments before 4:30 p.m. on April 8, 2025, for all three of the Applications.

Motion Adopted: 5 Yeas

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

**M 123 25
Defer
Action/**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to defer action and subject to the record being left open on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE

CZ2025

ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons given by the Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**M 124 25
Defer
Action/
CZ2026**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action and subject to the record being left open on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons given by the Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**M 125 25
Defer
Action/
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A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action and subject to the record being left open on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

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

M 126 25 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**
Adjourn **adjourn at 6:15 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.}