SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 21, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 21, 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**
Gina 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 142 26 Approve Agenda

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, to approve the Agenda, as presented.

Motion Adopted: **4 Yeas, 1 Absent**

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

Minutes

The minutes from April 14, 2026, were approved by consensus.

Corre-spondence

There was no correspondence.

Public Comments

There were no public comments.

M 143 26 Approve Consent Agenda

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to approve the following item under the Consent Agenda:

Proclamation Request – Fair Housing Month

Motion Adopted: **4 Yeas, 1 Absent**

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

Presentation

A presentation was given by Mr. Judson Malone, Springboard Delaware related to homeless people in Sussex County.

Administrator's Report

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

1. **<u>Project Receiving Substantial Completion</u>**

   Per the attached Engineering Department Fact Sheet, Ingram Village – Pump Station Plan Review Record received Substantial Completion effective, April 6th.

2. **<u>Delaware State Police Activity Report</u>**

   The Delaware State police year-to-date activity report for March 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of March.

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

Permission to Prepare & Post Notices/ Northstar Properties

John Ashman, Director of Utility Planning & Design Review presented a prepare & post notices for Northstar Properties Annexation into the Sussex County Unified Sanitary Sewer District, West Rehoboth Area. The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client Northstar Property, LLC, the owners of parcel 334-5.00-175.00 to annex the balance of the property into SCUSSD, West Rehoboth Area. The parcel has been recently subdivided and the portion of the parcel 175.05, 175.06 & 175.07. Parcels 175.06 & 175.07 are slated to be single family fee simple residential and have received preliminary approval. Parcel 175.05 is 37 acres that was not part of the approval and is slated to be developed in the future, so it is not part of this application.

M 144 26 Approve Permission to Prepare & Post Notices/ Northstar Properties

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved by Sussex County Council that Sussex County Engineering Department is authorized to prepare and post notices for the Northstar property expansion of the Sussex County Unified Sanitary Sewer District to include parcels 334-5.00-176.06 and 176.07 as presented.

Motion Adopted: **4 Yeas, 1 Absent**

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

Permission to Prepare & Post

John Ashman, Director of Utility Planning & Design Review presented a permission to prepare and post notices for Swann Lake Annexation into the Sussex County Unified Sanitary Sewer District, Fenwick Island Area. The

Notices/ Swann Lake

Engineer Department received a request from Morris & Ritchie Associates, Inc., on behalf of their client Crosswinds Landing, LLC, the owners of parcels 533-18.00-56.00 & 63.00 to annex the properties into the SCUSSD. The project is along Lighthouse Road on the west side of Dickerson Road in Williamsville and proposed for 161 single-family units & 194 multi-family units.

M 145 26 Approve Permission to Prepare & Post Notices/ Swann Lake

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, be it moved by Sussex County Council that Sussex County Engineering Department is authorized to prepare and post notices for the Swann Lake property expansion of the Sussex County Unified Sanitary Sewer District to include parcels 533-18.00-56.00 & 533-18.00-63.00 as presented.

Motion Adopted: 4 Yeas, 1 Absent

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

SJR Update

Brandy Nauman, Community Development & Housing Director provided Council with an update regarding the SJR 8 incentive.

Proposed Ordinance

Vince Robertson, Assistant County Attorney, presented a Proposed Ordinance related to forest preservation.

Introduction of Proposed Ordinance/ Forest Preservation

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE I, III AND V §99-5 "DEFINITIONS", §99-21A "PERIMETER BUFFERS" AND §99-26 "INFORMATION TO BE SHOWN" AND CHAPTER 115, ARTICLES I, XXV AND XXVIII §115-4 "DEFINITIONS AND WORD USAGE" AND §115-221 "FINAL SITE PLAN REQUIREMENTS" AND BY ADDING NEW §115-194.8 "FOREST PRESERVATION' AND 115-194.9 "TREE PLANTING REQUIREMENTS".

Old Business/ Ordinance No. 20-07

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00".

The County Council held a Public Hearing on the Ordinance at the meeting on January 6, 2026. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

M 146 26 Adopt Ordinance No. 4048/

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4048 entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 &

Ordinance No. 20-07

235-14.00-570.00" for the reasons given by the Planning & Zoning Commission as follows:

1. **The parcel is 67.31 acres of land. The property is currently zoned AR-1.**
2. **The parcel is designated as being in the Low-Density Area according to the Future Land Use Map.**
3. **Properties to the east of this Parcel are entirely within the Developing Area. Properties to the south of this Parcel are designated as "Industrial". This revision to a Developing Area on the Future Land Use Map is consistent with the surrounding Map designations.**
4. **The property has extensive frontage on Route 30, which is designated as a truck route by the State.**
5. **This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.**
6. **The Parcel is in close proximity to the intersection of Routes 30 and 16. Given its proximity to this intersection and other properties that have the Developing Area or Industrial classification already, this Map amendment is appropriate.**
7. **This property has railroad service available it. This Map amendment promotes the transportation goals in the Sussex County Land Use Plan, which states in Section 13.2.2 that "The County's goods movement (freight) network is an integral component of the transportation network as well as the economy. The main element of the freight network is the roadway system, which carries trucks (motor freight)." The Plan also states that one way of reducing truck impacts on area roadways is to shift more freight to rail, although opportunities to do that are limited. This site presents an opportunity to achieve this goal. This is also supported in the Comprehensive Plan by Goal 13.5, Objective 13.5.1 and the Strategies attached to this Goal and Objective.**
8. **This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.**

Motion Adopted: **4 Yeas, 1 Absent**

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

Grant Requests

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

M 147 26 Mariners

A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to give $1,000 ($1,000 from Mr. Hudson's Councilmanic Grant Account) to Mariners

Bethel Inc.

Bethel Inc. for their ABC bike ministry program.

Motion Adopted: **4 Yeas, 1 Absent**

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

M 148 26 Bethany-Fenwick Island Area Chamber of Commerce

A Motion was made by Mr. Hudson, seconded by Mr. McCarron to give $1,000 ($1,000 from Mr. Hudson's Councilmanic Grant Account) to Bethany-Fenwick Island Area Chamber of Commerce for their 2026 ocean to bay bike tour.

Motion Adopted: **4 Yeas, 1 Absent**

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

M 149 26 Nanticoke Indian Association, Inc.

A Motion was made by Mr. Hudson, seconded by Mr. McCarron to give $7,000 ($5,000 from Mr. Hudson's Councilmanic Grant Account, $1,000 from Mr. McCarron's Councilmanic Grant Account and $1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Nanticoke Indian Association, Inc. for their 48th annual Nanticoke Indian powwow.

Motion Adopted: **4 Yeas, 1 Absent**

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

M 150 26 Greater Lewes Foundation

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give $1,000 ($1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Greater Lewes Foundation on behalf of Celebrate Wellness Foundation for their mental health programs.

Motion Adopted: **4 Yeas, 1 Absent**

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

Introduction of Proposed Ordinances

Mr. Lloyd 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 32.94 ACRES, MORE OR LESS" filed on behalf of Soltage DE DevCo, LLC.

Introduction of Proposed Ordinances (continued)

Mr. Lloyd introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 85.3 ACRES, MORE OR LESS" filed on behalf of Soltage DE DevCo, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS" filed on behalf of ELU DeLuca Mid-Atlantic, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM Comments

There were no Council Member comments.

M 151 26 Go Into Executive Session

At 1:12 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters related to land acquisition.

Motion Adopted: **4 Yeas, 1 Absent**

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

Executive Session

At 1:15 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session ended at 1:28 p.m.

M 152 26 Reconvene

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of Executive Session and go back into Regular Session.

Motion Adopted: **4 Yeas, 1 Absent**

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

E/S Action

There was no action related to Executive Session matters.

Rules

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

Public

A Public Hearing was held on Proposed Ordinance entitled "AN

Hearing/ CU2612

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS" (property is lying on the southeast corner of Argos Corner Road [S.C.R. 14E] and Coastal Highway [Route 1]) (911 Address: 22692 & 22754 Argos Corner Road, Milford) (Tax Map Parcel: 230-7.00-95.00) filed on behalf of Brian P. Lessard.

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

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the recommended revised conditions of approval as outlined.

The Council found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mr. Brian Lessard with Lessard Builders, who also present. Mr. Fuqua stated that on October 2, 2018, the Sussex County Council approved Conditional Use No. 2129, for a self-storage facility; that the self-storage facility fronts Argos Corner Road, and Route 1; that the approval was subject to imposed Conditions A through O; that has the Planning Commission had also recommended approval of the application; that the facility was constructed, opened for business, and had been operating successfully since that time; that in addition to the self-storage buildings, the Applicant had also requested 80 parking spots for the storage of RVs and boats; that this request was approved, and made as a Condition of Approval; that there had been a greater demand for RV storage spaces than the Applicant had planned; that the approved 80 storage spaces are used up, and there was a significant waiting list for the spaces; that currently, the Applicant proposes to create 41 additional parking storage spaces, which would increase the total of parking storage spaces from 80 to 121; that the new spaces would be located along the fence line, where the existing spaces are, and would not in any way interfere with the vehicle movement on the site; that there are updated, No Objection letters, placed in the record from the State Fire Marshal's office, DelDOT and the Sussex Conservation District; that currently the Applicant is requesting to amend Conditions A and J(5), to delete the number 80 and replaced it with 121 parking storage spaces, for an increase of 41 spaces; that everything else in the Conditions would remain the same, and the proposed use is basically the existing use, just requesting an expansion.

There were no public comments.

The Public Hearing and public record were closed.

M 153 26 Adopt Ordinance No. 4049/ CU2612

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4049 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. **Condition A. previously limited the number of RV parking spaces to 80. This Application seeks to expand that to allow a total of 121 spaces within the existing mini-storage facility.**
2. **There is a need for the additional spaces, and the Applicant has stated that the existing spaces are at capacity. There are many residential developments in Sussex County that prohibit the storage or parking of RVs within them. This minor expansion of the existing use is an appropriate, convenient location that addresses the need for additional off-site storage of RVs.**
3. **The minor expansion of the existing use will not have a substantial impact upon area roadways.**
4. **This minor expansion will not have an adverse impact upon the neighboring properties or community.**
5. **The use as an RV storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.**
6. **No parties appeared in opposition to this Application.**
7. **For all of these reasons, it is appropriate to amend Conditions "A" of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773) to delete "80" and substitute "121" in its place to allow 41 additional RV parking spaces.**

Motion Adopted: **4 Yeas, 1 Absent**

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

Public Hearing/ CU2538

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A

Public Hearing/ CU2538 (continued)

PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 10.48 ACRES, MORE OR LESS" (property is lying on the east and west side of September Way, a private lane accessed from the south side of Fitzgeralds Road [S.C.R. 207], approximately 677 feet west of DuPont Boulevard [Route 113]) (911 Address: 8848 September Way, Lincoln) (Tax Map Parcel: 230-5.00-6.00) filed on behalf of Jeffery Baughman.

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 7 recommended conditions of approval as outlined.

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

The Council found that Mr. Jeffrey Baughman spoke on behalf of his application. Mr. Baughman stated that the property consists of 10.5 acres; that currently it is being used as an Equine Assisted Psychotherapy facility; that they provide assisted psychotherapy and learning, where they incorporate horses into a traditional talk therapy kind of model; that they are proposing to convert the four bedroom house into four office spaces for the therapist, when needed or during weather conditions; that they have been operating out of the property for about ten years now; that he has spoken to their neighbors and they have no issues with it.

There were no public comments.

The Public Hearing and public record were closed.

M 154 26 Adopt Ordinance No. 4050/ CU2538

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4050 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 10.48 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **This application seeks to allow the conversion of the existing home on the property into a professional office. The site is currently used as a horse farm where the horses are used in equine-assisted psychotherapy. This conditional use is in furtherance of the predominantly agricultural use of the property.**
2. **The property is located along Fitzgerald's Road near the intersection with Route 113. It is in an area where other business and commercial uses exist, including the large Fitzgerald's Auto Salvage operations. This location is appropriate for this use as a small professional office**

M 154 26
Adopt Ordinance No. 4050/ CU2538 (continued)

associated with the equine facility.

3. **The Applicant has stated that the office will primarily be used for operations that already occur on the site. This office will simply allow a more organized and efficient operation of the equine facility and the therapy services that occur there.**
4. **There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.**
5. **No parties appeared in opposition to the application.**
6. **This recommendation is subject to the following conditions:**
   a. **The use shall be limited to use as a professional office that is ancillary to the agricultural and equine psychotherapy uses of the property.**
   b. **One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
   c. **The applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
   d. **Parking areas for all vehicles associated with the office use shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.**
   e. **The hours of operation shall be limited to 9:00 a.m. until 7:00 p.m., Monday through Friday.**
   f. **Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
   g. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: **4 Yeas, 1 Absent**

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

Public Hearing/ CU2424

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 FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS" (property is lying on the east side of Coastal Highway [Route 1], approximately 278 feet north of Jefferson Bridge Rd [S.C.R. 361-A]) (911 Address: N/A) (Tax Map Parcel: 134-17.07-190.00) filed on behalf of Oceans Six.

The Planning & Zoning Commission held a Public Hearing on the application on March 4, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated within the motion and subject to the 10 recommended conditions.

Public Hearing/ CU2424 (continued)

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

The Council found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of Applicant, Oceans Six; that also present were Mr. William Bucanan, Jr. Principal of Buchanan Corporation, also being the Applicant and owner, and Mr. Michael Kaszyski, Professional Engineer with Atwell, LLC. Mr. Hutt stated that the subject application had two characteristics; that he felt, in every manner possible, that the application fit the characteristic of infill development; that the second characteristic was that this was the third time Sussex County would be considering a land use application for the subject property; that the first Conditional Use was known as C/U 1494, which the County Council adopted as Ordinance No. 1632 on September 16, 2003, approving the property for seven multi-family dwellings under the Sussex County Code §115-74; that the Conditional Use approval expired; that in 2009, on March 17th, the County Council adopted Ordinance No. 2033, which approved Conditional Use No. 1764, again approving a multifamily project of seven units on the property, however, the Conditional Use was never developed; that this resulted in a second expiration for the property; that the only difference between the two previous Conditional Use approvals, and the current Conditional Use application is the number of proposed units have been reduced from seven to six units, and the Conditional Use name has been changed from Oceans Seven to Oceans Six; that approximately 40% of the one mile radius surrounding the site, encompassed the Atlantic Ocean; that the municipal boundary for the Town of Bethany Beach is located north of the site; that the municipal boundary for South Bethany; that the site is located along Coastal Highway (Route 1), and within proximity to Pennsylvania Avenue; that Sea Pines Village multifamily condominium is located between the subject site, and Pennsylvania Avenue; that across from Pennsylvania Avenue is the location of the Sea Colony tennis courts and buildings associated with Sea Colony; that Sea Pines Village Condominium wraps around along Pennsylvania Avenue and down Jefferson Bridges Road; that on the other side of that road is the Hotel Bethany; that next to Hotel Bethany is Mickey's Family Crab House; that just south of that is the location of Nick's Mini-Golf; that north then, on Route 1, at the corner of the intersection is Perfect Furnishings; that next to that is PepUp, which used to have a Arby's, and is now Pony Donuts; that the next property is the location of the subject Conditional Use; that the next property, being the last property located within Sussex County's jurisdiction is the location of Taggart Professional Center; that the property is a little more than 0.6 acre; that the property has a vacant and somewhat dilapidated home and shed, which is proposed to be removed as part of the application; that when the application was submitted, the 2020 State Strategies Map was in effect; that the 2025 State Strategies Map was just recently adopted in 2026; that the site was located within Investment Level 2, where the State investments and policies in 2020 would support and encourage a wide range of uses; that the site is currently located within Investment

Public Hearing/ CU2424 (continued)

Level 1, according to the 2025 State Strategies Map, which had been signed by the Governor a few weeks prior to the current hearing; that in 2020, the Office of State Planning Coordination described Investment Level 1 as reflecting area that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected to and encouraged by State projects or policies; that the 2025 State Strategies document does not have the same narrative and paragraph format; that now it contains a chart where it describes each of the levels, along with characteristics of the levels; that there were three characteristics he wished to highlight from within the 2025 characteristics for Investment Level 1; that one characteristic is higher density development with mixed uses; that the second characteristics is a variety of housing and transportation options; that the third characteristics is walkable communities, which again describes the area, being along Route 1, Bethany Beach and South Bethany; that within the chart, promulgated with the State Strategies Map, is a policy focus for the State in Investment Level 1; that the policy focus includes a wide range of uses and densities, and significantly also includes infill and redevelopment, which matches the propose use of the site; that in short, regardless whether it is the 2020 or 2025 version of the State Strategies Map, the site is a location where the State expects and encourages growth to occur; that the site is located within the Coastal Area, according to the 2045 Future Land Use Map found within the Sussex County's 2018 Comprehensive Plan; that the site is located within the MR (Medium-Density Residential) Zoning District of Sussex County; that the site is near four different zoning classifications, being HR-2 (High Density Residential) District of Sussex County, which extends from the ocean over to the Assawoman Canal, additional MR (Medium-Density Residential) zoned properties within Sussex County, the C-1 (General Commercial) District of Sussex County, and the B-1 (Neighborhood Business) District of Sussex County; that the Planning Commission was very familiar with multifamily Conditional Use applications within the MR (Medium-Density Residential) Zoning District; that Conditional Uses, pursuant to §115-219 of the Sussex County Code are uses that are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the proposed use, the importance of the relationship to the Comprehensive Plan, and the possible impact, not only on neighboring properties, but on a larger section of the County, requires the exercise of planning judgement on location and site plan; that the County Code defines multifamily as a Conditional Use in the MR (Medium-Density Residential) Zoning District; that certainly housing is a public or semi-public character; that there are many Conditional Uses for multifamily dwellings; that the submitted Site Plan proposes six (6) units, and is fairly straightforward; that the plan offers a right- in and right-out entrance off Route 1, just north of the PepUp; that about two-thirds of the way back into the site, is a location for the fire and emergency responders to turn around; that located at the end of the drive aisle, is the location of the

Public Hearing/ CU2424 (continued)

dumpsters, which are proposed to be screened from the surrounding properties, and are distant from the roadway itself; that the Sussex County Code requires two (2) parking spaces per dwelling unit; that the plan provides three (3) parking spaces per dwelling unit; that two spaces are provided internal to each home, with one space located on the outside; that per the FEMA mapping, the property is located within Flood Zone X, which is located outside of the 500 Year Floodplain; that there are no wetlands located on the property; that the property is not located within a Source Water Protection Area, Wellhead Protection Areas or Excellent Groundwater Recharge Areas; that the property does not have any resources as the term is defined in §115-4 of the County Code; that when the Sussex County Engineering Department reviewed the Drainage Assessment Report, it requested that there be an easement along the common drainage swale to the south of the property, with the PepUp station; that the most recent Site Plan filed did include the requested easement from the Sussex County Engineering Department; that central water will be provided by the Town of Bethany Beach; that central sewer will be provided by the Sussex County Engineering Department; that a letter was submitted by the Sussex County Engineering Department which indicated that the property is located within the Tier 1 Sewer District Area, and that there was capacity for the proposed six units; that DelDOT responded to the Service Level Evaluation request, which indicated the proposed impact for the six units was diminutive, as that term is described in the Memorandum of Understanding between Sussex County and DelDOT; that the term means 50 vehicle trips or less, per day; that while Ocean Six has been waiting in the queue, it had put its wait to good use; that Atwell have been working with DelDOT; that DelDOT issued a Letter of No Objection to Recordation (LONOR) for the application, should the County Council act favorably on the application; that in the last two weeks, DelDOT approved the entrance reflected on the plan, should the County Council act favorably upon the application; that the property proposes a density of 9.8 units to the acre, which is consistent with the density of the surrounding properties; that the Sea Pines Village Condominium, immediately to the east and south of the project has a density in the nature of 12 units to the acre; that Sea Colony is in the same area of density requirements; that the site is consistent with wit the HR-2 (High Density Residential) Zoning classification that exists between the Atlantic Ocean and the Assawoman Canal in the area; that the Comprehensive Plan provides guidance on when medium and higher densities, things such as four to 12 units to the acres can be appropriate; that there is a list of several considerations, which include locations where central water and sewer are provided, when the property is near a significant number of commercial uses and employment centers, when it is in keeping with the character of the area, and when it is situated along a main road, or at/near a major intersection; that the application checks every one of those boxes; that the site is provided central water and sewer; that many commercial uses and employment centers exist along Route 1, and along a portion of the Route 1 corridor;

Public Hearing/ CU2424 (continued)

that the site is located along the major road of Coastal Highway (Route 1); that the application is truly an infill development, as the term is described; that the property had been granted approval on two separate occasions being in 2003 and 2009; that because of how long all the businesses and development had been in the area, the application was considered infill in 2003, as well as in 2009.

There were no public comments.

The Public Hearing and public record were closed.

M 155 26 Defer Action/ CU2424

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS".

Motion Adopted: 4 Yeas, 1 Absent

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

Public Hearing/ CU2480

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS" (property is lying on the east side of Downs Road [S.C.R. 243], approximately 0.45 mile northeast of Wilson Road [S.C.R. 244]) (911 Address: 18651 Downs Road, Georgetown) (Tax Map Parcel: 135-9.00-280.00) filed on behalf of DJ Tire Center, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended denial of the application for the 8 reasons stated.

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

The Council found that Mr. Danny Perez spoke on behalf of the Applicant, Mr. Javier Chilel Garcia, owner of DJ Tire Center, LLC. Mr. Perez stated that there was some opposition to the application during the previous meeting; that they submitted additional information; that there were comments made that the applicant was involved with a fire; that it was not on the applicant's property where that occurred; that there is a safety metal

Public Hearing/ CU2480 (continued)

container where the tires will be stored; that work will be done inside of a building that is currently on site; that the applicant plans to live next to the building that is already there; that it is a rural road; that there will not be a lot of traffic; that the applicant will be changing tires for customers that he already does work for; that there will be minimal traffic; that they do not operate seven days a week; that they operate Monday through Friday; that the work will be done by appointment only; that the applicant has another shop at another location; that the applicant has the property fenced in; that he does not see how this will affect the wildlife; that there is a business to the right of this parcel that is doing the same type of work; that the applicants plans to do 4-5 appointments a day; that the work on the vehicles will be done inside.

Public comments were heard.

Mr. Michael Calloway spoke in opposition of the application.

The Public Hearing and public record were closed.

M 156 26 Defer Action/ CU248

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS".

Motion Adopted: 4 Yeas, 1 Absent

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

Public Hearing/ CU2622

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS" (property is lying on the south side of Coastal Highway [Rt. 1], approximately 0.2 mile northwest of the intersection of Coastal Highway [Rt. 1] and Dartmouth Drive [Rt. 9]) (911 Address: 17996 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-526.01)

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the

Public Hearing/ CU2622 (continued)

application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 4 reasons of approval and subject to the recommended revised conditions of approval.

The Council found that Alex Burns, Esq. with Brockstedt, Mandalas & Federico stated that last year the applicant submitted and received a Conditional Use approval; that there were 15 conditions as part of the approval; that Condition K relates to storage on the property; that the facility is intended to be seasonal; that the applicant would like to store pallets on the property during the offseason; that the property is owned by the State of Delaware; that a licensed agreement with OMB and the applicant was submitted that is dated April 1, 2026; that the agreement addresses that the applicant may use the property for.

Mr. Frank Arena, a volunteer at Tharros Village, spoke on behalf of the Applicant, Tharros Village (c/o Code Purple at the Cape). Mr. Arena stated the request was regarding Ordinance No. 4003 for Conditional Use No. 2583, which granted approval for a campground for the unhoused individuals of Sussex County; that he thanked the Council for their previous support and approval of Tharros Village; that the previous Conditional Use No. 2583 carried 15 separate Conditions of Approval; that he was happy to announce, that since the opening of the campground on July 7, 2025, which ran through November 30, 2025, they had fully complied with all of the imposed Conditions of Approval; that the guidance of the imposed Conditions, really helped guide them through the course of their operations; that their intent is to maintain full transparency, as well as safety, and the establishment of trust; that the amendment request was for Condition K, which refers to the retention and removal of structures and elements of the campground during the off-season; that on November 30, 2025, Tharros Village and the State OMB met to discuss the matter; that it has previously been discussed on multiple occasions, reaching an agreement on which structures, and which components of the campground would be removed upon closure, and which elements could remain stored on the site; that the revised language is now proposed to read "The entire facility may open no earlier than March 1st of each year, ad it shall close no later than November 30th of each year. However, during the time that the site is unoccupied, the operators of the facility may store items or material associated with the use as permitted by the State of Delaware. Any such items or materials shall be securely stored and screened from the view of neighboring properties and roadways. The applicant shall provide The Office of Planning & Zoning with an updated site plan showing where any items or materials associated with the use will be stored."; that they are in full agreement of the language; that they plan to stack pallets that were used as platforms for the tents; that they are stacked and then wrapped in a tarp; that they are not going to be able to be seen from the roadway.

There were no public comments.
The Public Hearing and public record were closed.

M 157 26 Defer Action/ CU2622

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS".

Motion Adopted: **4 Yeas, 1 Absent**

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

Public Hearing/ CU2534

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS" (properties are lying southwest of the intersection of Morris Mill Road [S.C.R. 297] and Zoar Road [S.C.R. 48], approximately 0.6 mile east of Peterkins Road [S.C.R. 371]) (911 Address: N/A & 25064 Morris Mill Road, Millsboro) (Tax Map Parcel: 234-20.00-9.01 & 11.01) filed on behalf of Hardscapes Jimenez, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 15 recommended conditions of approval as outlined.

The Council found that Mr. Elmer Jimenez, the owner of Hardscapes Jimenez, LLC, was present. Mr. Jimenez stated that the proposed use is for an outdoor living, hardscape business in Sussex County and most of Delaware; that the site consists of the house they purchased, which was refinished into a three-bedroom, with a showroom, and office; that their business hours run from 8:00 a.m. until 4:00 p.m., Monday through Friday; they store various pallets of concrete pavers, and have approximately five tons of crushed concrete, and a bin for sand, which is used for as a bedding for paver patios.

There were no public comments.

The Public Hearing and public record were closed.

M 158 26 Adopt Ordinance No. 4051/ CU2534

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4051 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. **The Applicant is seeking a conditional use for his hardscape business and related uses along Morris Mill Road on a 3.14-acre parcel of land.**
2. **This use is appropriate for this location, and it will not generate a significant amount of traffic on area roadways. For the most part, it is a staging yard for employees and materials associated with the business. The work associated with the business will largely occur off-site.**
3. **The property is zoned GR General Residential, and it is within the Existing Development Area according to the Sussex County Comprehensive Plan. This type of small business use is appropriate as a conditional use in this Area according to the Plan.**
4. **According to the Staff Analysis prepared for this application, there are a variety of other business, commercial, and institutional uses within 1 mile of this location. This application is consistent with those other uses.**
5. **There is nothing in the record to indicate that this use will adversely affect the neighborhood or area roadways.**
6. **No parties appeared in opposition to the application.**
7. **This recommendation is subject to the following conditions:**
   a. **The use shall be limited to a hardscape business and the showroom and storage of materials associated with the use. No other types of sales shall occur on the property.**
   b. **The parking area for the business vehicles, equipment, and trailers shall be shown on the Final Site Plan and clearly shown on the site itself.**
   c. **All vehicle and equipment maintenance shall only occur within the existing pole building.**
   d. **The hours of operation shall be limited to 8:00 am until 5:00 pm, Monday through Friday.**
   e. **No grinding, shredding, mulching, or dyeing of materials shall occur on the site.**
   f. **No hardscape materials shall be brought onto the site for dumping. All materials, including crushed concrete, rocks, sand, boulders, clean soils, and similar materials shall be stored in bins on the site. The location of these bins shall be shown on the final**

M 158 26 Adopt Ordinance No. 4051/ CU2534 (continued)

site plan. No storage shall be located within the setbacks on the property.

g. Any outside displays of hardscapes or materials used in the Applicant's business shall not be located in the setbacks on the property. The location of these display areas shall be shown on the Final Site Plan.

h. Signage shall be limited to one lighted sign along the roadway, not to exceed 32 square feet in size per side.

i. Any lighting shall be screened so that it does not shine on neighboring properties or roadways.

j. Prior to the Final Site Plan approval, the Applicant shall confirm with County Staff that all buildings have commercial certificates of occupancy.

k. There are several storage containers or structures on the site that appear to encroach into the setbacks. These shall be relocated so that they do not encroach into the setbacks, and their conforming location shall be shown on the Final Site Plan.

l. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.

m. All entrances shall be subject to all DelDOT requirements.

n. The failure to abide by any of these conditions of approval may be grounds for termination of this Conditional Use.

o. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: **4 Yeas, 1 Absent**

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

M 159 26 Adjourn

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to adjourn at 3:09 p.m.

Motion Adopted: **4 Yeas, 1 Absent**

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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