

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 29, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 29, 2025, at 10:00 a.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

Call to Order	<p>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</p> <p>Mr. Hudson called the meeting to order.</p>
M 173 25 Approve Agenda	<p>A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda as presented.</p> <p>Motion Adopted: 4 Yeas, 1 Absent</p> <p>Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Minutes	<p>The minutes from April 8, 2025 were approved by consensus.</p>
Corres- pondence	<p>Mr. Moore reported that a letter was received from Love, Inc. Mid Delmarva thanking Council for their support.</p>
Public Comments	<p>Public comments were heard.</p> <p>Mr. Henry Bennett spoke about development in Sussex County.</p>
M 174 25 Approve Consent Agenda	<p>A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to approve the following items under the Consent Agenda:</p> <ol style="list-style-type: none">1. Use of Existing Wastewater Infrastructure Agreement – IUA 901 Forest Landing, Ellendale Area2. Use of Existing Wastewater Infrastructure Agreement – IUA 641-1 Mayapple Farm, Bay View Estates Area3. Use of Existing Wastewater Infrastructure Agreement – IUA 1250 Vines Creek Crossing, Dagsboro/Frankford Area

Motion Adopted: 5 Yeas

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

Presentation Joshua M. Freeman Foundation Patti Grimes, Executive Director, Joshua M. Freeman Foundation provided the Council with an update on the status and impact of the arts in Sussex County. Ms. Grimes provided an overview of the foundation and plans for an expansion to their venue.

Library Board Mr. Lawson reported that an appointment is needed for District 4 for the Library Advisory Board.

M 175 25 Approve Library Advisory Board Appointment A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved that the Sussex County Council approves the appointment of Ms. Celeste McTighe to the Library Advisory Board effective immediately until June 2027.

Motion Adopted: 5 Yeas

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

Administrator'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: The Estates at Bridgewater (FKA Bent Creek Estates) – Phase 1 (Construction Record) Gravity only effective April 1st; and Acadia Landing – Phase 4 (Construction Record) effective April 22nd.

2. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for March 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 188 troopers assigned to Sussex County for the month of March.

3. Sussex County Council FY 2026 Budget Workshop

On Tuesday, May 6th, the Sussex County Council will meet for

**Adminis-
trator's
Report
(continued)**

its annual budget workshop. The Fiscal Year 2026 Budget Workshop will be held at 9:30 a.m. at the Sussex County Emergency Operation Center. The next regularly scheduled Council meeting will be held on Tuesday May 13th.

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

**Countryside
Hamlet**

Mike Harmer, County Engineer, presented a recommendation to award for Countryside Hamlet and amendment 3: construction phase services for Council's consideration.

**M 176 25
Approve
Countryside
Hamlet
project**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron be it moved based upon the recommendation of the Sussex County Engineering Department, that contract S23-01 for the Countryside Hamlet sanitary sewer project, be awarded to Teal Construction, Inc. for their total bid of \$1,588,588.00, contingent upon DNREC approval.

Motion Adopted: 5 Yeas

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

**M 177 25
Approve
Amendment
No. 3/
Countryside
Hamlet
project**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron be it moved, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the 2024 Miscellaneous Engineering base agreement with Davis, Bowen & Friedel, Inc., be approved in the amount not to exceed \$266,675.00 for construction phase services associated with the Countryside Hamlet sanitary sewer project based upon DNREC approval.

Motion Adopted: 5 Yeas

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

**Flow
Metering**

Mike Harmer, County Engineer presented a recommendation to award for the flow metering & rain gauge monitoring for Council's consideration.

**M 178 25
Approve
Flow
Metering &
Rain Gauge
Monitoring**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley be it moved based upon the recommendation of the consultant selection committee, that Sussex County Council approves the selection of RJN Group, Inc. to provide on-call flow metering, rain gauge monitoring and related services as needed, to negotiate a professional services agreement for a time period not to exceed three (3) years, with an annual cost not to exceed \$100,000.00.

Motion Adopted: 5 Yeas

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

Stormwater BMP Operations Mark Parker, Assistant County Engineer presented a recommendation to award for stormwater BMP operations & maintenance services for Council's consideration.

M 179 25 Approve Stormwater BMP Operations & Maintenance Services 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 contract G25-25 on-call stormwater BMP operations & maintenance be awarded to Envirotech Environmental Consulting, Inc. with a bid amount of \$174,939.00 with authorization to approve work and materials procurement based on unit prices submitted within established budgetary limitations.

Motion Adopted: 5 Yeas

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

Kings Hwy Phase 1 Award Hans Medlarz, Project Manager presented phase 1 construction award for Kings Highway from SR-1 to Freeman Highway advanced utility relocation for Council's consideration.

M 180 25 Approve Phase 1 Award/ A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based on the recommendation of the Sussex County Engineering and Finance Departments that the County execute an agreement with Christiana Excavating, Co., in the amount of \$2,210,880.00 for the advanced relocation of County owned infrastructure in direct conflict with DelDOT's King's Highway from SR-1 to Freeman Highway Road improvement project.

Motion Adopted: 5 Yeas

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

Wolfe Neck Co No. 1 & Staging Area Hans Medlarz, Project Manager presented a standalone award for staging area pad site and denali sludge removal agreement – change order no. 1 for Wolfe Neck regional wastewater facility for Council's consideration.

M 181 25 CO No. 1/ Wolfe Neck A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 1 to the Wolfe Neck regional wastewater facility – denali sludge removal agreement be approved, in the aggregate

RWWF credit amount of \$(35,000.00).

Motion Adopted: 5 Yeas

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

M 182 25 A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it
Approve moved based upon the recommendation of the Sussex County Engineering
Pad Site/ Department, that County Council approve a purchase order to A.P. Croll in
Wolfe Neck the amount not to exceed \$482,027.50 for a permanent staging area at Wolfe
RWWF Neck.

Motion Adopted: 5 Yeas

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

Old Under Old Business, Jamie Whitehouse, Planning & Zoning Director
Business/ presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND
CZ2025 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”
filed on behalf of Northstar Property, LLC.

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation (“DelDOT”), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

Old Under Old Business, Jamie Whitehouse, Planning & Zoning Director
Business/ presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND
CZ2026 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
Old SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE

**Business/
CZ2026
(continued)**

OR LESS” filed on behalf of Northstar Property, LLC.

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation (“DelDOT”), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

**Old
Business/
CU2499**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented 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” filed on behalf of Northstar Property, LLC.

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation (“DelDOT”), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

**M 183 25
Close
Record/
CZ2025 &
CZ2026 &
CU2499**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to close the record on the three applications and accept all of the documents into the record.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

**M 184 25
Cape
Henlopen
Senior
Center**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$1,500 (\$500 from Ms. Gruenebaum’s Councilmanic Grant Account, \$500 from Mr. Hudson’s Councilmanic Grant Account and \$500 from Mr. Rieley’s Councilmanic Grant Account) to Cape Henlopen Senior Center for a new center.

Motion Adopted: 5 Yeas

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

M 185 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Bethany \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to the
Beach- Bethany Beach-Fenwick Island Chamber of Commerce for their 2025 Bay
Fenwick to Beach bike tour.
Island

Chamber of Motion Adopted: 5 Yeas
Commerce

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

M 186 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Nanticoke \$6,000 (\$5,000 from Mr. Hudson's Councilmanic Grant Account and \$1,000
Indian from Mr. Rieley's Councilmanic Grant Account) to the Nanticoke Indian
Association Association for their 47th annual Powwow.

Motion Adopted: 5 Yeas

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

M 187 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
DE \$1,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account) to the
Community Delaware Community Foundation for their Georgetown/Millsboro Rotary
Foundation Club's Flags for Heroes.

Motion Adopted: 5 Yeas

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

M 188 25 A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give
Mariners \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to
Bethel Mariners Bethel Global Methodist Church for their ABC Bike Ministry
Global program.
Methodist

Church Motion Adopted: 5 Yeas

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

Proposed Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN

**Ordinance
Introduct-
ions**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS” filed on behalf of The Nature Conservancy.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” filed on behalf of Zion Church Ventures, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS” filed on behalf of Hudson Pond, 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 A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” filed on behalf of Breeze-A-Bella Land Group, LLC.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS” filed on behalf of Blueberry Lane, LLC (c/o Gary Derrickson).

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS” filed on behalf of Nickolaos Halkopoulos.

The Proposed Ordinances will be advertised for a Public Hearing.

**CM
Comments**

Mr. McCarron commented that the little towns are flooded with traffic in the summertime and that is something that as residents we grow accustomed to. He added that he feels that the volume of traffic is something that needs to be discussed. He added additional comments about school funding for school construction. This issue has been going on for decades, he believes that it needs to be addressed in the near future. He would like the topic to be brought up at future meeting to see if there is a consensus due to the time constraint if members of the general assembly need to be involved.

Mr. Rieley commented that there is a transportation improvement district either in place or being formed in the Milton area to address some of the traffic concerns. On the school funding, his concern is a precedent setting issue where the State would address that now the County be involved with the process of raising funds to fund schools. He added that the County has always acted as a pass through only by collecting the taxes.

Ms. Gruenebaum stated that if we are looking at a precedent setting move for the school funding, she believes that is not a reason to not move forward. She added that the objective is to secure efficient funds for our schools to be able to function well and we need to investigate and look at different methods to fund schools. She added that the road situation in the County is challenging.

Mr. Lloyd commented that all of the parcels in the County have been paying into the school system to pay both operating and capital expenditures via referendums. He added that for building new schools, some of that burden would be on the new people that are moving into the area.

Mr. Lawson stated that if the mechanism for school funding that is desired requires changes in the Delaware Code, it would have to go to the General Assembly. He added that the timeframe for that is closing soon.

**M 189 25
Go Into
Executive
Session**

At 11:14 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 11:20 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition and pending & potential

litigation. The Executive Session ended at 12:55 p.m.

M 190 25 **At 1:05 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Reconvene **McCarron to come out of Executive Session back into Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

E/S Action There was no action related to Executive Session matters.

M 191 25 **At 1:06 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Recess **McCarron to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

M 192 25 **At 1:30 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron**
Reconvene **to come out of recess back into Regular Session.**

Motion Adopted: 5 Yeas

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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
CZ2019 **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
 DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99
 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND
 BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING
 11.00 ACRES, MORE OR LESS” (property is lying on the southwest side of
 DuPont Boulevard [Route 113], approximately 0.33 mile southeast of
 Governor Stockley Road [S.C.R. 432]) (911 Address: 26062 and 26072
 DuPont Boulevard, Georgetown) (Tax Parcels: 133-6.00-39.00, 41.00 [p/o] &
 42.00)) filed on behalf of Citation Rentals, LLC.

The Planning & Zoning Commission held a Public Hearing on the application
on February 19, 2025. At the meeting on March 5, 2025, the Planning &
Zoning Commission recommended approval of the application for the 10
reasons as outlined.

**Public
Hearing/
CZ2019
(continued)**

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant; that this is for the land surrounding Stockley Tavern on the Western side of DuPont Blvd.; that the property is surrounded by commercial zoning up and down DuPont Blvd.; that there is approximately just under ten (10) acres of land that is being sought to be changed to C2 Zoning District to include retail sales and performance of consumer services; that all areas along both sides of DuPont Blvd are long standing commercial zoning classifications which fits right in with what is being proposed; that there are number of commercial uses in the area; that the property meets the height area and bulk requirements for a C2 Zoning classification, the zoning code requires a minimum of 15,000 square feet and this is almost ten (10) acres; that the zoning code requires a width of 75 feet of road frontage and this has hundreds of feet of frontage along around Route 113; that the required depth is 100 feet, which is again easily met by this site; that there are no wetlands located on the property; that the property is not within a flood zone as it is in the area that is shown as zone X on FEMA's flood maps; that the site has well drained soils that are suitable for on-site wastewater treatment; that the property soils that are designated as fair with respect to their potential for groundwater recharge; that the Comprehensive Plan describes zoning districts applicable to future land use categories, indicates that the C2 Medium Commercial Zoning district is one of the applicable zoning districts in the low density areas on the 2045 Future Land Use Map; that a Service Level Evaluation Request was sent to DelDOT and DelDOT asked in response that this application be considered without a traffic impact study as the determination of traffic would be made based upon a future submission with respect to a land use development plan, subdivision plan or site plan; that the Planning Commission and the staff for the Planning and Zoning Office will be checking to make sure the site plan complied with the requirements of the zoning code, parking requirements were met, the State Fire Marshals requirements were met, stormwater management requirements were met and all of the other types of review when a site plan is submitted; that at the Planning Commission meeting, there were two individuals that spoke in favor of this application; that Mr. Baxter who owns the property in the rear and the property owner across the street all expressed their support.

Public comments were heard.

Mr. Timmons spoke in favor of the application; that he owns property across the street from the property being discussed and he supports the change of zoning.

The Public Hearing and public record were closed.

**M 193 25
Adopt
Ordinance
No. 3089/
CZ2019**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3089 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION

OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS” for the reasons given by the Planning Commission as follows:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is 11.00 acres that has frontage along Route 113 between Georgetown and Millsboro. This roadway is identified as a “Principal Arterial” by DelDOT and a “Major Arterial Roadway” by Sussex County. Other commercial zoning districts in the area include C-1, CR-1, and C-2. Nearby uses include borrow pits, granite and stone sales, equipment rental, a sign company, Peninsula Homes, and a tool supply company. The property also surrounds the Stockley Tavern, which has been in operation in one form or another for decades. This is an appropriate location for C-2 Zoning.**
- 3. Given the location of this property on Route 113 and the more appropriate designation under a commercial zoning category, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.**
- 4. C-2 Zoning at this location will benefit residents of nearby Sussex County by providing a convenient location for the uses permitted in that Zone.**
- 5. There is no evidence in the record that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 6. The site is in the “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Low-Density Area according to the Plan.**
- 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.**
- 8. No parties appeared in opposition to the rezoning application.**
- 9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- 10. For all of these reasons, the C-2 Zoning District is appropriate for this location.**

Motion Adopted: 5 Yeas

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

**M 194 25
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to adjourn at 1:59 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.}