

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 13, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 13, 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	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 195 25 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, 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 April 29, 2025 and May 6, 2025 were approved by consensus.
Correspondence	There was no correspondence. Public comments were heard.
Public Comments	Ms. Blair Brown spoke about funding for schools. Ms. Kelly Kline spoke about impact fees and how they can help schools, libraries and fire departments. Ms. Lisa Hudson-Briggs spoke about funding for schools. Ms. Tammy Smith spoke about funding for schools. Mr. Jason Hale spoke about funding for schools.
Presentation Food Bank	Chad Robinson, Vice President of External Affairs, Food Bank of Delaware provided Council with an overview of the services that they offer. Mr.

of Delaware Robinson discussed the impact that their services have throughout the County. He explained how the food is distributed and highlighted how they receive all of the food.

School Funding Discussion Councilman McCarron led a discussion regarding school funding. Mr. McCarron stated that he empathizes with the schools and their needs due to the growth in the County. He added that he sees this as a way to offset the cost of new buildings. Mr. McCarron stated that today, it is not intended to decide if the Council is going to pass one or the other option. There is no enabling legislation whether it is the building permit fee or the VSA model in Dover to allow the Council to pass either option. He added that the task today is to establish if Council is going to direct County staff to work with local legislators to move forward to enable legislation. He added that he is a strong supporter of the Kent County building permit fee. To him, the VSA model reflects a certain segment, and he believes that the VSA model would have a negative effect vs. the building permit model that affects everyone. Mr. McCarron explained that the reason for the introduction is an effort to protect the equity of the people in the communities that have existing structures in their school districts. He noted that they have been paying for the existing buildings there. Mr. McCarron stated that the DOE has very specific guidelines on how you can obtain a certificate of need. He discussed the structure that Kent County currently has in place.

Mr. Lloyd commented that he understands the increased pressure due to development and growth that has been put on by all services. He added that he agrees with Councilman McCarron's idea that everyone that has been here and contributed to capital cost of construction are expected to go into a voting booth and vote for more taxes. By offsetting that financial burden though the VSA or impact fee model makes sense to him. When he compared the two, he sees more pros with the impact fee model. Mr. Lloyd stated that he likes a version that is tailored to the County and where the control remains with the County. He added that looking at Kent County language, he believes that it was well thought out and well written.

Ms. Gruenebaum commented that she is a strong supporter of a mechanism to ensure that the people that move into this County pay their fair share that it takes to build and manage our schools. During her campaign, this was a hot topic and at the time, she was a fan of the VSA model. She added that she is pleased and happy to join her other two colleagues to look further into the impact fee model as done by Kent County. She further commented that this is a way for people to pay their fair share and the County would still have some kind of control over how that is formulated and done.

Mr. Rieley stated that the Council just received a presentation on food insecurity and the fact that people are living on a knife's edge budget wise. In addition, testimony has been given in the last few months about the lack of affordable housing and the cost of rent. He added that we are trying to promote affordable and workforce housing. Mr. Rieley discussed transfer

School Funding Discussion (continued)	<p>tax and how the money is collected and then distributed. He stated that if the schools need more money, he suggests raising the percentage on transfer tax and keeping the County out of it. Mr. Rieley commented that it has never been the responsibility of the County to act as a fundraising mechanism for schools, roads, prisons, hospitals or police. These services are provided through the State not the County. He added that he agrees that the permit model is preferable since the County has more control.</p>
M 196 25 School Funding Legislation	<p>A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to direct County staff to craft proposed legislation to present to local legislators reflecting the building permit fee allowed in Kent County in relation to school funding.</p> <p>Motion Adopted: 4 Yeas, 1 Nay</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Nay; Mr. Hudson, Yea</p>
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1. <u>Project Receiving Substantial Completion</u></p> <p>Per the attached Engineering Department Fact Sheet, the following project has received Substantial Completion: Sandpiper Cover (FKA Cobb Property) – Phase 3 (Construction Record) effective May 8th.</p> <p>[Attachments to the Administrator's Report are not attached to the minutes.]</p>
ERP to the Cloud	<p>Dwayne Kilgo, Director of Information Technology, presented an agreement to migrate the County's ERP to the Cloud for Council's consideration.</p>
M 197 25 Approve ERP to the Cloud migration	<p>A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum be it moved that Sussex County Council hereby approves entering into an agreement with Tyler Technologies to move to a SAS solution for the County's ERP financials.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Permission Prepare Post Notices/	<p>John Ashman, Director of Utility Planning & Design Review presented a request for permission to prepare and post notices for Hocker Property expansion of the Sussex County Unified Sanitary Sewer District (Millville</p>

- Hocker Property** Area, State Planning Area Level 2) for Council's consideration. Mr. Ashman reported that the Engineering Department received a request from Davis, Bowen & Friedel on behalf of their client, Hocker Millville, LLC owner of parcels 134-12.00-370.00 & 370.02 adjacent to the existing Millville Area of the SCUSSD. The parcels are located along Route 17 (Roxana Road) and in the State Planning Area Level 2. The project received preliminary site plan approval from the Town of Millville on June 13, 2024. The project will be responsible for System Connection Charges in place at the time of connection.
- M 198 25**
Approve
Permission
Prepare &
Post Notices
Hocker
Property A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that the Sussex County Engineering Department is authorized to prepare and post notices for the Hocker Property expansion of the Sussex County Unified Sanitary Sewer District to include parcels 134-12.00-370.00 & 370.02 as presented.
- Motion Adopted:** 4 Yeas, 1 Absent
- Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Absent; Mr. Rieley, Yea;
Mr. Hudson, Yea
- Wolfe Neck GC /CO No. 5** Hans Medlarz, Project Manager presented change order no. 5 for the Wolfe Neck Regional WWF electrical service and switchgear replacement for general construction for Council's consideration.
- M 199 25**
Approve CO
No. 5/Wolfe
Neck GC A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, be it moved based on the recommendation of the Sussex County Engineering Department, that change order no. 5 for contract S24-10, Wolfe Neck Regional WWF electrical service & switchgear replacement – general construction, be approved, decreasing the contract by \$14,910.63.
- Motion Adopted:** 5 Yeas
- Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea
- SCRWF CO**
Nos. IB 004,
005 & 006 Hans Medlarz, Project Manager presented change order IB 004, 005 and 006 for SCRWF treatment progress upgrade no. 3 – Inland Bay Extension for Council's consideration.
- M 200 25**
Approve CO
Nos. IB004,
005 & 006/
SWRWF A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that M.F. Ronca & Sons, Inc., Inland Bays Phase 2 project, change order nos. IB-004, IB-005 and IB-006, be approved in the amounts of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively.
- 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/
CU2468**

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 MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (property is lying on the southeast side of Lewes Georgetown Highway [Rt. 9], approximately 0.23 mile southwest of Park Avenue [S.C.R. 321]) (911 Address: 22592 Lewes Georgetown Highway, Georgetown) (Tax I.D. No.: 135-15.00-79.03) filed on behalf of Richard H. Bell, III.

The County Council held a Public Hearing on the application on April 8, 2025. At the conclusion of the meeting, the County Council closed the Public Record and deferred action on the application for further consideration.

**M 201 25
Amend
Condition
CU2468**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron that the conditions adopted by Planning & Zoning be amended by removing and deleting Conditions 6 B-F and in its place add a new 6 B-F as follows:

B. This Conditional Use shall allow the property to be used for a temporary mobilization yard for DelDOT’s Park Avenue relocation project (phase 1 and phase 2).

C. Only organic materials may be brought to the property from the Park Avenue relocation project. No concrete, asphalt or millings may be brought to the property from the Park Avenue relocation project.

D. The organics on the property may be processed (ground and sifted) to create a bio mix of soil and organics. No other materials or processing may occur on the property. The hours of operation for any grinding, mixing or sifting of the organics shall be Monday-Friday 9:00 a.m. to 4:00 p.m.

E. All materials brought to the property as part of the Park Avenue relocation project shall be removed within 180 days of the conclusion of phase 2 of the Park Avenue relocation project.

F. The Final Site Plan showing the temporary storage area and types of materials stored in those areas shall be subject to the review and approval of the Sussex County 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 202 25
Adopt
Ordinance
No. 3090/
CU2468**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3090 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission and as amended by this Council as follows:

- 1. This property is already the subject of Conditional Use #2083, codified by Ordinance #2515. That prior conditional use permitted “an office, storage building, storage yard, and crushing of concrete for a contracting business”. That prior conditional use arose out of a violation issued for the concrete crushing operations and the approval required all concrete crushing operations to cease 45 days after the adoption of the ordinance. That prior conditional use also specifically prohibited “processing of wood” and stated that “No other wood or metal chipping or grinding shall occur and no other materials, including concrete, wood and metal shall be accepted at the site for crushing or recycling.”**
- 2. This pending conditional use arose out of a second violation issued against the property and this Applicant. Despite the prohibitions of the prior Ordinance, the Applicant has been accepting soils and other materials at the site including wood, trees and roots for storage, screening and grinding. According to the Applicant, all of this was in conjunction with the ongoing relocation of Park Avenue outside of Georgetown.**
- 3. The relocation of Park Avenue is an important project for the safety of vehicles and trucks that use the roadway and for the expansion of the airport and the County’s industrial park located there. The project also mitigates traffic issues in and around Georgetown. This use supports this road project, but it should be limited to this road project. Given its location next to other residential properties, the Sports at the Beach youth sports complex and the emerging commercial corridor along this area of Route 9, this industrial-type use should not become permanent.**
- 4. The Applicant has stated that the use is needed not only for Phase I of the Park Avenue Relocation Project but also Phase II if the current DelDOT contractor that is depositing materials on this site successfully wins the bid to perform work in Phase II. For that reason, the duration of this conditional use should be limited to this specific DelDOT work.**
- 5. This is an appropriate limited expansion of the existing conditional use for this property but with the conditions imposed with this recommendation, including the limited duration of the use.**
- 6. This recommendation is subject to the following conditions:**
 - A. All of the conditions of Conditional Use #2083 and Ordinance #2515**

M 202 25
Adopt
Ordinance
No. 3090/
CU2468
(continued)

- shall remain in effect unless specifically modified by these conditions.
- B. This Conditional Use shall allow the property to be used for a temporary mobilization yard for DelDOT's Park Avenue relocation project (phase 1 and phase 2).**
 - C. Only organic materials may be brought to the property from the Park Avenue relocation project. No concrete, asphalt or millings may be brought to the property from the Park Avenue relocation project.**
 - D. The organics on the property may be processed (ground and sifted) to create a bio mix of soil and organics. No other materials or processing may occur on the property. The hours of operation for any grinding, mixing or sifting of the organics shall be Monday-Friday 9:00 a.m. to 4:00 p.m.**
 - E. All materials brought to the property as part of the Park Avenue relocation project shall be removed within 180 days of the conclusion of phase 2 of the Park Avenue relocation project.**
 - F. The Final Site Plan showing the temporary storage area and types of materials stored in those areas shall be subject to the review and approval of the Sussex County 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

Old
Business/
CU2556

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS" (property is lying on the south side of Old Mill Road [S.C.R. 349], approximately 550 feet west of Railway Road [S.C.R. 350]) (911 Address: 36294 Old Mill Road, Ocean View) (Tax Map Parcel: 134-12.00-73.02) filed on behalf of William Melton.

The County Council held a Public Hearing on the application at its meeting on April 8, 2025. At the conclusion of the Public Hearing, the County Council closed the Public Record and deferred action on the application for further consideration.

M 203 25
Adopt
CU2556/
DENIED

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning

M 203 25 Adopt CU2556/ DENIED	Commission. Motion DENIED: 3 Nays, 2 Yeas Vote by Roll Call: Ms. Gruenebaum, Nay; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Nay; Mr. Hudson, Nay Mr. Rieley and Ms. Gruenebaum voted no based on the reasons provided by Mr. Hudson.
Proposed Ordinance Introduct- ions	Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.15 ACRES, MORE OR LESS” filed on behalf of Atlantic Coastal Smart Storage. 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 TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS” filed on behalf of Randall Hall.
CM Comments	The Proposed Ordinances will be advertised for a Public Hearing. There were no Council Member comments.
M 204 25 Go Into Executive Session	At 11:17 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. Rieley, 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 11:25 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 11:45 a.m.
M 205 25 Reconvene	At 11:47 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley to come out of Executive Session 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

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

M 206 25 At 11:48 a.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 207 25 At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms.
Reconvene Gruenebaum 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

Public Hearing/ Millsboro Martial Arts Annexation into SCUSSD A Public Hearing was held for the Millsboro Martial Arts Annexation of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area).
John Ashman, Director of Utility Planning & Design Review reported that County Council granted permission on March 25th for the proposed expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area). The Engineering Department has received a request from Plitko Engineering, LLC on behalf of their client Dupont Properties, LLC owners/developers of parcels 233-16.00-22.00, 24.00 & 25.00 in the Tier 2 area of sewer service. The firm was informed the parcels were not contiguous to the existing area and that they would need to receive requests for annexation from the intervening parcels. The engineer provided signed letters from the owners of parcels 233-11.00-244.00, 233-11.00-240.00 & 233-11.00-240.01 making the project contiguous to the existing district. The project will be responsible for extending the sewer south along Route 113 to their project and providing a connection point for those parcels agreeing to be annexed along with the project parcels. The project will be responsible for system connection charges in place at the time of connection. To date, a call was received from the Mayor of the Town of Dagsboro questioning the annexation and the name of the project. Mr. Ashman requested written comments from the Town, to date, he has received none. Mr. Ashman did speak with Mr. Whitehouse; Planning & Zoning Director and he advised that the project is not adjacent to the existing town boundary.

There were no public comments.

The Public Hearing and public record were closed.

M 208 25
Adopt
Resolution
No. R 011 25
Millsboro
Martial Arts

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Resolution No. R 011 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE SIX PARCELS (233-11.00-240.00, 240.01 & 244.00 AND 233-16.00-22.00 & 24.00 & 25.00) ON THE EAST SIDE OF DUPONT BOULEVARD (RT. 113) AND SOUTH OF THE TOWN OF DAGSBORO AND IS LOCATED IN THE DASGBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

Public
Hearing/
Crecent
Place
Annexation
into
SCUSSD

A Public Hearing was held on the Crescent Place annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted permission on March 25th for the proposed expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area). The Engineering Department received a request from Beacon Engineering, LLC on behalf of their client, The Evergreene Companies, LLC owners/developer of parcel 134-19.00-24.00, adjacent to the existing Miller Creek Area of the SCUSSD. Parcels are located along Central Avenue, the project is proposed for 57 single family lots plus a clubhouse. The project will be responsible for System Connection Charges in place at the time of connection. To date, there has been no correspondence received in support or opposition to this annexation.

There were no public comments.

The Public Hearing and public record were closed.

M 209 25
Adopt
Resolution
No. R 012
25/
Crecent
Place

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Resolution No. R 012 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE THE CRESCENT PLACE ON THE SOUTHEASTERLY SIDE OF CENTRAL AVENUE LOCATED IN THE BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

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 Hearing/
CU2474** 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 PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS” (property is lying the south side of Butler Boulevard approximately 200 feet east of Muddy Neck Road [S.C.R. 361]) (911 Address: N/A) (Tax Parcel No.: 134-17.00-6.02) filed on behalf of John Elsishans.

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 4 reasons stated and subject to the 9 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Council found that John Elsishans spoke on behalf of his application; that the property is located behind a produce stand; that he plans to retire down here; that he would like to build a building to keep his items like cars and boats; that no hazardous materials will be stored on site.

There were no public comments.

The Public Hearing and public record were closed.

**M 210 25
Adopt
Ordinance
No. 3091/
CU2474** A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3091 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS” for the reasons given by the Planning Commission as follows:

1. The Applicant owns this property and seeks to build a private garage on the property prior to constructing a home on the property. The private garage, which is an accessory structure, requires a conditional use because there is no primary use as a residence for the garage to be accessory to.

**M 210 25
Adopt
Ordinance
No. 3091/
CU2474
(continued)**

2. The use will be very limited, and the Applicant has stated that there will be no public access to the property. It will not be used as a commercial garage. As a result, the use will not have any impact upon area roadways.
3. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
4. Although several neighbors appeared in opposition to this Application, they were not concerned about the use, but only improper access via a private roadway known as Butler Blvd. One of the conditions of approval of this recommendation will be the prohibition against using Butler Blvd. to access the property.
5. This recommendation for approval is subject to the following conditions:
 - a. The use shall be limited to the private garage presented on the preliminary site plan and during the public hearing.
 - b. The property shall not be accessible to the public.
 - c. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - d. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of the vehicles, equipment, and similar items located on the site.
 - e. Any areas to be used for outside storage, including driveways and parking areas, shall be clearly marked on the Final Site Plan and on the site itself.
 - f. This conditional use shall expire upon issuance of a Certificate of Occupancy to the Applicant for a home that is constructed on the property. If a home is constructed, the Conditional Use is no longer necessary since the use will be accessory to the primary residential use of the property.
 - g. All access to this property and the conditional use shall via the private easement and roadway known as Cullen Drive. There shall not be any access to this property or the use upon it via Butler Blvd.
 - h. The failure to abide by any of these conditions may be grounds for the revocation of this Conditional Use.
 - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/**

**A Public Hearing was held on a Proposed Ordinance entitled “AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**

**CZ2017 &
CU2462**

SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00) filed on behalf of Gulfstream Glen Cove.

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons conditions 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 FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00) filed on behalf of Gulfstream Glen Cove.

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 17 recommended conditions as outlined.

Jamie Whitehouse, Planning & Zoning Director presented the applications.

The Council found that Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 to MR and then a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the Commission recommended approval of the applications; that the applicant accepts the conditions as drafted and has no changes; that the site consists of 12.32 acres; that the site features mostly matured woodlands and some grassy areas with wetlands and a tax ditch that surrounds the site; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed

Public

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(continued)**

significantly with multifamily dwellings and this represents a classic infill development; that this site lies next to the Town of Millville; that the applicant provided a booklet during the Commission hearing; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family units; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on-site wetlands to remain undeveloped; that the site is located in Level 2; that there are tax ditch right of way that wrap around the property and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site was cleared around 2012; that a 20 foot perimeter buffer has been established.

Mr. Ron Sutton came forward to discuss the buffer that was submitted; that an exhibit was put together showing existing homes; that the tax ditch was shown and the proposed buffer with proposed drainage areas; that there is almost 80-90 feet from the back of the new houses to the back of the old houses; that there will be a lot of trees remaining; that the tax ditch right of way is 25 feet top of bank and was established in 2012; that it is almost 45 feet off of the top of ditch.

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(continued)**

Mr. Whitehouse pointed out that this application was submitted prior to the code changes that occurred.

Ms. Peet stated that the site will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 feet for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had an investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, and a pool and pool house; that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

- 1. The site's proximity to existing MR zoned developments.**
- 2. The zoning change will align with existing land use patterns and the character of the surrounding area.**
- 3. MR zoning is consistent with the Comprehensive Plan within a coastal area.**

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

- 1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.**
- 2. The demand for housing in the area will provide a housing option compatible with existing developments.**
- 3. Establishment of a resource buffer around the wetlands and will protect these sensitive areas.**
- 4. Contribute to the preservation of natural resources.**
- 5. The proposed development is located within a growth area next to a town's growth area.**

Ms. Peet stated that during the PZ hearing, a deed restriction was brought up; that the restriction states that "only attached dwellings shall be

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(continued)**

constructed upon the above premise; that a resident from the area raised a question about the proposed product type adhered for this restriction; that they maintain that the proposed product type meets the criteria of a single-family detached residential dwelling; that this has been discussed with Mr. Robertson and Mr. Moore was included; that the correspondence was submitted.

A discussion was held about open space and how it was calculated. In addition, the tax ditch was discussed.

There were no public comments.

The Public Hearing and public record were closed.

The gavel was handed to Mr. Rieley.

**M 211 25
Defer
Action/
CZ2017**

A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to defer an 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 CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS" for the reasons given by Planning & Zoning.

Motion Adopted: 5 Yeas

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

**M 212 25
Defer
Action/
CU2462**

A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to defer an Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS" for the reasons and conditions given by Planning & Zoning.

Motion Adopted: 5 Yeas

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

The gavel was given back to Mr. Hudson.

M 213 25

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to adjourn

Adjourn at 2:27 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.}