

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 9, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 9, 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 240 26
Approve
Agenda**

A Motion was made by Mr. Lloyd, 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 June 2, 2026, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from House of David, Milford, Inc. thanking Council for their support.

**Public
Comments**

There were no public comments.

**M 241 26
Approve
Consent
Agenda**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the following item under the Consent Agenda:

Proclamation Request – Cape Henlopen High School Girls Lacrosse State Champions

Motion Adopted: 5 Yeas

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

**Adminis-
trator's
Report**

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

Delaware Animal Services Annual Performance Report 2025

The Delaware Animal Services Annual Performance report for 2025 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 5,984 new calls for service in 2025.

EMS Blood Drive

Sussex County would like to thank the community for its support during the recent EMS Blood Drive held on Thursday, May 21, 2026, at the Public Safety Complex in partnership with the Blood Bank of Delmarva. Donors provided 45 units of blood. The third annual event was held to coincide with the anniversary of the County EMS launch of the "Whole Blood Program," which began in 2023. Sussex County EMS and the Blood Bank of Delmarva look forward to hosting the event again next year to continue supporting lifesaving efforts for citizens throughout Sussex County.

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

**FY27
Insurance**

Andrea Wall, Manager of Accounting, presented a recommendation for FY27 insurance renewal for Council's consideration.

**M 242 26
Approve
FY27
Insurance
Renewal**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved based on the recommendation of Alliant Insurance Services, Insurance Buyers Council and the Sussex County Finance Department that Sussex County Council authorizes the placement of insurance coverage as presented for the period of July 1, 2026 through June 30, 2027 for a cost not to exceed \$2,543,139.00.

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/
Ordinance
No. 26-01**

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

PROGRAM”.

**M 243 26
Amend
Section 1/
Ord No. 26-
01**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that the rental requirements for SCRП units be amended at Section 1 of the Ordinance, regarding §72-24 “Rent” at Lines 74 though 80, so that this section now states as follows:

§72-24 SCRП Units

A. Rent

(1) Rent shall be established and updated annually by the Department for the SCRП units based on 25% of the household income in the amounts of 60%, 70% or 80% of the area median income adjusted for household size and unit size of the respective unit (not including trash services, parking, water and sewer utilities and any other charges to be paid by the tenant) based on the following unit allocations:

- (a) The number of units in the SCRП charging rent at 25% of household income for 60% of the area median income adjusted for household size shall be multiplied by a factor of 1.67.**
- (b) The number of units in the SCRП charging rent at 25% of household income for 70% of the area median income adjusted for household size shall be multiplied by a factor of 1.25.**
- (c) The number of units in the SCRП charging rent at 25% of household income for 80% of the area median income adjusted for household size shall be multiplied by a factor of 1.00.**

There shall always be a mixture of units described in (a), (b) and (c) above. The total value of the multipliers for all of the units must exceed 25% of the total number of units in the SCRП and must include a mixture of units at 60%, 70% and 80% AMI.

Provided, however, that the rent charged for market rate units similar to SCRП units in the SCRП development shall not be within 20% of the countywide SCRП rents for that type of SCRП unit. If this occurs, the Department shall adjust the SCRП rate table for the SCRП development so that the rent for the SCRП unit is 20% less than the market rate rent for comparable units in the SCRП development.

Motion Adopted: 5 Yeas

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

M 244 26

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, that

Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Allocation Calculation **be it moved that the SCRCP requirements be amended at Sections 2, 3, 4, 5, and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding “Permitted Uses” at Lines 95-99, 159-163, 222-225, 286-290 and 350-354 so that these sections now state a follows in each instance:**

A Sussex County Rental Program, or SCRCP development governed by, and subject to, Chapter 72, where there are SCRCP units provided in accordance with minimum allocation calculation required by §72-24 herein. The SCRCP development must also satisfy the following criteria: ...

Motion Adopted: 5 Yeas

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

M 245 26 Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Setback **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it moved that the SCRCP requirements be amended at Sections 2, 3, 4, 5 and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding “Permitted Uses” at Lines 120-124, 184-188, 247-251, 311-315 and 375-379 so that these sections now state as follows in each instance:**

There shall be a setback around the entire site as follows:

50 feet from any boundary adjoining a residential district and from all state road rights of way. This setback shall incorporate perimeter buffers and perimeter buffer protection areas (if required) set forth in §99-21A.

10 feet from any boundary adjoining a commercial, business, marine, institutional or industrial district. Perimeter buffers and perimeter buffer protection areas shall not be required.

Motion Adopted: 5 Yeas

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

M 246 26 Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Building Height **A Motion was made by Mr. McCarron, seconded by Ms. Gruenbaum that be it moved that the SCRCP requirements be amended at Sections 2, 3, 4, 5 and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding “Permitted Uses” at Lines 129-135, 189-199, 252-262, 316-326 and 380-390 so that these sections now state as follows in each instance:**

The height of any building shall not exceed 60 feet, provided, however, that if the height exceeds 42 feet and the site is adjacent to a residential district, the building(s) shall include a setback design above 42 feet and/or an increased setback to ensure an appropriate relationship between the higher density SCRCP project and uses of low intensity or height, existing or future,

outside the proposed SCRP project. The linear dimensional requirements, including length and building separation, contained in §115-118D.(6) and E.(1) and (2) shall not apply.

Motion Adopted: 5 Yeas

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

**M 247 26
Adopt
Ordinance
No. 4060/
Ordinance
No. 26-01**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt Ordinance No. 4060 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM” as amended.

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/
Ordinance
No. 26-03**

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

**M 248 26
Amend
Section 1/
View
Screening
Ordinance
No. 26-03**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley that be it moved that the Introduced Ordinance regarding Section 99-9C of the Code of Sussex County be amended at Section 1 of the Ordinance, regarding Section 99-9C(10) at Lines 105 through 107, so that this subsection now includes view screening within a subdivision as well as for neighboring properties outside of the subdivision and states as follows:

(10) That objectionable features, including but not limited to, utility infrastructure, parking areas, loading zones and outdoor storage areas are screened from view within the proposed subdivision and from the view of neighboring properties and roadways.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**M 249 26
Amend
Section 1/
Street
Design
Standards/
Ordinance
No. 26-03**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved that the Introduced Ordinance regarding Section 99-9C of the Code of Sussex County be amended at Section 1 of the Ordinance, regarding Section 99-9C(16) at Line 133 to cross-reference additional street design standards and state as follows:

(16) No lots shall have direct access to any state-maintained roads and the proposed subdivision shall conform to the requirements of Sections 99-17 and 99-18 regarding street layout and street design.

Motion Adopted: 5 Yeas

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

**M 250 26
Amend
Street
Layout/
Ordinance
No. 26-03**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum that be it moved that the Introduced Ordinance regarding Section 99-17C “Street Layout” of the Code of Sussex County be amended at Section 2 of the Ordinance, regarding Section 99-17E at Lines 182-196 to clarify the design and construction requirements of interconnectivity and state as follows:

E. Where interconnectivity is required to adjacent tracts that are not presently subdivided, proposed collector streets in the subdivision shall be extended to the boundary lines with such adjacent tracts. Where there is not currently interconnectivity designed or constructed on the adjacent tract(s) such interconnectivity shall be designed and shown to the property boundary or boundaries on the Final Site Plan. The Final Site Plan shall also include a Temporary Construction Easement for the benefit of the adjacent tract to be used to facilitate the completion of the fully constructed interconnectivity. Permanent signage shall be installed at the point of interconnectivity stating that this is the location of future interconnectivity with the adjacent tract. Where there is currently interconnectivity designed or constructed on the adjacent tract(s), then the interconnectivity shall be fully engineered and constructed within the subdivision and on the adjacent tract(s) unless the Commission determines that such construction within the adjacent tract is not possible for legal or engineering reasons. Whenever possible, such interconnectivity shall be designed at a perpendicular alignment to the property boundary. No buildings, structures or stormwater management features shall be located within the areas of interconnectivity.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**M 251 26
Amend
Ordinance
No. 26-03/
Effective
Date**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley that be it moved that the “Effective Date” in Section 4 of the Introduced Ordinance at Lines 353-359 be amended to state as follows:

Section 4. Effective Date.

This ordinance shall become effective upon adoption. Provided, however, that it shall not apply to any subdivision or residential planned community district applications that have been submitted to the Office of Planning & Zoning with the appropriate application fee fully paid.

Motion Adopted: 5 Yeas

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

**M 252 26
Adopt
Ordinance
No. 4061/
Ord No. 26-
03**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4061 entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” AND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS” as amended.

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/
CU2631**

Under Old Business, Mr. Whitehouse presented 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 AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” filed on behalf of Zion Church Ventures, LLC.

Mr. Whitehouse reported that on June 3, 2026, the Commission recommended a partial approval/partial denial of the Applicant's request to modify conditions of approval.

**Old
Business/
CU2554**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS" filed on behalf of E. Johnson Holdings, LLC.

The County Council held a Public Hearing on the application at the meeting on April 28, 2026, and then deferred action for further consideration.

**M 253 26
Adopt
Ordinance
No. 4062/
CU2554**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4062 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The use as a self-storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 2. The use is to be located along Central Avenue near an area where other small business uses exist. There is also a large commercially zoned tract of land nearby. This is an appropriate location for this type of low-intensity use.**
- 3. The use will be a self-storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted. As stated by the Applicants, no plumbing facilities will be provided to individual units.**
- 4. There was testimony in the record that there is a need for small business storage facilities in Sussex County. The Applicant has testified that they routinely get requests for this type of use by small businesses and contractors.**
- 5. This type of storage facility generates a relatively minor amount of traffic. It will not adversely affect traffic on area roadways. DeIDOT has stated that the traffic impact will be diminutive.**
- 6. The project with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. This recommendation for approval is subject to the following conditions and stipulations:**
 - a. The use shall be limited to no more than five (5) self-storage buildings. None of the buildings shall have water or sewer**

**M 253 26
Adopt
Ordinance
No. 4062/
CU2554
(continued)**

- connections.**
- b. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.**
 - c. The perimeter of the storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.**
 - d. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.**
 - e. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Central Avenue and the other on Lizzard Hill Road.**
 - f. Stormwater management shall be maintained on site, using Best Management Practices.**
 - g. The hours of operation and access to the facility will be as follows: gate access will be available daily from 6:00 a.m. to 9:00 p.m., seven days per week.**
 - h. The site shall be fenced on all sides with a controlled access gate. The gate shall be located at least 40 feet from the Lizzard Hill Road right-of-way so that waiting vehicles do not line up on that roadway.**
 - i. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.**
 - j. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.**
 - k. No maintenance of vehicles or equipment shall occur on the site. No hazardous materials or fuel shall be stored on the site. No junked or unregistered vehicles or trailers shall be stored on the site.**
 - l. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
 - m. The Final Site Plan shall clearly depict the portion of the larger property that is being occupied by this Conditional Use, and it shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2555**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” filed on

behalf of Bittersweet Investments, LLC.

The County Council held a Public Hearing on the application at the meeting on April 28, 2026 and deferred action for further consideration.

**M 254 26
Adopt
Ordinance
No. 4063/
CU2555**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4063 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The use as a small storage facility with office space is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 2. Although the entire property is about 45 acres in size, only about one (1) acre of the property will be used for the Conditional Use.**
- 3. The Applicant and its subsidiaries own and operate several commercial rental properties in the area. This small 1,600 square foot office building will provide a convenient, centralized location for the Applicant’s business.**
- 4. The storage will occur in the existing barn on the site. This is an adaptive re-use of this agricultural building that has become an informal landmark in this neighborhood.**
- 5. The use will be a storage facility with an office. No manufacturing, assembling, fabrication, or similar activities will be permitted.**
- 6. There was testimony in the record that there is a need for storage facilities for small businesses and contractors in this area.**
- 7. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be diminutive.**
- 8. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 9. This recommendation for approval is subject to the following conditions and stipulations:**
 - a. The use shall be limited to storage within the existing barn and an office building that will be 1,600 square feet in size. The area set aside from the larger parcel for this Conditional Use shall be clearly shown on the Final Site Plan.**
 - b. Security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.**
 - c. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.**

**M 254 26
Adopt
Ordinance
No. 4063/
CU2555
(continued)**

- d. There shall be only one lighted sign allowed on the site. It shall be no larger than 32 square feet per side.**
- e. Stormwater management shall be maintained on site as required.**
- f. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.**
- g. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.**
- h. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- i. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Solar Array
Grant
Request**

Jamie Whitehouse, Planning & Zoning Director, presented information relating to Solar Arrays for Council's information.

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

**M 255 26
Downtown
Milford Inc.**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$5,000 (\$5,000 from Mr. McCarron's Grant Account) to Downtown Milford Inc. for their Independence Day celebration.

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
Introduction**

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING UNITS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN, SUSSEX COUNTY, CONTAINING 61.67 ACRES, MORE OR LESS" filed on behalf of Greens Rentals, LLC.

**CM
Comments**

There were no Council Member comments.

**M 256 26
Go Into
Executive
Session**

At 1:18 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters relating to land acquisition.

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

An Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session ended at 1:28 p.m.

There was a slight delay due to technical issues.

M 257 26 Reconvene

At 1:53 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron 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.

Rules

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

**Public Hearing/
CZ2053**

A Public Hearing was held on 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 29.97 ACRES, MORE OR LESS” (properties are lying on the northeast side of Coastal Highway [Rt. 1], directly north of Cave Neck Road [S.C.R. 88]) (911 Address: N/A) (Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 [P/O]) filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant and property owners, Seaside at Lewes, LLC and Mr. Joe Reed and Mr. Brent Reed; that also present was Mr. Zach Crouch, Professional Engineer with Davis Bowen & Friedel, Inc. (DBF).

Public
Hearing/
CZ2053
(continued)

Mr. Hutt stated that in all the advertising for the property identified the property owners as Seaside at Lewes, LLC and Derrickson Properties, LLC; that about a month prior to the meeting, Mr. Joe Reed individually purchased Derrickson Properties, LLC's property, and is now the owner of both properties; that Mr. Joe Reed was also one of the principals of Seaside at Lewes, LLC; that another principal was his son, Mr. Brent Reed; that the application was to request that the 29.97 acres be rezoned from AR-1 (Agricultural Residential) District to C-2 (Medium Commercial) District; that the subject property, and the area located behind it, had previously been the subject of many different ideas, applications, and concepts over the years; that there had been a Change of Zone application (C/Z 1770), which sought to change the zoning classification of 114.50 acres from AR-1 (Agricultural Residential) to CR-1 (Commercial Residential); that this application was known as Overbrook Town Center; that another application followed, which was major subdivision application, (2018-10) Overbrook Meadows West; that this application was for 135 lots on 65 acres; that another major subdivision application followed that known as Overbrook Meadows, which requested another 105 lots on 50 acres; that then, the fourth time the property was considered by an application, filed by the prior owner, which requested to change the designation of the properties on the Future Land Use Map; that in 2008, they were shown on the Future Land Use Map as being within a growth area; that the 2018 Future Land Use Map removed them from the growth area, and the former property owner brought a petition or application, known as Ordinance No. 21-09 to change it; that the Planning Commission voted 3-2 in favor of restoring the properties to be within the growth area; that the County Council did not adopt that recommendation, and there was subsequent litigation over the issue; that the most recent application, being (2023-07) was a cluster subdivision, consisting of 359 single-family homes on 241 acres; that the Planning Commission approved the application on January 9, 2025; that the subdivision had a density of 1.49 units to the 8th acre; that the location of the subject application needed no introduction, as it was located just before the speed camera recently placed for all the construction on Route 1, just south of Cave Neck Road; that the site was located along Route 1; that DelDOT had planned a future project for the Cave Neck Road Grade Separate Intersection project, which had been referred to in the submitted project materials; that he was referencing all of the parcel located along Route 1, and a portion of Parcel 1.00, located behind it; that the other portions of Tax Parcel 235-23.00-1.00 were either part of the cluster subdivision, located behind the subject properties, or they are areas that were anticipated to be acquired by DelDOT as part of the right-of-way acquisition for the Grade Separated Interchange; that during the public hearing for the subdivision, those areas were referred to as future development, and were still referred to as future development, because at the moment, it was still unknown what the future use for those properties would be; that should the County act favorably on the current application, it was anticipated that the use of the property would be for

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consumer goods, and service-related businesses and offices, such as a grocery store, restaurant, boutique, retail shop, coffee shop, medical or other professional offices; that this would be a continuation of businesses and commercial uses that exist along the corridor already; that when going from Cave Neck Road, down to the Minos Conaway Road intersection, being around the Nassau area, when staying on the western side of Route 1, is the location of Heritage Antiques, followed by Harvard Business, and then Red Mill Inn; that there was a brand new multi-story storage called American Storage, also being the home of Graulich Builders; that just past that, was the location of the Delaware Guidance Services office and Beach Babies; that right before one would reach Red Mill Pond, there was a cardiovascular medical office; that after that, there was more residential uses on the other side of Red Mill Pond, along Route 1; that beginning just north of the Nassau Bridge, is the location of Tyndall's Casual Furniture; that as one were to move further north on the eastern side of Route 1, is the location of Patriots Plaza, the Lighthouse of Lewes, the Meineke Car Servicing Garage, the Surfing Crab, Estate Farm, then the Red Mill Center, which contained Floors & More; that as one moved north, closer to the site, was the location of Willow Creek Plaza, being located right off Willow Creek Road, where one would see all of the residential development that had happened, particularly along Cave Neck Road, as one would move west away from Route 1; that per the 2020 State Strategies Map, the property was located within the Investment Level 4; that when this map was compared to the 2025 State Strategies Map, one could see a bit of an increase in the State Strategies Level for a number of properties; that for instance, the property on the northwest corner of the intersection between Cave Neck Road and Route 1; that in addition, there were a number of instances where one could see that the State had indicated that the area had intensified in its use, because things that were once designated Level 3, were currently designated Level 2 and Level 1; that when going back to 2020, one could see the amount of area designated as Level 2 versus Level 3, and even Level 1; that all of that had increased, and he wanted to recognize the growth that had occurred within the area; that when thinking about the State Strategies Map, oftentimes people talk about funding; that the State was presently in the design stage for a Grade Separated Intersection at Cave Neck Road; that according to the DelDOT CTP's (Capital Transportation Program) Development Plan for fiscal years 2025 to 2030, it was currently a \$62,321,005.00 project; that while this was a Level 4 area, the impact of the intersection and the corridor had been noted by the State, regarding the uses of the property; that on the 2045 Future Land Use Map, the property was designated as being within the Low Density Area; that in the Low Density Area, there are business and commercial uses that the Comprehensive Plan would indicated are appropriate; that those include business development that was confined to businesses addressing the needs of the two uses, being agricultural activities and homes, which predominated the rural areas; that within Chapter 4, the focus of retail and office uses should be providing convenience goods and services to nearby

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residents; that this was the purpose of the proposed application; that Table 4.5-2 provided applicable zoning districts to various designations on the Future Land Use Map; that the C-2 (Medium Commercial) Zoning District was an applicable zoning district in the Low Density Area; that the next tool the County often uses to consider applications is the Sussex County Zoning Map; that the property and the surrounding area on the eastern side of Route 1 were zoned AR-1 (Agricultural Residential); that south of the site, along the eastern side of Route 1, one would see all of the various shades of red being the C-1 (General Commercial) Properties; that the darker shade of red indicated CR-1 (Commercial Residential) zoning; that there was also C-2 (Medium Commercial) mixed in as one would get closer to the Nassau Bridge; that if he were to realign the uses with the map, those were the locations where all the previously mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodates community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near

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arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly typical of a Change of Zone application, where the use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing

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those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time, Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider with respect to stormwater management, parking, and other details of the site, being how it would interact with the subdivision behind it; that all of those things that are going to be designed in accordance with the Sussex County Zoning Code; that the site was located within a growing area, and the nature of the growth was reflected in the State Strategies Map changes presented to the Commission; that there were more recent Change of Zone applications that had been approved by the County; that in addition, it had been recognized that the growth in the area had been recognized by DelDOT; that DelDOT would be investing more than \$62 million at the intersection of Cave Neck

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Road and Route 1, and was anticipated to include both residential and commercial uses on the eastern side of the future overpass; that once the future overpass was completed, hopefully in 2029, it will be much more difficult to farm the area between the residential subdivision that would be constructed, Route 1, and the interchange that exists; that this would make farming a much less convenient use between the subdivision and the new, more easterly Route 1; that the Cave Neck Road overpass created concurrency for the application, as in order for there to be a commercial entrance for any future use of the project, the Grade Separate Interchange would need to be completed; that the application just made sense; that he had reviewed how the application matched the Comprehensive Plan and the purposes for the Low Density Area; that he reviewed how the C-2 (Medium Commercial) Zoning District was consistent with the uses in the area, and with the purpose of the C-2 (Medium Commercial) District; that certainly the land planning tools were helpful and instructive, but basic principles of land use planning state that more intense uses should be placed closer to the highway; that as one moves away from the highway, the intensity should decrease; that is what the application proposed; that the commercial area would be located immediately adjacent to a major arterial, leading back and away from that would be less intense uses, with a subdivision of low density; that this highlighted the common sense of the application; that when one would think of it practically, it stood out even more; that the future residents of Seaside at Lewes, being the future subdivision, would not want to jump onto Route 1 to pick up groceries; that it would be much more convenient if the residents could do these things right in front of their subdivision; that the subdivision was limited to 359 units; that all of the hundreds, potentially thousands, of units that are on Cave Neck Road, would not have to venture out onto Route 1; that if one lived within Vincent Overlook, they would come onto Cave Neck Road, go over top of Route 1, and go around the roundabout to turn into whatever future commercial area they would be; that they would never need to enter the Route 1 corridor, particularly during the summer or busy weekends; that if a person did not live on Cave Neck Road, and wanted to access the site, they would not have to drive on any smaller road, other than those required to get out of their community; that eventually they would end up on a major arterial, and once they get on that major arterial, being Route 1, their access would be to take an exit ramp off the Cave Neck overpass, enter a roundabout, and then get access whatever commercial use they wanted; that many people had indicated, even in recent public hearings, that they would like to see commercial development off the major highways, and the locations being improved by DelDOT; that the common sense of the application demonstrated that the parcels are an appropriate location for the C-2 (Medium Commercial) Zoning classification, based upon the Comprehensive Plan, the Zoning Code, and the nature and character of the area; that he requested the Change of Zone for the properties be approved.

Ms. Sireen Muhtaseb, PE from DelDOT, was present to answer any

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questions regarding the application. Ms. Gruenebaum expressed concerns regarding going west on Cave Neck Road and the time of the analysis of done. She questioned if there has been an update due to the developments that have been approved since the time the analysis was completed. Ms. Muhtaseb reported that the analysis was updated in 2024, and she added that information about how it was designed to plan for growth in the area. Mr. McCarron commented that he thought that this would take the burden off other areas and reduce traffic.

Public comments were heard.

Mr. Rich Borrasso spoke in support of the application.

The Public Hearing was closed.

**M 258 26
Defer
Action/
CZ2053**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS” for the reasons given by Planning & Zoning and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 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

**Public
Hearing/
CU2540**

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 SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS” (property is lying on the west side of DuPont Boulevard [Route 113], approximately 0.19 mile north of East Piney Grove Road [S.C.R. 329]) (911 Address: N/A) (Tax Map Parcel: 133-11.00-1.02) filed on behalf of La Dolce Far Niente, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for 6 reasons and subject to the 12 recommended conditions of approval as outlined. The Council found that Mr. David Hutt, Esq. with Morris James, LLP

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spoke on behalf of the Applicant and Owner of the property, La Dolce Far Niente, LLC; that also present were Mr. Dennis McMann, Mr. Matt Kirks and Mr. Carter Kirks, Principals of La Dolce Far Niente, LLC, and Mr. Eric Wahl, Registered Landscape Architect and Land Planner with Pennoni, and President of the Native Plant Society of Delaware.

Mr. Hutt stated that the application proposed self-storage with boat, trailer and RV parking, until full buildout of all the various buildings; that the property was located on the western side of DuPont Boulevard, being a short distance north of the intersection of Route 113, with East Piney Grove Road, which was the location of the Sharp Energy Building; that the Sharp Energy Building was the adjacent neighbor of the site; that currently, the site was completely vacant, and was currently being used for agricultural purposes; that the 2025 State Strategies Map identified the property as being within Investment Level 4; that there were three things that were interesting regarding the excerpt from the State Strategies Map; that first, he found it curious to how Investment Level 3 could completely surround the site's seven acres, and a bit of the Sharp Energy property, which had been placed on an island designated as Investment Level 4; that secondly, and probably more important, the State Strategies Map designated the property as being part of the State's Key Planning Area; that the Key Planning Area extended from Georgetown to Millsboro, along the Route 113 corridor; that the same designation of Key Planning Area also existed along Route 9, from Georgetown to Lewes, around the Five Points area; that thirdly, the application would not involve any public funds for the proposed use; that for example, the application would not add any children to a school district; that the application would not need additional services for people; that the application proposes the opposite, as it would provide a use and service for existing residents or businesses in the area who need storage, and would do so within minimal traffic impact; that on the 2045 Future Land Use Map in the 2018 Comprehensive Plan, the property was identified as being part of the Low Density Area, which is one of the County's two rural areas; that the proposed Conditional Use was consistent with the guidelines found in Chapter 4, regarding Low Density Areas; that as Low Density Areas are identified, as areas where the primary activities are agricultural activities and homes; that within the same section of the Comprehensive Plan, it goes on to describe the types of business and commercial uses that are appropriate in Low Density Areas; that in doing so, the Comprehensive Plan stated that business development should be largely confined to businesses addressing the needs of the two uses, agriculture activities and homes; that the focus of retail and office uses should be providing convenience goods and services to nearby residents, which is exactly on point with what a self-storage facility is trying to do; that the properties surrounding the site to the north, south, east, and west, located on the same side of DuPont Boulevard or Route 113, were all in the same Low Density Area; that the properties across Route 113, were located within municipalities areas, which was a growth area within Sussex County; that the site is located within the AR-1 (Agricultural Residential)

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CU2540
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Zoning District; that the surrounding properties to the site were also within the AR-1 (Agricultural Residential) Zoning District; that north of the site, closer to Governor Stockley Road, there were a series of commercially zoned properties, being zoned C-1 (General Commercial), CR-1 (Commercial Residential), and C-3 (Heavy Commercial), with C-2 (Medium Commercial) zoning located on the western and a bit of the eastern site of Route 113; that also within the general location of the site was the Sussex Central School, which was zoned LI-2 (Light Industrial); that he did not feel that the Sussex County Zoning Map reflected the Key Planning Area that the State and County identified when the Office of State Planning Coordination when the 2025 State Strategies Map was developed; that due to this, he requested that Pennoni put together the Key Planning Area Corridor; that within the southern limits of the Town of Georgetown, there were Highway Commercial and Institutional uses; that the Town of Georgetown's Future Land Use Map even identified areas to annex in the future as being institutional and utility uses along Route 113; that there were some light industrial uses at the southern end of Georgetown, as well as a mixture of residential types of zoning; that immediately after leaving the Town of Georgetown, was the location of the Georgetown Speedway, being on the east side of Route 113; that right around the speedway, there was a section of land, located on the eastern side that was currently zoned C-2 (Medium Commercial), which was intended for some future retail businesses; that right adjacent to that property, was a larger portion of land that was zoned LI-1 (Limited Industrial); that when traveling further south along the Route 113 corridor, one becomes closer to Governor Stockley Road; that within this area, there were a number of zoning classifications again being C-1 (General Commercial), CR-1 (Commercial Residential), C-3 (Heavy Commercial), and C-2 (Medium Commercial), which businesses such as Melvin Joseph Construction Company, Stockley Materials, Stonegate Granite & Marble, Herc Equipment Rental, David A. Banks, Peninsula Homes, and Pep Up; that all of those businesses were located along the Route 113 corridor, between the Georgetown Speedway and Governor Stockley Road; that as one would travel further south past Governor Stockley Road, the same commercial zoning designation continues, with properties zoned as C-1 (General Commercial), CR-1 (Commercial Residential), and C-2 (Medium Commercial); that there was a DIY tool supply store located on the western side of Route 113; that when staying along Route 113, Stockley Tavern was located just north of the site; that when heading south the site was located adjacent to Sharp Energy; that when continuing south, one would reach the outer boundaries of the municipal limits of the Town of Millsboro, within the northernmost boundary of the Town of Millsboro being HC (Highway Commercial) Zoning classification; that once going past that site, was the property, currently under construction for Tidal Health's future 30 acre healthcare campus; that just past that location, at the next intersection, was the location of Beebe Healthcare's future medical use; that §115-219 of the Sussex County Code provided a good description of a Conditional Use; that

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the Code stated that the uses are generally of public or semi-public character, and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the AR-1 (Agricultural Residential) Zoning District allows Conditional Uses for something that the Planning Commission considered on a somewhat regular basis for self-storage; that there were application for self-storage uses that had been recommended for approval just earlier that evening by the Commission; that through those, the County had established that self-storage was a use that was of a public or semi-public character, being essential and desirable for the County; that another example of a Conditional Use on AR-1 (Agricultural Residential) property would be the Sharp Energy building itself, located immediately adjacent to the site; that the Sharp Energy application was a previous Conditional Use for commercial propane storage, CNG propane dispensing and for an office and warehouse, designated as Conditional Use No. 1997; that the Sussex County Council adopted the use as Ordinance No. 2370 on October 14, 2014; that planning judgement on location and site plan, referred to in the Code's definition of what a Conditional Use was, could be described in a number of ways; that five factors that the Planning Commission and County Council evaluate were things like the compatibility of the proposed conditional use, regarding traffic impacts, any environmental considerations, public safety concerns, and the overarching orderly growth of the County; that the application's primary use was a self-storage facility, with buildings and indoor self-storage; that the plan proposed single-story buildings, to be fully enclosed units; that on the right-hand side, there was an amendment to the Conditional Use application to add a temporary use, being boat, trailer, and RV parking, while the site is being built out; that it was anticipated that not all of the buildings, for financial reasons, would be constructed at once; that the portions of the property that did not have storage buildings on them would be able to be used for storage purposes; that this would be done through a Phasing Plan, which was a part of the submitted application files; that within Phase 1, two storage buildings are proposed at the entrance, as well as the stormwater management; that Phase 2 was located in the center of the site; that Phase 1 would provide the initial storage buildings, the site access, and the temporary boat and RV storage surrounding that; that Phase 2 would add approximately four buildings in the middle of the site; that Phase 3, as well as the other various phases, would continue to add storage buildings around the perimeter of the site; that the timing would be based on demand for those buildings; that as reflected on the Phasing Plan, Phases 1 and 2 showed storage buildings within those areas; that then what was proposed, was trailer, boat and RV parking to be located within Phases 3, 4 and 5; that as the demand increased for the indoor storage, the parking would be eliminated and reduced with the various phasing provided; that reflected within the Key Notes of the Site Plan, there were letters and

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CU2540
(continued)**

numbers that applied to each one of those things; that Building A, regarding Key Note No. 1, reflected the location of where the office would be located; that the office would not be staffed at all times; that the office would only be staffed when an appointment was made for a customer who wanted to meet on site; that generally, there would not be a person on the site; that Key Note No. 2 related to gated access; that Key Note No. 3 indicated that there would be a fence around the entire perimeter; that Key Note No. 4 referenced parking spaces, which related to the office use, and customers who would want to meet onsite; that to the left of proposed Building A, there would be a water tank and pump house, to provide fire suppression for all the buildings; that next to the water tank was an area for septic; that out by the road, there would be an area for a sign; that the buildings would be single-storage buildings of neutral color; that there would be fenced screening around the entire perimeter of the site; that in addition, due to the size of the buildings, all buildings would be fully sprinkled, which would require Fire Marshal approval and coordination with the local fire company; that a DelDOT Service Level Evaluation Request (SLER) was filed with DelDOT, which stated that the traffic impact would be “negligible” and would generate minimal traffic, being fewer than 50 vehicle trips in any hour, and fewer than 500 vehicle trips in any day; that the property is not located within a floodplain; that the area is designated as Zone X on the FEMA Flood maps; that there are no Federal or State Jurisdictional wetlands on the site; that the property does not have any Wellhead Protection or Excellent Groundwater Recharge Areas located on the site; that the stormwater management will meet or exceed the requirements of the Engineering Department and the Sussex Conservation District; that with respect to compatible use with the surrounding area, he believed that the Council typically thought of nuisance factors, such as sound, light, and smells; that self-storage was a quiet, low-impact use; that the nearest neighbor to the site was Sharp Energy, being commercial use; that the nearest residence was located more than 1,000 feet away, along Route 113; that there was a community benefit derived from storage, as it provided a location for businesses and homes to safely store things in a secure area; that the Commission recommended provide 6 reasons and 12 proposed conditions of approval; that he reviewed those with the Council.

The landscape plan was further discussed.

There were no public comments.

The Public Hearing was closed.

**M 259 26
Defer
Action/
CU2540**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd 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 A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A

CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS” for the reasons and conditions given by Planning & Zoning and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 p.m.

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

**Public
Hearing/
CU2604**

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 LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (property is lying on the west side of Cedar Corners Road [S.C.R. 638], approximately 410 feet south of Redden Road [Rt. 40]) (911 Address: 16694 Cedar Corners Road, Bridgeville) (Tax Map Parcel: 430-17.00-23.01) filed on behalf of Alvaro E. Perez Roblero.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of June 3, 2026, the Planning & Zoning Commission recommended denial of the application for the 10 reasons as outlined.

The Council found that Mr. Alvaro Perez spoke on behalf of his application. Mr. Perez stated that the middle of the property will be fenced in; that there will be 50x100 pole building for storage; that there are parking spaces proposed; that he was requesting to store his equipment and store leftover materials on the site; that he may return with a yard of mulch left; that there will be open space for dump trailers for trash and yard waste; that it will be kept on the trailer and then it will go to the dump; that there will be lighting for the parking spaces.

Public comments were heard.

Mr. Anthony Fasano spoke in opposition of the application.

Ms. April Torrey spoke in opposition of the application.

The Public Hearing was closed.

**M 260 26
Defer
Action/
CU2604**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH

OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 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**

**M 261 26
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 4:09 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.}