

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 15, 2025**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 15, 2025, at 10:00 a.m., in Council Chambers, with the following present:**

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**The Invocation and Pledge of Allegiance were led by Mr. Hudson.**

**Call to  
Order**

**Mr. Hudson called the meeting to order.**

**M 294 25  
Approve  
Agenda**

**Mr. Lawson announced that for the 1:30 p.m. Public Hearings, CU2496 and CU2525 have requested to withdraw their applications. He explained that at the time of the public hearing, Mr. Moore will ask for a motion to withdraw those applications. A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, 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 24, 2025 were approved by consensus.**

**Correspon-  
dence**

**There was no correspondence.**

**Public comments were heard.**

**Public**

**Comments**

**Ms. Simone Reba spoke about flooding issues in the Mallard Lakes community.**

**Ms. Jackie Henry spoke about flooding issues in the Mallard Lakes community.**

**Mr. Bruce Henry spoke about flooding issues in the Mallard Lakes community.**

**Ms. Patty Deptula spoke about the Land Use Reform working group.**

**M 295 25  
Approve  
Consent  
Agenda**

**A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1207  
Estuary Phase 6 (Showell Farm), Miller Creek Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1144  
Bridgeville Town Center (Commercial), Western Sussex Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1144  
Bridgeville Town Center (Residential), Western Sussex Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1273  
Route 24 Beebe Medical Center, West Rehoboth Area**

**Motion Adopted: 5 Yeas**

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

**Public  
Interview**

**A public interview was held for Planning & Zoning Commission Nominee Mr. Jeff Allen.**

**M 296 25  
Approve PZ  
Nominee**

**A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Council approves the appointment of Mr. Jeff Allen to the Sussex County Planning & Zoning Commission effective August 1 until such time as the term expires in June of 2028.**

**Motion Adopted: 5 Yeas**

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

**Public  
Interview**

**A public interview was held for Board of Adjustment Nominee Mr. Nathan Kingree.**

**M 297 25  
Approve  
BOA  
Nominee**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that the Sussex County Council approves the appointment of Mr. Nathan Kingree to the Sussex County Board of Adjustment effective August 1 until such time as the term expires in June of 2028.**

**Motion Adopted: 5 Yeas**

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

<b>Task Appointment</b>	<b>Mr. Lawson reported that an appointment is needed for the small restaurant regulatory task force. Mr. Lawson stated that Mr. Jeff Hamer has agreed to serve.</b>
<b>M 298 25 Approve Small Restaurant Regulatory Task Force</b>	<p><b>A Motion was made by Mr. McCarron, seconded by Mr. Rieley, that be it moved that the Sussex County Council approves the appointment of Mr. Jeff Hamer to the Task Force to reduce regulatory burdens upon small restaurants effective immediately.</b></p> <p><b>Motion Adopted: 5 Yeas</b></p> <p><b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b></p>
<b>Legislative Session Review</b>	<b>Mr. Lawson provided a review of the 2025 legislative session. Mr. Lawson provided an update on Senate Bill 176 – building permit fee, Senate Bills 159 &amp; 199 – electrical substations, Senate Bill 86 – Delaware Volunteer Fire Service loan fund, Senate Bill 75 – Retail Marijuana stores, Senate Bill 87 – Accessory Dwelling Units and House Bill 222 – Nutrient Management. Mr. Lawson also provided updates on financial bills.</b>
<b>LURWG Update</b>	<b>Mr. Lawson provided the Council with an update on the Land Use Reform Working Group. An overview of the initiatives and schedule were discussed. Mr. Lawson explained that recommendations are currently being developed to be brought to Council.</b>
<b>Administrator's Report</b>	<p><b>Mr. Lawson read the following information in his Administrator's Report:</b></p> <p><b>1. <u>Projects Receiving Substantial Completion</u></b></p> <p><b>Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Osprey Point – Phase 2A (Construction Record) and Roxana Road Extension received Substantial Completion effective June 23<sup>rd</sup>.</b></p> <p><b>2. <u>Delaware Animal Services Performance Report – First Quarter Report 2025</u></b></p> <p><b>The Delaware Animal Services Annual Performance Report for 2025 is attached listing the total of 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 1,361 calls for service in the first quarter of 2025.</b></p> <p><b>[Attachments to the Administrator's Report are not attached to the minutes.]</b></p>
<b>Sediment &amp; Erosion</b>	<b>Hans Medlarz, Project Manager presented an update on sediment and erosion control recommendations for Council's consideration. Mr. Medlarz</b>

- Control** reviewed possible County Code revisions to help with resource protection and enhance sediment control. He also provided possible Code revisions to limit the level of disturbance and enforcement options.
- Coastal Business Park** Hans Medlarz, Project Manager presented a memorandum and proposal from JMT for the Coastal Business Park water storage modifications for Council's consideration.
- M 299 25 Approve JMT Proposal** A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Johnson, Mirmiran & Thompson, Inc. proposal be approved in the not to exceed amount of \$56,960.00 for design phase services associated with option 1 of the Airport water tank modifications.
- 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
- SCRWF CO No. IB-000 & Purchase Orders** Hans Medlarz, Project Manager presented change order no. IB-007 and a request for approval for filtration and disinfection equipment purchase orders for South Coastal RWF treatment process upgrade – Inland Bays Extension for Council's consideration.
- M 300 25 Approve Transfer of Retainage** A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based on the recommendation of the Sussex County Engineering and Finance Departments, that change order no. 37 for contract C19-11, South Coastal RWF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program – general construction, be approved, decreasing the contract by \$500,000.00 for transfer of retainage to the Inland Bays phase 2C expansion project.
- Motion Adopted:** 5 Yeas
- Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
- M 301 25 Approve CO No. IB-007** A Motion was made by Ms. Gruenebaum seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering and Finance Departments that change order IB-007 for Inland Bays phase 2C expansion project, be approved, increasing the contract by \$500,000.00 for transfer of retainage from the SCRWF project.
- Motion Adopted:** 5 Yeas
- Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea;

**Mr. Hudson, Yea**

**M 302 25**  
**Approve**  
**Purchase**  
**Orders**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that County Council approve a purchase order to Nexom in the amount of \$798,300.00 for filtration equipment and \$415,000.00 to Glasco for UV equipment associated with the Inland Bays expansion project.

**Motion Adopted: 5 Yeas**

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

**Heronwood**  
**Resolution**

Mark Parker, Assistant County Engineer presented a Resolution to hold an election for Heronwood Road Improvements for Council's consideration.

**M 303 25**  
**Adopt**  
**Resolution**  
**No. R 016**  
**25/**  
**Heronwood**  
**Road**  
**Improve-**  
**ments**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt Resolution No. R 016 25 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE HERONWOOD CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".

**Motion Adopted: 5 Yeas**

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

**Stormwater**  
**BMP CO &**  
**Close-out**

Mark Parker, Assistant County Engineer presented a final balancing change order and project close-out for stormwater BMP O&M services on-call contract for Council's consideration.

**M 304 25**  
**Approve CO**  
**No. 3/**  
**Stormwater**  
**BMP O&M**  
**Services**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 3 for contract G24-03, stormwater management BMP O&M on-call contract be approved, decreasing the contract by \$124,757.40, and that project close-out be granted.

**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/**  
**CU2557**

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 THE PREPARATION, PROCESSING

**Old  
Business/  
CU2557  
(continued)**

**AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” filed on behalf of Stockley Materials, LLC.**

**The County Council held a Public Hearing on the application at its meeting on June 17, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.**

**M 305 25  
Amend  
Condition  
9A/  
CU2557**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to amend Condition 9A to add the following sentence “As proffered by the applicant, the installation of the berm along the property line parallel to Peterkins Road shall be completed now with the other installation requirements of this Conditional Use rather than phasing the completion of the installation of that berm to occur concurrently with the excavation of the future borrow pit expansion in that area of the property as required by Ordinance # 2045”.**

**Motion Adopted: 5 Yeas**

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

**M 306 25  
Adopt  
Ordinance  
No. 4005/  
CU2557**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt Ordinance No. 4005 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. This property was approved under Conditional Use #1770 and Ordinance #2045 “for a 53- acre expansion of an existing borrow pit on the same property”. This application seeks to allow organic material storage and recycling operations, soil screening and similar outdoor and landscaping items to be located on the subject property.**
- 2. The property is currently used as a borrow pit. It is located just to the north of the Town of Georgetown wastewater treatment and disposal facility. This is an appropriate location for this use.**
- 3. DelDOT has indicated that this additional use of the property will result in a “Diminutive” impact upon area roadways, which means that it will create less than 50 vehicle trips per day.**
- 4. This use will occur within the borrow pit property and will use the existing borrow pit entrance on Cedar Lane.**

**M 306 25  
Adopt  
Ordinance  
No. 4005/  
CU2557  
(continued)**

5. The recycling of soil and wood, including trees, shrubs, root mass and similar organics, is in furtherance of the State's "Zero Waste Principles" and keeps these organic materials out of landfills. Pursuant to Title 7, Chapter 60 of the Delaware Code, the Applicant is also required to provide an annual report of its recycling activity to DNREC.
6. During the public hearing, there were concerns stated about the applicant's compliance with the existing conditions of approval for Ordinance # 2045. As a result, the Commission requested an inspection of the site to determine whether it complies with the established conditions of approval. The inspection occurred and a report was issued on April 29, 2025, that confirms that the conditions of approval have been complied with, including the establishment of required berms and buffers and dust control measures, with the possible exception of a fully compliant berm area near the entrance to the site. Also, fuel tanks that were previously located on the site had been removed. However, as a condition of this approval, regular inspections by county staff will be required to verify compliance with the prior conditions as well as those imposed by this recommendation.
7. The County is in receipt of 26 letters of support for this Conditional Use.
8. The proposed use with the conditions imposed upon it provides a location that is part of an existing borrow pit for the storage and recycling which meets the general purpose of the Zoning Code as a public or semi-public use that is essential and desirable for the general convenience and welfare, orderly growth, prosperity and convenience of Sussex County.
9. This recommendation is subject to the following conditions:
  - a. All of the conditions of approval of Ordinance # 2045 shall remain in effect for the property that is the subject of this Conditional Use unless specifically modified by these conditions. The berm area at the entrance area to the site required by Ordinance # 2045 shall be improved to ensure compliance with that Ordinance. As proffered by the applicant, the installation of the berm along the property line parallel to Peterkins Road shall be completed now with the other installation requirements of this Conditional Use rather than phasing the completion of the installation of that berm to occur concurrently with the excavation of the future borrow pit expansion in that area of the property as required by Ordinance # 2045.
  - b. This Conditional Use shall allow the six acres depicted on the Preliminary Site Plan (as subsequently confirmed on the Final Site Plan) to be used for the storage, processing, recycling and grinding of wood including trees, shrubs, root mass and similar organics and for the screening and mixing of soil. No other materials or processing shall occur on the site. No mulch shall be dyed on the site. The area where these activities will occur shall

**M 306 25  
Adopt  
Ordinance  
No. 4005/  
CU2557  
(continued)**

- be surrounded by a reinforced site fence.
- c. No concrete, asphalt, stone or similar materials shall be brought onto the site for storage, processing, recycling, grinding or similar purposes.
  - d. No retail sales shall occur from this site or the larger property that is the subject of Ordinance #2045.
  - e. A 30-foot-wide vegetated buffer shall of native species trees with a berm that is at least three feet in height shall be installed by the Applicant between the area of this Conditional Use and the lots along Cedar Lane. These plantings (including the size, type and location of them) shall be shown on the Final Site Plan and be subject to the approval of Sussex County Planning & Zoning Staff followed by the Planning & Zoning Commission as part of the Final Site plan review and approval process. This berm and the plantings shall be installed and verified by County staff before any storage or recycling of materials occurs on the site. There shall not be any storage of materials on or within the berms at any time.
  - f. Water or a water truck shall be available and used to control dust from the storage and processing of the permitted materials on the site.
  - g. The entrance to this Conditional Use area shall be the existing entrance to the borrow pit. No additional entrances shall be permitted. The entrance shall be secured at all times that the borrow pit operations and the processing of materials are not occurring.
  - h. Any additional roadway or entrance improvements required by DelDOT shall be completed by the Applicant.
  - i. The hours of operation for the recycling, grinding and screening activities shall be the same as the hours approved by Ordinance #2045: 6:30 a.m. until 6:00 p.m. Monday through Friday and 6:30 a.m. until noon on Saturdays. No Sunday hours shall be permitted.
  - j. The Applicant shall comply with all State and County erosion and sedimentation control requirements.
  - k. In addition to the existing five-year reporting requirements of Condition #17 of Ordinance #2045, County staff shall periodically inspect the entire site, including the borrow pit operations, for compliance with these conditions of approval as well as those imposed by Ordinance #2045 that are not modified by this approval. Staff shall provide a report describing the results of these inspections to the Planning & Zoning Commission during the first meeting of May of each year for consideration under the "Other Business" category of agenda items.
  - l. A violation of these conditions or the conditions of Ordinance #2045 may result in the termination of both Conditional Uses.
  - m. 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**

**Old  
Business/  
CZ2017**

**Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” filed on behalf of Gulfstream Glen Cove.**

**The County Council held a Public Hearing on the application at its meeting on May 13, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.**

**M 307 25  
Adopt  
Ordinance  
No. 4006/  
CZ2017**

**A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4006 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 the Planning & Zoning Commission as follows:**

- 1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”**
- 3. This property is surrounded by the boundaries of the town of Millville with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts already exist.**
- 4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “negligible” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study.**
- 5. The proposed MR Zoning meets the purpose of the Zoning**

**M 307 25  
Adopt  
Ordinance  
No. 4006/  
CZ2017  
(continued)**

**Ordinance in that it promotes the orderly growth of the County in an appropriate location.**

**6. For all of these reasons, MR zoning is appropriate for this site.**

**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/  
CU2462**

**Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT 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” filed on behalf of Gulfstream Glen Cove.**

**The County Council held a Public Hearing on the application at its meeting on May 13, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.**

**M 308 25  
Adopt  
Ordinance  
No. 4007/  
CU2462**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4007 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 the Planning & Zoning Commission as follows:**

- 1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.**
- 2. Both central water and central sewer will be available to this site.**
- 3. This property is surrounded by the boundaries of the town of Millville, with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts exist.**
- 4. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be “Negligible”. When DelDOT determines that traffic impact will be “Negligible”, a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer’s obligation to construct or pay for offsite road**

**M 308 25  
Adopt  
Ordinance  
No. 4007/  
CU2462  
(continued)**

- improvements that are required by DelDOT.
5. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
  6. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
  7. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) that is surrounded by the Town of Millville municipal boundaries; and (4) That is in keeping with the character of the area. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
  8. A Buffer Management Plan as required by Section 115-193 of the Sussex County Zoning Code has been supplied by the Applicant.
  9. There was no opposition to the application and no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
  10. This recommendation is subject to the following conditions:
    - a. There shall be no more than 46 Multi-Family Units within the development.
    - b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
    - c. The developer shall form a condominium association that shall be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities, amenities, and other common areas.
    - d. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
    - e. The development shall be served by a central water system providing adequate drinking water and fire protection as required.
    - f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices when maintaining these fixtures. The Final Site Plan shall contain the approval of the Sussex

**M 308 25  
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CU2462  
(continued)**

**Conservation District.**

- g. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on at least one side of all streets within the development.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
- i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- j. There shall be a Resource Buffer that is an average of 30 feet wide from all Resources within this development as defined by the County Code. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited, except for activities that are permitted in Ordinance No. 2852, Table 2 (Resource Buffer Activities by Zone). All silt fencing shall be located upland of these buffer areas to avoid disturbance. The Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of these buffers and there shall be permanent signage every 100 feet identifying the Resource Buffer boundary and designating it as a "non-disturbance area."**
- k. There shall be a vegetated or forested buffer of at least 20 feet in width along the perimeter of this development. As shown on the preliminary plan, where a tax ditch right of way is present, this buffer will be located along the internal edge of that tax ditch right of way. Furthermore, and as shown on the preliminary plan, in areas where the tax ditch right of way does not apply, the buffer will be located along the perimeter of this development adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.**
- l. Approximately 8.12 acres or 66% of the site shall remain as open space.**
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
- n. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.**
- o. All lighting on the site shall be downward screened so that**

**M 308 25**  
**Adopt**  
**Ordinance**  
**No. 4007/**  
**CU2462**  
**(continued)**

- it does not shine on neighboring properties or roadways.
- p. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
  - q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

**Motion Adopted: 5 Years**

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

**Grant**  
**Request**

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

**M 309 25**  
**Town of**  
**Millsboro**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$7,000 (\$3,000 from Mr. Rieley's Councilmanic Grant Account, \$1,000 from Mr. Hudson's Councilmanic Grant Account, \$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$1,000 from Mr. Lloyd's Councilmanic Grant Account and \$1,000 from Mr. McCarron's Councilmanic Grant Account) to the Town of Millsboro for the acquisition of a K-9 unit for the police department.**

**Motion Adopted: 5 Years**

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

**Proposed**  
**Ordinance**  
**Introduct-**  
**ions**

**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 AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS" filed on behalf of The Christopher Companies.**

**Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS" filed on behalf of Unitarian Universalist Society of Southern Delaware.**

	<b>The Proposed Ordinances will be advertised for a Public Hearing.</b>
<b>Council Member Comments</b>	<b>Councilman Lloyd thanked Mr. Allen and Mr. Kingree for their willingness to serve and Council for their vote of confidence.</b>
<b>M 310 25 Go Into Executive Session</b>	<b>At 12:20 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to enter into an Executive Session for the purpose of discussing matters related to personnel and job applicant qualifications.</b>  <b>Motion Adopted: 5 Yeas</b>  <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>Executive Session</b>	<b>At 12:28 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to personnel and job applicant qualifications. The Executive Session concluded at 1:25 p.m.</b>
<b>M 311 25 Reconvene</b>	<b>At 1:32 p.m., a Motion was made by Mr. Rieley seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session.</b>  <b>Motion Adopted: 4 Yeas, 1 Absent</b>  <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>E/S Action</b>	<b>There was no action related to Executive Session matters.</b>
<b>Rules</b>	<b>Mr. Moore read the rules of procedures for zoning hearings.</b>
<b>Public Hearing/ CU2581</b>	<b>A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388] and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) filed on behalf of Zion Church Ventures, LLC.</b>  <b>Jamie Whitehouse, Planning &amp; Zoning Director, presented the application.</b>  <b>The Planning &amp; Zoning Commission held a Public Hearing on the</b>

**Public  
Hearing/  
CU2581  
(continued)**

**application on May 21, 2025. At the meeting of June 18, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 20 recommended conditions as outlined.**

**The Council found that Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the application is for a conditional use in an AR-1 (Agricultural Residential) zoning for approximately 180,500 square feet of storage, warehouse and office buildings and a 2,500 square foot car wash on approximately 24.866 acres; that the Commission recommended approval of the application subject to the conditions provided; that there are two requested changes to Condition D and Condition L and to strike Conditions N & O; that this parcel along with two other parcels were part of Conditional Use #2392, which was approved by County Council on April 9, 2024, for storage, warehouse buildings, a car wash, a clubhouse and swimming pool; that the applicant is asking for a new Conditional Use to request office space that will function as an accessory to the main indoor storage and warehouses; that the applicants are proposing a change in use and an expansion of the existing permitted use under the Conditional Use approval rather than merely amending the existing conditions different from the last application; that the purpose of this application is to establish storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that this will provide a solution for those lacking sufficient space at home to store or work on these items; that the application names to create storage and warehouse areas for businesses needing extra space for supplies, equipment and materials; that the proposal also includes a designated area for a car wash, recycling and disposal of automobile fluids and accessory office to support the primary storage workspace and warehousing functions; that the previous application included the entire parcel 23.00 along with parcels 23.03 and 23.04; that the applicants eliminated the concept of the clubhouse and pool altogether and are seeking to expand the permitted uses to include an accessory office; that the site plan features nineteen (19) buildings, each measuring 9,500 square feet, located at the back of the property, consisting of 180,500 square feet of storage, warehouse and workspace designed for individuals and businesses; that there will be a 2,500 square foot car wash, an accessory office may be included to support the primary storage, workspace and warehousing functions; that there will be recycling and disposing areas for recycling and disposing of automobile fluids to support vehicle maintenance; that each unit will feature a standard door and large garage door for convenience, ensuring that all activities take place indoors; that each unit will be capable of being fitted out with a bathroom, sink and shower; that the development will accommodate those with boats, recreational vehicles, motorcycles, cars, and collectibles, providing a convenient solution for individuals lacking adequate space for storage or maintenance; that units used for personal rather than business uses are designed to function like man caves, allowing owners to personalize their spaces; that these units will cater to hobbyists, fostering a community where individuals with shared interests can connect; that the property is located in an AR-1 (Agricultural**

**Public  
Hearing/  
CU2581  
(continued)**

Residential) zoning district and in the Coastal Area of the Comprehensive Plan, which is an area of growth; that the applicant is looking to remove Conditions N and O; that Condition N concerns the managing office requirement; that the applicant believes that there is not a need for an office management to be present on site as the entire operation will be overseen by a condominium association; that the association would be responsible to manage the use and enforce the conditions; that Condition O, the applicant prior approval contemplated units to be able to be equipped with a bathroom, sink and potential sink; that this is to accommodate individuals to rinse off after coming off a boat or working on a car; that Condition B already addresses the concerns of units being used for residential use; that a security system will be used to monitor activity; that the applicant is seeking an amendment to Condition L & D; that for Condition L, the applicant is asking for a lighted sign rather than an unlighted sign; that for Condition D, the applicant is proposing that it be amended to read “If a unit is used for business purposes, that business may only use the area for storage and accessory office to support this primary storage function. The property shall not be used by a business for manufacturing or industrial purposes. No unit shall be primarily used as an office. In addition, the property may not be used by a business solely for meeting customers, as a showroom, or a “mail-drop”; that the climate-controlled storage aspect has been eliminated; that the applicant is not offering that option; that the language regarding whether office space shall not be isolated or walled off; that this building and licenses would get involved in that aspect.

**Public comments were heard.**

Ms. Susan Harris spoke about the fencing and questioned where the fencing would be placed; that she also questioned what the setbacks were for this area.

Ms. Patty Deptula questioned the process for a conditional use and discussed zoning.

**The Public Hearing and public record were closed.**

**M 312 25  
Defer  
Action/  
CU2581**

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 STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS”.

**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/  
CU2565**

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 AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” (property is lying on the west side of Greentop Road [S.C.R. 225], approximately 0.75 mile north of Fleatown Road [S.C.R. 224]) (911 Address: N/A) (Tax Map Parcel: 230-13.00-36.00) filed on behalf of F & N Vazquez Concrete, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of July 2, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 15 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant; that the application is for a 32.95-acre piece of land for the following operations:

1. Operate a concrete/masonry business;
2. Storage, processing and grinding/recycling of aggregate products such as asphaltic concrete including the crushing operation;
3. Handling and processing of non-metallic mineral products for private and public construction industries;
4. Topsoil screening to separate particles from material delivered to the site;
5. Public and private retail sales of stone, concrete, asphaltic construction products and products used for those construction materials;
6. General office space and storage for the proposed uses in the areas shown on the Conditional Use site plan;

that during discussions with the property owner with the Planning & Zoning office, it was determined that this application was needed; that there is an approved Conditional Use for this property from 1978 which is Conditional Use #492 for a borrow pit operation; that the applicant purchased the property in 2021 and after many years of an active borrow pit being run on site; that there has been a lot of dumping on the property by various users over the years preceding the Applicant’s ownership of it; that since he has owned it, there has been a lot of cleanup that has been occurring, trying to straighten out the property, trying to level some things off to make the area a little more usable and just generally sorting through

**Public  
Hearing/  
CU2565  
(continued)**

the debris that are on the property, sending it to proper locations, if it's the landfill or wherever it needs to go; that the applicant employs between 50-60 people with about 30-40 people that start their workday at this location; that approximately 3-4 people will remain on site throughout the day to receive materials and operate the equipment; that there is storage of materials on site for the concrete/masonry business, but the concrete crushing is the most questioned aspect of the Conditional Use being applied for; that the Future Map matches the zoning characteristics of the property; that the property is located in the Level 4 area; that there are wetlands on the property extending along the Cedar Creek forming the Eastern boundary; that the wetlands and the AE Flood zone will be avoided through this Conditional Use; that there is no need for a well on site as there are water trucks if needed and water exists within the existing borrow pits and divots on the property; that DelDOT stated that the traffic would be negligible, meaning less than fifty (50) vehicle trips in any hour and less than 500 vehicle trips per day; that the entrance is located off of Green Top Road with a sixty (60) foot wide access easement; that there are several storage bins near the entrance that will be utilized for the storage of materials associated with the concrete/masonry business; that the proposed buildings on the site plan are planned to be built in phases, but with this plan to be built as needed; that there will be an area for fuel to be stored on site; that the applicant is proposing a fifty (50) foot wide buffer around the northern boundary, down the western boundary, a fifty (50) foot buffer along the wetland line and a fifty (50) foot landscape buffer that surrounds this entire use on the property; that this property sits down lower by approximately fifteen (15) feet creating an embankment along the railroad or western side of the property, which when added to the fifty (50) foot landscape buffer will address any of the typical nuisances associated with this type of operation; that the concrete crusher will be placed a minimum of 250 feet from any of the property lines, with the closest dwelling being on the other side of the railroad tracks a little more than 750 feet away; that concrete crusher itself is a Rubble Master RM- 90G0, with manufacturers specifications that state the machine, if standing right next to it while crushing will have decibels of 102; that by increasing that distance from the machine to approximately 40-45 feet the decibels will drop down to the 55 decibel range; that with the closest dwelling being no less than 250 feet away, that noise will be indistinguishable; that there is no noise ordinance in Sussex County, but the Pennoni Group completed a study on the noise and dust created by the operation and it concluded that there was no noise disturbance and the dust was suppressed by the mechanisms of the machine; that the machine is intended to address noise and dust specifically which has an internal water dust suppression system to keep the dust down; that during the Commission's recommendation, four letters of support were provided; that two neighbors to the West and the North both spoke in favor of the application at the public hearing before the Commission; that there is a request to modify two conditions; that in Condition B to add in B2 to include asphaltic concrete (asphalt) and to add in B5 related structures, e.g. scale, scale house, storage structures, etc.; that in Condition E to modify the

**Public  
Hearing/  
CU2565  
(continued)**

**hours to 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday.**

**Public comments were heard.**

**Mr. Mark Sheppard, a construction manager for ADEL Construction spoke in favor of the application; that they provide a local service that is needed for the construction business and their product is much better quality than others in the area; that this business is needed to keep construction companies from having to travel long distances to obtain the services that the applicant offers.**

**The Public Hearing and public record were closed.**

**M 313 25  
Amend  
Condition  
8B & 8E/  
CU2565**

**A Motion was made by Mr. McCarron, seconded by Mr. Rieley to amend Condition 8 B (ii) to add “and asphaltic concrete (asphalt)” after concrete, Condition 8B (v) to add “and related structures, e.g. scale, scale house, storage structures, etc.” and Condition 8E to extend the hours to 7:00 p.m. Monday through Friday and add “and 7:00 a.m. to 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday”.**

**Motion Adopted: 5 Yeas**

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

**M 314 25  
Adopt  
Ordinance  
No. 4008/  
CU2565**

**A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4008 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

- 1. This application seeks a conditional use approval for the operation of a concrete/masonry business that includes the following uses: (a) the recycling of aggregate products such as concrete and asphaltic concrete; (b) a crushing operation that processes nonmetallic mineral products for private and public construction industries; (c) topsoil screening to separate materials delivered to the site; (d) construction industry retail sales; (e) an office; (f) the operation of a concrete and masonry**

**M 314 25  
Adopt  
Ordinance  
No. 4008/  
CU2565  
(continued)**

- business and (g) storage areas for the proposed uses and materials.
2. The property is the subject of Conditional Use No. 492 for a borrow pit. That Conditional Use remains in effect and will be supplemented by these additional uses.
  3. The adjacent property to the north and east is a large, wooded property. The adjacent properties to the south and east are wooded along Cedar Creek, with the area beyond that used for agricultural purposes. The adjacent property to the west is a railroad, and the elevation of the railroad tracks is approximately 15 feet higher than the subject property, providing a berm-like screen from the residential properties on the other side of the railroad tracks. In addition, the Applicant has proposed a 50-foot-wide vegetated buffer of native species along the northern and western boundaries of the site, along with a 50-foot-wide buffer area along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. Under these circumstances, the proposed uses in addition to those permitted under the current borrow pit approval will not adversely impact neighboring properties, roadways, or the community.
  4. The use as a recycling and crushing facility for concrete and similar materials will benefit the citizens and the environment of Sussex County. By recycling and reusing this material, there will be a reduction of materials going to the landfills.
  5. The property is currently landlocked and is accessed via a recorded easement. This current easement is utilized for the borrow pit operations and will continue to be used for these additional operations on the site.
  6. DelDOT has determined that the proposed conditional use will have a “negligible” impact on area roadways and traffic.
  7. The property is primarily located in the Low-Density Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. A small portion of the site is located within the Existing Development Area according to the Plan. This Conditional Use is consistent with these Area designations, since the use provides a location to recycle aggregate and asphaltic concrete materials with a minimal need for infrastructure or other government-related services.
  8. This recommendation is subject to the following conditions:
    - a. Conditional Use No. 492 shall remain in effect on this site unless specifically modified by these conditions.
    - b. In addition to the uses permitted under Conditional Use No. 492, this approval shall allow the following uses to occur on the site:
      - (i) Storage of aggregate products such as concrete and asphalt millings;
      - (ii) a crushing operation that processes concrete and asphaltic concrete (asphalt) for private and public construction industries ;
      - (iii) topsoil screening to separate materials delivered to the site;
      - (iv) construction industry retail sales of stone, concrete, and

**M 314 25**  
**Adopt**  
**Ordinance**  
**No. 4008/**  
**CU2565**  
**(continued)**

- asphaltic construction products and products used for these construction materials; an office and related structures, e.g. scale, scale house, storage structures, etc.;
- (v) the operation of a concrete and masonry business; and
- (vii) storage areas for the proposed uses and materials.
- c. No wood or metal chipping or grinding shall occur on the site, and no organic waste shall be brought to or from the site. No milling activities shall occur on the site. While concrete and asphalt millings may be brought to the site, they may only be temporarily stored on the site. The location of the temporary storage area for millings brought to the site shall be shown on the Final Site Plan.
  - d. Crushing operations shall only occur between the hours of 9:00 a.m. through 4:00 p.m., Monday through Friday. No Saturday or Sunday hours shall be permitted.
  - e. Materials may only be accepted at the site or delivered from the site between the hours of 7:00 am and 7:00 pm, Monday through Friday and 7:00 a.m. until 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday. In addition, no trucks, trailers, or other vehicles shall be permitted to wait or “stack” within the access easement or along area roadways outside of these permitted hours. There shall be signages confirming this prohibition installed at the site’s entrance and along the easement. The details of this signage shall be shown on the Final Site Plan.
  - f. The crushing machine shall be located no less than 250 feet from all property boundary lines. This limited area of use shall be shown on the Final Site Plan.
  - g. A 50-foot wide vegetated buffer planted with native species shall be installed along the northern and western boundaries of the site. The number and details of the vegetation to be planted shall comply with the requirements for vegetated buffers contained in Section 99-5 of Chapter 99 of the County Code. In addition, a 50-foot-wide buffer area shall be established along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. These buffer areas shall be shown on the Final Site Plan and clearly marked with signage on the site itself declaring them as non-disturbance areas. The vegetation and trees to be planted shall also be shown on the Final Site Plan.
  - h. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - i. Fuel may be stored on the site. The location of this fuel storage area shall be shown on the Final Site Plan. The fuel storage shall comply with all state and federal requirements.
  - j. Water or a water truck shall be available and used at all times to control dust within the site. The specific dust-control measures shall be identified on the Final Site Plan.
  - k. One lighted sign shall be permitted. It shall not be greater than

**M 314 25**  
**Adopt**  
**Ordinance**  
**No. 4008/**  
**CU2565**  
**(continued)**

**32 square feet per side.**

- l. The only entrance to the property shall be via the existing recorded easement providing access to and from the site via Greentop Road. The entrance to the site via this easement shall be secured when the business is not in operation. The applicant shall also comply with any and all roadway and entrance improvements required by DelDOT as a result of this use or at the point where the easement intersects with Greentop Road.**
- m. The Applicant shall comply with all State and County erosion and sedimentation control regulations.**
- n. A violation of these conditions may result in the termination of this Conditional Use.**
- o. The Final Site Plan shall be subject to the review and 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**

**M 315 25**  
**Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 2:50 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.}***