

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 9, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 9, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 386 25 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, 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 August 19, 2025, were approved by consensus.
Correspon- dence	Mr. Moore reported that letters were received from Down Syndrome Association of Delaware, Shoes That Fit, Cape Henlopen Senior Center and Delaware Technical Community College thanking Council for their support.
Public Comments	Public comments were heard. Ms. Kate Gemma spoke about social stability in Sussex County. Ms. Alison White spoke about pending land use applications. Ms. Janet Le Digabel spoke about traffic in Sussex County.
M 387 25 Approve Consent Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the following item on the Consent Agenda: Proclamation Request – Emergency Preparedness Month

Motion Adopted: 5 Yeas

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

Third Quarter Employee Recognition Karen Brewington, Human Resources Director, presented the third quarter employee recognition awards. She reported that there were 57 submissions received this quarter. This quarter's recipients were Abby Disque from Building Code, Clint Whaley from Building Code, William Soto from Building Code, Danielle Lones from Building Code & Planning & Zoning, Alex Kansak from the Engineering Department and Kellie Peterson, from Emergency Communications.

Personnel Board Mr. Lawson reported that a reappointment is needed for the personnel board. Ms. Kathy Newcomb has agreed to serve another term.

M 388 25 Approve Personnel Board Reappointment A Motion was made by Mr. Rieley. seconded by Ms. Gruenebaum be it moved that County Council approves the reappointment of Ms. Kathy Newcomb to the Sussex County Personnel Board immediately for a term of three years.

Motion Adopted: 5 Yeas

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

Discussion/ Ord No. 3016 A discussion was held regarding Ordinance No. 3016 – regulating marijuana regulations. Mr. Lawson reported that SB75 was vetoed by the Governor. During that time, the Governor's staff contacted the County and asked if they would consider changing the Ordinance that the County currently has in regard to marijuana establishments. Mr. Lawson provided history of the Ordinance. Mr. Robertson reviewed the criteria of the Ordinance that was put in place. A discussion was held about the current guidelines and Council Members' thoughts were shared about how to move forward.

**Adminis-
trator's
Report** Mr. Lawson read the following information in his Administrator's Report:
1. Government Finance Officers Triple Crown Award

I am pleased to announce that Sussex County has received the prestigious Triple Crown Award from the Government Finance Officers Association of the United States and Canada. The GFOA's Triple Crown award recognizes governments that have received

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

GFOA's Certificate of Achievement for Excellence in Financial Reporting, Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award for the previous year.

Please join me in congratulating Finance Director Gina Jennings and her staff for a job well done.

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

**SC HVAC
Replace-
ment**

Mike Harmer, County Engineer, presented a recommendation to award for the South Coastal Library HVAC replacement for Council's consideration.

**M 389 25
Approve SC
HVAC
Replacemen
t**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that based upon the recommendation of the Sussex County Engineering Department, that contract G23-24 for South Coastal Library HVAC replacement project, be awarded to Joseph T. Richardson, Inc. for their total bid of \$344,000.00.

Motion Adopted: 5 Yeas

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

**Sugar Maple
Farms Rd
Improve**

Mark Parker, Assistant County Engineer, presented a recommendation to award for the Sugar Maple Farms road improvements for Council's consideration.

**M 390 25
Approve
Sugar Maple
Farms Road
Improve-
ments**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that based upon the recommendation of the Sussex County Engineering Department, that project T25-40 Sugar Maple Farms road improvements be awarded in the not-to-exceed amount of \$374,224.86 to Jerry's Inc.

Motion Adopted: 5 Yeas

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

**Chesapeake
Utilities**

Mark Parker, Assistant County Engineer, presented a request for approval of a first amendment for Chesapeake Utilities customer advance agreement for Council's consideration.

M 391 25

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it

Chesapeake Utilities Agreement moved based upon the recommendation of the Sussex County Engineering Department in coordination with the Finance Department that the first amendment to the customer advance agreement with Chesapeake Utilities be approved as presented.

Motion Adopted: 5 Years

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

IB Loop CO No. 3 Hans Medlarz, Project Manager, presented change order no. 3 for Inland Bays loop project for Council's consideration.

M 392 25 Approve CO No. 3/Inland Loop 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 change order no. 3 for contract S24-01, Inland Bays Loop project be approved, increasing the contract by \$909,915.98.

Motion Adopted: 5 Years

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

Wolfe Neck CO No. 2 Hans Medlarz, Project Manager, presented change order no. 2 for Wolfe Neck regional wastewater facility for Council's consideration.

M 393 25 Approve CO No. 2/ Wolfe Neck RWF 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 change order no. 2 to the Wolfe Neck Regional Wastewater Facility – Denali sludge removal agreement be approved, increasing the contract amount by \$75,000.00.

Motion Adopted: 5 Years

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

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

M 394 25 Leadership Delaware A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$4,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account, \$1,000 from Rieley's Councilmanic Grant Account, \$1,000 from Mr. McCarron's Councilmanic Grant Account, \$500 from Mr. Lloyd's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account)

to Leadership Delaware Inc. for their Sussex County Leadership development program.

Motion Adopted: 5 Yeas

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

M 395 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give**
Historical **\$2,500 (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the**
Georgetown **Historical Georgetown Association for their train station museum and first**
Association **fire house.**

Motion Adopted: 5 Yeas

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

M 396 25 **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,500**
Millsboro **(\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Millsboro**
Little **Little League for their LED lighting replacement.**
League

Motion Adopted: 5 Yeas

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

M 397 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give**
Chamber of **\$1,000 (\$1,000 from Mr. McCarron's Councilmanic Grant Account) to the**
Commerce **Chamber of Commerce for Greater Milford for their Riverwalk Freedom**
for Greater **Festival.**
Milford

Motion Adopted: 5 Yeas

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

M 398 25 **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$4,000**
Bethel **(\$4,000 from Mr. Lloyd's Councilmanic Grant Account) to the Bethel**
Historical **Historical Society, Inc. for a community pavilion.**
Society

Motion Adopted: 5 Yeas

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

M 399 25 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,500
Greater (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Greater
Millsboro Millsboro Chamber of Commerce Inc. for safety & policing at their
Chamber of community events.
Commerce

Motion Adopted: 5 Yeas

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

M 400 25 A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give
New \$1,500 (\$1,000 from Mr. McCarron's Councilmanic Grant Account and
Coverdale \$500 from Mr. Rieley's Councilmanic Grant Account) to New Coverdale
Outreach Outreach Mission, Inc. for their back-to-school program.
Mission Inc.

Motion Adopted: 5 Yeas

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

Proposed Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE
Ordinances TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
Introduct- AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROPANE TANK
ions AND ANCILLARY STORAGE FACILITY TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
COUNTY, CONTAINING 70.3 ACRES, MORE OR LESS" filed on behalf
of Larry Marshall.

Mr. McCarron introduced a Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-
1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT
AND SAND PLANT SITE TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING
107.517 ACRES, MORE OR LESS" on behalf of Sussex Materials, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO
GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A ROOFING &
SIDING CONTRACTOR BUSINESS WITH INDOOR AND OUTDOOR
STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.92 ACRES,

Proposed Ordinances Introductions (continued)	MORE OR LESS” filed on behalf of Andrew Lewandowski. Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” filed on behalf of 1630 Ventures LLC. The Proposed Ordinances will be advertised for a Public Hearing.
CM Comments	Mr. Rieley commented that the Land Trust recently announced the acquisition of 32 acres on Robinsonville Road, which will be known as Chase Oaks Preserve. Mr. McCarron commented that he appreciates Ms. White’s comments today about upcoming applications.
M 401 25 Go Into Executive Session	At 11:28 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Executive Session	At 11:35 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session concluded at 12:44 p.m.
M 402 25 Reconvene	At 12:46 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session. Motion Adopted: 3 Yeas, 2 Absent Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Absent; Mr. Hudson, Yea
M 403 25 E/S Action Parcels 2025 I-P	A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, to authorize the County Administrator to negotiate, enter into a contract and go to closing on parcels identified as 2025 I-P.

Motion Adopted: 3 Yeas, 2 Absent

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

M 404 25 **At 12:47 p.m., a Motion was made by Mr. McCarron, seconded by Ms.**
Recess **Gruenebaum to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 3 Yeas, 2 Absent

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

M 405 25 **A Motion was made by Mr. McCarron, seconded by Mr. Rieley to**
Reconvene **reconvene.**

Motion Adopted: 3 Yeas, 2 Absent

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

Rules **Mr. Moore read the rules of procedure for zoning matters.**

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2517 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE**
 ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS” (property is
 lying on the south side of Nine Foot Road [Rt. 26], approximately 949 feet
 southwest of DuPont Boulevard [Rt. 113]) (911 Address: 28000 Nine Foot
 Road, Dagsboro) (Tax Map Parcel: 233-10.00-46.00) filed on behalf of High
 Tide Church, Inc.

The Planning & Zoning Commission held a Public Hearing on the
application on July 23, 2025. At the meeting of July 23, 2025, the Planning
& Zoning Commission recommended approval of the application for the 6
reasons of approval as outlined.

The Council found that Mr. Mark Davidson, Principal Land Planner with
Pennoni spoke on behalf of the Applicant, High Tide Church, Inc.; that the
application is requesting a Conditional Use of land in an AR-1 (Agricultural
Residential) Zoning District for an on-premises electronic message center
sign per §115-161.1A3; that the site is comprised of approximately 19.3

**Public
Hearing/
CU2517
(continued)**

acres, being located along Nine Foot Road; that the site is located approximately 50 feet west of Rt. 113, being just outside of the Town of Dagsboro; that the site is located just south and west of a large track of land already zoned CR-1 (Commercial Residential) and C-1 (General Commercial), which fronts Rt. 113 and Nine Foot Road; that at the front of the property, there are four single-family lots, which are owned by the church; that the property is located within a Developing Area according to the 2045 Future Land Use Map, and is located adjacent to commercial designated area; that the property is currently improved with an existing church, which is comprised of a sanctuary hall, classrooms, existing parking area, and stormwater management area; that the building sets back approximately 600 feet from Nine Foot Road; that the property utilizes an existing well for domestic water, and a separate well and fire suppression storage tank for fire protection; that the property is connected to the Sussex County sanitary sewer system; that Conditional Uses are subject to the provisions of Articles 4 through 24, and Section 115-22; that the purpose of a Conditional Use is to provide for certain uses, which cannot otherwise be well adjusted to their environment, in a particular location with gull protection offered to surrounding properties by rigid application of district regulations; that High Tide Church is requesting a 32 square foot electronic messaging sign; that the proposed 32 square foot electronic messaging sign will be in addition to a 32 square foot on-premise sign; that the electronic message center sign will be located below the on-premise sign; that the sign placement will exceed the minimum requirements for the AR-1 (Agricultural Residential) Zoning District for sign placement; that the sign will be approximately 200 feet from any adjacent dwellings on other properties; that the electronic messaging sign will follow regulations that apply to all electronic message centers per Section 115-161.1(C)(1)(a-h); that electronic message signs offer a multitude of benefits that traditional signage cannot match, making them popular choices for businesses, organizations, and institutions, who are looking to enhance communications, marketing and safety; that electronic message sign can be update instantly and remotely, allowing churches to adapt to the changing needs, promote services, and announce upcoming events, without the cost and delay of traditional printing; that churches can tailor messages to specific audiences, or adjust content based on factors like time of day, weather or events; that this flexibility ensures that the message is always relevant and impactful; that the proposed electronic message center (EMC) sign will not alter the character of the surrounding area in any manner that would substantially limit, impair or preclude the use of the surrounding properties; that the proposed Conditional Use meets the general purpose of the zoning ordinance, being located in an appropriate location, meeting the purpose of the district and the Comprehensive Plan, by aligning with the underlying goals, and intent of the zoning classification, serving the community and its residents, which is essentially desirable for the general convenience, orderly growth, prosperity and welfare of the County, and the sign will be constructed by

**Public
Hearing/
CU2517
(continued)**

Ad Art, Inc. who is aware of the Sussex County Sign rules and regulations.

There were no public comments.

The Public Hearing and public record were closed.

**M 406 25
Adopt
Ordinance
No. 4014/
CU2517**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4014 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1. A. (3) of the Zoning Code.**
- 2. The sign will be located on the church’s property, and it will be used to display information about the church and its various activities and events.**
- 3. The sign will be required to comply with all the sign regulations in the Zoning Code, including brightness and motion.**
- 4. The sign will not adversely affect neighboring properties or area roadways and traffic.**
- 5. No parties appeared in opposition to this Application.**
- 6. A Final Site Plan, showing the location of the sign on the site, shall be submitted to the Sussex County Planning & Zoning Commission for approval.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2493**

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 TO ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS” (property is lying on the northwest side of Roxana Road [Route 17], approximately 0.07-mile northeast of Pyle Center Road [Route 20]) (911 Address: 35082 Roxana Road, Frankford) (Tax Map Parcel: 533-6.00-19.00) filed on behalf of Rennie Hunt.

**Public
Hearing/
CU2493
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of August 6, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 14 recommended conditions of approval.

The Council found that Mr. Daniel Conway, Esq., with Scott and Shuman, PA, spoke on behalf of the Applicant, Mr. Rennie Hunt, who was also in attendance. Mr. Conway stated that the parcel is used to support Mr. Hunt's business; that the parcel is located within the Coastal Area; that the proposed and current activity on the parcel conforms with the area's designation; that they are in receipt of the Commission's recommendation; that they request that the request be granted as recommended by the Planning & Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 407 25
Defer
Action/
CU2493**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
CU2494**

Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (property is lying on the north side of Gum Road [S.C.R. 392], approximately 0.12 mile west of Roxana Road [Route 17]) (911 Address: 36215 & 36219 Little Creek Lane, Frankford) (Tax Map Parcel: 533-10.00-46.02) filed on behalf of Rennie Hunt.

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of August 6, 2025, the Planning

Proposed Ordinance CU2494 (continued)	& Zoning Commission recommended denial of the application for the 8 reasons as outlined. The Council found that Mr. Daniel Conway, Esq., with Scott and Shuman, PA, spoke on behalf of the Applicant, Mr. Rennie Hunt, who was also in attendance. Mr. Conway stated that the applicant desires to withdrawal the application at this time.
M 408 25 Approve Withdrawal Request/ CU2494	A Motion was made by Mr. Rieley, seconded by Mr. McCarron to allow the withdrawal of CU2494 with the condition that the premises be returned to the natural condition that complies with the current zoning within 60 days. 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/ CZ2028	A Public Hearing was held 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 1.529 ACRES, MORE OR LESS” (property is lying on the west side of Kings Highway [Rt. 9], approximately 0.36 mile northwest of Gills Neck Road [S.C.R. 267]) (911 Address: 1006 Kings Highway, Lewes) (Tax Map Parcel: 335-8.00-36.06) filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee. The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of July 23, 2025, the Planning & Zoning Commission recommended approval of the application for the 13 reasons of approval as outlined. The Council found that Mr. David Hutt, Esq., with Morris James LLP, spoke on behalf of the Applicant, CommDel, LLC; that also present were Mr. Rodney Cunningham, Principal of CommDel, LLC, and Mr. Zac Crouch, P.E., with Davis, Bowen & Friedel, Inc. Mr. Hutt stated that CommDel, LLC is the Applicant and contract purchaser of the property; that the current owners of the property are the successor trustees of the Oscar H. Warrington Junior Trust and the Thelma M. Warrington Trust, and the successor trustees are Oscar H. Warrington, III, Virginia L. Lynch, and Sue Ann Newsham; that the application is a proactive solution, which makes common sense and business sense; that the application seeks to rezone a 1.5 acre portion of the site, which is currently zoned AR-1 (Agricultural Residential); that the application seeks to change the zoning designation to the C-2 (Medium Commercial) Zoning

**Public
Hearing/
CZ2028
(continued)**

District; that the site is located behind and beside a commercial strip center, being best known for Mr. P's Pizzeria, Pure Bliss Salon & Spa, Hing Wang Chinese restaurant., and PedalTec Electronic Bikes; that The Brush Factory on Kings is located immediately to the north of the site; that First Baptist Church of Lewes and Big Oyster Brewery; that to the west of the site is the Lodge at Historic Lewes; that behind the Lodge at Historic Lewes is Dutchman's Harvest, a workforce housing community currently under construction; that immediately behind the property is now located within the municipal limits of the City of Lewes; that in April of the past year, a town home community was approved for the municipal property, to be known as Overfall Preserve; that the area is well known, with many commercial businesses, institutional and residential uses, existing along the roadway; that it is also an access point off Kings Highway into the Cape Henlopen school; that it is also well known as it is one of the main roadways into the City of Lewes, and a main access road to the Cape May Lewes Ferry and the Cape Henlopen State Park; that there are number of businesses and commercial uses along Rt. 9 and Kings Highway in the area; that also within the surrounding area are the locations of Lane Builders, the real estate offices for Jack Lingo, the Cape Henlopen Medical Center, Kingston Court, and the Cape Professional Campus; that directly across from the Cape Professional Campus is the future Village Center Commercial area, which the Planning Commission has reviewed the site plan for; that the proposed rezoning will seek to solve a future problem, and also will provide a number of other benefits; that the one issue the rezoning seeks to resolve is the taking of property that will occur as DelDOT improves and dualizes Kings Highway in the future; that the future DelDOT improvements will take a significant portion of most of the property owners along Kings Highway, including the strip center where Mr. P's Pizzeria is located; that these property owners will lose their entire first row of parking and some of the drive aisle located in front of the building; that the solution Mr. Cunningham has proposed to address the problem, was to move the commercial back, to allow all the existing businesses to remain in their current locations, by moving behind the building; that Mr. Cunningham also explored the possibility of creating a mixed- use of the property, where commercial would be provided on the first floor and residential would be located above the commercial; that this proposal is currently still being explored; that the property behind the existing commercial strip center is not currently owned by Mr. Cunningham, and is currently zoned AR-1 (Agricultural Residential); that the first step was to get the property under contract; that the next step was to file for the Sussex County Change of Zone to request an amendment to the County's Zoning Map to create a C-2 (Medium Commercial) district, which would allow for the building to be moved back; that should be application be approved, Mr. Cunningham's primary goal is to be able to construct those new facilities behind the existing building, with the intention of doing that while the existing tenants are in the building located in the front; that this will allow those business to be required to shut

**Public
Hearing/
CZ2028
(continued)**

down for a very short period of time in the future, as they relocate from the front building to the back; that the proposed rezoning matches and aligns with the land use sense of the property, when looking at the State Strategy Maps, the Comprehensive Plan and the characteristics and purposes of the C-2 (Medium Commercial) Zoning classification; that on the 2020 State Strategies Map promulgated by the Office of State Planning Coordination, the entire area is located within Investment Level 1; that the Investment Level 1 is an area where State investments and policies support and encourage a wide range of uses, including commercial activities; that the application was sent through the PLUS process, which was included into the application's record; that the PLUS letter stated that development within Investment Level 1 was consistent with the 2020 Strategies for State Policies and Spending; that the Office of State Planning Coordination had no objections to the proposed rezoning, provided that it meets the relevant codes and ordinances of the County; that according to the County's 2045 Future Land Use Map of the 2018 Comprehensive Plan, the entire area is located within either the Coastal Area or the Commercial Area, which is are growth areas; that the C-2 (Medium Commercial) classification is an applicable district, pursuant to Table 4.5-2 of the Comprehensive Plan; that within Chapter 4 of the Coastal Area, with respect to purpose and use, as a location where retail and office uses are appropriate; that larger shopping centers and office parks should be confined to selected locations with access along arterial roads, with appropriate mixed- use development should also be allowed; that the proposed application is consistent with all of the requirements; that the site is located along an arterial road; that mixed-use development is currently proposed; that according to the Sussex County and the City of Lewes Zoning Maps, the site is surrounded by a number of different business, commercial, and some residential zoning classification, being Sussex County's C-1 (General Commercial) or C-3 (Heavy Commercial) Zoning, the City of Lewes' R-5 (Mixed Residential Zone), which allows for medium to higher densities, the City of Lewes' Community Facilities Healthcare Zoning, the AR-1 (Agricultural Residential), being the location of First Baptist Church of Lewes, and the City of Lewes' General Commercial District; that also the surrounding area includes commercial areas designated as B-1 (Neighborhood Business); that there are also multiple approved Conditional Uses within the area as well; that the Cape Henlopen Medical Center, being a 39,000 square foot office space, located at the intersection of Gills Neck Road and Kings Highway was approved as Conditional Use No. 2112; that there are no wetlands located on the site; that according to the FEMA Flood Maps, the property is located within Flood Zone X, which is located outside of the 500 year floodplain; that the site is located within a Wellhead Protection Area, and will be subject to the Chapter 89 Source Water Protection requirements; that water and sewer will be provided through the City of Lewes Board of Public Works; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT indicated that the proposed rezoning would have a minor impact

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(continued)**

on the local area roadways; that the developer may be eligible to pay an Area Wide Study Fee in lieu of doing a Traffic Impact Study; that this requirement would need to be determined, as the site plan is finalized in coordination and contact with DelDOT, regarding the exact uses and generated traffic; that area traffic has been studied extensively through a number of studies and projects; that there was a Traffic Impact Study performed for the Mitchell's Corner project, which is located directly across Kings Highway; that there was a Traffic Operations Analysis performed as part of the commercial area of the Village Center; that DelDOT has been studying the area for some time as part of DelDOT's dualization of Kings Highway from Dartmouth Drive to Freeman Highway through Contract No. T202212901; that there are basic height, area, and bulk requirements per the Code for the C-2 (Medium Commercial) District; that the property meets those minimum area requirements for the C-2 District is 15,000 square feet; that the property is slightly over 1.5 acres; that the minimum width is 70.5 feet and the minimum depth is 100 feet, all of which are vastly exceeded; that the property can meet all of the C-2 District setback requirements; that there is a 60 foot Front Yard setback, with a five foot Rear and Side Yard setback; that when located adjacent to residential uses, the Side Yard setbacks increases to 20 feet, and the Rear Yard setback increased to 30 feet; that the purpose of the C-2 Zoning District is to support uses that include retail sales and performance of consumer services; that the district permits a variety of retail, professional and service businesses; that the district shall be primarily located near arterial and collector streets; that the district accommodates community commercial uses that do not have outside storage or sales; that DelDOT classifies the site's portion of Kings Highway as another principal arterial, which is referred to as a major arterial roadway per the Sussex County Code; that the property would come out to Rt. 9, right next to the commercial strip center; that the dualization of Rt. 9 will impact all properties along Rt. 9, as DelDOT needs to acquire additional rights of way and permanent easements to construct the improvements to the Kings Highway corridor; that if the rezoning were to be approved, the three parcels that would comprised the project would be both parcels that are part of Mr. P's Pizzeria commercial strip center; that there is a property line that bisects the existing building; that the two parcels would be combined; that the goal would be to construct the new building behind the existing building, while the existing building remains operational; that commercial zonings require a 60 foot Front Yard setback; that if the existing strip center remained, it would not be close to complying with the current Sussex County setback requirements; that if the rezoning were approved, and the parcels become consolidated, the commercial uses could be pushed back, allowing for appropriate parking; that accessibility would be improved with modern buildings and a modern parking lot; that stormwater management would be enhanced with a modern site plan, which will be required to go through the regulatory process; that part of the entranceway and parking for the existing commercial strip center is located

**Public
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(continued)**

on the subject site consisting of 1.5 acres; that this occurs through an easement for ingress, egress and parking; that this is a formalization of the process, which also allows it to extend further into the side and rear of the property; that the businesses being accommodated are long standing businesses for more than 20 years within the Lewes community; that this also tracks with the County's land use process for the two parcels that would form the landmass; that in 1979, Conditional Use No. 549 was approved for a retail shop and office, which was Thelma Warrington's clothing store, which is now known as Pure Bliss Salon & Spa; that in 1982, Conditional Use No. 701 was approved for a grocery store, which is now the current location of Mr. P's and the Chinese restaurant; that in 1985, the County stopped granted Conditional Uses for the properties, and granted a Change of Zone through Ordinance No. 236, for Change of Zone No. 646, which changed the zoning designation of both properties to the C- 1 (General Commercial) District, at which time the third building was constructed for a shoe store, which is the current location of the bicycle shop; that Mr. Cunningham believes that it is important for these businesses to be able to move back, to allow the businesses to stay in place and hopefully survive; that customers that are familiar with the business will still know their location and how to get to the establishments; that the application is being requested to help support the relocation of local businesses along Kings Highway, as DelDOT proceeds through their improvements; that as noted, the site is an appropriate area according to the State Strategies Map, the County's Comprehensive Plan, and matches the characteristics of the Medium Commercial District of the Sussex County Zoning Code, and for all the stated reasons, the Applicant, as well as the current owners, and the current tenants of the property would request that the County Council recommend approval of the Change of Zone application without Finding No. 11 provided by the Planning Commission.

Public comments were heard.

Ms. Gail Van Guilder from the Lewes Byways spoke about the interconnectivity between these properties; that during the PZ hearing, one of their members requested connectivity for bike pedestrians be included in the site plan; that she understands that the connection will be opened to this property; that it was requested that there be a safe bike pathway for people.

Mr. Crouch confirmed that this has been discussed and will be coordinated as requested.

The Public Hearing and public record were closed.

**M 409 25
Adopt
Ordinance**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4015 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-

**No. 4015/
CZ2028**

1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS” for reasons no. 1-10 and 12-13 as given by the Planning & Zoning Commission as follows:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. C-2 Zoning is intended to be located near arterial and collector roads, and this site is located along an arterial road, as designated by Sussex County and DelDOT.**
- 2. The Applicant’s property is generally located along King’s Highway adjacent to the boundaries of the City of Lewes. It is next to a small strip mall, the Brush Factory, and a senior living development, it is across from a brewpub, church, and builder, and it is near an existing medical office building, real estate office, and Cape Henlopen High School. The property to the rear has been approved as a townhouse community by the City of Lewes. There are other business, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning. Conversely, AR-1 Agricultural Residential Zoning is no longer the most appropriate category at this particular location.**
- 3. C-2 Zoning at this location along King’s Highway will benefit nearby residents of Sussex County and the City of Lewes by providing a convenient location for retail use or consumer services.**
- 4. The rezoning will allow the redevelopment of the existing strip mall in conjunction with DelDOT’s planned improvements to Kings Highway. The Applicant has also stated that it intends to explore mixed-use (commercial over retail) buildings as part of the redevelopment of the site.**
- 5. DelDOT has determined that this change in zone will result in a minor impact on area roadways.**
- 6. The site is located within a Wellhead Protection Area, and the ultimate site plan and future development of the site will be required to comply with Chapter 89 of the Sussex County Code.**
- 7. The site is served by central water and central sewer.**
- 8. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 9. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**
- 10. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.**
- 12. There was no opposition to this rezoning, and there are five letters in support of this Application from adjoining property owners and tenants within the site.**
- 13. Any future use of the property will be subject to Site Plan review by**

the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

M 410 25 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to**
Adjourn **adjourn at 2:40 p.m.**

Motion Adopted: 5 Yeas

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

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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