

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 16, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 16, 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 411 25 Approve Agenda	A Motion was made by Mr. McCarron, 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 September 9, 2025, were approved by consensus.
Correspondence	There was no correspondence. There were no public comments.
Public Comments	A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, to approve the following items under the Consent Agenda:
M 412 25 Approve Consent Agenda	Use of Existing Wastewater Infrastructure Agreement – IUA – 1199-1 Lightkeeper’s Village, West Rehoboth Area Proclamation Request – Literacy Month Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

**Adminis-
trator's
Report** **Mr. Lawson read the following information in his Administrator's Report:**

1. David Gross

It is with great sadness that we inform you that pensioner, David Gross, passed away on Wednesday, September 3, 2025. Mr. Gross began his career with Sussex County in June 2004 where he worked until December 2016 for a total of 12 years of service. His last position with the County was Maintenance Worker IV in Environmental Services. We would like to extend our condolences to the Gross family.

2. Elizabeth "Betty" Foxwell

It is with great sadness that we inform you that pensioner, Elizabeth "Betty" Foxwell, passed away on Saturday, September 6, 2025. Mrs. Foxwell began her career with Sussex County in August 1977 where she worked until October 2005 for a total of 28 years of service. Her last position with the County was Clerk IV in Engineering. We would like to extend our condolences to the Foxwell family.

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

**Presentation
DelDOT** A presentation was given by Shante Hastings, DelDOT Secretary, providing project & TID updates.

**Time
Extension
Request** Jamie Whitehouse, Planning & Zoning Director, presented a request for an extension for CU2313 filed on behalf of John Ford for Council's consideration.

**M 413 25
Approve
Time
Extension
Request** A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that the Sussex County Council grants a 6 month time extension for CU2313 filed on behalf of John Ford.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices/** John Ashman, Director of Utility Planning & Design Review presented a request for permission to prepare and post notices for Lands of Ghulam Dastgir, LLC expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area). The parcel is located on the westbound side

Ghulam Dastgir of State Route 13 at Commercial Centre Drive and located in State Planning Level 1 area. The project received approval from the Town of Bridgeville on April 16, 2024, for a 2,700 sq ft retail building, and the owner would like to connect to the central sewer system. The project will be responsible for system connection charges in place at the time of connection.

M 414 25 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Engineering Department is authorized to prepare & post notices for the Lands of Ghulam Dastgir, LLC expansion of the Sussex County Sanitary Sewer District to include parcel 131-15.00-14.00 as presented.

Approve Permission to Prepare & Post Notices

Motion Adopted: 5 Yeas

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

Asset Management Mike Harmer, County Engineer, presented amendment no. 1 for asset management initiation for Council's consideration.

M 415 25 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based upon the recommendation of the Sussex County Engineering Department that Amendment No. 1 to the 2024 Miscellaneous Engineering base agreement with Arcadis, Inc., be approved in the amount not to exceed \$348,000 for services associated with the Asset Management program initiation.

Approve Amendment No. 1

Motion Adopted: 5 Yeas

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

New Marydels Rd., Tanglewood & Oak Acres Mark Parker, Assistant County Engineer, presented a project closeout and supplemental funding request and amendment for New Marydels Road, Tanglewood & Oak Acres Sewer Extension projects for Council's consideration.

M 416 25 A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that change order no. 2 in the deduct amount of \$28,005.18 and close-out for projects S19-19 & S22-24 be approved, and that a request for supplemental funding be made from the Clean Water State Revolving Fund.

Approve CO No. 2

Motion Adopted: 5 Yeas

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

M 417 25 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it
Approve moved based on the recommendation of the Sussex County Engineering
Amendment Department that Amendment No. 2 to the base contract for George, Miles
No. 2 & Buhr be approved in the not to exceed amount of \$12,500.00.

Motion Adopted: 5 Yeas

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

King's Hwy Hans Medlarz, Project Manager, presented change order no. 1 Gills Neck
Utility Road MOT for King's Highway from SR-1 to Freeman Highway advanced
Relocation utility relocation for Council's consideration.

M 418 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that be
Approve CO it moved based on the recommendation of the Sussex County Engineering
No. 1 Department that change order no. 1 to the King's Highway advanced utility
relocation be approved, increasing the contract by \$33,480.00, contingent
upon DelDOT concurrence.

Motion Adopted: 5 Yeas

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

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

M 419 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to
Mispiration give \$500 (\$500 from Ms. Gruenebaum's Councilmanic Grant Account) to
Perfor- Mispiration Performance Series for their 2025-26 season – Honorarium for
mance musical artists.
Series

Motion Adopted: 5 Yeas

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

M 420 25 A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, to give \$2,000
Francois (\$2,000 from Mr. Lloyd's Councilmanic Grant Account) to Francois
Foundation Foundation for Autism for their sensory art and craft 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 421 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to give**
Bridgeville **\$3,000 (\$2,000 from Mr. McCarron's Councilmanic Grant Account and**
Apple **\$1,000 from Mr. Lloyd's Councilmanic Grant Account) to Bridgeville Apple**
Scrapple **Scrapple Festival Inc. for their 33rd annual apple scrapple festival.**
Festival

Motion Adopted: 5 Yeas

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

M 422 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give**
Trinty **\$1,500 (\$1,000 from Mr. Lloyd's Councilmanic Grant Account and \$500**
Foundation **from Mr. McCarron's Councilmanic Grant Account) to Trinty Foundation**
 for their 2025 golf tournament.

Motion Adopted: 5 Yeas

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

Proposed **Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN**
Ordinances **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1**
Introduct- **GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND**
ions **OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30**
 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND
 BEING IN SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR
 LESS" filed on behalf of NGR Sports, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR
GENERAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF
BUSINESS VEHICLES ASSOCIATED WITH A LIMOUSINE BUSINESS
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR
LESS" on behalf of Howard L. Repass.

The Proposed Ordinances will be advertised for a Public Hearing.

- CM Comments** **Ms. Gruenebaum commented on the Land Use Reform Working Group and their recommendations.**
- Mr. McCarron commented on capital construction to help with funding for the schools.**
- Mr. Lloyd commented that his commitment of stopping overdevelopment has not changed.**
- Mr. Rieley commented that the Volunteer Fire Association has been reaching out for funding and there will be meetings ahead with them.**
- M 423 25** **At 11:19 a.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Go Into **McCarron, to enter into an Executive Session for the purpose of discussing**
Executive **matters related to land acquisition.**
Session
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea
- Executive** **At 11:25 a.m., an Executive Session was held in the Basement Caucus Room**
Session **to discuss matters related to land acquisition. The Executive Session**
concluded at 11:41 a.m.
- M 424 25** **At 11:43 a.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Reconvene **McCarron to come out of the Executive Session and go back into the**
Regular Session.
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea
- M 425 25** **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**
E/S Action/ **authorize the County Administrator to negotiate, enter into a contract and**
Parcel 2025- **go to closing on a parcel identified as 2025-Q.**
Q
- Motion Adopted: 5 Yeas**
- Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea
- M 426 25** **At 11:44 a.m., a Motion was made by Mr. McCarron, seconded by Mr.**

Recess **Lloyd to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

**M 427 25 At 1:30 p.m., a Motion was made by Mr. McCarron, seconded by Mr.
Reconvene Rieley to reconvene.**

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**

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

**Public A Public Hearing was held on a Proposed Ordinance entitled “AN
Hearing/
CU2568 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” (property lying
on the south side of Lewes Georgetown Highway [Route 9], approximately
0.53 mile east of Dairy Farm Road [S.C.R. 261]) (911 Address: 30486 Lewes
Georgetown Highway, Lewes) (Tax Map Parcel: 334-5.00-171.00) filed on
behalf of Unitarian Universalist Society of Southern Delaware.**

**The Planning & Zoning Commission held a Public Hearing on the
application on August 6, 2025. At the meeting of August 20, 2025, the
Planning & Zoning Commission recommended approval of the application
for the 7 reasons of approval as outlined.**

**The Council found that Mr. Mark Davidson, of Pennoni, was present on
behalf of the Applicant, Unitarian Universalist Society of Southern
Delaware. Mr. Davidson stated that also present were Ms. Linda DeFeo
and Ms. Ellen Lytton, members of the executive committee of the
church; that the application is a request to grant a conditional use of land
in an agricultural residential district (AR-1) for an on- premise electronic
message center sign per section 115-161.1 A. (3) on a 5.91 parcel of land
located on the southern side of the Lewes Georgetown Highway; that
the highway classification is as a principal arterial road and it is
approximately 2,800 ft. east of Dairy Farm Road; that the property is
adjacent to other properties owned by the applicant and surrounded by
AR-1 zoning and is adjacent to a large existing pond; that the applicants**

Public
Hearing/
CU2568
(continued)

have owned this property since 2014; that the property is located in the Coastal Area on the 2045 Future Land Use Map and the property is located in the State Investment Level 3 on the 2020 Delaware State Strategies Map; that the property is improved with an existing church, parking area, stormwater management; that the building sits back approximately 300 feet from US Route 9; that the property is connected to an on-site sanitary septic system and uses an existing well for domestic water; that Conditional Uses are subject to provisions of Articles 2 through 24 in section 115-22 of the Zoning Code; that the purpose of the conditional use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by the rigid application of the district regulations; that the Unitarian Universalist Society of Southern Delaware is dedicated to being an inclusive spiritual hub for the region that responds to the needs of the changing world; that they are requesting a 32 square foot on-premise electronic messaging sign sitting below a 16 foot square foot illuminated on premise sign; that this sign is going to take place of two signs they currently have on the property; that the sign will meet all setbacks and be placed further back on the property than the existing sign; that the electronic message center will follow the regulations that apply to all electronic message centers; that the sign will remain fixed for the required minimum 10 seconds and will change in one second or less with an illumination changing simultaneously and in unison; that the sign will have the safety features necessary for any malfunctions that should occur; that the sign will adjust to all ambient lighting levels and will have automatic dimming controls; that the sign will not emit any audio, verbal announcements or noise of any kind; that the electronic messaging science offers a multitude of benefits that traditional signage simply can't match, making them a popular choice for businesses, organizations, and institutions looking to enhance communication, marketing and safety initiatives; that electronic signs can be updated instantly and remotely, allowing places of worship to adapt to the changing needs, promote services and announce upcoming events without the cost and delay of traditional print; that churches can tailor messaging to specific audiences or just content based on factors like the time of day, the weather, or events; that this flexibility ensures that messaging is always relevant and impactful; that the proposed EMC sign will not alter the character of the surrounding area in any manner, and that substantially limits and pairs or precludes the use of surrounding properties; that the sign will be located approximately 150 feet from adjacent dwellings on properties of other ownership; and 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 essential, desirable for the general convenience, growth, prosperity and welfare of the County.

**Public
Hearing/
CU2568
(continued)**

Public comments were heard.

Ms. Alison White spoke in opposition of the application; that there are houses that have sight from the sign from their back windows; that there is a solid fence between Route 9 and the houses; that people can see the church property from their back windows; that there are houses that have windows that face the sign head on; that they have concerns about the lighted sign; that the Village of Red Mill Pond request that the sign be turned off overnight.

Ms. Alison Schneller spoke in opposition of the application; that her house will be affected by the sign; that she can see the church property outside of her house; that she believes that it will shine light into her window; that she requests that the church plant trees along the side of their fence to block out the light.

The Public Hearing and public record were closed.

**M 428 25
Defer
Action/
CU2568**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley 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 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”.

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/
CZ2001**

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-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” (property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20033 John J. Williams Highway, Lewes) (Tax Parcel Nos.: 334-18.00-40.01 & 40.06) filed on behalf of Belmead Farm, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on March 19, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application

**Public
Hearing/
CZ2001
(continued)**

for the 16 reasons and subject to the 19 recommended conditions of approval as outlined.

The Council found that Mr. Mike Riemannn, from Becker Morgan Group, spoke on behalf of the Applicant; that the presentation will show that they are meeting the requirements for a C-4 Zoning District by the land area shall have access to an existing or planned arterial road (Route 24), the land shall be served by adequate existing or planned infrastructure, the minimum area is three (3) acres, the land will be under single ownership and the district may have a maximum of 40% developable area as duplexes, townhomes and multifamily dwellings; that the Code outlines a criteria to meet the intent for the C-4 zoning district; that the site is located along Route 24 next to Beacon Middle School, with Love Creek Elementary School across the street and the new State Police Troop 7 facility around the corner on Mulberry Knoll Rd.; that location is key for this project and it provides services to residents West of Route 1; that the project is within the Henlopen TID and the site includes an area where growth is targeted and planned along with transportation infrastructure; that the site is located within the Level 2 of the State Strategies, which reflects areas where growth is anticipated; that this location is good for this type of application, given the existing uses in the area; that the site is located within a Coastal Developing Area and the Future Land Use Map identifies the site as Commercial; that according to the Comprehensive Plan Commercial areas include Commercial corridors, shopping centers and other medium and large commercial vicinities geared toward vehicular traffic; that there is a shortage of housing; that this will provide a need for affordable housing; that they have no objection to interconnectivity; that they do not want to do a connection to the South; that there is a dead end road; that if they are coming out to get to services, Mulberry Knoll Road and Route 24 were recently upgraded; that they are able to handle the anticipated traffic; that the site has utilities available, with sanitary sewer, electric, gas and water directly in front of the property and available to the site; that a letter from Tidewater has been provided as an ability to serve; that the Master Plan consists of three (3) predominant areas, the multifamily area in the rear of the property, with 724 unit multifamily garden style apartments, mixed-use buildings with the mixture of commercial spaces on the ground level and residential spaces above and five (5) commercial pads along the front of the property with a service road running along the front tying all of those parcels together; that there will be adequate parking for the commercial areas and the residential; that there are a number of garages throughout the property, a place for a clubhouse and pool, sidewalks and interconnectivity and outdoor seating areas and patios; that there are landscape buffers, buffers from the wetlands and floodplain and they will have at least 5% of the multifamily parking as electric vehicle capable; that the main entrance is a boulevard style entrance with angled parking for the commercial area and sidewalks and pedestrian pathways to create an environment that is

**Public
Hearing/
CZ2001
(continued)**

integrated design for the commercial and residential aspects, which is the intent of the C-4 Master Plan; that there are Non Tidal Wetlands in the lower left corner of the site, which would require a minimum of a 30 foot resource buffer and the Applicant is offering to put in a 100 foot resource buffer around that area; that the Applicant is clearing about 50% of the trees on the property, being approximately eleven (11) out of the forty (40) acres are tree coverage; that the property is located within the Henlopen TID, which means that DelDOT has determined this area to be where growth is planned and identified with transportation improvements; that DelDOT completes a long term traffic study and determines the appropriate improvements needed to accommodate growth and assess a fee that developments are required to pay; that with a TID there is normally no need for a traffic study to be completed, but the Applicant chose to do one because the density that was allocated for this AR-1 property was forty-seven (47) single family units, which does not equate with the idea of forty (40) acres and possibly up to eighty (80) units as a cluster subdivision; that the TID did not follow the Comprehensive Plan; that the commercial future land use allows up to twelve (12) units per acre; that DelDOT has a process that if a project is within a TID and the density exceeds what was projected then they would require a traffic study to be done by the developer; that the Applicant went through that process already to provide updated data for this area; that this study concluded that this project, at a higher density than what was proposed in the original TID, can still be accommodated within the TID improvements that are proposed; that based on the TIS within the proposed densities will have a fee of about \$2 million; that DelDOT has done a significant amount of improvements along Route 24 from 2021 through current, including seven (7) major projects spanning from Route 1 going West on Route 24; that some of those improvements include widening the road from one lane in each direction to two lanes in certain areas along Route 24, improving pedestrian improvements and signalization improvements; that right in front of the site there are four (4) lanes that go to the middle of the site and DelDOT wants to put an intersection in at our entrance directly across from Saddle Ridge, to create a four (4) way intersection as well as extend the two (2) lanes to our westerly frontage limits; that this project sits along the public transit route and the Applicant plans to add a bus stop; that a key issue is that housing is located away from where people work; that this project works to help put people closer to where they work; that the Commission requested a one-time fee to support fire and EMS; that the applicant has no objection; that this project will also contribute to the local school district with additional fees; that multi-family projects do not generate the same number of children in school as single-family dwellings; that there has been many studies done to prove this matter; that in terms of the design, there are minimal aesthetics with natural elements to promote the coastal living approach; that there will be outdoor spaces, seating, patio spaces and bike racks and areas; that the apartments in the rear will be garden style with three stories due to the height restriction as the Applicant would like to

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Hearing/
CZ2001
(continued)**

propose some rooftop elements, but cannot due to that restriction; that the affordable housing is giving a multifamily product at a lesser cost than that of the \$800,000 single family homes that are being built all over the County in the new subdivisions; that this is the perfect location for this type of development as there are schools, medical facilities and the state police all within a close proximity, and the need for affordable housing is needed amongst these workers; that the Applicant is committed to pricing at least 10% of the units below the 120% AMI; that Sussex County's 120% AMI to deem housing affordable is about \$2,136 a month and the market rate rents are between \$1,695-\$2,295; that the Applicant will work with the County to develop a rate structure that brings the rents down below the 120% for those 10% of units; that the project is supported by the Office of State Planning with no objections from them and the Delaware State Housing Authority has sent positive recommendations for support of this project; that in order for this project to work the density needs to be essentially 60% commercial with no more than 40% being residential; that this is the right project in the area that meets all of the requirements; that there are many benefits to mixed use.

Ms. Gruenebaum questioned if the traffic study includes the people that will be pulled into the area for the businesses and residences that are planned; that Mr. Riemann stated that it does.

Ms. Gruenebaum commented about the Comprehensive Plan and her doubts about how this project fits in with the quality of life and existing development in the area. Mr. Riemann replied that the study looks at the future as well as the projects that are coming and the traffic signal will improve the ability to make a left out of Saddle Ridge.

A discussion was held about interconnectivity and the recommendation from the Planning & Zoning Commission.

Mrs. Brandy Nauman, Director of Community Development and Housing stated that this is not a Sussex County Rental project; this is a proposed workforce set aside by the applicant. She added that the applicant has proffered that they will submit information annually and the set aside will be in the appropriate range. Mrs. Nauman reviewed the income requirements and estimated rent amounts.

Public comments were heard.

Ms. Susan Davis spoke in favor of the application; that Sussex Housing Group supports this project; that the affordable housing is needed in this area; that they are needed for people to live near where they work.

Sarah Coakley, DelDOT Principal Planner provided information regarding traffic. It was discussed that the Atlantic Fields application came in after

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(continued)**

this application.

Mr. Riemannn stated that his client is now willing to do 15% of the units below the 120% AMI.

Ms. Tish Gaulo spoke in favor of the application; that this is a start for affordable housing; that there are many people trying to find affordable places to live near where they work.

Ms. Lynne Betts spoke in favor of the application; that she is a member of St. Vincent De Paul; that the infrastructure has been worked on the last two years with improvements; that the jobs are located on this side of the County; that trying to get people back and forth for work is not sustainable; that this allows people to live where they work.

Ms. Sonja Star spoke in favor of the application; that she represents Delaware Housing Coalition and Housing Alliance Delaware; that there is not enough housing; that families, children and employers lose with the lack of housing for people that need affordable housing; that this project will produce multi-family units with affordable housing; that all affordable housing units are welcomed.

Ms. Judy Rose Siebert spoke in opposition of the application; that she presented a power point presentation discussing concerns related to transportation, TID/TIS reports and major impact of the traffic on Route 24, clearing forested land and water pollution, infrastructure and impact on the local school district; that Route 24 Alliance did an opposition to the application.

Ms. Rosalind Mailander spoke in opposition of the application; that she discussed the traffic hazards and dangers; that she discussed the TID and the project projections.

Mr. John Niemkiewicz spoke in opposition of the application; that he does not want commercial property located next to his residence; that he is opposed to the rezoning request; that he does not believe that it provides a lot to the surrounding community; that the affordable housing is limited; that he discussed goals of the Comprehensive Plan and traffic concerns.

Mr. Michael Rollins spoke in opposition of the application; he spoke about the ecological impacts of the proposed development.

Ms. Doreen Rushton spoke in opposition of the application; that affordable housing is often priced higher than what the workers it claims to support can afford; that many of these workers cannot afford to live in the community where they work.

Mr. Ken Delmar spoke about the application; that we do not need anymore

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CZ2001
(continued)**

mini development style projects; that he does not believe that this development is needed.

Mr. Bill Mailander spoke about the application; that he discussed interconnectivity and infrastructure; that he submitted documents into the record.

Ms. Alison Antisz spoke about the application; that she spoke about sustainability; that she discussed the water and quality; that her quality of life will be affected by this project.

Ms. Pat Fowler spoke about the application; that the area floods regularly; that she expressed concerns about getting in and out of this area in the event of an emergency.

Mr. Terry Bartley spoke about the application; that he believes that the application does not meet the Zoning Code and discussed his reasons why he believes that to be true.

Ms. Janet Le Digabel spoke about the application; that she hopes there is a 6-foot-high privacy fence if this is approved; that the population in Lewes and Rehoboth has increased; that all of the people that spoke in favor do not live in the area.

Ms. Wendy Taylor spoke about the application; that she spoke on ways to have developers do more; that she requested that the outpacing of infrastructure be stopped.

Mr. William Sack spoke about the application; that he spoke about traffic in the area; that this is a new zoning which is precedent setting.

Ms. Karen Soto spoke about the application; that she spoke about the traffic impact in the area.

Ms. Drenna Edelman spoke about the application; that it is very challenging to get in and out of her residence; that she discussed the increased drainage.

Dr. Scott Weber spoke about the application; that removing forest will increase the flooding risks.

Ms. Susan Petze-Rosenblum spoke about the application; that she requested the County to purchase the property for conservation.

Ms. Christy Singer spoke about the application; that she spoke about drainage that would come from the property if it were developed; that she spoke about noise pollution; that she discussed security for the nearby

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CZ2001
(continued)**

properties.

A remote caller spoke about the application; that he suggests that this become a County park; that traffic is an issue in the area.

The Public Hearing was closed.

Many of the public comment speakers presented comments and presentations that can be found here: [Sussex - Land Use Application Docket](#).

**M 429 25
Defer
Action/
CZ2001**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” and for a two week period, the Council will have the opportunity to formally submit questions to DelDOT and DNREC. Those questions will be submitted to Mr. Whitehouse who will forward them to the agencies. Then, two weeks for the agencies to respond to those questions to Mr. Whitehouse. Then, there will be two weeks for the record to be left open to allow anyone to respond to those responses; there will be no new evidence presented.

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/
CZ2024**

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 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” (properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road [S.C.R. 373], and the west side of Horse Play Way, accessed from the west side of Roxanna Road [Rt. 17], approximately 0.48 mile south of Peppers Corner Road [S.C.R. 365]) (911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945) (Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18) filed on behalf of The Christopher Companies.

The Planning & Zoning Commission held a Public Hearing on the application on August 6, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended denial of the application for

**Public
Hearing/
CZ2024
(continued)**

the 7 reasons as outlined.

The Council found that Mr. David Hutt, Esq., was present on behalf of the Applicant, The Christopher Companies; that also present were John Regan and Carmen Marinelli, representatives of the Christopher Companies, Jason Palowski, professional engineer with Solutions IPEM and Troy Brestel with the Traffic Group. Mr. Hutt stated that this public hearing is for a change of zone application that encompasses 6 tax parcels totaling 94.7 acres of land; that the Commission recommended denial of the application; that the applicant considered the recommendation and it is felt that this is a strong application; that the Commission's recommendation appeared that some items needed to be changed; that the Commission provided seven reasons for their recommendation to deny; that 6 and 7 repeat the previous reasons so there are really 5 reasons; that the applicant could have moved forward with a subdivision application; that the application seeks to change the zoning classification of those properties from their current agricultural residential district classification (AR-1) to an MR-RPC designation, which is the county's medium density residential district with a residential plan community overlay; that this MR-RPC application proposes 320 units with a mixture of two styles of single family homes, with some within a condominium ownership regime and conventional lot ownership regime; that the other type of housing that would be provided is townhomes; that this property was carefully selected based upon the land planning tools that were promulgated by the State of Delaware, specifically the Office of State Planning Coordination and by Sussex County through the Comprehensive Plan and the zoning code; that the site plan was carefully tailored when it was designed to match the physical characteristics of this property as well as the surrounding property which is within the Town of Millville; that the property is located just off of Burtons Farm Road; that if you were to travel on Burton Farm Road, on the western side of that road is Jones Road, on the eastern side of that road is Powell Farm Road, and if you turn on the Powell Farm Road that would take you to Route 17 (Roxana Road); that the community of Millville by the Sea is adjacent to this property and is within the town limits of Millville, and is currently still being developed; that the property to the south is within the 10-year Agricultural Preservation District and is known as Hudson's Heritage Expansion; that this property is located in Levels 2 and 3 of the State Investment Levels; that the state describes Investment Level 2 should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments and enhanced community identity and integrity; that investments should encourage departure from typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable that the State's intent is to use its spending and management tools to promote well designed development in these areas so that development provides for a variety of housing types, user-friendly transportation systems, essential open spaces and recreational facilities, other public

**Public
Hearing/
CZ2024
(continued)**

facilities and services to promote a sense of community; that this is where the state anticipates and encourages growth, and encourages a departure from single family dwelling developments; that this application is a mixture of housing types that are being provided for and is a well-designed Community; that the property is within the Coastal Area on the 2045 Sussex County Future Land Use Map which is one of the County's growth areas where a range of housing types should be permitted; that medium residential district is one of the applicable zoning classifications within the coastal area; that the property is adjacent to other properties within the coastal area and municipal areas; that as this development is adjacent to the municipal boundaries of Millville, however, it will not be annexed into the town as Millville would have to change their Comprehensive Plan to make that change; that the purpose of this district is to provide for medium density residential development in areas which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that this application is for the 320 units with that mixture of specifically is 87 single-family homes, 72 condominium ownership single-family detached homes and 161 townhomes; that the gross density for this application is 3.88 units to the acre; that this is consistent with the density of other residential projects in the area and less than some; that Millville by the Sea has a density of 4.2; that section 115-118 of the Sussex County Code states that the purpose of the RPC overlay, is to encourage large scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the comprehensive plan; that in order to create that superior living environment, or as it was referred to in the description, for level 2 in the Office of State Planning Coordination, State Strategies Manual, a well-designed community, the property was studied to determine its primary ecological factors which is consistent with good planning; that the wetlands were delineated and show an existence of 4.3 acres of non-tidal wetlands on the property; that there are two tax ditches on the property; that there are resource buffers A and B with some averaging to be included in the development; that all the resource buffers are the appropriate distances away a required by code and exceeding it in many places; that the area where the wetlands is located and which is the primary wooded area on the property, is left undisturbed; that the open space with area A that is along this side of the property is a 19.6 acre area which is 20% of the property which will also serve as a habitat area for wildlife; that the entrance to this development will be off of Burton Farm Road and is a full entrance with a right hand turn lane and a left hand turn lane; that as you enter the community you would go along the western boundary into a primary amenity area with a proposed clubhouse, pool and some sports courts; that this would be an ideal location for a school bus stop as parents could use the parking lot and the bus would not have to do any backup maneuvers; that in addition to the 19 acres of open space on the western

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CZ2024
(continued)**

side of the property there are additional open space including stormwater management areas; that the total area of open space is 43.2 acres or 45.6% of the site; that there will be a pocket park and a walking path throughout the community; that there will be sidewalks on both sides of the streets; that the property will have a minimum 20-foot landscape buffer but in areas next to Agricultural lands that have a 50-foot setback that is shown on the plans; that the FEMA maps show this property as being located within Zone X, which is an area outside of the 500 year floodplain; that public utilities are available for the site and Artesian Water Company has provided a letter stating they can provide central water and Artesian Wastewater Management can provide central sewer to the property; that the property is not located within a wellhead protection area, and the property is located in a fair groundwater recharge area; that a Property Owners Association will be created to manage and govern the common areas within the community, which would include the resource buffers, the amenities, and all of the other typical common ownership matters; that the property is located within the Indian River School District and the applicant will coordinate with the district on the location of a bus stop; that a Service Level Evaluation Request was filed with DelDOT and they indicated that the traffic impact for this proposed community is a major impact; that a Traffic Impact Study (TIS) was prepared by Betty Tustin with The Traffic Group.

Mr. Troy Brestel, P.E. from The Traffic Group spoke on behalf of the application; that DelDOT has provided a review of the TIS stating that the intersections show no deficiencies; that although there are no deficiencies in the intersections but there are still requirements to include a full access entrance to the community including right hand and left hand turn lanes and making a contribution toward the future construction of a roundabout at Powell Farm Road, Peppers Road, and Roxanna Road.

A discussion was held about the traffic and roadways; that the applicant is willing to topcoat the road further than previously discussed to address the concerns raised.

Mr. Hutt stated that the Applicant recognizes that there is a need for Affordable Housing in Sussex County and is proffering a contribution of \$2,250 per building permit to be contributed to either the Sussex County Housing Trust Fund or Habitat for Humanity and the result is a contribution of \$720,000 towards affordable housing from the Flyaway Farms community; that with respect to emergency services, the applicant is proffering a contribution of \$250 be made with each building permit to the Roxana Volunteer Fire Department totaling \$80,000; that in addition the applicant is proffering that the governing documents of the future Property Owners Association for the community will require, on average, each unit to contribute \$10 per month to the Roxanna Volunteer Fire for an annual contribution of approximately \$38,000; that the features of

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CZ2024
(continued)**

the site create a superior design to integrate the existing features of the property and then maintain the character of the area as Millville by the Sea expands West to meet this property; that the Comprehensive Plan states that the Coastal Area can accommodate development provided special environmental concerns are addressed; that it goes on to state that medium and higher densities, and it refers to medium and higher densities as something between 4 to 12 units per acre can be appropriate in certain locations, and has a series of factors that the Planning Commission and County Council would consider that those factors include where there is central water and sewer available, where the property is near sufficient commercial uses and employment centers where it's in keeping with the character of the area, where there is adequate level of service and then other or other considerations may exist; and that this property has central water and sewer available and that it is near commercial uses and employment centers; that there are five reasons that the Commission recommended denial; that for the first reason deals with the purpose of the MR District; that the definition of a purpose is something is expected to become urban in character; that the description fits Millville by the Sea which is next to this property; that it is where growth is intended to be; that the Code also states that in MR you may or may not have central water and sewer; that the second reason given discusses access to local roads and town center; that it is close to the Hocker Super Center, 84 Lumber and is near employment opportunities that the Town of Millville provides; that the third item stated that this was not an appropriate density; that the agricultural preservation district is not a permanent area; that the property owner can opt out; that the fourth factor states that the Comprehensive Plan does not support this application; that the Commission then quotes directly from the Comprehensive Plan; that the density for this application is more than two, however less than four; that those six considerations are all met with this application; that there will be central water and sewer; that the property is three miles from local shopping center and employment centers; that within two miles of the site is the Bebee South Coastal Emergency Center; that the RPC tool allows Council to apply conditions; that the TIS letter states that all intersections have adequate level of service as well as the roadway; that Millville by the Sea is located near the property with higher density; that Burton Farm Road will be improved more than 80 feet as referenced in the Commission's recommendation; that the applicant has agreed to top coat a larger portion of the road; that the recommendation ignored the RPC due to the reasons stated; that there are proffered contributions; that conditions of approval were distributed; that condition J was added to include the installation of a fence as requested by a neighboring property owner; that there was no opposition during the PZ hearing; that there are now three letters of support; that this application was carefully planned.

Public comments were heard.

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(continued)**

Mr. Paul Skbicki spoke in opposition of the application; that he discussed the wetlands, road conditions and increased traffic; that if this project is approved, he would request a large vegetative buffer.

Mr. John Subity spoke in opposition of the application; that he requested that the Commission's recommendation be followed; that Millville by the Sea has many amenities that this community does not have proposed; that he does not believe Burton Farm Road can handle the traffic.

The Public Hearing and public record were closed.

**M 430 25
Defer
Action/
C2024**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO 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".

Motion Adopted: 5 Yeas

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

**M 431 25
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to adjourn at 7:57 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.}