

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 22, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 22, 2026, 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 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 416 26 Approve Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the Agenda, as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from September 1, 2026, were approved by consensus.
Corre- Spondence	There was no correspondence. There were no public comments.
Public Comments	A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to approve the following item under the Consent Agenda:
M 417 26 Approve Consent Agenda	Use of Existing Wastewater Infrastructure Agreement, IUA 1264 Sycamore Chase Expansion, Miller Creek Area Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Presentation	John Wellons, President of the Boys & Girls Club of Delaware provided a

presentation outlining their work at the Georgetown location and plans to relocate.

Recognition **Kelly Kruger was recognized for her retirement.**

Appointment **Mr. Lawson reported that an appointment is needed for the Delaware Opioid Commission.**

M 418 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd be it moved that the Sussex County Council approves the appointment of Mr. Todd F. Lawson to the Delaware Opioid Settlement Commission for the two year term and effective immediately.**

Motion Adopted: 5 Yeas

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

DelDOT Workshop **Mr. Lawson provided an update related to the upcoming Delaware Department of Transportation workshop.**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Vines Creek Crossing (Section 1 Plan Review) and (Section 1 - Phase 1 Construction Record) received Substantial Completion effective September 15th.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for August 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of August.

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

SCLT Resolution **Gina Jennings, Finance Director, presented a grant resolution for Nanticoke Crossing Park with the Sussex County Land Trust.**

M 419 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to Adopt**

Adopt Resolution R 006 26/ SCLT Nanticoke Crossing **Resolution No. R 006 26 entitled “TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIORNMENTAL CONTROL’S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE DESIGN AND INSTALLATION OF A BOARDWALK AND OBSERVATION DECK AT NANTICOKE CROSSING PARK”.**

Motion Adopted: 5 Yeas

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

Lease/ Cooper Bearings **Andrew Harton, Director of Economic Development, presented a lease assignment for the Delaware Coastal Business Park for Cooper Bearings, Inc. for Council’s consideration.**

M 420 26 Approve Lease Assignment/ Cooper Bearings **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved that the Sussex County Council approves the request of Cooper Bearings, Inc., tenant of lot 25A located at 21629 Baltimore Avenue in the Delaware Coastal Business Park to assign their lease to PRD Realty Holdings, LLC.**

Motion Adopted: 5 Yeas

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

Medic Station 109 **John Wright, Deputy Director of EMS presented a lease agreement for Roxana Medic Station 109 for Council’s consideration.**

M 421 26 Approve Medic Station 109 Lease **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that the Sussex County Council terminates the current lease with Hale Trailers, and enters into a new lease for the property located at 36731 Breakwater Run, Selbyville, DE 19975 for paramedic station 109 effective October 1.**

Motion Adopted: 5 Yeas

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

Briarwood Estates CO **Paul Mauser, Assistant County Engineer, presented change order no. 1 for Briarwood Estates septic elimination for Council’s consideration.**

M 422 26 Approve CO **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Council**

**No. 1/
Briarwood
Estates** **Engineering Department that change order no. 1 for contract S23-11, Briarwood Estates septic elimination project be approved increasing the contract by \$70,587.42 contingent upon DNREC approval.**

Motion Adopted: 5 Yeas

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

**Bethany
Forest** **Paul Mauser, Assistant County Engineer, presented amendment no. 5 for Bethany Forest septic elimination for Council's consideration.**

**M 423 26
Approve
Bethany
Forest
Amend No.
5** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Council Engineering Department that amendment no. 5 from GMB for contract S26-16, Bethany Forest septic elimination project be approved at the not-to-exceed amount of \$395,000.**

Motion Adopted: 5 Yeas

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

**Taxiway B
Completion** **Bob Bryant, Airport Manager, presented a substantial completion request for taxiway B for Council's consideration.**

**M 424 26
Approve
Substation
Completion/
Taxiway B** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport that project closeout be granted with substantial completion occurring retroactive to October 3, 2025 with any held retainage released in accordance with contract documents for Taxiway Bravo bid package 1, Sussex County project A24-15.**

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 425 26
Encore
Creativity
Corporation** **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Encore Creativity Corporation for their creative aging through song 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 426 26 **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$3,000**
Greater **(\$3,000 from Mr. Rieley's Councilmanic Grant Account) to Greater**
Millsboro **Millsboro Chamber of Commerce Inc. for their greater area Millsboro**
Chamber of **visitor's guide.**
Commerce

Inc. **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 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give**
Chamber of **\$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to**
Commerce **Chamber of Commerce for Greater Milford, Inc. for their Riverwalk**
for Greater **Freedom festival.**
Milford, Inc.

Motion Adopted: 5 Yeas

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

M 428 26 **A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$750**
People's **(\$750 from Mr. McCarron's Councilmanic Grant Account) to People's**
Place II, Inc. **Place II, Inc. for their little comforts, growing connections program.**

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**
Ordinance **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
Introduction **AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIALTY**
 TRADE CONTRACTOR BUSINESS TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY,
 CONTAINING 3.0 ACRES, MORE OR LESS" filed on behalf of Robert S.
 Norwood, Jr.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1

Proposed Ordinance Introduction (continued) **AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.5 ACRES, MORE OR LESS” filed on behalf of Walter Gonzalez Diaz.**

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PREPARATION, PROCESSING AND STORAGE OF MATERIALS IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A 4-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 158.75 ACRES, MORE OR LESS” filed on behalf of ML Joseph Sand & Gravel Co., Inc.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR AUTOMOTIVE AND MECHANICAL MACHINE REPAIR AND STORAGE FOR A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.247 ACRES, MORE OR LESS” filed on behalf of Keller Camarco.

CM Comments **Mr. McCarron commented about potential affordable housing applications that have been introduction since the recent passage of two bills.**

M 429 26 Go Into Executive Session **At 10:49 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to go into Executive Session to discuss matters related to land acquisition.**

Motion Adopted: 5 Yeas

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

Executive Session **At 10:55 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session ended at 11:13 a.m.**

M 430 26 Reconvene **At 11:16 a.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of Executive Session and back into 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

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

**M 431 26 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to
Recess 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, Yea; Mr. Rieley, Absent;
Mr. Hudson, Yea**

**M 432 26 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to
Reconvene reconvene.**

Motion Adopted: 5 Yeas

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

**Public A Public Hearing was held for the Belmead Farm, LLC annexation into the
Hearing/
Belmead Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
Farm John Ashman, Director of Utility Planning & Design Review provided an
Annexation overview of the proposed annexation.**

Public comments were heard.

**Ms. Judy Rose Siebert commented that the Route 24 Alliance group feels
that this request should be deferred while the application is in litigation.**

**Mr. Mike Rieman commented that this project is in the growth zone and
spoke on behalf of the applicant in favor of the application.**

The Public Hearing and public record were closed.

**M 433 26 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt
Adopt Resolution No. R 007 26 entitled "A RESOLUTION TO EXTEND THE
Resolution BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER
No. R 007 DISTRICT (SCUSSD), TO INCLUDE BELLE MEADE, TWO PARCELS,
26/
Belmead ON THE SOUTH SIDE OF JOHN J. WILLIAMS HIGHWAY ROAD.
Farm THE PARCELS IS LOCATED IN THE LEWES & REHOBOTH
Annexation HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE
into OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX
SCUSSD COUNTY, DELAWARE".**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
Cedar Creek
Station**

A Public Hearing was held for the Cedar Creek Station annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area).

John Ashman, Director of Utility Planning & Design Review provided an overview of the proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 434 26
Adopt
Resolution
No. R 008
26/
Cedar Creek
Station
Annexation
into
SCUSSD**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Resolution No. R 008 26 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ELLENDALE AREA, TO INCLUDE ONE PARCEL ON THE WEST SIDE OF DUPONT BOULEVARD LOCATED IN THE CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

Rules

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

**Public
Hearing/
CU2561**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL DOG KENNEL AND VETERINARY CLINIC TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (property is lying on the north side of Lighthouse Road [Rt. 54], approximately 0.22 mile west of Dickerson Road [S.C.R. 389]) (911 Address: 33049 & 33053 Lighthouse Road, Selbyville) (Tax Map Parcel: 533-18.00-12.00) filed on behalf of Frank Miranda.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On August 19, 2026, the Commission

**Public
Hearing/
CU2561
(continued)**

recommended approval of the application for the 5 reasons of approval and subject to the 5 recommended conditions as outlined.

The Council found that Mr. Frank Miranda, applicant and property owner, spoke on behalf of his application. Mr. Miranda stated that the Heavenly Hound Hotel has been in operation for over 40 years, under a Special Use Exception approval, which required renewal every five years; that Coastal veterinary clinic has been in operation under the same Special Use Exception for the last ten years; that he was trying to avoid the requirement to come back every five years; that they have a lot of employees and clients that benefit from these businesses.

There were no public comments.

The Public Hearing and public record were closed.

**M 435 26
Adopt
Ordinance
No. 4086/
CU2561**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4086 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL DOG KENNEL AND VETERINARY CLINIC TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The Applicant testified that the veterinary clinic and kennel has been in operation for decades on this site. It was previously the subject of multiple Special Use Exception approvals for this use, with the most recent granted on September 9, 2019, by the Sussex County Board of Adjustment. By Code, each of those prior approvals is only valid for a period of five years. This Conditional Use application is being sought for the same existing use so that the approval will become permanent.**
- 2. The clinic and dog kennel will continue to be located within the existing buildings on the property, including the existing 18 dog runs.**
- 3. The use is consistent with other uses that exist on nearby properties, including an industrial park, retail stores, restaurants and other businesses. Sussex County owns a large undeveloped tract of land adjacent to the property, as well. The conditional use as a veterinary clinic and kennel is also consistent with the underlying AR-1 zoning.**
- 4. No parties appeared in opposition to the Application and one party testified in favor of the Application, stating that there is a real need for veterinary services in this area of Sussex County and the existing clinics typically have waiting lists for new patients.**
- 5. Given the longstanding use of the property, there is no evidence that the use will have an adverse effect on the neighboring or adjacent properties. Again, this Conditional Use just reaffirms the multiple**

**M 435 26
Adopt
Ordinance
No. 4086/
CU2561
(continued)**

- prior Special Use Exception approvals for this use on this property.
6. Consistent with the prior Special Use Exception approvals issued by the Sussex County Board of Adjustment, this recommendation is subject to the following conditions:
- a. The use shall be limited to a veterinary clinic and commercial dog kennel.
 - b. The dogs using the kennel shall be enclosed indoors after 6:00 pm each night, except for being taken outdoors once before bedding down for the night.
 - c. The facility may be open between the hours of 7:00 a.m. and until 9:00 p.m., each day with the exception of emergencies.
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the site.
 - e. In the event one is not currently on file following the prior Special Use Exception approvals, the Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CZ2042**

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 (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 ACRES, MORE OR LESS” (properties are lying on the north side of Old Mill Bridge Road [S.C.R. 381], the south and east sides of Bayard Road [Route 54/S.C.R. 384], and the south side of Lantern Lane, approximately 0.19-mile south of the intersection of Bayard Road [Route 54/S.C.R. 384] and Double Bridges Road [Route 54/S.C.R. 363]) (911 Addresses: 35987 & 36159 Daniel Way, 35379 Bayard Road, 35400 Lantern Lane, Frankford) (Tax Map Parcels: 134-19.00-108.00, 110.04, 110.05 & 110.00 [P/O] and 134-21.00-3.00 & 4.00 [P/O]) filed on behalf of NVR (Lantern Cove).

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On September 2, 2026, the Commission recommended denial of the application for the 10 reasons as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, ELU DeLuca Mid-Atlantic, LLC; that

**Public
Hearing/
CZ2042
(continued)**

also present were Mr. Joe DeLuca, representative of ELU DeLuca Mid Atlantic, LLC, Mr. Matthew Jeanette, Vice President with Geo Technology Associates, and Mr. Jason Palkowitz, Professional Engineer with Solutions IPEM.

Mr. Hutt stated that the application requested a Change of Zone for parts of four tax parcels, and all of two tax parcels, being an assemblage of various parts of six pieces of property; that the total acreage of the parcel assemblage was 57.21 acres; that the application requested to change the zoning classification of those properties from AR-1 (Agricultural Residential) District to the MR (Medium Density Residential) Zoning District with an RPC (Residential Planned Community) overlay; that the Commission recommended denial of the application during their meeting on September 2, 2026; that this is a strong application; that the Commission's recommendation it appears that several items need to be clarified; that there has to be substantial evidence on the record; that there is a weighting of evidence that the Council considers; that there are several professionals that have contributed to this application; that the site was located on the east side of Bayard Road; that the site's eastern boundary line was shared with the western boundary line of the Estuary community; that the property currently had a single-family home on it, some wooded areas, some timbered areas, and other areas used for agricultural purposes; that the RPC application proposed 179 units, which included a mixture of housing styles, consisting of 59 detached single-family homes, and two types of multi-family homes; that six duplexes and 114 townhomes were proposed for the site; that Old Mill Bridge Road was located to the south of the site; that the entrance to Lantern Cove was located at the same location as the intersection of Daisey Road and Byard Road; that at the northwest intersection was the location of the Bayard Business Park, being the location of Custom Mechanical, Storage 302, True North Land Surveying, Keller Williams, and Canine Training Facility; that northward was the location of a church; that at the intersection of Bayard Road and Double Bridges Road, was the location of commercially zoned properties, and business activities; that per the 2020 State Strategies Map, the property was primarily located within an Investment Level 3 area, as was almost the entire surrounding area; that a few area where designated as Level 2; that the 2020 State Strategies Map was used when this project was reviewed by the Office of State Planning Coordination; that being shown in Investment Level 3, the PLUS Report, stated that the property may be consistent with the 2020 Strategies for State Policies and Spending; that it stated that the Investment Level designated an area where growth was anticipated by local, County, and State plans; that in 2025, when the Office of State Planning Coordination updated the State Strategies Map, the colors on the map changed significantly, as there were only little areas of Level 2 that were previously shown; that the entire area was now shown as being primarily in an Investment Level 2 Area, with some areas being within the Level 3 sprinkled in; that if one were to compare the two maps, the areas of change were likely the locations of ecological features; that even

**Public
Hearing/
CZ2042
(continued)**

when the site was reviewed under the 2020 State Strategies Map, it was noted that the plan may be consistent with the County's plans for the area and its State Strategies; that the Office of State Planning Coordination described Investment Level 2 areas as being like Investment Level 1 areas, State investments and Policies should support and encourage a wide range of uses and densities; that it went on to say that investments should encourage departure from the typical single-family dwelling developments and promote a broader mix of housing types; that within that same section, the Office of State Planning Coordination stated, overall, the State's intent was to use its spending and management tools to promote well designed development in these areas; that such development provides for a variety of housing types; that the 2025 report from the Office of State Planning Coordination talks about Level 2 areas, having a broader mix of housing options; that it talked about efficient use of public and private investments; that it talked about maintaining and enhancing existing infrastructure in Level 2 areas, and then newer, higher density developments where applicable; that Investment Level 2 area were areas where the State expected and encouraged growth, and more specifically a departure from typical single-family dwelling developments, which was one of the reasons why the application proposed a mixture of housing types; that the policy that the Office of State Planning Coordination was consistent with the discussions that the Land Use Reform Working Group had earlier in the year, where it was confirmed the emphasis on locating new growth and new development in Investment Level 1 and Investment Level 2 area that are shown on the State Strategies Map; that the 2045 Future Land Use Map contained within the 2018 Comprehensive Plan, reflected the property and everything surrounding the property was identified as being within the Coastal Area, being one of Sussex County's seven Growth Areas; that the description of the Coastal Area within the Comprehensive Plan states that the Coastal Area was an area where a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that Lantern Cove proposed two of those types of units, being multifamily townhomes and duplexes, and detached single-family home; that the County's Future Land Use Map further reflected that the this was a Growth Area within the County; that the site was currently located within the AR-1 (Agricultural Residential) Zoning District; that at the intersection of Bayard Road and Daisey Road, was the location of properties designated as C-1 (General Commercial) Zoning District, being the location of all the previously mentioned business; that at the intersection of Bayard Road and Double Bridges Road was the location of C-1 (Business Commercial) Zoning District; that within that area was also that GR (General Residential) and the MR (Medium Density Residential) Zoning District; that the request to rezone to MR (Medium Density Residential) was consistent with the surrounding area, as there were other properties zoned MR; that also the density of the application was consistent with the overall area; that the gross density of the application was 3.13 units to the acre; that pursuant to §115-126 of the Code, there was a net density or an

**Public
Hearing/
CZ2042
(continued)**

RPC density that would be calculated by deducting the land use for things like churches, schools, State Tidal Wetlands, or commercial uses, and then either 25% of the area for streets or the actual area of the streets; that for the application, it resulted in a reduction of 6.951 acres for the actual area of the streets and the right of way dedications resulting in a net, or PRC density, of 3.56 units to the acre; that this was consistent with, and less than, the density of other residential projects within the two mile radius; that within a two mile radius of the site, was the Wilson Community at 4.1 units to the acre, Seashore Villas at 6.7 units to the acre, Ascend by the Sea at 7.3 units to the acre, Swann Keys at 5.7 units to the acre, Millville by the Sea at 4.2 units to the acre, and Ashley Manor at 3.1 units to the acre; that the application requested a rezoning to the MR (Medium Density Residential) Zoning District; that in §115-28 of the Sussex County Code, it defined the purpose of the MR District as a district to provide for medium density residential development in areas which are expected to become generally urban in character, where sanitary sewers and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings; that the district was located to protect existing development of the character and contains vacant land considered appropriate for such development in the future; that there was a mixture of residential and commercial zoning classifications within the area, including medium density zoning districts; that there was central or public water and sewer available to the site; that the Office of State Planning Coordination now identified the site as Investment Level 2 where growth was anticipated in the near term; that the site was identified within the Coastal Area; that Table 4.5-2 of the Comprehensive Plan described the MR District as a zoning district applicable to the Coastal Area designation on the Future Land Use Map; that the subject properties were chosen for the MR-RPC application because of all those characteristics from the various land planning tools and guidance provided from the State, as well as the County; that once that determination was made that it was an appropriate location from a project similar to Lantern Cove, then the property itself was studied; that the application requested a Residential Planned Community; that the purpose of the RPC District was to encourage large-scale developments as a means of creating a superior living environment through unified development and to provide for the application of designed ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that in order to create what the Zoning Code calls a superior living environment, the property was studied to determine its primary ecological features; that this is a similar process to the Cluster Subdivision process set forth in the Code; that in addition to being consistent, the RPC process being similar or consistent with the Cluster Subdivision process, it was similar to the Office of State Planning Coordination process, where it described in the PLUS letter that if a parcel were to contain environmental features or have environmental concerns or constraints, the State always requested that the Applicant work

**Public
Hearing/
CZ2042
(continued)**

with the State agencies to identify those resources to help create a more sustainable development by buffering those appropriately and avoid the construction of the course of homes or infrastructure within those areas; that the site then is placed through a Topographical Analysis; that with that process, a Wetland Delineation was performed by GTA (Geo-Technology Associates, Inc.), which showed the existence of 0.62 acres of Non-Tidal or Federal Jurisdictional Wetlands along the property; that the United States Army Corps of Engineers did issue an approved Jurisdictional Determination on April 2, 2025 confirming the delineation that Geotechnology Associates had prepared; that this identified the limits of wetlands on the site; that as the project moved forward, a Drainage Assessment and Forest Assessment were performed; that there was a Resource Buffer Management Plan developed for the property; that woods were located on the property; that in addition to the woods, there were some timbered area, and other areas available for agricultural use; that all these various features were identified on the property in seeking to come up with a superior design; that the next step was to prioritize each of those ecological features, being the prongs for the tax ditch that existed at some of the boundaries of the property, as well as the wetlands that were delineated by GTA, as being the highest priority category; that the next highest priority category was the wooded areas, located immediately adjacent to those water features; that the next level of priorities were the agricultural area, the residential area, and then the timbered areas on the site; that after the delineation of the wetlands, identifying the water features, the wooded areas and prioritizing all of those features, the next step was to lay out the network of streets, and then place the various types of units on those homes, again placing the highest priority of protection on those areas identified; that as a result of that, a purposeful design allowed for the wetlands, wooded areas, and the buffers that surround them to not be disturbed; that because of this, 5.22 acres (68%) of the existing woods would remain on the site; that once the residential homes is removed, the Applicant proposed to reforest 1.1 acres in that area; that the overall designed resulted in 32.8 acres (57%) of open space; that the site entrance will form a four way intersection at where Daisey Road currently intersects with Bayard Road; that that road would enter the community and the road would lead to the loop road for the balance of the community; that at the end of the entrance road, was the location of the proposed primary amenity area for the residents, which would include a pool house, pool and sports courts; that within the community there would be a walking trail; that the walking trail would go through the open space, and end at a gazebo; that the same walking trail would connect at a couple of locations to the sidewalk network of the community; that a sidewalk was proposed to be located on one side of the streets throughout the community; that the community would have a 30 foot landscape perimeter buffer; that there would be existing trees and greenery within the area; that there would a 20 foot perimeter buffer protection area; that another one of the superior design features was to treat the 50 foot area that the Zoning Code referred to as a separation distance where structures that require a Certificate of

**Public
Hearing/
CZ2042
(continued)**

Occupancy were not permitted, but rather than treat it in that fashion, it was proposed that there would not be any structures at all within that 50 foot area, being treated as a true setback on the plans, rather than just a separation distance; that the FEMA Maps show that the area was located within Flood Zone X, which is an area located outside of the 500 Year Floodplain; that central or public utilities are available to the site; that the project materials contained a letter from Artesian Water Company indicating their willingness and ability to provide central water to the site; that in addition the Sussex County Engineering Department provided its report to the Planning Commission, which indicated that the central sewer is available and there was capacity for the proposed community; that there are no Source Water Protection Areas, as they are described in Chapter 89 of the Zoning Code, therefore meaning, there was not a Wellhead Protection Area located within the property nor was there any Excellent Groundwater Recharge areas located within the property; that a Property Owners Association would be created to manage and govern the common areas within the community; that there were proposed covenants presented, which were ultimately reviewed by Mr. Robertson's office; that the property was located within the Indian River School District; that the Applicant would coordinate with the school district on the location of a bus stop, should the school district require one; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT's response indicated that the traffic impact was considered minor as that term is defined in Sussex County's Memorandum of Understanding with DelDOT; that when that occurs, the developer may pay an Area Wide Study Fee (AWSF) in lieu of doing a Traffic Impact Study; that as part of the process of creating the entrance for Lantern Cove, the Applicant would be creating a right-hand turn lane from Bayard Road into the community; that there would also be a left-hand turn lane for someone coming from the other direction; that in addition, there would be a left-hand turn land for someone making the turn from Bayard Road onto Daisey Road, but did not presently exist on the site; that the plan was consistent with the proposed Roxanna TID (Transportation Improvement District); that currently there was not a Roxanna Transportation Improvement District, but because DelDOT's response to the Service Level Evaluation Request specifically stated that the proposed development would be consistent with the land use and transportation plan developed for the TID; that as the plan was being developed there were assumptions with respect to the amount of residential units or commercial square footage that would be on undeveloped properties, for properties to be located within a Transportation Improvement District; that the assumption for the property fell within the proposed Lantern Cove community plans; that within DelDOT's Functional Classification of roads, there were local roads, collector roads, and both major and minor collector roads, and arterial roadways; that per Functional Classification System, Bayard Road was identified as being a major collector road; that DelDOT described major collectors as roads that serve the critical roles of gathering traffic from local roads and funneling vehicles into the arterial network;

Public
Hearing/
CZ2042
(continued)

that in this application case, it helped to get cars and people to Route 26 as one heads north and to Route 54 as one would head south; that within the Coastal Area, the Comprehensive Plan states that a range of housing types should be permitted, including single-family homes, townhouses, and multi-family units; that in addition, the same section talks about when medium and higher density, described as being four to 12 units to the acre, can be appropriate; that it talked about areas where there is central water and sewer, where it is near sufficient commercial uses and employment centers, where it was in keeping with the character of the area, where it was along a main road or at, or near, a major intersection, where there was adequate level of service, or where other considerations exist that are relevant to the requested project and density; that the description of the Coastal Area, and when medium or high density is appropriate matches the description of the MR (Medium Density Residential) Zoning District; that under the Comprehensive Plan, medium density is four to 12 units to the acre; that the proposed density of 3.56 units to the acre would not qualify as medium density; that the project was still consistent with the standard for medium density communities; that two of those factors are central water and sewer; that there was an existing water main along Bayard Road; that there was also an existing sanitary sewer main; that the both were located right of the entrance to the community, and readily available for connection; that another factor was where it was near sufficient commercial uses and employment centers; that within two to three miles there is Giant Foods, Harris Teeter, CVS, M&T Bank, Beebe Healthcare; that there are other businesses, employment centers and commercial areas within that area; that Bayard Road was a major collector as referred to by DelDOT's Road Classification System; that within the project book there was a response to the PLUS report; that there was an Environmental Assessment and Public Facilities Evaluation Report; that there was a summary of the project's compliance with Chapter 99-9C; that the project was consistent with Chapter 4 of the Comprehensive Plan, as well as Chapter 5 for Conservation, Chapter 6 for Recreation and Open Space, Chapter 7 for Utilities, Chapter 8 for Housing, and Chapter 12 for Community Design; that the proposed project creates a superior living environment as required for Residential Planned Community District through a design that has a number of features to meet that; that the plan exceeded the Resource Buffer Protection requirements; that the plan preserved 68% of the existing woods on the property; that in addition to that preservation, there was an additional 1.1 acres of woods to be planted through afforestation of what would be the former residential home site on the property; that the plan greatly exceeds the open space requirements found in the Zoning Code as it provided 57% open space; that existing and future developments are protected through the increased perimeter buffers; that all of the limited common elements are at least 40 feet from the perimeter of the property; that there would be no homes closer than 50 feet to the property; that treating the agricultural separation distance as a setback was proposed; that the project would include walking trails and sidewalks

**Public
Hearing/
CZ2042
(continued)**

on one side of the street; that there are recreational amenities; that the stormwater management design was dual purpose in that it managed the stormwater and also acted as an amenity for the community; that the project was carefully planned to match the State Strategies Map Designation, the Comprehensive Plan description as a Coastal Area or Growth Area and to create the superior living environment through the features described; that not only will the ecological features on the site be protected greater than the buffering requirements that are found within the Code, but an additional 1.1 acres of wooded areas will be created as part of the plan; that Objective 4.1.1 of the Comprehensive Plan, being in Chapter 4, the Future Land Use Chapter, the stated objective is to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth; that one of the first strategies within that Objective 4.1.1.2 is to prioritize new development in designated growth areas to better preserve other areas; that it mentioned where infrastructure was already available and adequate; that infrastructure runs along the front of the property, and that there was demonstration provided that there was capacity for the proposed community from the water and sewer providers. Mr. Hutt stated that proposed Findings of Fact and Conditions were submitted into the record. Mr. Hutt stated that proposed Condition B talked about the separation distance between the multifamily units and also the single family detached units; that Condition J was proffered by the Applicant, being that 1.1 acres of reforestation would be placed in the area of the current residential home section of the property; that proposed Condition M related to the minimum size of square footages were proposed for the amenities, such as the pool house and the water surface area of the pool; that proposed Condition T related to contributions that the Applicant proffered as part of the application; that the first contribution was a \$2,000.00 contribution at the time each building permit was obtained; that this contribution would be made to either the Sussex County Housing Trust Fund, Habitat for Humanity, or a similar organization, resulting in \$358,000; that the second contribution was proposed to the Roxanna Volunteer Fire Company, which was the fire district for the site's location; that Condition T proposed \$500.00 with each building permit, resulting in \$89,500.00 contribution made over time, and within the governing documents for the community there would be an \$8.00 per month contribution required for each unit, which would result in an annual contribution when the community would be fully built out of \$17,184.00 to the Roxanna Volunteer Fire Company; that Mr. Hutt then reviewed the Planning Commission's recommendation; that no. 1 states that the rezoning to an MR-RPC is not appropriate at this location; that the FLUM in the 2018 Comprehensive Plan identifies this area as a growth area; that there are central water and sewer available at the property's frontage; that the MR-RPC zoning district already exist 937' away from this property; that recommendation no. 2 states that the MR zoning would allow an increase in permitted density on this site along Bayard Road which cannot support the increased density that will result from rezoning this property to MR; that

**Public
Hearing/
CZ2042
(continued)**

there is no evidence that Bayard Road cannot support the increased density; that that increased density leads to a peak hour traffic that is nearly identical to a cluster subdivision on this property; that DelDOT's response was that an area wide study fee is appropriate and the proposed project is within the density assumptions within the Roxana TID; that HB450 would allow 4 units to the acre; that the third recommendation although the current Sussex County Comprehensive Plan indicates that this property is in the Coastal Area, it does not mandate that the property be rezoned to MR. The Plan states that Sussex County's density of two units per acre and the existing AR-1 zoning is appropriate in the Coastal Area. That statement supports the continuation of the existing AR-1 zoning and the two units per acre that are permitted under that district; that he then reviewed Chapter 4 of the Comprehensive Plan; that no. 4 of the recommendation states the Comprehensive Plan suggests that zoning classifications that permit densities greater than two (2) units per acre can be justified under certain circumstances. However, several of those conditions mentioned in the Plan do not exist here. For example, MR Zoning is not in keeping with the area. The site is not on a main road at/or near a major intersection – even though Bayard Road is considered a Major Collector, it is currently a two-lane road. There is no other MR zoning in the immediate area, and the proposed multi-family and townhouse dwellings are not in keeping with the character of the immediate area. Although there is a commercially zoned property across Bayard Road, that property is not used as a retail or employment center that would support this rezoning to MR. For these reasons, the Comprehensive Plan does not justify the upzoning to the MR District and the increased density that can occur there; that Mr. Hutt stated that the Comprehensive Plan defines “medium and higher density (4-12 units per acres); that the proposed project is 3.56 units per acre; that there are several components that are missing if this were medium or high density such as DelDOT classifies Bayard Road as a major collector, major collector is a 2-lane road, several townhouse and multi-family project exist in the area and there are service such as Giant Foods and M&T Bank within 2-3 miles; that according to HB450, TID is only required if more than 500 peak hours trips; that the fifth recommendation was The purpose of the RPC District is not satisfied by this Application. According to the Zoning Code, an RPC is supposed to “encourage large-scale developments as a means of creating a superior living environment through unified developments and to provide for design ingenuity while protecting existing and future developments....” These goals are not satisfied by this project for reasons including the following:

- a. This is not a large-scale development. Instead, the applicant is seeking to shoehorn a higher density multi-family and townhouse development into a relatively small irregularly shaped parcel that is surrounded by lower-density single-family and agricultural AR-1 properties.

Mr. Hutt stated that this meets the minimum requirement for an RPC in the Zoning Code; that this project provides multiple products with different

Public
Hearing/
CZ2042
(continued)

price points within the Coastal Area; that there are other units in the area with the same number of units; that b of that recommendation reads There is nothing in the record to indicate that this is a “superior living environment” or that it represents “design ingenuity”. Instead, it appears to merely seek a higher density than what is possible under the existing AR-1 zoning without a design that is superior to a standard subdivision or multi-family development design. There is nothing unique, superior or ingenious in this design, and the Applicant has failed to satisfy its burden in this regard; that he referenced Ordinance No. 2990 for Sycamore Chase which is the nearest community; that recommendation 5 c read the development is not unified with its surrounding developments. There is a complete lack of unity with the surroundings. For example, its point of access is along a roadway that serves agricultural uses, homes on large lots and AR-1 low-density single-family developments. There is no multi-family or townhouse development surrounding this site; that there is no interconnectivity between Estuary because that is a development community and did not provide for interconnectivity; that there is future interconnection with property to the south; that there are other multi-family and townhomes in the area as shown previously; that recommendation 5d read The proposed RPC does not protect the existing or future developments in the area. Instead, there was evidence in the record that this RPC would adversely affect the existing developments through the substantial increase in traffic, among other factors; that there is no evidence of a substantial increase in traffic, in fact, the traffic analysis shows minimal peak-hour increase; that recommendation no. 6 read Several neighbors appeared in opposition to this application, citing concerns about traffic along Bayard Road at the intersection with Daisey Road if this project were to be approved. While improvements are proposed, they do not, in my view, overcome the harmful impacts of the application described above. They also raised concerns about the inconsistency of creating MR zoning in this area where none currently exists. In general, there was testimony that the change in zone and the impacts of it would adversely affect the area, its roadways, its character and nearby properties. I found these reasons to be compelling; that there is no evidence from DelDOT or traffic professionals to supports the neighbors’ concerns; that MR currently exists in this area; that no. 7 of the recommendation reads There is a need for affordable housing in Sussex County, and Sussex County promotes affordable housing initiatives and development as reflected in the Comprehensive Plan. This development does not include any affordable housing opportunities within it; that if this were an affordable housing application it would have greater density than 3.56 units per acre; that without ready access to public transportation, an affordable housing route was not chosen; that there is no requirement in the Sussex County Code that a CZ application have an affordable component; that support for affordable housing was proffered by the applicant; that recommendation no. 8 stated The proposed rezoning does not promote the overall health, safety, convenience and general welfare of this neighborhood or the County; that counterintuitive that something that has the following criteria, i.e. matches all the land-planning guidance available for the

**Public
Hearing/
CZ2042
(continued)**

property does not promote the health, safety, convenience and general welfare: Comprehensive Plan (coastal area), strategies and polices for state spending (level 2), utility available: water and sewer along road frontage and similar to other projects in the area such as Sycamore Chase; that there is no evidence in the record that it does not promote the health, safety, convenience and general welfare; that recommendation no. 9 states In summary, there is nothing in the record to suggest that the proposed MR-RPC is more appropriate than the existing AR-1 zoning that currently exists on this property; that this application a lines with the Comprehensive Plan, Strategies and Policies for State Spending, utilities are available and there are similar projects in the area such as Sycamore Chase; that recommendation no. 9 states For all of these reasons, it is my recommendation that C/Z 2042 be denied; that planning tools and the record do support the rezoning; that he referenced Ordinance No. 2990 which describes the area surrounding this property; that he then discussed the comparison to Sycamore Chase and the Land Use Reform Working Group recommendation; that this project establishes clear standards for rezoning.

Ms. Gruenebaum asked questions about the wetlands and questioned the importance of the zoning for the applicant.

Public comments were heard.

Mr. Matt Shevano spoke in favor of the application.

Mr. Brent Archut spoke in favor of the application.

Mr. Daniel Rose spoke in favor of the application.

Ms. Shelia Rose spoke in favor of the application.

Mr. Andy Battin spoke regarding the application.

The Public Hearing and public record were closed.

**M 436 26
Defer
Action/
CZ2042**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd 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 (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 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/
CU2536**

A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.56 ACRES, MORE OR LESS” (property is lying on the east side of Diamond Farm Road [S.C.R. 257] and approximately 774.64 ft. north of Walker Road [S.C.R. 260]) (911 Address: 16423 Diamond Farm Road, Milton) (Tax Map Parcel: 235-21.00-180.01) filed on behalf of John Whitby, Jr.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On August 19, 2026, the Commission recommended approval of the application for the 6 reasons of approval and subject to the 8 recommended conditions as outlined.

The Council found that Mr. John Whitby, Jr. property owner, and owner of Shore Mechanical Services, spoke on behalf of his application. Mr. Whitby stated that he resides on the property; that he began his business in 2009; that it is a small business; that most of their work was performed at poultry plants; that they support the local poultry industry businesses around Mountaire Farms, Perdue and Allens; that they also performed welding for farmers irrigations and was not performed within his shop onsite.

There were no public comments.

The Public Hearing and public record were closed.

**M 437 26
Adopt
Ordinance
No. 4087/
CU2536**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4087 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.56 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed welding business is small, and it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.**
- 2. The use began as a small business on the Applicant’s property almost like a home occupation. Most of the Applicant’s work is done off-site. As the business has grown, the need for conditional use**

M 437 26
Adopt
Ordinance
No. 4087/
CU2536
(continued)

- arose.
3. The location is mostly surrounded by farms and other large tracts of land.
 4. The Applicant lives on the site, and the Applicant intends to keep the residential appearance of the property.
 5. The Applicant operates a welding company that serves the Delmarva Poultry Industry. Most of the Applicant's work is done offsite in the poultry processing facilities and very little is done on this site. No truck, trailers or vehicle repairs occur on the site.
 6. No parties appeared in opposition to this application.
 7. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The use shall be limited to a welding business as shown on the Applicant's site plan.
 - b. The Applicant does not want any signage other than a sign on or near the shop located on the property for deliveries to differentiate between deliveries to the Applicant's name and business.
 - c. Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.
 - d. Any dumpsters or similar containers shall be screened from view of neighbors and roadways. The locations of these containers shall be shown on the Final Site Plan.
 - e. The parking areas for the conditional use shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers associated with the conditional use shall only be parked and worked on within these designated areas. There shall not be any parking in the front yard setback.
 - f. The site shall be subject to any DelDOT entrance and roadway requirements.
 - g. Any violation of these conditions may be grounds for termination of this conditional use.
 - h. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

M 438 26
Adjourn

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to adjourn at 4:25 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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