

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 29, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 29, 2026, at 1:15 p.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 439 26 Approve Agenda	A Motion was made by Mr. Rieley, 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 22, 2026, were approved by consensus.
Corre- Spondence	Mr. Moore reported that correspondence was received from Village Volunteers thanking Council for their support.
Public Comments	There were no public comments.
M 440 26 Approve Consent Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to approve the following item under the Consent Agenda: Use of Existing Wastewater Infrastructure Agreement, IUA 1233 Heritage Shores Phase 6A (Phase 1), Western Sussex Area Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

Appointment **Mr. Lawson reported that an appointment is needed for District 5 for the Library Advisory Board.**

M 441 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved that the Sussex County Council approves the appointment of Mr.**
LAB **Christopher Pollinger to the Library Advisory Board effective immediately**
Appointment **until September 2029.**

Motion Adopted: 5 Yeas

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

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

1. Council Meeting Schedule

**A reminder that Council will not meet on Tuesday, October 6th.
The next regularly scheduled Council meeting will be held on
Tuesday, October 13th.**

2. Edwin Wise

**It is with great sadness that we inform you that pensioner, Edwin
Wise, passed away on Wednesday, September 9, 2026. Mr. Wise
began his career with Sussex County in November 1983 where he
worked until March 2006 for a total of 22 years of service. His last
position with the County was HVAC Mechanic. We would like to
extend our condolences to the Wise family.**

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

Permission **John Ashman, Director of Utility Planning & Design Review presented a**
to Prepare **request to prepare and post notices for the Briarstone Annexation into the**
& Post **Sussex County Unified Sanitary Sewer District. The Engineering**
Notices/ **Department received a request from Pennoni Associates on behalf of their**
Briarstone **client Greenwood Developers LLC, the owners and developers of a project**
Annexation **known as Briarstone for parcel 530-10.00-45.00. The project submitted a**
into **letter of no objection from the Town of Greenwood for the parcel to be**
SCUSSD **annexed into the sewer district. The project will be responsible for system**
 connection charges based on the rate at the time of connection.

M 442 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, be it moved**
Approve **that the Sussex County Engineering Department is authorized to prepare**
Briarstone **and post notices for the Briarstone annexation into the Sussex County**

Annexation into SCUSSD	Unified Sanitary Sewer District to include parcel 530-10.00-45.00 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
Grant Request	Mrs. Jennings presented a grant request for Council's consideration.
M 443 26 Milford Museum & Landmarks Commission	A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to the Milford Museum and Landmarks Commission, Inc. for museum supplies. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Ord Intros	There were no Proposed Ordinances for Introduction.
CM Comments	There were no Council Member comments.
M 444 26 Recess	A Motion was made by Mr. McCarron, seconded by Mr. 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 445 26 Reconvene	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to reconvene. 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 matters.
Public Hearing/ CU2560	A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING

**Public
Hearing/
CU2560
(continued)**

BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS” (property is lying on the south side of Portsville Road [S.C.R. 492], approximately 1.04 miles east of South Shell Bridge Road [S.C.R. 492A]) (911 Address: 8504 Portsville Road, Laurel) (Tax Map Parcel: 432-7.00-13.00) filed on behalf of Zachary Pulcinella.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined.

The Council found that Mr. Zachary Pulchinella spoke on behalf of his application. Mr. Pulchinella stated that he had a landscape construction company; that they currently use the property for storage and as a meeting place; that he stored his trucks, loaders, and bucket truck on the site; that the employees normally arrive around 6:30 a.m., returning to the site to leave around 5:30-6:00 p.m.; that the work they offer was not performed on the site; that they leave the site and perform work at their customer’s properties; that he is in agreement with all of the conditions given by the Planning & Zoning Commission; that he has cleared a piece of land out and plans to build a home there in the future.

There were no public comments.

The Public Hearing and public record were closed.

**M 446 26
Adopt
Ordinance
No. 4088/
CU2560**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4088 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The property is a 13.18-acre parcel of land. This is an appropriate size and location for this Conditional Use.**
- 2. The site will generally be used for vehicle storage, a location to meet and depart for off-site work. No landscaping work occurs on the site.**
- 3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.**
- 4. The property is zoned AR-1 Agricultural Residential. The use of the**

**M 446 26
Adopt
Ordinance
No. 4088/
CU2560
(continued)**

- property as a landscaping business is consistent with the underlying agricultural zoning of the property.
5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.
 6. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
 7. There was no opposition to this application, and the Applicant has provided letters in support of the application from the surrounding landowners.
 8. This recommendation is subject to the following conditions:
 - a. This use shall be limited to a landscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted. Ultimately, the Applicant shall be entitled to construct an office, and the Applicant has also stated that he may be ultimately build his personal residence on this site.
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - e. The hours of operation shall be limited to 6:30 a.m. through 7:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
 - f. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - g. The Final Site Plan shall clearly show the area where this landscaping business will be located on the property, including the location of any material storage areas or bins.
 - h. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers, or equipment shall be stored on the site.
 - i. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2585**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS” (property is lying on the north and south sides of Dots Road [S.C.R. 415B], the east and west sides of Firemans Road [S.C.R. 413], and the north side of Parker Road [S.C.R. 415], approximately 0.426 mile south of Cypress Road [Rt. 54]) (911 Address: 22009 & 37472 Dots Road, Millsboro) (Tax Map Parcel: 333-15.00-7.00 [P/O]) filed on behalf of Cody Collins.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 9 recommended conditions as outlined.

The Council found that Mr. Cody Collins, owner of Shore Outdoor Living, spoke on behalf of his application. Mr. Collins stated that he used the property for the same reason as the previous applicant; that he uses the property for his employees to show up and go to work; that his employees take their vehicles home; that he tries not to store much on the property; that there were no vehicles on the site during the night; that he grew up on the road; that it is part of his family’s farm; that he wanted to use the front part of the 48 acres to conduct his business and to make it look nice; that he ran a hardscape landscape company; that they provide a full design build, and that no retail was proposed from the site.

There were no public comments.

The Public Hearing and public record were closed.

**M 447 26
Adopt
Ordinance
No. 4089/
CU2585**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4089 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The property is a 48.11-acre parcel of land. The conditional use area**

**M 447 26
Adopt
Ordinance
No. 4089/
CU2585
(continued)**

- will be located on a much smaller area of the larger parcel.
2. The use will generally be used for vehicle storage and a location for employees to meet and depart for offsite work. No landscaping or hardscaping work shall occur on site. There will be an office building with client meeting areas on the property.
 3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
 4. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping and hardscaping business is consistent with the underlying zoning of agricultural residential.
 5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.
 6. A landscaping and hardscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
 7. There was no opposition to this application.
 8. This recommendation is subject to the following conditions:
 - a. This use shall be limited to a landscaping and hardscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted, along with an office and storage building that has space for client meetings.
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - d. The hours of operation shall be limited to 6:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
 - e. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - f. The Final Site Plan shall clearly show the area where this business will be located on the property, including the location of any material storage areas, bins or display areas.
 - g. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers or equipment shall be stored on site.
 - h. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.

M 447 26
Adopt
Ordinance
No. 4089/
CU2585
(continued)

- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Years

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

**Public
Hearing/
CU2629**

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 AN ASSISTED LIVING FACILITY FOR UP TO SIXTEEN (16) RESIDENTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS” (property is lying west of Roxana Road [Rt. 17], approximately 0.48 mile south of Powell Farm Road [S.C.R. 365]) (911 Address: 34188 Roxana Road, Frankford) (Tax Map Parcel: 134-15.00-139.00) filed on behalf of Age Well, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On September 2, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 10 recommended conditions as outlined.

The Council found that Ms. Leslie Lockard, registered nurse and co-founder of Age Well, LLC, spoke on behalf of the Application. Ms. Lockard stated that the application requested a Conditional Use for the existing residential home, to become a residential assisted living facility, subject to conversions of life safety upgrades; that it was just like one of the big box facilities, except that it would be within a home, providing more personalized care; that it was not proposed to be a large assisted living facility; that the plan was to provide up to 16 residents within the footprint of what currently exists and their clients would be people who need help with assisting activities of daily living, such as getting dressed, eating, showering, toileting, and other things of that nature.

There were no public comments.

The Public Hearing and public record were closed.

M 448 26
Adopt
Ordinance
No. 4090/
CU2629

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4090 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ASSISTED LIVING FACILITY FOR UP TO SIXTEEN (16) RESIDENTS TO BE LOCATED ON A

**M 448 26
Adopt
Ordinance
No. 4090/
CU2629
(continued)**

CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This application seeks approval for a small Assisted Living Facility that will provide for (16) sixteen full-time residents in a rural setting.**
- 2. The Applicant has stated that this facility will not be a nursing home. Instead, it will provide a safe assisted living facility for individuals who need limited supervision in their daily lives.**
- 3. There will be no more than sixteen (16) individuals residing at the facility at any one time.**
- 4. Representatives of the Applicant testified that this program will be fully staffed at all times, and it will include a full-service kitchen for preparation of the residents’ meals.**
- 5. This site is a large lot, and the structure will remain residential in character, and it will not appear materially different from a permitted residential home on the property.**
- 6. This use fills an important need and service to Sussex County residents and their families. There are not currently enough assisted living facilities throughout the county, and this small use helps fill this need.**
- 7. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties.**
- 8. This use satisfies the purpose of a Conditional Use under our Sussex County Zoning Code. The services that will be provided here have a public or semipublic character that is essential and desirable for the general convenience and welfare of Sussex County and its residents.**
- 9. This recommendation is subject to the following conditions:**
 - a. The property shall be operated as an Assisted Living Facility. There shall be no more than sixteen (16) individuals staying in the facility at any one time. In addition, there shall be no more than six (6) staff members on site at any one time.**
 - b. The facility shall be staffed by qualified staff at all times, and it shall be fully licensed as required by the State of Delaware.**
 - c. The facility shall maintain its residential appearance all times.**
 - d. The use of the facility shall comply with all of the standard state agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District and the State Fire Marshall’s Office.**
 - e. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.**
 - f. There shall be at least ten (10) parking spaces located on the site. These parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.**
 - g. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - h. Any dumpsters or trash receptacles shall be screened from view of the neighboring properties and roadways. The location of**

these items shall be shown on the Final Site Plan.

- i. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
- j. 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/
CZ2036**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS” (properties are lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway [Rt. 24], east of Warrington Road [Rt. 1D]) (911 Addresses: 20007 & 20008 Hitchens Lane, 19025 John J. Williams Hwy, Rehoboth Beach, and N/A) (Tax Map Parcels: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00) filed on behalf of Nickolaos Halkopoulos.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 11 reasons of approval as outlined.

The Council found that Mr. Harold (Hal) Dukes, Jr., Senior Partner with Tunnell & Raysor, P.A., spoke on behalf of the Applicant, Mr. Nickolaos Halkopoulos. Mr. Dukes stated that Mr. Halkopoulos came to the country in 1977; that he arrived in Dewey Beach in 1980; that Mr. Halkopoulos owned Nick’s Philly Cheesesteaks, located across from the Bottle & Cork in Dewey Beach; that he and his family have been extremely hard workers for years and have relied on his advice; that upon opening the sandwich shop, when he acquired extra money, Mr. Dukes directed Mr. Halkopoulos to purchase lots in the little development that is now completely surrounded by commercial; that Mr. Halkopoulos’ goal was to acquire the property, and he has done a good job; that Mr. Halkopoulos had paid for all of the property; that there were no mortgages on the property; that Mr. Halkopoulos was now in a position to where he could provide a building for medical support; that the site was located near the Beebe Medical Center; that a couple doors down was the location of a new car wash; that down the street was all commercial area, containing a car dealership and McDonalds; that when the Comprehensive Plan was redone, the properties apparently got left out; that the site was kind of an island of property; that he filed the

**Public
Hearing/
CZ2036
(continued)**

application over two years ago; that Mr. Halkopoulos was requesting for a change of zone to commercial; that Mr. Halkopoulos had three generations of family in the area, and they planned to remain in the area for a while; that everything was in good order on the property; that there had been no complaints from the neighbors; that the neighborhood was basically commercial, and therefore the requested rezoning would be an infill zoning.

There were no public comments.

The Public Hearing and public record were closed.

**M 449 26
Adopt
Ordinance
No. 4091/
CZ2036**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4091 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is 2.938 acres and is located along Route 24 between the intersections of Route One and Warrington Road. This is an appropriate location for C-2 Zoning.
3. This property is currently developed as a single-family residence. However, that is becoming decreasingly viable given the expansion of Route 24 and the higher intensity medical uses, including Beebe Hospital, commercial retail, office, and hotel uses in the immediate vicinity. The C-2 zoning is the appropriate district based on the location of this property, and the C-2 zoning will allow uses to occur on this site that compliment these existing uses.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that zone that are consistent with the existing development trends of the area.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future development or redevelopment of the property will be

M 449 26 **subject to Site Plan review by the Sussex County Planning and Zoning**
Adopt **Commission.**
Ordinance **11. For all these reasons, the C-2 Zoning District is appropriate for this**
No. 4091/ **location.**
CZ2036

(continued) **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 on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**
CZ2038 **SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL**
 DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A
 CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS” (property is
 lying on the east side of Old Mill Bridge Road [S.C.R. 381], approximately
 0.11-mile north of Lighthouse Road [Route 54]) (911 Address: 37011 Old
 Mill Bridge Road, Selbyville) (Tax Map Parcel: 533-12.00-74.00) filed on
 behalf of Randall Hall.

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

The Planning & Zoning Commission held a Public Hearing on the application
on August 19, 2026. On August 19, 2026, the Commission recommended
approval of the application for the 10 reasons of approval as outlined.

The Council found that Mr. Mark Davidson, Vice President and Principal
Land Planner with Pennoni Associates, Inc., spoke on behalf of the Applicant,
Mr. Randall Hall. Mr. Davidson stated that Mr. Randall Hall was the owner
of Bicycle Connection, being an existing bicycle sales and service business
located immediately next door in the Dirickson Creek Center; that he is
requesting a zoning map amendment for Tax Map Parcel No. 533-12.00-74.00,
located at 37011 Old Mill Bridge Road, from AR-1 (Agricultural Residential)
to C-2 (Medium Commercial); that Mr. Hall’s objective was practical and
straight forward; that he sought to relocate Bicycle Connection from its
current leased space within the Dirickson Creek Center, to his own parcel
immediately next door; that the request would allow an established, local
business to remain in the same commercial area, continue serving the same
customer base, and invest in property under the owner’s direct control; that
the request was a modest infill and redevelopment request for a small
parcel, located within Coastal Area, and predominantly within the State
Investment Level 1 area; that the site was served by public water and sewer;
that the site was located within an area where commercial, residential,
utility, and public infrastructure uses already existed; that the surrounding
context includes residential communities, commercial zoning and activity,
the Dirickson Creek Center commercial complex, Delaware Electric

**Public
Hearing/
CZ2038
(continued)**

Cooperative facilities, Sussex County utility infrastructure, and other nearby services uses; that the Delaware Electric Cooperative had a large transfer station located north of the site; that the Dirickson Creek Center was located to the south; that Mr. Hall's Bicycle Connection was located to the right of the site, and the Sussex County Regional Pump Station facility being located to the left of the site; that the parcel was not part of an isolated agricultural area; that the site was located within an established growth corridor, where the requested C-2 (Medium Commercial) classification was a reasonable and orderly land use transition; that the Sussex County Comprehensive Plan designated the area as a Coastal Area, where growth, commercial services, employment opportunities and public investment are intended to be directed when supported by infrastructure and compatibility; that the State Strategies Map identifies the property as lying predominantly within an Investment Level 1, and marginally within an Investment Level 2 areas; that the proposed rezoning is consistent with the State Planning's philosophy because infrastructure already exists, public sewer and public water already exists; that the parcel is located within an established growth corridor; that the request represents infill and redevelopment; that the request supports an existing local business and no extension of infrastructure into agricultural areas would be required; that the application, therefore, aligned with the purposes of the State Strategies Map by directing a modest commercial redevelopment opportunity to a location within the Coastal Area, served by public utilities, adjacent to existing commercial uses, and predominantly situated within an Investment Level 1 area; that the present AR- 1 (Agricultural Residential) classification is intended for agricultural and low density, residential purposes; that while AR-1 Zoning remained appropriate in rural and agricultural areas, the subject parcel's location, infrastructure availability, and surrounding development patterns, support a transition to a Medium Commercial (C-2) Zoning classification; that the C-2 (Medium Commercial) district provides a controlled commercial classification that supports retail, service, office and neighborhood serving business uses, while preserving County authority over Site Plan review, buffering setbacks, lighting, signage, access, drainage and agency coordination; that the requested C-1 District implements the Comprehensive Plan, reflects existing development patterns, compatible with adjacent zoning, is served by public water and sewer, is located along a collector roadway, allows neighborhood serving commercial uses, and maintains full County oversight through Site Plan review; that unlike Heavy Commercial or Industrial Zoning, the C-2 District remained a moderate commercial classification, intended to serve surrounding communities, while remaining compatible with nearby residential development; that a question may be raised as to whether a Conditional Use would be more appropriate than C-2 Zoning, because Mr. Hall's immediate intent is to relocate Bicycle Connection from Dirickson Creek Center to his own parcel adjacent to the site; that this fact supports the reasonableness and compatibility of the propose use, but it did not limit the planning analysis to one operator; that the broader question was to whether the parcel itself appropriately classified for Medium Commercial

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(continued)**

Zoning, based on its location, infrastructure, surrounding commercial context, and then adopted land use policies; that the property is within the Coastal Area within State's Investments Level 1 and 2, adjacent to commercial zoning, and served by public infrastructure; that these characteristics support a permanent C-2 Zoning classification, rather than a site specific Conditional Use; that a Conditional Use would regulate one particular business operation, while C-2 properly recognizes the commercial character, infrastructure, and planning context of the parcel itself; that permanent zoning encourages business development, improves financing opportunities, encourage redevelopment, provides long-term predictability, and reduces future amendment proceedings; that it also increases property value stability; that Conditional Use was generally more appropriate where a use may be acceptable, only under special site-specific limits, because of intensity, compatibility, or unusual impacts; that this application is different; that it involved a known local business, already located next door, within the same commercial setting, and on a parcel that independently meets the planning criteria for C-2 consideration; that C-2 also provides better long-term certainty for property investment, financing, redevelopment, and continuity of business operations, while still preserving County authority over access; that the relocation of Bicycle Connection explains the immediate purpose, the Comprehensive Plan, State Strategies, public utilities, surrounding commercial pattern, and DelDOT review explain why C-2 is appropriate for the property; that for those reasons, C-2 was the stronger, more appropriate planning tool, because it recognizes the land use character of the parcel itself, not merely the Applicant's current business plan; that the Environmental Assessment had been organized to follow Sussex County Code §115-194.3(B)(2)(A) through (L); that the evaluation addresses drainage, stormwater quality and quantity, potable water, wastewater, traffic, threatened and endangered species, wetlands, open space, infrastructure, public benefits, historic resources, Comprehensive Plan consistency, and mitigation; that the Pennoni, June 2024 field review and wetland evaluation documented no Federal wetlands, no regulated wetlands, no wetland hydrology, no hydric soils, no wetland vegetation communities on the subject property; that the site is located within the Little Assawoman Bay watershed; that it was identified in the record materials as having good to fair groundwater recharge potential; that it is not located within a Wellhead Protection Area, and lies within the FEMA Flood Zone X shaded, based on the plans and the mapping; that future site design will be required to comply with the Delaware stormwater regulations, Sussex Conservation District's requirements, DNREC's requirements and engineering review; that the Commission recommended approval of the application; that he requests that Council approve the Change of Zone request.

There were no public comments.

The Public Hearing and public record were closed.

M 450 26

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt

**Adopt
Ordinance
No. 4092/
CZ2038**

Ordinance No. 4092 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is 0.39 acres and is currently zoned AR-1 along Old Mill Bridge Road near the intersection with Route 54. This is an appropriate location for C-2 Zoning.**
- 3. The property is next to property that is zoned C-1 General Commercial extending to Route 54 and the various retail and commercial uses along that roadway, including the Dirickson Creek Center next door, and a Delaware Electric Co-Op facility to the north of the site. The Applicant intends to relocate his existing bicycle business from the adjacent property to this site. This is an appropriate minor extension of the existing commercial zoning.**
- 4. The site is served by both central water and central sewer.**
- 5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.**
- 6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 7. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.**
- 8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
- 9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- 10. For all these reasons, the C-2 Zoning District is appropriate for this location.**

Motion Adopted: 5 Yeas

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

**M 451 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 2:10 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.}