

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 7, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 7, 2025, at 12:00 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
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 411 25 Approve Agenda	A Motion was made by Mr. 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 23, 2025, were approved by consensus.
Correspondence	Mr. Moore reported that letters were received from Autism Delaware and Delaware Seashore Preservation Foundation thanking Council for their support.
Public Comments	Public comments were heard. Mr. Rich Barasso spoke about the DelDOT capital transportation program draft.
LURWG Update	Mr. Lawson distributed a copy of the Land Use Reform Working Group report to the members of the Council. He reported that there are twenty recommendations from the group included in the report.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Delaware State Police Activity Report</u> The Delaware State police year-to-date activity report for August 2025 is attached listing the number of violent crime and property

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

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.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Seychelles (FKA Kent Village – Plan Approval & Construction Record) effective September 23, 2025; Welches Pond (FKA Fieldstone – The Grove at Love Creek) – Phase 6 (Construction Record) effective September 23, 2025; and Tanager Woods – Phase 3 (Construction Record) effective September 26, 2025.

3. Janet Hudson

It is with great sadness that we inform you that pensioner, Janet Hudson, passed away on Tuesday, September 30, 2025. Ms. Hudson began her career with Sussex County in November 1986 where she worked until June 2015 for a total of 28 years of service. Her last position with the County was Secretary II in Environmental Services. We would like to extend our condolences to the Hudson family.

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

**Public
Hearing/
TidalHealth
Bonds**

A Public Hearing was held on a Resolution entitled "A RESOLUTION APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND CERTAIN OF ITS AFFILIATES".

Mrs. Roth reported that a previous hearing was held, however, now, TidalHealth has requested to increase the amount they originally held a hearing for in July. Last time the amount was \$84 million and now the amount is \$90 million.

There were no public comments.

The Public Hearing and public record were closed.

**M 412 25
Adopt
Resolution**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenbaum to Adopt Resolution No. R 020 25 entitled "A RESOLUTION APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE

No. R 020 **CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO**
25/ **FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND**
TidalHealth **CERTAIN OF ITS AFFILIATES”.**
Bonds

Motion Adopted: 5 Yeas

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

OSP Map **Jamie Whitehouse, Planning & Zoning Director presented a review of the**
Review **Office of State Planning Coordination Maps.**

Time Ext **Jamie Whitehouse, Planning & Zoning Director presented a request for an**
Request **extension for 2022-11 – Hunter’s Creek.**

M 413 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it**
Approve **moved that the Sussex County Council approves a 6-month extension**
Time **request for the Hunter’s Creek subdivision referenced as 2022-11.**
Extension

Request/
2022-11

Motion Adopted: 5 Yeas

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

Permission **John Ashman, Director of Utility Planning & Design Review, presented a**
to Prepare **request to prepare and post notices for Irwin Properties into the SCUSSD**
& Post **(Ocean View Area) for Council’s consideration.**
Notices

M 414 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved by Sussex County Council that the Sussex County Engineering**
Prepare & **Department is authorized to prepare & post notices for the Irwin Properties**
Post Notices/ **Expansion of the Sussex County Unified Sanitary Sewer District to include**
Irwin **parcels 134-16.00-26.00 & 26.01 as presented.**

Properties **Motion Adopted: 5 Yeas**

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

Wolfe Neck **Hans Medlarz, Project Manager, presented change order no. 7 for Wolfe**
CO No. 7 **Neck RWF electrical service & switchgear replacement for Council’s**
consideration.

M 415 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**

Approve CO No. 7/Wolfe Neck moved based on the recommendation of the Sussex County Engineering Department that change order no. 7 for contract 24-10, Wolfe Neck RWF electrical service & switchgear replacement general construction be approved increasing the contract amount by \$64,035.25.

Motion Adopted: 5 Years

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 Zoning Ordinances for Introduction.

Old Business/CZ2025 Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o]) filed on behalf of Northstar Properties, LLC.

M 416 25 Adopt Ordinance No. 4020/CZ2025 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4020 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site has frontage along Route 9. Route 9 is identified a “Major Arterial Roadway” in the Sussex County Code. This location is appropriate for C-3 zoning.
3. The proposed C-3 zoning is consistent with other zonings and uses along this area of Route 9, including a large property across the road

M 416 25
Adopt
Ordinance
No. 4020/
CZ2025
(continued)

that is developing within the C-1 District with a mixed use of commercial and residential units. There are also properties that are zoned B-1. The variety of business and commercial uses in the area include a mixture of shops, a strip-mall center, commercial pad sites, a large grocery store, an HVAC business and warehouse, an indoor activity center, hardware store, landscaping supply business and many other businesses, commercial and office uses. Finally, the site is in relatively close proximity to the Route One Five Points intersection and the C-1 commercial corridor that exists there. The change in zone to C-3 is appropriate in this location given the surrounding development trends.

4. Based on all of the information in the record, it is not apparent that this change in zone will have an adverse effect on the neighboring or adjacent roadways.
5. The site will be served by central water and sewer.
6. According to the current Sussex County Comprehensive Plan, this site is designated as being in the “Coastal Area” which is a “Growth Area”. Table 4.5-2 of the Comprehensive Plan states that C-3 zoning is appropriate within the Coastal Area. The Plan also states that “retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads.” Based upon the directions of our Comprehensive Plan, C-3 zoning is appropriate in this location.
7. The property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID fee prior to the issuance of every commercial building permit. DelDOT has stated that this rezoning is consistent with its projections for the development of this property and the planned roadway improvements within the TID.
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 use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, it is appropriate to recommend approval of this Change in Zone from AR-1 to C-3 at this location.

Motion Adopted: 3 Yeas, 2 Nays

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

Ms. Gruenebaum and Mr. Rieley voted no based on the reasons provided.

CM
Comments **There were no Council Member comments.**

M 417 25 **At 12:55 p.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Go Into **McCarron, to enter into an Executive Session for the purpose of discussing**
Executive **matters related to land acquisition.**
Session

Motion Adopted: 5 Yeas

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

Executive **At 1:01 p.m., an Executive Session was held in the Basement Caucus Room**
Session **to discuss matters related to land acquisition. The Executive Session**
concluded at 1:28 p.m.

M 418 25 **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Reconvene **McCarron to come out of the Executive Session and go back into the**
Regular Session.

Motion Adopted: 5 Yeas

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

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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2519 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL**
CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE
& PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS” (properties are
lying on the north and south sides of Old Silo Lane, and on the west side of
Shingle Point Road [S.C.R. 249], approximately 0.81 mile north of Gravel
Hill Road [Rt. 30]) (911 Address:16902 Shingle Point Road, 8301 Old Silo
Lane, Milton & N/A) (Tax Map Parcels: 235-25.00-33.00, 33.02 & 33.04)
filed on behalf of Savini Companies.

The Planning & Zoning Commission held a Public Hearing on the
application on September 3, 2025. At the meeting of September 17, 2025,
the Planning & Zoning Commission recommended approval of the
application for the 7 reasons of approval and to the 9 recommended
conditions of approval as outlined.

**Public
Hearing/
CU2519
(continued)**

The Council found that Mr. Mark Davidson, Vice Principal and Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicant, Mr. Anthony Savini of Savini Companies. Mr. Davidson stated that Mr. Savini, a principal owner of the company and the current owner of the properties, was also present; that the application requested Conditional Use approval for land located within the AR-1 (Agricultural Residential) Zoning District, to allow for a general construction and home construction business service, with professional offices and storage to be located on certain parcels of land, lying and being on the north and south side of the Old Silo Lane, being west of Shingle Point Road; that Shingle Point Road has a State highway classification as a local road; that the site is located approximately one mile south of Delaware Rt. 5, being a major collector road; that the site is one mile north of Gravel Hill Road (Rt. 30), which is also a major collector road, as well as, a State truck route; that the properties consist of approximately 5.57 acres; that the Savini's have owned the property since 2009; that within the submitted exhibits, the subject properties are reflected in a tan color, surrounded by properties reflected in a green color; that the green colored properties, are other properties that the Savini's currently own, with the exception of one property, located adjacent to the rear, which was approved by the Sussex County Planning & Zoning office on August 8, 2025, to be subdivided from Parcel No. 34.01, and will be added to the other properties, but are not subject to the current Conditional Use application; that the Savini's do not currently own the property, but are in the process of purchasing the property, which will add to a buffer for the existing uses currently happening on the site; that currently the properties are improved with an existing Old Silo Lane, and an existing dwelling; that the existing dwelling is an old 1920-1930s circuit farmhouse, which is registered in the Bureau of Archaeology and Historic Preservation; that the farmhouse was renovated by the previous owners, and subsequently renovated further by the Savini's; that the property additionally has three outbuildings, driveways, parking, areas of trash containment, landscaping, and an in-ground pool; that the site is serviced by a domestic well and septic system; that there also is an old silo, which is part of the old farmhouse and previous farming operation many years ago; that the properties are bordered on the north and south by existing agricultural lands, which are all zoned AR-1 (Agricultural Residential); that the lands are bordered on the west by Ingrams Branch, and an existing borrow pit, known as the Hastings Pit, located in the back; that Shingle Point Road is located to the east; that across the road, there is an existing Four Winds, major subdivision, which is currently under construction; that according to the 2045 Future Land Use Map of the Comprehensive Plan, the property is identified as a Low Density area, which is a rural area; that the proposed project is consistent with the guidelines for the projects located within Low Density areas, as it provides a place primarily for personal service uses to be developed to serve the needs of a relatively small area, and its primarily low and medium density areas; that the 2020

**Public
Hearing/
CU2519
(continued)**

Delaware State Strategies and Policies indicated the property to be located within an Investment Level 4; that the proposed Conditional Use is subject to the provisions of Articles 4 through 24, and §115-22 of the Sussex County Zoning Code, which states that the purpose of Conditional Uses is to provide for certain uses which cannot otherwise be well adjusted to their environment in a particular location, with full protection offered to surrounding properties by rigid application of the district regulations; that the Savini's have been in business for over 20 years, offering premier residential building services, serving their community in Sussex County with a commitment to excellent craftsmanship and personalized service; that they currently have four full time employees and one part-time employee; that they are looking to add four new employees in the future; that general contracting, home construction, business services and professional offices are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the use, the importance of its relationship to the Comprehensive Plan, and the possible impact on neighboring properties, the proposed use requires the exercise of the planning judgement on location site; that a Preliminary Site Plan was submitted into the record; that one of the properties contains an old building which Mr. Savini renovated, and is currently being used for company storage of equipment and materials; that further in the back there is another building; that Ingram Branch follows the back property line; that Mr. Savini had kept everything out of the existing wooded area; that there are no plans to further any improvements back to the existing tree line; that as reflected on the submitted aerial images, Mr. Savini has kept the property clean and tidy; that there is a fence installed between the two back buildings; that he had planted trees along an adjacent property line to provide additional buffer from the adjacent neighbors; that Mr. Savini owns the property located on the south side; that there is existing trees and buffering around the existing house; that the existing house will be used for the office space for the business; that the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of the surrounding properties; that properties and use will have access from Shingle Point Road, which is a local road; that right of way dedication and easements will be part of the application moving forward; that the proposed Conditional Use will not adversely affect the congestion of the roads, as confirmed by DelDOT Service Level Evaluation response, which deemed the traffic impact to be negligible; that DelDOT did not require a Traffic Impact Study to be performed; that according to DelDOT the site is located within the Milton Transportation Improvement District (TID), which is currently under development; that should the application not be further along in the process, the application will be required to be part of the Milton TID; that there are wetlands on the property, located near the rear, along Ingram Branch; that there will be no encroachments of any activities, as part of the proposed application, anywhere near Ingram Branch; there are no

**Public
Hearing/
CU2519
(continued)**

threatened or endangered species located on the property; that there is no need for public water, as the site is currently served by a private on site well and wastewater septic system, which serve the needs of the business; that the property is not located within an Excellent Groundwater Recharge or Wellhead Protection area; that the property is located within two different Flood Zone areas, being Flood Zone X, and Flood Zone A; that Flood Zone A is located along Ingram Branch at the rear of the property; they have submitted into the record, proposed Conditions of Approval; and the proposed Conditional Use meets the general purpose of the Zoning Ordinance, being located in an appropriate location, meeting the purpose of the District and the Comprehensive Plan by providing sufficient space, in an appropriate location for certain uses, which cannot be well adjusted to the environment in a particular location with full protection offered to the surrounding properties by rigid application of the District regulations, which are essential, desirable for the general convenience, order, growth, prosperity and welfare of the County; that at the Commission hearing, there was testimony regarding the lighting; that the applicant has purchased the property in the back; that there is a nice buffer between the properties; that one of the conditions that the Commission placed is that all of the lighting has to be downward facing and the applicant is in agreement of that condition.

There were no public comments.

The Public Hearing and public record were closed.

**M 419 25
Adopt
Ordinance
No. 4021/
CU2519**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4021 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE & PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The applicant operates a general contracting business from the site. His business has expanded to the point where a Conditional Use is required.
2. The Applicant's family owns the land that surrounds the site, and the Applicant and his family reside in the house on the property.
3. The business use is located at the rear of the Applicant's property, where it will have the least impact on any neighboring properties.
4. DelDOT has stated that the traffic generated by the proposed use will be negligible and will not have a negative impact on the neighboring roadways.
5. The proposed use will not alter the character of the surrounding area

**M 419 25
Adopt
Ordinance
No. 4021/
CU2519
(continued)**

- in any manner that substantially limits or impairs the use and enjoyment of the surrounding properties.
6. The use as a general contracting and home construction service business generally has a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
 7. No parties appeared in opposition to the application.
 8. This recommendation is subject to the following conditions:
 - a. The property shall be used for a general contracting business with an office and storage in addition to the Applicant's residence.
 - b. All business and storage will be conducted inside existing and future buildings located within the parcels.
 - c. One indirectly lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
 - d. The hours of operation shall be between 7:30 a.m. and 5:00 p.m., Monday through Friday, and on Saturdays between 8:00 am and 12:00 pm. No Sunday hours shall be permitted.
 - e. Any outdoor lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - f. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster location shall be shown on the Final Site Plan.
 - g. The Applicant shall comply with any DelDOT requirements for entrance and roadway improvements.
 - h. Any violation of these conditions of approval may result in the termination of this Conditional Use.
 - i. 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/
CU2510**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS" (property is lying on the southwest side of Layton Avenue, north of Jersey Road [S.C.R. 305], approximately 0.06 mile south of John J. Williams Highway [Route 24]) (911 Address: 28375 & 28377 Layton Avenue, Millsboro) (Tax Map Parcel: 234-32.00-67.00) filed on behalf of Henry Villegas-Solis.

**Public
Hearing/
CU2510
(continued)**

The Planning & Zoning Commission held a Public Hearing on the application on September 3, 2025. At the conclusion of the meeting, the Commission held the public record open to receive additional information. At the meeting of October 1, 2025, the Planning & Zoning Commission received the requested information from staff and closed the Public Record on the application. Action on the application was then deferred for further consideration. Once a recommendation has been received from the Planning & Zoning Commission, it will be reported to the County Council.

The Council found that Mr. Julien Villegas spoke on behalf of his father and the application. Mr. Villegas stated that his father enjoys performing mechanical work; that they also have other family members who enjoy performing mechanical work; that they have adequate parking; that all of the repairs will take place inside; that there will not be any storage of vehicles outside; that there is an open entrance to the property and there is a gate in the back; that the front building is an office space with apartment buildings; that there are two residences there; that there is a roofing company there currently; that there are some box trucks that are currently there but will be stored somewhere else; that the whole property is fenced in; that it is a white fence that you are not able to see through.

Public comments were heard.

Mr. Tom Wolfe spoke in opposition to the Application. Mr. Wolfe stated that his rear yard is located adjacent to the front of Mr. Villegas-Solis' property; that he has submitted comments and videos regarding the application; that there is a lot happening on the site, and it creates a constant disruption; that the site is being used as an auto repair shop, vehicle storage, and residential duplex, with two families, totaling approximately 10 people; that the vehicles are stored right against his property; that he understood the property is located within the B-1 District, however he did not know of any other storefront that faces an adjacent residence; that most storefronts face a roadway; that work is being performed all hours of the day and on the weekends; that the proposed use of automotive repair is not compatible with the property; that the site is surrounded by four residences; that there are not enough setbacks, especially if the shop is to be used as it currently is, because the shop is facing his property; that this proposes environmental risks; that this illustrates that no amount of limitations can be placed to eliminate the burden on the nearby residences; that he urged that the Zoning Code be upheld and that the application be denied.

Mr. Mark Brittingham spoke in opposition to the application; that he gets a lot of noise during all hours of the night; that this brings extra traffic; that he does not believe that this is a business to have in this area.

Ms. Joan Balback spoke in opposition of the application; that she has lived in the area of 40 years; that it was a quiet little dirt road; that it is a

**Public Hearing/
CU2510
(continued)** constant disturbance for her; that it would create more noise in the area; that there is debris found in the area daily since the start of the business; that this would create a risk for drivers; that the way they park makes it difficult for vehicles to pass; that it appears to be housing multiple people; that she frequently sees individuals coming during all hours; that it is making the people in the area feel unsafe.

The Public Hearing was closed.

**M 420 25
Defer
Action/
CU2510** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS” and leave the public record open for five days after the recommendation is received from the Planning & Zoning Commission allowing any member of the public comment in writing to the Planning & Zoning office.

Motion Adopted: 5 Yeas

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

**Public Hearing/
CZ2021** 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 AR-1 -RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS” (properties are lying on the southwest side of Lighthouse Road [Rt. 54], and on the west side of Dickerson Road [S.C.R. 389], approximately 310 feet northwest of the intersection of Lighthouse Road [Rt. 54] and Dickerson Road [S.C.R. 389]) (911 Address: 33080 Lighthouse Road & N/A) (Tax Map Parcels: 533-18.00-63.00 & 56.00) filed on behalf of Crosswinds Landing, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on September 3, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and subject to the 21 recommended conditions of approval as outlined.

The Council found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant, Crosswinds Landing, LLC;

**Public
Hearing/
CZ2021
(continued)**

that also present was Mr. David Sobczak, with Crosswinds Landing, LLC, Mr. Chris Flathers with Morris Ritchie & Associates, Mr. Carl Wilson with the Traffic Group, and Ms. Kimberly McNew with Geotechnology Associates. Mr. Willard stated that an exhibit book was submitted, which contained relevant information about the application; that additionally, there was a comprehensive Information Booklet submitted regarding the application itself; that the application proposes a residential planned community, known as an RPC; that the site consists of 183 acres of land, located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a mixed-use RPC of 352 residential dwellings, which would be comprised of 161 single-family lots, and 191 townhouses; that the name of the development is proposed to be Swann Lake; that that no change in zoning is being requested; that the underlying zoning will remain as the current zoning of AR-1 (Agricultural Residential); that the property is located slightly southwest of Williamsville; that the site has frontage on the south side of Lighthouse Road (Rt. 54), and also on the west side of Dickerson Road and West Line Road; that Bayview Estates and Americana Bayside are located to the east of the site; that the Maryland line is a short distance to the south of the property; that to the west of the site, along Rt. 54, is the Williamsville Industrial Park, as well as a 74-acre parcel owned by Sussex County, which was purchased by Sussex County in the 1980s; that according to the State Strategies for State Policies and Spending map, the site is designated within Investment Levels 3 & 4; that the Level 4 areas of the site are the general location of the environmental features of the site, being Buntings Branch, White Oak Swamp Ditch, and some adjacent wetlands; that those areas, located within the Level 4 area, will not be impacted by the proposed development, and will remain undisturbed; that the development is concentrated in the areas designated with Investment Level 3, which are areas where growth is anticipated by the State and County plans; that under the Sussex County Zoning Ordinance, the site is located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a RPC (Residential Planned Community) overlay; that the purpose of an RPC is to create a superior living environment, for larger scale developments; that an RPC permits a development to contain mixed residential uses, generally being single-family and some form of multi-family units; that the RPC section of the Zoning Ordinance provides a specific process for determining the permitted density within an RPC; that when applied to the subject property, the permitted density is determined by taking the total site area, of 183 acres, subtracting from that the proposed street right of way of 19 acres, resulting in a net development area of 164 acres; that under the RPC Ordinance, it would be divided by the minimum lot area of the underlying zoning district, being AR-1; that the formula would permit the proposed RPC a maximum of 357 residential units, which is what was being proposed; that the project also results in a gross density of 1.92 units per acre; that according to the 2018 Sussex County Comprehensive Plan; that the plan contains the Future Land Use Map; that

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per the Future Land Use Map, the property is located within a Coastal Area, being designated as a Growth Area within Sussex County; that according to the Comprehensive Plan, growth areas seek to encourage the County's most concentrated forms of new development, including most higher density residential development; that the Comprehensive Plan further states that a range of housing types, including single-family homes, townhouses, and multi-family units, should be permitted in the Coastal Area, that the plan states that medium and higher density development of four to 12 units per acre can be appropriate in certain locations, being areas where central water and sewer are available, and where the proposed use is in keeping with the character of the area; that the plan recognizes that higher density could be permitted in these types of areas; that the application does not seek a high density, as it proposed to maintain the existing AR-1 density; that the proposed development seeks to utilize the RPC to create a mixture of single-family homes and townhomes, while maintaining the existing AR-1 density; that the Application is consistent with the State Investment Level designations; that the Application is compliant with the provisions of the Sussex County Zoning Ordinance, and in accordance with the provisions of the Sussex County Comprehensive Plan; that the development was designed utilizing the superior design process, which is recommended for cluster subdivision developments; that first identified were the portions of the property that should remain undisturbed and preserved; that next, the most appropriate locations for development on the site should be identified, followed by streets, lots, trails, and recreational area should be laid out; that in accordance with the process, they first identified the environmental features; that all the environmental features are located toward the center of the property; that there is Buntings Branch that runs west to east, from the Sussex County owned property to West Line Road; that located south of the branch is a man-made lake, which is the result of a borrow pit operation which had been conducted on the site since the 1940s to 1950s; that the lake itself had gradually expanded in size and shape over the decades as material had been removed; that the lake's current size is approximately 29 acres, with a maximum depth of 50 feet; that provided the RPC would be approved, the borrow pit operation would be terminated; that the lake would be reclaimed as a recreational component for the proposed development; that to the south of the lake, is the location of the White Oak Swamp Ditch, which also runs from the west boundary line to West Line Road on the east; that adjacent to the ditch on the south side, is an area of non-tidal wetlands; that Geotechnology Associates performed a Wetland Delineation for the property; that the delineation found that there were approximately 14 acres of federally regulated non-tidal wetlands on the site; that the majority of those wetlands are located adjacent to the ditch; that there are three small wetland pockets in the northeast corner of the site; that the wetland delineation was reviewed by the U.S. Army Corps of Engineers, and an approved Jurisdictional Determination letter was issued on January 3, 2024; that the resource areas will

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remain undisturbed; that the required resource buffers will be provided in accordance with the Sussex County Resource Buffer Ordinance; that the 183 acre site is partially wooded; that there are 65 acres of existing woodlands; that 30 acres of the woods will be impacted by the development, resulting in approximately 35 acres (54%) of the existing woodlands being preserved; that in order to avoid disturbance of the environmental areas, the development is proposed to be located in two sections of the property; that the north section will have an entrance from Lighthouse Road; that the southern section will have an entrance from West Line Road; that the north section will contain 255 residential units, comprised of 116 single-family homes, and 139 townhouses; that the small southern section will contain 97 residential units, comprised of 45 single-family homes, and 52 townhouses; that the development is to be served with central water for domestic use and fire protection by Artesian Water Company, who was already serving the area; that the proposed on-site water distribution system is anticipated to connect to the existing artesian water infrastructure, which was currently located along Lighthouse Road; that the development would be served as part of the Sussex County Sewer system, as are the surrounding communities; that the Sussex County Engineering Department indicated that the sewer capacity is available for the development; that a new pump station will be located on the northeast corner of the site; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations, and will be reviewed and approved by the Sussex Conservation District; that the stormwater facilities will meet or exceed the current stormwater regulations, including management of water quality and quantity; that Geotechnology Associates also performed a Subsurface Exploration Study, which was performed to determine the recommendations for stormwater facilities locations and site work preparation; that a Traffic Impact Study was prepared by the Traffic Group, and was performed in accordance with DelDOT's requirements; that DelDOT issued a Traffic Impact Study (TIS) letter on February 1, 2024, which stated that the Applicant would be responsible for the improvement of both sides of the paved roadways along the site's frontages along Rt. 54, West Line Road, and Dickerson Road, to meet DelDOT's standards and requirements; that the construction of the Rt. 54 entrance and West Line Road entrance, in conformity with the configurations that are described in the DelDOT TIS letter; that the Rt. 54 entrance will require, in addition to through lanes, a 240-foot right turn lane on the eastbound side of Rt. 54, and a 210-foot left turn lane on the westbound side of Rt. 54; that the West Line Road entrance will have a right turn lane westbound, and a bypass lane eastbound; that there is a current DelDOT study, called the West Line Road, SR 54, Lighthouse Road Intersection Improvement Project, which may result in a roundabout at the Rt. 54 and West Line Road intersection; that the Applicant will be required to make an equitable contribution of \$103,500.00, toward the project, as part of its DelDOT approval; that the Applicant will be granting a 15-foot

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permanent easement to DelDOT, from the edge of the right of ways along the site frontage on all three roads previously mentioned; that within the 15-foot easement, the Applicant will be constructing a 10-foot wide shared use path designed with pedestrian and bicycle improvements to be determined by DelDOT; that the entrance to the northbound section will have separate ingress and egress lanes; that the road frontage along Lighthouse Road will be attractively buffered with the 10 foot shared use path; that adjacent to that there will be a 30-foot wide, extensively landscaped buffer area with a five foot high berm; that not only will this create a very attractive appearance along Rt. 54, it will act as a noise buffer for the homes located on the interior; that the southern entrance from West Line Road will also have separate entrances and landscaping; that the development's 161 single-family lots will have an average lot size of 8,413 square feet; that the 191 townhouse lots will have an average lot size of 4,062 square feet; that the development's design provides that all the lots will be adjacent to some type of community open space; that no two lots rear yards will directly front one another; that overall, the development will contain 352 units, which does comply with the density required for an RPC; that the development streets will be constructed to Sussex County Engineering Department requirements; that as shown on the Site Plan, sidewalks will be constructed on both sides of the development streets, with one exception being the cul-de-sac street of Wedge Court (reflected as David Lane on the Preliminary Site Plan); that this area only had homes proposed on one side of the street; that sidewalks are not needed on both sides of the street in that area, and will only be provided on the side where the homes are located; that in order to avoid impact to the existing wetlands and environmental features, there is no internal road connection proposed for motor vehicles between the northern and the southern sections of the development; that there will be a boardwalk-type connection from the Wedge Court (aka David Lane) cul-de-sac to Benno Court, connecting the sections purely for pedestrians, bicycles, and possibly golfcart use; that the main recreational area is located on the north section of Black Swann Lane, fronting the lake, and will consist of a community clubhouse, with a minimum floor area of 3,000 square feet, an outdoor pool with a surrounding patio and deck area; that will be bocce ball courts, a playground or tot lot, and gathering areas with fire pits; that there will be parking for 44 vehicles; that on the plan it reflected two pickleball courts next to the clubhouse that the courts may be modified to provide for a more passive type of activity, as pickleball is beginning to become undesirable due to the noise associated with it; that the details of the recreational area will be provided and reviewed by the Planning Commission as part of the Final Site Plan approval process; that located in the front of the clubhouse area there will be a boardwalk connecting the recreational area to the beach on the north side of the lake; that there will be a designated area for swimming, bathing, launching and storage area for kayaks and stand up paddle boards, and there will be a walking trail, with no anticipation of any motorized aquatic vehicles; that

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the southern section of the development will have an approximately one-acre park, that the park will be landscaped; that the park will contain a pergola, benches, tot lot and parking spaces in conformance with the Subdivision Ordinance; that the recreational amenities will be completed prior to the issuance of the 60% of the residential building permits, as it is required by the Zoning Ordinance; that the development's total community open space, as it is defined by the Zoning Code, will be approximately 114 acres (62%) of the 183 acre site; that the location of the development is in the service area of the Roxana Volunteer Fire Company; that the Applicant is proposing to voluntarily commit, that upon the issuance of a Certificate of Occupancy for each residential unit within the Swann Lake development, an annual contribution of \$100.00 to the Roxana Fire Company will be made; that the contribution will be collected and paid by the homeowners association; that the contribution will be collected from each homeowner through their HOA dues; that the Applicant did request a caveat be placed, that should the State or County enact a law requiring a mandatory payment to the fire company, that the proposed obligation would no longer apply; that this obligation had been proposed as Condition P in the proposed Conditions of Approval; that the site is located within the Indian River School District; that a school bus stop, or stops, will be located near the development entrances or at the clubhouse; that the exact location of the bus stops would be coordinated with the school district; that it is anticipated that the development would be constructed in six phases over approximately five to seven years; that Mr. Willard requested to submit into the record, proposed Findings and Conditions for the Commission's consideration; that the Swann Lake RPC is located within the Coastal Area, being a designated Growth Area according to the Comprehensive Plan; that the plan states Growth Areas are locations where development should be placed, even at much higher densities; that the existing AR-1 (Agricultural Residential) zoning density will remain unchanged, and the RPC density will be in accordance with the permitted density for an RPC within the AR-1 district; that the proposed development will offer a variety of housing, with both single-family, as well as townhouses; that the plan proposes superior recreational amenities; that the proposed development will replace an existing borrow pit excavation operation, by reclaiming and revitalizing the borrow pit as a community lake for recreational use and visual appearance, and the Applicant requested the Council recommend approval on the application.

A discussion was held about the road that runs along the property, Chicken House Lane. It was reported that it was originally planned to remove the road. It is proposed to have a 25-foot easement for the adjoining lot owners and for the owners to the northwest. Mr. Hudson stated that he wanted to be sure that it is done properly. A screening buffer will be planted behind the lots.

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Public comments were heard.

Mr. Wendell Bunting spoke about the application; that the road that was previously discussed is on the deed of the property; that he went to the deed office and found it quickly; that it states that the road described on the deeds and is an 18 foot +/- road; that it was a County road; that it was a road he used to get his mail on; that there has been multiple times that this road has been tried to be closed; that it was taken to court and the judge said that it can never be closed.

The Public Hearing and public record were closed.

**M 421 25
Defer
Action/
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A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS”.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 422 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 3:06 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.}