

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 21, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 21, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 425 25 Approve Agenda	A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, 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 October 7, 2025, and October 14, 2025, were approved by consensus.
Correspondence	There was no correspondence. Public comments were heard.
Public Comments	Ms. Judy Rose Siebert spoke about how Proposed Zoning Ordinances are listed on the agenda. Ms. Pier Felton spoke about noise issues near her home.
Presentation UD Carvel Research	A presentation was given by James Adkins, Interim Director, University of Delaware Carvel Research and Education Center updating Council on their programs.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Delaware State Police Activity Report</u>

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

The Delaware State police year-to-date activity report for September 2025 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 September.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, October 28th. The next regularly scheduled Council meeting will be held on Tuesday, November 4th.

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

**Resolution/
DSHA
Application**

Brandy Nauman, Director of Community Development & Housing presented a Proposed Resolution entitled "TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITTED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS" for Council's consideration.

**M 426 25
Adopt
Resolution
No. R 021 25**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to Adopt Resolution No. R 021 25 entitled "TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITTED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS".

Motion Adopted: 5 Yeas

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

**Kings Hwy
CO No. 2**

Mark Parker, Assistant County Engineer, presented change order No. 2 for King's Highway from SR1 to Freeman Highway – advanced utility relocation for Council's consideration.

**M 427 25
Approve CO
No. 2/Kings
Hwy**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that change order No. 2 for Christiana Excavating Company's base contract for the Kings Highway advanced utility relocation project be approved, increasing the contract amount by \$69,375.00 with said amount to be adjusted if needed based on monthly

pump rental rates, and being contingent upon DelDOT's final concurrence.

Motion Adopted: 5 Yeas

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

Warwick Park Amendment No. 3 **Patrick Brown, Project Engineer IV presented a recommendation to award and GMB Amendment No. 3 for Warwick Park Sewer – Phase 1 for Council's consideration.**

M 428 25 Approve Award/ Warwick Park Sewer **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering Department that contract S24-13, Warwick sewer project Phase 1, be awarded to A-Del Construction, for their total bid amount of \$1,387,948.00, contingent upon DNREC concurrence.**

Motion Adopted: 5 Yeas

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

M 429 25 Approve Amendment No. 3/ Warwick Park **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering Department that Amendment No. 3 to the base contract for George, Miles and Buhr be approved in the not-to-exceed amount of \$35,000.00.**

Motion Adopted: 5 Yeas

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

Sediment Control & Stormwater Management Ordinance **Hans Medlarz, Project Manager, presented an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT" for Council's consideration.**

Introduction of Proposed **Ms. Gruenebaum introduced an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9**

Ordinance **AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT”.**

**Old Business/
CZ2001** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director 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-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” filed on behalf of Belmead Farm, LLC.**

The County Council held a Public Hearing on the application at the meeting on September 16, 2025. At the conclusion of the meeting, the Council held the Public Record open for a period of 14 days to submit additional questions to State Agencies, with a subsequent period of 14 days for the State Agencies to respond to the Council’s questions. The Public would then have 14 days from October 14, 2025, to submit additional comments in relation to the State of Delaware’s written responses, which shall be uploaded to the County’s online land use docket, after which the Public Record will then automatically close at the end of business on October 28, 2025.

**Old Business/
CU2568** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” filed on behalf of Unitarian Universalist Society of Southern Delaware.**

M 430 25 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to add**
Add Reason **Condition No. 8 to read “This approval is subject to the sign being turned**
No. 8 **off at 10:00 p.m. each evening through 7:00 a.m. the next morning”.**

Motion Adopted: 5 Yeas

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

M 431 25 **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to**
Adopt **Adopt Ordinance No. 4022 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**

**No. 4022/
CU2568** **RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows and as amended by this Council:**

1. This is an application for a conditional use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code, and the sign operation will be governed by the requirements of Section 115-161.1C(1).
2. The sign will be located on the Church’s property, and it will be used to display information about the Church and its various activities and events.
3. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.
4. The Church owns this property and others that are adjacent to it. The sign will not adversely affect neighboring properties or area roadways and traffic.
5. The site is located along Route 9, which is designated as a Principal Arterial Highway. This is an appropriate location for a sign such as this.
6. This Recommendation for approval is subject to all state and county agency approvals, including but not limited to the Delaware Department of Transportation.
7. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.
8. This approval is subject to the sign being turned off at 10:00 p.m. each evening through 7:00 a.m. the next morning.

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 432 25
Urban
Youth Golf
Program
Association** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$1,000 (\$1,000 from Mr. Lloyd’s Councilmanic Grant Account) to Urban Youth Golf Program Association for their school and community program expansion.**

Motion Adopted: 5 Yeas

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

**Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 433 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give**
Downtown **\$2,000 (\$1,500 from Mr. Lloyd's Councilmanic Grant Account and \$500**
Seaford **from Mr. McCarron's Councilmanic Grant Account) to Downtown Seaford**
Association **Association for their annual Christmas parade.**

Motion Adopted: 5 Yeas

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

M 434 25 **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$3,000**
Seaford **(\$3,000 from Mr. Lloyd's Councilmanic Grant Account) to Seaford**
Tomorrow **Tomorrow for their Friday Night Live event.**

Motion Adopted: 5 Yeas

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

M 435 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give**
Sussex **\$1,000 (\$1,000 from Countywide Youth Grant Account) to Sussex County**
County **Science Fair for their 2025-26 Science fair.**
Science Fair

Motion Adopted: 5 Yeas

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

M 436 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give**
Jason **\$1,500 (\$1,500 from Countywide Youth Grant Account) to the Jason**
Anderson **Anderson Foundation for Youth Sports for their youth sports grants and**
Foundation **scholarships.**

Motion Adopted: 5 Yeas

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

M 437 25 **A Motion was made by Mr. Hudson, seconded by Mr. McCarron to give**
Cape **\$2,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account and \$1,000**

Henlopen Education Foundation from Ms. Gruenebaum's Councilmanic Grant Account) to the Cape Henlopen Education Foundation for their teacher grant 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 438 25 Sussex County Land Trust A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$1,500 (\$750 from Ms. Gruenebaum's Councilmanic Grant Account and \$750 from Mr. Rieley's Councilmanic Grant Account) to Sussex County Land Trust for their 25th anniversary event.

Motion Adopted: 5 Yeas

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

Proposed Ordinances Introductions Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS" filed on behalf of Preston & Mason Dryer.

The Proposed Ordinance will be advertised for a Public Hearing.

CM Comments There were no Council Member comments.

M 439 25 Go Into Executive Session At 11:01 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

Executive Session At 11:11 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending and potential litigation. The Executive Session concluded at 11:56 a.m.

M 440 25 At 11:58 p.m., a Motion was made by Mr. McCarron, seconded by Ms.

Reconvene	Gruenebaum to come out of the Executive Session and go back into the Regular Session.
	Motion Adopted: 3 Yeas, 2 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Absent; Mr. Hudson, Yea
E/S Action	There was no action related to Executive Session matters.
M 441 25 Recess	A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to recess until 1:30 p.m. Public Hearings.
	Motion Adopted: 3 Yeas, 2 Absent
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Absent; Mr. Hudson, Yea
M 442 25 Reconvene	At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum 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
Public Hearing/ Ghulam Dastgir, LLC	A Public Hearing was held for the Lands of Ghulam Dastgir, LLC annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area). Mr. Ashman provided background for the project and showed the location of the property.
Annexation into SCUSSD	There were no public comments.
	The Public Hearing and public record were closed.
M 443 25 Adopt Resolution No. R 022 25/ Ghulam Dastgir, LLC	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Resolution No. R 022 25 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) WESTERN SUSSEX AREA, TO INCLUDE THE LANDS OF GHULAM DASTGIR ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORK 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 matters.

**Public Hearing/
CU2395**

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 DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” (property is lying on the south side of Park Avenue [S.C.R. 318] at the intersection of Park Avenue [S.C.R. 318] and Cedar Lane [S.C.R. 321A]) (911 Address: 22318 Cedar Lane, Georgetown) (Tax Map Parcel: 135-20.00-81.00) filed on behalf of Breeze-A-Bella Land Group, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons of approval and subject to 14 recommended conditions of approval as outlined.

The Council found that Mr. Doug Wade, owner of Breeze-A-Bella Land Group, LLC, and the subject property, spoke on behalf of his application. Mr. Wade stated that the property is located along Park Avenue in Sussex County; that the property is within the AR-1 (Agricultural Residential) Zoning District; that he was requesting Conditional Use approval for the 10.896 acre portion of the property for the construction of a distribution warehouse facility; that the warehouse would serve as a relocation and expansion of the of their existing e-commerce operations located at multiple locations within Georgetown; that the proposed facility will include product storage, shipping and packaging space, administrative offices, and equipment and materials that are essential to their daily operations; that he owns and operates several businesses that are interconnected by their commitment to quality and local integrity; that they do Freedom Farms, which is where they produce and package non-GMO garden seed for local and national sales; that they produce and package high quality hay for all livestock and small pets; that he owns and operates DIY Tool Supply, which is their flagship e-commerce business, that sells both private label and name brands through Amazon, Walmart and other online platforms; that Breeze-A-Bella Land Group is where they manage several rental properties, as well as, over 100 acres of agricultural hay fields throughout the Georgetown area; that they also have a cattle operation, where they raise grass fed, grass finished beef; that they sell these animals

**Public
Hearing/
CU2395
(continued)**

as quarters, halves and directs at local farmers markets; that they currently employ 24 individuals, of which the vast majority are full-time employees; that they will create additional local jobs, as they expand their warehouse, as it will function as a distribution and logistics hub; that they receive trucks in from their suppliers; that the average number of trucks is approximately 10 commercial trucks a month, averaging to about two per month; that the surrounding area of the site features a mix of residential, agricultural and industrial uses, including a nearby industrial warehouse facility located just to the northeast of the subject property along Park Avenue; that the site is located within the Developing Area, being designated as a growth area, under the current Sussex County Comprehensive Plan; that this is an area where the Comprehensive Plan anticipates and encourages commercial and industrial development, seeks to support employment opportunities, and provides a strategic buffer between fully residential and industrial zoned parcels; that they believe the proposed Conditional Use aligns precisely with both the County Code and the Comprehensive Growth Plan for the County; that he believes approval of the facility will offer several meaningful advantages including job creation by adding local full-time positions across logistics, warehousing, administration, warehouse management, and administration graphic design; that another benefit would be fulfillment support for agriculture; that their business is a lot like their farm; that a lot of their products are for agriculture, they just push them on a national scale; that these products consist of hay for small pets such as rabbits or hamsters, as well as the products they grow locally, but ship throughout the country; that the proceeds from the expansion will help to sustain their grass fed cattle operations and the seed production; that they are a locally owned company, not a national chain; that the proposed application is a strategic and responsible expansion, which remains in harmony with the community values; that the proposed use will have minimal environmental impact with the private septic and well systems, which have been approved by DNREC, and with no hazardous materials on site; that their operations maintain a low ecological footprint; that DelDOT conducted a response stating that the traffic impact would be negligible; that they are following DelDOT's strict access requirements using what will remain of Cedar Lane; that they originally felt it would be easier to have an entrance along Park Avenue; that DelDOT decided that Park Avenue was not the best flow for traffic because of their completion of their project; that DelDOT felt it would be best for the traffic to come behind the existing single-family home, connecting back to Cedar Lane; that Cedar Lane will be going away as part of DelDOT's Phase 2 project; that they propose orderly and quiet operations; that their hours are limited from 8:00 a.m. until 5:00 p.m., Monday through Saturday; that there will be no Sunday hours; that there is no excessive noise and no outdoor storage; that the expansion will generate additional tax revenue; that this will help to fund schools, infrastructure and public services; that they worked closely with DelDOT from the beginning; that their site plan was developed

**Public
Hearing/
CU2395
(continued)**

in close coordination with DelDOT and in response to their Phase 2 Park Avenue Relocation Plan; that they will not proceed with construction until the Phase 2 DelDOT improvements, including the Cedar Lane rerouting are substantially complete; that they will wait for DelDOT to complete their project before they would break ground for construction of the Conditional Use; that there is a lack of public utilities in the area, and therefore the site is served by an on-site septic and well system which will be installed; that DNREC has reviewed and approved the necessary septic guidelines; that there will be stormwater management; that it will be a 22,000 square foot retention area that will be constructed during their Phase 1, to manage runoff and prevent environmental impact; that Phase 1 on their project would include the entrance construction via Cedar Lane, per DelDOT's guidance, the initial parking area, warehouse building 1 and warehouse building 2, the stormwater retention system, the septic installation, and the DelDOT easement; that Phase 2 of their project will consist of construction of the additional warehouse buildings, extended parking and the setback and screening buffers as shown on the site plan; that all developments will adhere strictly to all Sussex County Codes, building requirements, and setback regulations; that to minimize the community impact, they propose the self-imposed operational standards being, normal hours of operation Monday through Friday; that delivery and pickups are to be between 9:00 a.m. and 4:00 p.m. on weekdays; that they will limit weekend operations, based on the seasonality of their business; that at times they may be required to work on a Saturday, but traffic would only be employees; that no truck traffic would be permitted on Saturdays; that no hazardous material storage is proposed; that no outdoor stockpiling or debris will be stored onsite; that they will have security systems installed; that they will have a designated dumpster area, with professional site maintenance and landscaping; that the proposed Conditional Use is a strategic and responsible expansion of a locally owned business, which has been in operation for nearly two decades; that the proposed use aligns with the County's Comprehensive Plan, designating Developing Areas as growth areas; that the proposed use serves the best interests of the community by bringing jobs, preserving local agriculture, and enhancing economic opportunities; that they had taken a careful and deliberate approach, working closely with DelDOT, DNREC and their engineers to ensure that the proposed project is safe, efficient, and respectful of the surrounding neighborhood and he kindly requested the Council to approve the requested Conditional Use so that they could continue building a sustainable, community-minded business for Sussex County.

There were no public comments.

The Public Hearing and public record were closed.

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

**M 444 25
Defer
Action/
CU2395** **action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS”.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CZ2055** **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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” (property is lying on the south side of Ballast Point Road [S.C.R. 341A], approximately 215 feet west of Sandy Landing Road [S.C.R. 342]) (911 Address: N/A) (Tax Map Parcel: 134-6.00-175.00) filed on behalf of David Roe.**

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval as outlined.

The Council found that Mr. David Roe was present on behalf of the application. Mr. Roe stated that the property has been in the family for decades, and he would like to establish a lot to place a single-family residence.

There were no public comments.

The Public Hearing and public record were closed.

**M 445 25
Adopt
Ordinance
No. 4023/
CZ2055** **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4023 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” for the reasons given by the Planning Commission as follows:**

- 1. The application meets the purpose of the Zoning Code in that it promotes the orderly growth of the County.**

**M 445 25
Adopt
Ordinance
No. 4023/
CZ2055
(continued)**

- 2. This rezoning is being sought to allow the Applicant to place an older-model manufactured home on the property for a family member. This is not permitted under the existing AR-1 zoning.**
- 3. The rezoning will not have a significant impact upon area traffic or roadways.**
- 4. The rezoning will not adversely impact neighboring properties, the community, or public facilities in the area.**
- 5. Based on the Future Land Use Map, this site is in the Coastal Area. This Area is appropriate for GR zoning according to the Sussex County Comprehensive Plan.**
- 6. No parties appeared in opposition to this application.**
- 7. For all of these reasons, it is appropriate to rezone this property to the GR General Residential Zoning District.**

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/
CZ2037**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” (properties are lying on the northwest side of John J. Williams Highway [Rt. 24], at the northwest corner of the intersection with Mulberry Knoll Road [SCR 284]) (911 Address: N/A) (Tax Map Parcel: 334-12.00-46.00 & 47.00) filed on behalf of Mulberry Knoll Associates, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Commission discussed the application and then deferred action on the application for further consideration. At the meeting of October 15, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons of approval and subject to the 17 recommended conditions of approval as outlined.

The Council found that Mr. James Fuqua, Esq. of Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mulberry Knoll Associates, LLC; that also present were Mr. Ben Hoskins on behalf of the Applicant, Mr. Steve Furtunato with Bohler Engineering, Ms. Nicole Kline with Bowman Consulting Group Traffic Engineering. Mr. Fuqua stated that a Project Support Narrative was submitted into the record, along with all the documentation required for the rezoning request; that the application proposes to rezone a parcel of land located on the northwest side of Route

**Public
Hearing/
CZ2037
(continued)**

24 from AR-1 (Agricultural Residential) to C-4 (Planned Commercial District); that the C- 4 District is relatively new, and rather unique; that it was his understanding that the C-4 District had only been previously requested one time before the Council, with the Change of Zone request for C/Z 2001 Belmead Farm, which was held before the County Council on September 16, 2025; that the C-4 (Planned Commercial) District is similar to a Residential Planned Community (RPC), except that C-4 is predominantly commercial, and an RPC is predominantly residential; that similar to an RPC, a C-4 request requires as part of the application, a detailed Development Site Plan, addressing the site layout, the uses, and also providing information that is listed in the C-4 section of the Zoning Ordinance; that unlike other Change of Zone applications, which cannot be approved subject to conditions, a C-4 rezoning includes Site Plan review, and the ability for the County to place conditions on the approval of the application; that the Code states, the purpose of the C-4 Planned Commercial District, is to encourage carefully planned large-scale commercial retail and mixed-use developments, as a means of creating a superior working and living environment through unified developments; that the current application requests a C-4 Zoning designation for the proposed use of a large scale, superior designed commercial shopping center, to contain approximately 665,000 square feet of floor area, anchored by three prominent national retailers, with other best-in-class brand stores, which are not already located within Sussex County; that the commercial center would be called Atlantic Fields; that the property contains 73.5 acres of cleared farmland; that the property is currently owned by JG Townsend, Jr. Company; that the site is located on the northwest side of Route 24; that the site is less than one mile from the Route 24 and Route 1 intersection; that the site has approximately 2,515 feet of frontage along Route 24; that located to the east of the site are several residential homes, a Sussex County EMS paramedic station, the Plantation Medical Office, which is currently under construction, and Plantation Road; that also to the east, on the south side of Route 24, is the Beebe Specialty Surgical Hospital, which is a part of the Beebe Abessinio Health Campus; that across from the site, on the south side of Route 24, is a large parcel of agricultural lands, also owned by JG Townsend, Jr. Company; that on the south side of Route 24, located at the Route 24 and Mulberry Road intersection, is a parcel that was previously approved as a Conditional Use for the use of a convenience store and office building; that the site is currently under development and construction; that to the west of the site, is the location of the Beacon Middle School, and a Tidewater elevated water tower located on the school's property; that the west side of the property borders Mulberry Knoll Road, with 1,250 feet of road frontage; that across Mulberry Knoll Road from the property, there are several homes, Copp's Seafood, and the Delaware State Police Troop 7 Headquarters; that to the west of the previously mentioned properties is the location of the Love Creek Elementary School and the Four Seasons at Belle Terre subdivision; that to the rear of the site, are agricultural lands that are

**Public
Hearing/
CZ2037
(continued)**

subject to an Agricultural Preservation easement; that he hoped to focus on three main topics regarding the application, being the applicable land use regulations, which fully support the requested C-4 rezoning and proposed use, the traffic impacts of the proposed use, the improvements and contributions that will be the Applicant's responsibility, and a review of the Atlantic Fields Development Site Plan, the infrastructure, the proposed uses, and the economic impact; that he will discuss the Commission's recommendation of approval and conditions; that the application had generated considerable interest; that a rezoning application is not a popularity contest, nor is it a political decision; that the courts of Delaware have ruled that public comments should be considered by the County, but ultimately, the County's decision must relate to the statutory mandates applicable to the rezoning request; that the most important consideration of any rezoning request is the relationship of the requested change to the provisions of the County's Comprehensive Plan; that the County is required by law to prepare and adopt a Comprehensive Land Use Plan for the purpose of planning future development and growth in the County; that the Comprehensive Land Use Plan is required to be updated every 10 years; that Sussex County is about to begin the cycle of the update, as the current Comprehensive Plan was last adopted in 2018; that work originally began in 2016 to begin preparing for the 2018 Comprehensive Plan; that the plan was a culmination of over two years of work, which involved dozens of presentations, workshops, and public meetings by the Commission and Council; that the approval of the 2018 Comprehensive Plan was recommended by the Planning & Zoning Commission, and was adopted by the Sussex County Council in December 2018; that subsequently, the plan was certified and signed by the Delaware Governor Carney in March 2019; that there are 13 Chapters in the Comprehensive Plan; that Chapter 4, the Future Land Use Chapter, is the centerpiece of the plan; that stated on Pages 4-1 and 4-8, the Future Land Use Plan is the most influential part of the Comprehensive Plan; that the plan further states on Page 4-20, that the County zoning regulations are intended to carry out the future land use plan; that the Future Land Use Plan includes a Future Land Use Map, which designates land in the unincorporated area of Sussex County, as being located in one of the described growth areas, or one of the rural areas; that the map represents the County's vision regarding the future of land development, and land preservation priorities through the year of 2045; that the entire Atlantic Fields site is designated on the Sussex County Future Land Use Map in red; that the red color indicates the Commercial Growth Area of the Future Land Use Map; that the Comprehensive Plan specifically addresses the uses that are envisioned in this commercial area; that the plan states that commercial areas should include concentrations of retail and services uses, that are mainly located along arterials and highways; that commercial areas should include commercial corridors, shopping centers, and other medium and large commercial of vicinities geared toward vehicular traffic; that the commercial areas are an appropriate place to locate primary

**Public
Hearing/
CZ2037
(continued)**

shopping destinations and larger scale community uses; that the plan states on Page 4-17, that these more intense uses should be located along main roads or near major intersections; that in addition to the Plan, there is a table, being Table 4.5-2, which lists the zoning districts that are applicable to Future Land Use categories; that the C-4 Planned Commercial District is designated as an applicable zoning district in the Commercial Growth Area; that the County designated this Atlantic Fields site as a Commercial Area on the Future Land Use Map, per the Comprehensive Plan; that the County determined that a Commercial Area is appropriate for a primary shopping destination, such as shopping centers, and larger scale commercial uses, geared toward vehicular traffic; that the County determined that more intense uses should be located along a road, such as Route 24, or near a major intersection, such as less than a mile from the Route 24 and Route 1 intersection; that in reality, the Applicant did not choose the site; that the County actually chose the site, and through the Comprehensive Plan directed the Applicant to the location as being an appropriate place for the proposed use; that there were many written comments submitted in opposition to the application; that some people disagreed with the County's vision, as it is currently stated within the Comprehensive Plan; that some members of the public have a different vision of the future development and use of the property; that those members of the public are entitled to their opinion, and the Applicant respects their concerns, however those opinions cannot nullify, modify or change the provisions of the Sussex County Comprehensive Plan; that the Comprehensive Plan states that large-scale commercial uses, such as a primary shopping destination, had been envisioned by the County for the subject 73.5 acre parcel, since the plan was adopted in 2018; that the plan states on Page 1-6, that the Comprehensive Plan is the County's official policy guide for future development related decisions, and that the plan strives to set a foundation for decision-making, by providing the County with a road map; that the State Statute that requires the County to enact a Comprehensive Plan, addresses what the legal status of the plan is; that under Delaware Law, Title 9, Section 6959A it states that the land use map, forming part of the Comprehensive Plan, shall have the force of law; that this means it is more than just a guide or a suggestion; that based on the language of the plan and its designation on the Future Land Use Map, the Atlantic Fields C-4 rezoning request and proposed use for the subject site, is in full compliance in accordance with the Sussex County Comprehensive Plan; that the Delaware's 2020 Strategies for State Policies and Spending, is a State document, however, it is not a land use plan; that the document and its investment level maps indicate that where the State investments will be directed in the future; that under the Strategies Investment Level Maps, the Atlantic Field site is located within Investment Level 2, which is an area where growth is anticipated by local County and State plans in the near future; that it is the State's intent to promote well designed development within Investment Level 2 areas; that associated with the Level 2 designation, the Atlantic Fields rezoning application participated in the

**Public
Hearing/
CZ2037
(continued)**

PLUS review process in May 2024; that the Office of State Planning Coordination issued its PLUS Review Letter on June 21, 2024, stating that the State had no objection to the proposed project; that the State had no objection to the proposed C-4 rezoning request, and proposed commercial development; that with all larger land use applications, traffic impacts are always an important, if not the most important consideration; that there is a very specific and detailed process that addresses those concerns; that Sussex County, as required by State law, has an agreement with DelDOT, providing a procedure for determining the traffic impact of any rezoning application; that the Memorandum of Understanding (MOU) between Sussex County and DelDOT requires that any development having a major impact, as defined by the MOU, is required to conduct a Traffic Impact Study (TIS), per DelDOT's specifications and requirements; that the Atlantic Fields site is located within the boundaries of the DelDOT Henlopen Transportation Improvement District (TID); that the TID was created in October 2020; that the TID is a planning concept that seeks to align transportation, infrastructure spending and improvements with land use projections and future development within the TID area; that a land use and transportation plan was prepared by DelDOT for the Henlopen TIS; that any proposed development located within the TID, and is consistent with the TID plan, is required to pay a TID fee, which is established by DelDOT, and is in lieu of performing a Traffic Impact Study (TIS); that the required fee satisfies the obligations for that development; that a proposed development that is determined to not be consistent with the TID, in addition to paying the TID fee, is required to also perform a Traffic Impact Study, to determine if the planned TID improvements are adequate, by considering the vehicle trips that are proposed to be associated with the new proposed use; that DelDOT determined that the Atlantic Fields development warranted a full Traffic Impact Study; that as a result, the Applicant retained Bowman Consulting Group to perform the Traffic Impact Study (TIS), in accordance with the parameters established by DelDOT; that the study involved 28 intersections in the general area of the Atlantic Fields site; that Bowman Consulting Group prepared the study, which was reviewed by DelDOT's traffic engineering consultants; that DelDOT's Traffic Impact Study Review Letter was issued on May 1, 2025, and was included into the record; that all improvements and responsibilities of the developer are listed on Pages 11 – 20 of the DelDOT Review Letter; that there were 16 improvements area, which DelDOT deemed the Applicant's responsibility; that the developer shall improve Route 24 and Mulberry Knoll Road, within the limits of the site's frontage to roadway specifications; that the Applicant will construct a single-lane roundabout at the site entrance 1A, located along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a single-lane roundabout at Entrance 2, along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a full movement site entrance at Entrance 3A, along Route 24, with a left and

**Public
Hearing/
CZ2037
(continued)**

right turn lane, as determined by DelDOT; that Entrance 3A will be the main entrance to Atlantic Fields; that the developer will enter into a Traffic Signal Agreement, to design and construct a traffic signal, with pedestrian crossing at Entrance 3A; that the Applicant will construct a right in, and right out site entrance at Entrance 3B along Route 24, and Entrance 3C; that the Applicant will improve the existing intersection of Plantation Road and Dot Sparrow Drive, by the way of an existing cross access easement, including a single-lane roundabout on Plantation Road; that this was granted at the time of the entrance permit issuance for the medical building; that the Applicant will enter into a Traffic Signal Agreement to design and construct improvements at the intersection of the Route 24, and Mulberry Knoll Road; that these improvements will include and/or will be in addition to improvements already proposed in the end loop and TID plan; that the concept and improvements within the TID are improvements planned for the future, and are then funded by developers as projects come in; that any additional improvements beyond what is planned, is also the developer's responsibility; that the developer is responsible to design and construct a raised median along Mulberry Knoll Road, between Route 24 and the site entrance, to the specifications necessary as determined by DelDOT; that this would prohibit certain turning on Mulberry Knoll Road; that the Applicant will design and construct a four-foot-high decorative fencing along the Route 24 property frontage to direct pedestrians toward signalized pedestrian crossings; that the location of the decorative fencing would be determined by DelDOT; that the Applicant will design and construct a single-lane roundabout at the Mulberry Knoll Road and Cedar Grove Road intersection, which will be located north of the site; that the developer will prepare for DelDOT review, a Traffic Signal Justification Study for the Robinsonville Road and Kendale Road intersection, located northwest of the site; that the developer will design and construct a single-lane will provide pedestrian and bicycle improvements, with bicycle lanes and symbols, as determined by DelDOT; there will be dedication of a 15 foot permanent easement from the right of way frontage on Route 24 and Mulberry Knoll Road, and construction of a 10 foot wide shared use path with an easement; that there will be internal sidewalks in the development that will connect with the shared use paths; that there will be bus stop pads constructed on both sides of Route 24, just east of Mulberry Knoll Road, as well as, at the main Entrance 3A; that a public bus service is available on Route 24; that all of these improvements will meet federal and State requirements regarding ADA compliance; that per the DelDOT TIS Review Letter, in addition to the items already stated, the Applicant shall pay the Henlopen TID fee again, as provided within the agreement and as determined by DelDOT; that all of the stated improvements and contributions will be completed in compliance with the provisions of the Henlopen Transportation Improvement District (TID); that as stated within the DelDOT TIS Review Letter, all required improvements and contributions will be implemented at the same time as the site construction;

**Public
Hearing/
CZ2037
(continued)**

that as a result, the Applicant will be responsible for entrance and road improvements with an estimated cost of between three million to four million dollars, with an additional payment to the Henlopen TID, which will be approximately three million dollars; that the proposed development is in full compliance with the requirements of Sussex County and DelDOT, with the terms of the Sussex County and DelDOT Traffic Impact Memorandum, the Henlopen Transportation Improvement District, and the applicant will be responsible for the improvements and contributions as determined and required by DelDOT; that the development will be served with central public water, provided by Tidewater Utilities, for domestic use and fire protection; that Tidewater holds an existing Certificate of Public Convenience and Necessity (CPCN) to serve the property; that the site will be annexed as part of the contiguous Sussex County Unified Sanitary Sewer District; that the Sussex County Engineering Department indicated that Sussex County is willing and able to serve the site; that the project will require a pump station and a force main to connect the center to Sussex County's system; that electricity will be provided by Delaware Electric Cooperative; that natural gas service is available from Chesapeake Utilities; that the record contains Ability to Serve Letters from all four utility providers; that the entire 73.5 acre site is cleared farmland, which had been used for agricultural purposes for over a century; that the site is located within Flood Zone X per the FEMA Flood Insurance Maps, being located outside of the floodplain; that the Delaware Emergency Management Agency indicated that the property is within an area of minimal flood concern; that the County's Resource Buffer Ordinance is not applicable or relevant to the site or the design of the site, as there are no Tidal Wetlands, Non-Tidal Wetlands, perennial or intermediate streams or woodlands located on the site; that there were some comments in opposition concerned about the need for a Drainage Assessment Report for the site; that the Resource Buffer Ordinance does require such a report when a resource buffer is located adjacent to or the site contains a stream which is not part of a tax ditch; that the site does not contain any streams; that the site does not contain any resource that has been defined in the Ordinance, and therefore the Ordinance is not applicable to the application; that the State Historic Preservation Office (SHPO) indicated that due to the long-standing agricultural use of the property, and the lack of any known occupation, there was low potential for historic archaeological sites on the property; that the lands located across Route 24 from the site are subject to an agricultural preservation easement, located to the rear of the site; that the Atlantic Fields development, design, and operation will comply with all notice and setback requirements for agricultural use protection, as required by Title 3, Chapter 9 of the Delaware Code; that the development's Declaration of Restrictions, as well as all leases and deeds shall contain the agricultural use and activities notice, which is required by the Code; that in addition, the rear boundary of the site, which is adjacent to the agricultural lands, will be screened for the entire length of the rear boundary; that the proposed Atlantic Fields

**Public
Hearing/
CZ2037
(continued)**

commercial development will comply with all fire protection requirements of the Delaware State Fire Marshal's Office; that the State Fire Marshal indicated in the PLUS letter, that they had no objection to the rezoning request; that the Applicant is agreeing to make a voluntary fire company contribution of \$100,000; that the contribution will be paid at the time that Certificates of Occupancy are issued for a building; that the contribution will be prorated based on the square footage of the building, as a percentage of the entire square footage; that because of the location, the developer is proposing 50% of the fire company contribution will be paid to the Lewes Volunteer Fire Company, and 50% to be paid to the Rehoboth Beach Volunteer Fire Company; that this contribution is a voluntary proffer, and is included as a condition in the proposed Conditions of Approval; that for a rezoning request to a C-4 Planned Commercial District, a detailed Development Plan of the proposed use is required; that the development fronts on Route 24; that there are three entrances from Route 24, being one full entrance with signalization, and two right-in and right-out entrances; that there will be two entrances along Mulberry Knoll Road; that there are seven pad sites, which are to be located along Route 24, however the access to the site will be from an internal drive; that there will be 17 store buildings situated within the center itself; that Buildings A, B and O will be the location of the three anchor stores; that a fuel filling station, located at the southeast corner of the property will be operated as part of the Building A operation; that Stores C, D, E, F & H, will be located adjacent to one another, and will be located on the northwest portion of the site; that the remaining stores are located between the area of the pad stores, and the main parking area for the development; that the gross floor area for all of the buildings will be approximately 665,000 square feet; that two of the anchor stores being the largest buildings; that Building A is approximately 172,000 square feet, and Building B is approximately 148,000 square feet; that all buildings will be no more than 42 feet in height, and will comply with all setback provisions of the Zoning Ordinance; that most of the various buildings floor area will be leased, but it is the business policy of some national retail companies to purchase and own their own store sites; that as a result, the development site plan was designed for possible future parcel and building conveyance; that by designating 11 separate parcels within the center, which are reflected on the full Development Plan that was submitted into the record; that the seven pad sites are each parcel; that Parcels 8, 9, & 10 are the anchor stores; that Parcel 11 is the largest parcel, containing about 29 acres, which will include all the remaining buildings, and the land in the center; that the C-4 section of the Zoning Code provides that the land in the C-4 District is not required to be under single ownership; that the C-4 section states that it is the intent of the C-4 District, that development be designed as an integrated and comprehensively planned area, using a common parking area, shared ingress and egress, pedestrian walkways, open space stormwater management areas, and water and wastewater utilities, that provisions for assessments for maintenance, repair and

**Public
Hearing/
CZ2037
(continued)**

replacement of these shared common facilities will be established in the Centers Declaration of Restrictions; that the easements that will be applicable to all leased or conveyed property; that for the center's vehicular traffic circulation, there will be a dualized drive from the main, signalized, entrance, being Entrance 3A, from Route 24; that the drive will extend from the entrance to a service road, which will be located along the rear of the property; that then connecting to that drive are two drives that run in an east and west orientation across the site; that the east to west drive will connect with Entrance 1A at Mulberry Knoll Road; that there will be a service road to the rear of the property that will connect the second entrance from Mulberry Knoll Road, with the eastern boundary of the site; that this road will continue on to Plantation Road by the way of an existing DelDOT cross access easement, which is being referred to as an ingress egress easement; that there was a letter submitted into the record, from the attorney for the medical center, expressing concern regarding the use of the easement; that the developer has no agreement, nor has had any discussion with the medical center regarding the easement; that DelDOT is requiring the developer to extend the road where the access easement is located; that from records he had obtained, the easement was placed on the plan when the entrance was granted by DelDOT for the medical office building; that the developer is responsible for completing the road and constructing the roundabout; that the easement concern is really between DelDOT and the medical center's property owner; that the developer of Atlantic Fields intends to do what is required by DelDOT, while attempting to make sure everyone is in agreement with what will be constructed; that parking is shown on the Site Plan; that per the Zoning Code, the proposed shopping center will require 3,317 parking spaces; that 3,405 parking spaces are proposed to be provided, including ADA compliant design spaces; that larger parking lots, such as what is proposed, require landscaped islands spaced within the parking areas; that for the proposed parking area, 136 islands would be required; that the Site Plan provides 242 islands, which considerably exceeds the requirement; that there will be sidewalks located adjacent to, and at minimum, the fronts of all stores, and will be marked; that designated pedestrian crosswalks will be located throughout the center; that there will be stop signs located where appropriate; that loading areas will be provided for all stores as required; that loading areas and trash enclosures will have appropriate landscaping and/or screening/fencing; 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 stormwater management and treatment will meet or exceed the current stormwater regulations, including management of water quality and quantity; that the system will be designed to direct all stormwater on the site to catch basins; that from the catch basin, stormwater will be routed to above ground and underground collection facilities by way of an underground closed storm system; that both the above-ground and underground facilities will be designed to infiltrate

**Public
Hearing/
CZ2037
(continued)**

the collected stormwater up to the 100 year storm event; that an emergency outfall pipe will be installed as part of each facility that will be situated above the 100 Year Storm Water Peak Elevation; that it would route stormwater in that type of event to a DelDOT right-of-way; that as shown on the Site Plan, the underground facilities are located in parking lots; that there is a Wellhead Protection Area located in the southeast corner of the site; that this is the proposed location of the fuel station area; that the area will be graded and developed so that all stormwater runoff within the fuel station footprint will be collected and routed to an underground stormwater facility that will be located 300 feet from the Wellhead Protection Area; that there will be no infiltration of stormwater from the fuel station site in the Wellhead Protection Area; that the underground facility will provide quality treatment to that stormwater prior to its infiltration, and would be done at a distance far removed from the Wellhead Protection Area; that the stormwater facilities will meet or exceed DNREC requirements, and will be reviewed and approved by Sussex Conservation District; that the Development Plan, as required by the C-4 District, has a Landscape Plan, which details the landscaping and the types of plantings for the center; that there is a separate Landscaping Plan, as part of the original documents; that reflected on the plan, within the center, and along sections of the perimeter of the site, a total of 262 various types of canopy trees with a height at maturity of 12 to 14 feet, 186 evergreen trees with a maturity height of six to eight feet, 32 ornamental trees with a height of eight to 10 feet, and 929 shrubs, reaching a height of four to five feet in height; that each of the 242 parking lot islands will be mulched, and planted with a canopy tree; that parking areas along Route 24 will have shrubbery screening between the parking spaces and Route 24; that in addition, DelDOT required an ornamental fence between Route 24 and the parking spaces; that the western boundary of the center at Mulberry Knoll Road will have landscaped areas with evergreen trees, canopy trees and shrubs; that the eastern boundary will be screened by evergreen trees; that the screening will incorporate some existing trees that are located along that boundary; that to the rear of the site, there will be a continuous six-foot-high sight tight fence; that shrubs and canopy trees will be located along the service road; that the responsibility for the maintenance, upkeep and replacement of all the landscaping globally will be established in the center's Declaration of Restrictions; that the key factor in the successful operation of a shopping center is its anchor stores; that anchor stores are typically large, well-known, national retailer grocery stores, which serve as the primary draw for shoppers; that anchor stores attract a high volume of customers, and serve as a magnet for shoppers who most likely will also shop at the surrounding smaller stores in the center; that historically, most of the popular national brand retailers who serve as anchor stores relied on population to determine their new store sites; that previously, the year-round population of Sussex County did not meet the requirements of most of the national stores; that with the recent changes which have occurred in Sussex County, many national companies have

**Public
Hearing/
CZ2037
(continued)**

reconsidered their location criteria; that Sussex County's year-round population has grown significantly; that it is projected by the Delaware Office of State Planning Coordination to continue growing well into the future; that there are other considerations unique to Sussex County; that eastern Sussex County has a significant seasonal population; that the demographics of Sussex County, being income levels and median age, are demographics factors that are very supportive of a successful retail operation; that other considerations are market opportunities, as determined by the stores site access from a major road, which is a major consideration, and community interest; that another factor would be the availability of suitable real estate at a location, which is suitable real estate, at a location that is available through land for sale; that based on those considerations, three national companies have committed to being anchor stores at Atlantic Fields; that Building O will be a Whole Food Grocery Store; that Building B, located in the center, will be a Target; that Building A, being the largest building, will be a Costco; that there are other popular retailers in discussions with the Applicant, but they have not yet committed; that the economic impact of Atlantic Fields center is a relevant consideration; that one of the purposes of the County's zoning authority is to promote the welfare and prosperity of present and future County residents; that the Applicant retained Sage Policy Group, an economic and policy consulting firm, who's headquarters are located within Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that the report is dated August 2025, and was submitted into the record; that the permitting and construction phase of Atlantic Fields will take approximately three years; that the total development cost, including land acquisition, site preparation, infrastructure and building construction, will be approximately \$175 million; that the construction of Atlantic Fields will support approximately 990 jobs in Sussex County, generating approximately \$76,000,000 in labor income during the construction phase; that once fully built and operational, Atlantic Fields will support approximately 1,750 permanent jobs in Sussex County, with an annual labor income of approximately \$79 million, and Atlantic Fields is project to contribute approximately \$370,000 annually in school property taxes to the Cape Henlopen School District, without directly generating any additional pupil enrollment; that on October 15, 2025, the Commission recommended approval of the application; that the Council relies on the expertise of the Commission; that he believes that there is no error in the Commission's recommendation; that the Commission recommended 17 conditions of approval; that the conditions are acceptable to the applicant except for D and E; that condition D prohibits delivery truck use on Mulberry Knoll Road until improvements are constructed; that the concern is that the language that was used was vague; that they propose a revised condition that will identify required improvements by referencing the TIS letter that was discussed earlier; that once those improvements are completed, truck deliveries would be permitted but only between Route 24 and the rear

**Public
Hearing/
CZ2037
(continued)**

entrance to the center; that trucks making deliveries would not be permitted to use Mulberry Knoll Road north of entrance 2 until the road is completed; that signage would be installed and language would be included in the declaration of restrictions; that proposed revised restrictions were submitted; that condition E prohibits parking along the 60-foot front yard setback along Route 24; that they believe that the condition disrupts the traffic flow and parking; that he believes that there is no zoning that prohibits parking in the front yard setback; that there is no standard of review of when it is or why it is discouraged; that along Route 1 and Route 24, there are numerous commercial sites with parking in the front yard; that there is a fairly new Residence Inn on Route 24 which is on the same side of Route 24 as this site that has parking in the front yard along the full Route 24 frontage; that the proposed revision provides that there be no parking or drive aisle within 30 feet of the front property line; that the 30 foot area would be landscaped with trees and 50 shrubs; that there would be fencing placed and the shared use path as required by the TIS letter; that copies of the revised conditions were submitted.

Mr. Ben Hoskins, present on behalf of the Applicant, stated that he agreed that the information provided in Mr. Fuqua's presentation was factual, true, and correct.

Ms. Nicole Kline, with Bowman Consulting Group, stated that she agreed that the information provided in Mr. Fuqua's presentation regarding traffic was accurate.

Mr. Steve Fortunato, with Bohler, stated that they agreed that the information provided in Mr. Fuqua's presentation regarding site design, infrastructure, and related matters was accurate.

In conclusion, Mr. Fuqua stated that in his presentation, that by the policies and provisions of the Sussex County Comprehensive Plan and Future Land Use Map, Sussex County has determined that land designated commercial area by the plan such as this site is appropriate for a shopping center or large commercial use; that the more intense uses should be located on a main road like Route 24 or near a main intersection like Route 24 and Route 1 intersection; that Atlantic Fields requested C-4 rezoning and Development Site Plan fully complies with the C-4 Plan, commercial district design and use provisions; that all requirements regarding traffic impact, as set forth in the Sussex County DelDOT Memorandum of Understanding, the DelDOT Henlopen Traffic Improvement District, and the DelDOT Traffic Impact Study Review Letter had been complied with or would be complied with, and that those improvements would be concurrent with the development construction; that larger scale commercial uses and primary shopping destinations are appropriate in a commercial area, as described in the Comprehensive Plan, and as designated on the Future Land Use Map; that Atlantic Fields requested C-4 rezoning and the use is

**Public
Hearing/
CZ2037
(continued)**

precisely located in total conformity with the Comprehensive Plan, and also with the Delaware State Investment Map; that the recommendations of revised conditions for D & E are appropriate; that the Applicant requested the Council's recommendation of approval, subject to conditions recommended by the Commission with the amendments as discussed.

Ms. Gruenebaum questioned if there has been a site risk assessment done on the potential risk caused by contamination. She then questioned if the amount of impervious cover within the wellhead protection area has been addressed. She then discussed the salaries of the jobs that this project would bring and questioned if there was any plan for affordable housing to accommodate this workforce. The average number of daily trips was discussed further. Ms. Gruenebaum then questioned the road improvements that would be made for the project.

Mr. Rieley questioned the numbers provided in the traffic count and then discussed the traffic that the proposed application would bring to the area. He then commented on potentially adding housing to the application. He then asked if any contribution to any conservation organization was considered. Mr. Rieley then discussed stormwater runoff.

Mr. Lloyd commented that he liked the shopping opportunities, jobs created and economic benefits that this project brings. However, the Council's job is to determine the suitability of the surrounding parcels. Mr. Lloyd then discussed the location of the project.

Mr. McCarron stated this application is for C-4 where there is no housing included. He commented on the additional jobs created and the opportunity for people not to be able to work where they live due to costs of living. He added that he agreed with the funding of the fire and ambulance

Representatives from DelDOT and McCormick Taylor, the consultant for the project, discussed the TID letter and provided updates on the CTP that were included in the letter. A discussion was held about traffic pending the improvements that have been discussed by DelDOT. Pedestrian and interconnectivity were also discussed.

Public comments were heard.

Dr. Chris Haffer spoke in support of the application.

Mr. Frederick Mitsdarfer, III spoke in opposition to the application.

**M 446 25
Recess**

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to recess.

Motion Adopted: 5 Yeas

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

**M 447 25 A Motion was made by Mr. McCarron, seconded by Mr. Lloyd 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
Hearing/
CZ2037
(continued)**

Mr. Shawn Moloney spoke in opposition to the application.

Mr. Gary Vousheim spoke in opposition to the application.

**Representative Ms. Claire Snyder-Hall spoke in opposition to the
application.**

Ms. Jill Hicks spoke in opposition to the application.

Mr. John Niemkiewicz spoke in opposition to the application.

Ms. Robin Delgado of Lewes spoke in opposition to the application.

Ms. Joan Barrell spoke in opposition to the application.

Ms. Cheryl Basset spoke in opposition to the application.

Mr. David Suter spoke in opposition to the application.

Ms. Lisa Dulany spoke in opposition to the application.

Ms. Peggy Mauro spoke in opposition to the application.

Ms. Fran Goodheart spoke in opposition to the application.

Ms. Chris Kattak spoke in opposition to the application.

A member of the public spoke in opposition to the application.

Ms. Wendy Taylor spoke in opposition to the application.

Mr. Chris Hopkins spoke about the application.

Ms. Adrian Bosso spoke in opposition to the application.

**Public
Hearing/
CZ2037
(continued)**

Mr. Eric Walden spoke in opposition to the application.

Mr. William Zack spoke in opposition to the application.

Ms. Sue Armstrong spoke in opposition to the application.

Mr. Dave Bower spoke in opposition to the application.

Ms. Judy Rose Siebert spoke in opposition to the application.

Mr. Jim O'Rourke spoke about the application.

Ms. Janet Ligabel spoke about the application.

Ms. Alison Anitsz spoke about the application.

Ms. Denise Crock spoke about the application.

The Public Hearing was closed.

**M 448 25
Defer
Action/
CZ2037**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS" and to keep the record open to allow Council to submit their questions for DNREC, Sussex Conservation District and DelDOT for a period of two weeks from today to Mr. Whitehouse, then two weeks to allow the agencies to respond to those questions and then allow two weeks for any member of the public to respond to those responses all with close of business day deadlines.

Motion Adopted: 5 Yeas

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

**M 449 25
Recess**

At 7:24 p.m., A Motion was made by Mr. Rieley, seconded by Mr. McCarron to recess.

Motion Adopted: 5 Yeas

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

M 450 25 **A Motion was made by Mr. Rieley, 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
Hearing/
CZ2052**

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 (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” (properties are lying on the west side of New Road [S.C.R. 391], approximately 80 feet north of Lighthouse Road [Rt. 54]) (911 Address: N/A) (Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00) filed on behalf of Marlin Cove, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 18 recommended conditions of approval as outlined.

The Council found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A. was present on behalf of the Applicant Marlin Cove, LLC; that also present was Mr. Russ Garufi and Mr. Fabian Rodriguez, both Principals of Marlin Cove, LLC, along with Mr. Richard Polk and Mr. Eric Jones, Professional Engineers with Vista Design, Inc., and Mr. Edward Launary, Professional Wetland Scientist with Environmental Resources, Inc. Mr. Willard stated that the application proposed a Change of Zone, for a MR-RPC (Medium Density Residential - Residential Planned Community), that an RPC is a residential planned community that allows flexibility to design different lot sizes, and different housing types, subject to having the underlying zoning; that the current application requests that the underlying zoning be changed from AR-1 (Agricultural Residential) to MR (Medium Density Residential), increasing the permitted density from two units per acre to four units per acre; that the Commission recommended approval; that the applicant agrees with the conditions that were recommended by the Commission; that the application proposes a change of zone from AR-1 to MR-RPC for 210 residential lots, including 106 single-family detached lots, and 104 semi-detached duplex lots on land comprised of 6.84 acres; that the proposed RPC use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location, by utilizing MR Zoning in a Coastal Area,

**Public
Hearing/
CZ2052
(continued)**

surrounded by similar density; that the project will not adversely affect neighboring properties, area roadways, or community facilities; that the proposed MR-RPC is consistent with the County's Comprehensive Plan; that the site is located within the Coastal Area according to the plan, which is designated as a growth area, where a range of housing types should be permitted, including single-family and multi-family units; that the surrounding area is also located within the Coastal Area, where MR (Medium Density Residential) zoning is appropriate; that the purpose of the MR Zoning is to provide Medium Density Residential developments in area that are expected to become urban or town-like, and where central sewer and water are available, when near sufficient commercial uses and employment centers, when keeping in character of the area, when located along a main road, or near a major intersection, and where there are adequate levels of services; that the proposed MR-RPC is located near the major intersection of Rt. 54 and Rt. 20; that the site frontage is located along New Road, only 100 feet from the intersection of Rt. 54 and 1,300 feet from Rt. 22; that the application consists of three parcels, located within the Coastal Area, and along New Road; that two of the parcels are owned by Marlin Cove, LLC, and the other parcel is owned by Atlantic Associates; that all three parcels are owned by Mr. Garufi and Mr. Rodriguez; that Mr. Garufi resides on a property along New Road; that the site is located .5 mile east of Williamsville, 100 feet north of Lighthouse Road, and 1,300 feet from Zion Road; that the proposed MR-RPC is surrounded by similarly zoned MR residential communities, being Bay Knolls and the Melson Property, which were approved for MR rezoning, by the Planning Commission in 2021; that RPCs must be a minimum of 40 acres in size; that to the north of the site is the Fox Haven community, with units of 10,000 square feet, which is zoned GR (General Residential), which allows for the same density as MR; that Bay Knolls has a density of 3.87, and the Melson Property has a density of 3.67; that the application proposes a density of 3.45; that there were some HR (High Density Residential) properties and commercial properties located closer to Fenwick; that the proposed RPC is located in close proximity to the intersection of Rt. 20 and Rt 54, where a commercial center had been established; that the surrounding area has higher residential density and is served by various commercial businesses; that there are an array of businesses that serve the whole area, which is the purpose of MR zoning having a higher density; that businesses within the area consist of Breasure's Pest Control, Breasure's Carpet Cleaning, Brandywine Fenwick Island by Monarch, Nemours Children's Health, Beebe Health, Bayside Wine & Spirit, Hometown Creamery, Maximum Hair, PNC Bank, Lucia's Pizza, Capstone Homes, Villas Hair Studio, Royal Farms, Vogue Salon, Lunas Cactus Café, and Coco's Massage Place; that there were multiple documents submitted into the record, including the Environmental Assessment, the conformance with Chapter 99-9C, the conformance with the Comprehensive Plan, the Drainage Assessment Report, the Resource Buffer Management Plan, the Forest Assessment, and the County's Staff Analysis; that multiple maps

**Public
Hearing/
CZ2052
(continued)**

were submitted along with PLUS comments, and the engineer's responses to the PLUS comments; that there is an eight inch sewer manhole located just north of Zion Road; that there is a water main, and a gas main that runs down New Road; that there is underground electric; that there is a sewer manhole located by the Lighthouse intersection; that central sewer is available to the site; that Parcel No. 9 is required to be annexed into the area, however it is surrounded by a sewer zone area; that all central utilities are available; that submitted into the record was an intensive Forest Assessment Report, which indicates the diameter of all trees over a certain site; that in the forest buffer, they are reflected in there for the purposes of making sure they are preserved; that within the report, it indicates that the area had probably been forested since 1981; that the report indicates that the site consists of approximately 47% of unsalvageable forest; that the application intends to preserve most of the forest and the border, as that is where the majority of the mature trees are located; that there will be a 50 foot setback from active agricultural uses; that there will be a 30 foot retained forest perimeter buffer, where woodlands exist; that there will be 20 foot perimeter buffer where woodlands exist, which will result in a total of a 50 foot setback; that there will be a 30 foot landscape or perimeter buffer where no woodlands exist around the entire subdivision; that there is one area of Federal wetlands, being the area of Roy Creek, which runs through the property; that the buffer for this area results in approximately 1.2 acres +/-; that there is a 15 foot Zone A, located around the entire border of the wetlands; that additionally there is another 15 foot Zone B, which is also required; that there also is an expanded Zone B buffer, and an expanded forest retention around the outside reflected in yellow; that these areas result in 40 to 50 feet of buffer, which will be marked and preserved, and in compliance with the Sussex County Buffer laws; that the proposed subdivision was designed to comply with the intension of the Comprehensive Plan for the MR District, when located within the Coastal Area; that the higher density with townhouses and the duplexes are proposed to be placed closer to the intersection, with the single-family homes located further away; that the total density equals to 3.45; that there are two entrances; that the northern entrance accessed the single-family; that the single-family lots consists of a minimum of 7,500 square feet, with ample room for the parking; that there are buffers proposed all around; that the project will not disturb the wetland area, but will rather be buffering the wetland area; that they will be covering the one area, where it will cross over the creek, which remains dry most of the time; that this will be the area of the southern entrance; that there are locations of stormwater with access for maintenance; that the project will improve some of the flow coming from the fields; that the project does provide community open space; that 30% is the requirement; that the application provides for 18.25 acres of open space, resulting in 36.5% of the site; that this includes the forested buffer, the buffer protection area, the landscape buffer, the other resource buffers, and active and passive open

**Public
Hearing/
CZ2052
(continued)**

space; that the New Road improvements will be widened to DelDOT standards across the frontage of the site; that there will be two 11 foot bike lanes, with five foot shoulders; that there will be a right turn lane at each subdivision; that there will be a shared-use path all along the entire side; that along Rt. 54 there will be two turn lanes and a separate right turn lane; that there will be a right turn from westbound New Road, and a left turn lane from eastbound Rt. 54; that in the area where no forest is located, the project proposes a three-foot buffer with a fence, located on the other side of the bike path; that amenities are to include a community bathhouse, changing rooms, pool desk, pool, bike racks, flagpole, picnic table area, and parking with EV charging equipment; that there will be a sidewalk located on at least one side of every subdivision road; that the site is not located within a Wellhead Protection Area; that submitted into the record was a Willing to Serve Letter from Artesian; that the majority of the site is located within the Sanitary Sewer District; that one parcel is not located within the Sewer District, however communications have already happened between the Applicant and the Engineering Department regarding annexation, as the infrastructure is located nearby, being down New Road; that the MR- RPC is appropriate, as the area is located within a Coastal Area, being a Growth Area of Sussex County; that sewer and water are available; that commercial uses are located nearby; that the higher density has been placed closer to Rt. 54; that the purpose of the MR-RPC is to allow flexibility to achieve the purpose of an RPC, which encourages large-scale development as a means of creating a superior living environment, and to provide design ingenuity, while achieving the goals of the Comprehensive Plan; that Marlin Cove offers alternative housing types, locating home sites together on environmentally suitable portions of the site, located outside of the wetland and mature woodland areas; that the project retains 36% of the total site for open space, preserving contiguous forest, and provides resource buffers along the federally regulated Roy Creek, and adjacent wetlands to promote wildlife corridors to and from the nearby adjacent woodlands, creating non-forested open spaces throughout the community for increased passive and active recreational uses; that the project provides a community recreational building, with areas of community events and gathering along with a bathhouse, community pool, and children's play area; the project establishes multiple wet ponds, stormwater management facilities designed to maintain natural drainage patterns to promote health and protection of area groundwater in accordance with State of Delaware water quality standards; that the project will construct pedestrian sidewalks through the community to promote safe pedestrian circulation, which will connect to the shared use path along New Road; that the project proposes preserving 30 feet of forest within the perimeter buffer, where woodland currently exist along the site's perimeter; that where woodlands do not currently exist, the project proposes to establish a 20 foot perimeter buffer protection area along the forest, and establishing a landscape berm; that they are not taking any property from the adjoining

**Public
Hearing/
CZ2052
(continued)**

property owner on the corner; that the applicant confirmed that everything that was stated is true and correct; and Mr. Willard requested for the Council to approve the application.

Mr. Hudson questioned how far North on New Road DelDOT is going to make the applicant go for improvements.

Public comments were heard.

Ms. Ellen Magee spoke in opposition to the application.

Ms. Rebecca Snyder spoke in opposition to the application.

The Public Hearing and public record were closed.

**M 451 25
Defer
Action/
CZ2052**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 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**

**M 452 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 8:22 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.}

