

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 9, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 9, 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 Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Hudson.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 484 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**

A presentation and discussion was held with representatives from the Office of State Planning Coordination.

**M 485 25
Recess**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to recess until 1:00 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**

**M 486 25
Reconvene**

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**

Minutes	The minutes from November 18, 2025, were approved by consensus.
Correspondence	Mr. Moore reported that a letter was received from Jason Anderson Foundation and First State Community Action Agency thanking Council for their support.
Public Comments	Public comments were heard. Ms. Judy Rose Siebert spoke about the Coastal Corridor Study. Ms. Jen Palowski spoke about SB159 and SB199. Mr. Van Farington spoke about SB159 and SB199. Mr. Kevin Goldsborough spoke about SB159 and SB199. A remote caller spoke about SB159 and SB199.
M 487 25 Approve Consent Agenda	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to approve the following item under the Consent Agenda: Proclamation Request – Cape Henlopen High School Boys’ Cross Country State Champions Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Administrator’s Report	Mr. Lawson read the following information in his Administrator’s Report: 1. <u>Caroling on The Circle</u> The Sussex County Council would like to thank the community for participating in the 42nd annual Caroling on The Circle on Thursday, December 4th. We had a very successful night with hundreds of carolers and thus far have collected more than 23,000 canned goods and nonperishable food items for our less fortunate neighbors. We remind everyone that the County is continuing to collect items until the end of the year and will continue to distribute these goods to our local food pantries. The public can drop off food items at the County Administrative Offices building, 2 The Circle,

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

anytime, or make an online monetary donation at <https://fbd.org/caroling>. We want to thank all our volunteers, local businesses, and schools for helping to collect the food and make donations over the past month and for making this year's Caroling on The Circle a success!

2. American Planning Association Award

The American Planning Association – Delaware Chapter presented its Outstanding Planning Project award to Sussex County for the work of the Land Use Reform Working Group, a 10-member panel appointed in early 2025 to address the pace and intensity of development in southern Delaware. After 10 meetings, the group produced 20 recommendations to guide growth, modernize zoning, expand housing options, protect rural and sensitive areas, and improve transparency—recommendations Council will consider as it begins the next comprehensive plan update.

3. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for October 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 194 troopers assigned to Sussex County for the month of October.

4. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Bridgewater (FKA Bent Creek/Old Mill Landing North) Phase 1 (Construction Record) received substantial completion effective November 6th.

5. Glenn H. Luedtke

It is with great sadness that we inform you that pensioner Glenn H. Luedtke passed away on Wednesday, November 19, 2025. Mr. Luedtke began his career with Sussex County in January 2001, where he worked until January 2010 for a total of nine years of service. His last position with the County was Director of Sussex County EMS. We extend our condolences to the Luedtke family.

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

Mass Annexation **John Ashman, Director of Utility Planning & Design Review presented a request for 2025 Mass Annexation for Council's consideration.**

M 488 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
2025 Mass **Department, that the Sussex County Council approves the 2025 Mass**
Annexation **Annexation as presented and gives permission to adjust the sewer tier maps.**

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 **Hans Medlarz, Project Manager, presented change order nos. 3 and 4 for**
CO 3 & 4 **Kings Highway advanced utility relocations for Council's consideration.**

M 489 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it**
Approve CO **moved based on the recommendation of the Sussex County Engineering**
Nos. 3 & 4/ **Department that change order nos. 3 and 4 for the Kings Highway**
Kings Hwy **advanced utility relocation be approved increasing the contract by \$30,500**
Relocation **and \$16,050 respectively contingent upon DelDOT concurrence.**
project

Motion Adopted: 5 Yeas

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

Old **Under Old Business, Mr. Whitehouse presented a Proposed Ordinance**
Business/ **entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF**
CU2493 **LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO**
 ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND
 OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS" filed on behalf
 of Rennie Hunt.

The County Council held a Public Hearing on the application at the meeting on September 9, 2025. At the conclusion of the public hearing, the Council deferred action on the application for further consideration.

M 490 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenbaum to Adopt**
Adopt **Ordinance No. 4029 entitled "AN ORDINANCE TO GRANT A**

**Ordinance
No. 4029/
CU2493**

CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The property is owned by the Applicant and has been used for the intended purpose for some time. This Application is the result of a notice of violation, and it has been filed to bring the property into compliance with the zoning code. The Applicant is seeking to continue the existing business with a condition use.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within the Coastal Area.**
- 3. The property is zoned AR-1 Agricultural Residential. The property is in an area where other small businesses and similar uses exist. This use, with the conditions imposed upon it, will be consistent with these similar area uses and will not adversely affect any of the adjacent and neighboring properties.**
- 4. DelDOT has determined that the use will only have a diminutive impact upon traffic and area roadways. Therefore, there will not be any adverse impact on traffic or neighboring roadways.**
- 5. This small site development company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 6. There was no opposition to this application.**
- 7. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to a site development business that performs off-site site development.**
 - b. No manufacturing shall occur on the site. This prohibition includes shredding, crushing or grinding of any materials and also includes dyeing of mulch or similar materials.**
 - c. No dirt, stone, sand, mulch, asphalt millings, crushed concrete and/or similar materials shall be stored on the site.**
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted. Given the location of the existing fencing and other contributing factors on this site, this sign must be located on the existing building.**
 - e. The hours of operation shall be limited to 7:30 a.m. through 6:00 p.m. Monday through Friday. There should not be any Saturday or Sunday hours. No materials shall be brought to the site or removed from the site outside of these permitted hours of operation.**
 - f. The entire conditional use area shall remain enclosed with a solid**

**M 490 25
Adopt
Ordinance
No. 4029/
CU2493
(continued)**

- fence. There shall not be any access to the adjacent properties. The location of this fencing shall be shown on the Final Site plan.
- g. The applicant shall comply with all DelDOT requirements, including any entrance or roadway Improvements.**
 - h. No fuel, gas, oil or similar liquids shall be stored on the site.**
 - i. No junked, inoperable, unregistered or untitled vehicles or equipment shall be stored or parked on the site. No recreational vehicles, campers or tents shall be permitted on the site at any time.**
 - j. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
 - k. There is currently a recreational vehicle or trailer at the site. That must be removed within thirty (30) days of the approval of this conditional use.**
 - l. No heavy- equipment repairs shall occur on the site.**
 - m. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use Approval.**
 - n. The Final Site Plan shall be submitted to the Sussex County Planning & Zoning Commission for review and approval within three (3) months of approval of this Conditional Use by Sussex County Council. Thereafter, all of the conditions of approval must be completed or complied with on or before six (6) months from the approval of this Conditional Use by Sussex County Council.**

Motion Adopted: 5 Yeas

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

**Old
Business/
CZ2037**

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-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS" filed on behalf of Mulberry Knoll Associates, LLC.

The County Council held a Public Hearing on the application at the meeting on October 21, 2025. At the conclusion of the meeting, Council deferred action on the application, holding the public record open for the limited purpose of obtaining additional information from State Agencies, including DelDOT and DNREC, by close of business on November 18, 2025. Following receipt of the responses, members of the public and the applicant would have an additional

14 calendar days to comment on the responses received from the State Agencies. The Council's motion stated that the state's responses would be reported and then there will be an additional two-week period for comments.

Old
Business/
Ord. 23-07,
CZ2010,
CU2441,
CU2442

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00".

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 AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A 2.65 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A 13.86 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.

The County Council held a Public Hearing on the application at the meeting on November 4, 2025. At the conclusion of the meeting, the Council deferred action on the application, holding the record open for the limited purpose of obtaining responses from State Agencies, including DelDOT and DNREC, to be received by the close of business on December 2, 2025. The responses would then be announced at a County Council meeting, after which members of the Public and the applicant would have a period of 14 calendar days to submit, in writing, any written comments on the responses received from State Agencies.

Grant Requests	Mrs. Jennings presented grant requests for Council's consideration.
M 491 25 Grace-N-Mercy Ministries, Inc.	A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to Grace-N-Mercy Ministries, Inc. for their Thanksgiving Community Dinner. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 492 25 Sussex Central High School	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$1,000 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account) to Sussex Central High School Mentoring Program for their Afterschool 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 493 25 Unique Minds Changing Minds Lives, Inc.	A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Unique Minds Changing Minds Lives, Inc. for their Annual Christmas Giveaway 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 494 25 Delaware 4-H Association, Inc.	A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give \$1,000 (\$500 from Ms. Gruenbaum's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to Delaware 4-H Association, Inc. for their Christmas Wishes Service project. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 495 25 Selbyville	A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$1,500 from Mr. Hudson's Councilmanic Grant Account and \$500 from

Historical Society **Ms. Gruenebaum's Councilmanic Grant Account) to Selbyville Historical Society for the Townsend Building repairs.**

Motion Adopted: 5 Yeas

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

Ordinance Introductions **Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EMERGENCY VEHICLE OPERATIONS COURSE, STORAGE, AND PAVILLION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 839.05 ACRES, MORE OR LESS" filed on behalf of State of Delaware Office of Management & Budget.**

Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR IMPROVEMENTS TO AN EXISTING WATER TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS" filed on behalf of Tidewater Utilities, Inc.

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS" filed on behalf of Whitney Price.

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

**Public Hearing/
Love Creek
Mobile Home** **A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,243,669 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LOVE CREEK MOBILE HOME COMMUNITY ("MHC") PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".**

Mr. Mark Parker, Assistant County Engineer reviewed the background and timeline for the project.

There were no public comments.

The Public Hearing and public record were closed.

M 496 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt**
Adopt **Ordinance No. 4030 entitled “AN ORDINANCE AUTHORIZING THE**
Ordinance **ISSUANCE OF UP TO \$7,243,669 OF GENERAL OBLIGATION BONDS**
No. 4030/ **OF SUSSEX COUNTY IN CONNECTION WITH THE LOVE CREEK**
Love Creek **MOBILE HOME COMMUNITY (“MHC”) PROJECT AND**
Mobile **AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION**
Home **THEREWITH”.**

Motion Adopted: 5 Yeas

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$344,960.39**
Tanglewood **OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN**
– Oak Acres **CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE**
TANGLEWOOD-OAK ACRES SEPTIC ELIMINATION PROJECT AND
AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION
THEREWITH”.

Mr. Mark Parker, Assistant County Engineer reviewed the background and timeline for the project.

There were no public comments.

The Public Hearing and public record were closed.

M 497 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt**
Adopt **Ordinance No. 4031 entitled “AN ORDINANCE AUTHORIZING THE**
Ordinance **ISSUANCE OF UP TO \$344,960.39 OF GENERAL OBLIGATION**
No. 4031/ **BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED**
Tanglewood **COSTS ASSOCIATED WITH THE TANGLEWOOD-OAK ACRES**
-Oak Acres **SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL**
NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**

**Hearing/
Ord. No. 25-
02/Sediment
Control &
Stormwater
Manage-
ment**

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”.

The Council found that Hans Medlarz, Sussex County Engineering Project Manager stated that the storms which occurred in April 2025, triggered aerial photos taken by a drone, which caused some reaction by the County Council; that a presentation, spearheaded by the district representatives from the Sussex Conservation District (SCD) was made before the Council County; that the presentation was presented in May 2025; that following the presentation, the County Council had discussions with the Sussex County Engineering Department; that the first County Council presentation was held on July 15, 2025, and followed by a broad range of topics the Council wanted to consider; that individual meetings were held with Council Members to gain feedback on the options; that Council discussed those items at the meeting, provided the Engineering department with instructions, and narrowed them down for the County Council meeting of August 19, 2025; that in October, an Ordinance was introduced; that there was a recent presentation held regarding the ordinance, before the Sussex Conservation District’s Stormwater Advisory Committee; that this was presented before the Planning & Zoning Commission last month; that he has submitted the comments that have been submitted; that he believes a number of them does not realize the amendments that were presented; that staff has made a recommendation to the Planning & Zoning Commission.

Mr. Robertson stated that it is not believed that there is any conflict with the Ordinance; that SCD’s jurisdiction falls under DNREC Code revisions; that DNREC stated policy in their code states that regarding sediment and stormwater runoff is to work in cooperation with the County and others.

Mr. Medlarz stated that the ordinance proposes to do an enhanced sediment capture, under certain distinct conditions, based on pre-existing land use, topography, and distances to highly influenced resources; that comments were received back from the Sussex Conservation District; that they would then develop a trigger value to be considered for enhanced sediment capture, or it is released into the normal regulatory process; that this does not change what practices are, or the design criteria for the practices are; that limits of disturbance were then discussed; that Council wanted to see the limit of flow in terms of volume, which is in the post development world, going onto adjoining residential lots or their associated buffers; that they had originally proposed the word “onto”

**Public
Hearing/
Ord. No. 25-
02/Sediment
Control &
Stormwater
Manage-
ment**

parcels, which caused some consternation in the engineering community; that it was the intent to only look at flow, which comes in terms of sheet flow or semi-concentrated across open ground on adjoining parcels; that was the intent, however, people said no, and requested further clarification; that included with the current recommended amended ordinance, they added the words in the form of overland flow; that this means that if there is a tax ditch, stream or Tidal boundary, it does not apply; that it was intended strictly for if the flow comes, in sheet flow form, across the boundary line; that the second change they proposed stated that none of the flow, the offside discharges are directed onto existing residential parcels; some of the current stormwater plans have unmanaged flow, which is not part of the calculation process; that if one had a piece of land, which breaks into two directions, the piece is not developed, it drains onto the adjoining property; that in the future would still drain onto the adjoining property because it is not developed, because the grades are not changed, it should continue to be allowed, because it does not change the volume; that they added the word “managed”; that as soon as one starts to manage it, you want to drain it to the adjoining parcel, the 5% over rule would kick in; that SCD has requested an additional 6-months.

Mr. Robertson stated that he is reluctant to link our Ordinance effective date to other agencies; that he would rather have a more definite date. Mr. McCarron added that SCD is asking for more time to ensure that we are not overstepping each other and to review further. Ms. Gruenebaum expressed concern with the 6-month extension since it has been in the works since April.

Public comments were heard.

Mr. David Baird from Sussex Conservation District commented that the timeline that was discussed early was right on the money; that there has been a lot of heavy lifting done to get to this point; that the 6-month request was not a drop dead date; that this can likely be wrapped up in a shorter time frame; that SCD is committed to move this forward as fast as possible; that there are still some questions that need to be answered; that a letter dated December 1, 2025 was sent from SCD formally requesting the extension along with reasons for the request.

The Public Hearing was closed.

**M 498 25
Defer
Action/
Ord. No. 25-
02**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer action on a Proposed 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” and hold the record open for written comment including information from Sussex Conservation District and staff no later than June 1, 2026.

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/
CU2610**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF BUSINESS VEHICLES ASSOCIATED WITH A LIMOSINE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS” (parcel is lying on the west side of Daniels Road [S.C.R. 215A], approximately 160 feet north of Slaughter Neck Road [S.C.R. 215]) (911 Address: 9268 & 9274 Daniels Road, Lincoln) (Tax Map Parcel: 230-15.00-10.00) filed on behalf of Howard L. Repass.

The Planning & Zoning Commission held a Public Hearing on the application on October 15, 2025. At the meeting of November 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 10 recommended conditions of approval as outlined.

The Council found that Mr. David Repass spoke on behalf of the application. Mr. Repass stated that all vehicles will be parked inside, there will be designated parking for office staff; that there will be no loading or unloading; that there will be no pickup or drop-offs; that no maintenance will occur on site.

There were no public comments.

The Public Hearing and public record were closed.

**M 499 25
Adopt
Ordinance
No. 4032/
CU2610**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4032 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF BUSINESS VEHICLES ASSOCIATED WITH A LIMOSINE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX

**M 499 25
Adopt
Ordinance
No. 4032/
CU2610
(continued)**

COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The use is located near Route One, providing convenient access to Sussex County for this type of business. The use will all occur indoors, and the site will not be open to the public. This is an appropriate location for this Conditional Use.**
- 2. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties or area roadways.**
- 3. This site is located in the Existing Development Area according to the Sussex County Comprehensive Plan. Small businesses such as this one are appropriate in this Area according to the Plan.**
- 4. The use provides a service to residents and businesses in Sussex County. This use has a public or semi-public character that will benefit the residents and businesses of the County.**
- 5. The Applicant has stated that vehicles leave the site when needed for transportation, so there is not a lot of activity that occurs on this site.**
- 6. No parties appeared in opposition to this Application.**
- 7. This recommendation is subject to the following conditions:**
 - a. The use shall be limited to the indoor storage of business vehicles associated with a limousine business.**
 - b. There shall not be any outside storage associated with the use.**
 - c. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
 - d. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways.**
 - e. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
 - f. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet per side.**
 - g. The parking shall comply with the County Parking Requirements. All vehicles must only be parked within the designated areas.**
 - h. The Applicant shall comply with all requirements of the Sussex Conservation District regarding stormwater management on the site.**
 - i. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.**
 - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
CU2506**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR LESS” (property is lying on the north and south sides of Rehoboth Mall Blvd., and the west side of Old Landing Road [S.C.R. 274], approximately 150 feet northwest of the intersection of Old Landing Road [S.C.R. 274] and Coastal Highway [Route 1]) (911 Address: 19068 & 19268 Old Landing Road, Rehoboth) (Tax Map Parcel: 334-13.00-132.00 [P/O]) filed on behalf of NGR Sports, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 15, 2025. At the meeting of October 15, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 7 recommended conditions of approval as outlined.

The Council found that Mr. Glenn Mandalas, Esq., with Brockstedt Mandalas Federico spoke on behalf of the Applicant, NGR Sports, LLC; Mr. Mandalas stated that the Applicant currently does business as Nick’s Mini Golf; that Mr. Geracimas had grown his mini golf empire to eight locations, stretching from Ocean City up through Bethany Beach and Dewey; that the current application is requesting a Conditional Use approval for a 18 hole indoor and outdoor miniature golf course with a Jurassic Park theme; that 14 holes are played outdoors, and four holes are play indoors; that this site is located outside of Walmart in Rehoboth Beach; that the zoning is C-1 (General Commercial); that the Code permits indoor golf courses as a matter of right, however, the Code does not permit for outdoor miniature golf courses, which is the reasoning for the Conditional Use; that the Sussex County Planning & Zoning Department graciously allowed them to open early, being June 2024; that this allowed them to have been in operation for about 16 months; that there have been no incidents at the site, and no complaints had been filed with Sussex County; that the pad site is approximately 13,300 square feet; that the site is across the street from Atlantic Liquors; that the site is located behind the Wendy’s and Chase Bank; that Mr. Geracimas leases the pad site from Rehoboth Mall Limited Partnership, who owns the entire 1.6 acres +/- parcel; that the lease is a 15 year lease, with a five year option after the initial 15 year term; that Mr. Geracimas plans to be there for a while; that the proposed application is consistent with the Comprehensive Plan’s Future Land Use Map, as the site is identified as a Commercial Area; that the adjacent properties to the north and south and east of the property also have the same Future Land Use Map designation of a Commercial Area; that with being open since June 2024, they have had a good operational

**Public
Hearing/
CU2506
(continued)**

track record; that there generally are one to two employees at the site when open; that there is a floating manager, who visits the sites multiple times each day; that the hours of operation are 9:00 a.m. to 11:00 p.m. during the season; that in the off season the hours drop to 10:00 a.m. to 9:00 p.m.; that the site is lighted with directional lighting contained on site, and is only lit during operational hours; that there are some themed acoustics at the course which include dinosaur sounds and music, however, the volume is regulated and reasonable; that the concept has been well received by locals and visitors, and for the reasons stated the Applicant would respectfully request that the Council approve the application.

There were no public comments.

The Public Hearing and public record were closed.

**M 500 25
Adopt
Ordinance
No. 4033/
CU2506**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4033 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. The property is zoned C-1 General Commercial. A miniature golf course is an appropriate use on C-1 property in this location.
2. The Sussex County Comprehensive Plan's Future Land Use Map indicates that this site is within the "Commercial Area" designation. This use is appropriate within that Map designation.
3. The site is located within the existing Rehoboth Mall complex. It includes a building that was previously used as a bank, and that building and its surrounding area have been redeveloped into a mini-golf facility. It has been in operation throughout the past two summer seasons without issue. This use is also no more intensive than the other permitted uses within the C-1 District, including the large-scale retail uses, drive-through restaurants, and other uses on this site.
4. The location is in the resort area of Sussex County along Route One, where a variety of commercial and retail uses exist. The area also includes other mini golf courses located along Route One in other locations. This is an appropriate location for a miniature golf course.
5. The use will provide a family activity for residents and visitors to this area of Sussex County.
6. The use will not generate a significant amount of traffic, and DelDOT has stated that the use will have a "diminutive" impact upon area roadways.
7. There was no evidence that the use would adversely affect

M 500 25
Adopt
Ordinance
No. 4033/
CU2506
(continued)

- neighboring properties, area roadways, or public facilities.
- 8. No parties appeared in opposition to this application.**
- 9. This recommendation is subject to the following conditions:**
- a. The use shall be limited to a mini golf and uses associated with that activity.**
 - b. The signage shall comply with the sign requirements for the underlying C-1 zone.**
 - c. The applicant shall comply with all of DelDOT's Requirements.**
 - d. All lighting shall be downward screened and shielded so that it does not shine on neighboring properties or roadways.**
 - e. Any dumpsters shall be screened from view from neighboring properties or roadways.**
 - f. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.**
 - g. 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/
CU2516

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (42 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS" (properties are lying on the west side of Roxana Road [Rt. 17], approximately 575 feet south of Atlantic Avenue [Rt. 26]) (911 Address: 31924, 32014 & 32026 Roxana Road, Ocean View) (Tax Map Parcel: 134-11.00-199.00, 200.00 & 200.01) filed on behalf of Roxana Apartments, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on October 15, 2025. At the meeting of November 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 11 reasons of approval and subject to the 15 recommended conditions of approval as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, Roxana Apartments, LLC; that also present were Ms. Teresa Rosler on behalf of the Applicant, and Mr. Kenneth Usub, P.E. with Morris & Ritchie Associates, Inc. Mr. Hutt stated that the Conditional Use request is for three parcels, totaling approximately 4.7 acres of land, and seeking to approval to allow 42 multi-family, attached dwelling apartments; that all three properties are zoned CR-1 (Commercial Residential) District; that in the CR-1 District, multi-family dwellings

**Public
Hearing/
CU2516
(continued)**

are a Conditional Use, which requires public hearings before the Planning Commission and the Sussex County Council; that Sussex County closed the C-1 (General Commercial) District, and created the CR-1 District in relation to this purpose, to ensure that if residential was proposed, a Conditional Use would be required as part of the process; that the property immediately across the street from the site is zoned C-1 (General Commercial), which has apartments which were approved, but only through the Site Plan Review process, rather than a public hearing; that Sussex County has also closed the CR- 1 (Commercial Residential) Zoning District, resulting in not many properties within Sussex County with the CR-1 zoning designation; that the site is located to the south of Atlantic Avenue (Rt. 26), and the west side of Roxana Road (Rt. 17); that located at the corner of the intersection is Creative Concepts; that on the opposite side of Creative Concepts, is the location of Hocker's Super Center, and a McDonald's, which is located within the Hocker's parking lot; that according to the 2020 State Strategies Map, the vast majority of the properties are located within Investment Level 2, with a small portion being located within Investment Level 3; that the Investment Level 2 area, are areas where the State Investment Policy should support a wide range of uses and densities, being areas where the State should encourage departure from the typical single-family dwelling developments to promote a broader mix of housing types; that Investment Level 2 areas are areas where the State expects and encourages growth; that recently there was a lot of time with the Land Use Reform Working Group; that one of the emphasis of that group was discussing development in Investment Level 1 and 2 areas, to remain consistent with the Office of State Planning Coordination; that it was specifically and often noted that Level 1 areas are often municipalities, and Level 2 areas are often the area located just outside of municipalities; that this would hold true for the current application; that according to the Sussex County Future Land Use Map, the properties are located within the Coastal Area, being one of the County's Growth Areas; that the site is surrounded by properties also located within the County's Coastal Area, or the municipal growth area for the Town of Millville; that within Chapter 4 of the Comprehensive Plan it speaks to the purpose of the Coastal Area, stating that a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units, making the current application consistent with that purpose; that according to the drafted 2025 State Strategies Map, not much is proposed to change, other than the fact that the entirety of the property would be located within Investment Level 2; that all three properties are located within the CR-1 (Commercial Residential) Zoning District; that the properties immediately north of the site are within the C-1 (General Commercial) District, as are the properties located across the street; that on the southern side of the site is a CR-1 zoned property, which was the subject of a site plan the Commission reviewed for J&J Bulkheading; that the adjacent lands located behind and to the south of the site are located AR-1 (Agricultural Residential); that also

**Public
Hearing/
CU2516
(continued)**

located within a one mile vicinity of the site are properties zoned GR (General Residential) and MR (Medium Density Residential); that there are also multiple Conditional Uses for manufactured home parks; that also within a one mile radius are properties zoned C-2 (Medium Commercial and B-1 (Neighborhood Business); that the site is located within the nearby proximity to the Town of Millville, who has similar zoning districts consisting of AR (Agricultural Residential), R (Residential), RPC (Residential and Community), and MPC (Master Plan Community) Districts; that along Atlantic Avenue (Rt. 26), the Town of Millville has properties located under its C-1 (Town Center Commercial) district, which creates a very similar mix of zoning classifications as exists in Sussex County; that pursuant to §115-83.5 what the Zoning Code refers to as “multifamily dwelling structures”, are a Conditional Use within the CR-1 Zoning District; that §115-171 of the Code states that Conditional Uses are generally of a public or semi-public character, essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan and the possible impact, not only to the neighboring properties, but on a large section of the County, the Conditional Use requires the exercise of planning measurement on location and site plan; that the Council has seen many Conditional Use applications for various residential uses, recognizing that housing is certainly of a public or semi-public character, being essential and desirable for the general welfare; that there are a number of single-family home developments which currently exist in Sussex County; that the current application proposes an alternative and different option from the single-family home dwellings to a multi-family dwelling option; that the application proposes 42 units on the site; that the units will be attached, but separated into two buildings; that the application proposes a density of 8.78 units to the acre, which is below the base density of 12 units to the acre, which is permitted in the CR-1 Zoning District; that the proposed density is consistent or less than the density of some of the other residential projects located within the area; that Millville by the Sea is a large RPC (Residential Planned Community), located immediately south and east of the site, has an overall density of 4.2 units to the acre, it has many areas of high density, as that is the nature of the Master Plan Community; that Ascend by the Sea, located south of the site, has 7.3 units to the acre; that directly across the street from the site is Roxanna Apartments, which is a future proposed multi-family unit, approved through site plan review, which the Planning Commission completed in December 2024, which proposed 12 units to the acre; that the proposed entrance to the site is located along the Roxanna Road (Rt. 17), almost across from the back entrance of the Hocker’s Super Center; that a shared entrance is proposed with the property immediately to the left, which is also owned by the Applicant; that DelDOT was very pleased at the proposal of a joint entrance between the properties for whatever future development may arise; that after one enters from the shared entrance, one would make a left to access two

**Public
Hearing/
CU2516
(continued)**

parking areas; that one parking area is located adjacent to the front of the buildings, with the other parking area being located to the side of the buildings; that there are two buildings proposed, one being to the left, and the other to the right; that each building would have 21 units within it; that a stormwater management pond is proposed between the parking area and Rt. 17 (Roxanna Road); that there will be no parking within the Front Yard Setback; that the open space, meaning the area where there are no buildings or pavement, will consist of 2.53 acres, which results in a little over half of the site; that there are no amenities proposed due to the size of the property and the number of proposed units; that there is a single family home located adjacent to the site, and along Roxanna Road; that within the Applicant's proposed Conditions of Approval, a vinyl fence is proposed to run along the property line shared with the single family home, running from Roxanna Road toward the easternmost property line; that the remainder of the property does not have the traditional buffer boundary that the Council is familiar with, when looking at a residential subdivision; that the reason for this is there is a tax ditch with a 80 foot easement required from the tax ditch right of way; that the Applicant has submitted an application to modify the current 80 foot easement to reduce it to a 25 foot easement from the top of back of the tax ditch; that the DNREC Tax Ditch Program is familiar with those applications; that the easement runs through the middle of the existing structures on the site and the adjacent property; that modifying the easement will clean up the issue of there being physical structures located within the tax ditch easement; that a meadow mix is proposed to be placed within the modified 25 foot easement, which DNREC allows in the areas along tax ditches; that DNREC will require that the trees and such, located within the tax ditch be removed, to allow the ditch to function properly; that once the trees are removed, the meadow mix will be placed within the 25 foot easement; that trees are proposed between the tax ditch easement and the buildings; that there are symbols for the trees and shrubbery landscaping reflected on the Site Plan; that the landscaping and the buffering is a bit inversed where the trees are going to be between the building and the buffer in the meadow area; that within the proposed Conditions of Approval is that a meadow mix be placed within the tax ditch easement area, and a Landscape Plan will be provided to the Planning & Zoning Commission for review; that the goal is not to eliminate trees on the site, however, they are required to comply with the requirements of DNREC for the tax ditch; that according to the FEMA Flood Maps, the site is located within Flood Zone X, which is an area located outside of the 500 Year Floodplain; that public utilities are available to the site through Sussex County's Engineering Department; that within the record is a letter indicating that there is capacity available for the project; that in addition, there is a Willing and Able to Serve letter from Tidewater Utilities, Inc., indicating that there is capacity, and their readiness and willingness to provide central water for both domestic use and fire protection; that there are no source water protection areas, subject to Chapter 89, meaning the site is not located

**Public
Hearing/
CU2516
(continued)**

within a Wellhead Protection Area and the site is not located within an Excellent Groundwater Recharge area; that the site is located within a fair groundwater recharge area; that there are no resources on the site, that will require a resource buffer, as the term is described in §115-4 and §115-193; that there are no wetlands located on the property; that within the record there are reports, where the property was studied, and there was a Jurisdictional Determination letter of no wetlands by the Army Corps of Engineers; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT responded that the traffic impact for the proposed community would be negligible; that per the Sussex County's Memorandum of Understanding with DelDOT, the negligible term means less than 50 vehicle trips in any hour, and less than 500 vehicle trips in total per day; that the Applicant would submit that the proposed density is appropriate within the CR-1 District, which allows up to 12 units to the acres; that the proposed density is also consistent with the Coastal Area and the Comprehensive Plan; that the Comprehensive Plan states that Sussex County's base density of two units per acre is appropriate throughout the classification of the Coastal Area; that medium and higher densities of four to 12 units per acre can be appropriate in certain locations; that medium and higher densities could be supported in areas where there is central water and sewer, near sufficient commercial uses and employment centers, where it is in keeping with the character of the area, where it is along a main road or at or near a major intersection, where there is adequate level of service or where other considerations exist that are relevant to the requested project and density; that the proposed project creates an important additional residential housing option at an appropriate density, being within an Investment Level 2 area per the State Strategies Map in the Coastal Area, near the municipal limits of Millville; that this is an area where central water and sewer are provided; that sewer will be provided by Sussex County, and central water will be provided by Tidewater; that the site is certainly near a significant number of commercial uses and employment centers up and down Rt. 26 and along Rt. 17; that the site is situated along Roxanna Road, which is a major collector road, as identified by DelDOT; that the site is also near a major intersection, as it is located within 600 feet of the intersection of Rt. 26 and Atlantic Avenue; that the project would certainly be in keeping with the character of the area, including the proposed multifamily dwellings that are immediately across the street, and that all of those factors make the project consistent with the underlying CR-1 zoning classification, as well as the Coastal Area designation on the Future Land Use Map; that proposed Condition H states that the tax ditch easements and rights of way, as amended, shall be shown on the Final Site Plan, and shall be maintained in a meadow-like manner, consistent with DNREC's requirements for tax ditches, and that proposed Condition I states that a six-foot-high vinyl fence shall be installed along the common boundary line with the adjacent parcel located within the upper right-hand corner.

There were no public comments.

The Public Hearing and public record were closed.

**M 501 25
Amend
Condition
G/CU2516**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to amend Condition G to read “Interior street design (the entrance from Roxana Road to the “T” where it leads to the parking for this development and the entrance to the parcel to the North, SCTP No. 134-11.00-179.01) shall comply with or exceed Sussex County standards, and sidewalks shall be installed that connect with the multi-modal paths required by DelDOT”.

Motion Adopted: 5 Yeas

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

**M 502 25
Adopt
Ordinance
No. 4034/
CU2516**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4034 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (42 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission and as amended by this Council as follows:

- 1. The CR-1 Zoning District permits residential uses at a density of up to 12 units an acre, provided that a Conditional Use is approved for residential use.**
- 2. The property is in an area that has developed with a variety of uses, including a variety of large and small business, commercial and office uses, and residential development at various densities. There is a wide variety of zoning in the immediate area, including AR-1, MR, GR, C-1, CR-1, and B-1. There is a similar mixture of uses and zoning classifications within the nearby Town of Millville as well. This conditional use is consistent with other zoning and land uses in the area.**
- 3. The proposed use is consistent with the County’s Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single-family homes, townhouses, and multifamily units.**
- 4. The project has a density of 8.78 units per acre, which is lower than the maximum density that is permitted in the CR-1 Zoning District.**

**M 502 25
Adopt
Ordinance
No. 4034/
CU2516
(continued)**

5. There are no Resources or Groundwater Protection Areas located within the property, and the Applicant has provided an Environmental Assessment and Public Facility Evaluation Report.
6. DelDOT has stated that the proposed multi-family conditional use will have a “negligible” impact upon local area roadways.
7. As part of the Final Site Plan approval process, the stormwater management design will be reviewed and approved by the Sussex Conservation District, ensuring that the drainage system will be adequately designed and constructed to protect adjoining developments.
8. The project will be served by central water and sewer systems.
9. The proposed multi-family conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
10. There is no evidence that this project will adversely affect the neighboring properties, area roadways, or community facilities.
11. No parties appeared in opposition to this Application.
12. This recommendation is subject to the following conditions:
 - a. There shall be no more than 42 Units within the development.
 - b. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination. In addition, the area along the southeastern frontage of Roxana Road shall remain unobstructed so that first responders can access the development in the unlikely event that the main access is blocked. This shall be shown and noted on the Final Site Plan.
 - c. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
 - d. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - e. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - f. The tax ditch easements and rights of way, as amended, shall be shown on the Final Site Plan and shall be maintained in a meadow-like manner consistent with DNREC’s requirements for tax ditches.
 - g. Interior street design (the entrance from Roxana Road to the “T” where it leads to the parking for this development and the entrance to the parcel to the North, SCTP No. 134-11.00-179.01) shall comply with or exceed Sussex County standards, and sidewalks shall be installed that connect with the multi-modal

**M 502 25
Adopt
Ordinance
No. 4034/
CU2516
(continued)**

- paths required by DelDOT.
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
 - i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
 - j. A six-foot-high vinyl fence shall be installed along the common boundary line with the adjacent Tax Parcel Number 134-11.00-201.00.**
 - k. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
 - l. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the tax ditch easement meadow.**
 - m. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
 - n. The Final Site Plan shall state that agricultural activities exist nearby, and it shall include the Agricultural Use Protection Notice.**
 - o. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

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

**M 503 25
Go Into
Executive
Session**

At 3:17 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd, 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 3:23 p.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 4:54 p.m.

M 504 25 **At 4:56 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron**
Reconvene **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

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

M 505 25 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to**
Adjourn **adjourn at 4:57 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.}