

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 16, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 16, 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 506 25
Approve
Consent
Agenda**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:

Proclamation Request – Cape Henlopen High School Unified Flag Football Team State Champions

Proclamation Request – Seaford High School Football Team 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**

**M 507 25
Recess**

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 508 25
Reconvene**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to reconvene.

Motion Adopted: 4 Yeas, 1 Absent

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

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

M 509 25 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, to**
Approve **approve the Agenda as presented.**
Agenda

Motion Adopted: 4 Yeas, 1 Absent

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

Minutes **The minutes from December 9, 2025, were approved by consensus.**

Correspon- **Mr. Moore reported that letters were received from Read Aloud Delaware,**
dence **Delaware Foundation Reaching Citizens, Delaware Boys and Girls Club,**
Harry K Foundation and Delaware Lions Foundation thanking Council for
their support.

Public **Public comments were heard.**
Comments

Mr. Gary Vorsheim spoke about Council motions related to CZ2037 and
CZ2010.

Mr. Kevin Goldsborough spoke about SB159 and SB199.

Ms. Jen Palowski spoke about SB159 and SB199.

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

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for
November 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 193 troopers assigned
to Sussex County for the month of November.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Heritage
Shores – Phase 7A received substantial completion effective
December 5th.

3. Christmas and New Year's Holidays

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

Please note, County offices will be closed on December 24th, 25th and 26th, to celebrate the Christmas holiday and January 1st for the New Year's holiday. The next regularly scheduled Council meeting will be held on Tuesday, January 6, 2026.

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

**Medic 101
Lease**

Kristen McAfee, Manager of Logistics, presented a lease renewal for Medic Station 101, Lincoln Community Center for Council's consideration.

**M 510 25
Approve
Medic 101
Lease
Renewal**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved that Sussex County Council renew the lease with the Lincoln Community Center, LLC for Medic 101 in Lincoln for a period of one year with the additional one-year extension.

Motion Adopted: 5 Yeas

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

**Labor &
Equip CO
No. 1**

Mike Harmer, County Engineer, presented change order no. 1 for FY25 general labor & equipment contract for Council's consideration.

**M 511 25
Approve CO
No. 1/Labor
&
Equipment**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that be it moved based on the recommendation of the Sussex County Engineering Department that FY26 - change order no. 1 for contract #25-01, FY25 general labor & equipment, be approved, which increases the contract amount by \$2,500,000.00, for a new total of \$7,500,000.00.

Motion Adopted: 5 Yeas

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

**Love MHC
Amend 4**

Mark Parker, Assistant County Engineer, presented amendment no. 4 for Love Creek MHC septic elimination project for Council's consideration.

**M 512 25
Approve
Amend No.
4/ Love
Creek MHC**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that amendment no. 4 of Johnson, Mirmiran & Thompson's miscellaneous engineering services contract be approved in the not-to-exceed amount of \$290,800.00.

Motion Adopted: 5 Yeas

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

**Taxiway B Bob Bryant, Airport Manager presented change order no. 2 for Construct
CO No. 2 Taxiway B, Phase II – Bid Package 1 for Council’s consideration.**

**M 513 25 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it
Approve CO moved based on the recommendation of the Sussex County Engineering
No. Department on behalf of the Delaware Coastal Airport that the Sussex
2/Taxiway B County Council approve change order no. 2 in the amount of \$32,033.34 for
work associated with the construction phase of Construct Parallel Taxiway
B phase II bid package 1 project.**

Motion Adopted: 5 Yeas

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

**Wolfe Neck Hans Medlarz, Project Manager, presented change order no. 8 and change
RWF CO order no. 3 for Wolfe Neck RWF electrical service & switchgear
No. 3 & 8 replacement for general and electrical construction for Council’s
consideration.**

**M 514 25 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it
Approve CO moved based on the recommendation of the Sussex County Engineering
No. 8/ Department that change order no. 8 for contract S24-10, Wolfe Neck
Wolfe Neck Regional WWF electrical service & switchgear replacement – general
RWF construction, be approved in the amount of \$28,952.00.**

Motion Adopted: 5 Yeas

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

**M 515 25 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it
Approve CO moved based on the recommendation of the Sussex County Engineering
No. 3/Wolfe Department that change order no. 3 for contract S24-10, Wolfe Neck
Neck Regional WWF electrical service & switchgear replacement – electrical
construction be approved in the amount of \$336,019.09.**

Motion Adopted: 5 Yeas

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

SCRWF CO No. 6 & 11 Hans Medlarz, Project Manager, presented change order no. 6 and 11 for SCRWF treatment process upgrade no. 3 – Inland Bays Extension general construction for Council’s consideration.

M 516 25 Approve CO No. 6 & 11/ SCRWF 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 change order nos. IB-011 and modified IB-006 for the Inland Bays phase 2C expansion project, be approved, in the not to exceed amount of \$1,880,000.00 and \$2,277,600.00 respectively, for construction of the pump and blower building and yard piping, package 2.

Motion Adopted: 4 Yeas. 1 Absent

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

Old Business/ CZ2001 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 39.22 ACRES, MORE OR LESS” (property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20033 John J. Williams Highway, Lewes) (Tax Parcel Nos.: 334-18.00-40.01 & 40.06) 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 day for the State Agencies to respond to the Council’s questions. The Public was then provided with 14 calendar days from October 14, 2025, to submit additional comments in relation to the State of Delaware’s written responses. The Public Record automatically closed at the end of business on October 28, 2025.

M 517 25 Amend Condition B/ CZ2001 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that the first sentence of Condition B be amended by striking the words “As offered by the Applicant, ten” and substituting in its place “Fifteen” such that the first sentence of Condition B reads as follows: “Fifteen percent of the units shall be designated as “Restricted Units” for the purpose of providing

affordable rental housing options subject to the following terms and conditions:".

Motion Adopted: 5 Yeas

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

**M 518 25
Amend
Condition B
1/CZ2001**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that Condition B 1. be amended as follows: Delete "ten" and substitute with "fifteen". Then later in the same sentence after "equal to or less than" add "eighty percent (80%) of" and then striking "an appropriate percentage of" immediately after. The last sentence will then be stricken. The condition will then read: "Rent Restricted Units – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, fifteen percent (15%) of the total number of units offered for lease (the "Restricted Units"), shall be rented to tenants with gross household incomes equal to or less than eighty percent (80%) of the area median income for Sussex County ("Qualifying Tenants") as established by the U.S. Department of Housing and Urban Development ("HUD") and updated annually for a rental rate, adjusted for household and unit size as per HUD guidelines".

Motion Adopted: 5 Yeas

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

**M 519 25
Amend
Condition B
7/CZ2001**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that Condition B. 7. Be amended as follows: Delete "ninety" and substitute with "eighty-five". Then later in the same sentence delete "ten" and substitute with "fifteen". The condition will then read: 7. Penalties - In the event that more than eighty-five percent of the Units are rented at Market Rate because fewer than fifteen percent of the units are leased to Qualified Tenants (the "Excess Market Rate Units"), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

M 520 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, that
Amend Condition N be amended as follows: by adding a first sentence that reads,
Condition N/ As designed by the Applicant, at least 50% of the existing forest shall be
CZ2001 preserved and then by adding two sentences at the end that read, In
 addition, as recommended by the Delaware State Forester by letter dated
 October 13, 2025, the preserved forest areas shall undergo a silviculture
 prescription by a certified arborist, certified nursery professional, or
 licensed forester or forester designated by the Society of American
 Foresters as a “certified forester” to assist with understory establishment,
 the removal of poor-quality trees, increased water uptake and to increase
 habitat and overall forest health. A report shall be provided to the
 Planning and Zoning Commission following the silviculture prescription.
 Native plantings (as listed in the Flora of Delaware online database
 maintained by DNREC) shall be used in all buffers and “pollinator
 friendly” landscape practices employed where possible.
 The condition will be amended as follows: N. As designed by the Applicant,
 at least 50% of the existing forest shall be preserved. The Final Site Plan
 shall include a landscape plan for the development showing the proposed
 tree and shrub landscape design, including the buffer areas and the
 woodlands that must be preserved. In addition, as recommended by the
 Delaware State Forester by letter dated October 13, 2025, the preserved
 forest areas shall undergo a silviculture prescription by a certified arborist,
 certified nursery professional, or licensed forester or forester designated by
 the Society of American Foresters as a “certified forester” to assist with
 understory establishment, the removal of poor-quality trees, increased
 water uptake and to increase habitat and overall forest health. A report
 shall be provided to the Planning and Zoning Commission following the
 silviculture prescription. Native plantings (as listed in the Flora of
 Delaware online database maintained by DNREC) shall be used in all
 buffers and “pollinator friendly” landscape practices employed where
 possible.

Motion Adopted: 5 Yeas

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

M 521 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, that
Amend Condition R be amended by inserting the following additions, so that,
Condition R/ Condition R, as amended reads as follows: R. There will be off-site roadway
CZ2001 improvements, and a signalized entrance constructed to provide safe
 vehicular and pedestrian access to the development. Given the location and
 size of the development, the developer shall coordinate with DelDOT and

**M 521 25
Amend
Condition R/
CZ2001
(continued)**

provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. During this ‘coordination’ with DelDOT, the Developer shall inquire about the possibility of additional signalized intersections in the area. Additionally, the Developer shall coordinate the phasing schedule with DelDOT such that the signalized entrance to the development shall be constructed and open to use prior to the issuance of the first certificate of occupancy for either the first mixed-use building or apartment building. The phasing schedule and the results of the inquiry about additional traffic signals shall be coordinated between the applicant and DelDOT and it shall be presented by the Applicant with DelDOT’s concurrence to the Planning and Zoning Commission for consideration as part of the Final Site Plan.

Motion Adopted: 5 Yeas

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

**M 522 25
Amend
Condition
G/CZ2001**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that Due to the proximity of this property to the environmentally sensitive wetlands of Dorman Branch, special design considerations, taking into account pre-development topography and anticipated bulk grading slopes are warranted. Therefore, in an effort to minimize adverse impacts by the developmental process on the forested portion of the site, I move that we amend Condition G, after the last sentence, and add the following:

An enhanced sediment capture plan shall be prepared by Developer’s engineer and submitted for review and approval by the Sussex Conservation District and the Sussex County Engineering Department.

1. The plan shall apply superior sediment capture by taking advantage of the existing site topography by impounding the area closest to Dorman Branch using minimally invasive methods thereby establishing an expanded floodplain.
2. The plan shall take advantage of the existing topography by placing the Phase 1 residential and amenity structures on the most level ground while designing a minimally invasive floodplain impoundment allowing the expanded floodplain to remain in a wooded state.
3. The minimally invasive impoundment structure must incorporate a conveyance feature in accordance with the State of Delaware Sediment and Stormwater Regulations. It must furthermore be fully

**M 522 25
Amend
Condition
G/CZ2001
(continued)**

stabilized prior to any subsequent land disturbance, and the remainder of the site must be temporarily and/or permanently graded to direct the stormwater run-off during construction as well as post development to the operational impoundment area.

Motion Adopted: 5 Yeas

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

**M 523 25
Adopt
Ordinance
No. 4035/
CZ2001**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4035 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" for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

1. This is an application to rezone a nearly 40-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District is "to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan." This purpose is satisfied with this application.
2. Route 24 is classified by DelDOT as a principle arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. In addition, a TIS was prepared by the Applicant's traffic engineers and approved by DelDOT. On top of the improvements required by the TIS, the developer's contributions to roadway improvements within the Henlopen TID, under the TID will be approximately \$2,800,000.00.
3. The location is in an area that has developed with a variety of uses, including two schools, a State police barracks, a hospital campus and a variety of housing types. The area housing includes large and small single-family subdivisions and a multifamily residential development across Route 24 from the site approved as part of the Sussex County SCRP program providing affordable housing for County residents. The Route One commercial corridor is approximately 1 mile north of the site. To the south of the site, along Route 24, there are manufactured home communities, a large multifamily condominium community along Love Creek and diverse commercial uses. This is

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an appropriate location for C-4 zoning and the mixed-use site plan proposed by the Applicant.

- 4. The site is within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. The Plan states that C-4 Zoning is appropriate in the Coastal Area. The Plan also states that in the Coastal Area, a higher density of 4 to 12 units per acre can occur and that “[a] range of housing types should be permitted . . . including single-family homes, townhouses, and multi-family units. . . . Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office, and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.” This project satisfies this objective.**
- 5. Chapter 4 of the Comprehensive Plan regarding Future Land Use also states that Sussex County should “expand affordable housing opportunities, particularly in areas near job centers and Delaware State Housing Authority (DSHA) Areas of Opportunity”.**
- 6. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. The following are examples of Goals, Objectives and Strategies within Chapter 8 of the Plan that are addressed by this development:**
 - a. Goal 8.2: “Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations.”**
 - b. Objective 8.2.1: “Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents.”**
 - c. Strategy 8.2.1.3: “Explore ways for private developers to provide more multi-family and affordable housing opportunities.”**
 - d. Objective 8.2.3: “Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure.”**
 - e. Strategy 8.2.3.1: “Promote increasing affordable housing options, including the supply of rental units, near employment opportunities.”**

This project is consistent with each of these goals because it is intended to provide affordable housing opportunities in an area where the use is consistent with the existing and planned infrastructure, and it is located near numerous employment opportunities, with access to many more employment opportunities given its location on an established DART route.

- 7. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a mixed-use site plan that includes a variety of housing types along with integrated commercial uses. Because of this variety, the site plan’s design is superior to an exclusively residential or exclusively commercial development. The**

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mixed-use design will allow residents to use and enjoy a variety of retail, restaurant, food service and other commercial uses in close proximity to their homes without having to travel outside of their community. This benefits the residents of this community and other Sussex County residents by reducing the need to travel on area roadways for these uses.

- 8. The use will be served by central water and Sussex County sewer.**
- 9. There was testimony in the record from Dr. David Tam, the President and CEO of Beebe Healthcare. Dr. Tam supported this project and others like it, stating that this type of housing is needed in eastern Sussex County to recruit and maintain appropriate staffing levels within area healthcare services. Dr. Tam explained that without more affordable housing options such as this one, it is difficult to recruit the necessary support staff, and that has an adverse effect on the ability to recruit physicians for the healthcare system. He testified that he fully supports this development in close proximity to the Beebe Health Campus on Route 24.**
- 10. The residential portion of this development will provide an affordable rental housing option for current and future Sussex County residents. It is undisputed that the high price of homes and rentals in much of eastern Sussex County makes housing unaffordable for a lot of the workforce in this area. As a result, many of those County residents cannot afford to live where they work, resulting in long commuting times and increased traffic on County roads. During the public hearing, the Applicant stated that at least ten percent of the apartment units will be rented to tenants that are below 120% of AMI. As a condition of this recommendation, the Applicant and the Sussex County Office of Community Development and Housing shall examine this rental rate during the public hearing to ensure that it is providing affordable rental housing that is reduced from the market rate units. Apartment units, by their nature, are generally a more affordable housing option than owner-occupied homes, particularly in eastern Sussex County. Therefore, additional information shall be considered by County Council as part of its public hearing process to ensure that the qualifying tenants and the affordable rental rates of the restricted units are truly a more affordable housing option than the market rate units within the project. This is also a condition of this recommendation, along with requirements to guarantee that the restricted units remain available for qualifying tenants.**
- 11. Sussex County Council declared in Chapter 72, Section 18 of the County Code, that it is the public policy of the County to:**
 - a. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.**
 - b. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.**

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- c. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
- d. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.

This application with the mixed-use site plan addresses each of these stated goals.

12. The Delaware State Housing Authority supports this project according to its comments stated in the February 20, 2025, PLUS Report. According to the DSHA's Housing Reform Map, this project is in an Area of Opportunity where diverse housing types should be supported. This means that the area has high-quality schools, supportive infrastructure and the capacity to support diverse and affordable housing types.
13. The site is located along a bus transit route operated year-round by DART. In addition, the site is located near a wide variety of employment opportunities, including general commercial and retail uses, healthcare, education, institutional uses, and hospitality uses.
14. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
15. Approximately $\frac{3}{4}$ of the site is currently used for agricultural purposes as a horse farm. The remaining $\frac{1}{4}$ of the site is wooded with Resources within it. In addition to the requirements for Resources protection, approximately 50% of the existing forest will be preserved by this design.
16. With conditions imposed, including the voluntary condition offered by the Applicant that ten percent of the units will be available to low and moderate income County residents, the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
17. This recommendation is subject to the following conditions:
 - a. The complex shall be owned and operated as a mixed-use development with commercial spaces and apartments. No owner-occupied units shall be permitted. The maximum number of apartment units shall not exceed 334 units, consisting of 7 buildings containing 24 apartment units each and 4 mixed-use buildings containing 166 apartment units. The mixed-use buildings shall contain commercial uses on the first floor and residential apartments on the floors above. The commercial areas shall not exceed 75,000

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square feet distributed among the pad sites and mixed-use buildings shown on the site plan.

- b. Fifteen percent of the units shall be designated as “Restricted Units” for the purpose of providing affordable rental housing options subject to the following terms and conditions:

- i. **Rent Restricted Units** – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, fifteen percent (15%) of the total number of units offered for lease (the “Restricted Units”), shall be rented to tenants with gross household incomes equal to or less than eighty percent (80%) of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, adjusted for household and unit size as per HUD guidelines.
- ii. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the minimum number of Restricted Units. At all times in which the number of Restricted Units is below the minimum number of Restricted Units, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as ten percent of the Restricted Units are rented.
- iii. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
 1. Provide proof of citizenship.
 2. Be of eligible income as defined in the Ordinance approving the Application.
 3. Occupy the Restricted Unit as the tenant’s principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant’s principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
 4. Comply with other requirements that apply to tenants of Non- Restricted Units.
- iv. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times,

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the number of types of Restricted Units shall remain in proportion to the number of the same types of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.

v. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:

1. The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.
2. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
3. All lease agreements of Restricted Units shall cover a period of at least one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.
4. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
5. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.
6. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.

vi. **Examination by an Independent Certified Public Accountant**

– The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to certify compliance with the conditions of approval for the Project related to the rental of the "Restricted Units" and the "Qualifying Tenants" in the Project. In this engagement, the Delaware Certified Public Accountant will certify compliance with these conditions in accordance with attestation standards established by the American Institute of Certified Public Accountants. This shall be used to confirm that the project remains in compliance with all of Condition B of this

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approval, and (i) the status of each of the Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant, the Office of Planning & Zoning and/or the Office of Community Development and Housing may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Office of Community Development & Housing no later than March 1 of each year.

- vii. **Penalties** - In the event that more than eighty-five percent of the Units are rented at Market Rate because fewer than fifteen percent of the units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.

C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination. In addition, there shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. The design and location of this signage shall be shown on the Final Site Plan. There shall not be any interconnectivity provided to the residential property to the south of this site.

D. The active recreational amenities for the project shall include a clubhouse building with a minimum floor area of 7,000 square feet and swimming pool. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.

E. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.

F. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.

G. 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. An enhanced sediment capture plan shall be prepared by Developer’s engineer and submitted for review and approval by the

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Sussex Conservation District and the Sussex County Engineering Department.

- 1. The plan shall apply superior sediment capture by taking advantage of the existing site topography by impounding the area closest to Dorman Branch using minimally invasive methods thereby establishing an expanded floodplain.**
- 2. The plan shall take advantage of the existing topography by placing the Phase 1 residential and amenity structures on the most level ground while designing a minimally invasive floodplain impoundment allowing the expanded floodplain to remain in a wooded state.**
- 3. The minimally invasive impoundment structure must incorporate a conveyance feature in accordance with the State of Delaware Sediment and Stormwater Regulations. It must furthermore be fully stabilized prior to any subsequent land disturbance, and the remainder of the site must be temporarily and/or permanently graded to direct the stormwater run-off during construction as well as post development to the operational impoundment area.**

H. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.

I. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.

J. 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.

K. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the Final Site Plan and within a recorded Declaration of Covenants for the community.

L. Approximately 12 acres or 30% of the site shall remain as open space.

M. 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 Friday and between 8:00 a.m. and 2:00 p.m. on 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.

N. As designed by the Applicant, at least 50% of the existing forest

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shall be preserved and then by adding two sentences at the end that read, In addition, as recommended by the Delaware State Forester by letter dated October 13, 2025, the preserved forest areas shall undergo a silviculture prescription by a certified arborist, certified nursery professional, or licensed forester or forester designated by the Society of American Foresters as a “certified forester” to assist with understory establishment, the removal of poor-quality trees, increased water uptake and to increase habitat and overall forest health. A report shall be provided to the Planning and Zoning Commission following the silviculture prescription. Native plantings (as listed in the Flora of Delaware online database maintained by DNREC) shall be used in all buffers and “pollinator friendly” landscape practices employed where possible.

O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.

P. Prior to the issuance of a building permit for each residential unit, the applicant shall make a \$500 contribution to the Rehoboth Beach Volunteer Fire Company. Thereafter, a monthly contribution of \$10 per completed dwelling unit shall be paid over to the Rehoboth Beach Volunteer Fire Company on a semi-annual basis. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to the Rehoboth Beach Volunteer Fire Company as a condition of Final Site Plan approval.

Q. The Cape Henlopen School District has commented that its schools are at capacity and that new development should contribute to the District’s need to expand its facilities to accommodate the additional students that will enroll as a result of the development. Therefore, Sussex County Council should consider establishing a contribution to the Cape Henlopen School District to be paid by the Developer to the District upon completion of each apartment unit within the development.

R. There will be off-site roadway improvements, and a signalized entrance constructed to provide safe vehicular and pedestrian access to the development. Given the location and size of the development, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. During this ‘coordination’ with DelDOT, the Developer shall inquire about the possibility of additional signalized intersections in the area. Additionally, the Developer shall coordinate the phasing schedule with DelDOT such that the signalized entrance to the development shall be constructed and open to use prior to the issuance of the first certificate of occupancy for either the first mixed-use building or apartment building. The phasing schedule and the results of the inquiry about additional

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traffic signals shall be coordinated between the applicant and DelDOT and it shall be presented by the Applicant with DelDOT's concurrence to the Planning and Zoning Commission for consideration as part of the Final Site Plan.
S. 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: 3 Yeas, 2 Nays

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

All members provided reasons for their vote.

Grant
Requests

Mrs. Jennings presented grant requests for Council's consideration.

M 524 25
Cape
Henlopen
Girls
Basketball
Boosters

A Motion was made by Mr. Hudson, seconded by Ms. Gruenebaum to give \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Cape Henlopen Girls Basketball Boosters for their Beach Slam 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 525 25
Good
Samaritan
Aid
Organiza-
tion, Inc.

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 Good Samaritan Aid Organization, Inc. for their Annual Christmas Basket/Toy Outreach 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 526 25
Purity
Laundry
Project

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give 2,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account) to Purity Laundry Project for their project to clean clothes for under-resourced families.

Motion Adopted: 5 Yeas

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

Ordinance Introduction Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS” filed on behalf of Tharros Village (c/o Code Purple at the Cape.

The Ordinance will be advertised for a Public Hearing.

CM Comments There were no Council Member comments.

M 527 25 Go Into Executive Session At 11:15 a.m., a Motion was made by Mr. McCarron, 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 11:20 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 12:07 p.m.

M 528 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

The gavel was given to Mr. Rieley.

M 529 25 E/S Action A Motion was made by Mr. Hudson, seconded by Mr. McCarron that Sussex County join as a party in the litigation being filed by the Town of Fenwick Island, DE challenging the legality of SB159 and SB199 which was enacted as Title 26 Section 910 of the Delaware Code.

Motion Adopted: 3 Yeas, 1 Abstain, 1 Nay

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

The gavel was given back to Mr. Hudson.

M 530 25 **At 12:11 p.m., a Motion was made by Mr. McCarron, seconded by Mr.**
Recess **Lloyd to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 5 Yeas

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

M 531 25 **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms.**
Reconvene **Gruenebaum to reconvene.**

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**

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2531 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN**
 AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY,
 CONTAINING 0.3 ACRES, MORE OR LESS” (parcel is lying on the east
 side of Marshall Street [S.C.R 225], approximately 0.5 mile south of Elks
 Lodge Road [S.C.R. 211]) (911 Address: 6967 Marshall Street, Milford)
 (Tax Map Parcel: 330-11.17-30.00) filed on behalf of Joshua Levis.

The Planning & Zoning Commission held a Public Hearing on the application on November 5, 2025. At the meeting of November 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 14 recommended conditions of approval as outlined.

The Council found that Mr. Joshua Levis spoke on behalf of his application. Mr. Levis stated that he is the sole proprietor of JL Performance, located at

**Public
Hearing/
CU2531
(continued)**

6967 Marshall Street, Milford, Delaware, 19963; that he has owned the property for about nine years; that during that time, he built a pole building to replace an existing garage; that the property is currently zoned AR-1 (Agricultural Residential); that the business license is current and in good standing; that there is a large field located directly behind the property, as well as, several houses and other businesses located along Marshall Street; that his application requests approval for an automotive repair business; that his current hours of operation are 9:00 a.m. to 5:00 p.m., Monday through Friday by appointment only; that he requests that the business hours to be 8:00 a.m. to 8:00 p.m., as he does occasionally have customer pick up or drop offs outside the normal hours; that he performs both major and minor repairs on gasoline and diesel powered passenger vehicles; that according to DelDOT, there will be no impact to traffic; that there will be no more than 5 customer vehicles on site at one time; that he reviewed the proposed conditions provided by the Planning & Zoning Commission and finds them to be reasonable; that he intends to comply with the proposed stipulations if approved; that he hopes to continue to provide his services.

There were no public comments.

The Public Hearing and public record were closed.

**M 532 25
Adopt
Ordinance
No. 4036/
CU2531**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4036 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.3 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. The automobile repair facility is small. With the conditions and stipulations placed upon it, the use will not have an adverse impact on the neighboring properties or community.
2. There are other small businesses in this area, and this use is consistent with those existing businesses. In addition, the site is adjacent to the City of Milford. This is an appropriate location for this small business use.
3. The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
4. All repairs will occur indoors, and the Applicant resides on the property. There are no other employees. The Applicant has also stated that he has no intention of expanding the business on this site beyond what has been proposed.
5. No parties appeared in opposition to this Application.

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CU2531
(continued)**

- 6. This recommendation for approval is subject to the following conditions and stipulations:**
- a. The use shall be limited to a small automobile repair business.**
 - b. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - c. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
 - d. Because the pole building where this use was located was constructed and inspected for residential use, the Applicant shall seek and receive a Certificate of Occupancy from the County Building Code Department for the Commercial Use. This must occur within three months of the approval of this Conditional Use Ordinance by Sussex County Council.**
 - e. Any dumpsters shall be screened from the view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
 - f. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
 - g. No junked, unregistered, or permanently inoperable vehicles or trailers shall be stored on the site.**
 - h. As proposed by the Applicant, no more than 5 cars shall be on the site for repairs at any one time. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.**
 - i. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.**
 - j. No cars shall be sold on the property.**
 - k. The site shall be subject to all DelDOT entrance and roadway requirements.**
 - l. The hours of operation shall be from 8:00 a.m. through 8:00 p.m., Monday through Saturday.**
 - m. Any violation of these conditions may be grounds for the termination of this Conditional Use.**
 - n. The Final Site Plan shall be subject to the review and approval of the 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/
CU2562**

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 MULTI-FAMILY DWELLINGS (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL

**Public
Hearing/
CU2562
(continued)**

OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS” (property is lying on the north side of Central Avenue [S.C.R. 84], approximately 0.2 mile south of Beaver Dam Branch Road [S.C.R. 368]) (911 Address: 33476 Central Avenue, Frankford) (Tax Map Parcel: 134-16.00-35.02) filed on behalf of John L. Hnatishion.

The Planning & Zoning Commission held a Public Hearing on the application on November 5, 2025. At the meeting of November 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the 7 recommended conditions of approval as outlined

The Council found that Mr. John L. Hnatishion spoke on behalf of his application. Mr. Hnatishion stated he purchased the property last October, in 2024; that he has been renting the main home on the property, and the initial dwelling that was being rented prior to his purchase of the property; the he began further investigation into the variances that existed, at which time he realized he did not have approval for the second, meaning the third unit on the property, which is a second floor of an accessory dwelling unit (ADU) located on the property; that at that time, he began inquiring with the Planning & Zoning Department, obtaining additional details, which led to his submission for the current Conditional Use request; that he is not changing anything.

There were no public comments.

The Public Hearing and public record were closed.

**M 533 25
Adopt
Ordinance
No. 4037/
CU2562**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4037 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This application seeks the approval of three (3) multi-family structures on approximately 2.18 acres of land.**
- 2. Three multifamily units in this location will not overburden this property and will be similar to what could occur if this property were divided into 3 lots as part of a minor subdivision.**
- 3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high**

M 533 25
Adopt
Ordinance
No. 4037/
CU2562
(continued)

- densities when a site is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
4. The proposed development will not have an adverse impact on the neighboring properties or community.
 5. The proposed development will not have an adverse impact upon traffic or roadways.
 6. The development will be served by central sewer provided by Sussex County.
 7. No parties appeared in opposition to this Application.
 8. This recommendation is subject to the following conditions:
 - a. The maximum number of residential units shall be three (3).
 - b. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer as may be required by DelDOT.
 - c. No dumpsters shall be permitted. The trash receptacles shall be standard roll-out residential containers stored in an enclosed area on this site.
 - d. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements, including any off-site upgrades necessary to provide service to the project.
 - e. The project shall be served by central water to provide drinking water and fire protection.
 - f. If applicable, the Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all required stormwater management areas and erosion and sedimentation control facilities. The system shall be designed and maintained using best management practices.
 - g. 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**

M 534 25
Adjourn

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 1:47 p.m.

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**

Respectfully submitted,

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

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