

MINUTES OF THE REGULAR MEETING OF JANUARY 7, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, January 7, 2026, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Madam Chair Wingate presiding. The following members of the Commission were present: Ms. Holly Wingate, Mr. Bruce Mears, and Mr. Scott Collins. Mr. Jeff Allen and Mr. John Passwaters were absent. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Ms. Christin Scott – Planner III, Ms. Ann Lepore – Planner I, and Ms. Ashley Paugh – Recording Secretary.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Agenda as revised. Motion carried 3-0.

Motion by Mr. Mears, seconded by Mr. Collins, to approve the Minutes of the December 10, 2025, Planning and Zoning Commission Meetings as circulated. Motion carried 3-0.

OTHER BUSINESS

2022-22 Saint Georges Terrace

Final Subdivision & Landscape Plan

This is a Final Subdivision & Landscape Plan for Saint George's Terrace for the creation of an AR-1 cluster subdivision to consist of thirty-four (34) single-family lots, private roads, open space, a stormwater management pond, and proposed amenities to consist of pickleball courts, a pavilion, a mailbox kiosk, a walking trail, and associated buffers. The Preliminary Subdivision Plan for the development was approved by the Planning and Zoning Commission at their meeting of Wednesday, March 20th, 2024, subject to eighteen (18) Conditions of Approval. The Final Subdivision & Landscape Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is lying on the north side of Hollyville Road (S.C.R. 48/Route 24), approximately 0.21-mile east of Hurdle Ditch Road (S.C.R. 290) in Harbeson, Delaware. Tax Parcel: 234-10.00-36.00 & 428.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Final Subdivision and Landscape Plan. Motion carried 3-0.

WFP Holdings (C/Z 1842)

6-Month Time Extension Request

On Monday, December 15th, 2025, the Department of Planning and Zoning received a 6-month time extension request for WFP Holdings for the establishment of a 12,000 square foot shopping

center within a Neighborhood Business (B-1) District. The Sussex County Planning and Zoning Commission approved the Preliminary Site Plan for the subject property at their meeting of Thursday, January 12th, 2023. An explanatory Memo, schedule, and plan of completed steps, agency approval statuses, and reasons in support of the Applicant's request for a time extension have been provided. The property is located on the north side of Zion Church Road (Route 20) in Frankford, Delaware. Tax Parcel: 533-11.00-82.03. Zoning: Neighborhood Business (B-1) District. The Commission's recommendation will allow the Application to be forwarded to the Sussex County Council for their final decision on the matter, pursuant to the process outlined in §99-40(C)(3) of the Sussex County Code. If approved, this Application's expiration date will be extended 6 months from the original expiration date of January 12th, 2026, to July 12th, 2026.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the six-month Time Extension Request. Motion carried 3-0.

2022-26 Ballenger Creek Subdivision (F.K.A. Warrington Subdivision)

Revised Amenities Plan

This is a Revised Amenities Plan for Ballenger Subdivision, a cluster subdivision to consist of one hundred and six (106) single-family lots, private roads, open space, stormwater management, and associated forested/landscape buffers. The Final Subdivision Plan for the proposal was approved by the Planning and Zoning Commission at their meeting of November 2nd, 2024, and May 21st, 2025. A Revised Preliminary Amenities Plan came before the Planning & Zoning Commission at their meeting of Wednesday, December 10th, 2025, and was approved contingent on clearly showing paving and sidewalk connecting to the site boundary to align with the interconnectivity with the adjacent subdivision (River Oaks (2004-60)). The Applicant has responded, requesting clarification and provided correspondence asserting that paving to the boundary requirement cannot be completed due to engineering issues and a difference in grading. The Applicant indicates that this prevents paving to the Parcel boundary and asserts that the Ballenger Creek (2022-26) Plan cannot be changed to accommodate this Condition relating to the paved connection to the Parcel boundary. The Ballenger Creek Subdivision is located on the south side of Hollymount Road (S.C.R. 48), approximately 0.5 miles west of Beaver Dam Road (Route 23 / S.C.R. 285) in Harbeson, Delaware. Tax Parcel: 234-11.00-103.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff is requesting that final approvals be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to deny the Revised Amenities Plan. Motion carried 3-0.

S-25-40 Lynam Townhomes

Preliminary Site Plan

This is a Preliminary Site Plan for Lynam Townhomes for the construction of five (5), 2-story, 4-bedroom townhomes and other site improvements. Conditional Use 2490 was approved with fifteen (15) conditions by the County Council at their meeting on Tuesday, December 10, 2025. The parcel is located on the northeast side of Lincoln Street and the south side of Jefferson Street (Rt. 1B) at the intersection of Lincoln Street and Jefferson Street within the Rehoboth Manor subdivision. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-19.08-164.00. Zoning: General Residential (GR) District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion carried by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Preliminary Site Plan, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

2022-26 Twin Masts

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for Twin Masts, a cluster subdivision consisting of two hundred and forty-nine (249) single-family lots, private roads, open space, stormwater management, and associated forested/landscape buffers as approved by the Planning and Zoning Commission at their meeting of September 9th, 2024. The Amenities Plan proposes the establishment of a proposed 3,900 +/- square foot in-ground pool, 3,860 +/- square foot clubhouse, 3,700 +/- square foot sports court area (2 Pickleball Courts), concrete patio, fencing, and parking. The improvements are to be located within the Twin Masts Subdivision located on the west side of Coastal Highway (Route 1) and on the north side of Round Pole Bridge Road (S.C.R. 257). The Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (2022-26) Tax Parcel: 235-16.00-68.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Preliminary Amenities Plan with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

S-20-24 Hocker's Super Center Phase 2

Revised Final Site Plan

This is a Revised Final Site Plan for Hocker's Super Center to expand the existing car wash on the site from 6,981 square feet to 8,069 square feet. The Plan proposes no other revisions to the Final

Site Plan as was approved by the Planning & Zoning Commission at their Meeting of July 24, 2024. The shopping center is situated on (3) Parcels comprised of (12.4) acres +/- and is located on the southeast corner of the intersection of Atlantic Avenue (Route 26) and Roxana Road (Route 17). Tax Parcels: 134-12.00-330.01, 331.00, & 332.00. Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Revised Final Site Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

S-25-67 Michael P. Justice Revocable Trust

Preliminary Site Plan

This is a Preliminary Site Plan for Michael P. Justice Revocable Trust, for the construction of two (2) storage buildings (5,000 sq. ft and 8,000 sq. ft.) and other site improvements. Conditional Use 1599 was approved for the General Residential portion of the property by the County Council at their meeting on Tuesday, April 12, 2005. The parcel is located on Dale Earnhardt Boulevard on the west side of Parker House Road (S.C.R. 362), approximately 0.54 mile south of Beaver Dam Road (S.C.R. 368). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 134-16.00-52.02. Zoning: General Commercial (C-1) and General Residential (GR) District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

2004-52 Holland Mills

Revised Amenity Plan

This is a revised Amenity Plan for Holland Mills (2004-52). This subdivision is a 136-lot cluster Subdivision approved by the Planning & Zoning Commission Meeting of July 26, 2007. The plan revises and expands the parking area adjacent to the existing clubhouse. The current parking area was approved as part of the original overall Final Subdivision Site Plan in 2007. The subdivision is located on the south side of Walker Road, approximately 0.5 mile east of Diamond Farm Road. Tax Parcel No. 235-26.00-8.00.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Revised Amenity Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

Lands of Iris Velazquez – 14287 Isaacs Road

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.77-acres +/--proposed Lot 2 will consist of 0.77-acres +/-, and the residual lands will consist of 1.13-acres +/--. A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located east of Isaacs Road (Route 30), approximately 0.11 miles north of Milton Ellendale Highway (Route 16). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-14.00-66.00 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30 ft. easement as a preliminary and final. Motion carried 3-0.

S-25-65 F & N Vazquez Concrete, LLC

Final Site Plan

This is a Final Site Plan for F & N Vazquez Concrete, LLC for a concrete and masonry business with construction industry retail sales, general office space, and storage for the recycling of aggregate products, including crushing operations. Conditional Use 2565 was approved with fifteen (15) conditions by the County Council at their meeting on Tuesday, July 15, 2025. The Final Site Plan complies with the Sussex County Zoning and all Conditions of Approval. The property is located on the west side of Green Top Road (S.C.R. 225), approximately 0.75 miles north of Fleatown Road (S.C.R. 224) in Lincoln, Delaware. Tax Parcel: 230-13.00-36.00. Zoning: Agricultural Residential (AR-1) District and General Residential (GR) District. Staff receive all agency approvals.

Motion by Mr. Mears, to defer action to allow for the Applicant's engineer and staff obtain greater specificity for the undefined areas reflected on the Final Site Plan, seconded by Mr. Collins, and carried unanimously. Motion carried 3-0.

Lands of Kabir Corp. & Patel

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.001-acres +/--proposed Lot 2 will consist of 1.015-acres +/-, proposed Lot 3 will consist of 1.386-acres +/-, proposed Lot 4 will consist of 1.212-acres +/-, and the residual lands will consist of 2.562-acres +/--. A shared use maintenance agreement shall be established for the use of the shared access road. The property is located southwest of Concord Road (Route 20). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 132-2.00-325.01 Zoning: AR-1 (Agricultural Residential District) and GR (General Residential District). Should the Commission desire to act favorably upon this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-ft. easement as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

Lands of David & Peggy Rae Brasure

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot C will consist of 5.544 acres +/-, and the residual lands (Tract B) will consist of 2.926 acres +/-. A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Lighthouse Road (Route 54), approximately 0.20 mile northeast of New Road (S.C.R. 391). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 533-19.00-13.01 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30 ft. easement, as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 3-0.

Lands of Fitzgerald, Lugo & Lugo

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off an existing 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 3.1377-acres +/-, proposed Lot 2 will consist of 1.7063-acres +/-, proposed Lot 3 will consist of 1.6909-acres +/-, and the residual lands (Lot 4) will consist of 1.6755-acres +/-. A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the northeast side of Griffith Lake Drive (S.C.R. 633). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 130-2.00-35.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off an existing 50 ft. easement as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 3-0.

OLD BUSINESS

C/U 2509 Juan Edward Johnson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS. The property is lying on the west side of John J. Williams Highway (Rt. 24), approximately 100 feet north of Legion Road (S.C.R. 298). 911 Address: 26406 John J. Williams Hwy., Millsboro. Tax Map Parcel: 234-29.00-45.00.

The Commission discussed the application, which had been deferred since December 10, 2025. Mr. Mears moved that the Commission recommend approval of C/U 2509 for Juan Edward Johnson, for a Professional Office based upon the record made during the public hearing and for the following reasons:

1. There is a home that currently exists on the property. This application seeks to allow the conversion of the existing home into a professional office.
2. The property is located along Route 24 and is to be used by the Applicant in his insurance business. Route 24 is one of the main north-south roadways in Sussex County. It is in an area where a variety of business and commercial uses exist. This location is appropriate for this use as a small professional office.
3. The Applicant has stated that this site will only be used as a small office. There will not be any retail sales or other types of uses that generate excessive traffic to or from the site.
4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.
5. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Professional Offices like this are appropriate in this Area according to the Plan.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to use as a professional office.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
 - E. All dumpsters shall be screened from view of neighboring properties and roadways.

- F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
- G. The hours of operation shall be limited to 8:30 a.m. until 5:00 p.m., Monday through Friday, and 8:30 a.m. until noon on Saturdays. No Sunday hours shall be permitted.
- H. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2509 Juan Edward Johnson, for the reasons and the conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Mears – yea, Mr. Collins – yea, Madam Chair Wingate – yea

C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS. The property is and lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9). 911 Address: N/A. Tax Map Parcel: 335-8.00-43.01.

The Commission discussed the application, which had been deferred since December 10, 2025.

Mr. Collins questioned what the density change of the project is proposed to be and expressed concern regarding the proposed pickleball court.

In relation to C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 3-0.

RECESS
3:29 PM – 3:32 PM

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

C/U 2530 Whitney Price

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. The property is located on the east side of Roxanna Road (Rt. 17) and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road (S.C.R. 353). 911 Address: 32293 Roxanna Road, Ocean View. Tax Map Parcel: 134-12.00-379.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Property Survey, the Applicant's Exhibits and photographs, the Staff Analysis, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that six public comments had been received in relation to the Application, and that they were included within the Commission's Paperless Packet.

Mr. Whitehouse advised the Commission that the application was submitted via the Sussex County Constable's Department; that there had been ongoing back and forth from the Constables office and the Applicant leading up to the current public hearing; that Mr. Mark Rogers, Sussex County Chief Constable, was in attendance for the hearing in case the Commission had any questions.

The Commission found that Ms. Whitney Price spoke on behalf of her application. Ms. Price stated that she operates an Airbnb called Bohemian Rhapsody; that she had submitted her Airbnb listing and additional information and photographs of the site; that she only rents to one booking at a time, for up to six people at a time; that the Airbnb is located in her backyard, and is a part of her home; that she does not accept automatic bookings; that her guests must request to stay, at which point she looks to see if they guest has any reviews from Airbnb; that she may, or may not stalk their social media to get an idea and a feel for what kind of folks they are; that the Airbnb is part of her home, and she is concerned about her, her child's and her neighbor's safety; that she only operates from May 1st to October 31st each year; that it is a summer side hustle; that she was currently in public school education, and had been for 25 years, and she planned for this year to be her final year, which was another reason why it was imperative that she obtain a Conditional Use permit to continue running her Airbnb.

Madam Chair Wingate requested additional information regarding the structure of the buildings, as she was a bit confused when she visited the site, and how the application came before the Commission.

Mr. Whitehouse provided a historical background for the Commission, stating that the process began with the Sussex County Constables Department back in 2023; that at that time, a Notice of Violation was served in November 2023, which led to a back and forth with the Applicant; that in terms of building permit history, the dwelling on the property, being the main house, was permitted in 1989; that the accessory structures have not yet gone through Building Code review; that the first step is to secure land use approval; that if land use approval is received, the Building Code Department will retroactively review the structures; that currently he did not believe the structures had been inspected; that Sussex County would first need a Commercial Building Permit to be applied for, for all structures that are not being used as a single-family dwelling; that the commercial permit would proceed through review and approval, and at that time, inspectors would visit the site to see what needs to be changed retroactively, and all of this would only happen if the Applicant received land use approval.

Mr. Mears questioned Mr. Whitehouse about how any setback violations would be addressed.

Mr. Whitehouse stated that if setback variance are required, and that he believed they would be required, the Applicant would also need to secure any variance approvals as well; that the Applicant did not currently have a variance(s), building permit(s) or land use approval, and that the current public hearing before the Commission was step one in the process.

Ms. Price stated that she wanted to plead ignorance; that she literally did not know; that she graduated in 2014 with a Master's Degree in school counseling; that, as a surprise gift, her former husband of 25 years, bought her a she-shed, which she had wanted; that she has three sons, who were very involved in sports, and she wanted space in her backyard; that she did not know about setbacks; that all she knew was that she wanted privacy in the shade and did not want to look at the house behind her; that she decorated it like the inside of Jeannie's bottle from *I Dream of Jeannie*; that it was her go-to place; that she purchased a second shed, again, not knowing that she needed permission from the government to stick a shed on my property; that she is a law-abiding citizen; that she did not do anything deliberately; that when 2020 hit she was visiting her friend, Mr. Charlie Lynch, who was changing her oil; that she was discussing her recent divorce, and needed to find a way to supplement her income; that she was too old to wait tables or bartend again; that he suggested she rent out her sheds on Airbnb; that at the time she did not know what Airbnb was; that he got her in contact with a friend, Leslie, who had a yurt in her backyard, located in Ocean View; that Leslie visited her property and the shed, stating that she was sitting on a gold mine; that she questioned who would want to sleep in an Amish-built shed, located in someone's

backyard; that Leslie stated she had a beautiful property, an awesome taste in style, and a beautiful garden; that she was told the millennials call it “glamping”; that she then began researching online; that Leslie was her Airbnb mentor; that she did not know anything about a Conditional Use; that she did not know she was located within an AR-1 (Agricultural Residential) Zoning District; that she honestly did not know that she needed a Conditional Use permit or any of the stuff mentioned; that when the Constable visited her property, she had no idea it was her; that it has been quite an eye-opening process since the whole discovery in 2023; that she requested to present to the Commission her visuals and presentation; that engineer-wise, it is legitimately two Amish-built sheds; that the sheds are not insulated or air conditioned, and she provides fans for her guests and visitors, as she also uses the sheds for her friends and relatives who come to visit; that the sheds do not have a bathroom inside of them, which is where the “glamping” comes not play; that she provides an outdoor bathhouse, which is a separate structure with a toilet in it; that the bathhouse is very rustic, and deliberately open at the top; that the plumbing is plumbed into her house; that the black and grey water go into her septic; that DNREC has visited the site twice, as she believed someone called them with a complaint; that DNREC was concerned about my trash situation; that at that time, she showed them her trash, recycle and composting areas; that being environmentally friendly is very important to her; that the second time DNREC visited the site, they came to check the plumbing; that they made sure everything was legit; that the style she provides is very “hippy dippy” as those are the type of folks that she wants to attract; that she wants to attract folks who enjoy nature, who want to be in an outdoor bathhouse naked, taking a great shower with hot water and great water pressure; that she proceeded to show the Commission photographs of the bathhouse, stating that all plumbing goes underneath, into the pan, that then goes into the part of her house; that they had always had the outdoor shower, as her boys would often surf, and they just added the toilet and the sink.

Mr. Mears questioned whether the site was served by public sewer or onsite septic, and if DNREC was ok with the addition of the bathroom.

Ms. Price stated that her site is served by a private septic, and that DNREC was ok with the addition of the bathroom.

Madam Chair Wingate questioned if Ms. Price had documentation from DNREC stating they were ok with the bathroom addition.

Ms. Price stated that she did not have approval documentation from DNREC; that she does have to get her septic pumped; that the area is easy to access; that the average night stay of her guests is about two nights; that in total, since 2020, she had only hosted approximately 190 people; that she had 168 reviews, including five-star reviews; that she showed the Commission a photo of her garden; that she referred to it as the “dead hedge,” and it is pollinator friendly; that her garden is

another big part of her property; that it provides the ability to share fruits and vegetables with guests; that the little guests love helping her water the garden, check the butterflies and dragonflies; that music is a big deal in her life; that she attracts a lot of artists and musicians; that John Donato is a local mural artist, and a very good friend of hers; that he had helped contribute to many of the art projects on the property; that when her guests sit around the campfire, they can pick up a handmade instrument and make music; that she showed the Commission a photo view from the bungalows; that looking into her backyard, one can see her house; that when walking through the yard there is a Crepe Myrtle tree, but beyond that is the sand yard, and the other side of that is the bath house; that she had a back patio; that underneath the glass table (in the photograph) is the location of where the septic is pumped, and she showed a photo of this area which reflected its location in relation of the bathhouse.

Madam Chair Wingate requested more information regarding parking and the number of parking spaces.

Ms. Price stated that her property is a part of Townsend Acres; that she has two driveways, and one driveway is located directly off Roxanna Road, and the other is located off Lucinda Drive, being approximately 200 feet from Roxanna Road.

Madam Chair Wingate questioned whether there was a deed for Lucinda Drive, who owned Lucinda Drive, or if it was a shared easement.

Ms. Price stated that Lucinda Drive is a shared easement to serve the residents of Townsend Acres; that the easement information is stated on the survey; that she has parking signs; that she was instructed that she needed a light within a certain area, which was fine with her; that she has a lot of solar lighting around her property, however, she is willing to provide more; that she provided more photos to the Commission for additional outdoor spaces; that she has an area called "Pinky" where her guests use grills to cook, and at times will cook over top of an outdoor fire pit; that her Airbnb is dog friendly; that she has a lot of repeat & returning visitors; that she had made lifelong friends because of this business; that the business had really been a blessing; that she had been used to her kids bouncing balls around the yard, and a lot of energy; that now she gets lonely; that the Airbnb has been therapeutic for her, as well as, financially very helpful; that the Airbnb is part of her retirement plan and is very important to her; that there had been a lot said from guests regarding the care and consideration she provides; that it is important to be steward of the earth, as we only have one; that she went through photos of backdrops and painted murals on the site; that when starting this process her friend had told her to just be herself, and that is what she did; that she presented to the Commission a photo of the smaller shed; that when guests visit with kids, they often prefer the smaller shed, referred to as the Surf Shack; that it was created with decorations from her boy's bedrooms and a lot of thrifited items; that she is very into recycling and repurposing;

that she presented a photo of the interior of her “Grateful Shed” to the Commission; that from the outside, the smaller shed is located to the right and the larger shed to the left; that she submitted a petition from her neighbors; that the petition support reads, *“protect homeowners’ rights to earn supplemental income from their property. Reasonable regulation, not prohibition, respects property ownership”*; that additionally, there was a letter of support submitted by her neighbor located directly adjacent to her; that it is a small community; that she has resided at the property for 27 years; that it has been a wonderful place to raise a family; that she is not requesting a rezoning, and that her only request is for some variance and a Conditional Use land permit.

Mr. Mears questioned whether there was a Homeowners Association (HOA) established for the community, if Ms. Price had a list of regulations that clients must agree to, and if so, whether the regulations include a “quiet time” at a certain time of the evening.

Ms. Price stated no, that there was no HOA established for the community; that she does not use the word “rules”, but rather refers to them as “guidelines”; that before she accepts an inquiry, her guests must agree that they have thoroughly read the guidelines and willing to be compliant of them, and that her proposed quiet time begins at 10:00 pm and ends at 8:00 am.

Madam Chair Wingate questioned if staff had any further information regarding Lucinda Drive; that she read the letter submitted into the record; that she understood that what was stated may potentially be an opinion and not factual.

Mr. Robertson stated that he reviewed the survey; that the survey reflected the access; however, the survey did not contain the actual easement language for Lucinda Drive, and he requested that the Commission hold the record open to allow him to conduct further research on Lucinda Drive to ensure there are no issues or concerns.

Ms. Price stated that she would like to add that the particular neighbor (who submitted the letter of opposition with comments regarding Lucinda Drive) had been a menace in their community since she moved in; that the neighbor had called the police on her then 8 and 10 year old sons for playing within Lucinda Drive, during a snowstorm, throwing boogie boards, running around and being normal kids; that there was history between the two of them; that when she first began her business, all of her neighbors were aware of what was going on; that she had told them to come to her with any issues or concerns; that she stated her neighbors were her first priority, not the Airbnb guests; that if there was every a worry of guests driving too fast or being too loud, they should come to her; that she had not had issues, because she does not attract those kind of guests, and that it was not until the day before that she saw the submitted opposition.

Madam Chair Wingate stated that either way, everyone was entitled to their own opinion; that the Commission cannot take opinions into consideration, and that the Commission will ensure that the record is clear on the logistics of the roadway (of Lucinda Drive).

Ms. Price stated that when her former husband had a landscape business, he would access the driveway along Roxanna Road, and around the house, and down that back driveway, with his truck and trailer; that they have been using it (Lucinda Drive) since they moved into the house, and there had never been a complaint until recently.

Mr. Collins questioned whether Ms. Price would be willing, if required, to reroute the driveway to bring the driveway in from her main driveway, located off Roxana Road, being the state-maintained roadway.

Ms. Price stated that if it is deemed illegal for her to use Lucinda Drive, then she would; however, it was only because it was a thorn in the side of one neighbor, then she was unsure, and she was unsure if she understood the question.

Madam Chair Wingate stated that she believed Mr. Collins was questioning whether the rerouting of the driveway would be a possibility, if it was imposed as a requirement due to it being not legally acceptable for Lucinda Drive to be used, and if her business could still operate or would that requirement shut her business down.

Mr. Robertson stated that the issue is not opinions, as was stated; that Sussex County will research into what Lucinda Drive's easement states, because it is a private roadway, which may have imposed restrictions against commercial use, being only legally entitled to be used by the owners or occupants of the primary residences that are not rental units, and the Commission wants to ensure they are not placed in a position of approving something that is not in compliance with a potential private roadway agreement.

Ms. Price stated that she was trying to make it legal; that she heard Mr. Robertson make the statement regarding the drive being for primary residents and wanted to mention that the person who filed the opposition is not a primary resident, but a seasonal resident.

Madam Chair Wingate stated the resident may be seasonal, but she is the primary owner of the property.

Ms. Price stated that she found it ironic that her seasonal neighbor was complaining about her out-of-state visitors when she was one herself.

Mr. Robertson stated that this type of issue comes before the Commission all the time; that not necessarily complaints or even Airbnb's, but an issue where someone wants to essentially run a business use off a private road; that whenever this happens, the Commission always look at the easement, to ensure there are no legal restrictions or issues; that the Commission is not attempting to single Ms. Price out, nor is the Commission providing extra weight to the neighbor in opposition, and it is research that they always perform whenever an application comes in involving a private lane.

Ms. Price stated that she understood and that she would make it work if she was required to do so.

The Commission found that there was no one present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2530 Whitney Price. Motion by Mr. Mears to defer action, leaving the record open to allow Counsel to perform research on the private lane of Lucinda Drive, and the DNREC approval letter, seconded by Mr. Collins and carried unanimously. Motion carried 3-0.

C/U 2544 Waste Management of Delaware, Inc

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 5.23 ACRES, MORE OR LESS. The property is located on the west side of Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462). 911 Address: 32120 Old Stage Rd., Laurel. Tax Map Parcel: 332-2.00-79.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book, the Applicant's Conditional Use Site Plan, the PLUS Comments, the DelDOT Service Level Evaluation Response Letter, and the Staff Analysis. Mr. Whitehouse stated that no comments were received in relation to the Application.

The Commission found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab P.A., spoke on behalf of the Applicant, Waste Management of Delaware, Inc.; that also present was Mr. Pete Grim, District Manager for Waste Management of Delaware, Inc. Mr. Fuqua stated that an exhibit packet was submitted within information about the application; that the application is requesting a

Conditional Use for a 5.2 acre parcel; that the site is located on the northwest corner of the intersection of Trussum Pond Road and Old Stage Road; that the 5.2 acre parcel is located adjacent to a 12 acre parcel that is also owned by Waste Management; that the 12 acre parcel is the location of site for the company's maintenance and repair facility; that the current Conditional Use requests an extension of the existing uses that are located on the 12 acre parcel to allow the business to expand onto the five acre parcel; that the expanded use would basically be for employee parking; that two additional self-storage facilities are proposed; that there are two self-storage facilities currently located on the 12 acre parcel; that the Conditional Use also requests the storage of trucks and containers; that previously, there was a Change of Zone application, relevant to the current application, that was presented to the Commission a few years back; that the previous application proposed a Change of Zone that is identical to the use the Applicant was currently proposing; that the site is located along Trussum Pond Road, just southeast of the Johnny Janosik furniture store; that along the road there are a number of different businesses and commercial uses; that Waste Management purchased the 12 acre parcel in 2018, at which time they converted an existing shop on the site to their maintenance and repair shop; that there are also two storage buildings that were located on the property; that at that time, they operated under the name Trussum Pond Self Storage; that in 2021, the owner of the five acre parcel contacted Waste Management to inquire about their interest in purchasing their property; that Waste Management subsequently purchased the five acre property; that at the time of purchase, there was an old house on the property, which was demolished; that there were very old, large chicken house on the property which were also demolished; that there was a security fence erected around the perimeter of the five acre parcel; that the current application request is for a Conditional Use for the expansion of the existing uses of the 12 acre parcel onto the five acre parcel; that a Zoning Map and Future Land Use Map were submitted as part of the Applicant's Exhibit Book; that when coming down Trussum Pond Road, most of the land located on the south side is zoned C-1 (General Commercial); that basically, all the land on the north side, with the exception of the subject five acre parcel, is zoned C-1 (General Commercial); that the land located directly across the road is zoned AR-1 (Agricultural Residential); that there are two nearby properties to the site designated as an Industrial Area, according to the Sussex County Future Land Use Map; that the property catty-corner from the site is also zoned C-1 (General Commercial); that when Waste Management first contacted him in 2022, they had to decide whether to request for a Conditional Use or a Change of Zone; that the Conditional Use is generally easier, yet a Change of Zone is generally more valuable and adds value to the land; that based on the zoning of the area and the nature of the Future Land Use Map, they felt it was appropriate to request a Change of Zone; that at that time they applied for a C-3 (Heavy Commercial); that they would have requested C-1 (General Commercial) at the time, however the C-1 District is now closed, and can longer be requested for rezoning; that they felt the C-3 (Heavy Commercial) District was the closest thing to a C-1 (General Commercial) District, and seemed appropriate; that the Change of Zone application was filed, and came before the Commission on December 14, 2023; that at that time the Commission unanimously recommended

approval of the C-3 (Heavy Commercial) re-zoning; that the application went before the Sussex County Council on January 24, 2025; that at that time the presented the same information that had been presented to the Planning & Zoning Commission; that he has assumed, based on the information he had just currently presented, that the C-1 (Heavy Commercial) request was very appropriate; that County Council, after deferring for several months, denied the application; that within the Council's denial decision, it was stated that they felt the C-3 (Heavy Commercial) Zoning was too great of a zone, allowing too many permitted uses, and they stated that the C-2 (Medium Commercial) or B-2 (Business Community District) would be appropriate; that they have now returned with a Conditional Use requesting the expansion of parking, self-storage, and the storage area for the trucks and containers; that from the prior record previously submitted, the PLUS review indicated that the rezoning was consistent with the 2020 State Strategies Plan, and that it was an appropriate use to be located within an Investment Level 3, since it was an expansion of an existing business; that DelDOT indicated that even the C-3 (Heavy Commercial) zoning would not have resulted in any traffic impact or at least an impact they considered to be diminutive; that based on the information provided they felt the Conditional Use request was appropriate for the area, and Mr. Fuqua requested to submit proposed Findings and Conditions for the application.

Mr. Robertson stated that he appreciated Mr. Fuqua's reiteration of the prior history and stated that the meeting minutes from both the Planning Commission and County Council hearings were included within the application record.

The Commission found that there was no one present who wished to speak in support, and there were two people present who wished to speak in opposition to the Application.

Ms. Felicia Snead Matthews spoke in opposition to the Application, on behalf of herself and her mother, who resides along Old Stage Road, across from the site. Ms. Snead expressed concerns regarding negative views, trash on the site, the negative impact on the roadway, parking in front of her mother's residential home, and light pollution from the site.

Madam Chair Wingate questioned what the current hours of operation were, if staff were working through the night or after hours, the trucks parking along the roadway, if there was any other access to accommodate the trucks coming in versus the trucks sitting on the road, if there was a regular cleaning schedule for the units on the site, and if he would be able to accommodate a potential condition that may require covers to be placed on all units to eliminate the potential of trash and rats.

Mr. Grimm, Sr. District Manager of Delaware, stated the current business hours are from 4:00 am, at which time the trucks begin launching out; that they wrap up on their shop activities at approximately 11:00 pm; that they currently run commercial, residential and industrial roll-off

trucks from the site; that the truck operations close up around 7:00 pm, at which time the trucks are back to the site and off the road, and the maintenance shop activities go until 11:00 pm; that they do not want their trucks sitting on the roadway; that he stated he would personally follow up with that concern on the following day; that he assumed the trucks were parking to take their break prior to arriving back at the yard on the site; that he will suggest they park at the Royal Farms down the road rather than on the side of the roadway; that they have a regular cleaning schedule set; that county landfills close at 5:00 pm; that occasionally dumpsters would return full from a construction site; that their policy is that those full dumpsters must be removed within 24 hours; that a dumpster may sit throughout the day, but be removed within that day before the landfill closes again, and stated that he would be able to accommodate a potential condition to cover the units on the site.

Mr. Robertson questioned whether trucks are entering the site from Old Stage Road.

Mr. Grimm stated that the trucks were not entering the site from Old Stage Road; that when they had a fence placed around the property, they did place entrance gates along Old Stage Road, however, those gates are padlocked; that the commercial entrance to the site is located from the 12-acre parcel along Trussum Pond Road.

Ms. Wingate stated that there was no reason for the trucks to be sitting along Old Stage Road at all.

Ms. Gwendolyn Gillespie spoke in opposition to the Application on behalf of her mother, with concerns regarding noise, smell, trucks parking on the side of the road, chemicals used to clean the trucks, pests, and unsightly views.

Mr. Grimm stated that all cleaning of vehicles is performed within a wash bay, which is an enclosed facility; that the wash drains into holding tanks, which are pumped out by a septic company.

Mr. Robertson questioned whether the cleaning of vehicles was performed on the subject site, or the 12-acre adjacent property.

Mr. Grimm stated that the cleaning of vehicles is performed on the 12-acre adjacent parcel, and not the five-acre subject site.

Mr. Collins stated he presumed that some of the concerns of the residents relate to uses that are currently permitted on the adjacent 12-acre site, and he was uncertain if the Commission had a complete remedy to stop all of the concerns.

Mr. Robertson stated that because the current request is a Conditional Use, the Commission has the ability to impose conditions that may mitigate some of the concerns; that an example of this would be potential vegetative screening could dissipate some of the odor and other concerns.

The Commission found that there was no one present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2544 Waste Management of Delaware, Inc. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 3-0.

C/U 2603 Tidewater Utilities, Inc.

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. The property is located south of Maryland Avenue and east of North Bay Shore Drive (Rt. 16), approximately 430 feet north of Broadkill Road (S.C.R. 5). 911 Address: 103 Maryland Avenue, Milton. Tax Map Parcel: 235-4.13-64.00.

Mr. Robertson recused himself from the public hearing for C/U 2603 Tidewater Utilities, Inc, and exited Council Chambers.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Conditional Use Site Plan, the DelDOT Service Level Evaluation Response Letter, a copy of prior Conditional Uses for the remainder of the parcel, and the Staff Analysis. Mr. Whitehouse advised the Commission that no comments were submitted in relation to the Application.

The Commission found that Mr. Brian Miller, P.E., with Pennoni, spoke on behalf of the Applicant, Tidewater Utilities, Inc.; that also present were Mr. Bryan Carbaugh, Director of Engineering, Mr. Eugene Catipay, Project Engineer, and Mr. Kyle Betts, District Operations Manager. Mr. Miller stated that their Conditional Use was to request the extension of the existing Conditional Use for the existing water treatment plant; that Tidewater has the goal of updating the water treatment facility to address both the existing need and the projected needs; that currently there is an existing 30,000 gallon, horizontal storage tank, which is the maximum volume permitted to be stored on

the site; that with the 731 existing units they are currently serving, they do not have enough storage at the site for their full average of operations, when considering 210 gallons per day as an average for each unit; that they propose a 36 foot diameter storage tank be placed to increase their capacity for storage at the site, in order to meet their future needs for up to approximately 1,040 units, and upwards of 218,000 gallons; that the new tank would be constructed on the site within the required setbacks; that the existing tank would be removed once the other tank was in place and ready for operations; that Mr. Miller presented, via presentation boards, illustrations of the proposed tank; that proposed is an Aqua storage tank, which is a tank style that Tidewater uses often for their systems; that there is an aqua tank located at Grant's Way, which is located down and across from the Rookery Golf Course in a private community, next to one of their other facilities; that he was unsure the exact height of the tank; that he believed it to be approximately 36 feet in height, but stated that the height would be within the required height dimensions and requirements of the Zoning Code; that there will be a dome at the top of the tank, and stated that that the dome would be within the height restriction; that the site plan submitted reflected a 39 diameter tank, with a 42 foot diameter footing to the tank walls, in from the concrete footing that is required; that they potentially could lessen it to a 36 foot diameter; that the largest is a 39 foot diameter tank, and that the basis of their request was to replace the facility to meet the needs of the community.

Madam Chair Wingate questioned the average gallons per day previously stated.

Mr. Miller stated 210 gallons per unit, per day, is the current average; that it was likely more of an in-season figure, because there are seasonal locations there; that there are 731 units currently being served, with the potential for over 1,000 in the future, and they are trying to future-proof to avoid the Applicant needing to return before the Commission in the future.

The Commission found that there was no one present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

Mr. Collins moved that the Commission recommend approval of Conditional Use 2603 Tidewater Utilities, Inc. for improvements to an existing water treatment facility, based upon the record and for the following reasons:

1. This project benefits the health, safety, and welfare of the residents in the area.
2. The improvements will provide for water supply to current and future area residents by replacing the existing tank with a larger one that provides the capacity needed for additional fire flow and additional average demand.

3. Fire protection capabilities will be further enhanced to the area.
4. The project will not have an adverse impact on neighboring properties or community.
5. Water utility operations, like those in this project, are subject to substantial regulation by the Public Service Commission, DNREC, Public Health, State Fire Marshal, FAA, and among others.
6. This recommendation for approval is subject to the following conditions:
 - A. The water tank shall remain under 42 feet in height and 40 feet in diameter.
 - B. The tank shall be painted in a neutral color, and no signage or other lettering shall be permitted on it.
 - C. Structural design and operation of the water facility shall comply at a minimum with industry standards, such as the American Water Works Association.
 - D. One lighted ground-level sign shall be permitted, identifying the owner and providing emergency contact information.
 - E. The Site Plan shall be subject to review and approval by the Planning & Zoning Commission, upon receipt of all applicable agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2603 Tidewater Utilities, Inc., for the reasons and the conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Collins – yea, Mr. Mears – yea, Madam Chair Wingate - yea

Mr. Robertson returned to Council Chambers.

C/U 2607 State of Delaware Office of Management & Budget

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EMERGENCY VEHICLE OPERATIONS COURSE, VEHICLE STORAGE, CLASSROOM, AND PAVILLION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 839.05 ACRES, MORE OR LESS. The property is located on the east side of Patriots Way (S.C.R. 318), approximately 0.66 mile south of Zoar Road (S.C.R. 48). 911 Address: N/A. Tax Map Parcel: 133-7.00-8.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no comments were received in relation to the Application.

The Commission found that Mr. Jonathan Richard, P.E. with Becker Morgan Group, spoke on behalf of the Applicant, State of Delaware Office of Management & Budget; that also present were

Captain Jerry Windish and Mr. Brian Fitzpatrick with the Delaware State Police. Mr. Richard stated that the requested Conditional Use is for the Delaware State Police, Troop 4 Emergency Vehicle Operation Course, also known as EVOC for short; that the property is located on the west side of Patriots Way, across from the new Troop 4 police barracks that is currently under construction; that the site is zoned AR-1 (Agriculture Residential); that the total area proposed to be utilized is 21.5 acres; that the EVOC was on the original Troop 4 portion of the project; that there was a curveball thrown during construction, immediately as shovels were placed into the ground, with the Delaware Commission of Veteran Affairs; that rather than oppose the Commission of Veteran Affairs, the State Police pivoted with the Office of Management and Budget, proposing the EVOC to be placed across the street, on the west side of Patriots Way; that the previous Conditional Use application was presented before the Planning Commission in November 2023, and subsequently approved by the Sussex County Council in January 2024; that the EVOC is an emergency vehicle operation course, which provides training; that there is a large paved area; that proposed is a three-sided pavilion that is dedicated as a classroom for teaching purposes, with an area for a trailer to be placed for the storage of cones used for training purposes; that the building is proposed to be approximately 15 to 16 feet in height; that they propose approximately 24 spaces for troopers who come to train at the facility; that Artesian will provide them with a water stub from the actual Troop 4 project; that sanitary sewer will connect across the street to the Stokely Center on-site sewer connection; that the electric will be provided by Delmarva Power; that they will place site landscaping to beautify the site; that he believed the site was located adjacent to a DNREC restoration project, where a lot of trees have been mitigated in the area, and he guessed it may have been for the purpose of the Rt. 26 improvements in Millsboro.

Mr. Collins questioned the hours of operation and whether 24-hour operations were required. Mr. Windish stated that currently there is no residential located within the general area; that in his 30 years, he had never performed EVOC training, which is collision avoidance course training at night; that the trainings had always been performed during the day, as nighttime creates a safety issue; that academy classes are only during certain portions of the year, and the site could be utilized at different times for in-service trainings, but would not be in use a great portion of the time.

Mr. Fitzpatrick stated that 2200 (10:00 pm) would be their proposed cutoff; that it was their understanding that the County had a 2200 quiet hours, and they proposed to observe that requirement; that they also propose to observe the Veterans cemetery; that they intend to be good partners with them; that should the cemetery be performing a burial service, they would ensure a cease in operation for a short time frame; that their goal is to be a good partner, and thus the reason they were before the Commission for the request to relocate the center.

Mr. Robertson stated that the Commission has the authority to impose conditions; however, when applications are related to EMS and first responders, the Commission, and he believed County Council as well, tend not to impose conditions to avoid the creation of any arbitrary restrictions on the operations.

The Commission found that there was no one present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

Mr. Mears requested that Mr. Mears read his prepared motion into the record.

Mr. Robertson read Mr. Mears' motion into the record per Mr. Mears' request.

Mr. Mears moved that the Commission recommend approval of Conditional Use 2607 for the State of Delaware Office of Management and Budget for an emergency vehicle operations course based on the record made during the public hearing and for the following reasons:

1. The use is for a very public purpose- the Delaware State Police.
2. The training course will promote the health, safety, and welfare of Sussex County residents and visitors.
3. The site is appropriate for this use. It is next to the new Delaware State Police Troop 4 site, and there are other State facilities and public uses in this immediate area. It is in a location that provides centralized access to many points in Sussex County.
4. The use will not adversely affect neighboring properties or roadways.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following conditions:
 - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
 - B. The site shall comply with all requirements of the Sussex Conservation District.
 - C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2607 State of Delaware Office of Management & Budget. For the reasons and the conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Mears – yea, Mr. Collins – yea, Madam Chair Wingate - yea

PUBLIC COMMENT

The Commission found that no one was present who wished to provide public comment.

ADDITIONAL BUSINESS

The Commission discussed revisions to the Sussex County Planning & Zoning Rules of Procedure.

Meeting adjourned at 4:57 p.m.

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