

MINUTES OF THE REGULAR MEETING OF JANUARY 21, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, January 21, 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, Mr. Scott Collins, and Mr. Jeff Allen. Mr. John Passwaters was absent. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Ms. Lauren Cecchine – Planning Manager, Ms. Susan Isaacs – Planner I, and Ms. Ashley Paugh – Recording Secretary.

Mr. Whitehouse requested that the agenda be revised to remove C/U 2617 John Zotcavage.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Agenda as revised. Motion carried 4-0.

Motion by Mr. Mears, seconded by Mr. Allen, to approve the Minutes of January 7, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 4-0.

OTHER BUSINESS

2004-60 River Oaks

Request for Determination - Interconnectivity Discussion

The Applicant has requested a Director's Determination as to whether Interconnectivity as shown on the River Oaks (2004-06) Subdivision Plan is to be required. River Oaks is a cluster subdivision containing eighty-five (85) single-family lots, private roads, open space, perimeter buffers and a walking path amenity. The Final Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, June 20th, 2007. The Final Record Plan as approved at Plot Book 114; Page 107 depicts interconnectivity with the adjacent Riverwood (2021-32) Subdivision to the south via a 50-ft wide private road known as Seaspray Court. The submitted engineering plans appear to show the pavement not going to the property line. This interconnectivity is also shown on the approved Record Plan for Riverwood, Section 1. The latest available aerial imagery for the Site (dated March 2025) indicates that the interconnectivity as shown on the approved Record Plan has not yet been provided. Furthermore, the Record Plan refers to the roadway being continued to the west, as part of Phase 2, and the cul-de-sac removed at the end of High Tide Lane. Interconnectivity appears to be shown with the adjacent lands of what is now the Ballanger Subdivision, and therefore it is the department's position that the road should be extended, with the pavement being shown to the property line. Prior to making a Director's Determination, the Department requests that the Commission discuss whether

interconnectivity is a requirement, as it is reflected on the latest approved Record Plan (which would constitute the legally enforceable document of record). This discussion will provide the Department with further clarity and help guide the Determination regarding the application of interconnectivity provisions for future approved Subdivisions. Included in the Commission's Packet this afternoon is a copy of the approved Record Plan for River Oaks, the approved Record Plan for Riverwood, the latest aerial imagery of the project Site and a copy of the Engineering Plans. Tax Parcels: 234-11.00-99.00. 99.02, 99.03, 99.04 & 99.05. Zoning: AR-1 (Agricultural Residential District).

Mr. Whitehouse stated that this application was placed on the agenda a week prior to the meeting; that following the posting of the agenda, the department was contact by the Applicant's attorney, to request a meeting with staff to further discuss the matter before any determination is issued.

Motion by Mr. Collins, to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 4-0.

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 No. 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) Zoning District and General Residential (GR) Zoning District. Staff are in receipt of all agency approvals. A Landscape Plan has also been submitted, showing compliance with the provisions of §99-21(A), as well as the Conditions of Approval.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to approve the Final Site Plan. Motion carried 4-0.

S-25-69 The Crossing Church Expansion

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a new 17,695 square-foot building and a 6,789 square-foot addition to an existing church and other site improvements. Staff note the property is in a Combined Highway Corridor Overlay Zone District (CHZOZ) and is exempt from the requirements per Sussex County Code 115-194.1C(3). The Preliminary Site Plan complies with the Sussex County Zoning Code. The property is located at the northwest intersection of Coastal Highway (Route 1) and Oyster Rocks Road (S.C.R.264). Tax Parcel: 235-22.00-381.00 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 Preliminary Site Plan with final approval to be provided by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

2019-08 Azalea Woods – Section 3

Amenities Plan

This is an Amenities Plan for the creation of a 5,365 square foot +/- clubhouse, 377 square foot +/- mailbox pavilion, 6,118 square foot +/- pool area to include an in-ground pool and pool deck area, 14,645 square feet +/- of pickleball courts, a 1,440 square foot +/- bocce ball area, a 3,421 square foot +/- play area with two (2) tot lots, a 972 square foot +/- pavilion, outdoor fitness area, entry gardens, a great lawn and other related site improvements to be constructed within the Azalea Woods (2019-08) Subdivision. Azalea Woods is a cluster subdivision containing six-hundred and ten (610) lots, private roads, open space and planted buffers with phased (or Sectioned) approvals. This Amenities Area is considered the third section of the overall Subdivision approval. The improvements are to be located on the south side of Cobalt Way, the west side of Silver Leaf Drive, the east side of Heartleaf Way and the north side of Jasmine Way in the previously approved Azalea Woods cluster subdivision in Georgetown, Delaware. The Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 135-11.00-49.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Amenities Plan as a preliminary and final. Motion carried 4-0.

Lands of Adel Baghouli (Ellyes Lane)

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 0.720-acre +/-, proposed Lot 2 will consist of 0.718-acre +/-, and the residual lands will consist of .526-acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Cave Neck Road (S.C.R. 88), approximately 0.26 mile west of Front Street (S.C.R. 89). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-20.00-51.00. 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. Mears, seconded by Mr. Allen, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-ft. easement as a preliminary, with final approval to be provided by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Cromer Management, LLC

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 1.502-acres +/-, proposed Lot 2 will consist of 1.500-acres +/-, proposed Lot 3 will consist of 1.500-acres +/-, proposed Lot 4 will consist of 1.500-acres +/-, and the residual lands will consist of 2.914 -acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the west side of Calhoun Road (S.C.R. 621), approximately 0.24 mile south of Shawnee Road (Rt. 36). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 130-3.00-245.00. Zoning: GR (General 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 provided by the staff, subject to receipt of all agency approvals. Motion carried 4-0.

Lands of Sobrook Land Acquisitions

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 0.76-acres +/-, proposed Lot 2 will consist of 0.75-acres +/-, proposed Lot 3 will consist of 1.35-acres +/-, proposed Lot 4 will consist of 1.35-acres +/-, and the residual lands will consist of 0.76 -acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located south of Neptune Road (S.C.R. 251, approximately 0.22 miles west of Gravel Hill Road (Route 30). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-25.00-77.00. 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.

Madam Chair Wingate questioned whether the State Fire Marshal's Office rules apply for the length of the easement.

Mr. Whitehouse stated that there is a hammerhead turn reflected on the plan, and the Commission could require that it be more clearly shown on the final plan.

Ms. Isaacs stated that final approval will be contingent on approval by the State Fire Marshals office.

Motion by Mr. Mears, seconded by Mr. Allen, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-ft. easement as a preliminary, with final approval to be provided by the staff, subject to the receipt of all agency approvals and further clarification regarding the proposed easement. Motion carried 4-0.

OLD BUSINESS

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 stated for the record that his motion, and the action taken on it is a land use decision and has no impact on any ongoing litigation between the Applicant and any other party.

Mr. Robertson stated that the Commission heard a lot of testimony from concerned residents of Springpoint; that depending on Mr. Collins' motion, and how the Commission votes, he did not want anyone to think that the Commission did not take their concerns seriously; that the Commission has certain guardrails of which they are required to stay within regarding what is relevant under the Sussex County Zoning Code; that although the proposal may be important to the residents, who may or may not have an issue with the operator of the facility, it is considered a separate issue from what the Commission is in charge of reviewing.

Mr. Collins moved that the Commission recommend approval of C/Z 2033 for Springpoint at Lewes, Inc. amend conditions of approval for C/Z 1528 (Ordinance No. 1679) and C/Z 1753 (Ordinance No. 2361) based upon the record made during the public hearing and for the following reasons:

1. This is an application seeking to amend an existing MR-RPC Medium Density Residential Planned Community known as The Moorings at Lewes and formerly known as Cadbury at Lewes to increase the number of units to 273, add amenities, and expand the healthcare center and community center. This is an amendment to the conditions of approval imposed by C/Z 1528 (Ordinance No. 1679) and for C/Z 1753 (Ordinance No. 2361).
2. The site is bounded by Gills Neck Road to the South and East, the Breakwater Subdivision to the North, and Mitchell's Corner to the West. Nearby developments include Bay Breeze Estates, Showfield, Senators, Hawkseye, and Governors. A similar project known as the Lodge at Lewes is located across Kings Highway, along with the Cape Henlopen High School. There are also several commercial uses, including medical offices, contractors' offices, retail, and restaurants in the immediate vicinity. This expansion of the existing MR-RPC is appropriate in this location.
3. On April 6, 2004, Ordinance No. 1679 (C/Z 1528) permitted 48 single and duplex units, 84 apartment units, and an 80-unit Healthcare Center, totaling 212 units. The residential portion was approved for 80 single-family lots and 105 townhome and duplex units. On April 5, 2014, Ordinance No. 2361 expanded the Cadbury at Lewes project by five (5) acres to permit an additional 32 units, bringing the approved total to 215 units. This is a reasonable, limited expansion of this existing MR-RPC.
4. The purpose of the MR Zoning District and RPC overlay is satisfied by this expansion of the development because both central public water and sewer are provided; the area is more urban than rural character with numerous existing residential developments surrounding the site; there are a variety of small and large business, commercial and public uses nearby; and it is in close proximity to Beebe Hospital and other medical services.
5. The development is located within "Coastal Area" on the Future Land Use Map of the Comprehensive Plan. The "Coastal Area" is a designated Growth Area that permits development such as this.
6. DelDOT has determined that the traffic impact of this limited expansion will be "negligible." The existing entrance and roadway improvements along Gills Neck Road will continue to serve the community. In addition, DelDOT is requiring a new left-turn lane at the existing entrance and a shared-use path to be installed.
7. There are no wetlands on the Property, and the site does not lie within a wellhead protection area.
8. The MR-RPC will continue to have active and passive open space areas. The proposed Open Space accounts for 56% of the Property.
9. There will be a landscape buffer of at least 20 feet in width established between the Site and Sussex County Tax Parcel Numbers: 335-8.00-37.00 and 335-8.00-322.00 through 325.00. The proposed 20-foot buffer aligns with the buffer distance already established between Mitchell's Corner and the Site.
10. The Applicant, through its engineers, submitted its Coastal Area Environmental Assessment and Public Facilities Evaluation Report in accordance with Section 115-194.3 of the Code, in support of the Application.

11. With the recommended conditions of approval, there will be no adverse impact on the neighborhood or neighboring property values. The expansion is consistent with the character and trend of development in the immediate area.
12. This recommendation is subject to the following conditions:
 - A. With the exception of the following, the conditions imposed by Ordinance No. 1679 and Ordinance No. 2361 shall apply to this approval and remain in full force and effect.
 - B. The maximum number of units in the MR-RPC shall not exceed 274 units as shown on the Applicant's site plan, and consisting of:
 - i. 21 Single Family Detached Dwelling Units
 - ii. 20 Single Family Attached Dwelling Duplexes (40 units)
 - iii. 130 Multi-Family Apartment Units
 - iv. 83 Healthcare Center Rooms
 - C. 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 7:00 a.m. through 2:00 p.m. on Saturdays. 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.
 - D. There shall be a vegetated or forested buffer that is at least 20 feet wide installed between the Site and Sussex County Tax Parcel Nos. 335-8.00-37.00 and 335-8.00-322.00 through 325.00 as more fully shown on the Preliminary Site Plan. As proffered during the public hearing, the buffer area adjacent to Parcels 322.00 through 325.00 shall include an additional row of evergreen plantings to screen the view of the MR-RPC from these neighboring properties. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in the buffer areas. The Landscape Plan shall also identify all "Limits of Disturbance."
 - E. There are pickleball courts shown along Gills Neck Road at the eastern corner of this site, adjacent to the development known as Breakwater. These pickleball courts shall either be relocated to a more centralized location or eliminated from the site plan.
 - F. A Revised Master Plan, either depicting or noting these conditions, must be submitted to the Office of Planning & Zoning. This Master Plan shall include the entire Springpoint at Lewes MR-RPC.
 - G. The Master Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

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.

The Commission discussed the application, which had been deferred since January 7, 2026.

Mr. Allen stated that he had watched the online broadcast of the January 7, 2026, Commission meeting, reviewed the record, and had visited the site. Therefore, he was prepared to vote on the application.

Mr. Allen moved that the Commission recommend approval of Conditional Use 2544 for Waste Management of Delaware, Inc. for the extension of employee parking, self-storage, and container storage based upon the record made during the public hearing and for the following reasons:

1. This property is located along Trussum Pond Road, a short distance from Route 13, one of the most heavily travelled roads in Sussex County. This is an appropriate location for the limited expansion of the Applicant's existing use on the adjacent property through this conditional use.
2. The parcel is in an area where there are many business and commercial zonings and uses. All of the land on the north side of Trussum Pond Road from Route 13 to Old Stage Road, except for this property, is Zoned C-1. All of the land on the south side of Trussum Pond Road is also Zoned C-1. This use will be consistent with the surrounding area and uses.
3. The property is intended as an expansion of the Applicant's uses that currently exist on its adjacent C-1 property just to the west of this site. Although there were comments made during the hearing about the possible impacts of the Applicant's business, these uses can already occur on the Applicant's C-1 land. This conditional use allows a reasonable expansion of the Applicant's use but protects the neighboring properties through appropriate conditions.
4. This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed conditional use is appropriate in this Area according to the Plan.

5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
6. This recommendation is subject to the following uses:
 - A. The use of this site shall be limited to employee parking and empty container storage. No trash trucks or filled containers shall be stored or temporarily parked on the site at any time. No cleaning of equipment, trucks or containers shall occur on this site.
 - B. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - C. There is an existing fence with screening installed around the site along Trussum Pond Road and Old Stage Road. This fence, and the screening it provides, shall be maintained at all times. In addition, there shall be a vegetated buffer planted along the outside perimeter of this fence along these roads to further screen the facility from the view of the roadways and the residential properties across the street. This buffer will also help block noise that may come from the site. These plantings shall comply with the requirements of Section 99-21A A(2) and (3) of the Sussex County Code. The details of the buffer shall be shown on the Final Site Plan.
 - D. There shall not be an entrance or exit from this site directly onto either Trussum Pond Road or Old Stage Road. Instead, this site shall be accessed entirely through the Applicant's existing property next to this site.
 - E. No signage for the Applicant's business shall be permitted on this site. Any signage for the use shall be limited to the Applicant's adjacent property.
 - F. All vehicle parking and container storage areas shall be clearly marked on the final site plan and on the site itself.
 - G. No trash or other debris shall be permitted to accumulate on the site.
 - H. Any lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - I. No trucks or other vehicles associated with the use or the Applicant's business shall be permitted to park or idle along Trussum Pond Road or Old Stage Road at any time. The Applicant shall install signage along both of these roadways prohibiting such parking or idling. The location of these signs shall be shown on the Final Site Plan.
 - J. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2544 Waste Management of Delaware, Inc. for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PUBLIC HEARINGS

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

C/U 2480 DJ Tire Center, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS. The property is lying on the east side of Downs Road (S.C.R. 243), approximately 0.45 mile northeast of Wilson Road (S.C.R. 244). 911 Address: 18651 Downs Road, Georgetown. Tax Map Parcel: 135-9.00-280.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Survey, the DelDOT Service Level Evaluation Response Letter, Applicant Exhibits, a letter received from the Sussex County Engineering Department Utility Planning Division, and the Applicant's Conceptual Conditional Use Site Plan. Mr. Whitehouse advised the Commission that no public comments were received regarding the application.

The Commission found that Mr. Danny Perez spoke on behalf of the Applicant, Mr. Javier Chilel Garcia, owner of DJ Tire Center, LLC. Mr. Perez stated that DJ Tire Center, LLC, is an operating tire replacement and tire changing center; that the majority of the information was included within the packet; that the site is less than an acre; that there will not be a large number of vehicles located on the site; that at most, maybe three vehicles would be on-site; that they do not operate seven days a week; that they operate Monday through Friday; that the Applicant is unsure of when, but plans to apply for a construction permit to place a dwelling on the property.

Madam Chair Wingate questioned the hours of operation for the business.

Mr. Perez stated the proposed hours of operation would be from 8:00 am until 4:00 pm, Monday through Friday, and that no weekend hours are proposed.

Mr. Perez stated that the Applicant applied for disposal of the tires; that the tires are unique, as they were basically for trucks, and not so much for passenger vehicles; that the Applicant had some equipment, which is required in the business; that the Applicant was trying to specialize in the tire changing business; that for old tires removed, the Applicant has a container; that there is a photo of the container within the submitted packet; that the container is about 30 feet, and is fireproof; that the old tires will be placed in the container, and a licensed recyclable company from Maryland come to the site to pick up the tires; that the Applicant is not in the business of oil changing, but should the Applicant need to change oil, the fluids would be environmentally disposed, and the Applicant has a company that would remove the oil from the site.

Madam Chair Wingate questioned if Crystal Clean was the disposal company being used.

Mr. Perez stated yes, Crystal Clean was the disposal company, and he requested to submit additional site photographs for the record.

Mr. Allen questioned whether the site would also be used as a mechanic shop, offering service work, or mainly for tire service only.

Mr. Perez stated that no oil changes are proposed to be performed on the site; that with heavy duty trucks, a little bit of fluid may be required to be replaced, and in this case, the fluid would be disposed of environmentally.

Mr. Mears questioned whether all tire changes are proposed to be performed inside a building, or if any tire changes are proposed to be performed outside.

Mr. Perez stated that all tire changes are proposed to be performed inside a building; that everything, such as tools, tires, and the lift, will be contained inside the building; that in the summer, when the temperature is 90 degrees, the Applicant may want to change the tire outside very quickly, or potentially half of the vehicle inside, and half of the vehicle outside, and when working on a specialty tire, it requires special tubes, which should be kept inside, as it will require an electric generator.

Madam Chair Wingate stated the Commission wanted to ensure a clear understanding of where the work was proposed to be performed, as there were not many other businesses within the immediate area, and the Commission did not want adjacent residences to be impacted by the proposed use.

Madam Chair Wingate questioned the number of proposed employees.

Mr. Perez stated that two employees are proposed, being the Applicant and his nephew.

Mr. Whitehouse advised the Commission that the building permit pulled in 2023 was for a residential accessory structure, at which time it went through residential plan review; that currently a commercial use is being proposed, and he questioned if the Applicant would be willing to go through Commercial Plan Review, as there may be modifications required to the building as part of that.

Mr. Perez stated the Applicant's plan was to leave it the way it was for now; that the Applicant does good things for the community on the other side of his property, by providing children's soccer on the weekends, and he did not believe the Applicant would be applying for anything residential any time soon.

Mr. Robertson stated that the current building was approved as a residential pole building; that they are a different set of construction and inspection standards for a commercial building; that he stated that if the Conditional Use were approved, the Applicant will be required to get the building permit modified and inspected for commercial use, and he requested additional information regarding the surrounding neighborhood, and any other commercial businesses in the area.

Mr. Perez stated that the road is pretty much isolated and rural; that approximately ¼ mile from the site is the State park, and that adjacent to the parcel, there is a property owner performing something similar, however, their parcel is much larger.

Madam Chair Wingate questioned whether the mentioned soccer field was located on the site or another parcel, as she was concerned about trucks coming and going while kids play on the soccer field.

Mr. Perez stated that the children play in the vacant area located to the left of the building, and it is a small league of kids from the Applicant's church, who come to play on the weekends, however, they do not play in the winter.

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

Mr. Michael Calloway spoke in opposition to the application and requested permission to submit his written opposition along with photographs. Mr. Calloway expressed concerns regarding traffic, quality of life, negative impact on property values and quality of life, the amount of vehicles located on the site, a previous complaint from the Georgetown Fire Company, and questions regarding the ability to place a pole building without the placement of a dwelling.

Mr. Ismael Torres, Jr., spoke in opposition to the application and requested to submit his written opposition. Mr. Torres, Jr., expressed concerns regarding negative impacts to adjacent properties, setting precedence for future commercial businesses, environmental health concerns, breeding of mosquitoes and rodents, noise and air quality, traffic safety, and the negative impact on property values.

Mr. Whitehouse advised the Commission that he was unable to locate an approved Conditional Use for Parcel No. 7.08; that there was no approval for a use aside from a residential dwelling, and that the Commission may want to investigate the issue further.

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 2480 DJ Tire Center, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

C/U 2534 Hardscapes Jimenez, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS. The properties are lying southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371). 911 Address: N/A & 25064 Morris Mill Road, Millsboro. Tax Map Parcel: 234-20.00-9.01 & 11.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's property survey, the Applicant's Conceptual Site Plan, the property Deed, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse advised the Commission that no public comments were received regarding the application.

The Commission found that Mr. Eric Gorsch spoke on behalf of the Applicant, Mr. Elmer Jimenez, the owner of Hardscapes Jimenez, LLC. Mr. Gorsch stated that the proposed use is for an outdoor living, hardscape business in Sussex County and most of Delaware; that the site consists of the house they purchased, which was refinished into a three-bedroom, with a showroom, and office; that there is parking provided for up to seven cars, which will accommodate the seven work vehicles; that the business has three small cap machines parked on site as well; that the do move

those machines periodically throughout Sussex County during projects; that they have 17 employees who will park their personal vehicle on site while working; that their business hours run from 8:00 am until 4:00 pm, Monday through Friday; they store various pallets of concrete pavers, and have approximately five tons of crushed concrete, and a bin for sand, which is used for as a bedding for paver patios.

Mr. Mears questioned Mr. Whitehouse whether sheds or containers located within the setback were an issue.

Mr. Whitehouse stated that containers could always be moved, but are considered structures, and therefore would be required to comply with the same rules, and anything located within the setback would require a variance, which he did not believe had previously been obtained.

Mr. Mears questioned whether the employees arrive at the site, park their personal vehicles on the site, and take the work vehicles to the job site, and questioned whether cutting of pavers or materials is proposed, or anything other than loading of materials and employees, and if materials or excavated soils are brought back to be stored onsite.

Mr. Gorsch confirmed that employees do arrive to the site, leaving their personal vehicles onsite while they take work vehicles to the job sites; that they are not proposing to cut pavers; that if they did it would be minor, being potentially one cut; that they do not propose to cut or install anything on the site; that they only store clean soil on the site; that a lot of soil picked up from communities have more trash in them, and are taken for disposal in Georgetown, and that river rocks, boulders and sod are also kept onsite, however those materials are in pallets that are wrapped in wire, and in their own confined areas.

Mr. Collins questioned whether maintenance of vehicles was performed onsite.

Mr. Gorsch stated that vehicle maintenance is only performed at the dealerships, and no maintenance is performed onsite.

Madam Chair Wingate questioned if the parking shown on the site plan was for 17 employees.

Mr. Gorsch stated the business has 17 employees; however, there are not 17 vehicles on the site, and that at most there are approximately nine vehicles on the site at one time, as the majority of the employees ride together.

Mr. Robertson questioned what the surrounding area was like, and if there were any other businesses in the nearby area.

Mr. Gorsch the site is located on the corner of Zoar Road and Morris Mill Road; that further down Morris Mill Road, there is another landscape company, located closer to Gravel Hill Road, with the next closest would be East Coast Garden Center, located further down Mount Joy Road and there are other businesses in the area, however, they are not for landscaping.

Mr. Whitehouse questioned whether any of the buildings or structures on the site were built without a permit.

Mr. Gorsch stated that there are no structures on the site that were placed without building permits.

Madam Chair Wingate questioned whether a condition could be imposed to relocate any container found encroaching on required setbacks or if a variance would be required before the Board of Adjustment.

Mr. Robertson stated he believed that a condition could be imposed to remedy the issue, and that a variance would not be required.

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 2534 Hardscapes Jimenez, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

C/U 2538 Jeffrey Baughman

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 10.48 ACRES, MORE OR LESS. The property is lying on the east and west side of September Way, a private lane accessed from the south side of Fitzgeralds Road (S.C.R. 207), approximately 677 feet west of DuPont Boulevard (Route 113). 911 Address: 8848 September Way, Lincoln. Tax Map Parcel: 230-5.00-6.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's Exhibits, the Staff Analysis, the DelDOT Service Level Evaluation Response letter, and a letter received from the Sussex County Engineering

Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comments had been received regarding the application.

The Commission found that Mr. Jeffrey Baughman spoke on behalf of his application. Mr. Baughman stated that the property consists of 10.5 acres; that currently it is being used as an Equine Assisted Psychotherapy facility; that they provide assisted psychotherapy and learning, where they incorporate horses into a traditional talk therapy kind of model; that they are proposing to convert the four bedroom house into four office spaces for the therapist, when needed or during weather conditions; that they currently operate Monday through Friday from 9:00 am until 5:00 pm; that on rare occasions, they have lessons on the farm that lasts until 7:00 pm; that for the four proposed office spaces, everyone is proposed to be out of the house by 5:00 pm; that the site is approximately 600 feet west of Fitzgeralds Auto Salvage; that September Way is accessed off of Fitzgeralds Road; that there is someone who sells homegrown produce up the road, and Bob's Auto Body is located approximately 1,000 feet down the road from the site.

Mr. Allen questioned whether Mr. Baughman anticipated any further construction at the site.

Mr. Baughman stated the does not propose any further construction on the site; that they recently built an accessory dwelling unit, where his daughter is currently residing, and if the current Conditional Use requested is approved, that is where he and his wife plan to reside.

Mr. Robertson stated that it sounded as if the majority of the use would be considered agricultural, and the request for office space is ancillary to the existing agricultural use, and therefore not expanding the existing use.

Mr. Baughman stated that the program is unique; that they do not perform therapeutic riding; that all of their work is groundwork; that they invite the horses into a traditional talk therapy model, which is brought out onto a field; that a licensed mental health professional is present, along with an equine specialist with the horses; that the horses become metaphoric in a persons journey working toward treatment goals, and the addition of the office space will not increase traffic onto the property, it will simply allow them more space for what they are currently doing.

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 2538 Jeffrey Baughman. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

C/U 2612 Brian P. Lessard

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION “A” OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS. The property is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). 911 Address: 22692 & 22754 Argos Corner Road, Milford. Tax Map Parcel: 230-7.00-95.00.

The Commission found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mr. Brian Lessard with Lessard Builders, who also was also present. Mr. Fuqua stated that on October 2, 2018, the Sussex County Council approved Conditional Use No. 2129, for a self-storage facility; that the self-storage facility fronts Argos Corner Road, and Route 1; that the approval was subject to imposed Conditions A through O; that has the Planning Commission had also recommended approval of the application; that the facility was constructed, opened for business, and had been operating successfully since that time; that in addition to the self-storage buildings, the Applicant had also requested 80 parking spots for the storage of RVs and boats; that this request was approved, and made as a Condition of Approval; that there had been a greater demand for RV storage spaces than the Applicant had planned; that the approved 80 storage spaces are used up, and there was a significant waiting list for the spaces; that currently, the Applicant proposes to create 41 additional parking storage spaces, which would increase the total of parking storage spaces from 80 to 121; that the new spaces would be located along the fence line, where the existing spaces are, and would not in any way interfere with the vehicle movement on the site; that there are updated, No Objection letters, placed in the record from the State Fire Marshal’s office, DelDOT and the Sussex Conservation District; that he requested to submit an Applicant Exhibit into the record; that currently the Applicant is requesting to amend Conditions A and J(5), to delete the number 80 and replaced it with 121 parking storage spaces, for an increased of 41 spaces; that everything else in the Conditions would remain the same, and the proposed use is basically the existing use, just requesting an expansion.

Mr. Collins questioned whether the requested additional parking spaces fall into any of the building setbacks.

Mr. Lessard stated that all parking is within the building setback areas, and they do not plan to go outside of those areas.

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 2612 Brian P. Lessard. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen, and carried unanimously. Motion carried 4-0.

C/U 2622 Tharros Village (c/o Code Purple at the Cape)

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. The property is lying on the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9). 911 Address: 17996 Coastal Highway, Lewes. Tax Map Parcel: 334-6.00-526.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Request to Amend Conditions letter, the Applicant's Preliminary Conditional Use Site Plan, the property deed, and the Applicant's Exhibits. Mr. Whitehouse advised the Commission that no public comments have been received regarding the application.

The Commission found that Mr. Frank Arena, a volunteer at Tharros Village, spoke on behalf of the Applicant, Tharros Village (c/o Code Purple at the Cape). Mr. Arena stated the request was regarding Ordinance No. 4003 for Conditional Use No. 2583, which granted approval for a campground for the unhoused individuals of Sussex County; that he thanked the Commission for their previous support and approval of Tharros Village; that the previous Conditional Use No. 2583 carried 15 separate Conditions of Approval; that he was happy to announce, that since the opening of the campground on July 7, 2025, which ran through November 30, 2025, they had fully complied with all of the imposed Conditions of Approval; that the guidance of the imposed Conditions, really helped guide them through the course of their operations; that their intent is to maintain full transparency, as well as safety, and the establishment of trust; that the amendment

request was for Condition K, which refers to the retention and removal of structures and elements of the campground during the off-season; that on November 30, 2025, Tharros Village and the State OMB met to discuss the matter; that it has previously been discussed on multiple occasions, reaching an agreement on which structures, and which components of the campground would be removed upon closure, and which elements could remain stored on the site; that OMB and Tharros Village are in full agreement, regarding the maintenance of those materials, and the removal of those materials; that it is their belief, now that a separate agreement was reached on December 8th, 2025, which, in a way, supersedes or replaces the need for Condition K; that due to this, they request the elimination of Condition K, based on the separate agreement with the State OMB and Tharros Village regarding the maintenance of the property during the off-season components, which would be December through February of a calendar year; that they believed there were a number of added benefits that would go along with moving in the request direction; that it would simplify; that by approving their request, it would bring a reduction of administrative time, and burden for both Tharros Village and Sussex County, by avoiding repeated filings and reviews; that they believed their was a benefit by eliminating the need for calendaring, meeting and hearings, regarding the off-season property arrangements and storage, which had already been agreed upon with the State; that lastly, they felt there was a benefit of cost savings, as there are always costs associated with the requested kind of adjustment; that they believed their request would work as a benefit for both sides, and again requested the amendment of the Conditions of Approval, to removed Condition K, in light of the new agreements reached with the State on how to manage the campground during off seasons.

Madam Chair Wingate thanked Mr. Arena for his volunteer work, providing an opportunity for people in need, and questioned Mr. Whitehouse whether the Applicant's agreement with the State was submitted into the record.

Mr. Whitehouse stated that he believed the Applicant had submitted the agreement as an exhibit, and that it was an email provided by Ms. Jennifer Coverdale.

Mr. Collins questioned whether, rather than eliminating Condition K, he contemplated if there was a modification to the Condition that would allow items, which were agreed upon with the State, to be reasonably stored on site in a way that is tidy and out of view of the public; that he believed that the Commission could come up with some language that would replace Condition K, but would prohibit elements to be left exactly as they were, or by creating additional conditions, and that he suggested this for the sake of protecting the interests of the County and the residents.

Mr. Arena stated that he understood Mr. Collins' concerns; that they closed the village on November 30, 2025, at which time all of their guests were relocated; that many of their guests went to Code Purple men and women shelters that opened on December 1, 2025; that with

approximately 72 hours, they had completely cleared the property as per the agreement with the State; that the clean up included sanitation facilities, trash containers, tents, pallets underneath tents; that currently it is a completely barren field; that they had an agreement with the State OMB and DelDOT to neatly store reusable components for the campsite behind the salt barns; that they are wrapped in tarp, and do not create an eyesore, and that this was agreed upon by DelDOT and the State OMB.

Mr. Collins questioned if that is effectively what the Applicant was requesting Condition K to be amended to allow.

Mr. Arena stated that, in an effort to be completely transparent, they felt and believed the State would agree that once they have this conversation on an annual basis with the State, it does not seem productive to come back to the Planning Commission and the County Council to have the same conversation that the State would have already agreed to, and therefore was their reasoning in requesting the elimination of Condition K.

Mr. Wingate stated she believed Mr. Collins' point was to ensure that at the end of each season, residents would not ride by seeing trash, tents, and other items still sitting on the site; that she did not believe that was the Applicant's intention, and that the request was only for storing materials needed for reopening.

Mr. Collins stated that the people currently running the project have good faith and good intent, and that his point is that, should the project change in the next five to 10 years, what Sussex County has put in place would ensure there are enforceable conditions.

Mr. Robertson stated that he agreed with Mr. Collins; that had Tharros Village requested this their first time through, it would have been totally fine, and the Planning Commission would have made that condition at the point, requesting the location to be shown on the site plan, and noting whether it is to be encased or enclosed; that this would provide clarity to everyone by an adopted Ordinance, should anyone have question to how items are being stored on the site; that it would give the Applicant an Ordinance to state that they are entitled to store the items in the way it was approved and would provide protection for everyone.

Mr. Allen stated that the application requested a modification of the existing condition.

Mr. Arena stated that it may have been bold of him to request the elimination of Condition K; that he wanted the Commission to understand their perspective in anticipation of the public hearing conversation, and he requested to submit proposed language for the Commission to consider regarding the requested amendment change.

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 2622 Tharros Village (c/o Code Purple at the Cape). Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

PUBLIC COMMENT

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

ADDITIONAL BUSINESS

Meeting adjourned at 4:42 p.m.

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.
