

MINUTES OF THE REGULAR MEETING OF FEBRUARY 18, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, February 18, 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, Mr. Jeff Allen, and Mr. John Passwaters. 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 advised the Commission that the application C/U 2546 James Mershon had been included within the Planning & Zoning Commission meeting agenda, as the Applicant had requested for the public hearing to be postponed and rescheduled. Mr. Whitehouse advised the Commission that the application be readvertised and rescheduled for a future meeting date.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to approve the Agenda as circulated. Motion carried 5-0.

OTHER BUSINESS

Revelation Craft Brewing Company

Revised Final Site Plan

This is a Revised Final Site Plan for Revelation Craft Brewing Company for an existing site to be used as a craft brewery. The existing building is a nonconforming structure and will be renovated as a tenant fit out, a building on the rear will be raised and additional parking spaces are being added. The parcel is comprised of 13,316 square feet +/- and is located at the intersection of Rehoboth Avenue Extended (Rt. 1A) and Church Street (S.C.R. 14A). The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-13.20-46.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Mr. Whitehouse advised that Commission that the Applicant's engineer, who also was present, notified staff of a last minute update regarding the parking spaces shown on the submitted Site Plan; that based on the Applicant's conversations with DelDOT, it appeared the site may be losing parking spaced located at the front of the property, and the Applicant had just made staff aware early that afternoon.

Mr. Collins requested that the Applicant's engineer speak to the loss of the parking spaces, and whether the existing parking spaces would be consumed by event tents in the future.

The Commission found that Mr. Roger Gross, Professional Engineer with Merestone, spoke on behalf of the Applicant, regarding the plan per the Commission's request. Mr. Gross stated that when the plan was originally submitted, the existing site condition provided five spaces located to the front of the site, that were being utilized; that those parking spaces were included within their parking calculations; that the current plan before Planning Commission, there are 20 parking spaces available, with 16 required parking spaces, based on the square footage of patron area that was anticipated with the project; that part of final approval, was receiving DelDOT approval; that they had submitted a Letter of No Contention (LONC) request to DelDOT; that they had just received DelDOT's review response back earlier that day; that because a portion of the five existing parking spaces are located within the public right-of-way, DelDOT has requested those spaces be eliminated; that DelDOT additionally mentioned that they did not like the location of the handicap striping; that they will be relocating the handicap striping to the back; that in reducing the parking spaces per DelDOT's request, the site will be two parking spaces short of what is required and shown on the plan; that had they been aware of this ahead of time, they would have submitted a parking waiver request; that they feel a waiver would be applicable, based on the site's location; that the Applicant had experience with a similar facility, located next to the trail; that prominently most of the patronage will be walk-ins (from the trail), people walking around Rehoboth, or bicyclist, and based on this, they felt a parking waiver would be appropriate in this respect.

Mr. Collins questioned the total number of parking spaces after the DelDOT requested reduction.

Mr. Gross stated that he believed that the reduction would result in a total of 14 parking spaces; that they will lose six parking spaces, with one space being striped for handicap; that they will be relocating the handicap striped space to the rear of the site, leaving the site with 14 spaces, and based on the current patronage rationale and site plan, they are required to provide 16 parking spaces.

Mr. Collins questioned if the site entrance would be shared with the adjacent hotel.

Mr. Gross stated no; that the site entrance would not be shared with the adjacent hotel, and that the site would provide its own entrance.

Madam Chair Wingate stated that she felt the Commission should defer action until the receipt of a Revised Site Plan.

Mr. Gross stated that they will likely submit a Parking Waiver Request along with the revised plan, and that they could rework the site to make the parking work, however they felt the site is an appropriate location for a parking waiver.

Mr. Collins stated that he felt the site may be appropriate for an approved parking waiver, and he believed that the Commission may have previously considered a parking formula used by the City of Rehoboth when considering requested parking waivers.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to defer the Revised Final Site Plan for further consideration. Motion carried 5-0.

2018-18 Channel Pointe (F.K.A. Bishop's Pointe & Cannon Property)

Request to Amend Voluntary Wetlands Buffer

On January 14th, 2026, the Department of Planning & Zoning received a Request to Amend a Voluntary Wetlands Buffer for the Channel Pointe (2018-18) Subdivision. Channel Pointe is a Coastal Area Cluster Subdivision consisting of seventy (70) single-family lots, private roads, stormwater management, open space, sidewalks and amenities to include in-ground pool, hot tub, fire pit, kayak launch, bocce lawn, pickleball resort court, terrace, gardens, boat marina facility with 25 boat slips, bike racks and other improvements. At their meeting of Thursday, February 17th, 2022, the Planning and Zoning Commission approved the Final Subdivision for the development. Specifically, the Applicant notes that the request is to amend a voluntary 20-ft non-tidal wetlands buffer as it relates to Lot 26 to *“accommodate a more consistent and functional building footprint that will allow for the construction of a single-family home that is compatible with the surrounding homes and the established architectural character and aesthetic of the community.”* The Applicant further notes that, *“With the revision, the development team has also increased the voluntary wetland buffer area adjacent to lot 27”* and that the revised configuration adds *“approximately 1,134 square feet to the voluntary non-tidal wetlands buffer, while removing approximately 691 square feet in a separate location [to the rear of Lot 26], resulting in a net increase of 443 square feet of buffer area.”* Staff notes that at the time of the original approval, the Plans met the Wetland Buffer standards established at that time, which included no requirement for a non-tidal wetlands buffer and a 50-ft buffer from the mean high-water line for tidal wetlands and tidal tributary streams. The Plan Note also notes that it was examined and approved by the Army Corps of Engineers through a Jurisdictional Determination. The Commission last reviewed this information at the Meeting of Wednesday, February 4th, 2026, where the request was deferred for further consideration. Tax Parcels: 533-20.00-169.00, 170.00 & 171.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Mears, seconded by Mr. Allen, and carried unanimously to approve the request to amend the Voluntary Wetlands Buffer. Motion carried 5-0.

2025-09 Lands of Fernandez Subdivision

Final Subdivision Plan

This is a Final Subdivision Plan for the creation of a 14.07-acre parcel of land into three (3) single-family lots including residual lands (open space) off a proposed 30-foot ingress/egress easement. The Preliminary Subdivision Plan for the development was approved by the Planning and Zoning Commission at their meeting of Wednesday, July 2, 2025, subject to six (6) Conditions of Approval. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is lying on the southwest side of Frankford School Road (S.C.R. 92), approximately 830-feet northwest of Shockley Town Road (S.C.R. 375) in Frankford, Delaware. Tax Parcel: 533-5.00-7.00. Zoning: GR (General Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Passwaters, and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

C/U 2371 Georgetown Business Plaza, LLC

6 Month Time Extension Request

On February 5th, 2026, the Planning and Zoning Department received a request for a 6-month time extension for the establishment of a Business Park to include warehouses and office buildings within an Agricultural Residential (AR-1) District. The Conditional Use Application (Conditional Use No. 2371 Georgetown Business Plaza, LLC) was approved by the Sussex County Council at their meeting of Tuesday, March 28th, 2023, subject to sixteen (16) Conditions of Approval and the change was adopted through Ordinance No. 2916. Under §115-174 of the Code, *“Approval of a conditional use shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period.”* On February 5th, 2026, the Planning & Zoning Department received both the initial request for extension letter as well as a copy of the anticipated project schedule demonstrating that approval of the use will be substantially underway within 6 months of the expiration of the current approval. The Applicant’s Engineer notes that the Applicant is currently *“working through several necessary items to move the project forward”* including *“obtaining easements for the property”* which requires additional time to *“complete the remaining pre-construction requirements and proceed in accordance with the approved Plans.”* The Applicant’s Engineer has also indicated that, *“All required agencies are prepared for final approvals with the exception of DelDOT as the project is currently finalizing necessary easement documentation associated with DelDOT requirements so that the project may be submitted for DelDOT final approval.”* Should the Planning and Zoning Commission recommend approval of the 6-month time extension request, the Application will be forwarded to the Sussex County Council for their final decision and approval of this request. If approved by the Sussex County Council, in accordance with §99-40(C)(3) of the Sussex County Code, the Application’s expiration date will be extended 6 months

from the previous approval deadline of March 28th, 2026, to September 28th, 2026. Tax Parcel: 235-30.00-6.00. Zoning: AR-1 (Agricultural Residential District).

Madam Chair requested that a representative of the application come forward to answer the Commission's questions.

Mr. Passwaters stated that the application came through in 2002 and early 2003, now currently being in 2026, and questioned whether there was a schedule of completion date scheduled or a required deadline.

The Commission found that Mr. Mike Glick, Managing Member of the Georgetown Business Plaza, LLC; that they are finalizing a number of easements that were required of them through the DelDOT roadway improvements along Route 9; that unfortunately, there were over a dozen easements required of them, and being the issue that had extended them out; that otherwise, all their other approvals are in place; that the DelDOT plans have been approved; that it is now a matter of securing the necessary easements required for construction, and permanent easements for the road widening; that they anticipate to begin construction in Summer 2026, and that the first building would be approximately a one year out build.

Mr. Robertson requested more information regarding the required easements, as the frontage is 405 feet, with Permanent and Temporary Construction easements, and questioned by DelDOT made it so complicated.

Mr. Glick stated that they are required to obtain easements up to the Prettyman Road intersection, and quite nearly a quarter mile west, and DelDOT is requiring them to secure easements from other property owners on both sides of the roadway, to essentially help improve the existing drainage of the road.

Mr. Collins questioned whether any documentation regarding the DelDOT easements requests or a Revised Project Schedule had been submitted into the record.

Madam Chair Wingate stated that the cul-de-sac show on the Site Plan appeared to be encroaching onto the neighboring property and requested whether there was anything in writing submitted from the adjacent neighbor allowing permission of the encroachment within their buffer area.

Mr. Glick stated that the current plan, reflecting the residential subdivision, was not part of the original Conditional Use; that the Conditional Use was approved for only the two commercial properties located at the front of the site, and the seven commercial buildings located to the rear of the site.

Mr. Whitehouse advised the Commission that staff has spoken with the Applicant's team earlier that week; that separate from the current Six Month Time Extension Request, staff had flagged the issue of the cul-de-sac as it is missing a required buffer; that the plan could not be approved with the currently submitted configurations; that staff are working on the cul-de-sac as a separate matter, and the matter will be reviewed and corrected as part of the Final Site Plan approval process.

Ms. Cecchine stated Mr. Whitehouse's comments were correct; that the time extension request pertains to the Conditional Use approval, and therefore the Applicant would still be required to return before the Commission with their Final Site Plan.

Madam Chair Wingate questioned whether Mr. Glick was confident that six months would provide enough time.

Mr. Glick stated that six months was their goal.

Mr. Allen stated that the submitted letter mentioned "*working through other items, including easements*" and questioned what other items the Applicant was working through aside from the easements.

Mr. Glick stated that from an approval process, they were only working through the easements.

Mr. Collins stated he felt that the documentation from DelDOT on the record to support the Six-Month Extension Request.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to defer the Six-Month Time Extension Request for further consideration. Motion carried 5-0.

S-26-05 22975 Lewes-Georgetown Highway – Telecommunications Tower

Preliminary Site Plan

This is a Preliminary Site Plan a proposed 145-ft monopole telecommunications tower with a corresponding 4-ft lightning rod (for a total height of 149-ft), a 4-ft by 7-ft generator, electric cabinet, underground conduit, 6-ft fence and related site improvements. The project previously received a Special Use Exception from the Board of Adjustment through BOA Case No. 13127 and was approved at their meeting of Monday, November 3rd, 2025, of which the Findings of Fact were approved January 5th, 2026. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Findings of Fact for the approved Special Use Exception. The property is located on the north side of Lewes-Georgetown Highway at 22975 Lewes-Georgetown Highway in Georgetown, Delaware. Tax Parcel: 135-16.00-12.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on

this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Passwaters, seconded by Mr. Allen, 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 5-0.

S-25-75 Brian Rowe

Preliminary Site Plan

This is a Preliminary Site Plan for a Landscaping Business and other site improvements. The use as a Landscaping Business was approved by County Council via Conditional Use #2524 (Ordinance 4001) at their meeting of Tuesday, June 17, 2025. The parcels are comprised of 5.41 acres +/- and are located on the south side of Lynch Road (S.C.R. 387A), approximately 0.18 mile southeast of Lighthouse Road (Rt. 54). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 533-17.00-164.08 & 164.09. Zoning: AR-1 (Agricultural-Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting final approvals 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 5-0.

S-18-43 Waste Management

Revised Final Site Plan

This is a Revised Final Site Plan for Waste Management of Delaware Inc. for a (1,500) square foot expansion to the existing (2,000) square foot garage on the site. The Final Site Plan for the Site was Approved by the Planning & Zoning Commission at their meeting of June 14, 2018, and included an office, garages, a truck maintenance facility, vehicle fueling, parking, stormwater management and commercial self-storage. The parcel is comprised of (12.16) acres +/- and is located on the northeast side of Trussum Pond Road (S.C.R. 462) approximately (0.33) miles east of Sussex Highway (Rt. 13). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 332-2.00-79.00. Zoning: C-1 (General Commercial District). Staff are in receipt of all agency approvals.

Motion by Mr. Allen, seconded by Mr. Passwaters, and carried unanimously to approve the Revised Final Site Plan. Motion carried 5-0.

Lands of DDF, LLC

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual land with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 3 will consist of 2.718-acres +/-, proposed Lot 4 will consist of 2.897-acres +/-, proposed Lot 5 will consist of 1.847-acres +/-, and the residual lands will consist of 49.884 -acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the northwest side of Bakerfield Road (S.C.R. 220), approximately 0.05 miles northeast of Coastal Highway (Route 1). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 230-8.00-21.05. 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. Collins, seconded by Mr. Allen, and carried unanimously to approve the Minor Subdivision Plan off a proposed 50-ft. easement as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

Lands of Christopher T. & Sandra M. Kirk

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 land with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 shall consist of 2.0346-acres +/- and the residual lands shall consist of 8.973 -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 Mirey Branch Road (S.C.R. 480A), approximately 0.58 mile east of Fire Tower Road (S.C.R. 479). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 132-13.00-22.00. 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. Allen, 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 receipt of all agency approvals. Motion carried 5-0.

Lands of Christian J. Addor

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual lands. Proposed Lot 1 shall consist of 0.750 acre +/-, proposed Lot 2 shall consist of 0.77-acre +/-, and the residual land shall contain 2.13-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 Woodland Ferry Road (S.C.R. 78), approximately 0.26 miles southeast of West Stein Highway (Route 20). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 531-11.00-36.07. 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. Allen, seconded by Mr. Passwaters, and carried unanimously to approve the Minor Subdivision Plan off a proposed 50-ft easement as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

Lands of Warren Munroe & David Rohrbaugh

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual land with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.75-acres +/-, proposed Lot 2 will consist of 0.76-acres +/-, proposed Lot 3 will consist of 1.98-acres +/-, and the residual lands will consist of 1.01-acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located west of Harbeson Road (Route 5), approximately 342-feet south of Lewes Georgetown Highway (Route 9). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-30.00-94.00. Zoning: Medium Density Residential (MR) Zoning District and Agricultural Residential (AR-1) Zoning District. Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Passwaters, 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 5-0.

Lands of Absher Farms LLC

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual lands. Proposed Lot 1 shall consist of 0.757 acres +/-, and the residual land shall contain 0.757-acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located southeast of Discount Land Road (S.C.R. 468), approximately 0.31 miles southwest of Taylor Mill Road (S.C.R. 467). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 232-6.00-54.00. 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. Allen, seconded by Mr. Passwaters, 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 5-0.

Lands of Bebee Properties, LLC

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual land with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 shall consist of 0.9314-acre +/-, proposed Lot 2 shall consist of 0.9314-acre +/-, proposed Lot 3 shall consist of 0.9314-acre +/-, and the residual lands/Lot 4 shall consist of 0.9314-acre +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the east side of Cobbs Creek Road (S.C.R. 494A), approximately 866-ft. south of Old Sharptown Road (S.C.R. 494). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 432-5.00-5.04. Zoning: (AR-1) (Agricultural Residential Zoning 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. Allen, 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 receipt of all agency approvals. Motion carried 5-0.

Lands of Mojdehbakhsh and Leonardo

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. A waiver request letter has been submitted to reduce the width of the proposed easement to 27 feet from 30 feet, for a distance of 40 feet, to accommodate the existing garage. Proposed Lot 1 will consist of 0.861-acres +/-, proposed Lot 2 will consist of 0.861-acres +/-, proposed Lot 3 will consist of 0.861-acres +/-, and the residual lands will consist of 1.610 -acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located southwest of Conley’s Chapel Road (S.C.R. 280B), northwest of Quail Drive. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-11.00-62.07. 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.

Mr. Collins stated that the plan was deferred at the last meeting of February 4, 2026, to confirm whether the Planning Commission was permitted to approve it.

Mr. Robertson stated when referring to Sussex County Code §99-18(J) of the Subdivision Code, there is an ability to grant waivers, however, it states that; *“the Sussex County Engineer shall have, in appropriate circumstances and upon a written finding of good cause, the ability to grant administrative waivers from the requirements of this section”*; that the section deals with road rights-of-way and other things of that nature; that a waiver is permitted to be granted, but unfortunately not at the Commission’s level, and the Commission would be permitted to grant preliminary approval, subject to review and potential action by the Sussex County Engineering Department.

Ms. Cecchine questioned whether the Commission would desire further clarification regarding the pavement width, as the easement width may not be exact to the pavement width.

Mr. Robertson stated yes, however, he considered that to be something the Sussex County Engineering Department would review, and requested that when staff transmit the plans to the Engineering Department, ensure the pavement issue be addressed, and that the requested waiver covered not only right-of-way, but also pavement, and all dimensional requirements for roads.

Motion by Mr. Collins, seconded by Mr. Passwaters, 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, and approval of the right of way/easement waiver from the Sussex County Engineering Department. Motion carried 5-0.

OLD BUSINESS

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.

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

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

Mr. Mears moved that the Commission recommend approval of Conditional Use No. 2530 for Whitney Price for two (2) seasonal bungalows based on the record made during the public hearing and for the following reasons:

1. This Application is for two (2) seasonal bungalows as short-term vacation rental units in addition to the Applicant's existing home on the property.
2. With the conditions and limitations included in this recommendation, it will not adversely affect neighboring properties.
3. With the use being limited to just two small seasonal bungalows, there will be no more than a very low impact upon traffic and area roadways.
4. The Applicant has stated that there is a need for this type of use and the bungalows provide a unique, affordable option for visitors to Sussex County and its beach areas.
5. This recommendation is subject to the following conditions:

- a. There shall be no more than two (2) bungalow-style structures on this property in addition to the Applicant's existing home. This use shall be considered a "Tourist Home" under the Code, and neither structure shall have kitchen facilities.
- b. It appears from the Preliminary Site Plan that a shed and one of the bungalows encroach onto the property's setbacks. These structures shall be relocated so that they are entirely outside of the setback areas. The location of the structures as relocated along with the bathroom facilities shall be shown on the Final Site Plan.
- c. Prior to Final Site Plan approval, the Applicant shall provide confirmation from DNREC that the septic system in use on the property is sufficient for the home and two bungalows.
- d. Prior to Final Site Plan approval, the Applicant shall confirm with County Staff that the bungalows and bathroom facilities comply with all applicable building codes for these types of uses.
- e. There shall be at least one (1) on-site parking space designated for each bungalow in addition to the two spaces required for the existing home. These shall be shown on the Final Site Plan and clearly marked at the site itself.
- f. The bungalows and bathroom facilities shall be screened from the view of neighboring properties and roadways by a vegetative buffer. The location of this buffer shall be shown on the Final Site Plan.
- g. One small unlighted sign shall be permitted. It shall not exceed 8 square feet in size.
- h. The use shall only be permitted to occur between March 1 and November 1 of each year.
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. It must be submitted to the Office of Planning & Zoning within 4 months of Council's action on this Application to avoid further Code enforcement against the Applicant and the property.

Mr. Passwaters and Mr. Allen stated that they had both watched the public hearing broadcast, and had reviewed the record, and therefore were eligible to vote on the application.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2530 Whitney Price for the reasons and the conditions stated in the motion. Motion carried 3-2.

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

Mr. Mears voted yea for the reasons and the conditions stated in the motion.

Mr. Allen voted yea for the reasons and the conditions stated in the motion.

Mr. Collins voted nay, expressing concern regarding setting a precedence for a use that potentially could easily spread through the beach areas, and potentially may create more disruption than desired.

Mr. Passwaters voted yea for the reasons and conditions stated in the motion.

Madam Chair Wingate voted nay, for the reasons expressed by Mr. Collins; that while she supports small businesses, that there are a lot of current communities within Sussex County that do not have established Homeowners Associations (HOA's) to protect the residents who currently live there, and expressed her concern regarding the proposed use occurring in other locations in the future.

C/U 2485 Christopher Hanyok

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FENCE INSTALLATION BUSINESS WITH OUTSIDE STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS. The property is and lying on the east side of Rust Road (S.C.R. 292A), approximately 0.27 mile south of Harbeson Road (Rt. 5). 911 Address: 20601 Rust Road, Harbeson. Tax Map Parcel: 234-4.00-10.32.

The Commission discussed the application which had been deferred since February 4, 2026.

Mr. Mears requested that Mr. Robertson read his prepared motion for the record.

Mr. Mears moved that the Commission recommend a denial of Conditional Use No. 2485 for Christopher Hanyok for a fence installation business with outside storage based on the record made during the public hearing and for the following reasons:

1. This application is for a fencing business on a 5-acre parcel in an area that is generally surrounded by rural residential properties.
2. Although there was a prior Conditional Use approved for this property, it was for a cabinetry business which is largely indoors and is not as intensive as what is now being proposed for the site. This use, with the tractor trailer deliveries, outdoor storage of materials and employees coming to and from the site will have a much greater impact on the neighbors than the prior conditional use on the site.
3. There was opposition to the Application from a neighboring property owner describing the current condition and use of the Property, and the neighbor expressed concerns that this would only get worse if the use is allowed to continue with a conditional use approval. The tractor trailer deliveries to the site currently occur along the driveway that is located right on her property line. The neighbor stated that the noise and dust from the use adversely affects the use and enjoyment of her property. She stated that the Applicant's use is essentially and industrial use that should be located elsewhere.

4. There are other more appropriate locations for this type of use that are not adjacent to residential properties and that are zoned for this type of commercial or industrial use.
5. The proposed conditional use at this location does not promote the health, safety and welfare of Sussex County and its residents.
6. The proposed use in this location does not satisfy the purpose of a conditional use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents.
7. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use.

Madam Chair Wingate stated that she had watched the public hearing broadcast, and had reviewed the record, and therefore was eligible to vote on the application.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend denial of C/U 2485 Christopher Hanyok for the reasons stated in the motion. Motion carried 5-0.

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

Mr. Mears voted yea to recommend denial for the reasons stated in the motion.

Mr. Allen voted yea to recommend denial for the reasons stated in the motion.

Mr. Collins voted yea to recommend denial for the reasons stated in the motion.

Mr. Passwaters voted yea to recommend denial for the reasons stated in the motion.

Madam Chair Wingate voted yea to recommend denial for the reasons stated in the motion.

C/U 2625 Greg Mitchell

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION E OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS. The properties are lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 252). 911 Addresses: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A. Tax Map Parcels: 231-9.00-4.00, 5.00 & 5.01.

The Commission discussed the application which had been deferred since February 4, 2026.

Mr. Passwaters moved that the Commission recommend approval of Conditional Use No. 2625 for Greg Mitchell to amend Condition E of the Conditional Use No. 2270 and Ordinance No. 3070 regarding the hours of operation for an existing outdoor racetrack based on the record made during the public hearing and for the following reasons:

1. Conditional Use No. 2270 and Ordinance No. 3070 was approved for the operation for an existing outdoor racetrack on January 28, 2025. Condition E of that Ordinance included day and time limitations for racing to limit the impact of the use on neighboring properties.
2. The Applicant has stated that earlier start times are needed to safely and reasonably accommodate the racing activities. The end times will not change.
3. The Applicant has stated that the racetrack has been very successful and will continue to be a benefit to the racing community of Sussex County and others who come to Sussex County to participate in the motorsports that occur at the track.
4. The Applicant has stated that the racetrack will continue to provide an economic benefit to western Sussex County and the businesses and communities there.
5. This amendment to the racing hours that allows an earlier start time while maintaining the same end of racing operations each night will improve the track's operations while still providing reasonable protection to the neighboring property and community.
6. For all of these reasons, it is appropriate to amend Condition E of the Conditional Use No. 2270 and Ordinance No. 3070 so that it now states as follows:

“Race events may only occur on Fridays, Saturdays and Sundays from April 1st through November 30th with two midweek events permitted during each calendar month within this timeframe. At the events, the gates may open at 8:00 am with no racing before 10:00 am. Racing must end by 11:30 pm on Fridays, Saturdays and midweek events and 9:00 pm on Sundays. Practices shall be allowed whenever a race event is not occurring but only during the hours of 12:00 pm and 9:00 pm and shall be limited to one automobile or truck on the Outdoor Racetrack so no racing occurs.”

Motion by Mr. Passwaters, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2625 Greg Mitchell for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

Mr. Passwaters voted yea for the reasons and the conditions stated in the motion.

Mr. Collins voted yea for the reasons and the conditions stated in the motion.

Mr. Mears voted yea for the reasons and the conditions stated in the motion.

Mr. Allen voted yea for the reasons and the conditions stated in the motion.

Madam Chair Wingate voted yea for the reasons and the conditions stated in the motion.

PUBLIC HEARINGS

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

C/U 2533 RWE Clean Energy

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS. The property is lying on the south side of Cypress Road (Route 54), approximately 62 feet west of the intersection of Cliff Road (S.C.R. 380A) and Cypress Road (Route 54). 911 Address: N/A. Tax Map Parcel: 533-8.00-10.00.

Mr. Whitehouse advised the Commission that submitting into the record were the Staff Analysis, the DelDOT Service Level Evaluation Response, the Applicant's Conceptual Site Plan, potentially a Revised Site Plan that will be added to the electronic file, the Applicant's Property Survey, the Property Deed, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that Mr. Joe Shanahan, Senior Project Manager spoke on behalf of the Applicant, RWE Clean Energy, and also present was Mr. Brian Riley, Professional Engineer with Colliers Engineering & Design. Mr. Shanahan stated that he had been before the Planning Commission six previous times for solar projects, which included a rather lengthy and detailed presentation; that his usual presentation includes information regarding the corporate organization, corporate experience, and portfolio for RWE Clean Energy; that he would also provide a lengthy presentation on the general attributes of community solar projects, as well as the specifics of the project site, and he requested permission from the Commission to submit his previously provided information regarding the corporate organization and general community solar attributes into the record by reference, allowing him to address the site specifically.

Madam Chair Wingate granted permission of the request to include the previously provided information regarding the corporate organization and general community solar attributes into the record by reference.

Mr. Shanahan stated that the project proposed a ground-mounted solar facility to be located along Cypress Road (Route 54) in Frankford; that the overall project site consisted of a little over 69 acres, on land owned by Ellen Scott Anderson Revocable Trust, and was previously owned by Ellen Anderson individually, at the time the Conditional Use application was submitted; that the property had been in the Ellen's family for three generations; that the land was currently being farmed by a member of the family; that the proposed solar facility is a public utility use under the Sussex County Zoning Code; that the project meets the purpose of a Conditional Use because it has a public or semi-public character, that is essential and desirable for the general convenience of and welfare of Sussex County residents; that the project is located in the AR-1 (Agricultural Residential) Zoning District; that a public utility use is allowed in the AR-1 District, with the approval of the of the Sussex County Council; that as shown on the Site Plan, the project is to be constructed in a lease area, which consists of only 24.5 acres of the overall 69 acre property; that the project is proposed to only utilize 35% of the land owned by their landlord, with the remaining 65% to continued to be used as the family had for generations; that the project will be set back some 890 feet, being the length of approximately three football fields from the public road where access will be gained; that the access will be by means of a 20 foot wide gravel driveway; that the project will be enclosed by a seven foot fence as is required by the National Electrical Code; that the fence will be gated with a Knox box at each gate; that the solar project will contain solar arrays, which is a group of solar panels wired together to collect energy from the sun and send it into the solar projects inverter, which converts the power into useable electricity, and distribute it to the Delmarva Power grid; that the panels are hung on posts, being approximately three feet off of the ground, and approximately 12 feet in height; that the ground below and around the panels will be planted with a pollinator-friendly mix that provides more shelter, nesting habitat and food sources for a variety of insect populations that support wildlife species; that the proposed solar project will comply with all the specific requirements of Section 115-172 of the Sussex County Zoning Code; that the project is surrounded by a landscape buffer strip of open space, being a minimum of 100 feet from any street lines, and a minimum of 50 feet from all property lines; that the transformers and similar equipment are centrally located, and located a minimum of 200 feet away from any dwelling or property of other ownership; that as mentioned in detail previously, the project is surrounded by fencing with a gate and an emergency key box; that he requested to submit a Decommissioning Plan and Cost Estimate into the record, as part of his presentation; that the Decommission Plan includes a cost estimate of \$318,000, which would be secured by a bond; that they had submitted their original Conceptual Site Plan; that ultimately, after receiving remarks from DNREC, there were issues regarding a tax ditch on the property; that as a result, a section of panels are proposed to be removed, and the array area will be decreased.

Madam Chair Wingate requested that a representative indicated on the Site Plan the area of the tax ditch of concern.

Mr. Riley stated that the issue expressed within the comment letter received from DNREC specifically regarded a tax ditch; that the tax ditch is more or less directly underneath the roadway that they were originally proposing; that the road was proposed within the tax ditch offset, and also running parallel to the tax ditch; that the comments requested that the road be placed outside of the tax ditch offset, and stated that any crossings should be done at a perpendicular angle; that by nature of those request, the driveway got shifted a bit westward; that there also are tax ditches which wrap around like the letter C; that they were able to fit the panels right in the middle, and that the revision is shown on the revised plan.

Mr. Shanahan stated that was all the information he wished to provide regarding the site's specificity, and he respectfully requested the Commission's recommended approval to the Sussex County Council as he concluded his presentation.

Mr. Mears questioned the location of the transformer on the revised plan.

Mr. Riley stated that the transformers, associated with each section of the solar array, would be located adjacent to the entrance of each section, and that there is a notation on the revised plan calling out the equipment pad, which is adjacent to the entrance gates at each section of the solar array.

Mr. Allen questioned whether the revised location would still make them centrally located, and whether there would be any proposed signage.

Mr. Riley stated that Mr. Allen was correct, and that they still would be centrally located.

Mr. Shanahan stated that no signage was proposed, other than any signage that may be required by the fire department.

Mr. Robertson stated that the Commission generally would allow signage; that the signage would not be so much for advertising, but more for relaying contact information, and that the Commission would allow 32 square feet of unlit signage.

Mr. Shanahan stated that they will have signage at the fence, however there will be no announcement of the solar facility.

Madam Chair Wingate questioned whether any of the other solar facility applications that Mr. Shanahan was involved in were in construction and/or completed.

Mr. Shanahan stated that they previously had six solar facility applications approved; that the facilities located within Harbeson and Bridgeville were currently under construction; that Delmar A, Delmar B, and Delmar C facilities were currently being held up thanks to Delmarva Power; that they also have applications in Lewes and Laurel; that they would like to start construction on all

of them when they were originally approved by the County; that unfortunately, Delmarva Power and the interconnection process is ridiculous, and they are currently working on all of them.

Madam Chair Wingate stated that the Commission has seen a lot of applications, however, the Commission has not seen a lot of activity regarding the approved solar applications; that to continue to approve solar applications without seeing any running, it becomes difficult for the Commission, and it is difficult for the Commission to continue making conditions for solar facilities because they cannot see for themselves what conditions are needed or not needed with completed projects.

Mr. Shanahan stated that they are in the same situation, as they have spent thousands of dollars in engineering, and are still waiting to receive answers.

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

Mr. Clifton Parker spoke in opposition to the application. Mr. Parker stated that he currently farms on the subject parcel, and that he is the adjoining property owner surrounding the parcel. Mr. Parker spoke with concerns regarding solar facilities, putting agricultural lands out of production, decreasing open space, toxic materials leaking into the groundwater, land and wildlife, the lithium from batteries, the inefficiency of solar panels, as they would not pay for themselves, and the short lifespan of solar panels. Mr. Parker requested permission to submit his opposition exhibit into the record.

Ms. Donna Mitchell spoke in opposition to the application. Ms. Mitchell stated that she resided directly adjacent to the proposed solar farm. Ms. Mitchell expressed her concerns regarding the negative impact of her view as the facility was proposed to be 80 feet from her bedroom window, the proximity of the solar arrays to residential homes, negative impact to her property value, protecting valuable habitat for nature, animals, birds, bees and plants, impacts to the Great Cypress Swamp, which helps breed two regionally rare species, including the Swanson's Warbler, negative impacts from glare, harmful chemicals used for the maintenance of the facility, groundwater pollution, the possible lack of decommissioning, noise impacts, and poor television reception.

Mr. Collins stated he presumed that the solar facility lease may be the property owner's attempt to hedge against agricultural prices declining in the future, and that the proposed solar facility would provide a sustained income that would help the property owner preserve their land, allowing the owner to keep the farmland they have.

Mr. Shanahan stated that Mr. Collins was correct; that as he had previously indicated, the solar facility use is proposed to use approximately a third of the total site; that the Commission had previously been through many solar facility public hearings; that he did not want to go point by point; that so many, if not all of the allegations raised by the opposition, do not apply to the particular type of solar farm they are proposing; that there will be no batteries; that there will be

no lithium; that there is no fire damage; that there is no toxic materials; that the project is approved by the FAA (Federal Aviation Administration), therefore they would not be interfering with air flight or anything of that nature, and that he respectfully requested that none of the previous allegations have any substance behind them when the Commission considers the application.

Mr. Collins questioned whether there was any lead content in the solar panels or any of the other materials used throughout the site.

Mr. Shanahan stated that they had presented evidence; that because of the proliferation of solar projects, they had been studied inside and out; that they are not allowed to use solar panels that present toxic materials; that a recent exclusion does not allow to use solar panels that have PFAS in them; that the solar panels have been studied; that they are safe, and therefore is the reason so many states are aggressively pursuing solar projects.

Mr. Collins stated that the Commission had seen Mr. Shanahan for many projects previously; that he questioned whether consideration had been given to using previously developed land, rather than consuming additional agricultural lands, and he questioned whether investigation had been given to options such as building over parking lots or other un-used, low-value land that was not serving an agricultural purpose.

Mr. Shanahan stated those would be preferred, however, time and time again, it is proven that land is not available; that when they approach a commercial or industrial center, making a proposal to develop a canopy solar over a parking lot, no one wants to do it due to issues with snow removal, dealing with cars and et cetera; that one may see many single-family homes with very small solar systems, one rarely sees a commercial or industrial building where they want solar panels on their roofs; that they have developed them for municipalities in different states; that they prefer to develop on roof tops because they do not receive the current type of emotional reaction from adjacent neighbors; that the desire for them, in those areas, is not there; that it is not one-sided, as he previously alluded to; that there is a benefit to landowners; that Ms. Ellen Anderson's family owned the land for three generations and never developed it or built on it; that they pay taxes on the land; that they allow Mr. Parker to farm on the land; that Ms. Anderson had since retired to Florida, and would like to subsidize in some manner, rather than selling her family farm, and the proposed use allows her to achieve both.

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 2533 RWE Clean Energy. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2549 GreenTek, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 84.76 ACRES, MORE OR LESS. The property is lying on the east and west sides of DuPont Boulevard (Rt. 113), approximately 700 feet south of Molly Field Road (S.C.R. 407). 911 Address: N/A. Tax Map Parcel: 233-5.00-146.00.

Mr. Whitehouse advised the Commission that submitting into the record were the Applicant's Conceptual Site Plan, the DelDOT Service Level Evaluation Response letter, the Staff Analysis, and a letter received from the Sussex County Engineering's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that no one was present to speak on behalf of the Application.

The Commission found that there was no one present 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.

Motion by Mr. Mears, seconded by Mr. Allen, and carried unanimously to recommend denial of C/U 2549 GreenTek, LLC for the lack of representation and the lack of a record in support of the Conditional Use. Motion carried 5-0.

C/U 2614 FFP DE Vines Creek, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS. The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342). 911 Address: 32507 Vines Creek Road, Dagsboro. Tax Map Parcel: 134-10.00-31.00.

Mr. Whitehouse advised the Commission that submitting into the record were the Applicant's presentation materials, the Staff Analysis Report, the Applicant's Conceptual Site Plan, the DelDOT Service Level Evaluation Response Letter, and a copy of a letter received from the Sussex

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

The Commission found that Ms. Kelsey Crane, Project Manager for Forefront Power, spoke on behalf of Applicant, FFP DE Vines Creek, LLC; that also present was Mr. Richard Roseberry, Professional Engineer with Colliers Engineering & Design. Ms. Crane stated that the application proposed a 1.992 megawatt AC community solar project; that the site consisted of about 24 acres; that the solar project is proposed to use about 10 acres of the total 24 acres; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the project is a fixed tilt, not a tracker; that inverter would be centrally located; that the proposed height is about 12 feet; that they propose to use a pollinator-friendly seed mix with no pesticides or herbicides; that there are no batteries proposed to be used with the project; that there will be vegetative screening at the very front of the project; that the remainder of the project does not propose a vegetative screening, as the remainder of the site provides for existing vegetation; that the project had already obtained Delmarva interconnection approval; that they propose no signs at the project, other than the required 24 hour contact information; that the project proposed no lighting, and that the site is not being actively farmed.

Mr. Roseberry, P.E. stated that they had contacted the Millville Fire Department regarding the project; that the Millville Fire Department currently had no solar projects within their jurisdiction; that they visited the Millville Fire Department a few weeks back to provide an education session with them regarding the project; that during the session they discussed how they would fight a fire; that the Delaware State Fire Marshal also attended that meeting; that they had agreed that right before the project were to go live, they would provide an on-site meeting with the fire department, allowing them a walk through of everything; that this will allow them to know where all the disconnects are, how the systems operates, and to familiarize themselves with the project, and they had received pretty positive feedback from the fire department.

Mr. Allen questioned whether it would be acceptable to not propose a buffer due to the existing vegetation.

Mr. Robertson stated that the Code requires a landscape buffer strip of open space, with a minimum of 100 feet from any street lines, and 50 feet from all property lines, and he was uncertain whether it applied in the current application's situation, given the dimensional requirements.

Mr. Roseberry, P.E. stated the project met the dimensional requirements; that the site was very overgrown; that the site is currently vacant; that they are proposing to keep the existing vegetation, and to only carve out what is required to develop the project.

Mr. Robertson stated that the project is a 24.92-acre site and requested confirmation on the total acreage being proposed for the solar arrays.

Ms. Crane stated that she believed the project proposed to use a little over 10 acres for the project.

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 2614 FFP DE Vines Creek, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

PUBLIC COMMENT

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

ADDITIONAL BUSINESS

The Commission recognized that Mr. Bruce Mears for his years of service.

Meeting adjourned at 4:53 p.m.

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