

MINUTES OF THE REGULAR MEETING OF OCTOBER 1, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, October 1, 2025, 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. Scott Collins, Mr. Jeff Allen, and Mr. John Passwaters. Mr. Bruce Mears 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.

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

Motion by Mr. Collins, seconded by Mr. Allen, to approve the Minutes of September 3, 2025, of the Planning and Zoning Commission Meetings as circulated. Motion carried 4-0.

OTHER BUSINESS

2021-31 Black Oak (F.K.A. Glenwood)

Request to Amend Conditions of Approval

On September 3rd, 2025, the Department of Planning and Zoning received a Request to Amend Conditions of Approval for the Black Oak Subdivision, a Cluster subdivision consisting of one hundred twenty-seven (127) single-family lots, private roads, stormwater management, open space, perimeter buffers, and other related site improvements. At their meeting of Thursday, October 13th, 2022, the Planning and Zoning Commission approved the Preliminary Subdivision Plan subject to twenty-one (21) Conditions of Approval. Additionally, at their meeting of Wednesday, September 28th, 2023, the Commission granted Final Subdivision Plan approval. Specifically, this Request is to amend Condition “I” of the Conditions of Approval, which currently states, *“Amenities including a clubhouse, pool, tot lot, two pickleball courts, a park, and a kayak launch area shall be constructed and open to use by residents of this development on or before the issuance of the 65th residential building permit. The Final Site Plan shall contain details as to the size and location of these amenities.”* The requested amended Condition would state, *“Amenities including a clubhouse, pool, tot lot, two pickleball courts, and a park shall be constructed and open to residents of this development on or before the issuance of the 76th residential building permit. The Final Site Plan shall contain details as to the size and location of these amenities.”* As of Monday, September 22nd, 2025, the County’s DelDOT Agreement Dashboard and Building Permit Tracker notes that no Building Permits have been issued for the subject development and that the lots are still 100% developer-controlled, which is consistent with the Subdivision’s recent

Final approval. The kayak launch is stated to not be feasible due to environmental concerns and is being requested to be removed from the Conditions. Additionally, the Applicant requests to amend Condition “M” of the Conditions of Approval, which currently states, *“Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 5:00 p.m., Monday through Friday. Because this project is located along New Road, which is a major point of entry into the City of Lewes and is used by recreational boaters to access public boat ramps, no Saturday or 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.”* The requested amended Condition would state, *“Construction, site work, and delivery shall only occur on the site between the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday, and 7:00 a.m. through 5:00 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.”* The request is to allow for Saturday working hours. The property is located on the northwest side of New Road (S.C.R. 266). Tax Parcel: 335-7.00-6.00. Zoning: Agricultural Residential (AR-1) District.

The Commission discussed the proposed request to amend the Conditions of Approval.

Motion by Mr. Collins, seconded by Mr. Allen and carried unanimously to approve the request to amend the Conditions of Approval, allowing an extension deadline for amenity completion to the 76th residential building permit, allowing the elimination of the kayak launch requirement, and the amendment of Condition M, so that it now states, *“Construction, site work, and delivery shall only occur on the site between the hours of 7:00 a.m. through 7:00 p.m., Monday through Friday, and 7:00 a.m. through 5:00 p.m. on Saturdays, from Labor Day to Memorial Day...”* Motion carried 4-0.

2022-08 Estates at Walden (F.K.A. Walden III)

Request to Amend Conditions of Approval

On August 4th, 2025, the Department of Planning and Zoning received a Request to Amend Conditions of Approval for the Estates at Walden (F.K.A. Walden III) Subdivision, a Coastal Area Cluster subdivision consisting of twenty-one (21) single-family lots, private roads, stormwater management, open space, perimeter buffers, an existing cemetery, and other related site improvements. At their meeting of Thursday, April 27th, 2023, the Planning and Zoning Commission approved the Preliminary Subdivision Plan subject to eighteen (18) Conditions of Approval. Specifically, this Request is to amend Condition “H” of the Conditions of Approval, which currently states, *“Amenities proportionate with, and appropriate for, these 21 lots shall be installed within this site. A separate Amenities Plan shall be submitted to the Commission describing the type, size, and location of these amenities. The Applicant has stated that amenities throughout the entire Walden development, including the Walden development across Route 24 and*

Sloan Road, shall be accessible to these 21 lot owners. There was significant testimony from residents within these other areas that these new lots would overburden the yet-to-be-fully completed amenities within the larger Walden development. No building permits shall be issued until all shared amenities within the entire Walden development are completed.” The amended Condition would require, “There shall be no separate amenity for the 21 lot owners in the Estates at Walden, and the amenity for the larger Walden development will not be accessible by the 21 lot owners in the Estates at Walden.” As of Monday, September 22nd, 2025, the County’s DelDOT Agreement Dashboard and Building Permit Tracker notes that no Building Permits have been issued for the subject development and that the lots are still 100% developer-controlled, which is consistent with the Subdivision’s Preliminary Plan approval. Additionally, the Department is in receipt of a letter from the President of the Walden Homeowners’ Association indicating support for the proposed Condition amendment. The property is located on the northeast side of the intersection of Sloan Road (S.C.R. 49) and John J Williams Highway (Route 24). Tax Parcel: 234-17.00-29.00. Zoning: Agricultural Residential (AR-1) District and Medium Density Residential (MR) District.

Motion by Mr. Collins, seconded by Mr. Allen and carried unanimously to approve the request to amend the Conditions of Approval, specifically Condition H, which shall now state *“There shall be no separate amenity for the 21 lot owners in the Estates at Walden and the amenity for the larger Walden development will not be accessible by the 21 lot owners in the Estates at Walden.”*. Motion carried 4-0.

2022-20 West Beach Preserve (F.K.A Marvel Subdivision)

Final Subdivision & Landscape Plan

This is a Final Subdivision Plan and Landscape Plan for West Beach Preserve, a Coastal Area cluster subdivision on a 40.182-acre Parcel of land to consist of forty-four (44) single-family lots, private roads, sidewalks, open space, and other site improvements. The Preliminary Subdivision Plan for the development was approved by the Planning and Zoning Commission at their meeting of Thursday, August 24th, 2023, subject to nineteen (19) Conditions of Approval. The Final Subdivision Plan and Landscape Plan comply with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is located on the southwest corner of Vines Creek Road (Route 26) and Brasure Road (S.C.R. 345) in Dagsboro, Delaware. Tax Parcel: 134-11.00-27.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

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

S-24-30 Budget Mini Storage Expansion

Revised Final Site Plan

This is a Revised Final Site Plan for the Budget Mini Storage Expansion proposing the addition of (54,075) square feet of commercial storage to the existing (14,400) square feet of commercial storage use existing on the site. The Plan proposes (54,075) square feet of self-storage comprised of (23) structures, a (270) square foot office, (33) RV parking (storage) stalls, internal circulation roads, stormwater management, fencing, and ancillary improvements. The Plan was approved by the Planning & Zoning Commission at their meeting of 10/23/2024. The revisions to the previously approved Final Site Plan include addition of a storage building, a proposed storage building divided into two separate structures, and a reduction in the size of a third storage building resulting in a decrease of the overall proposed commercial storage on the site from (54,600) square feet to (54,075) square feet representing a decrease of (525) square feet of proposed expansion. Additionally, this Revised Plan includes a utility easement running through the site for maintenance and access to a water main, with both the Town of Greenwood and Sussex County denoted as beneficiaries of the easement. The property is located on the east side of Sussex Highway (Route 13) in Greenwood. The property is located within and complies with the provisions of the Combined Highway Corridor Overlay Zone (CHCOZ). The Revised Preliminary Site Plan complies with the Sussex County Zoning Codes. Zoning: C-2 (Medium Commercial District). Tax Parcels: 530-10.00-58.08 & 58.09. 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. Collins and carried unanimously to approve the Revised Final Site Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-22-03 Steiner Road Industrial Park

Revised Final Site Plan

This is a Revised Final Site Plan for the Lands of Steiner Land LLC and Delstar LLC for the construction of Concrete Central Mixing and Proportioning Plant and a Building Materials Recycling and Sorting Facility. The Plan received Preliminary Site Plan Approval at the Planning & Zoning Commission Meeting of Thursday, August 11th, 2022, and was stamped with Final Approval by Staff on June 6th, 2024. This proposed revision to the Final Site Plan removes the “Concrete Dome” (120’ Diameter / 96’ Height) and replaces it with three (3) smaller “Cement Silos” (16’ Diameter / 72’ Height) along a reconfigured internal concrete access drive. The proposed projects on the two parcels share the same stormwater management facilities, with an existing fifty (50) foot wide Perpetual Cross Access Easement that will serve as access for ingress/egress for both parcels. The parcels are comprised of a total of 15.00 +/- acres and located on the east side of Steiner Road (S.C.R. 320), approximately 1,060 feet south of Lewes

Georgetown Highway (Route 9), with approximately 486 feet of frontage on Steiner Road. Tax Parcels: 135-16.00-23.05 & 135-16.00-23.06. The Revised Final Site Plan complies with the Sussex County Zoning Code. Zoning: HI-1 (Heavy Industrial Zoning 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 Revised Final Site Plan as a preliminary, with final approval to be given by the staff subject to the receipt of all agency approvals. Motion carried 4-0.

S-25-50 The Life Center, Inc.

Revised Final Site Plan

This is a Revised Final Site Plan for the establishment of 28 proposed parking spaces and striping to delineate 21 existing parking spaces on a 2.60-acre parcel of land of which the principal use of the property is a church including an existing 7,928 square foot Life Center, Metal Warehouse Building #1 consisting of 5,163 square feet, Metal Warehouse Building #2 consisting of 5,422 square feet, 4 existing solar panel arrays, an ADA ramp and other related features. Please note on the Plans that the “Existing Building” shown on the southwest corner of the Site is legally non-conforming. Aerial imagery notes that the building has been present in this area since as early as 1954 (prior to the establishment of the Sussex County Code in 1970). The property consists of 2.60-acres and is located on the northeast corner of the intersection of Route 13 (N. Main Street) and Route 40 (Redden Road) in Bridgeville, Delaware. Staff note that the property is located within the Combined Highway Corridor Overlay Zone (CHCOZ), but that “existing homes and businesses” are exempt from those requirements. The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 131-10.00-89.00. Zoning: Heavy Commercial (C-3) District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon receipt of all agency approvals.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to approve the Revised Final Site Plan as a preliminary, with final approval to be given by the staff subject to the receipt of all agency approvals. Motion carried 4-0.

S-25-17 Vintner’s Reserve

Preliminary Site Plan

This is a Preliminary Site Plan under the Sussex County Rental Program (S.C.R.P.) for a proposed 316-unit multi-family townhouse complex to consist of townhouse buildings, an amenity area, parking, landscaped buffers, and other site improvements located on 59.446 acres +/- . The Applicant has provided a request for relief from both the interconnectivity and Grading Plan

requirements. The requests are included in the Packet. The property is located on the west side of Janice Road (S.C.R. 14B), north and west of Winery Way and Nassau Commons Boulevard, respectively. It should be further noted that the property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to the payment of any fees and road improvements as outlined by the Delaware Department of Transportation (DelDOT). The Preliminary Site Plan complies with the Sussex County Zoning Code and the requirements of the Sussex County Rental Program. Tax Parcel: 334-5.00-153.02. Zoning: AR-1 (Agricultural Residential Zoning District) and C-1 (General Commercial District). Staff are awaiting agency approvals.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Preliminary Site Plan, with the Final Site Plan to be reviewed and approved by the Planning & Zoning Commission. Motion carried 4-0.

S-25-43 JBM Petroleum

Preliminary Site Plan

This is a Preliminary Site Plan for a Business that performs off-site work for gas stations and other businesses that use petroleum. The site consists of an existing dwelling and an existing pole building that will be used for the business, no new buildings are being proposed. The site is located on a 1.31-acre parcel of land lying on the northeast side of Clendaniel Pond Road (S.C.R. 38) in Lincoln, Delaware. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Zoning: Agricultural Residential (AR-1) District. Tax Parcel: 230-6.00-20.02. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon receipt of all agency approvals.

Motion by Mr. Passwaters, 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 4-0.

S-25-51 Lincoln Wawa

Preliminary Site Plan

This is a Preliminary Site Plan and Lot Consolidation Plan for the construction of a 6,372 square foot +/-, 1-story convenience store with six (6) proposed fueling dispensers and one (1) proposed gas canopy, landscaping and related parking to be located on a 3.28-acre parcel of land lying on the northeast corner of the intersection of DE U.S. Route 113 (DuPont Boulevard) and Johnson Road (S.C.R. 207) in Lincoln, Delaware. A formal request has been submitted to allow ten (10) proposed parking spaces to be located within the front yard and corner front yard setbacks. The property is located within and complies with the provisions of the Combined Highway Corridor

Overlay Zone (CHCOZ). The Preliminary Site Plan otherwise complies with the Sussex County Zoning Code. Zoning: General Commercial (C-1) District & Medium Commercial (C-2) District. Tax Parcels: 130-6.00-115.00, 116.01, 118.00 & 118.01. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon receipt of all agency approvals.

Motion by Mr. Passwaters, 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 4-0.

S-25-55 Racetrack Business Center

Preliminary Site Plan

This is a Preliminary Site Plan for Racetrack Business Center on the lands of Parkada Investments LLC for the construction of two (9,900) square foot structures to contain (3,400) square feet of retail space at the frontage of each building with (6,500) square feet of warehouse use to the rear of each structure for a total of (19,800) square feet of commercial space. The Plan includes parking (90 spaces), internal roads, stormwater management, and ancillary improvements. The parcel is comprised of a total of (5.03) +/- acres and on the east side of Dupont Boulevard (Route 113), approximately (500) feet south of Kruger/Wood Branch Road (S.C.R. 321) in Georgetown, Delaware. The property is located within and complies with the provisions of the Combined Highway Corridor Overlay Zone (CHCOZ). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 133-2.00-22.00. Zoning: C-2 (Medium Commercial Zoning 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. Allen, 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 4-0.

S-25-57 Rehoboth Family Storage (C/U 2469)

Preliminary Site Plan

This is a Preliminary Site Plan for the creation of a mini-storage facility to consist of three (3) storage buildings – Building #1 consisting of 21,850 square feet, Building #2 consisting of 58,300 square feet, and Building #3 consisting of 32,900 square feet (for a total of 113,050 square feet of Buildings) and with Building #1 also containing a 900 square foot Office use, 6 proposed parking spaces (to include 1 ADA accessible space), gated entrance, fencing, perimeter buffers and other site improvements. Staff note that the site was the subject of a related Conditional Use Application (Conditional Use No. 2469), Rehoboth Family Storage, LLC, to allow for a mini-storage facility

with offices to be located within an Agricultural Residential (AR-1) District. The Sussex County Council approved the Application at their meeting of Tuesday, February 25th, 2025, through Ordinance No. 3074, subject to fifteen (15) Conditions of Approval. Staff further note that the project is located within the Henlopen Transportation Improvement District (TID) and shall be subject to the payment of any fees or any related road improvements as outlined by the Delaware Department of Transportation (DelDOT). The property is located on the west side of John J Williams Highway (Route 24) and the east side of Robinsonville Road (S.C.R. 277), approximately 0.95-mile northeast of the intersection of John J Williams Highway (Route 24) and Robinsonville Road (S.C.R. 277) in Lewes, Delaware. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Zoning: Agricultural Residential (AR-1) District. Tax Parcels: 234-6.00-104.00, 104.02, 104.03, 104.04. Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

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

S-25-14 Pot-Nets Seaside Amenity Area

Amenities Plan

This is an Amenities Plan for the construction of a proposed 4,404 square foot +/- clubhouse, a 1,749 square foot +/- bathhouse & pool equipment building, a 6,879 square foot +/- in-ground swimming pool, a mailbox pavilion, a dog park, and other ancillary improvements. The existing swimming pool is to be removed. The property is located off of Yucca Drive and Beach Plum Row within the previously approved Pot-Nets Seaside Manufactured Home Park in Millsboro. The Amenities Plan complies with the Sussex County Zoning Code. Tax Parcels: 234-31.00-4.00. Zoning District: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the plan is eligible for preliminary and final approval.

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

Lands of David Epps

Minor Subdivision Plan off a proposed 40-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 40-ft wide ingress/egress access easement. This plan also includes a lot line adjustment. Proposed Lot 1 will consist of 1.498 acres +/-, proposed Lot 2 will consist of 1.654 acres +/-, proposed Lot 3 will consist of 1.497 acres +/-, and the residual lands will contain 3.690 acres +/- . The lot line adjustment will add an additional 1.646 acres +/- to Tax Map Number 530-5.00-13.08 for a total of 4.509 acres +/- lot. 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 Woodyard Road (S.C.R. 612), 0.83-mile northeast of Sussex Highway (Rt. 13). The Minor

Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 530-5.00-13.07 & 13.08. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the plan is 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 40-ft easement as a preliminary and final. Motion carried 4-0.

Lands of Engel

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-foot wide ingress/egress access easement. Proposed Lot 1 will consist of 1.005 acres +/-, proposed Lot 2 will consist of 1.005 acres +/-, and the residual lands will contain 23.118 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 Doddtown Road (S.C.R. 293), approximately 0.33 miles southwest of Harbeson Road (Route 5). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 235-30.00-103.09 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the plan is eligible for preliminary and final approval.

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 and final. Motion carried 4-0.

Lands of Cydney A. Joseph

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot A will consist of 1.911 acres +/-, and the residual lands will contain 2.087 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is within the Henlopen Transportation Improvement District. The property is located on the south side of Conley's Chapel Road (S.C.R. 280B), approximately 0.45 miles northwest of Robinsonville Road (S.C.R. 277). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-11.00-62.08. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. 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 the receipt of all agency approvals. Motion carried 4-0.

Lands of Holly Dawn Yoder

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-foot wide ingress/egress access easement. Proposed Lot 1 will consist of 1.023-acres +/-, proposed Lot 2 will consist of 1.005-acres +/-, proposed Lot 3 will consist of 2.350-acres +/-, and the residual lands will contain 9.401-acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Hickman Road (Route 16), approximately 0.85 miles west of Blanchard Road (Road 34). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 530-3.00-2.02 Zoning: AR-1 (Agricultural Residential District). Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

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

OLD BUSINESS

C/U 2510 Henry Villegas-Solis

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS. The property is lying on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06 mile south of John J. Williams Highway (Route 24). 911 Address: 28375 & 28377 Layton Avenue, Millsboro. Tax Map Parcel: 234-32.00-67.00.

The Commission discussed the application, whose record was left open since September 3, 2025, for the following reasons:

1. To review with staff the permitted uses that are allowed in the B-1 zoning,
2. The existence of building permits and Certificate of Occupancy for all the buildings on the property,
3. The history of the zoning and the legal non-conforming uses associated with this property and any site plans associated with these uses,
4. Any information that staff has regarding the duplex on the site,
5. To receive information from DelDOT confirming any change in use or access to or from Layton Avenue or Jersey Road as a result of the Millsboro bypass.

Mr. Whitehouse provided the Commission with an exhibit reflecting the design of the bypass, along with the terminus of Jersey Road, and how it is being modified in relation to the Application site, and provided an exhibit to the Commission regarding the building permit history of the site.

In relation to C/U 2510 Henry Villegas-Solis. Motion by Mr. Collins to close the public record and to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

C/Z 2021 Crosswinds Landing, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 - RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS. The properties are lying on the southwest side of Lighthouse Road (Rt. 54), and on the west side of Dickerson Road (S.C.R. 389), approximately 310 feet northwest of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). 911 Address: 33080 Lighthouse Road & N/A. Tax Map Parcels: 533-18.00-63.00 & 56.00.

The Commission discussed the application, which had been deferred since September 17, 2025, at which time Madam Chair Wingate had recused herself from the Application.

Madam Chair Wingate recused herself and appointed Mr. Collins as acting Chair.

Mr. Allen moved that the Commission recommend approval of C/Z 2021 Crosswinds Landing, LLC for a change in zoning from AR-1 to an AR-1-RPC based upon the record and for the following reasons:

1. The property is currently zoned AR-1. The Applicant is seeking approval of a Residential Planned Community overlay zoning while maintaining the underlying AR-1 zoning.
2. The proposed AR-1-RPC is in close proximity to the intersection of Routes 20 and 54, where a commercial center has been established, and which serves residents in the vicinity. This area has a higher residential density and is served by various commercial businesses.
3. The proposed development will have no more than 352 single-family and multifamily dwellings within its 183 acres. The net density is within the allowable density in AR-1.
4. Central water and sewer will be provided to the RPC.
5. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses as follows:
 - a. The RPC provides alternative housing types that are not available within a

- subdivision design;
 - b. The RPC locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;
 - c. The RPC retains approximately 114 acres or 62% of the total site area as open space;
 - d. Within the open space, approximately 35 acres, or 54% of the existing woodlands, will be preserved;
 - e. The property is crossed by Buntings Branch, White Oak Swamp Ditch and contains approximately 14 acres of non-tidal wetlands. The Army Corps of Engineers issued an approved Jurisdictional Determination on January 3, 2024. Site resources will be protected by buffers as required by the County Resource Buffer Ordinance and will promote wildlife corridors to and from adjacent wooded areas; and
 - f. The Project will incorporate and reuse an existing old borrow pit into its site plan as a visual and recreational component of the development.
6. According to the County's current Comprehensive Plan, the project is in the Coastal Area, which is designated as a Growth Area. This AR-RPC is appropriate in this Area according to the Plan, which permits residential development with a mix of housing types.
7. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.
8. This recommendation is subject to the following conditions:
- A. There shall be no more than 352 dwelling units consisting of single-family and multifamily dwellings.
 - B. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of all of the buffers and resources, stormwater management facilities, streets, amenities, and other common areas.
 - C. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of DelDOT's TIS Review Letter dated February 5, 2024.
 - D. The RPC shall be served by central water and sewer.
 - E. Approximately 114 acres or 62% of the site shall remain as open space, including 35 acres of the woodlands on the site. The area of preserved woodlands shall be shown on the Final Site Plan.
 - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the

- RPC, with the exception of the area along David Lane, where Lots 213 to 228 are only located on one side of the street. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- H. The development shall be served by amenities including a clubhouse and outdoor swimming pool, tot lot, bocce courts, and beach area. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.
 - I. The Resources on the site shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
 - J. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer and buffer protection areas and the woodlands that must be preserved as required by Section 99-21A of the Sussex County Code. The site frontage along Lighthouse Road (DE-54) shall have landscaping and be bermed in accordance with the Applicant's Swann Lake entrance landscaping exhibit prepared by Morris and Ritchie Associates, Inc.
 - K. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.
 - L. As proffered by the Applicant, each residential unit shall be obligated to make an annual payment of \$100.00 to the Roxana Fire Company beginning with the issuance of a residential Certificate of Occupancy for that unit. These fees shall be collected and paid by the Homeowners Association. However, if the State or County enacts a separate law governing the mandatory payment or contribution to Fire/EMS service applicable to the units in the RPC, then this condition shall no longer apply.
 - M. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - N. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
 - O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - P. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.
 - Q. There is a path or roadway of unknown origin along the western side of this site. It shall remain and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.

- R. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- S. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site Grading Plan.
- T. A Revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.
- U. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2021 Crosswinds Landing, LLC, for the reasons and the conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Passwaters – yea, Mr. Allen – yea, and Mr. Collins - yea

C/U 2395 Breeze-A-Bella Land Group, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS. The property is lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A). 911 Address: 22318 Cedar Lane, Georgetown. Tax Map Parcel: 135-20.00-81.00.

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Allen moved that the Commission recommend approval of C/U 2395 Breeze-A-Bella Land Group, LLC in an AR-1 Agricultural Residential District for a distribution warehouse based upon the record made during the public hearing and for the following reasons:

1. This application was previously considered by the Planning & Zoning Commission, and a favorable recommendation with conditions was granted. After that occurred, the application was re-noticed and re-heard based on an error within the legal notice that was advertised. The entire record from the first hearing was incorporated into this record. The following reasons and conditions are the same as those previously made for this application.

2. The use is situated on 10.896 acres of a much larger 71.127-acre parcel of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties or the surrounding area.
3. The purpose of this application is to create a centralized location for distribution warehouses with indoor storage. This site will allow the Applicant's business to consolidate at an appropriate location in Sussex County on the outskirts of Georgetown. The Applicant has stated that there is not any other suitable space for the consolidated distribution business in the Georgetown area.
4. The Property is located across Park Avenue from the Delaware Coastal Airport and adjoining industrial park. The use is consistent with these surrounding uses.
5. The warehouses have been located in an area that is the farthest from any neighboring residential uses while preserving the existing forested areas on the property.
6. A portion of the property will continue to be used for the Applicant's cattle herd, which is permitted within the AR-1 zoning District.
7. No retail sales will occur from the property.
8. DelDOT has stated that the use will have a "negligible" impact upon local area roadways. The applicant has stated that the incoming and outgoing truck traffic is minimized, at approximately two (2) or three (3) trucks per week. As a result, the use will not have an adverse impact on the traffic or area roadways.
9. This Property is located within the Developing Area according to the Future Land Use Map contained in the Sussex County Comprehensive Plan. The Developing Area is a Growth Area where business and commercial uses such as this can be located.
10. This use promotes the economy of Sussex County at an appropriate location.
11. This recommendation is subject to the following conditions:
 - A. The conditional use shall be limited to a distribution warehouse facility within buildings specifically designated for that purpose, as depicted on the Final Site Plan.
 - B. All work and storage associated with this Conditional Use shall only occur indoors.
 - C. No retail sales shall occur from the site.
 - D. No outside storage associated with the warehouse distribution business shall be permitted. This prohibition shall not apply to storage associated with the Applicant's other uses that are permitted within the AR-1 Zoning District.
 - E. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. Any dumpsters on the site must be screened from the view of neighboring properties and roadways.
 - G. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - H. The hours of operation shall be Monday through Saturday between 8:00 a.m. until 6:00 p.m. There shall not be any Sunday hours.
 - I. One indirectly lit on-premises ground sign shall be permitted on the site. It shall be no larger than 32 square feet per side.

- J. All vehicle parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. All vehicles must be parked within the designated areas.
- K. No junked, inoperable, or untitled vehicles shall be located on the site.
- L. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.
- N. 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. Collins, and carried unanimously to recommend approval of C/U 2395 Breeze-A-Bella Group, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/Z 2055 David Roe

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS. The property is lying on the south side of Ballast Point Road (S.C.R. 341A), approximately 215 feet west of Sandy Landing Road (S.C.R. 342). 911 Address: N/A. Tax Map Parcel: 134-6.00-175.00.

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Passwaters moved that the Commission recommend approval of C/Z 2055 David Roe for a change in zone from AR-1 to GR General Residential based upon the record made during the public hearing and for the following reasons:

1. The application meets the purpose of the Zoning Code in that it promotes the orderly growth of the County.
2. This rezoning is being sought to allow the Applicant to place an older-model manufactured home on the property for a family member. This is not permitted under the existing AR-1 zoning.
3. The rezoning will not have a significant impact upon area traffic or roadways.

4. The rezoning will not adversely impact neighboring properties, the community, or public facilities in the area.
5. Based on the Future Land Use Map, this site is in the Coastal Area. This Area is appropriate for GR zoning according to the Sussex County Comprehensive Plan.
6. No parties appeared in opposition to this application.
7. For all of these reasons, it is appropriate to rezone this property to the GR General Residential Zoning District.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/Z 2055 David Roe for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/Z 2037 Mulberry Knoll Associates, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS. The properties are lying on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284). 911 Address: N/A. Tax Map Parcel: 334-12.00-46.00 & 47.00.

The Commission discussed the application, which had been deferred since September 17, 2025.

In relation to C/Z 2037 Mulberry Knoll Associates, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

C/Z 2052 Marlin Cove, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS. The properties are lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Rt. 54). 911 Address: N/A. Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00.

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2052 Marlin Cove, LLC for a change in zoning from AR-1 to an MR-RPC based upon the record and for the following reasons:

1. The property is currently zoned AR-1. The Applicant is seeking a change in zone to the MR Medium Density Residential Zoning District with an RPC overlay. The RPC will include both single-family homes and duplex-style townhomes.
2. The proposed MR-RPC is in close proximity to the intersection of Routes 20 and 54, where a commercial center has been established and which serves residents in the vicinity. Like an urban area, this area has a higher residential density and is served by various commercial businesses.
3. The proposed development will have no more than 210 dwellings within its 60.84 acres, consisting of 106 single-family lots and 104 duplex units. The net density is 3.45 units per acre.
4. The MR-RPC is consistent with the development trend of the area that includes a variety of different zoning districts and both single-family homes and townhomes. It is also similar to the densities of nearby communities, including Bay Knolls at 3.87 units per acre, Bayside Phase 6B at 3.35 units per acre, Bayside Melson Property at 3.67 units per acre, and Long Property/H&H Development at 2.89 units per acre.
5. Central water and sewer will be provided to the MR-RPC by a publicly regulated utility.
6. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses as follows:
 - a. The Project offers alternative housing types that are not available within a subdivision design;
 - b. The Project locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;
 - c. The Project retains over 36% of the total site area in open space;
 - d. The Project preserves contiguous forested open space areas and resource buffers along the federally regulated Roy Creek stream channel and adjacent wetlands to promote wildlife corridors to and from nearby and adjacent Woodland areas;
 - e. The Project provides a community recreational building with areas for community events and gatherings, along with a bathhouse to support the adjacent community pool and children's play area;
 - f. The Project preserves Forested and Landscaped Perimeter Buffers along the site's perimeter, including the preservation of existing woodlands with additional buffer protection areas; and
 - g. The Project establishes a landscaped berm and fence along New Road where no woodlands exist.
7. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this MR-RPC is appropriate in this Area according to the Plan. The Plan permits residential development with a mix of housing types within the Coastal Area.
8. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision

Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.

9. This recommendation is subject to the following conditions:

- A. There shall be no more than 210 dwelling units consisting of single-family homes and duplexes.
- B. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas.
- C. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of Traffic Operation Analysis Agreement #1945F and the developers' payment of an Area-Wide Study Fee.
- D. The RPC shall be served by central water and sewer.
- E. Approximately 22.24 acres or 36.5% of the site shall remain as open space, 6.5% more than the 30% required.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. Interior street design shall meet or exceed Sussex County's Street design requirements. There shall also be sidewalks on at least one side of the streets within the RPC. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- H. The development shall be served by amenities including a swimming pool and bathhouse. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.
- I. The property is crossed by an ephemeral and intermittent drainage channel known as Roy Creek. On the property, Roy Creek is bordered by approximately 1.33 acres of nontidal wetlands subject to the Army Corps of Engineers regulatory program. These wetlands shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
- J. A 30-foot wide vegetated or forested buffer shall be established along the entire perimeter of the site. In addition, the required 20-foot-wide Perimeter Buffer Protection Area shall be established adjacent to any woodlands with the perimeter buffer. These buffers shall comply with the requirements of Section 99-21A regarding Perimeter Buffers.
- K. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.
- L. Construction, site work, grading, and deliveries of construction materials shall only

- occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- M. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
 - N. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.
 - O. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved. The site frontage along New Road shall have landscaping and be bermed where existing Forest Buffer does not exist.
 - P. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot Grading Plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
 - Q. A revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.
 - R. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of C/Z 2052 Marlin Cove, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PUBLIC HEARINGS

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

2024-03 Tepache Farms

A standard subdivision to divide 24.27 acres +/- into twenty-one (21) single-family lots to be located on a certain parcel of land lying and being in Sussex County. The property is located on the north side of Burton Road (S.C.R. 241), approximately 0.10 mile west of Sand Hill Road (S.C.R. 319). 911 Address: 22187 Burton Road, Milton. Tax Map Parcel: 235-19.00-7.00. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the Applicant's Exhibit Book, the Applicant's Chapter 99-9C responses, a copy of the Applicant's public hearing presentation, the Applicant's proposed HOA Deed Declaration & Restrictions, the DNREC Soil Feasibility Report, the property deed, the DelDOT Service Level Evaluation Response letter, the School District Notification letter, however, staff never received a response from the school district, and the Technical Advisory Committee letters received from the State Department of Agriculture, the U.S. Department of Agriculture, Delaware Electric Co-operative, the Sussex County Engineering Department's Utility Planning Division, further written response from DelDOT, Delmarva Power, the State Division of Watershed Stewardship, the State Fire Marshal's Office, and a letter from the Sussex County Geographic Information Office, confirming the road names that are proposed. Mr. Whitehouse advised the Commission that 21 written comments were received on behalf of the application.

The Commission found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Applicant, Mr. James Grant of Gator & Associates, LLC; that also present were Mr. Mark Davidson, Vice President and Principal Land Planner with Pennoni, Mr. Alan Decktor, Professional Engineer with Pennoni, Mr. William Gangloff, PhD and certified Professional Soil Scientist (Class D) with Accent Environmental, LLC. Mr. Hutt stated that the proposed subdivision is a standard lot, major subdivision request; that it is not very common for the Commission to review subdivision applications for $\frac{3}{4}$ acre lots as a minimum, with on-site wastewater disposal systems; that most often, the Commission reviews plans similar to this, they are submitted through the Minor Subdivision process, which occur off a minimum of a 30 foot right of way; that because the application was for a standard lot subdivision, there were aspects of the Commission's review of the project that were simplified, pursuant to Chapter 99 of the Sussex County Code, which is the Subdivision Chapter; that because the request was for a standard lot subdivision, the typical Superior Design Requirements that the Commission reviews when looking at a Coastal Area Cluster subdivision, did not apply to the current application; that the Commission may remember that in 2019, there was an application with a similar name for 33.8 acres of land, which sought to create a 33 lot cluster subdivision; that the Commission denied that subdivision application in 2019, principally for the concerns about the suitability of the soils for on-site wastewater systems, or septic systems, which were proposed on each lot; that the Commission gave 10 reasons for the denial; that seven of the 10 reasons used or reference the words septic system, septic or feasibility; that another reason for denial was for the fact that there was a finding that the proposed cluster subdivision did not have a superior design; that the current application was different; that the current application was for a standard lot subdivision, not a cluster subdivision; that therefore, the superior design requirements would not apply; that Mr. William Gangloff was present, and available to answer any questions that the Commission may have regarding the suitability of the soils on the property; that when he had performed his review of the previous record from the 2019 proceeding, it appeared to him that the Soil Feasibility was either misinterpreted or misunderstood; that since 2019, two subdivisions have occurred; that initially there were four lots that were created through the Minor Subdivision process; that this Minor Subdivision allowed for the maximum creation of five lots to be located along the frontage of Burton Road; that there are currently eight existing lots along Burton road; that the current subdivision application was for the balance of the

property; that “Tepache”, according to Google, is a fermented beverage made from the peel and the rind of pineapples, and sweetened with piloncillo or brown sugar; that sometimes it is seasoned with chili powder and served cold; that Mr. Grant confirmed that the word “Tepache” was simply the initials of his nieces and nephews; that the street named “Aurora” was named after his niece; that the current application is for 21 single-family lots to be located on 24.27 acres; that the property is located on Burton Road, approximately 0.10 mile west of Burton Road’s intersection with Sand Hill Road; that to the north are the lands owned by The Nature Conservancy; that to the south are eight residential lots previously created, not by the Applicant; that to the east of the property is land that is currently farmed; that to the west of the property is a wooded lot, with a residential single-family homeowner; that the property has been in agricultural use, with some woodland areas; that the wooded areas exist along the perimeter of the property; that the property is zoned AR-1 (Agricultural Residential), and is located within the Low Density Area according to the 2045 Future Land Use Map in the 2018 Comprehensive Plan; that the site is located within Investment Level 4 according to the State Strategies Map; that when looking at Chapter 4 of the Comprehensive Plan, which is the Future Land Use Chapter, the plan specifically described a standard subdivision as being permitted in the Low Density Area, where on-site septic systems are used, single-family detached homes are permitted on a minimum of $\frac{3}{4}$ acre lots; that similarly, within Chapter 115, Subsection (A)(1) of the Sussex County Zoning Code, detached, single-family dwellings on individual lots are permitted; that as one works through the AR-1 (Agricultural Residential) section of the Zoning Code, there are height, area, and bulk requirements that apply to lots in the AR-1 Zoning District, and forces the standard lot option for homes with on-site septic systems; that the standard lot option is a minimum of 32,670 square feet, being $\frac{3}{4}$ acre; that a lot is required to be 100 feet deep and 100 feet wide on the subdivision plan; that all 21 lots reflected on the plan, is intended for a single-family detached home, matching the permitted use within the AR-1 District; that every lot meets the standard requirements; that the 21 lots proposed on the 24 acres results in a density of 0.87 units to the acre; that the proposed density is consistent with property’s designation of Low Density on the Future Land Use Map; that not only is the proposed density consistent with the land planning guides and codes, but the project design also complements the existing character of the site; that the proposed stormwater management is proposed to be located to the rear of the site; that this is closest to the adjacent boundary line with The Nature Conservancy; that this proposed location created a further gap between any of the residential homes and where The Nature Conservancy land are; that to the east there is a farming operation; that the proposed plan provides a 50 foot separation, as it is required for any structure that requires a Certificate of Occupancy from agricultural areas; that the along the eastern boundary, the Code requires a 20 foot landscape perimeter buffer; that because of the existing farm operations, the plan proposes a 30 foot landscape buffer for the eastern side of the property; that the balance of the property would have the Code required 20 foot landscape buffer, which would extend around the perimeter of the property, beginning along Burton Road and extending behind all of the lots; that a Landscape Plan was prepared by a registered Landscape Architect with Pennoni; that the plan reflects the areas where the perimeter buffer already exist through the wooded areas where planting details are not shown; that the areas of existing woodlands would be preserved in their existing condition; that the site is not located within a Floodplain, as the FEMA Maps show the property to be located within Flood Zone X, which is an area determined to be

outside of the 500 Year Floodplain; that there are no wetlands on the property; that the property is not located with any Source Water Protection Areas as they are described in Chapter 89 of the Sussex County Code; that there are no Well Head Protection Areas and the soils are not located within an Excellent Groundwater Recharge area; that the property does not have any resources, as the term is defined in the County Code, §115-4; that therefore, the requirements of §115-193 for Resource Buffer Protection Areas do not apply to the property; that water will be provided through individual wells, to be located on each of the proposed lots; that sanitary sewer would be treated by onsite wastewater treatment and disposal systems on each individual lot; that DelDOT responded with a Service Level Evaluation Response letter that indicated that the traffic impact from the proposed 21 lots would be negligible as the term is defined within the agreement between Sussex County and DelDOT; that this means there will be less than 50 vehicle trips during any peak hour and less than 500 daily trips; that in addition, on January 23, 2025, the Applicant attended a pre-submittal meeting with DelDOT, which reconfirmed the entrance details contained within the project book; that the Applicant also had a preliminary (SAS) Stormwater Assessment Study meeting with the Sussex Conservation District on January 24, 2025; that DelDOT is requiring that a hammerhead entrance be placed for the subdivision, along with a portion of Burton Road that is immediately in front of the subdivision, which would be improved to its functional classification; that local roads require 11 foot travel lanes, with five foot shoulders; that within the community, the proposed streets would meet Sussex County standards and exist within a 60 foot right of way; that the street does have a super elevated designed, which means it is not crowned to drain to both sides of the roadway; that instead, one side of the street will be higher, so that all the stormwater drains just to one side of the street before being directed to the stormwater pond; that there is an asphalt sidewalk that would be distinguished from the roadway with striping; that it is a common practice in large lot communities, located within rural areas, to not have concrete sidewalks with curb and gutter, but instead to integrate the sidewalk into the roadway and separate it with striping; that there are no active amenities planned, as there proposed lots are larger in size; that this will allow people to undertake whatever activities and amenities they want within their own home site; that the proposed plan is a different market than many of the Coastal Area project that the Commission often sees; that a Homeowners Association (HOA) is proposed to be formed; that the drafted HOA Restrictive Covenants were included within the project materials; that the HOA would have minimal dues, as each homeowner would not be contributing to a pool, clubhouse or similar facilities; that there was a public comment submitted online, which expressed concern that the Homeowners Association would be underfunded based on the amount that was shown in the drafted Restrictive Covenants; that the provided document is a preliminary draft; that if the project were to move forward, the developer would prepare a budget and determine what the actual assessment would need to be, which would become the assessment moving forward; that even so, the assessments would be significantly reduced from communities that contain pools, clubhouses, sports courts or walking trails throughout the community; that the proposed subdivision had proceeded through the Technical Advisory Committee (TAC) review process; that within the submitted materials is a Chapter 99-9C Response to the subdivision requirements; that the subdivision is integrated into the existing terrain and surrounding landscape; that the lots are identical to those along Burton Road, immediately adjacent to the south; that when one looks along the roads, there is a common practice in Sussex County to strip off lots along the roadways with a

standard lot option; that a 50 foot separation setback is provided, and was created in excess of the Code requirement, along the easternly side of the property, with a 30 foot buffer from the farmed agricultural area; that a stormwater pond is proposed, which will help create the area as a view shed when looking back towards The Nature Conservancy property; that there will be no use of wetlands, because there are no wetlands located on the property; that the property is not located within the floodplain; that there are no significant historical or natural features located on the site; that the site will preserve the perimeter trees and the landscape buffer area reflected on the Landscape Plan; that the development primarily occurs in areas that are open field; that the current site is mostly open field with only a wooded perimeter; that Chapter 99-9C talks about objectionable features; that there are perimeter buffers around the site; that the Nature Conservancy is located to the rear of the site; that the stormwater management for the site, will occur through a system designed that will be reviewed and approved by the Sussex Conservation District; that the stormwater management pond will be maintained by the Homeowners Association in perpetuity; that the Applicant attended a meeting with the Sussex Conservation District to ensure that the project will not adversely affect area waterways as the surface and stormwater management plans will provide for containment of the stormwater on the site, and treatment through the stormwater devices that will be installed and maintained; that the project will provide for safe vehicular and pedestrian movement within the site and onto Burton Road; that the project is located within the Cape Henlopen School District; that the developer will coordinate with the Cape Henlopen School District, as set forth in the Cape Henlopen School District's response letter; that there was a public comment submitted referencing a conflict between the Applicant and the Cape Henlopen School District regarding a school bus stop; that there was a comment made that there would not be a public transportation bus stop on the road for the project; that the school district suggested in their response that there be an area placed at the entrance to the community, where parents/guardians are located off the road and not within the entrance; that this will be worked out with the school district as part of the Final Subdivision Plan process; that the project is compatible with other land uses, including the residential uses in the vicinity; that it is a standard lot subdivision, which is a permitted use within the AR-1 (Agricultural Residential) Zoning District; that during the previous public hearing, the suitability of soils for the onsite wastewater septic systems became a topic that the Planning Commission, as well as the public took up during the process for the cluster subdivision at that time; that the requirements for septic are the same for cluster and standard subdivisions within Chapter 99 of the Subdivision Code for Sussex County; that specifically within Section 24 talks about "supporting statements", which is the term that the Code uses, that may be needed as part of the subdivision application; that it states in circumstances where those reports are required, they need to be written reports, prepared by individuals who are, technically qualified to perform such work; that this consistent with Delaware Law, which states that the information provided in professional and expert reports, or as Chapter 99-24 states, technically qualified individuals, is given greater weight than the thought and opinions that exist of laypeople, which the law referred to as the generalized concern of neighbors; that this weighting of opinions and testimony is why there are agency requirements, and written report requirements for subjects like traffic; that the Planning Commission and County Council turn to the traffic engineers at DelDOT for those opinions; that likewise with stormwater management, the Planning Commission and County Council rely upon the experts at the Sussex Conservation District to indicate if stormwater

management is appropriate for the proposed project; the specific to the application, a Soil Feasibility Analysis will be reviewed and approved by DNREC, which is the same process, but a different agency; that previously experts have been invited to give testimony regarding these subjects; that certain unique features of properties and applications require professional expertise, technical qualifications and studies, being the reason for the attendance of Mr. Gangloff, who is a certified professional Soil Scientist with a PhD in Soil Science; that he prepared a DNREC Soils Feasibility in 2019, which was based upon §5.2.2 of the Delaware regulations governing the design, installation, and operation of onsite wastewater treatment and disposal systems, being the system that contains DNREC's standards for how one cites septic systems on a property; that the Soil Feasibility Investigation that was completed for the property determined that the proposed lots would handle full-depth gravity systems; that the conclusions within that report were reviewed by DNREC, with the feasibility confirmed based upon the report; that both the Feasibility Study, as well as DNREC's confirmation of the feasibility are part of the record and included within the project materials; that in 2019, within the USDA Response to the Technical Advisory Committee comments, when describing soils, there is a chart; that the chart contains a field labeled "Septic Filter Field"; that the response from the USDA was that the soils are very limited; that there was also a Soil Feasibility Analysis performed by Accent Environmental, which stated that it was prepared according to DNREC's standards, which determined that full depth gravity systems would work; that those two determinations are 180 degrees apart from each other, with the USDA stating the soils were very limited, and DNREC stating the easiest and best type of septic system would be appropriate; that the Feasibility Report, required by DNREC, through its regulations, requires a qualified soil scientist to complete a field investigation on the ground; that this is the primary difference between the USDA report and the Soil Feasibility Analysis; that the USDA report is a preliminary finding that a person performs at a desk, which has limitations, as it is based on assumptions about the soils that are where the water table depth is located; that they are all assumptions that are based on a broad form mapping; that in contrast, when DNREC requires a Soil Feasibility Analysis, which requires field work and field investigation of the property; that Mr. Gangloff performed a ground sampling and permeability testing that included 36 soil borings, two test pits and six infiltration tests; that the location of these, as well as the determinations are included within the project book materials; that DNREC review and approved the Soil Feasibility Report that was prepared by Accent Environmental, further confirming the report's accuracy in 2019; that as the lots along Burton Road have been developed, they have all been approved for full depth gravity, standard septic systems; that should the Planning Commission act favorably on the application to create 21 lots; that each individual lot will have to perform its own Soils Investigation as one seeks to build on the lot; that the required Soil Feasibility Analysis would include additional soil borings for the area within the lot, and then a summary report would be prepared with a lot survey showing the areas where the septic system would be placed; that this process has been performed for each of the eight lots along Burton Road, which have full depth gravity septic systems; that the project is a low density project; that the design meets the requirements of the Comprehensive Plan, the Zoning Code and the subdivision requirements found within the Chapter 99 of Sussex County Code; that Mr. Hutt requested to submit into the record, proposed Findings and Conditions; that proposed Condition H confirms the 20 foot wide landscape buffer around the perimeter of the community, except for the eastern side, which has a 30 foot

wide landscape buffer to separate the development from the farming activity with a full 50 foot distance between the outer boundary of the entire site where lots would be; that Condition J is a standard condition, being the condition for the Agricultural Use Notice, and also includes a similar hunting notice that would be provided within the governing documents for the community, and based on the information presented, as well as presented in the materials within the project book, the Applicant would request that the Planning Commission approve the standard lot subdivision.

Mr. William (Bill) Gangloff spoke on behalf of the application. Mr. Gangloff stated that he has a bachelor's degree in Biology and Ecology from the University of Delaware (UD); that he has a master's degree in soils from the University of Delaware (UD); that he has his PhD in soils from Colorado State University; that he has been practicing as a private soil consultant in Delaware for over 20 years; that his Class D License No. is 4455, which is the DNREC license for evaluating a site for separate systems; that his certified Professional Soil Scientist License No. is 24747; that Mr. Hutt had covered most of the information he planned to cover; that he agreed with the information provided in Mr. Hutt's presentation, and that Mr. Hutt had correctly stated the standards, the process for obtaining a Soil Feasibility Report, both initially, for the subdivision to be approved, and secondarily for the individual lots, should the subdivision be approved.

Mr. Alan Decktor, with Pennoni, spoke on behalf of the application. Mr. Decktor stated that he agreed with the information and presentation provided by Mr. Hutt in relation to engineering, discussions and meetings with Sussex Conservation District, and the preliminary pre-submittal meeting with DelDOT, as it was stated accurately.

Mr. Collins stated that he had general concerns regarding the road, but other than that, he had no questions.

Mr. Allen stated that it appeared the plan provided parking for two vehicles per lot; that it did not appear that any additional parking was provided on the site, and he questioned where visitors would park when visiting the site.

Mr. Hutt stated that the proposed lots are larger in size; that residents would have longer, more substantial driveways than would be provided within a cluster subdivision, where only one to two vehicles could fit; that it would be unusual in a large lot subdivision to have separate parking areas, particularly when there are no amenities proposed, and if a resident were to have a larger gathering, parking would be provided along their driveway, or along the street frontage of their lot; that the proposed lots are deeper than 7,500 square feet.

Mr. Allen questioned whether the lots were proposed for standard septic, and what the proposed size would be, and questioned if there was plenty of room between lots with the 100-foot width to place a septic.

Madam Chair Wingate questioned the required distance for a septic system from a well.

Mr. Gangloff stated that the sizing of the proposed septic systems would be confirmed at the engineering phase; that septic systems are required to be placed 10 feet off the property boundaries; that there is no specific regulation as to how close together septic systems can be; that in relation to the proposed plan, 20 feet would be plenty of space for the septic systems to function properly, and that septic systems are required to be 100 feet away from any well.

Mr. Hutt stated that a survey is required to be submitted with each individual lot, to make sure the house, the driveway, and all those things are cited properly when they are designing the septic system; that the survey will make sure there is no interference between those various things, and would reflect the location of the well to make sure it is the appropriate distance away.

Madam Chair Wingate stated that Burton Road is very small; that questioned if there was a provision for no parking along Burton Road, allowing for a designated area to be located within the subdivision, as mentioned by the Cape Henlopen School District; that she stated the Planning Commission likes to have emergency access provided; however, the plan did not seem of provide for that, and questioned where the subdivision sign would be placed.

Mr. Hutt stated that the school district did mention that within their response, which was included in the record; that a 60-foot right of way is proposed throughout the community; that with respect to the emergency access, there is no other access; that there is a wide right of way, and that there will be a sign, which he believed is proposed to be placed on the right-hand side when entering, which would be outside of the right of way area.

Mr. Decktor stated that in their coordination with the Cape Henlopen School District, they had requested some parking off the road; that the first section of the internal roadway, having a 60-foot right of way, before tapering down to a 50-foot right of way, there would be room on the ingress side, where three to four spaces could be placed to allow for parents to park at the entrance and avoid blocking the flow in and out of the subdivision.

Ms. Cecchine requested the approximate length of the proposed roadway, if the roadway is proposed to be in excess of 1,000 feet, and if so, she questioned if there would be a provision for an alternative turnaround.

Mr. Decktor stated that, according to his quick calculations, they would likely be close to 1,000 feet; that they will take that into account; that if needed, they will make the required adjustments to provide a turnaround; that the plan had not been to the State Fire Marshal Office, as that is a Sussex County requirement; that the Fire Marshal would require having a turnaround if the road is longer than 300 feet; that the current plan, as designed, would satisfy the Fire Marshal's requirements.

Mr. Whitehouse stated that there have been subdivisions in the past, where the Commission had required a turnaround for every 1,000 feet, and because of the curve provided, it would be achievable with the current plan.

The Commission found that there was no one present who wished to speak in support of the Application, and there were 14 people who wished to speak in opposition to the Application.

Mr. Gynt Grube spoke in opposition to the Application.

Mr. Robert Payton, III, spoke in opposition to the Application.

Mr. Ray Burton spoke in opposition to the Application.

Ms. Stacy Burton-Fowler spoke in opposition to the Application.

Mr. Jacob Fowler spoke in opposition to the Application.

Mr. Mark Payton, Jr. spoke in opposition to the Application.

Mr. James Pride, Sr., expressed his opposition and submitted a written letter for the record.

Mr. Robert Emory spoke in opposition to the Application.

Mr. John Emory spoke in opposition to the Application.

Mr. Jim Payton spoke in opposition to the Application.

Mr. Joshua Weldin spoke in opposition to the Application.

Ms. Yvonne Lallier spoke in opposition to the Application.

Mr. Ruben Donovan spoke in opposition to the Application.

Mr. Nathaniel Wilson spoke 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 2024-03 Tepache Farms. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Recess
6:06 – 6:16

C/U 2483 Andrew Lewandowski

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A ROOFING & SIDING CONTRACTOR BUSINESS WITH INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.92 ACRES, MORE OR LESS. The property is lying the south side of Lewes Georgetown Highway (Rt. 9), approximately 0.32 mile southwest of Park Avenue (S.C.R. 318). 911 Address: 22610 Lewes-Georgetown Highway, Georgetown. Tax Map Parcel: 135-15.00-79.02.

Mr. Whitehouse advised the Commission that submitted into the record were the Staff Analysis Report, the DelDOT Service Level Evaluation Response letter, the Applicant's Conditional Use Site Plan, and the Applicant's Exhibits. Mr. Whitehouse advised the Commission that zero comments had been submitted on behalf of the Application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Mr. Andrew Lewandowski, who was also present. Mr. Hutt stated that the property ownership was changed to Bayside Rt. 9, LLC; that Mr. Andrew Lewandowski was a member of Bayside Rt. 9, LLC, along with his wife; that the Application sought to allow the operation of a roofing and siding contractor construction business, with indoor and outdoor storage; that the business name is Bayside Exteriors; that the property is located at 22610 Lewes Georgetown Highway (Rt. 9); that the property is located just slightly east of Sports at the Beach; that when traveling from the Harbeson area, heading in a westerly direction along Rt. 9, one would come to the traffic signal, located where the Sussex County Association of Realtors is located along Park Avenue; that after that one would pass the antique store named the Tin Roof Trading Post; that just past the antique store, located on the left, would be the subject property; that the Applicant purchased the property in 2018, at which time their parents used the manufactured home located at the front of the property; that the site consists of 6.9 acres; that the family does use the site as a country lot; that there are gardens, an area for goats, a fire pit and several outbuildings for storage on the site; that the nearest intersection to the site is Park Avenue and Rt. 9; that according to the Office of State Planning's State Strategies Map from 2020, the property is located within a Level 2 Investment Area, being a location where investment and policy should support and encourage a wide range of uses; that according to the Future Land Use Map for Sussex County, the site is located within a Developing Area, being one of the seven growth areas in Sussex County; that all along Rt. 9 is designated with a Growth Area, Commercial Area or an Industrial Area; that per the Sussex County Zoning Map, the site is located within the AR-1 (Agricultural Residential) Zoning District, as well as the properties located immediately adjacent to the site; that along Rt. 9 there are many properties located within the CR-1 (Commercial Residential), C-1 (General Commercial), HI-1 (Heavy Industrial), and LI-2 (Light Industrial); that the Staff Memo to the Planning Commission states there are seven Conditional Uses located within a one-mile radius of the site; that the Conditional Uses have been approved for a variety of office, business, and residential uses; that there are no wetlands located on the property; that the property is not located

within a Wellhead Protection or Excellent Groundwater Recharge area; that there are no resources located on the site, as the term is defined in the County Code; that therefore, there are no Resource Buffer Protection Areas; that the site is located outside of the floodplain, as it is located within Flood Zone X on the FEMA Flood Maps; that water is provided through an on-site well; that sewer is provided through an on-site wastewater and disposal system; that a Service Level Evaluation Request was submitted to DelDOT; that the DelDOT Service Level Response indicated that the traffic impact based on the Memorandum of Understanding with Sussex County, would be diminutive, as it would be less than 50 vehicle trips per day; that presently, Bayside Exteriors employs 16 people; that the site is intended to be used for storage of materials and transportation to the job sites; that it is anticipated that there would be one primary person, whose job would be to receive items, and then distribute the items through the County as they are needed; that there could be up to four people working at the site at any one time, to help work through the storage of materials, then distributing it to the various job sites that Bayside Exteriors is working at; that there is no showroom area or client meeting space proposed for the site; that the work is performed at various construction job sites, where they provide roofing and siding services; that as shown on the Site Plan, the entrance is located off Rt. 9; that there is a manufactured home currently existing on the site, along with a barn, an outbuilding, a pole building, a goat pen and fire pit; that the existing buildings are used for storage; that there is an area on the Site Plan for proposed outside storage; that in that area storage containers are proposed to keep materials from the elements; that the gravel area for outside storage has migrated closer to the property line; that the Applicant has proposed a 20 foot setback from the side property line, and the extended gravel will be pushed back; that pursuant to §115-171, Conditional Uses are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare of the County; that because of their nature of their use, and the importance of the relationship to the Comprehensive Plan, Conditional Uses require the exercise of the Planning Commission and the County Council, regarding their location and Site Plan review; that the proposed use is of public character, being similar to the other commercial uses already approved; that Bayside Exteriors is a locate, small business that provides roofing and siding services to residents throughout Sussex County; that the Applicant met with his neighbor to the west, Mr. Bell, owner of Clean Cut Pavers and Pools; that Mr. Bell provided a letter of support for the Application; that the other side of the property is currently wooded and unimproved; that Mr. Hutt request to submit into the record, Findings of Fact and proposed Conditions of Approval for the application; that proposed Condition B refers to outside storage; that the condition states that the outside storage on the site will be required to be shown on the Site Plan; that proposed Condition C indicates where vehicles will be parked and that designated parking spaces will be shown on the Final Site Plan; that proposed Condition D states that the hours of operation would be from 6:00 am until 6:00 pm, Monday through Friday, and from 7:00 am until 3:00 pm on Saturdays; that there will be no Sunday hours; that the Applicant proposed an indirectly illuminated sign of 32 square feet; that service would be provided to the company vehicles on the site; that a private company properly removes the fluids from the site; that all vehicle service would be performed inside a building on the site; that based on the surrounding area, the State Strategies Map, the Comprehensive Plan designation, and the Zoning Code, the Applicant requested the Planning Commission to recommend to County Council that the requested Conditional Use be approved with the proper imposed conditions, and Mr. Hutt

stated that the site, being along Rt. 9, is a good, central location to store materials for Bayside Exteriors, as it is convenient for them to access many areas both east and west, as they perform work for the residents of Sussex County.

Mr. Passwaters questioned whether screened dumpsters on the site would be included in the storage area.

Mr. Hutt stated that there is a dumpster shown on the Site Plan; that, because of the other storage items, it is fairly hidden from view; that one would have to drive into the site to see it; that the dumpster would not be visible from Rt. 9, and that this is what was intended with the proposed Condition.

Madam Chair Wingate questioned the number of employees.

Mr. Hutt stated that for the subject site, there would likely be one full-time employee; that up to four employees could be on site, depending on whether a delivery truck arrived; that the total number of employees for Bayside Exteriors is 16 employees; that those employees may visit the site at various times, however, those 16 employees are not stationed at the subject site, and it would not be the location where the employees begin and end their day, aside from the one mentioned full-time employee.

Mr. Robertson questioned whether the manufactured home would remain on the site and continue to be used as a residence, and he stated that it appeared that the proposed use was somewhat existing currently.

Mr. Hutt stated that the existing manufactured home is proposed to stay to remain as a residence, and the proposed use is currently existing.

The Commission found that no one was 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 2483 Andrew Lewandowski. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

C/U 2500 Sean Vermillion

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A STORAGE BUSINESS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING

IN SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS. The property is lying on the east side of Polly Branch Road (S.C.R. 386), approximately 0.50-mile southeast of the intersection of Roxana Road (Rt. 17). 911 Address: 31459 Polly Branch Road, Selbyville. Tax Map Parcel: 533-17.00-93.03.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the DelDOT Service Level Evaluation Response Letter, the Staff Analysis, and the property deed. Mr. Whitehouse advised the Commission that no comments were received on behalf of the application.

The Commission found that Mr. Sean Vermillion spoke on behalf of his Application. Mr. Vermillion stated that he currently has a storage building on the property; that he had quite a few people ask if they could pay to store their boats in the building on the site; that he wanted to make sure if he allowed the onsite storage, that he did it the correct way; that he can build the building by right, and there are no issues with the setback requirements, however he does require a Conditional Use approval for the proposed use to lease the spaces out; that he is proposing to building a 100' x 32', resulting in a 3,200 square foot building, which would be divided into six different units for lease; that there will be no water or sewer provided to the building, and that he would likely only run electric to the building.

Mr. Allen questioned what is proposed to be stored within the six units.

Mr. Vermillion stated he anticipated mostly boat storage; that he is proposing to build the units 30 feet deep to allow for boat storage, and boat storage was his main target, however, if someone wanted to store furniture, he would be ok with it.

Madam Chair Wingate stated that Mr. Vermillion's application stated his proposed use was for indoor and outdoor storage, and she questioned what would be stored outdoors.

Mr. Vermillion stated that he would not be leasing space for outdoor storage at all; that no one would be allowed to store anything outside; that he also owns the adjacent property, where he has tenants; that he did not want his tenants to have to look at outdoor storage on the site; that he was unsure why he would have put outdoor storage on the application; that currently, he has his personal trailer parked next to the existing building, but that is his personal vehicle and is not placed there for outdoor storage.

Mr. Robertson questioned what the surrounding area was like.

Mr. Vermillion stated that two years ago, it was entirely wooded across the street from the site; that currently it is a brand new residential development; that to the rear of the site is woods; that behind those woods is another residential development; that there is a big storage unit along Rt. 54, and Rt. 20, and that there is not a lot of traffic along Polly Branch Road.

Madam Chair Wingate questioned whether or not Mr. Vermillion wanted a business sign or not.

Mr. Vermillion stated he would want a small sign to advertise his phone number and contact information.

Mr. Whitehouse questioned whether any service repairs would be performed onsite.

Mr. Vermillion stated he would rent the units for storage only; that if he is not on the site, he would not necessarily be able to stop someone from performing repairs; that his lease would be for storage only; that he is from Northern Virginia, and is very familiar with AR-1 property, where if anyone is working on a vehicle in an area that he leases, they would get shut down right away.

Madam Chair Wingate stated that is what would happen in AR-1 within Sussex County if repairs were being performed on the site without property approvals.

Mr. Allen questioned whether the site would be gated or not.

Mr. Vermillion stated that the site would not be gated; that he proposed to leave it open; that it is a common entryway; that he has his personal building on the site as well, and the proposed storage building would be located between his existing building and the house on the adjacent parcel.

That he has had his storage building on the site for a couple of years with no problems; that the tenants located on the adjacent parcel watch over it all, and they would call him right away if there was anything concerning going on at the site.

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 2500 Sean Vermillion. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen, and carried unanimously. Motion carried 4-0.

C/Z 2027 1630 Ventures, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS. The property is lying on the east side of the private lane, Marges Garden Path, and the south side of Milton-Ellendale Highway

(Rt. 16), approximately 0.5 mile east of Gravel Hill Road (Rt. 30). 911 Address: N/A. Tax Map Parcel: 235-14.00-81.00.

Mr. Whitehouse advised the Commission that submitted into the record were the DelDOT Service Level Evaluation Response, the Applicant's property survey, the Applicant's Exhibits, which include a Traffic Analysis and Proposed Findings and Conditions, along with a topographic survey, and the PLUS comments dated April 19, 2022. Mr. Whitehouse advised the Commission that no comments were submitted on behalf of the application.

The Commission found that Mr. Michael Riemann with Becker Morgan spoke on behalf of the Applicant, 1630 Ventures, LLC; that also present was Mr. Kevin Disabatino, of 1630 Ventures, LLC, who is the owner of the property, and Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP. Mr. Riemann stated that the request was for a parcel being approximately five acres, located along Rt. 16; that the site is part of a much larger parcel that 1630 Ventures, LLC owns; that part of the larger parcel is currently going through a Master Plan process, which had already been implemented as Milton Village Apartments, which was approved by Sussex County in June 2024; that a Project Book was submitted containing the PLUS Review, the Artesian Willing to Serve Sewer and Water Letter, traffic studies and Findings of Fact; that the adjacent properties on both sides of the site are within the C-1 (General Commercial) Zoning District; that Mr. Disabatino has owned the property for about 20 years; that one point the parcel was owned by the State of Delaware, and was planned to be an armory, however that proposed use was abandoned many years ago; that he believed this is why the parcel was not brought into the C-1 Commercial Corridor, because the State of Delaware had alternative uses for the property; that the site is located along Rt. 16, being within close proximity to Rt. 30 and Milton Proper; that there are a number of commercial businesses located along Rt. 16; that these businesses include Ironworks, Kemps Liquor Store, and the recently constructed Beebe medical facility which is a phase of the planned project, Milton Village; that also within the area the Food Lion shopping center; that the site is located within close proximity to the municipal jurisdiction of the Town of Milton; that the project is consistent with the ongoing theme that development within the County needs to be located closer to towns, closer to infrastructure and existing services; that Artesian has extended water and sewer directly along the property; that the C-1 (General Commercial) Zoning District is located all along the frontage on both sides of the parcel, and across the street; that the C-1 Zoning District is no longer available for rezoning, and is now a closed district; that the Applicant's request is for C-3 (Heavy Commercial) rezoning, as the Applicant felt it was the most comparable zoning to the C-1 District; that when comparing the Tables for both commercial zonings, they are not identical, but are very similar in terms of the permitted uses; that HR-2 (High Density Residential) is also located adjacent to the site; that the site is located within State Investment Level 1, being an area where the State support investment and policy, encouraging a wide range of uses and densities to promote a variety of transportation options, faster, efficient use of existing public and private investment and enhanced community identity integrity; the according to the Comprehensive Plan, the site is located within the Developing Area, which tend to be areas that are located adjacent to municipalities; that it is expected that these areas would be targeted for growth that according to

the Comprehensive Plan, the C-3 (Heavy Commercial) Zoning District would be an applicable zoning district for the areas defined as Developing Areas; that the Comprehensive Plan goes on to talk about a range of housing types which are appropriate in Developing Areas, including single-family town homes and multi-family; that in selected areas near appropriate intersections, commercial uses should be allowed, and goes on to mention mixed-use development as well; that ultimately, that is what the project ends up becoming when considering the various parcels, and the mixture of zoning with commercial zoning across the frontage and the high density residential located in the back; that even the AR-1 zoning creates an opportunity to create a mixed-use development for the overall track that the Applicant is planning; that the current rezoning request helps the Applicant complete the piece of the puzzle; that the project is located within the DelDOT Milton Transportation Improvement District (TID), which has not been finalized yet; that there was a traffic study performed for the overall development; that if this parcel was not part of the overall development, it would not have required a traffic study; that they anticipate that the site's piece of the project will consist of likely assisted living or medical offices; that the five acres site, by itself, would not generate enough traffic to warrant a traffic study; that a traffic study was performed, as they are planning for the entire tract; that the traffic study was provided within the submitted packet; that within the study, 23 intersections were studied; that there is a new DelDOT roundabout project planned for the intersections of Rt. 16 and Rt. 30; that the project is in the early stages and has not yet been scheduled; that another DelDOT roundabout is planned at the intersection of Sand Hill Road and Rt. 30; that the Applicant's project would be responsible to contributing to the nearby DelDOT projects; that the site is currently in agricultural use, but is surrounded by a mix of residential, agricultural and commercial development; that the entire site is currently agricultural; that the project is located within the future Developing Area, which should anticipate growth and development, including commercial; that the project is located in the developing Milton TID, and a Traffic Study was completed for the project; that the project is located within the State Investment Level 1, where growth is encourage and planned; that there are utilities located directly in front and accessible by the project, and that the project fronts Rt. 16, which is classified as a DelDOT Major Collector road.

Mr. Passwaters requested clarification as to the current zoning of the surrounding properties to the site.

Mr. Riemann stated that the site is currently surrounded by C-1 (General Commercial), HR-1 (High Density Residential), with a small portion of AR-1 (Agricultural Residential).

Mr. Robertson advised the Commission that the application was requesting a zoning change, which does not permit for conditions to be placed; that it is either up, or it is down, and he mentioned that staff should address with Sussex County Geographic Information Office that the State of Delaware label is still shown on the parcel itself, however the owner information was correct as it reflected 1630 Ventures, LLC.

The Commission found that no one was 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/Z 2027 1630 Ventures, LLC. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

PUBLIC COMMENT

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

Meeting adjourned at 6:57 p.m.

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internet at www.sussexcountyde.gov.**
