

MINUTES OF THE REGULAR MEETING OF DECEMBER 10, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, December 10, 2025, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:04 p.m. with Madam Chair Wingate presiding. The following members of the Commission were present: Ms. Holly Wingate, Mr. Bruce Mears, Mr. Scott Collins, Mr. Jeff Allen, and Mr. John Passwaters. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Mrs. Lauren Cecchine – Planning Manager, Mr. Michael Lowrey – Planner III, and Ms. Ashley Paugh – Recording Secretary.

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

Motion by Mr. Mears, seconded by Mr. Collins, to approve the Minutes of the November 19, 2025, Planning and Zoning Commission Meeting as circulated. Motion carried 5-0.

OTHER BUSINESS

2023-01 Anchors Run (Expansion)

Final Subdivision & Landscape Plan

This is a Final Subdivision & Landscape Plan for the establishment of a cluster subdivision to consist of three-hundred and fifty-six (356) single-family lots on a total of 180 acres +/-, private roads, open space, and amenities to include a clubhouse, in-ground pool, pool deck, splash pad, pickleball courts, and cluster mailbox amenity. Specifically, the proposal is to add 91 further lots from the previously approved Subdivision total of two-hundred and sixty-five (265) lots by amending previously approved Phase 5 of the Subdivision and adding a new Phase 6 of the Subdivision. At their meeting of Wednesday, November 20th, 2024, the Planning and Zoning Commission approved the Preliminary Subdivision Plan for the proposal, subject to twenty-two (22) Conditions of Approval. The Final Subdivision & Landscape Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. The property is located on the east side of Beaver Dam Road (S.C.R. 285) and the north side of Conleys Chapel Road (Route 280B). Zoning: AR-1 (Agricultural Residential District). Tax Parcels: 234-6.00-19.00, 20.01, 234-11.00-40.00, 40.01, 40.02 & 40.04. Staff are in receipt of all agency approvals.

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

S-25-56 Ennis Boat & RV (C/U 2484)

Revised Preliminary Site Plan & Landscape Plan– Phase 1 only

This is a Revised Preliminary Site Plan & Landscape Plan for the creation of two (2) proposed structures to include a 9,900 square foot +/- Boat and RV repair facility building, a 2,240 square foot Boat Storage Office and Lawn Care Business (housing 800 square feet of office space and a 1,440 square foot shop (for a total of 12,140 square feet), 37 RV/Boat storage/parking spaces, 5 parking spaces (including 1 ADA accessible space), fencing, required landscape buffers and other site improvements. Staff note that the Site was the subject of a previous Conditional Use Application (Conditional Use No. 2484) filed on behalf of Dick Ennis to allow for a Boat Repair Facility with Outdoor Boat and RV Storage, a Landscape Business, and a Construction Business to be located within a General Residential (GR) District subject to thirteen (13) Conditions of Approval. The Sussex County Council approved the Conditional Use Application at their meeting of Tuesday, June 17th, 2025, and the change was adopted through Ordinance No. 4002. The Applicant has revised the Phasing of the proposed Plans previously submitted for the Conditional Use Approval and would like to reduce Phase 1 to the installation of the landscape buffer, security fence, DelDOT entrance, and bulk grading of the gravel road and parking area previously shown on the Site Plan. The Commission's approval of the proposed Preliminary Site Plan would be for Phase 1 only, with the proposed Storage Office and shop being deferred to Phase 2. Additionally, the Applicant is requesting to defer the dumpster enclosure, septic approval, and lighting components to Phase 2 of the project as well as these are in relation to the proposed Office building. The Applicant has provided a markup document showing the proposed Phasing elements for the Commission's review. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The property is located on the southwest side of Layton Davis Road (S.C.R. 312-A), approximately 0.82-mile southeast of John J. Williams Highway (Route 24). Zoning: GR (General Residential District). Tax Parcel: 234-34.00-53.00. 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 the receipt of all agency approvals.

Ms. Cecchine advised the Commission that Phase 2 is proposed to be brought back before the Commission at a later date, for separate Commission approval, to fulfill the requirement of Condition M of the Conditions of Approval, which require that the Site Plan be subject to the review and approval of the Sussex County Planning & Zoning Commission, and furthermore, staff had included that standard plan which was provided to the Sussex Conservation District (SCD), which was furnished by the Applicant, but she noted that the furnished plan showed none of the proposed improvements permitted by the approved Conditional Use; that in essence, the Applicant is requesting, that as part of Phase 1, to only approve the landscape buffer, the DelDOT entrance, the graveling, the grading of the site, and the fence; that all other improvements, the Applicant is requesting to defer approval for Phase 2, as part of the building and construction portion of the project, being the boat repair facility and the office; that the plan provided to SCD does not reflect

any of the buildings proposed for the site, however, it is her understanding that the plan was for Phase 1 approval only, and she wanted to bring it to the Commission's attention as it will require grading of the site at the time the buildings are constructed.

The Commission further discussed the Revised Preliminary Site Plan & Landscape Plan for Phase 1 only.

Motion by Mr. Mears, seconded by Mr. Allen, and carried unanimously to approve the Revised Preliminary Site Plan and Landscape Plan for Phase 1 only, as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

S-25-70 Salon Simone (C/U 2432)

Preliminary Site Plan

This is a Preliminary Site Plan for a Beauty Salon comprised of (≈900) square feet and within the existing residential structure on the site, which includes parking and landscape plantings. Use as a salon on the Parcel was approved by Sussex County Council at their meeting of Tuesday, August 13, 2024, via Conditional Use (C/U 2432) (Ordinance #3037), subject to eleven (11) Conditions of Approval. The parcel is comprised of 0.56 acre +/- and is located on the east side of Old Landing Road (S.C.R. 274), approximately 0.28 mile south of Warrington Road (S.C.R. 275). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2432). Tax Parcel: 334-12.00-181.03. Zoning: AR-1 (Agricultural-Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Preliminary Site Plan as a preliminary and final. Motion carried 5-0.

S-25-65 Nanticoke Indian Museum

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 1,600 square feet pavilion and proposed 1,600 square feet storage building, and other site improvements. The Preliminary Site Plan complies with the Sussex County Zoning Code. The property is located at the intersection of John J. Williams Highway (Route 24) and Oak Orchard Road (S.C.R. 297). Tax Parcel: 234-29.00-68.00. Zoning: AR-1 (Agricultural-Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

S-25-64 Willows at Northstar – Multifamily (C/U 2499)

Preliminary Site Plan

This is a Preliminary Site Plan for Willows at Northstar - Multifamily to allow for 94 multifamily units (a portion of the project to include units within the State's Workforce Housing Program) to include private roads, open space and related amenities to include a clubhouse with lounge, fitness center and management offices to be located on the first floor of the Building #4 containing 22 units, two (2) bike storage lockers, playground and play area. The project was the subject of a previous Conditional Use Application (Conditional Use No. 2499) filed on behalf of Northstar Property, LLC to allow for multifamily units within a Medium Density Residential (MR) District. The Sussex County Council approved the Conditional Use Application at their meeting of Tuesday, May 25th, 2025, subject to eighteen (18) Conditions of Approval, and the change was adopted through Ordinance No. 3093. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The property is located on the south side of Lewes-Georgetown Highway (Route 9) and the north side of Beaver Dam Road (Route 23), approximately 0.07-mile east of Dairy Farm Road (S.C.R. 261) in Lewes, Delaware. Zoning: Medium Density Residential (MR) District. Tax Parcel: p/o 334-5.00-175.00. Staff are awaiting agency approvals. Additionally, staff had included, with the submitted materials, a copy of the Applicant's Response letter and conveyance plan for the Commission's review and consideration.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

S-25-11 BCB Management, LLC (C/U 2539)

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 7,500 square feet diesel mechanic and parts shop, truck parking, and other site improvements. Use as a diesel mechanic and parts shop with truck parking on the Parcel was approved by Sussex County Council at their meeting of Tuesday, September 17th, 2024, via Conditional Use (C/U 2539) (Ordinance #3046), subject to thirteen (13) Conditions of Approval. The parcel is comprised of 5.457 acres +/- and is located on the northeast side of DuPont Boulevard (Route 113), approximately 0.42 mile south of East Redden Road (S.C.R. 565). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2539). Tax Parcel: 135-6.00-4.00. Zoning: AR-1 (Agricultural-Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan as a preliminary and final. Motion carried 5-0.

S-24-39 Inland Bays Preservation Company, LLC (C/U 2340)

Preliminary Site Plan

This is a Preliminary Site Plan to allow for the establishment of a Water Reclamation Facility to include a 3,343 square foot Administrative & Mechanical Building (designated on the Plans as Building #1), a 3,576 square foot Mechanical Building (designated on the Plans as Building #2), a 663 square foot Headworks Buildings (designated on the Plans as Building #3), a 6,988 square foot open air treatment facility, a generator, landscaping and other associated site improvements. Staff note that the Site was the subject of a Conditional Use Application (Conditional Use No. 2340) filed on behalf of Inland Bays Preservation Company, LLC, to allow for a wastewater reclamation treatment facility to be located within an Agricultural Residential (AR-1) District. The Sussex County Council approved the Application at their meeting of Tuesday, April 18th, 2023, through Ordinance No. 2918, subject to eight (8) conditions. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The Applicant has also submitted elevations of the proposed structure to demonstrate compliance with Condition “E” of the Conditions of Approval, which notes that *“the exterior treatment of the building will be designed with residential-style architectural features and elements.”* The property is located on the northeast side of Banks Road (S.C.R. 298), approximately 400-ft northwest of Green Road (S.C.R. 298A) in Millsboro, Delaware. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 234-24.00-2.04 (previously TMP 234-17.00-170.00). 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 the receipt of all agency approvals.

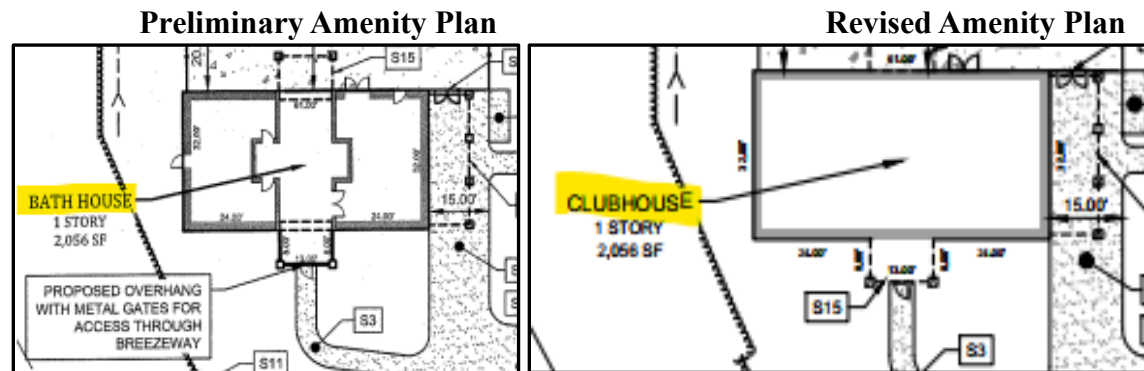
Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

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

Revised Amenities Plan

This is a Revised Amenities Plan for Ballenger Subdivision, a cluster subdivision to consist of one-hundred and six (106) single-family lots, private roads, open space, stormwater management, and associated forested/landscape buffers. The Final Subdivision Plan for the proposal was approved by the Planning and Zoning Commission at their meeting of November 2nd, 2024, and subject to the revision to Condition “C” at the Planning & Zoning Commission’s meeting of May 21st, 2024. A Preliminary Amenities Plan came before the Planning & Zoning Commission at their meeting of Wednesday, September 17th, 2025, and was denied. Condition “L” of the Condition of Approval for Ballenger (2022-26) requires a “clubhouse” as follows:

Condition “L” – “There shall be on-site active and passive amenities including a playground, clubhouse, swimming pool and walking trail. These amenities shall be completed and open to use as required by Section §99-21E of the Subdivision Code.”



The Plan included a ‘bath house’ and the Commission denied the Plan after discussing the Plan’s inclusion of a “Bath House” versus a “Clubhouse”. The Revised Amenities Plan proposes the establishment of a proposed 1,756 +/- square foot in-ground pool, a 2,056 +/- square foot structure relabeled from the previously submitted “Bath House” to “Clubhouse”, 706 +/- square foot tot lot, two pickleball courts, a bocce ball/cornhole field, concrete patio, fencing, and community cluster mailbox. Additionally, Staff requested that the Applicant provide additional details regarding the revision to the subject structure aside from the new “Clubhouse” label. The improvements are to be located within the Ballenger Subdivision on the south side of Hollymount Road (S.C.R. 48), approximately 0.5 miles west of Beaver Dam Road (Route 23 / S.C.R. 285) in Harbeson, Delaware. Tax Parcel: 234-11.00-103.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon the receipt of all agency approvals.

Mr. Lowrey stated that after staff had requested additional details, the Applicant provided a full interior layout of the revised structure, as well as a letter contextualizing the changes to the improvement, and the documents were included within the online materials.

Mr. Whitehouse stated that in discussions regarding the implementation of the adjoining subdivision, staff looked specifically at the provided interconnectivity between the two subdivisions; that the one stub road is supposed to connect to the other stubbed road; that when reviewing the plan, it did not reflect the extent of paving connecting up to the site boundary; that additionally, the sidewalks terminate short of the site boundary; that this may be something the Commission wished to have clarified if the intention was to connect the stub road to the site boundary, and if that were the case the Commission was permitted to make any approval contingent on the interconnectivity being corrected on the Final Site Plan.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to approve the Revised Amenities Plan as a preliminary, with final approval to be given by the staff, subject to the receipt of all agency approvals and interconnectivity being shown on the Final Site Plan. Motion carried 5-0.

Lands of Jacqueline McGrellis

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.10-acres +/-, proposed Lot 2 will consist of 1.10-acres +/-, and the residual lands will consist of 69.60-acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located east of Beaver Dam Road (S.C.R. 285), approximately 0.70 miles south of Kendale Road (Route 287). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-6.00-14.00 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Mr. Mears, seconded by Mr. Passwaters, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-ft easement as a preliminary and final. Motion carried 5-0.

Lands of Robbins Nest Farm Inc.

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus the residual lands with access off an existing 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 2.00-acres +/-, proposed Lot 2 will consist of 2.00-acres +/-, proposed Lot 3 will consist of 18.86-acres +/-, proposed Lot 4 will consist of 14.30-acres +/-, and the residual lands will consist of 88.76-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located at the northwest intersection of VFW Road (S.C.R. 607) and Sammons Road (S.C.R. 606). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. The proposal is also part of the Robbins Nest Expansion Agricultural Easement. Tax Parcel: 230-34.00-3.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that 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 receipt of all agency approvals. Motion carried 5-0.

Lands of True North Property Partners

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.542-acre +/-, proposed Lot 2 will consist of 0.584-acre +/-, proposed Lot 3 will consist of 0.599-acre +/-, and the residual lands will consist of 1.163-acres +/- A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the west side of Cemetery Road (S.C.R. 232B). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 230-27.00-22.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that 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 receipt of all agency approvals. Motion carried 5-0.

Lands of Valparaiso Properties, LLC

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off an existing 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.978 acres, and the residual lands will consist of 10.4664 acres +/- A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the west side of Bunny Lane off Concord Road (Route 20). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 132-2.00-327.00 Zoning: GR (General Residential 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. Passwaters, and carried unanimously to approve the Minor Subdivision Plan off an existing 50-ft easement as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

Lands of Yoder Properties LLC.

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.268-acres +/-, proposed Lot 2 will consist of 0.861-acres +/-, proposed Lot 3 will consist of 0.753-acres +/-, proposed Lot 4 will consist of 0.824-acres +/-, and the residual lands will consist of 0.784-acres +/- A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located north of Shawnee Road (S.C.R. 36) and west of Memory Road

(S.C.R. 613). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-1.00-11.09 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting 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 Minor Subdivision Plan off a proposed 30 ft easement as a preliminary, with final approval to be given by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

OLD BUSINESS

ORD 25-02

AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT.

The Commission discussed the application, which had been deferred since November 19, 2025, at which time the record was open until close of business on Friday, December 5, 2025, to allow for the receipt of written comments from the Sussex Conservation District.

Mr. Mears advised the Commission that he had reviewed the record and listened to the audio for the application and, therefore, was prepared to vote on the application.

Mr. Allen moved that the Commission recommend that County Council give further consideration of Ordinance No. 25-02, amending Chapter 90 and portions of Chapters 99 and 115 regarding sediment control and stormwater management. This should include further coordination with the Sussex Conservation District regarding the proposed Ordinance. If this ordinance is favorably acted upon by County Council, this motion also includes several recommended revisions that were suggested by County Staff during the Commission's public hearing. The reasons for this motion are as follows:

1. Sussex County has been experiencing more frequent storms that have resulted in limited failures under the existing sediment and erosion control measures.
2. I am concerned that many of these failures occurred on properties that were approved before our recent Resource Buffer Ordinance was enacted, or within developments that were not subject to the requirements of those newer requirements. These events should be studied to determine if they would have occurred under the newer design requirements.

3. It remains unclear to me whether the prior drainage and stormwater design failures require amendments to the existing code, or whether they require better enforcement of the existing state and county requirements by the County and the Conservation District. If this is truly an enforcement issue, then that should be improved instead of adding additional regulations that will still be subject to the same level of enforcement.
4. For all of these reasons, it is my recommendation that County Council delay acting on this Ordinance so that the County and the Sussex Conservation District can cooperatively look at the root cause of the prior failures to determine whether these can be avoided through better enforcement of existing regulations- including any improved coordination of such enforcement efforts between the District and the County. Additionally, if this is more than just an enforcement issue, these groups should cooperate to determine whether the County or the District is best suited to improve its regulations to address the issue.
5. In the event that Council ultimately adopts this ordinance or a modified version of it, at the recommendation of County Staff, this Ordinance can be improved with revisions, listed by Section and Line Numbers, as follows:
 - a. Section 3, Lines 98 through 100 regarding §90-8.A:
 - i. Delete “(s)” after “slope” at line 98.
 - ii. Replace “all” with “each” at line 99.
 - iii. Remove “s” from “area” and delete “or points” from Line 100.
 - b. Section 3, Lines 113 through 116 regarding §90-8.B:
 - i. Replace “advise” with “recommend to” at line 113.
 - ii. Add “(s)” at the end of “practice” at line 115.
 - iii. Replace “must” with “may” at line 116.
 - c. Section 4, Lines 129 through 131 regarding §90-9.B:
 - i. Add “in the form of overland flow” between “parcels” and “the Conveyance Event” at line 129.
 - ii. With this amendment, this Section will now state, *“In the case of discharges at property lines onto adjacent parcels in the form of overland flow, the Conveyance Event as defined in 7 Del. Admin. C. §5101, must have no post-development runoff volume increase greater than 5%.”*
 - d. Section 6, Lines 167 through 168 and Section 14, Lines 370 through 371 regarding the definition of “Bulk Grading Plan contained in §99-5 and §115-4:
 - i. Insert “managed” before “off-site discharges” at lines 167 and 370.
 - ii. Replace “into” with “onto” at lines 168 and 371.

- iii. With this amendment, the inserted language in both §99-5 and §115-4 will now state, *“that none of managed off-site discharges are directed onto existing adjacent residential development lots”*.

e. Section 9, Line 192 regarding Section §99-7.A:

- i. Insert “Recommendations” after “Sediment Capture Selection” so that it now refers to *“Sediment Capture Selection Recommendations”*.

Motion by Mr. Allen, seconded by Mr. Mears, and carried unanimously to recommend approval of ORD 25-02 to amend Chapter 90 and portions of Chapters 99 and 115 regarding sediment control and stormwater management, for the reasons and the proposed revisions stated in the motion. Motion carried 5-0.

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

C/U 2586 Preston & Mason Dyer

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS. The properties are lying on the southwest side of Coastal Highway (Rt. 1), approximately 0.70 mile north of Broadkill Road (Rt. 16). 911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton. Tax Map Parcels: 235-8.00-35.02 & 35.03 (P/O).

The Commission discussed the application, which had been deferred since November 19, 2025.

Mr. Mears advised the Commission that he had reviewed the record and listened to the audio for the application and, therefore, was prepared to vote on the application.

Mr. Passwaters moved that the Commission recommend approval for the small expansion of an existing campground based upon the record made at the public hearing and for the following reasons:

1. Conditional Use No. 705 was approved in 1982 for 150 campsites for overnight mobile campers, tents, camp trailers, touring vans, and the like. The campground was improved to have campsites, cabins, central water and wastewater, a camp store and office, an inground swimming pool, bathhouses, playground, maintenance yard, chapel, and other similar features. The campground has been operating for the past 43 years.
2. This application seeks to add two properties to the existing Conditional Use. One of the properties includes a dwelling, and the other includes a portion of the septic system that serves the existing campground.

3. The existing campground is immediately adjacent to a property that is zoned C-1 (General Commercial), which was part of an application for a Senior Care Facility that was recently approved. The approved site plans for that use forced the removal of the campground's clubhouse, office, and swimming pool. The addition of the additional two parcels that are the subject of this application will add those uses back into the campground.
4. The addition of these two parcels will not materially increase the total area of the campground, as it was approved in 1982.
5. The replacement of the removed uses on these new additional parcels is consistent with the campground requirements set forth in Section 115-172H of the Sussex County Zoning Code.
6. This application will not alter the character of the surrounding area or adversely affect neighboring properties or roadways. DelDOT has stated that these additional parcels will have a "diminutive" impact on area roadways. The use is just a continuation of the longstanding operation of the campground.
7. These additional properties will have access through the existing campground access to Zion Church Road.
8. The one-acre portion of Parcel 35.03 that is a part of this application lies within an excellent groundwater recharge area. Any disturbance within this portion of the property will be required to follow the criteria contained in Chapter 89 of the Sussex County Code regarding Source Water Protection.
9. This recommendation is subject to the following conditions:
 - A. Conditional Use No. 705 shall remain in effect for the entire campground and for Parcel No. 35.03 except as specifically modified by these conditions.
 - B. These additional properties shall be used as (1) a campground for mobile campers, recreational vehicles, tents, camp trailers, and touring vans consistent with the adjacent approved campground; (2) a residence and/or office for the campground manager; (3) a meeting area and small retail businesses, clubhouse and pool intended primarily for occupants of the campground; and (4) utilities as needed and necessary for the safe operation of the campground.
 - C. One lighted on-premises sign, not to exceed 32 square feet of sign area per side, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
 - D. All security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - E. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements. In addition, and subject to the coordination and approval of DelDOT, the existing driveway from the subject property to Route 1 shall remain available for emergency use and access via a Knox Box or similar form of restrictive access. This driveway entrance shall remain locked and shall not be used by the public for access to or from the campground except in cases of emergency. This restricted entrance shall be noted on the Final Site Plan and with signage on the site itself.

- F. All trash and recycling containers shall be screened from view of the adjacent properties and area roadways.
- G. A permanent opaque fence of at least 6 feet in height shall be erected and maintained all the common boundary with Parcel No. 35.09 to provide a visual screen and buffer between the two properties. The location and type of fencing shall be shown on the Final Site Plan.
- H. A violation of these conditions may result in the termination of this conditional use.
- I. The Final Site Plan showing this additional area and incorporating the entire existing campground shall be subject to the review and approval of the Planning and Zoning Commission.

Mr. Robertson advised the Commission, for additional clarification, that regarding Condition I, which required a Final Site Plan showing the additional area and incorporating the entire existing campground for the Planning & Zoning Commission's review; that the intention of the Condition is not to need to go back to revisit the prior existing campground, as it had been in existence for 40 years; that intention behind the Condition is to require one comprehensive Site Plan, which would include everything, to remain on file with the staff and the Planning & Zoning Department, and he wanted to avoid any misconceptions that the condition is allowing the entire campground to be opened up as a result of the condition.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2586 Preston & Mason Dyer, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PUBLIC HEARINGS

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

C/U 2509 Juan Edward Johnson

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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Property Survey, the Preliminary Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service

Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no written public comments had been received for the application.

The Commission found that Mr. Juan Johnson spoke on behalf of his application. Mr. Johnson stated that he purchased the office because it was located a half mile down the road from his grandparents' home, where he grew up; that he wanted to remain in his home area, so he had the ability to give back to his community; that it turned out, that his proposed service was something needed in the area; that currently there are five to six banks and two grocery stores, located within a two mile radius of the site; that he is an insurance agent; that he was surprised at how much the service was needed, that they had a State Farm Insurance office located in Millsboro, close to the Town of Millsboro; that there was another office located on the other side of the Town of Millsboro, near Plantation Lakes; that the Long Neck and Oak Orchard areas of Millsboro had no representation for any insurance agency; that the area consist of many retired people; that there are still people within the community that want to deliver a check to their State Farm office, discuss concerns in person, or simply talk to someone; that he is proposing an office that would be convenient for them; that the majority, approximately 95%, of his business is provided online, and they perform a lot of video chats with their customers, however, they still want to be there for those customers who want to walk through the doors to a person.

Mr. Mears questioned the number of employees for the business and the approximate average number of customers who visit the site in a week.

Mr. Johson stated that there are eight employees, which includes his wife, and the average number of customers who come to the site is approximately three to six per day.

Madam Chair Wingate questioned the hours of operation and whether a sign is needed.

Mr. Johnson stated that his team arrives at the site at 8:30 am, the office is only open to the public from 9:00 am until 5:00 pm, Monday through Friday, with occasional Saturday appointments as needed, from 10:00 am until 12:00 pm, and that he would like to have permission for a business sign.

Mr. Robertson requested additional information regarding the surrounding area, community neighborhood, and nearby businesses, and if Mr. Johnson felt his proposed use was consistent with surrounding uses or if it would adversely affect neighboring and adjacent properties.

Mr. Johnson stated that the American Legion is straight across the street from the site; that there is a fence company, who had been in business for the last 30 years, located adjacent to the site; that there is a construction business located across the street; that may of the business owners are his

customers; that there is a gentleman who does metal work down the road from the site; that about a quarter mile down from the site is the location of Plaza Mexico Restaurant, Harris Teeter, and Royal Farms, and there is a storage unit company located in between the site and Royal Farms.

Mr. Johnson stated there are no other insurance agency companies in the area, but his proposed use was consistent with the multiple other commercial businesses located along Rt. 24 (John J Williams Highway), and there are more commercial properties than residential properties located within the surrounding area of the site.

Mr. Robertson questioned whether the building was a residential home, which was recently converted into a commercial office.

Mr. Johnson stated yes and that the previous residential dwelling belonged to his cousin.

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 2509 Juan Edward Johnson. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

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

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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibits, the Applicant's Master Plan & Revised Master Plan, the Preliminary Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response letter. Mr. Whitehouse

advised the Commission that three public comment letters had been received and were included within the paperless packet.

The Commission found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Springpoint at Lewes, Inc.; that also present were Mr. Garrett Midgett, Senior Vice President, Treasurer and Chief Financial Officer of Springpoint at Lewes Inc., Mr. Michael Locurcio, Corporate Director of Project Planning & Facilities Management, Mr. James (Jimmy) Tavormina, Vice President of Operations, and Mr. Steven Fortunato, P.E. with Bohler. Ms. Peet stated that the Applicant proposes an amendment to the Comprehensive Zoning Map of Sussex County, Delaware, for the property located on the northern side of Gills Neck Road, the southern side of East Cadbury Circle, and east of Kings Highway; that property is identified as Tax Map Parcel No. 335-8.00-43.01; that specifically, the Applicant seeks to change the designation from an MR-RPC (Medium Density Residential – Residential Planned Community) to an MR-RPC (Medium Density Residential – Residential Planned Community), with the objective of increasing the total number of units to 273 for a net gain of 56 units, adding new amenities, expanding the community center, and permitting the total number of units within the healthcare center as 85 units; that there is a discrepancy in some of the land use history, which she would later discuss, relating to the number of units located within the healthcare center; that additionally, in connection with the request, the Applicant's proposing amendments to the Conditions of Approval for C/Z 1528, which was approved under Ordinance No. 1679 and C/Z 1753, which was approved under Ordinance No. 2361; that the need for improvements and facilities is evident; that the demand for senior living and care facilities in the County is on the rise, which is driven by demographic trends and the increasing need for specialized care options for an aging population; that several key indicators illustrate the growing demand in the area, and specifically at The Moorings at Lewes; that an example of this is that prospective residents currently wait 12 to 18 months for units, and currently there are 61 households that are waitlisted for existing apartments, and 24 households waitlisted for new cottages and/or apartment; that the Applicant submitted their application materials 10 days in advance of the hearing; that the application was filed last year in 2024; that the submitted Exhibit Booklet included 20 exhibits; that the much of the land has currently been developed; that previously the property had existed within the AR-1 (Agricultural Residential) Zoning District, in relation to the two prior MR-RPC approval requests; that historically, the lands had been agricultural lands; that as part of the approval of C/Z 1528, there was a MR-RPC approval for a total of 95.2 acres, with Parcel A, for the retirement community, which was previously known as Cadbury; that the retirement community is now referred to as The Moorings at Lewes; that Parcel B was approved for a residential development, now known as Breakwater; that the prior Ordinances were included within the submitted record; that on April 5, 2014, the Sussex County Council approved C/Z 1753 by the adoption of Ordinance No. 2361, which expanded Cadbury at Lewes by five acres, to allow for an additional 32 units, bringing the total number of units to 215; that currently there are 217 units, being two units in excess of what was actually permitted; that

when Springpoint acquired Cadbury at Lewes, they inherited one additional unit in the healthcare center; that there was one unit thereafter, which was split in two, as the existing resident wanted a smaller accommodation; that there are currently two units in excess of the 215 number; that ultimately, if the application were approved, the number of excess units would be part of the requested approval; that The Moorings at Lewes, previously known as Cadbury at Lewes, is a life plan community in Sussex County, located near the City of Lewes; that it is a continuing care retirement community (known as CCRC), which offers independent living, assisted living, memory care, skilled nursing, and rehabilitation services; that The Moorings at Lewes is owned and operated by the Applicant; that surrounding uses include area such as Henlopen Gardens, The Lodge, which was recently approved for senior living, Showfield, Jefferson Apartments, Hawkseye, Mitchell's Corner, Governors, and Senators, which are all residential; that there are nearby commercial uses consisting of Lane Builders, Big Oyster Brewery, and across the street from Cape Henlopen High School; that the project consists of approximately 37.97 acres; that the site is zoned MR (Medium Density Residential) with an RPC (Residential Planned Community) overlay; that surrounding properties are zoned similarly, being AR-1 (Agricultural Residential), CR-1 (Commercial Residential), C-1 (General Commercial), C-2 (Medium Commercial), C-3 (Heavy Commercial) and B-1 (Neighborhood Business); that the site is located within the Coastal Area according to the Future Land Use Map; that the Coastal Area is a designated Growth Area; that the site is located within Investment Level 1, and therefore the development is considered consistent with the State Strategies for State Policies and Spending Map; that water is currently provided by Tidewater; that sanitary sewer is currently provided by Sussex County; that electric is provided by Delaware Electric Cooperative; that DelDOT reviewed and completed their Service Level Evaluation, which confirmed the traffic impact of the proposed 56 unit increase, as having a negligible impact, and therefore no TIS (Traffic Impact Study) was required; that the existing entrance and right of way improvements along Gills Neck Road will continue to serve the community; that there is a requirement for a new left turn lane with a shared use path as well; that the project is not located within a Wellhead Protection Area; that there are no wetlands or resources located on the site; that overall, the total increase would be for 273 units; that four single cottages would be removed; that two duplexes, consisting of four units would be removed; that 21 single unit cottages are proposed, as well as 43 apartment units; that the proposed additional units would result in a net increase of 56 units; that the revised total would be 40 duplex units, 21 single cottage units, and 127 multi-family units, along with the 85 healthcare center rooms; that there is no phasing planned for the project, however, there are some residents required to be relocated; that some of those residents were present for the current hearing; that a total of eight families are required to be relocated; that six of the eight families had their relocation finalized and accommodations have been set up; that ongoing discussions continue with the other two families, regarding where they will be relocated, if at all within the community; that her client is currently working through that issue; that one of the cottages will specifically be started first to accommodate a relocation of an existing resident to that space; that the intent is for her client to

start with cottage construction in the back of the community, and then continue simultaneously, with the rest of the development being the cottages, apartments units and other amenity improvements; that proposed amenities will include pickleball courts, bocci courts, dog park, and pool area; that regarding the healthcare center, there is not an increase in bed capacity, but there will be an improvement to the assisted living dining room, activity room, along with a skilled therapy gymnasium; that existing stormwater infrastructure will continue to serve the community, however, there is a required improvement for an infiltration basin; that otherwise, the existing infrastructure will serve the community; that Ms. Peet provided a sample presentation and renderings, which had previously been provided to the current residents; that the purpose of the MR (Medium Density Residential) District is to provide for medium density residential development, in areas that are or are expected to become generally urban in character, where sanitary sewer and public water supplies will be available at the time of construction; that the application is consistent with the stated purpose; that the proposed density complies with the underlying MR (Medium Density Residential) density; that the RPC (Residential Planned Community) District overlay, encourages large scale developments to create a superior living environment through unified development, while protecting existing and future developments, while achieving the goals of the Comprehensive Plan; that the application is consistent with that stated purpose; that the development is located within the Coastal Area on the Future Land Use Map, which is designed as a Growth Area; that the Comprehensive Plan states that the Coastal Area can accommodate development, provided special environmental concerns are addressed; that a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that retail and office uses are also considered appropriate, but larger shopping centers should be located with access on arterial roads; that appropriate mixed-use development should be allowed; that medium and higher densities of four to 12 units per acre can be suitable at locations with central water and sewer, when located near employment centers, when in character with the area, and located along main roads; that both central public water and sewer are provided to the site, currently serving, and will continue to serve the community; that the location is in an area with more urban than rural characteristics, surrounded by numerous existing residential developments; that Mitchell's Corner is located adjacent to the site, and currently under construction; that small and large businesses and public uses are located within close proximity to site; that the property is located in close proximity to Beebe Hospital, and other medical services; that the site fronts along Gills Neck Road, and is near Kings Highway, being within close proximity to Route 1, Five Points, and the City of Lewes; that for these reasons, the proposed amendments to the MR-RPC meet the purpose of the Zoning Ordinance, and the Comprehensive Plan by promoting the orderly growth of the County, in an appropriate location; that the Applicant met and complies with the PLUS requirements, the Staff Review Response requirements, the Chapter 99-9C requirements, as well as the Coastal Area Environmental Assessment and Public Facilities (EAPFR); that the report was included within the presentation packet; that the Applicant also proposed Conditions of Approval and Findings of Fact, which can be found within the submitted exhibit book; that the Applicant is

primarily looking to increase the number of units to 273, which is reflected on the submitted Site Plan, consisting of 21 single-family detached dwellings, 20 single-family attached duplexes, 127 multi-family apartment units, and 85 healthcare center rooms; that they proposed updated construction site work and delivery hours, to become more consistent with what Sussex County would require currently; that there is currently a requirement for a 30 foot buffer to run between the site and the Breakwater development; that the Applicant seeks to reduce the buffer to 20 feet, regarding two separate locations specifically; that with respect to the buffer between the site and Mitchell's Corner, the buffer had been set at 30 feet; that this was when Mitchell's Corner existed as an agricultural parcel, and also at the time it was within agricultural preservation; that the Applicant is seeing to reduce the buffer to 20 feet, which would be consistent with the current Mitchell's Corner buffer of 20 feet; that a nearby resident, Mr. Joseph Pika, submitted a letter requesting additional screening; that after discussions with her client, they are proposing the reduced buffer from 30 feet to 20 feet, but also a single row of evergreens, to provide additional screening; that the proposal was not included within the drafted conditions, but is something the Applicant is willing to agree to and something they would reflected on the updated plan before County Council; that she was aware that Mr. Paul Enterline, Esq. was present on behalf of the owners of Cottage No. 31; that she wanted to be transparent about the fact that the announcement of the redevelopment plans did not align with the Applicant's intentions; that they genuinely meant to inform residents about the plans, before filing their PLUS application; that her client did not receive good advice about the public nature of the PLUS comments; that her Applicant filed the PLUS comments, in an attempt to gain information about what issues may exist, before formally filing an application; that ultimately, the information was publicized, which led to an article in the Cape Gazette, which unfortunately, became the method the residents first became informed; that recognizing his missteps, the Applicant promptly organized a meeting with the community, and has since prioritized transparency and public engagement; that it is worth mentioning, in 2022, there were surveys and general discussions with residents about what might be of interest to residents, regarding improving the common area spaces, but not specific to the units; that the Applicant has made substantial efforts to include all residents in the process; that an official announcement was made following the Cape Gazette article, with initial notifications sent to residents about plans for expansion; that the initial meeting was January 2024; that four town hall meetings have been held since, with the most recent meeting being held in April 2025; that meetings were attended by either the Director of Development Services, the Vice President of Operations or the Chief Financial Officer for Springpoint at Lewes, Inc.; that informative materials, including Q&A materials have been shared in-person and electronically, with residents and a dedicated website had been established as well; that additionally, there is an ad hoc committee of residents that meet more regularly regarding specifics to the discussion of renovation and expansion, which Mr. Michael Locurcio, Corporate Director of Project Planning & Facilities Management, actively attends and participates in those meetings; that these initiatives reflect the Applicant's commitment to open communication and collaboration throughout the process; that

she had spoken Mr. Paul Enterline, Esq., who represents the owners of Cottage No. 31, regarding the his client's concerns; that she was hopeful that they could come up with a constructive resolution, and they had 87 individuals, including residents and staff of The Moorings, who have signed a petition in support, which was submitted and included within the record

Madam Chair Wingate questioned how the number of units was increased with the number of building permits, and how the unit was simply split.

Ms. Peet stated that they split internally, that they caught the issue as part of the current application's review, and would need to be corrected.

Mr. Robertson stated he questioned if, when the unit was split, a building permit was pulled, since it was performed internally; that if the application were to get approved, it would remedy the issue; however, if the application were denied, the number of units would be required to return to 215 units.

Mr. Collins stated that despite the letter from DelDOT, there is always concern regarding traffic when adding residential units, even in an area that is within a Developing Area, and expected to grow, especially as folks struggle to see DelDOT complete projects which have long been anticipated; that he questioned if there was any phasing that could be introduced in the plan, to require some part of the plan to be contingent on DelDOT completing some of the work they are expected to complete in the area.

Ms. Peet stated that phasing was not a topic they had explored or considered, as the application only proposes an addition of 56 units; that they would certainly consider the idea, and try to work through with discussions with their traffic engineer, who was not currently present, but to answer the question directly, no, it had not been considered.

Madam Chair Wingate stated she was unsure how phasing would work with the placement of multi-family; that she questioned if the Applicant was still continuing to work with the two residents that had not been relocated, if the developer's plan was to place the residents into newer places, or the places they had agreed to move to as first priority, while attempting to accommodate the residents according to their needs.

Ms. Peet stated that four of the eight residents had already been relocated.

The Commission found that Mr. Garrett Midgett, Chief Financial Officer, spoke on behalf of the application. Mr. Garrett stated that of the eight individuals or families, four of them had already been relocated into places that they had selected; that they had moved them recently; that the have

another family moving this week, and another moving in January 2026, resulting in six of the eight currently being relocated; that they are in current discussions with another family, who have picked a relocation area in the cul-de-sac area, but they had not signed the agreement; that there was an additional family who they have been in conversations with, however, they are not as far along as they would like to be; that he is doing his best to accommodate them and their needs; that he had spoke to the family two years ago when the Cape Gazette article first came out; that it was it was his fault for not realizing that the information coming out was regarding upgrades to the campus, but not specifically to the cottage units required to be removed in order to build the new apartment buildings; that this was very unfortunate; that they have been moving along with all the residents; that they have provided them with paid costs of moving, provided upgrades to the apartments they are relocating to; that the residents were told that they would get similar accommodation or better than what they have now, and they have stood by that statement; that the idea is to build those new cottages; that they would start at the cul-de-sac first, build it, and then they could relocate the residents, then move over to the apartment buildings, then the common space, and then continue the build out of the cottages from there.

Mr. Allen questioned whether the units were resident-owned or rentals.

Mr. Midgett stated that they are renters, and they have a Resident of Care Agreement, but they pay a monthly service fee and an entrance fee.

Ms. Peet stated for clarification that the units are not governed by Landlord Tenant Codes specifically.

Mr. Robertson requested clarification regarding the proposed row of trees, and stated that if the Application were approved, the proposed Evergreen trees would need to be shown on a Landscape Plan.

Ms. Peet stated they are proposing Evergreen trees, specifically something that could provide screening; that they would gather more information regarding that proposal between the current hearing and the future public hearing before the County Council, and the proposed row of Evergreen trees would be reflected on an updated Site Plan.

Mr. Robertson stated that the Commission had previously dealt with pickleball courts with previous applications; that he anticipated the proposed pickleball courts being an issue in the future, as their proposed location is located adjacent to the Breakwater development; that he suspected that the noise could become an issue operationally for the Applicant's group, which would lead to complaints to Sussex County; that he fully supported recreational amenities; that the amenities proposed appeared appropriate for the proposed development, and questioned if any

thought had been given to the placement of the amenities elsewhere, possibly closer to Gills Neck Road.

Ms. Peet stated that she and the Applicant would look into Mr. Robertson's suggestion before their public hearing before the County Council.

Mr. Midgett stated that they had previous conversations regarding pickleball courts that offer a different ball type and a quieter paddle.

The Commission found that one person was present to speak in support of the application, one person was present in opposition, and one person was present to provide a neutral comment to the application.

Mr. Donald Smith, resident of The Moorings, spoke in support of the application. Mr. Smith stated that he currently served on The Moorings ad hoc expansion committee; that he understood the need to keep up with competition within the marketplace, and he supported the expansion and the proposed use of the greenspace, and he felt Mr. Michael Locurcio for being very transparent with the residents, while working with them on things that they wanted to see within The Moorings.

The Commission found that Mr. Paul Enterline, Esq. spoke in opposition to the application, on behalf of the occupants of Cottage No. 31. Mr. Enterline stated Cottage No. 31 is one of the cottages proposed to be demolished, requiring the residents to be relocated; that the proposal had been exceptionally stressful for his clients, as they are 90 and 85 years old; that his clients were concerned about an incremental approach in an attempt to not be completely transparent; that his clients have concern about a corporate culture or style that may be manifesting; that his clients felt they were victims of a bait and switch, as what was advertised is now being changed; that the agreement his clients signed does not mention any provision for destroying the unit; that his clients had concerns regarding the increase in density which would impact roads, infrastructure and the environment; that when increasing the elder population, there needs to be an increase in the population who can service their needs; that his clients did not feel that the public notice provided by Sussex County was transparent; that there was a letter, written by the Planning & Zoning staff, dated October 30, 2024, which specified exactly what was proposed, however, the legal notices sent out to the public did not contain that level of detail, and requested that the Commission take into consideration his clients concerns.

Mr. Whitehouse advised the Commission that the application was noticed in accordance with the Delaware Code; that there is no duty on the staff to provide the public with physical copies of text and maps, which would create a very large bundle to provide to every member of the public; that rather, staff send a postcard detailing the hearing dates, times, and location, as well as the short

title, as introduced by the Sussex County Council, along with very specific words, text and maps relating to the application; that the large property posting sign contained this information, along with an aerial map, and a QR Code to provide direct access to the application's online website, containing all application documents, and that staff do not provide all application documents by mail as part of the noticing process, as the public is required to make their own inquiries beyond that.

Mr. Enterline stated that the staff letter, dated October 30, 2024, contains a brief description of what was being proposed, and he asked why that description could not be included within the public notice documents.

Ms. Peet stated that she believed Mr. Enterline was referring to the Staff Review Letter prepared on October 30, 2024.

Mr. Whitehouse stated that the technical review document, known as the Staff Analysis or Staff Review Letter, lives within the application file and does not go out to residents; that the analysis is not a legal notice; that academically, the Planning staff could place that level of detail into a notice, however that level of detail is not provided within any jurisdiction in Delaware, and had not been provided within Sussex County's jurisdiction in the past; that the requested level of detail to be placed within a legal advertisement would create an advertisement that is colossal in terms of the number of words and letters within the advertisement, and therefore it is not Sussex County's standard practice.

Mr. Mears questioned Mr. Robertson if how a corporation operates or how a corporation staffs its facilities would be relevant to the current application.

Mr. Robertson stated no, but stated that he wanted to acknowledge the importance of it to the members of the public, as well as the Commission; that essentially, it is not relevant to the application in the terms of land use; that the Commission may only consider what is appropriate for land use in terms of property, compliance with the Zoning Code, while protecting the adjacent properties around the subject parcel; that the Commission is not permitted to engage in contractual disputes or negotiations either; that he did appreciate that the topic is an important consideration of the folks in the audience; that he hoped that the Applicant and the residents of The Moorings would be able to work something out, separate and apart from what the Commission must decide on from a land use perspective.

The Commission found that Ms. Vicki Littell, resident of Cottage No. 42 within The Moorings, provided a neutral comment on the application. Ms. Littell stated she had more of a clarification statement; that Mr. Midgett had previously stated that she was to be relocated to the cul-de-sac,

however, that is not the location they had planned to relocate to, and she questioned the number of cottages, as there are 21 proposed new cottages, along with 40 existing cottages.

Mr. Midgett stated that the cul-de-sac location was his impression and understanding, and he apologized for any misunderstanding.

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 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

PUBLIC COMMENT

The Commission found that Ms. Vicki Littell, a resident of The Moorings in Lewes, spoke in appreciation of the Planning Commission and the Planning & Zoning staff, for their cooperation, helpfulness, and explanation of the information and process.

ADDITIONAL BUSINESS

Mr. Robertson requested that in the first or second Commission meeting in January 2026, staff place Rule Amendments on an agenda; that one amendment will relate to the deadline for submitting information; that another amendment will relate to the method of which application presentations are submitted, and when submissions must occur, and who will be responsible for driving their own PowerPoint presentations, and that many of these amendments are a result of the Sussex County IT (Information Technology) Department's increased security measures.

Meeting adjourned at 4:57 p.m.

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