

## MINUTES OF THE REGULAR MEETING OF MARCH 18, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, March 18, 2026, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

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

Mr. Whitehouse advised the Commission and the members of the public that the meeting agenda had been revised to remove the scheduled public hearings for 2024-08 Frog Farm, C/U 2554 E. Johnson Holdings, LLC, and C/U 2555 Bittersweet Investments, LLC, due to a public notification publication error, and that the public hearings would be re-scheduled and re-noticed for the re-scheduled date.

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

Motion by Mr. Collins, seconded by Mr. Passwaters, to approve the Minutes of February 18, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 5-0.

## OTHER BUSINESS

### **2023-14 Northstar Property, LLC**

#### Revised Preliminary Subdivision Plan

This is a Revised Preliminary Site Plan for the creation of seven-hundred and fifty-eight (758) single-family lots utilizing the cluster subdivision option, private roads, open space and related amenities. Specifically, the Plans are being brought before the Commission to determine whether the newly submitted Plans comply with the Conditions of Approval, especially with regard to Condition “B” of the Conditions of Approval which required the removal of the connection between Roads “E” and “B” and whether the reconfiguration of lots meets this Condition in terms of the requirement that *“the current location of Lots 202, 203 & 221-225 shall be eliminated.”* The Applicant has submitted a red-lined version of the Plans noting the changes and Staff have also supplied an overlay of the newly configured Revised Preliminary Subdivision Plan and the Preliminary Subdivision Plan as previously approved by the Commission at their meeting of Wednesday, October 9<sup>th</sup>, 2024. The property is on a 433-acre +/- parcel of land lying on the south side of Lewes-Georgetown Highway east of Dairy Farm Road (S.C.R. 261) in Lewes, Delaware. Tax Parcel: p/o 334-5.00-175.00. Zoning: AR-1 (Agricultural Residential District.) The Revised Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and appears to otherwise comply with all Conditions of Approval Should the Commission desire

to act favorably on this proposal, Staff are requesting that the Revised Preliminary Subdivision Plan be approved as a Revised Preliminary Subdivision Plan only with the Final Subdivision Plan to be required to come back before the Commission as is the case for all Final Major Subdivision Plans.

Mr. Whitehouse stated that due to the complexity of the Site Plan, the amount of the information shown, and the chronology the application had followed, Mr. Michael Lowrey – Planner IV, would provide a presentation to the Commission, along with illustrations and analysis of the plan.

Mr. Lowrey stated that the Applicant, within their submission package, stated *as a preliminary matter, and providing more specific responses to some of the comments in our review*; that they would like the plan reviewed strictly for whether or not the plan complies with the Conditions of Approval at this stage; that the Applicant was not currently coming before the Commission for final approval; that the Applicant was coming before the Commission for clarification to verify whether or not the latest plan submission meets the Conditions of Approval, specifically with the two Conditions he had noted, being Condition B, relating to the open space (located within the red box of his presentation), and the other Condition related to the perimeter buffer requirement as it related to adjacency to the commercial area, and the multi-family area. Mr. Lowrey presented the Commission with his prepared presentation regarding the revisions between the three submitted Preliminary Subdivision Plans, and how they relate to the imposed Conditions of Approval.

Mr. Collins stated that it appeared that the Applicant effectively kept some of the lots in place that the Commission conditioned to not exist to promote the interconnectivity between the different open spaces, and he did not see how the Commission could approve the plan as it currently stood.

Madam Chair Wingate stated that she believed Mr. Collins was referring to Lots 581, 582, 602 and 601.

Mr. Allen questioned the perimeter buffer.

Mr. Robertson stated that the buffer is a requirement that the Applicant will have to comply with.

Mr. Collins stated that he felt it should be clarified to the Applicant that the lots located within the area designated in blue (within Mr. Lowrey's presentation) would be expected to be removed before the Commission would approve the Preliminary Site Plan; that it is a very large project, with a lot of visibility, and he felt that the Commission should not give the indication that what was proposed was okay.

Mr. Allen stated that he agreed with Mr. Collins' comments.

Madam Chair Wingate stated that she also agreed; that she confirmed the Commission would require Lot 581, Lot 582, Lot 601 and Lot 602 to be eliminated, and that the 30-foot buffer shall remain throughout the project.

Motion by Mr. Collins to take no action, seconded by Mr. Allen, and carried unanimously. Motion carried 5-0.

**S-23-12 Chappell Farm**

**Final Site Plan**

This is a Final Site Plan for Chappell Farm, LLC for the construction of four (4) 15,040 square foot multifamily structures, a service road, parking, amenities, and stormwater management facilities. The four multifamily structures are comprised of (32) units each for a total of 60,160 square feet and (128) dwelling units. The Plan also proposes a 23,790 square foot commercial building with commercial improvements taking access from the proposed Public Service Road and Cave Neck Road (S.C.R. 88) as part of pending DelDOT improvements at the intersection of Coastal Highway (Route 1) and Cave Neck Road. Conditional Use (CU 2193) permitting multifamily use (128) units on the site was approved by Sussex County Council on Tuesday, June 21, 2021, subject to sixteen (16) Conditions of Approval. The Preliminary Plan was subsequently approved by the Planning & Zoning Commission at their meeting of April 20<sup>th</sup>, 2023. The Parcel is comprised of (14.93) acres +/- and located on the northwest corner of Coastal Highway (Route 1) and Cave Neck Road (S.C.R. 88). The Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2193). Tax Parcel: 335-12.05-12.00. Zoning: Medium-Density Residential (MR) District and Heavy Commercial (C-3) District. Staff are in receipt of all agency approvals.

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

**S-24-59 Leeward Chase – Amenities**

**Preliminary Site Plan**

This is an Amenities Plan for Leeward Chase, a duplex community consisting of fifty-three (53) duplex structures totaling (106) units. The multifamily use was approved by Sussex County Council via Conditional Use (C/U 2369) (Ord No. 2936) at their meeting of June 27<sup>th</sup>, 2023. The proposed amenities include a (1,720) square foot +/- clubhouse, (1,125) +/- square foot inground pool, outdoor patio area, fencing, a pickleball court (1), and parking. The property is located on the south side of Lewes Georgetown Highway (Route 9), approximately (0.4)-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway (Route 9). While Staff note concerns related to the screening between units (89, 90, & 91-94) and the amenity features, the Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 135-15.00-98.00. Zoning: Agriculture Residential (AR-1) District. Staff are awaiting agency approvals.

Madam Chair Wingate questioned whether the subdivision had received final approval, as she was concerned about addressing bus parking along the roadway, mentioned in a letter submitted by the local school district.

Mr. Lowrey stated that the project had already received Final Subdivision approval; that the plan had been recorded, and he would make sure to confirm before final stamping of the Amenities Plan.

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

### **S-25-73 Wescoats Professional Center West**

#### **Preliminary Site Plan**

This is a Preliminary Site Plan for the establishment of an office use on the site. The Plan proposes the adaptive reuse of the existing (890) square foot garage structure converting it to a (890) square foot medical (physical therapist) office to include parking, and an internal road. The Plan proposes no increase to the existing building footprint. The Plan was submitted in conjunction with Wescoats Professional Center East (S-26-11) (TMP 335-12.05-6.01) which shares the proposed “CROSS ACCESS EASEMENT” to serve as ingress/egress for both sites. The Parcel is comprised of (0.569) acres +/- and located on the northwest side of Savannah Road (Route 9 Bus.) at the intersection with Wescoats Road (Route 12). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 335-12.05-12.00 Zoning: Medium Commercial (C-2) 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. Collins, seconded by Mr. Allen and carried unanimously to approve the Preliminary Site Plan with approval to be provided by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

### **S-26-11 Wescoats Professional Center East**

#### **Preliminary Site Plan**

This is a Preliminary Site Plan for the establishment of a mixed-use structure on the site to accommodate an office and residential apartment unit on the site. The Plan proposes the adaptive reuse of the existing (2,690) square foot dwelling structure converting it to a (200) square foot law office use and a multifamily use consisting of a single 3-Bedroom residential apartment unit as well as parking and an internal road. The Plan proposes no increase to the existing building footprint. The Plan was submitted in conjunction with Wescoats Professional Center West (S-25-73) (TMP 335-12.05-6.01) which shares the proposed “CROSS ACCESS EASEMENT” to serve as ingress/egress for both sites. The Parcel is comprised of (0.501) acres +/- and located on the northwest side of Savannah Road (Route 9 Bus.) at the intersection with Wescoats Road (Route 12). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 335-12.05-6.01. Zoning: Medium Commercial (C-2) 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. Collins, seconded by Mr. Allen and carried unanimously to approve the Preliminary Site Plan with approval to be provided by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

**S-26-01 Mountaire Feed Mill**

**Preliminary Site Plan and Lot Line Adjustment**

This is a Preliminary Site Plan for the establishment of agricultural feed mill facility to include proposed buildings and structures totaling (≈160,000) square feet, internal railroad freight circulation, a rail spur connection to the Norfolk Southern Rail Line, parking, internal roads, stormwater management, and ancillary improvements. The facility is proposed on three (3) Parcels comprised of a total of (201.51) acres +/- and located on the west side of Sussex Highway (Route 13) on the southwest corner of the intersection with Newton Road (S.C.R. 584). Additionally, a Special Use Exception was granted for the feed mill use on the site by the Sussex County Board of Adjustment at their Meeting of June 5, 2023 (Case No. 12843). Staff would also note that the Applicant received an extension thereto the Special Use Exception in August 2025. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 530-16.00-12.00, 11.00, & 11.01. Zoning: Heavy Industrial (HI-1) 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 Preliminary Site Plan and Lot Line Adjustment Plan as a preliminary with final approval to be provided by the staff, subject to the receipt of all agency approvals.

**S-26-08 20924 Camp Road**

**Preliminary Site Plan**

This is a Preliminary Site Plan for the establishment of an Outdoor Athletic Field, parking, and other site improvements to be located off Camp Road (S.C.R. 532) in Bridgeville, Delaware. The use as an Outdoor Athletic Field was approved by County Council via Conditional Use No. 2584 (Ordinance 4013) at their meeting of Tuesday, August 19, 2025. The parcels are comprised of 8.07 acres. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcels: 331-2.00-18.19 & 18.20. Zoning: AR-1 (Agricultural-Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting final approvals be made subject to Staff upon the receipt of all agency approvals.

Mr. Whitehouse reminded the Commission that during the public hearing for the Conditional Use there was a lot of testimony regarding the purpose of the existing pole barn; that it would be up to the Commission whether additional annotation regarding the use of the pole barn would be required for final approval, and the current plan reflects it as an “existing pole barn” having no connection to the existing soccer field or part of the approved Conditional Use.

Ms. Lepore advised the Commission that an additional Conditional Use application had been submitted for the existing pole barn on the property.

Mr. Robertson stated that due to their being a pending Conditional Use application for the existing pole building, he felt a note should be added to the subject Preliminary Site Plan, stating that the pole building was not part of the current Conditional Use approval.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan with final by staff subject to the exclusion of the pole barn shown on the site for the Conditional Use, and all agency approvals. Motion carried 5-0.

**S-26-10 Rennie S. Hunt (C/U 2493)**

**Preliminary Site Plan**

This is a Preliminary Site Plan for the establishment of a proposed 1,1260 square foot +/- Site Development Office, Outdoor Storage and Parking. Staff note that the Site was the subject of a previous Conditional Use Application (Conditional Use No. 2493) to establish the Site Development, Office, Outdoor Storage and Parking use which was approved by the Sussex County Council at their meeting of Tuesday, December 9<sup>th</sup>, 2025, subject to fourteen (14) Conditions of Approval. The change was adopted through Ordinance No. 4029. Staff note that the Plans indicate an 877 square foot "Equipment Storage and Service Area" which was noted on the Preliminary Site Plans previously for review to be an Automobile Service and Repair Garage, which was not originally part of the Conditional Use which was applied for and approved by the Commission and Council. The Plans otherwise comply with the Sussex County Zoning Code and all Conditions of Approval. The property is located on the northwest side of Roxana Road (Route 17), approximately 0.07-mile northeast of Pyle Center Road (Route 20) at 35082 Roxana Road in Frankford, Delaware. Tax Parcel: 533-6.00-19.00. Zoning: AR-1 (Agricultural Residential District). Should the Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals and that the Commission clarify that no approval is given for an automobile service and repair garage (service garage) on the property and that this would require the submittal of a new Conditional Use Application to expand the use that was originally applied for.

Mr. Collins questioned whether there were fuel storage tanks on the site.

Mr. Whitehouse stated that the adopted Ordinance specifically prohibits fuel storage tanks as part of the Site Plan; that during staff's review process, the question was raised as to why there was reference to vehicle repairs in the parking calculations; that the Commission can clarify that the Site Plan and Conditional Use were not for the purpose of vehicle repair activities, and should the Commission be included to approve, he suggested that the approval be contingent on the Site Plan being amended, or require the plan to come back before the Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Collins and carried unanimously to deny the Preliminary Site Plan. Motion carried 5-0.

**Lands of Jon & Rita Clucas**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands. Proposed Lot 1 shall consist of 0.807-acre +/-, proposed Lot 2 shall consist of 0.784-acre +/-, proposed Lot 3 shall consist of 0.757-acre +/-, and Lot 4 shall consist of 0.899-acre +/-, and the residual land shall contain 0.753 acre +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Woodenhawk Road (S.C.R. 569), directly across from Double Fork Road (S.C.R. 570). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 530-7.00-27.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

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

**Lands of Craig & Robin Mills**

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands. Proposed Lot 1 shall consist of 1.00-acre +/-, proposed Lot 2 shall consist of 1.00-acre +/-, proposed Lot 3 shall consist of 1.096-acres +/-, and Lot 4 shall consist of 1.362-acres +/-, and the residual land shall contain 17.352 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 Appels Road (S.C.R. 626), approximately 0.30 mile south of Shawnee Road (S.C.R. 36). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 130-5.00-76.01. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, Staff are requesting that 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 50 ft easement as a preliminary, with final approval to be provided by the staff, subject to the receipt of all agency approvals. Motion 5-0.

**Lands of SSA Properties, LLC**

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus residual lands. Proposed Lot 5 shall consist of 0.814-acre +/-, Proposed Lot 6 will consist of 0.993-acre +/-, Proposed Lot 7 shall consist of 0.8756-acre +/-, and the residual lands shall contain 12.611 acres +/- (Lot 2 shall contain 4.945 acres +/- and Lot 3 shall contain 7.666 +/-). A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Rust Road (S.C.R. 635) approximately 570 ft. southeast of N. Union Church Road (S.C.R. 42). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 130-6.00-59.03 & 59.04. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Passwaters, seconded by Mr. Collins and carried unanimously to approve the Minor Subdivision Plan off a proposed 50 ft easement as a preliminary and final. Motion carried 5-0.

## OLD BUSINESS

### **2025-01 Howard Manor**

A standard subdivision to divide a 22,946 square foot lot (Lot 1) within the existing Howard Manor Subdivision into two (2) single-family lots to be located on a certain parcel of land lying and being in Sussex County. The property is lying on the east side of Diane Road, a private road within the subdivision, lying on the south side of Atlantic Avenue (Rt. 26), approximately 500 feet east of Irons Lane (S.C.R. 348). 911 Address: N/A. Tax Map Parcel: 134-11.00-184.00. Zoning: Medium Density Residential.

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

Mr. Collins moved that the Commission grant preliminary approval of Subdivision 2025-01 Howard Manor to subdivide an existing lot into two lots, based upon the record and for the following reasons:

1. This Application seeks to subdivide one 22,946 square foot lot into 2 smaller lots. The property is zoned MR-Medium Density Residential, which permits 10,000-square-foot lots. Both new lots will be larger than 10,000 square feet in size.
2. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
3. This is the resubdivision of a lot within the Howard Manor Subdivision. Neither the plot nor the Restrictive covenants prohibit this resubdivision, and the Application has provided at least 51% of the property owners consent to the resubdivision.
4. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
5. The proposed subdivision will not adversely impact schools, public buildings and community facilities.
6. The proposed subdivision will not adversely affect traffic on area roadways.
7. A waiver of the buffer, grading, and street design requirements is appropriate since this is the resubdivision of an existing lot.
8. This preliminary approval is subject to the following conditions:
  - A. Only two lots shall be permitted.
  - B. The Final Site Plan for the Subdivision shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to grant preliminary

subdivision approval for 2025-04 Howard Manor, for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Pettyjohn abstained.

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

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

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

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

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

### **2024-05 Rivers Edge**

A cluster subdivision to divide 125.13 acres +/- into one hundred and eighty-seven (187) single-family lots to be located on a certain parcel of land and lying and being in Sussex County. The property is lying on the northeast side of Cave Neck Road (S.C.R. 88), approximately 0.72-mile east of Round Pole Bridge Road (S.C.R. 257). 911 Address: 16300 King Cole Drive, Milton. Tax Map Parcel: 235-21.00-171.00. Zoning: AR-1 (Agricultural Residential District).

The Commission discussed the Application, which had been deferred since March 4, 2026.

Mr. Whitehouse stated the Commission may recall the Application's public hearing held at the last Commission meeting, at which time the Commission held the record open to receive a report from staff, which he circulated to the Commission at the current meeting; that staff reviewed the submitted wetlands averaging calculations; that the County Code allows for the averaging of Buffer Zone B; that one must first identify the boundary of the wetland, which the Applicant had performed; that the Applicant submitted a professionally prepared Wetland Delineation Report as part of the Application, which was prepared, signed and sealed by a Delaware based Engineer; that within the Plan, Page 2 contains a very helpful table, which summarizes how the Resource Buffer averaging was calculated; that the plan indicates the Buffer Zone A with a pink-dashed-line; that the boundary and area of Buffer Zone B was indicated by a blue-dashed-line on the plan; that the areas had clearly been delineated, along with other types of wetlands who had different buffers; that Buffer Area B was required to be 256,000 square feet versus the 274,000 square feet provided; that Buffer Area A required 232,882.50 square feet; that the area provided was 232,882.50 square; and that the staff's report summarizes that the numerical requirement of County Code have been met, and had been demonstrated by the engineer; that however, it did not alleviate the qualitative

assessment on the buffer design, which is the matter currently before the Commission for consideration.

Motion by Mr. Collins to defer for further consideration, keeping the record open for seven (7) calendar days to allow for the receipt of additional written comment, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

**C/U 2424 Oceans Six**

**An Ordinance to grant a Conditional Use of land in an MR Medium Density Residential District for multi-family dwellings (6 units) 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 east side of Coastal Highway (Route 1), approximately 278 feet north of Jefferson Bridge Rd. (S.C.R. 361-A). 911 Address: N/A. Tax Map Parcel: 134-17.07-190.00.

The Commission discussed the Application which had been deferred since March 4, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2424 for Oceans Six for six (6) Multi-Family Units in an MR Medium Density Residential District based on the record made during the public hearing and for the following reasons:

1. This application seeks the approval of six (6) multi-family structures on approximately 0.61-acres of land.
2. Six (6) new multifamily units in this location will not overburden this property and will be similar to the other multifamily and townhouse developments and densities around this site. It is one of the last vacant properties in this area and it is reasonable to allow it to be developed in a similar way to its surroundings. This is an appropriate location for a small multifamily residential development.
3. This site was the subject of two prior approved conditional uses in 2003 and 2009 for the same multi-family use, with the only difference being the number of units. In the prior applications 7 units were approved while this application seeks approval for only 6 units.
4. This site is between the Towns of Bethany Beach and South Bethany. It is surrounded by properties that are zoned B-1, HR-2, and C-1 and it has frontage on Route 1. In addition to fairly intensive commercial uses, there are the high-density residential developments of Sea Colony and Sea Pines Village close by. This development is appropriately located within this mixture of zoning districts and uses.
5. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high densities when a site is served by central water and sewer, where the use is in keeping

- with the character of the area and other similar factors. These types of considerations exist with regard to this site.
6. The proposed development will not have an adverse impact on the neighboring properties or community.
  7. DelDOT has stated that the development will have a “Diminutive” impact upon area roadways. The proposed development will not have an adverse impact upon traffic or roadways.
  8. The development will be served by central sewer provided by Sussex County.
  9. The development will be served by central water.
  10. No parties appeared in opposition to this application.
  11. This recommendation is subject to the following conditions:
    - a. The maximum number of residential units shall be six (6).
    - b. The developer and then a condominium shall be responsible for the perpetual maintenance of the project’s stormwater management facilities, erosion and sedimentation control facilities, roadways and other common areas.
    - c. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer as required by DelDOT.
    - d. Any dumpsters on the Property are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
    - e. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
    - f. The project shall be served by central water to provide drinking water and fire protection.
    - g. Construction activities, including site work and deliveries, shall only occur between 7:00 am and 6:00 pm Monday through Saturday. There shall be no construction activities at the site on Sundays. 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.
    - h. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities. The system shall be designed and maintained using best management practices.
    - i. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued 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.
    - j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters and carried unanimously to recommend approval of C/U 2424 Oceans Six for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

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

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

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

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

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

**C/U 2533 RWE Clean Energy**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for solar arrays and associated utilities to be located on a certain parcel of land lying and being in Sussex County, containing 69.03 acres, more or less.** The property is lying on the south side of Cypress Road (Route 54), approximately 62 feet west of the intersection of Cliff Road (S.C.R. 380A) and Cypress Road (Route 54). 911 Address: N/A. Tax Map Parcel: 533-8.00-10.00.

The Commission discussed the Application, which had been deferred since February 18, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2533 for RWE Clean Energy for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 24.5 acres of a larger 69.03-acre tract. The array area is set back approximately 800 feet from Cypress Road, and it complies with all of the Code requirements for separation distances and setbacks from property lines and dwellings.

3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is surrounded on three sides by land used for agricultural purposes, including poultry houses. The fourth side is wooded.
5. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. This is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive.” There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
  - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
  - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
  - C. The entire area of the solar array shall be surrounded by a 7-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan.
  - D. The entire area of the solar array shall be surrounded by a landscaped buffer strip of open space, a minimum of 100 feet from any street lines and a minimum distance of 50 feet from all property lines. Because there was opposition in the record to the impacts of this solar array on the adjacent homes and land, this landscaped buffer shall be planted with vegetation that serves as a screen while not impeding the use as a solar array facility. The location and types of vegetation used within this buffer area shall be included in a landscape plan provided with the Final Site Plan. No plantings shall be required along the wooded southern boundary of the array area.
  - E. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - F. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
  - G. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan. In addition, a sound barrier

- shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.
- H. 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 using Best Management Practices.
  - I. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
  - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Collins to recommend approval of C/U 2533 RWE Clean Energy for the reasons and the conditions stated in the motion. Motion carried 3-1. Mr. Pettyjohn abstained.

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

Mr. Passwaters voted nay, stating that he is not against solar arrays, however, he felt there were better suited areas for the project to be built, that would not utilize a perfectly good farm field.

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

Mr. Collins voted yea, for the reasons and the conditions stated in the motion, however, he expressed that he had similar concern regarding the conversion of productive agricultural lands into solar farms, and he felt there should be redevelopment opportunities promoted, rather than the consumption of agricultural lands, or even worse, the cutting for existing forests.

Madam Chair Wingate voted yea, reluctantly, for the reasons and the conditions stated in the motion, however, stating that she also agreed with the concerns expressed by the fellow Commissioners.

**C/U 2614 FFP DE Vines Creek, LLC**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for solar arrays to be located on a certain parcel of land lying and being in Sussex County, containing 24.97 acres, more or less.** The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342). 911 Address: 32507 Vines Creek Road, Dagsboro. Tax Map Parcel: 134-10.00-31.00.

The Commission discussed the Application, which had been deferred since February 18, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2614 for FFP Vines Creek, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 10.5 acres of a larger 25-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is bordered by agricultural land including poultry houses as well as wooded tracts.
5. The land is designated as being within the “Coastal Area” according to Sussex County’s Future Land Use Map. The Coastal Area is considered a “Growth Area” and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive.” There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. There is no evidence in the record in opposition to this Application.
10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
  - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
  - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
  - C. The entire area of the solar array shall be surrounded by a seven-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. In addition, the existing vegetation outside of the solar array area shall be preserved to comply with the buffer requirements of Section 115-172I(1) of the Sussex County Zoning Code. These areas of non-disturbance shall be included on the Final Site Plan and clearly marked on the site itself.

- D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
- G. 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 using Best Management Practices.
- H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Mr. Robertson recommended that the Commission delete a portion of Condition F which stated “*In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties*” as this condition did not apply to the site.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2614 FFP Vines Creek, LLC, for the reasons and the conditions stated in the revised motion. Motion carried 4-0. Mr. Pettyjohn abstained.

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

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

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

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

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

#### PUBLIC COMMENT

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

**Meeting adjourned at 4:07 p.m.**

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