

#### MINUTES OF THE REGULAR MEETING OF **March 19, 2025**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **March 19, 2025**, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 5:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Bruce Mears, Mr. Brian Butler, and Mr. Scott Collins. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Ms. Lauren Devore – Planner III, Ms. Ann Lepore – Planner I and Ms. Jessica Iarussi – Recording Secretary.

Mr. Whitehouse advised the Commission of a revision to the Agenda as there is a request to switch the order of the public hearings to accommodate the Applicants.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Agenda as revised. Motion carried 5-0.

Motion by Ms. Wingate, seconded by Mr. Butler, to approve the Minutes of February 5, 2025, of the Planning and Zoning Commission Meetings as circulated. Motion carried 5-0.

#### **PUBLIC COMMENT**

Mr. Steve Kittka stated that he had issues with the uploading of comments for upcoming cases and would like the Commission to take note as there may be others out there who could not be heard.

Ms. Judy Rose Seibert stated that she was speaking on behalf of others that were not able to attend the meeting, and they too had issues with uploading comments to the electronic system.

Mr. John Niemkiewicz wanted to thank the Planning and Zoning staff and the Commission for the amount of work that they do, and for a job well done.

#### **OTHER BUSINESS**

##### **Baywood Garden Villas RPC (C/Z 1922) – Phase 1**

##### **Final Site Plan & Master Plan**

This is a Final Site Plan for the Baywood Garden Villas RPC, a Residential Planned Community proposed to contain 514 multifamily units housed within 13, four-story buildings to include a clubhouse, indoor pool, outdoor (in-ground pool), pavilion, tot lot, parking and other related improvements. Specifically, this request is for approval of Phase 1 of the Residential Planned

Community (RPC), which consists of the following: 9, 4-story, proposed apartment buildings, to include Buildings “E” through “M” with proposed Building “E” (1 building) containing 16,975 square feet of gross floor area and 34 units and Buildings “F” through “M” (8 buildings) containing 20,370 square feet and 40 units each for a total of 179,935 square feet of multifamily uses as 354 apartment units, a 3,446 square foot clubhouse, a 5,506 square foot indoor pool building and a 3,192 square foot in-ground pool, boardwalks and multiple gazebos. Staff note that the subject property was the subject of a previous Change of Zone Application (Change of Zone No. 1922). At their meeting of Tuesday, December 14, 2021, the Sussex County Council approved a Change of Zone for the parcel through C/Z 1922 from Neighborhood Business (B-1) District, General Commercial (C-1) District and Commercial Residential (CR-1) District to a High-Density Residential, Residential Planned Community (HR-1 RPC) District and the change was adopted through Ordinance No. 2820. Staff also note that the subject property (Tax Parcel ID: 234-23.00-270.00) was also the subject of a previous Future Land Use Map (FLUM) Amendment from the Commercial Area to the Coastal Area in order to permit the High-Density Residential, Residential Planned Community District (HR-RPC) Zoning of the property. Staff further note that there is an existing Wellhead Protection Area on the property, but that this has been reviewed by the Sussex County Engineering Department and determined to comply with the provisions of §89-6 of the Sussex County Source Water Protection Ordinance. The Final Site Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. A Master Plan has also been submitted with the proposal for approval by the Commission. The property is located on the north of Long Neck Road (Route 23), approximately 0.47 miles east of the intersection of Long Neck Road and John J. Williams Highway (Route 24) in Millsboro, Delaware. Tax Parcels: 234-23.00-270.00 & 273.05. Zoning: HR-1 RPC (High-Density Residential, Residential Planned Community District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for final approval.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to Approve the Final Site Plan and Master Plan. Motion carried 5-0.

**S-24-81 Yasin & Layla, LLC**

**Revised Final Site Plan**

This is a Revised Final Site Plan for Yasin & Layla, LLC for the construction of a 24,000 square foot building for use as a Recreational Facility and other site improvements. Board of Adjustment Case No. 13037 for a variance of 10 ft. from the 30 ft. required rear yard setback adjacent to a residential district was approved by the Board of Adjustment at their meeting of Monday, March 10, 2025. The parcel is located on the east side of John J. Williams Highway (Rt. 24) at the intersection of John J. Williams Highway (Rt. 24) and Oak Orchard Road (Rt. 5). A parking waiver request letter has been submitted for parking in the front yard setback. The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 234-29.00-263.12. Zoning: Medium Commercial (C-2) District. Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for final approval.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to Approve the Revised Final Site Plan. Motion carried 5-0.

**Toback Flex Park (C/U 2290)**

Request for a 6-Month Time Extension

On February 10<sup>th</sup>, 2025, the Department of Planning and Zoning received a 6-month time extension request for Conditional Use No. 2290 Toback Flex Park. The Conditional Use to allow a contractor flex space within an Agricultural Residential District was approved by the Sussex County Council at their meeting of Tuesday, May 10<sup>th</sup>, 2022, through Ordinance No. 2849, subject to thirteen (13) Conditions of Approval. The submitted request outlines that an Application to amend Conditional Use 2290 was submitted to the Office of Planning & Zoning on April 2<sup>nd</sup>, 2024, and is pending a Public Hearing. The property is located on the northwest corner of Lewes Georgetown Highway (Rt. 9) and Prettyman Road (S.C.R. 254). Tax Parcel: 235-30.00-6.21. Zoning: AR-1 (Agricultural Residential District.). The current deadline was May 10, 2025, and with the 6-month extension the new deadline will be November 10, 2025.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to Approve the Request for a 6-Month Time Extension. Motion carried 5-0.

**S-25-03 Deep Branch Park - City of Milford**

Revised Preliminary Site Plan

This is a Revised Preliminary Site plan submitted on behalf of the City of Milford for the construction of a public park to include playground area with children's play equipment, a pavilion, six (6) pickleball courts, three (3) basketball courts, and ancillary improvements including a utility structure, parking, paved access, and a paved multiuse trail network within the site connecting to an ingress/egress on South Rehoboth Boulevard (Route 14) in Milford. The Parcel is lying on the south side of South Rehoboth Boulevard (Route 14) approximately (600) feet west of the intersection of Windward Boulevard. Staff note the proposed pickleball courts do not meet Code requirements for (100) foot separation from structures under (§115-192) relating to Parcel #25.00 (≈70-80 feet) and potentially 38.01. Aside from this noted separation distance relating to the pickleball courts, the Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 330-11.00-39.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals. If 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 with the correction to the separation distance shown on the new plan.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Revised Preliminary Site Plan with final approval be made subject to staff upon the receipt of all agency approvals with the correction to the separation distance shown on the new plan. Motion carried 5-0.

**Lands of Howe & Bell**

Revised Minor Subdivision off a 30-ft easement

This is a Revised Minor Subdivision for a Lot Line Adjustment for the reduction of a 50-ft easement to 30 ft. The Minor Subdivision for three (3) lots off a 50-ft. easement was approved by the Sussex County Planning and Zoning Commission at their meeting on Thursday, May 6, 2022, and was recorded on Plot Book 370 Page 22. The reduction of the easement would increase the lot width on Lots 1 and 2. The Lot Line Adjustment Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-22.00-21.06, 21.07, & 21.08 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement with final approval be made subject to staff upon the receipt of all agency approvals. Motion carried 5-0.

**Lands of Joseph Costa**

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 1.017 acres +/-, proposed Lot 2 will consist of 0.281 acres +/-, and the residual lands will contain 1.00 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 Bethesda Road (S.C.R. 326), approximately 0.54 mile +/- south of Avenue of Honor (S.C.R. 86). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-11.00-10.01 Zoning: GR (General Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 5-0.

**Lands of 27361 Martins Farm Road**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.9977-acres +/-, proposed Lot 2 will consist of 0.9977-acres +/-, proposed Lot 3 will consist of 0.9977-acres +/--proposed Lot 4 will consist of 0.9997-acres +/-, and the residual lands will contain 0.9977-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located north of Martins Farm Road (S.C.R. 291), approximately 0.59-miles +/- east of Harbeson Road (Route 5). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 334-9.00-1.06 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 Ms. Wingate, seconded by Mr. Mears and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 5-0.

**Lands of Moreland (Lisa Jester)**

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of five (5) lots plus the residual lands with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 5 will consist of 24.446 acres +/- and will have an entrance from Gravel Hill Road (Rt. 30) per CU 2343. Proposed Lot 6 will consist of 0.989-acres +/-, proposed Lot 7 will consist of 0.999-acres +/-, proposed Lot 8 will consist of 0.999-acres +/-, proposed Lot 9 will consist of 0.999-acres +/-, and the residual lands will contain 10.136-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 Gravel Hill Road (Route 30) approximately 0.24 mile north of the Lewes Georgetown Highway (Route 9). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-11.00-48.00. 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 Ms. Wingate, seconded by Mr. Mears and carried unanimously to Approve the Minor Subdivision Plan off a proposed 50-ft easement with final approval be made subject to staff upon the 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 1.588-acres +/-, proposed Lot 2 will consist of 1.461-acres +/-, proposed Lot 3 will consist of 1.859-acres +/-, proposed Lot 4 will consist of 1.299-acres +/-, and the residual lands will contain 2.07-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located southwest of Mount Joy Road (S.C.R. 297), approximately 1,847 feet southeast of Gravel Hill Road (S.C.R. 30). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-21.00-29.00 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 Ms. Wingate, seconded by Mr. Mears and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement with final approval be made subject to staff upon the receipt of all agency approvals. Motion carried 5-0.

**OLD BUSINESS**

**C/U 2468 Richard H. Bell, III**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS.** The property is lying on the southeast side of Lewes Georgetown Highway (Rt. 9), approximately 0.23 mile southwest of Park Avenue (S.C.R. 321). 911 Address: 22592 Lewes Georgetown Highway, Georgetown. Tax I.D. No.: 135-15.00-79.03.

The Commission discussed this application which has been deferred since February 19, 2025.

Ms. Wingate moved the Commission to recommend approval of C/U **2468 RICHARD H. BELL, III**, with conditions, for a mobilization yard for the Park Avenue Relocation Project based upon the record made during the public hearing and for the following reasons:

1. This property is already the subject of Conditional Use #2083, codified by Ordinance #2515. That prior conditional use permitted “an office, storage building, storage yard, and crushing of concrete for a contracting business”. That prior conditional use arose out of a violation issued for the concrete crushing operations and the approval required all concrete crushing operations to cease 45 days after the adoption of the ordinance. That prior conditional use also specifically prohibited “processing of wood” and stated that “No other wood or metal chipping or grinding shall occur and no other materials, including concrete, wood and metal shall be accepted at the site for crushing or recycling.”
2. This pending conditional use arose out of a second violation issued against the property and this Applicant. Despite the prohibitions of the prior Ordinance, the Applicant has been accepting soil and other materials at the site including wood, trees and roots for storage, screening and grinding. According to the Applicant, all of this was in conjunction with the ongoing relocation of Park Avenue outside of Georgetown.
3. The relocation of Park Avenue is an important project for the safety of vehicles and trucks that use the roadway and for the expansion of the airport and the County’s industrial park located there. The project also mitigates traffic issues in and around Georgetown. This use supports this road project, but it should be limited to this road project. Given its location next to other residential properties, the Sports at the Beach youth sports complex and the emerging commercial corridor along this area of Route 9, this industrial-type use should not become permanent.
4. The Applicant has stated that the use is needed not only for Phase I of the Park Avenue Relocation Project but also Phase II if the current DelDOT contractor that is depositing materials on this site successfully wins the bid to perform work in Phase II. For that reason, the duration of this conditional use should be limited to this specific DelDOT work.
5. This is an appropriate limited expansion of the existing conditional use for this property but with the conditions imposed with this recommendation, including the limited duration of the use.
6. This recommendation is subject to the following conditions:

- a. All of the conditions of Conditional Use #2083 and Ordinance #2515 shall remain in effect unless specifically modified by these conditions.
- b. There shall not be any grinding, sifting, screening, mulching, or similar processes applied to wood, logs, stumps, or roots. No additional wood, roots or wood products shall be delivered to the property, and all existing wood, roots or wood products must be removed within 45 days of the adoption of this Ordinance.
- c. All dirt and other materials stored at the site pursuant to this Conditional Use shall be removed from the site within 45 days from the completion of Phase I of the Park Avenue Relocation Project, as confirmed by a determination of “Substantial Completion” by DelDOT. If “Substantial Completion” has already been determined for Phase I, then the materials shall be removed within 45 days from the adoption of this Ordinance by Sussex County Council. Alternatively, if Alan Myers, the current DelDOT contractor for Phase I of DelDOT’s Park Avenue Relocation Project is awarded the contract for Phase II, then this date shall be extended until 45 days from the completion of Phase II as confirmed by a determination of “Substantial Completion” by DelDOT for Phase II. This use shall not apply to any contractor other than Alan Myers, nor for any project other than the Phase I of the Park Avenue Relocation Project and Phase II of that Project if the contract for Phase II is awarded to Alan Myers. No dirt or other materials shall be brought onto the site from any other source or for any other purpose.
- d. The Final Site Plan shall depict all material storage areas, and the type of material stored in each area.
- e. The Final Site Plan shall contain the review and approval of the Sussex Conservation District.
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend the **APPROVAL** of **C/U 2684 Richard H. Bell, III** for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

**C/Z 2017 Gulfstream Glen Cove**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS.** The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896

Winfield Lane, Ocean View Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears moved the Commission to recommend approval of **C/Z 2017 GULFSTREAM GLEN COVE**, for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”
3. This property is surrounded by the boundaries of the town of Millville with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts already exist.
4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “negligible” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study.
5. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend **APPROVAL** of **C/Z 2017 Gulfstream Glen Cove** for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

**C/U 2462 Gulfstream Glen Cove**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS.** The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 3083,



30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears requested that Mr. Roberston read the motion on his behalf.

Mr. Mears moved the Commission to recommend the approval of **C/U 2462 GULFSTREAM GLEN COVE**, for 46 Multi-Family Dwellings based upon the record made during the public hearing and for the following reasons:

1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.
2. Both central water and central sewer will be available to this site.
3. This property is surrounded by the boundaries of the town of Millville, with existing development that is very similar to what is permitted in Sussex County's MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts exist.
4. DelDOT has reviewed the proposed project and has determined that the development's traffic impact will be "Negligible". When DelDOT determines that traffic impact will be "Negligible", a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.
5. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
7. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) that is surrounded by the Town of Millville municipal boundaries; and (4) That is in keeping with the character of the area. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
8. A Buffer Management Plan as required by Section 115-193 of the Sussex County Zoning Code has been supplied by the Applicant.
9. There was no opposition to the application and no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
10. This recommendation is subject to the following conditions:

- a. There shall be no more than 46 Multi-Family Units within the development.
- b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
- c. The developer shall form a condominium association that shall be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities, amenities, and other common areas.
- d. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- e. The development shall be served by a central water system providing adequate drinking water and fire protection as required.
- f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices when maintaining these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- g. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on at least one side of all streets within the development.
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- j. There shall be a Resource Buffer that is an average of 30 feet wide from all Resources within this development as defined by the County Code. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited, except for activities that are permitted in Ordinance No. 2852, Table 2 (Resource Buffer Activities by Zone). All silt fencing shall be located upland of these buffer areas to avoid disturbance. The Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of these buffers and there shall be permanent signage every 100 feet identifying the Resource Buffer boundary and designating it as a "non-disturbance area."
- k. There shall be a vegetated or forested buffer of at least 20 feet in width along the perimeter of this development. As shown on the preliminary plan, where a tax ditch right of way is present, this buffer will be located along the internal edge of that tax ditch right of way. Furthermore, and as shown on the preliminary plan, in areas where the tax ditch right of way does not apply, the buffer will be located along the perimeter of this development adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. All silt fencing shall be located along the interior limit of the buffer area (the edge of

the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.

- l. Approximately 8.12 acres or 66% of the site shall remain as open space.
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- n. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- o. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- p. 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.
- q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend the **APPROVAL** of **C/U 2462 Gulfstream Glen Cove** for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

#### **PUBLIC HEARINGS**

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

#### **ORD 24-04**

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-11.00-65.00.** The Parcel containing approximately 9.623 acres of land, lying and being within Georgetown Hundred, and located on the northeast side of Gravel Hill Road (Route 30), approximately 0.02 mile east of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway (Route 9).

Mr. Whitehouse stated that this is a Future Land Use Map Amendment to change the area designation from the low-density area to a commercial area. Mr. Whitehouse advised the

Commission that submitted into the record were a copy of the Applicants request letter to the County, a copy of the Applicants exhibits, including a request for the application, a copy of the land use history, a conceptual site plan and zero comments; that we do not have the PLUS comments from the State and per our agreement with the State Planning Office, the process as it exists today is that we will bring the application to the Planning and Zoning Commission, conduct the public hearing, create a record and then following this public hearing staff will take it through the PLUS process to the State and then those comments will be reported to County Council at the next stage in the process.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that is trying to amend the FLUM from low density to commercial to allow for the development of 108 units; that at least 25% of those units are being designated as Sussex County Rental Program units; that the land is approximately 9.72 acres and was asked to be expedited being the proposal seeks to enter the SCRP; that the current land is being used as the Silver Oaks Trailer Park and has been active since 1966, with an expansion in 1970 from twenty-one (21) to thirty-eight (38) units; that the property lies near the intersection of Route 9 and Route 30 with the Weston Willows apartment complex, which consists of 287 units on 27 acres and Azalea Woods, Hawthorne, Wynford Preserve and Deerwood Subdivisions all surrounding this property; that the surrounding properties have various zoning classifications, with a predominance of C1 (General Commercial), AR-1 (Agricultural Residential) and LI-1 (Light Industrial); that the plan consists of six (6) three-story buildings, each consisting of eighteen (18) units, a community pool and an amenity building; that based on Zoning Code 115-22, it permits a SCRP townhouse or multifamily development to mandate that at least 25% of those dwelling units be designated as SCRP units and the development must occur or be on the FLUM areas including Town Center, Developing Area, Commercial Area or Coastal Area; that the Applicants are seeking to redesignate the site from low density to commercial to align with these requirements; that to note, any project will ultimately need to undergo site plan review and approval; that the concept that was submitted has specifically been designed to comply with the requirements for SCRP units in AR-1 as outlined in Section 115-22, the Code specifically requires that the site must be located within 2,640 feet of a principal arterial, minor arterial, or major collector road which is fulfilled as the site is situated off of Route 9 and near Route 30; that the development must be served by central water and sewer, which will be provided by Artesian; that the proposed density is less than the maximum of twelve (12) units per acre, with the Applicant's plan seeking 11.4 units per acre; that as for setbacks, a 50 foot distance is proposed as the design incorporates three-story buildings instead of four-story buildings, reducing the required 100 foot set back to half; that sidewalks will be included on at least one side of the street, interconnectivity is proposed to an adjacent property and the sites open space will exceed 50%, all of which are requirements of Section 115-22; that an updated site plan that reflects what the acreage of the open space is presently with the concept plan and its approximately 7.33 acres; that the Applicant previously sought approval for three (3) applications at this site, which

were ultimately denied; that these applications requested an amendment of the FLUM from Low Density to Developing Area, which was proposed Ord. 22-08; A rezoning from AR-1 to MR (C/Z 1959) and a Conditional Use for a 42 unit multifamily development (C/U 2320); that these applications were presented to the Commission on December 8th, 2022, and to County Council on January 12th, 2023, who deferred their decision for approximately a year and ultimately denied the applications on December 5, 2023; that the primary reason for the denial was the lack of support for amending the FLUM to developing area with Mr. Riley emphasizing the importance of providing affordable housing options like what is proposed with this plan; that unlike the previous application, this request focuses solely on the FLUM amendment and any future development will require further review by the County through site plan approval process or otherwise; that the change of the FLUM is crucial, not only for the SCRP Units, but also aligns with broader goals of the community and the economic landscape including the provision for more affordable and workforce housing; that this request with the existing land use patterns, the proposed development is also consistent with the objectives established in the County's Comprehensive Plan, particularly regarding the commercial area and vision for Route 9; that Section 4-17 of the Plan, describes the commercial areas as follows: "Commercial areas include concentrations of retail and services that are mainly located along arterials and highways as opposed to small, traditional downtown areas that are often historic and pedestrian friendly. Commercial areas include commercial corridors, shopping centers and other medium and large commercial vicinities. Geared towards vehicular traffic in addition to primary shopping destinations, this area would also be appropriate to place an appropriate place to locate hotels, motels, car washes, auto dealerships and other medium and large scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas, these more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate, depending on the surrounding uses. Mixed-use buildings may also be appropriate for these areas."; that changing the properties designation to a commercial area is essential to support the proposed development which will provide critical housing options for local residents, while aligning with State goals for affordable housing; that the proposed development will play a significant role in realizing this vision by fostering residential growth in an area that can stimulate and support economic activity and support existing and future local businesses along Route 9; and that furthermore, if ultimately developed, the Community will offer a more affordable housing option for individuals who may find it challenging, for example, to afford homes on the eastern side of the county despite working on the eastern side of the county.

Ms. Wingate asked if there would be public transportation available for the development.

Ms. Peet stated that there is the DART bus available not far from the proposed development.

**Commented [J11]:** CC date was 2/7/23 but her testimony stated 1/12/13. Which date?

Chairman Wheatley asked Mr. Robertson, what would prevent the Applicant from selling the property after this approval and somebody else coming back with a totally different plan than what is being proposed through this expedited application.

Mr. Robertson stated that there is nothing really stopping that from happening, but a little bit more nuanced response would be that changing the Future Land Use Map to a commercial area does not change the underlying zoning, which remains AR-1; that under AR-1 you can either do the SCRP if you qualify with the required percentage of affordable units or you can get two (2) units per acre like you can anywhere else in the County, that really doesn't change; that the ultimate use for something different to happen it would still have to come back to you for a Conditional Use or Change of Zone; and that the Commission and County Council are still gatekeepers, should it be sold and they decide to do something completely different.

Chairman Wheatley stated that the change in the Comprehensive Plan is being linked to this plan today and this public hearing; and that what is being shown, if approved can become a de facto approval of what we were presented today.

Ms. Diane Sponaugle, owner of the Burns Pet Shop, spoke in opposition to the application that the roadways cannot handle the increase in traffic, especially right near the intersection.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **ORD 24-04** . Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

**RECESS 6:13PM – 6:20PM**

**C/Z 2001 Belmead Farm, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS.** The property is lying on the east side of John J. Williams Highway (Route 24) approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: 20033 John J. Williams Highway, Lewes. Tax Parcel Nos.: 334-18.00-40.01 & 40.06.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the State PLUS comments, a copy of the Applicant's exhibit booklet, which includes a rezoning site plan

and a boundary plan, a grading plan and a concept plan, a copy of the staff analysis and the Applicants response to the staff analysis letter, a copy of a written response from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicants drainage assessments, a copy of the Applicants environmental assessment, a copy of the Delaware Department of Transportation TIS Review Letter and the Applicant submittal of the TIS to DelDOT, and seventy-one (71) written comments; that because this is a C-4 application, Mr. Robertson and I can provide a very brief overview as this is the first one presented to this Commission.

Mr. Robertson stated that the C-4 District has been around for approximately ten (10) years, but this is the first one to actually come through the Commission; that this Zoning is similar to an RPC, but in reverse; that RPC's are primarily residential with a design flexibility for some commercial uses; that C-4 is more so heavy on the commercial aspect with a larger residential component; that with this rezoning you have the ability to see a site plan as part of the process; that there is a site plan that you can put conditions on during the rezoning process; that it is sort of a hybrid of rezoning and subdivision approval or rezoning and conditional use all molded into one; that this site is being rezoned to C-4 with the site plan that's being presented; that the purpose of the code is to encourage carefully planned large scale commercial retail and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments and to provide for the application of design ingenuity while protecting the existing and future developments at achieving the goals of the Comprehensive Plan; and that the code for C-4 says "to provide an integrated master plan setting for uses in the Planned Commercial Development District and the development shall be designed in accord with the following: A design is an integrated and comprehensively planned area and using a common parking area, shared ingress and egress pedestrian walkways, open space, stormwater management facilities and water and wastewater utilities. Internal access streets should be provided to serve large scale retail uses, individual access points for individual uses onto an existing collector or arterial roadway should not be permitted, interconnectivity with adjacent parcels shall be required, the landscape plan provides a continuous landscape pattern throughout the entire site. An overall landscape plan for the entire site will be provided that provides for this continuity but also allows for flexibility as specific buildings and accessory uses are located within the site and then to the maximum extent feasible. Any provision of utilities, including but not limited to water, wastewater, storm drainage and stormwater management shall be provided in a coordinated fashion to address the ultimate needs of the entire site."

Mr. Whitehouse stated that we have met with the Applicants and one of the threshold questions for this C-4 Zoning District is the amount of multifamily, duplexes and townhouses; that there is a numerical limit in code for 40% of the site area; that the Applicants compliance with that, is the site area is 39.22 acres, so per the 40% maximum area of the site that could be covered in those multifamily duplexes and townhouses would be 15.68 acres of the site; that the multi-family residential area actually takes up 14 acres of the site, which is less than 35% of the total area; that the remaining 65% of the site will be commercial or residential above commercial as mixed-use,

so within that 14 acres there are 724 unit apartments which results in a total of 168 units on 14 acres and that calculates to a density of exactly 12 dwelling units to the acre in that section of the site; and that when you calculate the density of the project as a whole, which is 334 units on 39.22 acres, the density is actually much lower because of the size of the site, and it translates to 8.51 dwelling units to the acre.

Mr. Collins asked why Sussex County would prefer to approve of a development such as this one over the idea of standard single-family development?

Mr. Whitehouse stated that the purpose of this district as a whole is for planned larger developments in strategic locations like arterial routes; and that this zoning district was specifically created for more commercialized developments, as that is the ultimate purpose of this zoning district.

Mr. Mike Riemann, from Becker Morgan Group, spoke on behalf of the Applicant that the presentation will show that they are meeting the requirements for a C-4 Zoning District by the land area shall have access to an existing or planned arterial road (Route 24), the land shall be served by adequate existing or planned infrastructure, the minimum area is three (3) acres, the land will be under single ownership and the district may have a maximum of 40% developable area as duplexes, townhomes and multifamily dwellings; that the site is located along Route 24 next to Beacon Middle School, with Love Creek Elementary School across the street and the new State Police Troop 7 facility around the corner on Mulberry Knoll Rd.; that location is key for this project and it provides services to residents West of Route 1; that the project is within the Henlopen TID and the site includes an area where growth is targeted and planned along with transportation infrastructure; that the site is located within the Level 2 of the State Strategies, which reflects areas where growth is anticipated; that this location is good for this type of application, given the existing uses in the area; that the site is located within a Coastal Developing Area and the Future Land Use Map identifies the site as Commercial; that according to the Comprehensive Plan Commercial areas include Commercial corridors, shopping centers and other medium and large commercial vicinities geared toward vehicular traffic; that the site has utilities available, with sanitary sewer, electric, gas and water directly in front of the property and available to the site; that a letter from Tidewater has been provided as an ability to serve; that the Master Plan consists of three (3) predominant areas, the multifamily area in the rear of the property, with 724 Unit multifamily garden style apartments, mixed-use buildings with the mixture of commercial spaces on the ground level and residential spaces above and five (5) commercial pads along the front of the property with a service road running along the front tying all of those parcels together; that there will be adequate parking for the commercial areas and the residential; that there are a number of garages throughout the property, a place for a clubhouse and pool, sidewalks and interconnectivity and outdoor seating areas and patios; that there are landscape buffers, buffers from the wetlands and floodplain and they will have at least 5% of the multifamily parking as electric vehicle capable; that the main entrance is a boulevard style entrance with angled parking for the commercial area



and sidewalks and pedestrian pathways to create an environment that is integrated design for the commercial and residential aspects, which is the intent of the C-4 Master Plan; that there are Non Tidal Wetlands in the lower left corner of the site, which would require a minimum of a 30 foot resource buffer and the Applicant is offering to put in a 100 foot resource buffer around that area; that the Applicant is clearing about 50% of the trees on the property, being approximately eleven (11) out of the forty (40) acres are tree coverage; that the property is located within the Henlopen TID, which means that DelDOT has determined this area to be where growth is planned and identified with transportation improvements; that DelDOT completes a long term traffic study and determines the appropriate improvements needed to accommodate growth and assess a fee that developments are required to pay; that with a TID there is normally no need for a traffic study to be completed, but the Applicant chose to do one because the density that was allocated for this AR-1 property was forty-seven (47) single family units, which does not equate with the idea of forty (40) acres and possibly up to eighty (80) units as a cluster subdivision; that the TID did not follow the Comprehensive Plan that the commercial future land use allows up to twelve (12) units per acre; that DelDOT has a process that if a project is within a TID and the density exceeds what was projected then they would require a traffic study to be done by the developer; that the Applicant went through that process already to provide updated data for this area; that this study concluded that this project, at a higher density than what was proposed in the original TID, can still be accommodated within the TID improvements that are proposed; that based on the TIS within the proposed densities will have a fee of about \$2.7 million vs. the \$280,000 that would have been paid if the original forty-seven (47) single family units were completed; that DelDOT has done a significant amount of improvements along Route 24 from 2021 through current, including seven (7) major projects spanning from Route 1 going West on Route 24; that some of those are things such as widening the road from one lane in each direction to two lanes in certain areas along Route 24, improving pedestrian improvements and signalization improvements; that right in front of the site there are four (4) lanes that go to the middle of the site and DelDOT wants to put an intersection in at our entrance directly across from Saddle Ridge, to create a four (4) way intersection as well as extend the two (2) lanes to our westerly frontage limits; that this project sit along the public transit route and the Applicant plans to add a bus stop within the facility; that in terms of the design, there are minimal aesthetics with natural elements to promote the coastal living approach; that there will be outdoor spaces, seating, patio spaces and bike racks and areas; that the apartments in the rear will be garden style with three stories due to the height restriction as the Applicant would like to propose some rooftop elements, but cannot due to that restriction; that the affordable housing is giving a multifamily product at a lesser cost than that of the \$800,000 single family homes that are being built all over the County in the new subdivisions; that this is the perfect location for this type of development as there are schools, medical facilities and the state police all within a close proximity, and the need for affordable housing is needed amongst these workers; that the Applicant is committed to pricing at least 10% of the units below the 120% AMI; that Sussex County's 120% AMI to deem housing affordable is about \$2,136 a month and the market

rate rents are between \$1695-\$2295; that the Applicant will work with the County to develop a rate structure that brings the rents down below the 120% for those 10% of units; that the project is supported by the Office of State Planning with no objections from them and the Delaware State Housing Authority has sent positive recommendations for support of this project; that in order for this project to work the density needs to be essentially 60% commercial with no more than 40% being residential; that in order for that to happen we need to position the commercial facilities correctly and choose a layout like what was chosen was necessary, to make it a viable project and develop where was needed; and that there was a proffered statement of EMS and Fire Department contributions of approximately \$187,500 as a result of the code through the County's building permit process surcharge.

Mr. Collins asked why you would move forward with this sort of mixed-use development instead of building a community of houses that we typically see in this area ranging between \$500,000 and \$800,000 or more. What's the rationale behind choosing this design?

Mr. Riemann stated that if developed under the base zoning that's there now, it is about eighty (80) single family homes with a traditional development; that the Applicant is a multifamily builder and that is what he likes to build; that in this particular location, as well as in Eastern Sussex County, we think that this particular product type is something that is needed in the marketplace for all the reasons mentioned earlier, the location, the Beebe facility, the location of the schools, location of the police, etcetera; that there is the limited availability for this type of housing on the Eastern side because of the amount of traditional high-priced single family homes that and there is a need for a market of this particular product; that as it relates to school age kids for this type of product, the rate of school age kids in multifamily projects is less than in a single family product; that the people that are living here, are young professionals with small kids or people that are retired looking for a less maintenance lifestyle, etc.; and that the impact this project would have on the school district in terms of multifamily units compared directly to a single family unit is going to be less.

Dr. David Tam, President and CEO of Beebe Healthcare, spoke in favor of this application that supports the growth of Sussex County, in which it will draw in medical professionals for the growing healthcare system; that in order to grow the healthcare system physicians need to be recruited until Beebe has its own medical school or the residency program can sustain its own physicians; that new physicians cannot afford to live in the \$800,000 homes coming fresh out of medical school with large amounts of debt; that for this reason it is hard to maintain a young, new staff in the area as they are priced out and forced to live more than thirty (30) minutes from the facility; that for every physician that is employed it takes approximately six (6) support staff to assist that one (1) physician; that those employees are in need of lower cost housing options so that they can live near their employer; that many of these people like the idea of living in this kind of setting where they can be close to home, being near a school and maybe not necessarily go all the way down Route 1 to Rehoboth to get a pizza or something like that; and that in this case, I

would like to stand before you and say that I support this proposal and I don't want to be the guy that is rampant development across the board, but we've done the studies and I will be coming back before you and others in the future to talk about what health care needs there are in the community.

Ms. Judy Rose Seibert, spoke on behalf of the Route 24 Alliance, in opposition to the application and presented a power point presentation that discussed concerns with the following topics:

1. Transportation, TID/TIS reports and the major impact of traffic on Route 24.
2. Clearing forested land and water pollutions.
3. Infrastructure
4. Impact on the local school district

An electronic document file was submitted to the record and can be found on our website at the following link:

<https://connect.sussexcountyde.gov/PublicDocket/#/details/CZ%25202001>

Mr. Steve Kitka, of Saddle Ridge development, spoke in opposition to the application for the following reasons:

1. Traffic and the unsafe situation of vehicular accidents, decrease in pedestrian safety and impact on EMS times.
2. Changing the zoning on the Comprehensive Plan to Commercial does not fit with the existing nearby residential properties.
3. Environmental factors, where significant removal of mature forest on the site will cause flooding and pollution for all neighboring properties.

Mr. Henry Romanowski, of Camp Arrowhead Rd., spoke in opposition to the application that the contributions that are being offered to the DelDOT improvements are not enough to cover the amount of work that needs to be done along Route 24; that the idea of having affordable housing based on the Applicants plan will not be sustainable over the years and the rent will continue to increase making it impossible for those who need that housing unable to afford it and that the traffic studies being completed are not accurate.

Mr. John Niemkiewicz, of Saddle Ridge, spoke in opposition to the application that there is no interconnectivity on the developers plan as required for the C-4 Zoning; and that the quality of life for the existing communities will have a significant negative impact and the increased traffic along Route 24 will be a safety hazard.

Mr. Neil Trugman, of Briarwood, spoke in opposition to the application that the increase in traffic will be an issue, the decrease in EMS response times due to that traffic and the dangers of more vehicles will result in more accidents; and that he recommends to take this land and make a large park out of it rather than destroying the land.

Mr. Guy Edelman, of Bookhammer Estates, spoke in opposition to the application that his property backs up to the wooded area in the rear corner of the Applicants property and is questioning why they cannot leave the full ten (10) acres alone in that area; that it will affect not only the neighboring residents, but all of the wildlife that lives within that area; and that the neighbors are concerned with the fear of another building being put up later after the approval goes through for the 100 foot buffer when only the 30 foot is required.

Ms. Chris Singer, of 34141 Greener Trail Lane, spoke in opposition to the application that the plans to develop this land bring about four major concerns:

1. Water pollution/runoff from Route 24 and the clearing of the Bell Mead farmland to a paved surface onto neighboring properties.
2. Traffic will increase significantly, and Route 24 is not and will not be equipped to handle that large of an increase in traffic.
3. The actual need for a large-scale apartment complex, like what is being proposed, and what prevents the neighborhood from becoming all apartment complexes.
4. Safety concerns, as having commercial neighbors means, the risk of trespassers, increase in trash and pollutants and illegal activities that are not wanted within the single-family homeowners rather than that of commercial type neighbors.

Ms. Alison Antisz, of 20062 John J. Williams Highway, spoke in opposition to the application that there are many ecological effects that this development will have on the surrounding properties and that the water quality will be affected because of the air and downstream water quality.

An electronic document file was submitted to the record and can be found on our website at the following link:

<https://connect.sussexcountynj.gov/PublicAccess-NextGen/api/document/105921>

Mr. Matthew Glade, of Bookhammer Estates, spoke in opposition to the application that the proposed development is out of character with the surrounding area; that the area is surrounded by single family homes and farms; that this plan does not protect the physical, economic or social environment of the surrounding communities as required by code; and that there are certain conditions of approval that would be suggested:

1. A natural tree line where it already exists must remain with at least 100-foot buffer especially along the southwest boundary.
2. A privacy fence is installed along the southwest and southeast boundary for safety and to prevent trespassing.
3. Appropriate measures taken to prevent outdoor lighting from shining into the adjacent communities.

Mr. Greg Singer, of 34141 Greener Trail Lane, spoke in opposition to the application as the amount of development to surrounding properties to his is expanding the wetlands along the back of his property; that there is a small creek in the back that is getting larger as the land is being cleared and less vegetation is kept as a buffer; and that as the vegetation is being cleared the wildlife that is prevalent is being displaced.

Ms. Melanie Bernstein, of Saddle Ridge, spoke in opposition to the application that the ten (10) acres of forest in should be kept preserving all of the wildlife that is left on undeveloped land.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/Z 2001 Belmead Farm, LLC**. Motion by Mr. Collins to defer action for the record to be left open for 10 business days to allow the Planning & Zoning Department to send notice to the Cape Henlopen School District for comment and a further 10 business days to allow the public to comment on the responses from the school district, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

**Meeting adjourned at 8:43 p.m.**

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internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).**

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