

## MINUTES OF THE REGULAR MEETING OF **March 5, 2025**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **March 5, 2025**, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with 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, Mr. Michael Lowrey – Planner III, Ms. Susan Isaacs – Planner I and Ms. Jessica Iarussi – Recording Secretary.

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

Motion by Ms. Wingate, seconded by Mr. Mears, to approve the Minutes of January 22, 2025, of the Planning and Zoning Commission Meetings as CIRCULATED. Motion carried 5-0.

### **PUBLIC COMMENT**

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

### **OTHER BUSINESS**

#### **Baywood Phases 7-9 Residential Planned Community (RPC) (C/Z 1458)**

##### **Revised Final Site Plan & Updated Master Plan**

This is a Revised Final Site Plan & corresponding updated Master Plan for the Baywood Residential Planned Community (RPC) Phases 7-9 for a revision to the previously approved Plans to replace townhomes along Loft Way and Dogleg Way with detached Single-Family home sites and to allow for minor revisions to lot lines within the remainder of Phases 7-9 to be located within the existing and previously approved Baywood Residential Planned Community (RPC). Specifically, the Plans propose 144 single-family lease lots and a reduction of 28 units from the 330 units originally approved in Phases 7-9 of the project. The Residential Planned Community was established through Change of Zone No. 1458 for a Change of Zone from an Agricultural Residential (AR-1) District to a General Residential, Residential Planned Community (GR-RPC) District to be located on 722.316 acres and for an additional 330 units to the overall RPC for an approved threshold of 1,056 units' total. The Application was approved by the Sussex County Council at their meeting of Tuesday, January 21<sup>st</sup>, 2003, subject to fourteen (14) Conditions of

Approval and the change was adopted through Ordinance No. 1578. Staff are in receipt of Sussex Conservation District approval for the updated unit type changes and for any proposed grading and stormwater management changes which may result from this proposal. An updated Master Plan noting the proposed change in unit types and totals has also been included with this submittal for the Commission's consideration and separate approval action. The property is lying on the southwest side of Banks Road (S.C.R. 298) at the intersection of Banks Road (S.C.R. 298) and Greens Road (S.C.R. 298A) in Millsboro, Delaware. The Revised Final Site Plan complied with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcel: 234-23.00-274.00. Zoning: GR-RPC (General Residential, Residential Planned Community District). Staff are in receipt of all agency approvals.

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

### **2022-16 Armada**

#### **Final Subdivision Plan**

This is a Final Subdivision Plan for the Armada Subdivision (2022-16) which consists of the creation of sixty-seven (67) single family lots. The Preliminary Subdivision Plan was approved by the Sussex County Planning and Zoning Commission at their meeting of Thursday, May 11<sup>th</sup>, 2023. The property is located on the south side of Harmons Hill Road (S.C.R. 302). This Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes as well as all Conditions of Approval. Tax Parcel: 234-16.00-25.00 & 25.05. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to Approve the Final Subdivision Plan. Motion carried 5-0.

### **S-17-50 Bayshore Plaza Parcel "A"**

#### **Revised Preliminary Site Plan**

This is a Revised Preliminary Site Plan for two (2) structures. Building "A" will consist of 60,000 square feet of indoor storage cubes with a 1,200 square foot canopy to be located in the front of the building and Building "B" will consist of 39,000 square feet of indoor storage cubes with a 1,200 square foot canopy to be located in the front of the building. The Site will also include an area of Boat/Camper Parking (20 parking spaces) in the rear of the property. The Plan also proposes a Minor Subdivision of the Parcel into two (2) separate Parcels, with proposed Parcel "A" consisting of 1.51 acres +/- which will contain Building "C" to include a future pad site (not part of this proposal) and Buildings "A" and "B" will be on Parcel "A1" consisting of 1.70 acres +/- which will also include the Boat/Camper Parking Area. Plans for a hotel and retail building were previously approved by the Commission for the property in 2008 and 2018. The Applicant has submitted a waiver to allow for 19 parking spaces to be located within the front yard setback, which was part of the original 2008 and 2018 Plans that were approved for the property. Staff note that the entirety of the subject property is located within a Wellhead Protection Area and that a hydrogeological analysis (Post-Development Drainage Area Plan and SWM Report) have been

submitted in order to demonstrate that post-development recharge quantity will meet or exceed the existing (predevelopment) recharge quantity as required under the provisions of §89-6(F)(2) of the Sussex County Code. The Plans were reviewed by the Sussex Conservation District and the Sussex County Engineering Department who have noted the Plans to be compliant with their regulations and Code requirements. Therefore, other than the parking within the front yard setback, the Plan otherwise complies with the Sussex County Zoning Code. The property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.06 mile south of Long Neck Road (Route 23) in Millsboro, Delaware. Tax Parcel: 234-23.00-269.19. Zoning: C-1 (General Commercial 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 Revised Preliminary and Final Site Plan. Motion carried 5-0.

**S-24-82 Melinda Bonniwell (Chickberry Farms)**

Preliminary Site Plan

This is a Preliminary Site plan submitted on behalf of Melinda Bonniwell for Chickberry Farms for the existing use of an events venue. The site consists of a 4,115 square feet wedding/event venue, stage, one-story metal building, parking and other site improvements. Conditional Use No. 2463 was approved by the Sussex County Council at their meeting of Tuesday, July 16, 2024, through Ordinance No. 3032. The Parcel is lying on the north side of Jestice Farm Road (S.C.R. 449A). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 232-19.00-45.00 (p/o). Zoning: 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.

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

**S-24-65 Con Edison Development, Inc. Delmar “B” (C/U 2385)**

Preliminary Site Plan

This is a Preliminary Site Plan for an 18.28-acre ground-mounted solar array farm, transformers, fencing with interwoven screening, a knock box and other site improvements. Staff note that the site was the subject of a previous Conditional Use Application (Conditional Use No. 2385) for the establishment of a solar farm to be located within a General Residential (GR) District which was approved by the Sussex County Council at their meeting of Tuesday, February 6<sup>th</sup>, 2024, and the use was established through Ordinance No. 2984. Staff further note that the Conditional Use Site Plan was submitted prior to (6/30/2022) the approval of the County’s Solar Farm Ordinance (Ordinance No. 2920) which was approved by the Sussex County Council at their meeting of Tuesday, April 25<sup>th</sup>, 2023. Therefore, though not a requirement, Staff continue to encourage the application of the minimum standards required through the Ordinance in §115-172(I)(1-8) of the

Sussex County Code in this Plan. The property is located on the north side of West Line Road (S.C.R. 512), approximately 0.67 mile west of Delmar Road (Route 54) in Delmar, Delaware. The Applicant has provided details of the proposed financial security package for decommissioning, for review by the Commission. Subject to the Commission's review of the Applicant's proposed financial security, the Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 532-19.00-57.00. 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 Preliminary Site Plan with staff to review financial security and bring back for Final approval. Motion carried 5-0.

**S-25-13 Schrock Properties LLC**

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a 5,000 square foot building for the use storage. The property is located on the north side of Beach Highway (S.C.R. 16). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 430-5.00-71.00. Staff are in receipt of all agency approvals; therefore, this request is eligible for both preliminary and final approval.

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

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

Amenities Plan

This is an Amenities Plan for Black Oak (F.K.A. Glenwood), a cluster subdivision to consist of one-hundred and twenty-seven (127) single-family lots, private roads, open space, stormwater management and associated forested/landscape buffers. The Final Subdivision Plan for the proposal was approved by the Planning and Zoning Commission at their meeting of Thursday, September 28, 2023. The Amenities Plan proposes the construction of a 2,980 square foot +/- clubhouse, pool, tot lot, pickleball courts, parking and other supplementary site improvements. The property is located on the northwest side of Black Oak Drive within the existing and previously approved Black Oak Subdivision in Lewes, Delaware. The Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 335-7.00-6.23. Zoning: AR-1 (Agricultural Residential District) Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

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

**2021-06 Brentwood (F.K.A. Coral Lakes)**

Amenities Plan

This is an Amenities Plan for Brentwood (F.K.A. Coral Lakes), a cluster subdivision to consist of three hundred and four (304) single-family lots, private roads, open space, stormwater management and associated forested/landscape buffers. The Final Subdivision Plan for the proposal was approved by the Planning and Zoning Commission at their meeting of Thursday, August 29<sup>th</sup>, 2023. The Amenities Plan proposes the construction of a 5,680 square foot +/- clubhouse, 4,390 square foot +/- pool area, tot lot, indoor and outdoor pickleball courts, small and large dog parks, cluster mailbox, patio, walking trail, future sports fields, parking and other supplementary site improvements. The property is located on the northwest corner of Reef Road and Chicory Drive within the existing and previously approved Brentwood Subdivision in Lewes, Delaware. The Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 234-6.00-67.01. 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 Ms. Wingate and carried unanimously to Approve the Amenities Plan with final approval to be made subject to staff upon the receipt of all agency approvals. Motion carried 5-0.

#### **Lands of Bobbi Collins**

Minor Subdivision Plan off a proposed 40-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 40-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 7.00-acres and the residual lands will contain 45.069-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Beach Highway (Route 16). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-5.00-70.01 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 Ms. Wingate and carried unanimously to Approve the Minor Subdivision Plan off a proposed 40-ft easement with final approval to be made subject to staff upon the receipt of all agency approvals. Motion carried 4-0.

Mr. Butler abstained from this application.

#### **Lands of Foresight, LLC (Concord Pond 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 0.885-acre Proposed Lot 2 will consist of 0.770-acre +/-, Proposed Lot 3 will consist of 2.215-acres +/-, Proposed Lot 4 will consist of 2.113-acres +/-, and the residual land will contain 1.87 acres +/-.

Lots 1 – 4 shall have access off the proposed access easement and the residual lands have access off Holley Valley Road. 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 Concord Pond Road (S.C.R. 516). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-12.00-156.00 Zoning: AR-1 (Agricultural Residential District) and GR (General Residential). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Preliminary and Final Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 5-0.

**Lands of Foresight, LLC (King Road)**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.8425-acre and the residual land will contain 07881-acre +/- A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the east side of King Road (S.C.R. 525). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-13.00-10.04 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 Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Preliminary and Final Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 5-0.

**Lands of Eugene & Brooke Nichols**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.769-acre and the residual lands will contain 2.1864-acres +/- A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Baker Mill Road (S.C.R. 483). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-17.00-13.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

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

**Lands of Mario Ramirez**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1, Residual Lands will consist of 1.23-acres +/-, proposed Lot 2 will consist of 0.75-acres +/-, proposed Lot 3 will consist of 0.75-acres +/-, and proposed Lot 4 will consist of 0.75-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the northeast side of Bethesda Road (S.C.R. 326), approximately 951-feet southeast of Governor Stockley Road (S.C.R. 432). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-6.00-258.01 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 30-ft easement with final approval to be made subject to staff upon the receipt of all agency approvals. Motion carried 5-0.

**Lands of Gloria M. Robinson Heirs**

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.0015-acres Proposed Lot 2 will consist of 1.6204-acres +/-, Proposed Lot 3 will consist of 0.7602-acre +/-, and the residual land will contain 2.1730 acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Bunting Road (S.C.R. 322). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-6.00-27.00 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 30-ft easement with final approval to be made subject to staff upon the receipt of all agency approvals. Motion carried 5-0.

**OLD BUSINESS**

**C/Z 2012 Rudder Road, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS.** The properties are lying on the east side of Banks Road (S.C.R.

298), approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Addresses: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved the Commission to recommend approval of **C/Z 2012 RUDDER ROAD, LLC**, 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 is 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. The requested zoning change is consistent with the zoning of properties along this area of Banks Road. All of the properties immediately across Banks Road from the Property are zoned GR, which is a zoning district that is similar to the requested MR Zoning. The properties immediately behind the Property (the Creeks End community) are also zoned MR. Along Banks Road the adjacent properties are zoned GR, C-1 and AR-1. Along nearby Long Neck Road there are properties zoned C-1, CR-1, C-2, B-1, HR-1, MR, GR, and AR-1. MR zoning is appropriate in this location where these other uses and zoning districts exist.
4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “minor” 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, or “TIS”.
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. Collins, seconded by Mr. Mears and carried unanimously to recommend **APPROVAL** of **C/Z 2012 Rudder Road, LLC** 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 2449 Rudder Road, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (116 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.57 ACRES, MORE OR LESS.** The properties are lying on the east side of Banks Road (S.C.R. 298), approximately 0.61-mile northeast of Long Neck Road (Rt. 23). 911 Address: 25352 Rudder Road, Millsboro, 25071 Banks Road, Millsboro, & N/A. Tax Map Parcels: 234-23.00-276.00, 276.01, & 277.00.

The Commission discussed this application which has been deferred since January 22, 2025.

Mr. Collins moved the Commission to recommend approval of **C/U 2449 RUDDER ROAD, LLC**, for 116 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 is 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. The property is in the vicinity of other properties with a variety of business, commercial and residential zonings and uses. The zoning classifications around the Property include primarily GR, MR, HR-1, AR-1, C-1, CR-1, C-2, and the B-1. The surrounding area along Banks Road contains a mixture of housing styles including manufactured home communities, single-family detached homes, townhomes and multi-family units, including Lingo Estates (3.9 units/acre), Enchanted Acres (4.0 units/acre), Shawn's Hideaway (5.2 units/acre), Bayshore (8.9 units/acre), and Baywood Garden Villas (9.4 units/acre). This conditional use for 116 units at approximately 3.8 units per acre is consistent with other zoning, uses and residential development in the area.
4. The Property contains approximately 0.73 acres of non-tidal wetlands adjacent to Guinea Creek which will be protected with Resource Buffers as shown on the Preliminary and Final Site Plans.
5. DelDOT has reviewed the proposed project and has determined that the development's traffic impact will be Minor. When DelDOT determines that traffic impact will be minor, 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.
6. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
7. 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.

8. 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 in keeping with the character of the area; and (4) That is situated near a Major Collector Road (Long Neck Road) with another Major Collector (Route 24) in close proximity. 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.
9. As part of the Application and during the public hearing before the Planning & Zoning Commission, the Applicant unilaterally promised to make financial contributions to address housing needs in Sussex County and also to support the local Fire Company. These promises are not required by Sussex County and have not influenced the decision to recommend approval of this application. Instead, they are being included as conditions to this recommendation to confirm the representations made by the Applicant so that they will be performed as stated.
10. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
11. This recommendation is subject to the following conditions:
  - a. There shall be no more than 116 Units within the development. These units shall consist of 75 attached dwellings in the form of townhomes and 41 single family detached homes. All of these units shall be condominium units. This approval does not constitute a subdivision creating any individual lots.
  - 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 active recreational amenities for the project shall include a small pool house with a minimum square footage of 500 square feet and a pool with a minimum water surface area of 1,200 square feet. There shall also be a dock with boat slips and a kayak launch (subject to all applicable DNREC approvals) for use by the residents of the community. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
  - 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 by applicable regulations.
  - 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 to construct and maintain 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 both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.
- 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. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the Final Site Plan and within the Declaration of Covenants, Conditions, Easements, and Restrictions for the community.
- k. Approximately 12 acres or 40% of the site shall remain as open space.
- l. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 8:00 am and 2:00 pm 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.
- m. 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.
- n. The Applicant shall form a Condominium Association that shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.
- o. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- p. The Declaration of Covenants, Conditions, Easements and Restrictions for the subdivision and Final Site Plan shall state that agricultural and hunting activities exist nearby, and they shall include the Agricultural Use Protection Notice and a similar notice about hunting activities.
- q. As proffered by the Applicant, prior to the issuance of a building permit for each residential unit, the applicant shall make: (1) A \$3,500 contribution to the Sussex County Housing Trust administered by the Sussex County Department of Community Development and Housing to address housing needs in Sussex County. At the completion of this development the total contribution for housing will be \$406,000. (2) A \$500 contribution to the Indian River Volunteer Fire Company for a total contribution of \$58,000. Thereafter a monthly contribution of \$10 per completed dwelling unit shall be collected by the condominium association and paid over to the Indian Volunteer River Fire Company on a semi-annual basis for a total annual contribution once the project is completed in the amount of \$13,920. All of these contribution requirements shall be set forth on the Final Site Plan and

in the recorded governing documents of the development. A copy of this Ordinance shall also be provided to the Indian River Volunteer Fire Company and the Sussex County Department of Community Development and Housing as a condition of Final Site Plan approval.

- r. The applicant shall prepare and establish a marker/plaque describing the history of the Friendship School on the Property. The location of the marker/plaque shall be shown on the Final Site Plan and the maintenance of the marker/plaque shall be the responsibility of the property owners association.
- s. 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. Collins, seconded by Mr. Butler and carried unanimously to recommend **APPROVAL** of **C/U 2449 Rudder Road, LLC** 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 2468 Richard H. Bell, III**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 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 Map Parcel: 135-15.00-79.03.

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

In relation to **C/U 2468 Richard H. Bell, III**. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

**C/U 2473 David A. & Sandra W. Blank**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.76 ACRES, MORE OR LESS.** The property is lying the north side of Jay Patch Road (S.C.R. 376A) approximately 0.46 mile southeast of Pepper Road (S.C.R. 376). 911 Address: N/A. Tax I.D. No.: 533-9.00-58.00.

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

Mr. Mears moved the Commission to recommend a denial of C/U 2473 David A. & Sandra W. Blank for a campground based on the record made and for the following reasons:

1. Based on the statements made by the Applicants during the public hearing, there are more questions than answers about this project. To begin with, the Applicants are currently living in an RV parked on the property without proper sanitary facilities or other utilities. Sanitary Waste is currently transported by the Applicants to a rental unit in a business park. This current practice, which itself is not permitted by Code, does not give me any confidence that a campground would be operated on this site in a safe and healthy manner.
2. There are too many unanswered questions in the record about what the Applicants actually intend to do on this site, and how they intend to operate it. They could not clearly describe how the use would be managed, when it would be built, that they have the funds available to build the campsites, home, utilities and other necessary infrastructure and other concerns. For this reason, I cannot reasonably determine that the use will be well adjusted to its environment with full protection offered to surrounding properties as required by Section 115-171 of the County Zoning Code. Also, given the nature of what has been described by the Applicants about their intended use, I cannot conclude that the use will be “generally of a public or semipublic character and ... essential and desirable for the general convenience and welfare” of Sussex County and its residents.
3. This will not be a commercial campground that is professionally managed like others that are typically approved as a conditional use under our County Code. The Applicants have stated that they currently spend little or no time on the property other than sleeping there. That does not give me any confidence that the campsites will be properly managed should this conditional use be approved. There is no way to ensure that these areas will not become permanent residences without proper utilities or become dilapidated.
4. I am not satisfied that the use complies with the County’s requirements for campgrounds or that the use is not going to be detrimental to this property or the neighborhood in general.
5. There was opposition from nearby residents to the proposed use. While some of this opposition may have been based upon the incorrect assumption that a large-scale campground was proposed, there was also credible evidence about the two proposed campsites and the current state of the property, the environmental impacts of an unsupervised campground including proper utilities and waste disposal, fire risks in an area where damaging fires have already occurred and other legitimate risks and concerns. The lack of a complete, clear and compelling record in support of the proposed use does not overcome the legitimate concerns expressed by the neighbors.
6. For all of these reasons, I am recommending that this application be denied.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend **DENIAL** of C/U 2473 David A. & Sandra W. Blank 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 2019 Citation Rentals, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS.** The property is lying on the southwest side of DuPont Boulevard (Route 113), approximately 0.33 mile southeast of Governor Stockley Road (S.C.R. 432). 911 Address: 26062 and 26072 DuPont Boulevard, Georgetown. Tax Parcels: 133-6.00-39.00, 41.00 (p/o) & 42.00).

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

Ms. Wingate moved the Commission to recommend approval of **C/Z 2019 CITATION RENTALS, LLC** for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is 11.00 acres that has frontage along Route 113 between Georgetown and Millsboro. This roadway is identified as a “Principal Arterial” by DelDOT and a “Major Arterial Roadway” by Sussex County. Other commercial zoning districts in the area include C-1, CR-1, and C-2. Nearby uses include borrow pits, granite and stone sales, equipment rental, a sign company, Peninsula Homes, and a tool supply company. The property also surrounds the Stockley Tavern, which has been in operation in one form or another for decades. This is an appropriate location for C-2 Zoning.
3. Given the location of this property on Route 113 and the more appropriate designation under a commercial zoning category, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.
4. C-2 Zoning at this location at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
5. There is no evidence in the record that this rezoning will have an adverse impact on neighboring properties or area roadways.
6. The site is in the “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Low-Density Area according to the Plan.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.

9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend **APPROVAL** of **C/Z 2019 Citation Rentals, LLC** 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.

#### **C/U 2474 John Elsishans**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS.** The property is lying the south side of Butler Boulevard approximately 200 feet east of Muddy Neck Road (S.C.R. 361). 911 Address: N/A. Tax Parcel No.: 134-17.00-6.02.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual site plan, a copy of the DeIDOT SLER letter, a copy of the staff analysis, a copy of the letter received from the Sussex County Engineering Department, Utility Planning Division and zero comments. Also, to provide some explanation this requires a Conditional Use because there is no existing dwelling on the property and any accessory storage on a parcel this small requires a Conditional Use.

Mr. John Elsishans, the Applicant, spoke on behalf of himself that this application is to store collector cars and possibly a boat; that he hopes to put something like a pole building to store these things until he moves down here permanently; and that nothing is going to be placed outside the building, all items are planned to be placed inside the building.

Mr. Jeffrey Warden, of 1 Butler Blvd., spoke in opposition to the application because he does not want a driveway access along Butler Blvd., as he is the owner of that road and does not grant him permission to have access.

Mr. Bryce Butler, of 9 Butler Blvd., stated that he does not have an issue with the pole building as long as it is aesthetically appealing and is buffered by some shrubbery; and that the only issue he

has is with the access to the property via Butler Blvd., as it is not large enough to handle more traffic.

Mr. John Elsishans stated that he has no intention of using Butler Blvd., to access his lot as he has an easement that runs through the property in front of him and when he purchased the lot there was an easement agreement submitted into record.

Mr. Wheatley stated that if this application was to get approved that the applicant would need to submit a site plan that shows the easement and access to his lot via that easement; that there is a recorded plot that shows the access, as Lot 1 off the subdivision of the larger property and you can see the way it was approved with that shared easement that goes back through and over.

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

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

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

Mr. Mears moved the Commission to recommend **APPROVAL** of **C/U 2474 JOHN ELSISHANS** for a private garage within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant owns this property and seeks to build a private garage on the property prior to constructing a home on the property. The private garage, which is an accessory structure, requires a conditional use because there is no primary use as a residence for the garage to be accessory to.
2. The use will be very limited, and the Applicant has stated that there will be no public access to the property. It will not be used as a commercial garage. As a result, the use will not have any impact upon area roadways.
3. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
4. Although several neighbors appeared in opposition to this Application, they were not concerned about the use, but only improper access via a private roadway known as Butler Blvd. One of the conditions of approval of this recommendation will be the prohibition against using Butler Blvd. to access the property.
5. This recommendation for approval is subject to the following conditions:
  - a. The use shall be limited to the private garage presented on the preliminary site plan and during the public hearing.
  - b. The property shall not be accessible to the public.
  - c. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
  - d. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of the vehicles, equipment, and similar items located on the site.

- e. Any areas to be used for outside storage, including driveways and parking areas, shall be clearly marked on the Final Site Plan and on the site itself.
- f. This conditional use shall expire upon issuance of a Certificate of Occupancy to the Applicant for a home that is constructed on the property. If a home is constructed, the Conditional Use is no longer necessary since the use will be accessory to the primary residential use of the property.
- g. All access to this property and the conditional use shall via the private easement and roadway known as Cullen Drive. There shall not be any access to this property or the use upon it via Butler Blvd.
- h. The failure to abide by any of these conditions may be grounds for the revocation of this Conditional Use.
- i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Butler and carried unanimously to recommend **APPROVAL** of **C/U 2474 John Elsishans** 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

Chairman Wheatley stated for the record that **C/Z 2017 Gulfstream Glen Cove** and **C/U 2462 Gulfstream Glen Cove** would be heard as one case for presentation purposes as they are in relation to each other.

**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, 30873, 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.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklet, a copy of the applicant's conceptual site plan, a copy of the applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including

comments from Delaware Electric Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 feet for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that

according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had a investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, a pool and pool house; and that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.
5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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 2017 Gulfstream Glen Cove**. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

**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, 30873, 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.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklet, a copy of the applicant's conceptual site plan, a copy of the applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including comments from Delaware Electric. Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby

and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on-site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had an investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, and a pool and pool house; that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.

5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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/U 2462 Gulfstream Glen Cove**. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

**Meeting adjourned at 4:56 p.m.**

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