

MINUTES OF THE REGULAR MEETING OF **May 21, 2025**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **May 21, 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 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 April 2, 2025, of the Planning and Zoning Commission Meetings as CIRCULATED. Motion carried 5-0.

PUBLIC COMMENT

Ms. Janet LeDicabel spoke in regard to communication between the County and DelDOT on current projects throughout Sussex County and the timelines and delays that are imposed on the everyday citizen; that the Commission needs to do better in enforcing some penalties toward DelDOT if they continue to operate this way.

ADDITIONAL BUSINESS

Mr. Phillip Barnes of the Institute for Public Administration at the University of Delaware spoke on behalf of Senate Bill No. 237 with the Commission to introduce the new legislation that has been passed through the General Assembly signed by the Governor and the implications that it will have for the Comprehensive Planning that Sussex County will be going through in the near future; that he is completing a project in which he is visiting with Planning Commissioners and getting feedback on what the guidelines look like in practice and how they are implemented; that once he compiles all of the information from local governments he will pass the information along to the State Agencies allow for them to build their guidelines with more focus on a variety of land use plans.

OLD BUSINESS

C/U 2557 Stockley Materials, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO

BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS. The property is lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432). 911 Addresses: N/A. Tax Map Parcels: 133-3.00-6.00

The Commission discussed this application which has been deferred since April 16, 2025.

Ms. Wingate moved the Commission to recommend approval of **Conditional Use # 2557 STOCKLEY MATERIALS, LLC** for an amendment to Conditional Use #1770 adopted as Ordinance # 2045 to allow the preparation, processing and storage of materials in relation to and part of an existing borrow pit based on the record made during the public hearing and for the following reasons:

1. This property was approved under Conditional Use #1770 and Ordinance #2045 “for a 53-acre expansion of an existing borrow pit on the same property”. This application seeks to allow organic material storage and recycling operations, soil screening and similar outdoor and landscaping items to be located on the subject property.
2. The property is currently used as a borrow pit. It is located just to the north of the Town of Georgetown wastewater treatment and disposal facility. This is an appropriate location for this use.
3. DelDOT has indicated that this additional use of the property will result in a “Diminutive” impact upon area roadways, which means that it will create less than 50 vehicle trips per day.
4. This use will occur within the borrow pit property and will use the existing borrow pit entrance on Cedar Lane.
5. The recycling of soil and wood, including trees, shrubs, root mass and similar organics, is in furtherance of the State’s “Zero Waste Principles” and keeps these organic materials out of landfills. Pursuant to Title 7, Chapter 60 of the Delaware Code, the Applicant is also required to provide an annual report of its recycling activity to DNREC.
6. During the public hearing, there were concerns stated about the applicant’s compliance with the existing conditions of approval for Ordinance # 2045. As a result, the Commission requested an inspection of the site to determine whether it complies with the established conditions of approval. The inspection occurred and a report was issued on April 29, 2025, that confirms that the conditions of approval have been complied with, including the establishment of required berms and buffers and dust control measures, with the possible exception of a fully compliant berm area near the entrance to the site. Also, fuel tanks that were previously located on the site had been removed. However, as a condition of this approval, regular inspections by county staff will be required to verify compliance with the prior conditions as well as those imposed by this recommendation.
7. The County is in receipt of 26 letters of support for this Conditional Use.
8. The proposed use with the conditions imposed upon it provides a location that is part of an existing borrow pit for the storage and recycling which meets the general purpose of the

Zoning Code as a public or semi-public use that is essential and desirable for the general convenience and welfare, orderly growth, prosperity and convenience of Sussex County.

9. This recommendation is subject to the following conditions:

- a. All of the conditions of approval of Ordinance # 2045 shall remain in effect for the property that is the subject of this Conditional Use unless specifically modified by these conditions. The berm area at the entrance area to the site required by Ordinance # 2045 shall be improved to ensure compliance with that Ordinance.
- b. This Conditional Use shall allow the six acres depicted on the Preliminary Site Plan (as subsequently confirmed on the Final Site Plan) to be used for the storage, processing, recycling and grinding of wood including trees, shrubs, root mass and similar organics and for the screening and mixing of soil. No other materials or processing shall occur on the site. No mulch shall be dyed on the site. The area where these activities will occur shall be surrounded by a reinforced site fence.
- c. No concrete, asphalt, stone or similar materials shall be brought onto the site for storage, processing, recycling, grinding or similar purposes.
- d. No retail sales shall occur from this site or the larger property that is the subject of Ordinance #2045.
- e. A 30-foot-wide vegetated buffer shall of native species trees with a berm that is at least three feet in height shall be installed by the Applicant between the area of this Conditional Use and the lots along Cedar Lane. These plantings (including the size, type and location of them) shall be shown on the Final Site Plan and be subject to the approval of Sussex County Planning & Zoning Staff followed by the Planning & Zoning Commission as part of the Final Site plan review and approval process. This berm and the plantings shall be installed and verified by County staff before any storage or recycling of materials occurs on the site. There shall not be any storage of materials on or within the berms at any time.
- f. Water or a water truck shall be available and used to control dust from the storage and processing of the permitted materials on the site.
- g. The entrance to this Conditional Use area shall be the existing entrance to the borrow pit. No additional entrances shall be permitted. The entrance shall be secured at all times that the borrow pit operations and the processing of materials are not occurring.
- h. Any additional roadway or entrance improvements required by DelDOT shall be completed by the Applicant.
- i. The hours of operation for the recycling, grinding and screening activities shall be the same as the hours approved by Ordinance #2045: 6:30am until 6:00 pm Monday through Friday and 6:3 am until noon on Saturdays. No Sunday hours shall be permitted.
- j. The Applicant shall comply with all State and County erosion and sedimentation control requirements.
- k. In addition to the existing five-year reporting requirements of Condition #17 of Ordinance #2045, County staff shall periodically inspect the entire site, including the borrow pit operations, for compliance with these conditions of approval as well

as those imposed by Ordinance #2045 that are not modified by this approval. Staff shall provide a report describing the results of these inspections to the Planning & Zoning Commission during the first meeting of May of each year for consideration under the “Other Business” category of agenda items.

- l. A violation of these conditions or the conditions of Ordinance #2045 may result in the termination of both Conditional Uses.
- m. 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 **APPROVAL** of **C/U 2557 Stockley Materials, 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/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.

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

Mr. Collins moved the Commission to recommend the approval of **CZ # 2001 BELMEAD FARM, LLC** for a change in zone from the AR-1 Agricultural Residential District to the C-4 Planned Commercial District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a nearly 40-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District 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 existing and future developments and achieving the goals of the Comprehensive Plan.” This purpose is satisfied with this application.
2. Route 24 is classified by DelDOT as a principle arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. In addition, a TIS was prepared by the Applicant’s traffic engineers and approved

by DelDOT. On top of the improvements required by the TIS, the developer's contributions to roadway improvements within the Henlopen TID, under the TID will be approximately \$2,800,000.00.

3. The location is in an area that has developed with a variety of uses, including two schools, a State police barracks, a hospital campus and a variety of housing types. The area housing includes large and small single-family subdivisions and a multifamily residential development across Route 24 from the site approved as part of the Sussex County SCRP program providing affordable housing for County residents. The Route One commercial corridor is approximately 1 mile north of the site. To the south of the site, along Route 24, there are manufactured home communities, a large multifamily condominium community along Love Creek and diverse commercial uses. This is an appropriate location for C-4 zoning and the mixed-use site plan proposed by the Applicant.
4. The site is within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. The Plan states that C-4 Zoning is appropriate in the Coastal Area. The Plan also states that in the Coastal Area, a higher density of 4 to 12 units per acre can occur and that "[a] range of housing types should be permitted . . . including single-family homes, townhouses, and multi-family units. . . . Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office, and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home." This project satisfies this objective.
5. Chapter 4 of the Comprehensive Plan regarding Future Land Use also states that Sussex County should "expand affordable housing opportunities, particularly in areas near job centers and Delaware State Housing Authority (DSHA) Areas of Opportunity".
6. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. The following are examples of Goals, Objectives and Strategies within Chapter 8 of the Plan that are addressed by this development:
 - a. Goal 8.2: "Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations."
 - b. Objective 8.2.1: "Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents."
 - c. Strategy 8.2.1.3: "Explore ways for private developers to provide more multi-family and affordable housing opportunities."
 - d. Objective 8.2.3: "Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure."
 - e. Strategy 8.2.3.1: "Promote increasing affordable housing options, including the supply of rental units, near employment opportunities."

This project is consistent with each of these goals because it is intended to provide affordable housing opportunities in an area where the use is consistent with the existing and planned infrastructure, and it is located near numerous employment opportunities, with access to many more employment opportunities given its location on an established DART route.

7. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a mixed-use

site plan that includes a variety of housing types along with integrated commercial uses. Because of this variety, the site plan's design is superior to an exclusively residential or exclusively commercial development. The mixed-use design will allow residents to use and enjoy a variety of retail, restaurant, food service and other commercial uses in close proximity to their homes without having to travel outside of their community. This benefits the residents of this community and other Sussex County residents by reducing the need to travel on area roadways for these uses.

8. The use will be served by central water and Sussex County sewer.
9. There was testimony in the record from Dr. David Tam, the President and CEO of Beebe Healthcare. Dr. Tam supported this project and others like it, stating that this type of housing is needed in eastern Sussex County to recruit and maintain appropriate staffing levels within area healthcare services. Dr. Tam explained that without more affordable housing options such as this one, it is difficult to recruit the necessary support staff, and that has an adverse effect on the ability to recruit physicians for the healthcare system. He testified that he fully supports this development in close proximity to the Beebe Health Campus on Route 24.
10. The residential portion of this development will provide an affordable rental housing option for current and future Sussex County residents. It is undisputed that the high price of homes and rentals in much of eastern Sussex County makes housing unaffordable for a lot of the workforce in this area. As a result, many of those County residents cannot afford to live where they work, resulting in long commuting times and increased traffic on County roads. During the public hearing, the Applicant stated that at least ten percent of the apartment units will be rented to tenants that are below 120% of AMI. As a condition of this recommendation, the Applicant and the Sussex County Office of Community Development and Housing shall examine this rental rate during the public hearing to ensure that it is providing affordable rental housing that is reduced from the market rate units. Apartment units, by their nature, are generally a more affordable housing option than owner-occupied homes, particularly in eastern Sussex County. Therefore, additional information shall be considered by County Council as part of its public hearing process to ensure that the qualifying tenants and the affordable rental rates of the restricted units are truly a more affordable housing option than the market rate units within the project. This is also a condition of this recommendation, along with requirements to guarantee that the restricted units remain available for qualifying tenants.
11. Sussex County Council declared in Chapter 72, Section 18 of the County Code, that it is the public policy of the County to:
 - A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
 - B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
 - C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
 - D. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware

State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.

This application with the mixed-use site plan addresses each of these stated goals.

12. The Delaware State Housing Authority supports this project according to its comments stated in the February 20, 2025, PLUS Report. According to the DSHA's Housing Reform Map, this project is in an Area of Opportunity where diverse housing types should be supported. This means that the area has high-quality schools, supportive infrastructure and the capacity to support diverse and affordable housing types.
13. The site is located along a bus transit route operated year-round by DART. In addition, the site is located near a wide variety of employment opportunities, including general commercial and retail uses, healthcare, education, institutional uses, and hospitality uses.
14. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
15. Approximately $\frac{3}{4}$ of the site is currently used for agricultural purposes as a horse farm. The remaining $\frac{1}{4}$ of the site is wooded with Resources within it. In addition to the requirements for Resources protection, approximately 50% of the existing forest will be preserved by this design.
16. With conditions imposed, including the voluntary condition offered by the Applicant that ten percent of the units will be available to low and moderate income County residents the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
17. This recommendation is subject to the following conditions:
 - A. The complex shall be owned and operated as a mixed-use development with commercial spaces and apartments. No owner-occupied units shall be permitted. The maximum number of apartment units shall not exceed 334 units, consisting of 7 buildings containing 24 apartment units each and 4 mixed-use buildings containing 166 apartment units. The mixed-use buildings shall contain commercial uses on the first floor and residential apartments on the floors above. The commercial areas shall not exceed 75,000 square feet distributed among the pad sites and mixed-use buildings shown on the site plan
 - B. As offered by the Applicant, ten percent of the units shall be designated as "Restricted Units" for the purpose of providing affordable rental housing options subject to the following terms and conditions:
 - i. **Rent Restricted Units** – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, ten percent of the total number of units offered for lease (the "Restricted Units"), shall be rented to tenants with gross household incomes equal to or

less than an appropriate percentage of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, adjusted for household and unit size as per HUD guidelines. This AMI percentage shall be determined by County Council after receiving input from the Applicant and the Sussex County Office of Community Development and Housing during the public hearing before the County Council on this Application.

- ii. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the minimum number of Restricted Units. At all times in which the number of Restricted Units is below the minimum number of Restricted Units, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as ten percent of the Restricted Units are rented.
- iii. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
 1. Provide proof of citizenship.
 2. Be of eligible income as defined in the Ordinance approving the Application.
 3. Occupy the Restricted Unit as the tenant’s principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant’s principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
 4. Comply with other requirements that apply to tenants of Non-Restricted Units.
- iv. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of types of Restricted Units shall remain in proportion to the number of the same types of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.
- v. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:
 1. The landlord shall determine the tenant’s eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.

2. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
 3. All lease agreements of Restricted Units shall cover a period of at least one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.
 4. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
 5. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.
 6. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.
- vi. **Examination by an Independent Certified Public Accountant** - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to certify compliance with the conditions of approval for the Project related to the rental of the “Restricted Units” and the “Qualifying Tenants” in the Project. In this engagement, the Delaware Certified Public Accountant will certify compliance with these conditions in accordance with attestation standards established by the American Institute of Certified Public Accountants. This shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant, the Office of Planning & Zoning and/or the Office of Community Development and Housing may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Office of Community Development & Housing no later than March 1 of each year.

- vii. **Penalties** - In the event that more than ninety percent of the Units are rented at Market Rate because fewer than ten percent of the units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.
- C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination. In addition, there shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. The design and location of this signage shall be shown on the Final Site Plan. There shall not be any interconnectivity provided to the residential property to the south of this site.
- D. The active recreational amenities for the project shall include a clubhouse building with a minimum floor area of 7,000 square feet and swimming pool. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
- E. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.
- F. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. 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.
- H. 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.
- I. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.
- J. 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.
- K. 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 a recorded Declaration of Covenants for the community.
- L. Approximately 12 acres or 30% of the site shall remain as open space.

- M. 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.
- 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 shielded and downward screened so that it does not shine on neighboring properties or roadways.
- P. Prior to the issuance of a building permit for each residential unit, the applicant shall make a \$500 contribution to the Rehoboth Beach Volunteer Fire Company. Thereafter, a monthly contribution of \$10 per completed dwelling unit shall be paid over to the Rehoboth Beach Volunteer Fire Company on a semi-annual basis. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to the Rehoboth Beach Volunteer Fire Company as a condition of Final Site Plan approval.
- Q. The Cape Henlopen School District has commented that its schools are at capacity and that new development should contribute to the District’s need to expand its facilities to accommodate the additional students that will enroll as a result of the development. Therefore, Sussex County Council should consider establishing a contribution to the Cape Henlopen School District to be paid by the Developer to the District upon completion of each apartment unit within the development.
- R. There will be off-site roadway improvements, and a signalized entrance constructed to provide safe vehicle and pedestrian access to the development. Given the location and size of the development, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the applicant and DelDOT and it shall be presented to the Planning and Zoning Commission for consideration as part of the Final Site Plan.
- 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 Ms. Wingate and carried unanimously to recommend **APPROVAL** of **C/Z 2001 Belmead Farm, 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 2484 Dick Ennis, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT REPAIR FACILITY WITH OUTDOOR BOAT AND RV STORAGE, A LANDSCAPE BUSINESS, AND A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.371 ACRES, MORE OR LESS.

The property is lying on the southwest side of Layton Davis Road (S.C.R. 312-A), approximately 0.82-mile southeast of John J Williams Highway (Rt. 24). 911 Address: N/A. Tax Map Parcel: 234-34.00-53.00.

The Commission discussed this application which has been deferred since April 16, 2025.

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

Mr. Mears moved the Commission to recommend an approval of **C/U #2484 DICK ENNIS, INC.** for an outdoor boat storage and repair facility, RV storage, landscaping business, and a construction business within the GR General Residential District based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage and boat repair facility along with his landscaping and construction businesses on approximately 5.37 acres of land.
2. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off-site storage of their boats and RVs.
3. The Applicant's landscaping and construction companies also provide a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
4. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. This use is appropriate in that area according to the Plan.
5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.
6. There are a variety of residential and small business users in the vicinity of this site, including a similar storage facility nearby on Layton Davis Road. This proposed use is compatible with these other area uses.
7. No parties appeared in opposition to this Application and there are several letters in support of the Application that are part of the public record.
8. This recommendation for approval is subject to the following conditions:
 - a. The use shall be limited to the repair and storage of boats, RV storage and the Applicant's landscaping and construction businesses. No other storage of vehicles or equipment shall occur on the site. The boat repairs shall include work such as marine motor repair, fiberglass work and bottom scraping and painting.

- b. The facility shall only be accessible from 6:00 am until dusk and access to the site shall be locked to prevent after-hours access.
- c. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- d. No more than 133 boats and RVs shall be permitted on the site. The storage spaces for these boats and RVs shall be shown on the Final Site Plan and clearly marked on the site itself. In addition, the storage areas shall be covered with pervious stabilizing material.
- e. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. The entrance drive from Layton Davis Road to the site shall have a paved width of at least 24-feet to accommodate vehicles with boat trailers and RVs.
- f. All chemicals, oils, hazardous materials and fuel shall be stored in accordance with all applicable regulations.
- g. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
- h. No junked or unregistered boats, trailers or RVs shall be stored on the site.
- i. There shall be a 20-foot-wide forested or vegetated buffer on the outside of the perimeter fencing around the entire site to screen it from the view of neighboring properties and roadways. The location and type of trees and vegetation within this buffer shall be shown on the Final Site Plan. This buffer must be installed as part of the initial phase of operation of this Conditional Use.
- j. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
- k. The Final Site Plan shall clearly show all areas where the boat repair work will occur as well as the areas for boat and RV storage and the parking associated with the landscaping and construction businesses. These areas shall also be clearly marked on the site itself. There shall not be any parking, storage or repair work permitted within the property's setbacks.
- l. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- m. 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 Ms. Wingate and carried unanimously to recommend **APPROVAL** of **C/U 2484 Dick Ennis, Inc.**, 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 2503 Hastings Community Energy Initiative, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS.

The property is lying on the east side of Normandy Lane, a private lane accessed off E. Seventh Street. 911 Address: N/A. Tax Map Parcel: Tax I.D. No.: 132-1.00-11.00.

The Commission discussed this application which has been deferred since April 16, 2025.

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

Mr. Butler moved the Commission to recommend the approval of **C/U #2503 HASTINGS COMMUNITY ENERGY INITIATIVE, LLC**, for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 15.46 acres of a larger 33.69-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is surrounded on two sides by land used for agricultural purposes, including poultry houses. Although there are residential properties to the north of this site, the arrays are at least 200 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation. None of the residents along the northern boundary of the site objected to the proposed use.
5. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. The Developing Area is considered a “Growth Area” and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:

- a. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
- b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
- c. The entire area of the solar array shall be surrounded by an 8-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. There shall be a landscaped buffer that is at least 50 feet wide along the common boundary with the residential properties along the northern boundary of the site. The landscaped buffer shall be achieved by keeping the existing wooded area and not disturbing these areas. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.
- d. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- e. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar array and shall provide contact information in case of emergency.
- f. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan. In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.
- g. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- h. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- i. As proffered by the Applicant, a recorded conservation easement for at least twenty-five years shall be placed on a minimum of 30-acres within the Nanticoke River Watershed. This easement area shall consist of existing wooded acreage or, if the easement acreage is not wooded, the property shall be re-forested by the Applicant with a mixture of native species. The Final Site Plan shall identify and show the property subjected to the conservation easement and the details and terms of the easement.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend **APPROVAL** of **C/U 2503 Hastings Community Energy Initiative, 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 2524 Brian Rowe

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.41 ACRES, MORE OR LESS. The properties are lying on the south side of Lynch Road (S.C.R. 387A), approximately 0.18 mile southeast of Lighthouse Road (Rt. 54). 911 Address: 32190 & 32198 Lynch Road, Selbyville. Tax Map Parcels: 533-17.00-164.08 & 164.09.

The Commission discussed this application which has been deferred since April 16, 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 #2524 BRIAN ROWE** for a landscaping business based on the record made during the public hearing and for the following reasons:

1. The property is located on a 5.41-acre parcel of land where the Applicant resides. The property was an active poultry farm operated by the Applicant's family that evolved into a poultry and farming equipment repair business. The Applicant is seeking to continue that business with a conditional use for his landscaping business.
2. The site is located within the Town Center Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
3. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property and the prior agricultural use of the property.
4. The use will not adversely affect area roadways or neighboring properties.
5. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. There was no opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. This use shall be limited to a landscaping business that performs off-site landscaping work.
 - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.

- d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- e. The hours of operation shall be limited to 6:30 a.m. through 6:30 p.m., Monday through Friday. There shall not be any Saturday or Sunday hours. However, the Applicant shall be able to operate beyond these hours on an as-needed basis for the DelDOT contract work that he performs and for limited situations such as snow removal, storm damage cleanup and similar events.
- f. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- g. Since this property also includes the Applicant's residence, the Final Site Plan shall clearly show the area where this landscaping business will be located on the property.
- h. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
- i. All vehicle and equipment repairs shall occur indoors on the site, with all fuel, oils, and other liquids appropriately stored and disposed of.
- j. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend **APPROVAL** of C/U 2524 Brian Rowe 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

RECESS: 4:10 PM-4:16 PM

PUBLIC HEARINGS

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

C/U 2571 The Nature Conservancy

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS. The property is lying on the north side of Round Pole Bridge Road (S.C.R. 257), approximately 3,910-feet north of Cave Neck Road (S.C.R. 88). 911 Address: 27167 Round Pole Bridge Road, Milton. Tax Map Parcel: 235-15.00-29.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicants Preliminary Site Plan, a copy of the DelDOT SLER letter, a copy of the staff analysis, a copy of a survey submitted by the Applicant and three (3) written comments.

Mr. John Horner, spoke on behalf of the Applicant, that The Nature Conservancy is a global environmental nonprofit with a mission to conserve land and water; that the application is for the existing house on the property to be turned into the field office for The Nature Conservancy, for them to have a better presence on the property and in Sussex County on a continuous basis; and that Schell Brothers and Ocean Atlantic have partnered with The Nature Conservancy to undertake the rehab and renovation of the office.

Ms. Natasha Wezel, the stewardship manager for The Nature Conservancy, spoke on behalf of the Applicant; that they manage and restore lands in Delaware; that there is currently an equipment barn on this property that acts as a home base for a lot of the operations throughout Delaware; and that there are currently two (2) full-time employees who would be working from the office and allow for more of a presence on the property.

Mr. Horner stated that the plan would involve approximately 1,000 square feet of office space with five (5) parking spaces as required by code; that additional parking can be established if needed, but the idea of The Nature Conservancy is to preserve as much land as possible so the less impervious surface that can be developed the better; and that there are signs already around the property about “leashing all dogs” and with the presence of the employees this would limit this concern that was brought up by public comments.

Ms. Holly Wingate asked about the possibility of a gate being installed at the entrance to the preserve to eliminate activities that people have brought up in public comments.

Ms. Wetzel stated that a gate installation would present a problem as there are only two (2) employees who would have the key to the gate and that would require them to arrive at the site daily to unlock it and they are often required to be at other locations throughout the State.

Ms. Judy Rose Seibert, spoke in favor of this application, that the County needs more nature preserves and walking trails to support wildlife.

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 2571 The Nature Conservancy**. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

C/U 2496 Wade & Jacqueline Hudson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAWN MOWER, YARD, GARDEN EQUIPMENT ENGINE REPAIR SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.20 ACRES, MORE OR LESS. The property is lying on the west side of Pettyjohn Road (S.C.R. 255), approximately 0.66 mile north of Prettyman Road (S.C.R. 254). 911 Address: 18112 Pettyjohn Road, Milton. Tax Map Parcel: 235-25.00-45.02.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's presentation and the Applicant's exhibits, a copy of the conceptual site plan, a copy of the staff analysis, a copy of the DelDOT SLER letter, a copy of the Applicant's proposed findings of fact and proposed options and a nineteen (19) signature petition in support of the application.

Mr. Mark Davidson, a Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicant Wade and Jacqueline Hudson who are looking to get a Conditional Use to put lawnmower, yard and garden equipment and medium engine repair services in an AR-1 (Agricultural Residential) District; that the property contains 3.2 acres of land with an existing dwelling, two (2) outbuildings, two (2) sheds, driveway and parking area; that the area is consistent with the guidelines for projects within a low density area; that the plan is for Mr. Hudson and his grandson to do small and medium sized engine and equipment repairs such as lawn mowers, trimmers, blowers, chainsaws, garden tractors, and small vehicles from cars to medium duty vehicles; that Mr. Hudson was once the owner of WD Hudson Truck and Trailer Repair and his grandson, currently works at the Rookery in the maintenance department servicing the golf carts and equipment; that the plan is to run the repair business from the outbuildings in the rear of the property, with the use of the current driveway to gain access; that there would be no need for any new sewer or water to be placed as the current well on the property will be sufficient; that the Applicant proffered the following Conditions of Approval:

1. This application shall be limited to small engine, lawn mower, yard, garden equipment and medium engine cars to medium duty vehicle style repair services.
2. All repairs will be done inside the existing outbuildings as shown on the site plan.
3. There will be no outside storage, or repairs will be permitted on the property.
4. All engine and equipment waste fluid, oils, etc. will be recycled using Delaware State licensed and approved companies for the recycling of such waste.
5. One sign not exceeding 32 square feet would be placed on the property.
6. Hours of operation planned are Monday through Friday, 8:00 AM to 5:00 PM. Saturday, 8:00 AM to 12:00 PM and no Sunday hours.
7. All security lighting will be downward illumination.
8. If there are any outside storage areas for trash receptacles, they will be screened and out of sight.
9. That in the event that the adjacent large parcels are developed for residential use, the Applicant is to provide consideration to visual aesthetics such as fencing, landscaping or through other architectural design to minimize the visual impacts on the neighbors. This

involves coordinating visual screening to minimize disruptions and ensure properties aligned with good neighbor planning and aesthetics.

Ms. Susan Davis Tyndall, who lives across from the Applicant, spoke in favor of the application that they are in support of this type of small business to come to their neighborhood, as it is a great asset to those in the area; and that there is no other small engine repair shops nearby and those that are local are all part of a larger chain operation and this would support local economy and growth.

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 2496 Wade & Jacqueline Hudson**. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

C/U 2525 Michael Makowski

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2290 (ORDINANCE NO. 2849) TO AMEND CONDITION “A” RELATING TO BUILDING SIZE AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS. The property is lying on the west side of the intersection of Lewes Georgetown Highway (Rt. 9) and Prettyman Road (S.C.R. 254). 911 Address: N/A. Tax Map Parcel: 235-30.00-6.21.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant’s exhibits, a copy of the Applicant’s presentation, a copy of Ordinance #2849 for Conditional Use #2290 that was previously granted by County Council, a copy of the DelDOT SLER letter, a copy of the DelDOT Letter of No Objection, a copy of an extract submitted by the Applicants of the ITE Manual for Trip Generation, and zero comments.

Mr. David Hutt Esq., of Morris James, LLP, spoke on behalf of the Applicant that this application is to amend Conditions of Approval from Conditional Use #2290, specifically Condition “A”; that the original application was for a Contractor Flex Park, in which the building in the front has an area where it could be an office or could be a place to meet or display a sample or something like that, and then at the rear of the building there would be supplies and such that would be used as part of that business; that after the Ordinance was adopted by County Council in May of 2022, the Planning & Zoning Commission granted approval of the Preliminary Site Plan with Final to be approved by staff upon receipt of all agency approvals on January 3, 2024; that Mr. Makowski began his due diligence in his interest of the property and discovered that it would be more efficient and effective in achieving the use of the 46,800 square feet of the site with five (5) buildings rather than two (2) that were originally proposed and that working with DelDOT to receive the entrance

plan that DelDOT does not classify this as a Contractor Flex Park, but the term in the ITE Manual would be a business park and with a business park there is an allowance for business and professional offices; that while the property was being studied by Kingstown LLC, the existing Conditional Use was set to expire and so there was a time extension request that was filed with the County and the Planning Commission recommended approval and County Council did extend that Conditional Use for another six (6) months at its meeting on April 8, 2025, which brings us here this afternoon; that there are two (2) changes to the original site plan, both within Condition “A”, rather than having two (2) buildings there will five (5) and have the first building used solely for professional or office space; that each building will be under 10,00 square feet with parking around them; that the first building was chosen to hold the office space due to its orientation on the plan and the ability to have parking around the front and side of the building; and that the DelDOT entrance plan has not changed from the original plan and Sussex Conservation District approved the proposed stormwater management and the Office of State Fire Marshall has approved the new plan also.

Chairman Wheatley asked about the building separation distance and the requirement of sprinkler systems being installed for the new plan.

Mr. Ken Christenbury, of Axiom, stated that the buildings will only need to have ten (10) feet of separation from each other because a fire hydrant is being installed near the entrance to the project and that there is no need for sprinkler systems to be installed because each building will be under the 10,000 square feet in size that would require them.

Mr. Whitehouse asked if the buffer depth is being compromised on the new plan because that does not appear to be the same as what was on the original plan and that is under Condition “F” and this application is to only amend Condition “A”.

Mr. Christenbury stated that the new site plan show that there are fifteen (15) trees per 100 foot in accordance with the Chapter 99 definition of a landscape buffer; that since the original plan was submitted Artesian has installed a force main along that property line to serve the houses along that side of the property and they have a twenty (20) foot easement there; that in order to increase the buffer they would have to put plantings along the other side of that force main and there is not enough room; that they can always put in the line of trees on the applicants side of the force main and then add some plantings without deep roots along the other side of the force main to meet the 20-30 foot buffer.

Mr. Robertson stated for the record that the only businesses that will be allowed into the first building will be business or professional offices and no retail.

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 2525 Michael Makowski**. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2581 Zion Church Ventures, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS. The property is lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibits and maps, a copy of the Applicant's Conditional Use site plan, a copy of the DelDOT SLER letter, a copy of the PLUS comments for the property, a copy of the staff analysis, a copy of the prior Conditional Use approval C/U #2392, which was approved by County Council on April 9, 2024, which is Ordinance #2999 and we have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the application is for a conditional use in an AR-1 (Agricultural Residential) zoning for approximately 180,500 square feet of storage, warehouse and office buildings and a 2,500 square foot car wash on approximately 24.866 acres; that this parcel was part of Conditional Use #2392, which was approved by County Council on April 9, 2024, for storage, warehouse buildings, a car wash, a clubhouse and swimming pool; that the Applicant is asking for a new Conditional Use to request office space that will function as an accessory to the main indoor storage and warehouses; that the Applicants are proposing a change in use and an expansion of the existing permitted use under the Conditional Use approval rather than merely amending the existing conditions different from the last application; that the purpose of this application is to establish climate controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that this will provide a solution for those lacking sufficient space at home to store or work on these items; that the application names to create climate controlled storage and warehouse areas for businesses needing extra space for supplies, equipment and materials; that the proposal also includes a designated area for a car wash, recycling and disposal of automobile fluids and accessory office to support the primary storage workspace and warehousing functions; that the applicants eliminated the concept of the clubhouse and pool altogether and are seeking to expand the permitted uses to include accessory office to support the primary uses on site; that the site plan features nineteen (19) buildings, each measuring 9,500 square feet, located at the back of the property, consisting of 180,500 square feet of indoor, climate controlled storage, warehouse and workspace designed for individuals and businesses; that there will be a 2,500 square foot car wash, an accessory office may be included to support the primary storage, workspace and warehousing functions; that there will be respite, recycling and disposing areas for recycling and disposing of

automobile fluids to support vehicle maintenance; that each unit will feature a standard door and large garage door for convenience, ensuring that all activities take place indoors; that each unit will be capable of being fitted out with a bathroom; that the development will accommodate those with boats, recreational vehicles, motorcycles, cars, and collectibles, providing a convenient solution for individuals lacking adequate space for storage or maintenance; that units used for personal rather than business uses are designed to function like Man Caves, allowing owners to personalize their spaces; that these units will cater to hobbyists, fostering a community where individuals with shared interests can connect; that the facility will create designated areas for businesses needing climate controlled storage and/or warehouse for excess supplies, equipment and related materials; that the property is located in an AR-1 (Agricultural Residential) zoning district and in the Coastal Area of the Comprehensive Plan, which is an area of growth; that DelDOT has determined the traffic impact to be minor with the traffic to be generated or anticipated by this facility to be low, stable and predictable, consistent with operational nature of storage facilities; that sewer and water will be provided by Artesian and Sussex County provides sewer; that the site will be secured with a fence around the perimeter with a gated entrance, downward screened security lighting and one lighted sign not exceeding 32 square feet; and that there are approximately 7.5 acres of wetlands on the property with all of the buildings surrounding it with a wetland buffer provided.

The Commission discussed the application and asked about the use of the storage units to operate businesses out of and the possibility of retail sales taking place.

Ms. Peet stated that the storage units will be used by businesses only to use as storage and possibly have a single desk for the owner/staff to perform administrative type work and there will be no retail sales happening on site at all.

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 2581 Zion Church Ventures, LLC**. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

C/U 2565 F & N Vazquez Concrete, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS. The property is lying on the west

side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224). 911 Address: N/A Tax Map Parcel: 230-13.00-36.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibits and presentation, a copy of the Applicant's conceptual site plan, a copy of the DelDOT SLER letter, a copy of responses that have been received from the Technical Advisory Committee, including Sussex County Engineering Department Utility Planning Division, the State Historic Planning Office, or SHPO, Delaware Department of Transportation, the Delaware Electric Co-op, Delmarva Power, the State Fire Marshall Office, DNREC drainage program and we have received zero comments; that to provide background on the application this came about after the Applicant and DNREC reached out in relation to an air quality permit that was being sought for the crushing operations and then it was discovered that the Applicant needed the Conditional Use sought after today in order to avoid any violations going forward with such business.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant that the application came as a result of the need for a DNREC air quality permit from the crushing business that was happening on the site and that led to the question of the land use; that the Applicant met with the Planning & Zoning staff and it was recommended that they apply for a Conditional Use to continue the business as they want to run it without having any violations issued; that the application is for a 32.95 acre piece of land in which they:

1. Operate a concrete/masonry business
2. Storage, processing and grinding/recycling of aggregate products such as asphaltic concrete including the crushing operation
3. Handling and processing of non-metallic mineral products
4. Topsoil screening
5. Retail sales, public and private sales of stone, concrete, asphaltic construction products and products used for those construction materials

That there is an approved Conditional Use for this property from 1978 which is Conditional Use #492 for a borrow pit operation; that the Applicant purchased the property in 2021 and after many years of an active borrow pit being run on site; that there has been a lot of dumping on the property by various users over the years preceding the Applicant's ownership of it; that since he has owned it, there has been a lot of cleanup that has been occurring, trying to straighten out the property, trying to level some things off to make the area a little more usable and just generally sorting through the debris that are on the property, sending it to proper locations, if it's the landfill or wherever it needs to go; that there are currently large piles at the entrance of the property that are waste that has been screened and needs to be taken to the landfill; that the Applicant employs between 50-60 people with about 30-40 of them beginning their workday at this location; that approximately 3-4 people will remain on site throughout the day to receive materials and operate the equipment; that there is storage of materials on site for the concrete/masonry business, but the concrete crushing is the most questioned aspect of the Conditional Use being applied for; that the

borrowing activities that have occurred on site are more active on the western side of the parcel, but between that and the woods on the eastern side, there are pits from where water has gathered from prior borrow activities that occurred on the site; that there are wetlands on the property extending along the Cedar Creek forming the Eastern boundary; that the wetlands and the AE Flood zone will be avoided through this Conditional Use and the Applicant has proposed a fifty (50) foot buffer from the wetland line; that there is no need for a well on site as there are water trucks if needed and water exists within the existing borrow pits and divots on the property; that DelDOT stated that the traffic would be negligible, meaning less than fifty (50) vehicle trips in any hour and less than 500 vehicle trips per day; that the entrance is located off of Green Top Road with a sixty (60) foot wide access easement; that there are several storage bins near the entrance that will be utilized for the storage of materials associated with the concrete/masonry business; that the proposed buildings on the site plan are planned to be built in phases, but with this plan being a long term master plan as to avoid multiple trips before the Commission to add buildings later; that the Applicant is proposing a fifty (50) foot wide buffer around the northern boundary, down the western boundary, a fifty (50) foot buffer along the wetland line and a fifty (50) foot landscape buffer that surrounds this entire use on the property; that this property sits down lower by approximately fifteen (15) feet creating an embankment along the railroad or western side of the property, which when added to the fifty (50) foot landscape buffer will address any of the typical nuisances associated with this type of operation; that the concrete crusher will be placed a minimum of 250 feet from any of the property lines, with the closest dwelling being on the other side of the railroad tracks a little more than 750 feet away; that concrete crusher itself is a Rubble Master RM-90G0, with manufacturers specifications that state the machine, if standing right next it while crushing will have decibels of 102; that by increasing that distance from the machine to approximately 40-45 feet the decibels will drop down to the 55 decibel range; that with the closest dwelling being no less than 250 feet away, that noise will be indistinguishable; that there is no noise ordinance in Sussex County, but the Pennoni Group completed a study on the noise and dust created by the operation and it concluded that there was no noise disturbance and the dust was suppressed by the mechanisms of the machine; that the machine is intended to address noise and dust specifically which has an internal water dust suppression system to keep the dust down; and that the Applicant proffered proposed Conditions of Approval that were submitted to the Commission and into the Applicant's exhibit that can be found on our website.

The Commission discussed the application and voiced concerns over the location of the piles of stumps, trees and debris near the entrance and possibly moving the crusher further away from the property lines; and that the dumping at night can be disruptive to the neighbors and possibly changing the schedule of dumping operations.

Mr. Mark Sheppard, a construction manager for ADEL Construction, spoke in favor of the application that they provide a local service that is needed for the construction business and their product is much better quality than others around the area; and that this business is needed to keep construction companies from having to travel long distances to obtain the services that the Applicant offers.

Mr. Hamnar Lara, who owns the property to the North of the site, spoke in favor of the application that the dust is not a problem as the driveway has a buffer around it and that's primarily where the dust comes from, and the noise is not an issue.

Mr. Richard Comstock, who lives on the West side of the property, asked about the dust control and to put on the record that the noise of the current operation is not an issue.

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 2565 F & N Vazquez Concrete, LLC**. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

RECESS: 6:24 PM – 6:30 PM

Chairman Wheatley left the meeting prior to the Other Business portion and Ms. Wingate sat in as Chairperson in his place.

OTHER BUSINESS

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

Request to Amend Conditions of Approval

The Department of Planning and Zoning has received a request to amend Conditions of Approval for the Ballenger Subdivision (F.K.A. Warrington) (2022-26), a one-hundred and six (106) lot cluster subdivision to include private roads, open space, stormwater management, and amenities area to include a clubhouse. The Final Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Wednesday, November 20th, 2024.

Specifically, the request is a request to Amend Condition "C" which currently states:

"As shown on the Preliminary Site Plan, approximately 28 total acres or 52% of the site shall remain as open space"

The Applicant is requesting to revise and replace Condition "C" with the following:

"As shown on the Preliminary Site Plan, approximately 50% of the site shall remain as open space as determined through final engineering approvals of the project"

The requested revision to Condition "C" complies with the Sussex County Zoning and Subdivision Codes as well as all other Conditions of Approval. The property is located on the south side of Hollymount Road (S.C.R. 48) approximately (0.4) miles east of Beaver Dam Road (Route 23). Tax Parcels: 234-11.00-103.00 & 234-11.00-103.01. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Mears, seconded by Mr. Butler and carried unanimously to Approve the Request to Amend Conditions of Approval . Motion carried 4-0.

2019-02 Estates at Bridgewater (F.K.A. Bent Creek Estates & Old Mill Landing South)

Request to Amend Conditions of Approval

The Department of Planning and Zoning has received a request to amend Conditions of Approval for The Estates at Bridgewater (F.K.A. Bent Creek Estates & Old Mill Landing South) (2019-02) Subdivision, a one-hundred and fifty-six (156) lot cluster subdivision to include private roads, open space, stormwater management, and amenities area to include a clubhouse. The Final Subdivision Plan was approved by the Planning and Zoning Commission at their meeting on Thursday, October 27th, 2022.

Specifically, the request is a request to Amend Condition “Q” which currently states:

“The Developer shall complete the central recreation complex prior to the issuance of the 75th residential building permit.”

The Applicant is requesting to revise and replace Condition “Q” with the following:

“The Developer shall complete the pool and clubhouse prior to the issuance of the 136th residential building permit for both the Estates at Bridgewater and the Bridgewater communities.”

The amended language considers the fact that the residents of both this Subdivision and the neighboring Bridgewater (2019-10) (F.K.A. Bent Creek & Old Mill Landing North) Subdivision are to utilize the amenities (for 227 lots total between the two proposals). The requested revision to Condition “Q” complies with the Sussex County Zoning and Subdivision Code (to include the completion of all amenities by 60% of buildout requirement in §99-21(E) of the Code and as approved through Ordinance No. 2938) and all Conditions of Approval. The property is located on the south side of Millers Neck Road (S.C.R. 364A), approximately (0.41) miles southeast of the intersection of Millers Neck Road (S.C.R. 364A) and Country Lane. Tax Parcels: 134-21.00-6.00 & 6.06. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to Approve the Request to Amend Conditions of Approval . Motion carried 3-0. Ms. Wingate abstained from this motion.

S-18-40 & S-17-25 The Centre at Love Creek

Revised Preliminary Site Plan & Minor Subdivision & Lot Line Adjustment Plan

This is a Revised Preliminary Site Plan for the establishment of 86,740 square feet of proposed commercial uses to include 6 buildings housing proposed retail and restaurant uses, a grocery store and a Royal Farms gas station to include 6 pump areas with 12 gas pumps total, a related convenience store, 438 parking spaces and related site improvements. Proposed revisions to the Plan include an additional 2,164 square feet of commercial uses, adding an additional 1,254 square feet to Building No. 3 (a proposed retail/restaurant use), and changing Building No. 5 from a 3,821

square foot retail/restaurant use to a Royal Farms containing 12 gas pumps, a related gas canopy and increasing the square footage of Building 5 by 900 square feet. No changes are proposed to Building Nos. 1, 2, 4, and 6. Staff note that the property was the subject of a previous Plan for The Centre at Love Creek (S-18-40 & S-17-25) for the construction of 84,576 square feet of commercial uses within six (6) proposed buildings. The Revised Site Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, April 12th, 2018. The previous Plan has been included in the Commission's packet this afternoon for reference. Staff note that 20 parking spaces are proposed within the front yard setback through this proposal and the Applicant has noted that the Plans previously were approved with 35 parking spaces in the front yard setback. Staff further note that an amended Minor Subdivision and Lot Line Adjustment Plan are also included as part of this proposal for separate action and approval by the Commission. While the proposal is located within the Henlopen Transportation Improvement District (TID), email correspondence from DelDOT has been submitted noting that TID participation will not be required. The Revised Preliminary Site Plan complies with the Sussex County Zoning and Subdivision Codes. The property is located on the north side of John J. Williams Highway (Route 24), approximately 0.28 miles east of the intersection of John J. Williams Highway (Route 24) and Harts Road (S.C.R. 277A) in Lewes, Delaware. Tax Parcels: 234-7.00-88.00, 89.00 & 90.00. Zoning: B-1 (Neighborhood Business District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to Approve the Revised Preliminary Site Plan & Minor Subdivision & Lot Line Adjustment Plan with final approval be made subject to staff upon receipt of all agency approvals. Motion carried 4-0.

The Woods at Angola Beach (A.K.A. Angola Estates) (C/Z 672)

Preliminary Site Plan & Landscape Plan

This is a Revised Preliminary Site Plan and Landscape Plan for a for a Residential Planned Community to consist of ninety (90) single-family lots and proposed amenities to include a clubhouse, walking trail, sports courts, a grilling patio, internal roads, stormwater management, perimeter buffers, and ancillary improvements. The Plan received Preliminary Approval from the Commission at their meeting of Wednesday, December 11th, 2024. This Revised Plan includes a reduced front setback from (25) feet to (20) feet for (17) of the (90) lots with no changes to the previously approved number of lots, their respective geometries, or the road configuration. The Parcel was the subject of a previous Change of Zone Application, Change of Zone No. 672, which was approved by the Sussex County Council at their meeting of Tuesday, July 2nd, 1985, from Agricultural Residential (AR-1) District to a General Residential, Residential Planned Community District (GR-RPC- Angola Estates), and the change was adopted through Ordinance No. 273. The Preliminary Site Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcels: 234-12.00-7.01 & 234-12.00-7.02. Zoning: GR-RPC (General Residential, Residential Planned Community District.). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to Approve the Preliminary Site Plan & Landscape Plan with final approval be made subject to staff upon receipt of all agency approvals. Motion carried 4-0.

S-25-30 Roxana Road Storage

Preliminary Site Plan

This is a Preliminary Site plan for storage units and outdoor storage for boats and recreational vehicles. Conditional Use No. 2293 was approved by the Sussex County Council at their meeting of Tuesday, June 14th, 2022, through Ordinance No. 2863. The Parcel is lying on the west side of Roxana Road (Route 17), approximately 0.68 miles northeast of the intersection of Roxana Road and Daisey Road (S.C.R. 370). The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 134-15.00-20.06 Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approvals.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to Approve the Preliminary and Final Site Plan. Motion carried 4-0.

S-23-41 Wildflower (A.K.A. Justice Property) Old Mill Ventures, LLC

Preliminary Site Plan

This is a Preliminary Site Plan for (S-23-41) Wildflower (A.K.A. Justice Property) - Old Mill Ventures, LLC for construction of fourteen (14) multifamily structures for a total of eighty (80) multifamily residential condominium units totaling (≈140,000) square feet of multifamily structures to include parking, internal roads, and stormwater management. The Preliminary Plan complies with the Sussex County Zoning Code. The property is located on the southwest side of Old Mill Road (S.C.R. 349) approximately (0.3) miles east of Whites Neck Road (S.C.R. 347). Tax Parcel: 134-12.00-72.01. Zoning: C-1 (General Commercial District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approvals.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to Approve the Preliminary and Final Site Plan. Motion carried 3-0. Ms. Wingate abstained from this motion.

2021-32 Riverwood

Amenities Plan

This is an Amenities Plan for Riverwood, a cluster subdivision to consist of one-hundred and seventeen (117) 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 on Thursday, December 14, 2023. The Amenities Plan proposes the construction of a 2,223 square foot +/- clubhouse, pool, landscaping, parking and other supplementary Site improvements. The property is located on the east side of Shoal Creek Lane within the existing and previously approved Riverwood Subdivision in Harbeson, Delaware. The Amenities Plan complies with the Sussex County Zoning Code and all

Conditions of Approval. Tax Parcel: 234-17.00-3.02. Zoning: AR-1 (Agricultural Residential District) Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Mr. Mears, seconded by Mr. Butler and carried unanimously to Approve the Preliminary and Final Amenities Plan. Motion carried 4-0.

Lands of Classic Farms, LLC

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.001-acres +/- and the residual lands will contain 22.368-acres +/- . 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 Bethesda Road (S.C.R. 326), approximately 0.26 miles southeast of Governor Stockley Road (S.C.R. 432). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-7.00-6.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to Approve the 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 4-0.

Lands of Cryptozoo Investments

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 0.75-acres +/-, proposed Lot 2 will consist of 0.75-acres +/-, proposed Lot 3 will consist of 0.75-acres +/-, proposed Lot 4 will consist of 0.75-acres +/-, and the residual lands will contain 2.08-acres +/- .A shared use maintenance agreement shall be established for the use of the shared access road. The property is located south of Baker Road (S.C.R. 554), approximately 0.7 miles west of Bucks Branch Road (S.C.R. 560). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 531-3.00-56.01 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the plans are eligible for both preliminary and final approvals.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 4-0.

Lands of Rafat Mardawi, Jamil Ahmad, Shadi Abu Seris & Mohammad Alqaryouti

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual land with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.0040-acres +/-, proposed Lot 2 will consist of 1.0040-acres +/-, proposed Lot 3 will consist of 1.0040-acres +/-, and the residual lands will contain 1.9804-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located west of Martins Farm Road (S.C.R. 291), approximately 850 feet south of Fishers Road (S.C.R. 262). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 334-10.00-60.20 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approvals.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off a proposed 50-ft easement. Motion carried 4-0.

Lands of Ronald S. & Tandra M. Wharton

Minor Subdivision Plan off an existing 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off an existing 30-ft wide ingress/egress access easement. Proposed Lot A will consist of 2.296-acres +/- and the residual lands will contain 51.714-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on a private lane with access off of the north side of Whitesville Road (Route 30), approximately 0.52 miles east of Line Church Road (S.C.R. 456). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-16.00-24.00. 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 Mr. Collins 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 4-0.

Meeting adjourned at 6:59 p.m.

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internet at www.sussexcountyde.gov.**
