

MINUTES OF THE REGULAR MEETING OF MAY 6, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, May 6, 2026, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

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

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to approve the Agenda as circulated. Motion carried 4-0.

Motion by Mr. Collins, seconded by Mr. Pettyjohn, to approve the Minutes of April 1, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 4-0.

OTHER BUSINESS

2018-01 Acadia Landing

Revised Landscape Plan – Phase 1B

This is a Revised Landscape Plan for Acadia Landing, a previously approved cluster subdivision consisting of two-hundred and thirty-four (234) single-family lots, private roads, open space and amenities. The Preliminary Subdivision Plan was approved by the Planning & Zoning Commission at their meeting of Thursday, May 24th, 2018, subject to twelve (12) Conditions of Approval. The Final Subdivision Plan was approved by the Planning & Zoning Commission at their meeting of Thursday, May 28th, 2020. Specifically, this request is to amend Phase 1B of the previously approved Landscape Plan for the Subdivision by relocating a portion of the 30-ft Perimeter Buffer required under Condition “G” of the Conditions of Approval to the area located in red in the submitted Exhibit embedded in the Applicant’s formal request letter. Certain Deed Restrictions on the adjacent Parcel (Tax Parcel ID: 234-11.00-60.01) currently prohibit the installation of tree plantings within 15-ft of the property line. Additionally, the current location of required stormwater and utility easements and the existing swale prohibit the ability for plantings to be installed 15-ft off the existing property line. The Revised Landscape Plan represents Declarant’s attempt to keep as much of the planted forested buffer along the Dorman Parcel shared boundary line as reasonably possible without violating the restrictive covenant in the Deed, utility easements, or the Sussex Conservation District’s prohibition against planting in the swale. The Declarant is not seeking to reduce the total number of trees that were required to be planted in Phase 1B of the Original Landscape Plan and is proposing to plant a total of 215 trees in Phase 1B under the Revised

Landscape Plan, which is a net increase of trees in this Phase as compared to the Original Landscape Plan. Tax Parcel: 234-11.00-60.00 & 60.02. Zoning: AR-1 (Agricultural Residential District). Should the Commission desire to act favorably on this proposal, Staff are requesting that any approval of this request be made subject to Staff upon the receipt of agency approvals. Letters of No Objection have been received and submitted from the Sussex Conservation District and Sussex County Engineering Department in relation to the placement of the proposed tree plantings to the existing swale and easements.

The Commission found that Mr. Kevin Prenderville with Insight Land Company was present on behalf of the Revised Landscape Plan.

Mr. Robertson requested information regarding the deed, and what property it belonged to.

Mr. Prenderville stated that to the right of where the property line was located, was the property owned by the original seller, and the property owner the deed restriction is with; that the adjacent property owner is actively farming the property, and did not want to have trees within a certain footage of the property, and to avoid overhang onto his property while he was farming; that there is a 15 foot deed restriction that did not allow them to plant within that area; that right adjacent to that area is the location of the swale; that they had confirmed with SCD (Sussex Conservation District) that they were not allowed to plant within the swale; that beyond the swale there was a water and sewer easement; that effectively, the entire 30 feet had been restricted from planting; that the two homes located at the end of the cul-de-sac, are the two homes mostly impacted with no trees; that the homes are already built, and had been settled on; that they could go back to those homeowners to ask whether they would like trees in their backyard, and they physically did not have any space within the buffer area to plant any additional trees.

Madam Chair Wingate requested confirmation of which lots the existing lots had homes placed on them.

Mr. Prenderville stated that all of the homes had already closed, and that folks lived on all of the lots.

Madam Chair Wingate questioned how the issue was not discovered before now.

Mr. Prenderville stated that the deed restriction portion was missed as they were going through the approval process, and that the Landscape Plan was designed originally with the plants installed on the opposite side, adhering to all of the plantings that were needed.

Mr. Robertson questioned whether the original site plan for the subdivision reflected the forested perimeter buffer where the lots are currently located now.

Mr. Prenderville stated yes, the site plan did reflect the forested perimeter buffer where the lots were currently located now.

Mr. Robertson questioned how it got to the point where houses were built without the placement of a buffer.

Mr. Whitehouse stated that the Code changes that were introduced a few years ago in terms of plantings of buffers, under the Code as it existed currently, the issue probably would not have happened, as the buffer would have been required to be planted and in the ground before the Notice to Proceed for the phase was issued; that because the project was a slightly older subdivision, it was not bound by those same rules; that there had since been Code changes to close the net to prevent the issue from happening; that however, now properties had been outwardly conveyed; that they were discovering a fundamental problem as there was a sewer pipe placed where the buffer was supposed to be; that he questioned when the sewer pipe had been designed; that he stated that the issue would have been known some time ago; that what the Commission is now seeing were multiple features being overlaid on top of each other; that trees cannot be planted within a swale because the trees would not survive; that trees should not be planted on top of sewer pipes, as tree roots could damage sewer pipes and now there are competing interests.

Mr. Robertson stated that had the original plan come before the Commission currently, the landscape buffer would have been planted first, then the swale/open space/sewer easement, followed by the lots; that the current design would not have occurred, and would have required everything to be shifted to the left.

Mr. Robertson questioned whether the farmer requested the deed restriction or whether the developer requested the deed restriction once they realized they were in a jam.

Mr. Prenderville stated that the seller, being the current owner of the adjacent property, had made the request.

Mr. Robertson stated that it struck him as odd that the farmer requested an Agricultural Protection Notice be placed in the deed, which would have created a barrier between his farm and farming operations from the homes; that this is what every farmer seems to want on one hand; that inconsistent with that, the same farmer comes back to request no trees be placed.

Madam Chair Wingate questioned whether the only option for the trees to be placed would be in the backyards of the existing homes and questioned whether there was a place where trees could be planted, without being the way of the existing utilities, as she imagined there would be complaints regarding the farming operations.

Mr. Whitehouse stated that had the lots not already been outwardly conveyed, the design solution would have been to reduce the number of lots to accommodate the buffer.

Mr. Prenderville stated that any trees would need to be planted on the lots or planting them within the corner as the Revised Landscape Plan proposed.

Mr. Allen questioned whether a privacy fence could be required.

Mr. Robertson stated that the Commission could require a privacy fence be placed along the outside of the property line of those lots, until the buffer started.

Mr. Prenderville stated that he would need to go back to confirm any imposed homeowners' association restrictions regarding privacy fencing.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to approve the Revised Landscape Plan, which included the additional tree plantings, as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

2022-19 Grayrock Preserve

Final Subdivision Plan & Landscape Plan

This is a Final Subdivision & Landscape Plan for the creation of a cluster subdivision to consist of ninety-four (94) single-family lots, private roads, open space, stormwater management facilities, and proposed amenities. The Preliminary Subdivision Plan for the development was approved by the Planning and Zoning Commission at their meeting of Thursday, August 24th, 2023, subject to twenty-one (21) Conditions of Approval. The Final Subdivision & Landscape Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The Parcels are located on the northwest side of Wilson Road (S.C.R. 244). Tax Parcels: 135-10.00-10.00 & 10.02. Zoning: AR-1 (Agricultural Residential). Staff are in receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Allen and carried unanimously to approve the Final Subdivision Plan and Landscape Plan as a final. Motion carried 4-0.

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

Revised Preliminary Site Plan & Landscape Plan– Phase 2 only

This is a Revised Preliminary Site Plan & Landscape Plan for the creation of two (2) proposed structures to include a 9,900 square foot +/- Boat and RV repair facility building, a 2,240 square foot Boat Storage Office and Lawn Care Business (housing 800 square feet of office space and a 1,440 square foot shop (for a total of 12,140 square feet), 37 RV/Boat storage/parking spaces, 5 parking spaces (including 1 ADA accessible space), fencing, required landscape buffers and other site improvements. Staff note that the Site was the subject of a previous Conditional Use Application (Conditional Use No. 2484) filed on behalf of Dick Ennis to allow for a Boat Repair Facility with Outdoor Boat and RV Storage, a Landscape Business, and a Construction Business to be located within a General Residential (GR) District subject to thirteen (13) Conditions of Approval. The Sussex County Council approved the Conditional Use Application at their meeting of Tuesday, June 17th, 2025, and the change was adopted through Ordinance No. 4002. The Applicant revised the Phasing of the proposed Plans previously submitted for the Conditional Use Approval and reduced Phase 1 to the installation of the landscape buffer, security fence, DeIDOT entrance and bulk grading the gravel road and parking area previously shown on the Site Plan. The Commission approved the Phase 1 improvements only at their meeting of Wednesday, December 10th, 2025. This proposal is for Phase 2 only, which includes the Storage Office and shop, dumpster enclosure, septic approval and lighting components. Staff note that the Phase 2 proposal also includes a 1,250 square foot “Incidental boat and Trailer Sales Display Area” intended for use in displaying and selling new and pre-owned boats and trailers in addition to the approved Boat Storage Office and Lawn Care Business Use. The Applicant has noted that no boats or trailers outside of this area are to be labeled as “for sale” and that no storage or display items will be located outside of the Security fence shown on this Site Plan at any time. The Applicant has provided a markup document showing the proposed Phasing elements for the Commission’s review. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. The property is located on the southwest side of Layton Davis Road (S.C.R. 312-A), approximately 0.82-mile southeast of John J. Williams Highway (Route 24). Zoning: GR (General Residential District). Tax Parcel: 234-34.00-53.00. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon the receipt of all agency approvals.

Mr. Whitehouse advised the Commission that staff had met with the Applicant and their attorneys prior to the submission of the Revised Preliminary Site Plan; that it was discussed that boat sales be permitted as part of the Conditional Use; that the confirmed answer was no, boat sales would not be permitted as part of the Conditional Use, as it was for storage only with no sales; that incidental sales would not require a new Conditional Use; that if one of the 37 boats were to be sold per year, it would be considered incidental from his view; that anything beyond that would be

a matter of fact and degree, and staff were willing to document within the meeting minutes the understanding of what the Commission found to be incidental.

Mr. Robertson stated he felt that there would be various factors regarding the fact, such as advertisement of sales and whether or not sales are an ordinary course of business, and he felt it would be factor based.

Motion by Mr. Pettyjohn, seconded by Mr. Allen, and carried unanimously to approve the Revised Preliminary Site Plan and Landscape Plan as a preliminary with final approval to be granted by the staff, subject to the receipt of all agency approvals and noting the imposed condition that only incidental boat sales be permitted from the site. Motion carried 4-0.

S-24-62 Creative Concepts

Preliminary Site Plan

This is a Preliminary Site Plan for Creative Concepts for proposed improvements comprised of three (3) structures for commercial retail use at the site. The Plan proposes three (3) retail buildings totaling (15,255) square feet, parking, stormwater management, and internal circulation drives. The Parcel is comprised of (1.96) acres with access from a single ingress/egress on Tulip Drive. The submission includes a request for relief relating to the proposed parking in the front yard setbacks along both Coastal Highway (Route 1) and Tulip Drive. The Parcel is situated on the northeast corner of the intersection of Coastal Highway (Route 1) and Tulip Drive and immediately west of Savannah Road (Route 9). Tax Parcel: 335-11.00-93.00. Zoning: C-1 (General Commercial District). The Commission deferred the Preliminary Plan at their previous Meeting of April 15, 2026, seeking confirmation of receipt of any DelDOT approvals or correspondence relating to the Plan. The Applicant has subsequently provided both an Entrance Approval letter as well as a LONOR from DelDOT. Staff are awaiting the remaining required agency approval from SCD. Should the Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Preliminary Site Plan as a preliminary with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-24-74 Delaray Foundations of Georgetown

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 2,400 square foot building for use as a contractor office, two 8,387 square foot construction storage buildings, one 8,300 square foot vehicle storage building and other site improvements. The Parcels are comprised of 2.898 acres +/- with access from Lewes Georgetown Highway. The Parcel is located on the north side of Lewes Georgetown Highway (Route 9), approximately 0.43 mile east of Shingle Point Road (S.C.R. 249). The

Applicant has submitted a waiver request regarding the interconnectivity to adjoining properties. The Preliminary Site Plan complies with the Sussex County Zoning Code with the exception of the required interconnectivity. Tax Parcels: 135-16.00-73.01 & 71.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, Staff are requesting that preliminary and final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to approve the Preliminary Site Plan, as a preliminary with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-25-72 Rhythm & Roots Family Farms, LLC

Preliminary Site Plan

This is a Preliminary Site Plan for the establishment of a proposed Marijuana Cultivation Facility to include a 14,315 square foot +/- proposed Building, two (2) Future Building Expansions Areas to include a 5,027 square foot +/- area and a 1,654 square foot +/- area, 29 parking spaces (including 2 ADA-accessible spaces), a loading space, on-site enclosed dumpster area and other site improvements. Staff note that “Marijuana Cultivation Facilities” are a Permitted Use within the Agricultural Residential (AR-1) District (§115-25(A)(18)). Additionally, all Marijuana Establishments in the County must adhere to the requirements outlined in §115-194.7(A-E), though these requirements pertain more directly to Marijuana Retail Facilities, expressly. Site Plan Review as an item of “Other Business” is required for certain uses outlined in §115-219(A)(1-10) of the Sussex County Code, of which “commercial buildings” (to include those buildings which are 5,000 square feet or greater in size,) are subject to review by the Commission (§115-219(A)(6)). The property is located on the west side of Roxana Road (Route 17) in Roxana, Delaware. The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 533-10.00-27.00. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon the receipt of all agency approvals.

Madam Chair Wingate questioned the distance of the property from the Selbyville Middle School.

Mr. Robertson stated that there are required separation distances required under the new Ordinance.

Mr. Whitehouse stated that retail stores have specific separation distances from those uses; that cultivation and growing facilities are not bound by the same retail requirements.

Mr. Robertson stated the essentially the use is an agricultural purpose.

Mr. Kenneth Christenbury, P.E. with Axiom Engineering stated from the audience that the property was located 1.5 mile +/- from the Selbyville Middle School.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-26-09 McKean Mini Storage

Preliminary Site Plan

This is a Preliminary Site Plan for the establishment of a mini storage facility with outdoor storage for boats and recreational vehicles to include a 2,400 square foot +/- proposed storage building, 4 parking spaces, fencing, and other site improvements with Future Expansion Areas to include a storage building with a possible small rental office space. A waiver request has been submitted for a proposed 8-foot vinyl-coated chain-link security fence to be installed around the perimeter of the Site as shown on the Site Plan, which had been approved by the Director. The Parcel is comprised of 5.75-acres +/- with access from John J. Williams Highway. The property is located on the south side of John J. Williams Highway (Route 24), approximately 900-feet northeast of Jersey Road (S.C.R. 305) in Millsboro, Delaware. The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: CR- (Commercial Residential District) & AR-1 (Agricultural Residential District). Tax Parcel: 234-32.00-73.00. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, Staff are requesting that final approvals be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Pettyjohn, seconded by Mr. Allen, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-26-16 Equipment Share

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 4,616 square-foot building for a vehicle wash and maintenance facility in addition to the existing 1 story Sheet Metal Building of 4,085 square feet. The Parcel is comprised of 27.29 acres +/- with access from Brickyard Road (S.C.R. 481) via a private drive known as Campers Lane. Staff note the property is in a Combined Highway Corridor Overlay Zone District (CHCOZ) but is exempt since this is an existing business. The Parcel is located on the east side of Sussex Highway (Route 13), west of Brickyard Road (S.C.R. 481). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 132-2.00-272.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, Staff are requesting that preliminary and final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Allen, seconded by Mr. Pettyjohn, and carried unanimously to approve the Preliminary Site Plan as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

S-26-27 Cole World

Revised Site Plan

This is a Revised Site Plan for a proposed Food Truck to be operated from March 15 through October 15, 2026, with associated parking. The Parcel is comprised of 0.21 acre +/- with access from Bethany Loop. The Parcel is located on the south side of Bethany Loop, approximately 70 feet southeast of Cedar Neck Road (S.C.R. 357). Tax Parcels: 134-13.00-1843.00. Zoning: B-1 (Neighborhood Business District). The Revised Site Plan complies with the Sussex County Zoning Code (§115-69 (B) (25)). Staff are in receipt of all agency approvals; therefore, the Plan is eligible for final approval.

Mr. Whitehouse advised the Commission that ordinarily when a food truck comes in, staff review the plan administratively and grant approval over the counter; that the subject Site Plan was a bit different, as it was submitted to the office through the Constables Department, due to the considerable number of vehicles parked along Bethany Loop; that when the Applicant requested Site Plan approval, staff thought it best to have it reviewed by the Planning & Zoning Commission; that this would allow the plan to be publicly reviewed rather than staff reviewing the plan administratively; that staff worked with the Applicant to receive a Site Plan; that there was an increased number of parking spaces provided; that the existing ice machine was reflected on the Site Plan; that part of the concern expressed through the Constables Department was regarding the amount of vehicles parked along Bethany Loop; that there were a number of photographs submitted to the office last year regarding that concern, and was the reasoning staff had taken the unusual step of bringing the plan before the Commission.

Madam Chair Wingate stated that she had seen multiple vehicles there herself; that she saw the ice machine reflected on the plan; that she stated last year seafood sales were being conducted from the site and questioned whether there was any mention of that use.

Ms. Lepore stated that the seafood sales were not part of the current Revised Site Plan; that the Applicant had submitted an exhibit within that week with photographs indicating that there would be a privacy fence installed between the community and the property.

Madam Chair Wingate questioned whether the current Site Plan was only for the food truck and the ice machine, and she stated that there was not much parking on the site.

Ms. Lepore stated that Madam Chair Wingate was correct, and that the use was a permitted use within the B-1 (Neighborhood Business) Zoning District.

Mr. Pettyjohn questioned whether the submitted photos indicated how many vehicles were accessing the site, and he understood the number of vehicles could change throughout the day.

Madam Chair Wingate requested for the representative of the Applicant to approach the Commission for questioning.

Mr. Evan Smith, current owner of the food truck, spoke on behalf of the property owner, Mr. George Cole. Mr. Smith stated that they are a small operating business; that he was onsite every day; that last year they did have a few crazy weekend, which included the Fourth of July holiday; that it was hard for people to find parking when other were utilizing the ice machine; that last season his food truck was adjacent to the ice machine, which did not provide for the current additional parking; that he only recalled one to two times where vehicles were parked on the side of the road; that he did his best to have the vehicles move from there; that currently have provided signage that indicate no U-turns or parking; that they will be providing a privacy fence; that he was doing his best to attempt to control the parking, and to his knowledge there had been no accidents.

Madam Chair Wingate stated that the Commission did not have an issue with his food truck particularly, but the Commission was concerned about the number of uses being performed on the site, and that she had noticed the plantar barriers and placed signage.

Mr. Allen questioned whether it was carry out only for the food truck.

Mr. Smith stated that the food truck was carry out only and they have one table provided.

Mr. Robertson suggested that the Commission defer for further consideration to allow the Commission time to fully review the submitted photographs, and to draft their motion.

Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

C/Z 1991 Sycamore Chase Expansion RPC

Amenities Plan

This is an Amenities Plan for the construction of a 2,387 square foot +/- clubhouse area, 749 square foot +/- pool equipment and bathroom area, 2,548 square foot +/- pool area, 5,291 square foot +/- putting green, mailbox facility and other site improvements. Staff note that the property was

previously the subject of a Change of Zone Application for Change of Zone No. 1991 filed on behalf of Beazer Homes, LLC (Sycamore Chase Expansion) for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District. The Planning and Zoning Commission recommended approval of the Application at their meeting of Wednesday, December 14th, 2023. The Sussex County Council approved the Application at their meeting of Tuesday, February 27th, 2024, subject to eighteen (18) Conditions of Approval and the change was adopted through Ordinance No. 2990. The Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval for the RPC. The property is located on the southwest side of Davila Drive within the existing and previously approved Sycamore Chase Expansion Residential Planned Community (RPC). Tax Parcel: 134-18.00-51.01. Zoning: MR-RPC (Medium Density Residential, Residential Planned Community District.) Staff are in receipt of all agency approvals. Therefore, the project is eligible for both preliminary and final approval.

Motion by Mr. Collins, seconded by Mr. Allen to approve the Amenities Plan as a preliminary and a final. Motion carried 4-0.

Lands of Kenneth & Linda Betts

Minor Subdivision Plan off a proposed 35-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual land. Proposed Lot A-3 shall consist of 1.575-acre +/- and the residual land shall contain 9.345 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the northeast side of Bethesda Road (S.C.R. 326). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-6.00-148.00 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Pettyjohn, seconded by Mr. Allen to approve the Minor Subdivision Plan off a proposed 35-ft. easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Kevin & Cynthia Cahill

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan and Lot Consolidation Plan for the creation of four (4) lots plus residual lands. Proposed Lot 1 shall consist of 3.28-acres +/-, proposed Lot 2 shall consist of 1.36-acres +/-, proposed Lot 3 shall consist of 0.83-acre +/-, proposed Lot 4 shall consist of 0.66-acre +/-, and the residual land shall contain 0.54 acre +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the east side of John J. Williams Highway (Rt. 24). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-17.00-38.00 Zoning: AR-1 (Agricultural

Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Collins, seconded by Mr. Pettyjohn, to approve the Minor Subdivision Plan off a proposed 30-ft. easement as a preliminary and final. Motion carried 4-0.

Lands of Andrew & Stacy Phillips

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual land. Proposed Lot 2A shall consist of 1.00-acre +/-, proposed Lot 2B shall consist of 5.40-acres +/-, and the residual land shall contain 15.90 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the southwest side of Ellis Grove Road (S.C.R. 498). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 432-10.00-21.39 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Allen, seconded by Mr. Collins to approve the Minor Subdivision Plan off a proposed 50-ft. easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Robert J. Vari

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot and Lots Line Adjustment. Proposed Lot 1 shall consist of 0.560-acres +/-, proposed Lot 2 shall consist of 0.565-acres +/-, proposed Lot 3 shall consist of 0.611-acres +/-, and the residual lands shall contain 0.531-acres +/- . A previously approved Minor Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Wednesday, February 7, 2024, for the creation of three (3) lots and is of record at Plot Book 426 Page 64. A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Angola Road (S.C.R. 277). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 234-11.16-7.00 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, the Plans are eligible for Preliminary and Final approval.

Motion by Mr. Collins, seconded by Mr. Allen to approve the Minor Subdivision Plan off an existing 50-ft. easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

OLD BUSINESS

2024-05 Rivers Edge

A cluster subdivision to divide 125.13 acres +/- into one hundred and eighty-seven (187) single-family lots to be located on a certain parcel of land and lying and being in Sussex County. The

property is lying on the northeast side of Cave Neck Road (S.C.R. 88), approximately 0.72-mile east of Round Pole Bridge Road (S.C.R. 257). 911 Address: 16300 King Cole Drive, Milton. Tax Map Parcel: 235-21.00-171.00. Zoning: AR-1 (Agricultural Residential District).

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

Mr. Collins moved that the Commission grant preliminary approval for Subdivision 2024-05 Rivers Edge with conditions and limitations based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision of 187 single-family lots on 113.51 acres of Gross Development Area. This results in a density of 1.65 lots per acre, which is below the maximum density permitted within the AR-1 Zoning District. All of the lots will have a minimum size of 7,500 square feet.
2. The subdivision is located within the Low Density Area according to the Future Land Use Map that is contained in the Sussex County Comprehensive Plan. The subdivision is permissible in the Low Density Area according to the Plan, which states that homes should be permitted with densities up to two units per acre. This subdivision complies with the current directives of the Comprehensive Plan.
3. The project will be served by central water and central wastewater.
4. The site contains approximately 4.31 acres of non-tidal wetlands and 11.62 acres of tidal wetlands. A Wetland Delineation/Forest Evaluation has been supplied in support of these wetland areas. These wetland areas will be protected through the County's Resource and Resource Buffer requirements and the conditions of this approval.
5. A Drainage Assessment Report was prepared and provided by the Applicant with a determination that the existing wetlands, waterbodies and Beaver Dam Creek exhibit stable conditions that do not need remediation. Only one waterbody may require attention, but it originates from an offsite agricultural pond, and it is not in the vicinity of the development footprint or impacted by the development.
6. DelDOT has determined that the traffic impact of this subdivision will be "Minor" and that a Traffic Impact Study will not be necessary. Instead, the developer will be required by DelDOT to pay an Area Wide Study Fee in addition to constructing various roadway improvements. However, as a condition of approval, the developer must revisit and update the Area Wide Study Fee and required roadway improvements with DelDOT as part of the Final Site Plan Approval Process.
7. This subdivision has a design that is superior to that of a standard subdivision for many reasons, including the following:
 - A. The Applicant's Engineer identified areas worthy of preservation and mapped them. This includes a large area of woodlands east of Beaver Dam Creek that is being preserved in its natural state.
 - B. The lots and amenities are largely clustered on the remaining environmentally suitable portions of the property.

- C. The areas of the property that will be developed and improved avoid the areas where wetlands are located and comply with the County Resource Protection standards, particularly with the additional conditions imposed by this approval.
 - D. A Forest Assessment has been provided, and the design includes substantial tree preservation by preserving approximately 56% of the trees on the site.
 - E. The design includes approximately 70 acres of land that will be open space. This represents approximately 62% of the site, which significantly exceeds the Code's 30% open space requirement. This also substantially exceeds the amount of open space that would remain within a standard subdivision.
 - F. There will be a buffer that is at least 30 feet in width around the subdivision. In many places this buffer is greater than 30 feet in width. This exceeds what would occur in a standard subdivision and it exceeds the buffer requirements for cluster subdivisions.
8. Section 99-9C of the Subdivision Code requires the Commission to consider multiple items relating to the site plan. The Applicant has addressed the requirements of Section 99-9C of the Code, and there are conditions of this approval that are based upon these items.
9. As a result of all of these reasons and based upon the record that was presented, this application complies with the standards of the Sussex County Subdivision and Zoning Codes, and it will not have an adverse impact on area properties, roadways or public/community facilities.
10. This preliminary approval is subject to the following conditions:
- A. There shall be no more than 187 lots within the subdivision. These lots shall be phased-in pursuant to a phasing plan submitted as part of the Final Site Plan.
 - B. The Final Site Plan shall confirm that approximately 70 acres, or roughly 62% of the site, shall remain as open space. This open space shall preserve approximately 56% (or 51 acres) of the existing trees on the site. The areas of woodlands to be preserved shall be shown on the Final Site Plan as "Non-Disturbance Areas". Silt fencing shall be installed along the perimeter of these wooded areas to avoid disturbance during sitework and construction.
 - C. The Resources defined by Sussex County Code shall be protected and preserved as required by Section 115-193 of the Sussex County Zoning Code. Although buffer averaging was proposed for certain areas of the subdivision, the Commission rejects that averaging design because the receiving areas of the Zone B buffers are unbuildable and do not provide any greater protection to the Resource while the reduced portion of the Zone B buffers will have an impact on the Resource. No buffer averaging shall be permitted in the area of Lots 13 through 18, 28 and 34 and 35. These lots shall be reconfigured or relocated as necessary to avoid any impact on the Resources or Zones A or B of the Resource Buffering.
 - D. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, conservation areas, buffers, stormwater management facilities and other common areas.

- E. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- F. There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of this subdivision in accordance with Sections 99-21A of the Sussex County Code. This buffer shall utilize existing forest or similar vegetation that exists within it. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.
- G. The undeveloped land area east of Beaver Dam Creek shall be permanently protected, delineated and described on the Final Site Plan and the recorded Declaration of Covenants, Conditions, Easements and Restrictions for the subdivision. It shall remain in its natural state without disturbance in perpetuity. Signage confirming the location and preservation of this natural area shall be located along the entire perimeter of the area at 300-foot intervals.
- H. The development shall comply with all DelDOT entrance and roadway improvement requirements in addition to the payment of an Area Wide Study Fee. However, because the current Area Wide Study fee determination dates back to 2024, prior to Final Site Plan consideration the Applicant shall coordinate with DelDOT and obtain an updated and documented AWSF (Area Wide Study Fee) determination and contribution amount along with a documented description from DelDOT of other planned roadway improvements (either DelDOT- or developer-funded) for Cave Neck Road and its intersections with Round Pole Bridge Road and the Sweetbriar/Hudson Road intersection. This information shall be provided to Planning & Zoning Staff and the Commission prior to consideration of the Final Site Plan for this subdivision.
- I. Sidewalks shall be installed on at least one side of all streets along with a connection to the DelDOT multi-modal path. A streetlighting system that provides lighting in a downward direction with minimal uplighting shall be provided.
- J. As stated by the applicant, the active recreational amenities for the subdivision shall include a clubhouse and pool. These amenities shall be constructed and open to use by the residents of the development in accordance with Section 99-21.E of the Subdivision Code. The Final Site Plan shall contain specific details as to the size and location of each of these amenities.
- K. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- L. Street design shall meet or exceed Sussex County standards.
- M. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- N. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through 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.
- O. The Applicant shall coordinate with the local school district regarding the location of school bus stops within the subdivision. The location of the bus stop areas shall be shown on the Final Site Plan.
 - P. The Final Site Plan and Recorded Restrictive Covenants shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice. These documents shall include a similar notice that hunting activities may also occur on nearby properties.
 - Q. Final Site Plan and Recorded Restrictive Covenants shall include a Resource Buffer Management Plan and shall serve as a guide for the management of regulated Resources and their Resource Buffers including the management and maintenance of the naturally preserved area on the east side of Beaver Dam Creek.
 - R. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffers. The Landscape Plan shall also clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all “Limits of Disturbance” within the site.
 - S. There shall be vehicular interconnectivity with the adjacent as shown on the Preliminary Site Plan for use in the event the adjacent parcel is ever developed. There shall be signage installed at this location advising that future interconnectivity may occur at this location.
 - T. The Final Site Plan shall include a Grading Plan for each phase of the subdivision. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
 - U. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - V. The Final Site Plan, including a Phasing Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Pettyjohn, and carried unanimously to grant preliminary subdivision approval for 2024-05 Rivers Edge for the reasons and the conditions stated in the motion. Motion carried 3-1.

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

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

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

Mr. Collins voted nay, expressing concerns regarding the road plans for the area; that he stated the road was largely still a farm road; that he had concerns regarding the bridge along the road, and the site's location within an Investment Level 4 area. Mr. Collins stated that the price being paid to make improvements did not seem aligned with what should be required within Level 4 from what he could see.

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

2024-07 Stockley Acres

A cluster subdivision to divide 41.7 acres +/- into eighty-three (83) single-family lots, to be located on a certain parcel of land lying and being in Sussex County. The properties are lying on the south side of Stockley Road (S.C.R. 280), approximately 0.38 mile west of Beaver Dam Road (Rt. 23). 911 Address: 30134, 30104 & 30164 Stockley Road, Milton. Tax Map Parcel: 234-5.00-54.00 & 54.01. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that the Application was last heard at the Commission meeting of April 15, 2026, at which time there had been some technical issues; that due to this, the Commission had left the public record open for the receipt of additional public comments; that the record automatically closed; that two additional public comments were submitted and were included within the Commission's Paperless Packet.

The Commission discussed the application which had been deferred since April 15, 2026.

In relation to 2024-07 Stockley Acres. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

2024-08 Frog Farm

A Coastal Area standard subdivision to divide 11.88 acres +/- into six (6) single-family lots, to be located on a certain parcel of land lying and being in Sussex County. The property is lying on the north and south sides of Holts Landing Road (S.C.R. 346), approximately 0.38 mile west of Irons Lane (S.C.R. 348). 911 Address: N/A. Tax Map Parcel: 134-7.00-125.00. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that the Application was last heard at the Commission meeting of April 15, 2026, at which time there had been some technical issues; that due to this, the Commission had left the public record open for the receipt of additional public comments; that the public record automatically closed and Mr. Whitehouse confirmed that no additional public comment was received.

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Collins moved that the Commission grant preliminary approval of Subdivision 2024-08 for Frog Farm for a six-lot subdivision based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1, which permits low density single family residential development. This 6-lot subdivision on 11.88 acres results in an overall density that is significantly less than the allowable density in the AR-1 District.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. No parties appeared in opposition to this Application and there were three letters submitted in support of the Application.
5. The proposed subdivision will not adversely impact roads, traffic, schools, public buildings and community facilities and the items in Section 99-9C of the Subdivision Code are satisfied.
6. The site design focuses on preserving critical environmental areas and maintains approximately 47% of the site as open space.
7. The subdivision will be served by on-site wells and septic systems.
8. Frog Farm Lane is a private drive within a 50-foot right-of-way. Given the existing nature of this lane and the small number of lots being created, a waiver of the buffer, grading and street design requirements is appropriate.
9. This preliminary approval is subject to the following conditions:
 - A. Only six lots shall be permitted. Any further subdivision shall require an additional public hearing.
 - B. Frog Farm Lane and its usage and maintenance is governed by an easement recorded in the Sussex County Recorder of Deeds Office at Book 1135 Page 6. Each new lot shall have access to this Lane. This easement and/or a shared use maintenance agreement shall be referenced on the Final Site Plan.
 - C. As shown on the Preliminary Site Plan, approximately 5.53 acres of the site shall remain as open space.
 - D. There shall be recorded restrictions governing the maintenance of all buffers, stormwater management facilities, common areas and open space.
 - E. The Final Site Plan and recorded restrictions shall include the Agricultural Use Protection Notice and a similar notice that hunting activities occur on nearby properties.
 - F. A forested and/or vegetated buffer at least 20 feet wide shall be established along the perimeter of the subdivision, except along the perimeter of the site and the frontage on Holts Landing Road, as well as the perimeter contiguous with Tax Map Parcel No. 134-7.00-125.01. This buffer shall utilize existing forest or similar vegetation, if available. Where trees or wetlands currently exist in the buffer area, stump removal or construction activities that disturb the wetlands or existing grade

within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area.

- G. There shall be a Resource Buffer in accordance with §115-193 of the Zoning Code as shown on the Preliminary Site Plan. Signage identifying this perimeter buffer as a “non-disturbance area” shall be installed along the buffer at 300-foot intervals.
- H. If required, the stormwater management system shall meet or exceed the requirements of the State and County, and the Final Site Plan shall contain the approval of the Sussex Conservation District. The system shall be maintained and operated using Best Management Practices.
- I. The development shall comply with all DelDOT entrance and roadway improvement requirements.
- J. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- K. Each lot shall have its own on-site wastewater treatment and disposal system.
- L. Each lot shall be served by its own private well.
- M. Construction, site work, excavation, grading and deliveries shall only occur on the site between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. No Sunday hours shall be 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. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning & Zoning.
- O. The Final Site Plan for the Subdivision shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to grant preliminary subdivision approval for 2024-08 Frog Farm, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/U 2551 Sarah Peterson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.45 ACRES, MORE OR LESS. The property is lying on Morning Glory Farms Road on the northwest side of Portsville Road (S.C.R. 492), approximately 0.84 mile east of S. Shell Bridge Road (S.C.R 492A). 911 Address: 8982 Morning Glory Farms Road, Laurel. Tax Map Parcel: 432-3.00-41.06.

Mr. Whitehouse advised the Commission that the Application was last heard at the Commission meeting of April 15, 2026, at which time there had been some technical issues; that due to this, the Commission had left the public record open for the receipt of additional public comments; that the public record automatically closed and Mr. Whitehouse confirmed that additional public comments were received and had been included within the Commission's Paperless Packet.

The Commission discussed the application which had been deferred since April 15, 2026.

In relation to C/U 2551 Sarah Peterson. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/U 2554 E. Johnson Holdings, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS. The property is lying on the north and west side of the intersection of Central Avenue (S.C.R. 84) and Lizard Hill Road (S.C.R. 367A). 911 Address: N/A. Tax Map Parcel: 134-19.00-12.00 (P/O).

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2554 for E. Johnson Holdings, LLC to operate a self-storage facility based upon the record made at the public hearing and for the following reasons:

1. The use as a self-storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use is to be located along Central Avenue near an area where other small business uses exist. There is also a large commercially zoned tract of land nearby. This is an appropriate location for this type of low-intensity use.
3. The use will be a self-storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted. As stated by the Applicants, no plumbing facilities will be provided to individual units.
4. There was testimony in the record that there is a need for small business storage facilities in Sussex County. The Applicant has testified that they routinely get requests for this type of use by small businesses and contractors.
5. This type of storage facility generates a relatively minor amount of traffic. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be diminutive.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse

impact on the neighboring properties or community.

7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to no more than five (5) self-storage buildings. None of the buildings shall have water or sewer connections.
 - B. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
 - C. The perimeter of the Storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.
 - D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
 - E. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Central Avenue and the other on Lizzard Hill Road.
 - F. Stormwater management shall be maintained on site, using Best Management Practices.
 - G. The hours of operation and access to the facility will be as follows: gate access will be available daily from 6:00 A.M. to 9:00 P.M., seven days per week.
 - H. The site shall be fenced on all sides with a controlled access gate. The gate shall be located at least 40 feet from the Lizzard Hill Road right-of-way so that waiting vehicles do not line up on that roadway.
 - I. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.
 - J. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
 - K. No maintenance of vehicles or equipment shall occur on the site. No hazardous materials or fuel shall be stored on the site. No junked or unregistered vehicles or trailers shall be stored on the site.
 - L. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
 - M. The Final Site Plan shall clearly depict the portion of the larger property that is being occupied by this Conditional Use, and it shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2554 E. Johnson Holdings, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/U 2555 Bittersweet Investments, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS. The property is lying on the southeast corner of the intersection of Central Avenue (S.C.R. 84) and Old Church Cemetery Road (S.C.R. 367). 911 Address: 34555 Central Avenue, Frankford. Tax Map Parcel: 134-19.00-25.00 (P/O).

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2555 for Bittersweet Investments, LLC, to operate a small storage facility with an office building based upon the record made at the public hearing and for the following reasons:

1. The use as a small storage facility with office space is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. Although the entire property is about 45 acres in size, only about one (1) acre of the property will be used for the Conditional Use.
3. The Applicant and its subsidiaries own and operate several commercial rental properties in the area. This small 1,600 square foot office building will provide a convenient, centralized location for the Applicant's business.
4. The storage will occur in the existing barn on the site. This is an adaptive re-use of this agricultural building that has become an informal landmark in this neighborhood.
5. The use will be a storage facility with an office. No manufacturing, assembling, fabrication, or similar activities will be permitted.
6. There was testimony in the record that there is a need for storage facilities for small businesses and contractors in this area.
7. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be diminutive.
8. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
9. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to storage within the existing barn and an office building that will be 1,600 square feet in size. The area set aside from the larger parcel for this Conditional Use shall be clearly shown on the Final Site Plan.
 - B. Security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
 - C. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
 - D. There shall be only one lighted sign allowed on the site. It shall be no larger than

- 32 square feet per side.
- E. Stormwater management shall be maintained on site as required.
- F. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- G. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- H. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- I. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Allen, and carried unanimously to recommend approval of C/U 2555 Bittersweet Investments, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/U 2563 George Herker

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.48 ACRES, MORE OR LESS. The property is lying on the south side of Omar Road (S.C.R. 54), approximately 0.23 mile east of Dukes Road (S.C.R. 354). 911 Address: N/A. Tax Map Parcel: 433-7.00-20.00.

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Allen moved that the Commission recommend approval of C/U 2563 for George Herker to operate a mini-storage facility with outdoor boat and RV storage based upon the record made at the public hearing and for the following reasons:

1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use will be located along Omar Road, and it is in an area where several small businesses and commercial uses exist within one mile of the site including the Applicant's property management business across the road. This is an appropriate location for this type of low-intensity use.
3. The use will be a storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted on this site. The management of the use will occur from the

Applicant's existing property management company on the opposite side of Omar Road.

4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use compliments the residential development that is occurring in Sussex County and the newer residential developments that do not allow sheds or long-term parking of boats and RVs on lots.
5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to 31 mini-storage buildings and the outside storage of boats and RVs. The buildings on the site shall be no larger than 40 feet by 60 feet in size and 20 feet in height. The buildings shall be separated by a minimum separation distance of 24 feet. None of the buildings shall have water or sewer connections.
 - B. Security lighting shall be screened with downward illumination so that it does not shine on any neighboring properties or roadways.
 - C. The perimeter of the storage area shall be fenced and gated with electronic access. The location and type of fencing shall be shown on the Final Site Plan. The entrance gate shall be located at least 40 feet from the Omar Road right-of-way so that waiting vehicles do not line up on that roadway.
 - D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
 - E. There shall be only one lighted sign allowed on the site. It shall not be larger than 32 square feet per side.
 - F. Stormwater management shall be maintained on site, using Best Management Practices.
 - G. A 30-foot-wide perimeter landscape buffer shall be established along the perimeter of the site with the exception of the entrance and sign areas. This buffer shall include existing trees to the greatest extent possible. The Final Site Plan shall include the details of this perimeter landscape buffer.
 - H. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
 - I. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself.
 - J. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
 - K. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs

shall be stored on the site.

- L. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2563 George Herker for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

C/U 2631 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 AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 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 the Application was last heard at the Commission meeting of April 15, 2026, at which time there had been some technical issues; that due to this, the Commission had left the public record open for the receipt of additional public comments, and additional information to be provided from the staff; that the public record automatically closed after five business days and Mr. Whitehouse confirmed that no additional public comment was received.

Mr. Whitehouse provided the Commission a presentation on the history of property and the previous Conditional Use approval.

The Commission discussed the application which had been deferred since April 15, 2026.

In relation to C/U 2631 Zion Church Ventures, LLC. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Pettyjohn and carried unanimously. Motion carried 4-0.

RECESS

4:32 PM – 4:37 PM

PUBLIC HEARINGS

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

C/U 2540 La Dolce Far Niente, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS. The property is lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329). 911 Address: N/A. Tax Map Parcel: 133-11.00-1.02.

Mr. Whitehouse advised the Commission submitted into the record were the Applicant's Conditional Use Plan, the Applicant's exhibits and presentation materials, the property deed, the Staff Analysis Report, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant and Owner of the property, La Dolce Far Niente, LLC; that also present were Mr. Matt Kirks and Mr. Carter Kirks, Principals of La Dolce Far Niente, LLC, and Mr. Eric Wahl, Registered Landscape Architect and Land Planner with Pennoni, and President of the Native Plant Society of Delaware.

Mr. Hutt stated that the application proposed self-storage with boat, trailer and RV parking, until full buildout of all the various buildings; that the property was located on the western side of DuPont Boulevard, being a short distance north of the intersection of Route 113, with East Piney Grove Road, which was the location of the Sharp Energy Buildings; that the Sharp Energy Building was the adjacent neighbor of the site; that currently, the site was completely vacant, and was currently being used for agricultural purposes; that the 2025 State Strategies Map identified the property as being within Investment Level 4; that there were three things that were interesting

regarding the excerpt from the State Strategies Map; that first, he found it curious to how Investment Level 3 could completely surround the site's seven acres, and a bit of the Sharp Energy property, which had been placed on an island designated as Investment Level 4; that secondly, and probably more important, the State Strategies Map designated the property as being part of the State's Key Planning Area; that the Key Planning Area extended from Georgetown to Millsboro, along the Route 113 corridor; that the same designation of Key Planning Area also existed along Route 9, from Georgetown to Lewes, around the Five Points area; that thirdly, the application would not involve any public funds for the proposed use; that for example, the application would not add any children to a school district; that the application would not need additional services for people; that the application proposes the opposite, as it would provide a use and service for existing residents or businesses in the area who need storage, and would do so within minimal traffic impact; that on the 2045 Future Land Use Map in the 2018 Comprehensive Plan, the property was identified as being part of the Low Density Area, which is one of the County's two rural areas; that the proposed Conditional Use was consistent with the guidelines found in Chapter 4, regarding Low Density Areas; that as Low Density Areas are identified, as areas where the primary activities are agricultural activities and homes; that within the same section of the Comprehensive Plan, it goes on to describe the types of business and commercial uses that are appropriate in Low Density Areas; that in doing so, the Comprehensive Plan stated that business development should be largely confined to businesses addressing the needs of the two uses, agriculture activities and homes; that the focus of retail and office uses should be providing convenience goods and services to nearby residents, which is exactly on point with what a self-storage facility is trying to do; that the properties surrounding the site to the north, south, east, and west, located on the same side of DuPont Boulevard or Route 113, were all in the same Low Density Area; that the properties across Route 113, were located within municipalities areas, which was a growth area within Sussex County; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the surrounding properties to the site were also within the AR-1 (Agricultural Residential) Zoning District; that north of the site, closer to Governor Stockley Road, there were a series of commercially zoned properties, being zoned C-1 (General Commercial), CR-1 (Commercial Residential), and C-3 (Heavy Commercial), with C-2 (Medium Commercial) zoning located on the western and a bit of the eastern site of Route 113; that also within the general location of the site was the Sussex Central School, which was zoned LI-2 (Light Industrial); that he did not feel that the Sussex County Zoning Map reflected the Key Planning Area that the State and County identified when the Office of State Planning Coordination when the 2025 State Strategies Map was developed; that due to this, he requested that Pennoni put together the Key Planning Area Corridor; that within the southern limits of the Town of Georgetown, there were Highway Commercial and Institutional uses; that the Town of Georgetown's Future Land Use Map even identified areas to annex in the future as being institutional and utility uses along Route 113; that there were some light industrial uses at the southern end of Georgetown, as well as a mixture of residential types of zoning; that immediately after leaving the Town of Georgetown, was the

location of the Georgetown Speedway, being on the east side of Route 113; that right around the speedway, there was a section of land, located on the eastern side that was currently zoned C-2 (Medium Commercial), which was intended for some future retail businesses; that right adjacent to that property, was a larger portion of land that was zoned LI-1 (Limited Industrial); that when traveling further south along the Route 113 corridor, one becomes closer to Governor Stockley Road; that within this area, there were a number of zoning classifications again being C-1 (General Commercial), CR-1 (Commercial Residential), C-3 (Heavy Commercial), and C-2 (Medium Commercial), which businesses such as Melvin Joseph Construction Company, Stockley Materials, Stonegate Granite & Marble, Herc Equipment Rental, David A. Banks, Peninsula Homes, and Pep Up; that all of those businesses were located along the Route 113 corridor, between the Georgetown Speedway and Governor Stockley Road; that as one would travel further south past Governor Stockley Road, the same commercial zoning designation continues, with properties zoned as C-1 (General Commercial), CR-1 (Commercial Residential), and C-2 (Medium Commercial); that there was a DIY tool supply store located on the western side of Route 113; that when staying along Route 113, Stockley Tavern was located just north of the site; that when heading south the site was located adjacent to Sharp Energy; that when continuing south, one would reach the outer boundaries of the municipal limits of the Town of Millsboro, within the northernmost boundary of the Town of Millsboro being HC (Highway Commercial) Zoning classification; that once going past that site, was the property, currently under construction for Tidal Health's future 30 acre healthcare campus; that just past that location, at the next intersection, was the location of Beebe Healthcare's future medical use; that §115-219 of the Sussex County Code provided a good description of a Conditional Use; that the Code stated that the uses are generally of public or semi-public character, and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the AR-1 (Agricultural Residential) Zoning District allows Conditional Uses for something that the Planning Commission considered on a somewhat regular basis for self-storage; that there were application for self-storage uses that had been recommended for approval just earlier that evening by the Commission; that through those, the County had established that self-storage was a use that was of a public or semi-public character, being essential and desirable for the County; that another example of a Conditional Use on AR-1 (Agricultural Residential) property would be the Sharp Energy building itself, located immediately adjacent to the site; that the Sharp Energy application was a previous Conditional Use for commercial propane storage, CNG propane dispensing and for an office and warehouse, designated as Conditional Use No. 1997; that the Sussex County Council adopted the use as Ordinance No. 2370 on October 14, 2014; that planning judgement on location and site plan, referred to in the Code's definition of what a Conditional Use was, could be described in a number of ways; that five factors that the Planning Commission and County Council evaluate were things like the compatibility of the proposed conditional use, regarding traffic impacts, any

environmental considerations, public safety concerns, and the overarching orderly growth of the County; that the application's primary use was a self-storage facility, with buildings and indoor self-storage; that the plan proposed single-story buildings, to be fully enclosed units; that on the right-hand side, there was an amendment to the Conditional Use application to add a temporary use, being boat, trailer, and RV parking, while the site is being built out; that it was anticipated that not all of the buildings, for financial reasons, would be constructed at once; that the portions of the property that did not have storage buildings on them would be able to be used for storage purposes; that this would be done through a Phasing Plan, which was a part of the submitted application files; that within Phase 1, two storage buildings are proposed at the entrance, as well as the stormwater management; that Phase 2 was located in the center of the site; that Phase 1 would provide the initial storage buildings, the site access, and the temporary boat and RV storage surrounding that; that Phase 2 would add approximately four buildings in the middle of the site; that Phase 3, as well as the other various phases, would continue to add storage buildings around the perimeter of the site; that the timing would be based on demand for those buildings; that as reflected on the Phasing Plan, Phases 1 and 2 showed storage buildings within those areas; that then what was proposed, was trailer, boat and RV parking to be located within Phases 3, 4 and 5; that as the demand increased for the indoor storage, the parking would be eliminated and reduced with the various phasing provided; that reflected within the Key Notes of the Site Plan, there were letters and numbers that applied to each one of those things; that Building A, regarding Key Note No. 1, reflected the location of where the office would be located; that the office would not be staffed at all times; that the office would only be staffed when an appointment was made for a customer who wanted to meet on site; that generally, there would not be a person on the site; that Key Note No. 2 related to gated access; that Key Note No. 3 indicated that there would be a fence around the entire perimeter; that Key Note No. 4 referenced parking spaces, which related to the office use, and customers who would want to meet onsite; that to the left of proposed Building A, there would be a water tank and pump house, to provide fire suppression for all the buildings; that next to the water tank was an area for septic; that out by the road, there would be an area for a sign; that the buildings would be single-storage buildings of neutral color; that there would be fenced screening around the entire perimeter of the site; that in addition, due to the size of the buildings, all buildings would be fully sprinkled, which would require Fire Marshal approval and coordination with the local fire company; that a DelDOT Service Level Evaluation Request (SLER) was filed with DelDOT, which stated that the traffic impact would be "negligible" and would generate minimal traffic, being fewer than 50 vehicle trips in any hour, and fewer than 500 vehicle trips in any day; that access to the site would be located from East Piney Grove Road; that there was a recorded easement across the Sharp Energy parcel that provided access to the subject parcel; that the subject parcel had the same recorded easement that extends access to the next parcel; that this easement was performed through a subdivision process; that the property is not located within a floodplain; that the area is designated as Zone X on the FEMA Flood maps; that there are no Federal or State Jurisdictional wetlands on the site; that the property does not have any Wellhead Protection or

Excellent Groundwater Recharge Areas located on the site; that the stormwater management will meet or exceed the requirements of the Engineering Department and the Sussex Conservation District; that with respect to compatible use with the surrounding area, he believed that the Commission typically thought of nuisance factors, such as sound, light, and smells; that self-storage was a quiet, low-impact use; that the nearest neighbor to the site was Sharp Energy, being commercial use; that the nearest residence was located more than 1,000 feet away, along Route 113; that there was a community benefit derived from storage, as it provided a location for businesses and homes to safely store things in a secure area; that the Commission regularly heard stories regarding homeowners' associations not allowing storage of what many people think of as their treasures, to be located on their property; that because of this, it was necessary to have storage; that many businesses use storage facilities as well; that the site's location was particularly noteworthy in that regard, as the location was an area located along a major arterial road, being Route 113; that it was something that had been identified as a growth corridor or a Key Planning Area throughout the State Strategies process; that the site was located between two growing towns within Sussex County, being Georgetown and Millsboro; that the individuals who live in either town would have ready access off Route 113 to the facility; that as a Conditional Use, the Commission would likely recommend conditions; that he requested to submit for the record, proposed Findings of Fact and Conditions of Approval; that the proposed Conditions of Approval began on Page 3; that the first one provided a description of the concept of what was being proposed, which was indoor self-storage, but with the boat, trailers and recreational vehicle storage, with the phased process, until the buildings are completed; that the second condition, indicated that no one can perform work on the boats, trailers, or RVs; that the use was not intended to be a mechanical yard; that it was only intended to be a storage facility; that the third condition, stated that the site was proposed to have 24 hour, gated access for its customers; that the site was located right along Route 113; that there are no nearby neighbors; that the site was not located adjacent to any residential community; that Condition D related to perimeter fencing and gate access; that Condition E spoke upon security lighting; that Condition F stated that signage for the property shall comply with the sign requirements for the C-2 (Medium Commercial) Zoning classification stated in Article 21 for signs of that Zoning Code; that generally the Commission would allow a 32 square foot sign, however, those signs are often located on smaller, local roads, when located in a more residential and rural type setting; that the property is situated along a major arterial, being Route 113; that the proposed signage would be similar to the same signage that would be permitted amongst all those other various commercial uses, and zoning classifications previously identified; that the requested allowable signage, would be the same as the Sharp Energy Conditional Use, located next door to the site; that the only difference would be that the Sharp Energy signage requirements were for the B-1 (Neighborhood Business) District, which had become a closed district, and requested that the Commission recommend approval for the application.

Mr. Pettyjohn questioned the height of the one-story proposed building.

Mr. Matt Kirks stated the one-story building was proposed to be within the 20-foot range, standard gable roof, with 8 ft ceilings and to be climate controlled.

Mr. Collins questioned whether the entrance design was consistent with a future entrance, and how far the gate will be located off the easement road.

Mr. Hutt stated that the entrance is the same as all other minor subdivision plans; that it would not create a service road per se; that it would not be a DelDOT service road; that it was access for Sharp Energy to the backside of their property, the subject property and the property behind it; that it was only for the benefit and access of those three properties

Mr. Eric Wahl, with Pennoni, stated that the gate would be located about 50 feet off the edge of road paving.

Madam Chair Wingate stated that when looking at the layout and the proximity of the buildings, it appeared that when trying to access Storage Building M, she would assume one would unload or load between Building M and Building Q; that there was 24 feet between Building M and Building I, with what appeared to be a 10 foot separation, and she questioned whether 24 feet would be enough room for someone in a pickup truck, pulling a trailer to turn around.

Mr. Eric Wahl stated that the plan was designed traffic-wise to go around the buildings; that 24 foot wide access ways were provided around the buildings; that the areas where it became shallower were at the sides of the buildings, where there would not be any real access; that the traffic would be required to go around the site through the 24 foot wide spaces; that when going through Phase 1 to get to Phase 2, one would go up to the left of Building I and Building M; that if one were in a larger vehicle, they would not have to back out, they could go around Building M, between Building M and Building N, and make a loop to exit.

Madam Chair Wingate questioned whether the plan had been reviewed for acceptance by the State Fire Marshal to ensure that fire trucks and first responders could maneuver through the site.

Mr. Wahl stated yes, and that he had worked with their civil engineer also to ensure the accessibility provided was adequate.

Mr. Robertson questioned whether the buildings would have septic systems, water connections, or plumbing, aside from the office.

Mr. Eric Wahl stated only for fire safety reasons.

The Commission found that no one was present who wished to speak in support of or in opposition to the application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2540 La Dolce Far Niente, LLC. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

C/U 2604 Alvaro E. Perez Roblero

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS. The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40). 911 Address: 16694 Cedar Corners Road, Bridgeville. Tax Map Parcel: 430-17.00-23.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Staff Analysis, the DeIDOT Service Level Evaluation Response Letter (SLER), a letter received from the Sussex County Engineering Department Utility Planning Division and the property deed. Mr. Whitehouse advised the Commission that two written public comments had been received regarding the application.

The Commission found that Mr. Alvaro Perez spoke on behalf of his application. Mr. Perez stated that he was requesting to store his equipment and store leftover materials on the site; that for example, he may have 10 yards of mulch in his truck; that he may return with a yard of mulch left; that he is requesting permission to place his leftover material until another job comes along where he may use it; that the storage bins would be used for yard waste, and would be located near the bottom of the property, and there would be 10 parking spaces provided for his employees.

Madam Chair Wingate questioned whether any grinding of trees or other material would take place on the site and questioned whether the storage was only for the storage of mulch.

Mr. Perez stated no; that no grinding of material was proposed to take place on the site; that the storage would not only be for mulch, and the storage would be for any landscaping material that he may have left over, such as dirt, gravel, river rocks, so that he may use them on the next job.

Mr. Collins questioned whether Mr. Perez's business involved any fence installation or any kind of large construction materials.

Mr. Perez stated no; that his business was not involved in any fence installation or storage of larger construction materials.

Mr. Pettyjohn questioned whether materials were delivered to the site, and whether those vehicles would consist of tractor trailers or dump trucks.

Mr. Perez stated that if it were possible, yes, he would like to have materials delivered to the site; that he currently had mulch delivered to the site; that he generally used his own vehicles to pick up the materials from the suppliers and would dump it there when he needed it.

Mr. Collins questioned whether dumps trucks were being used to perform the work.

Mr. Perez stated yes that he used a small dump truck to perform the work.

Madam Chair Wingate questioned where the material was proposed to be stored, as the area she thought was assigned for storage was actually the area assigned for parking.

Mr. Perez pointed out that the storage area for the Commission on the presentation screen in the room.

Madam Chair Wingate stated that according to what Mr. Perez was pointing out, the location referenced as truck and trailers parking was actually the proposed location of the storage bins.

Mr. Pettyjohn stated that just to the right of that location, the plan reflected a rectangle which stated "Open Storage Area."

Mr. Perez stated the rectangle area labeled as "Open Storage Area" was the proposed location for material storage; that he would need an area, approximately 10' x 40' to allow him to space them out, and right next to that area he would have two dumpsters for yard waste.

Madam Chair Wingate questioned what the purpose would be for the proposed pole shed.

Mr. Perez stated he intended to keep his lawn mowers, and other stuff to keep them out of the cold weather and rain.

Mr. Allen questioned whether any mechanical work would take place within the pole shed.

Mr. Perez stated that no mechanical work would take place in the pole shed.

Mr. Collins questioned whether any grinding of material happened on site, whether mulch was produced by a woodchipper, and if any chemicals, such as pesticides, were stored on the site.

Mr. Perez stated that no grinding material would be carried out on the site, and that no chemicals were stored on the site.

Madam Chair Wingate questioned whether any other commercial uses were located within the surrounding area.

Mr. Perez stated that he did not know of many, and there were some businesses, but he did not know whether they were deemed commercial or not.

Mr. Collins questioned whether there were any other landscape businesses or any other kind of business that may have dump trucks coming to and from their property located within a couple of miles of the site.

Mr. Perez stated probably on the opposite end of the street.

Mr. Pettyjohn questioned how Mr. Perez handled his fuel for his equipment, such as the mowers and tractors, and whether there was a bulk tank.

Mr. Perez stated that generally he would purchase fuel as he needed it; that every couple days, he would stop at the gas station to fill everything up; that did not have a bulk tank, and he would only keep a couple of gallons.

Mr. Robertson questioned whether the employees come to the site in the morning, get into company vehicles and leave for the job site with trailers hauling their lawn equipment.

Mr. Perez stated that he had a total of four employees; that two employees were full-time; that the business was seasonal; that in season, he may have four or six employees as he needed them; that it was 50-50; that about 50% of the time the employees would drive to the site, and other times he would pick the employees up.

Madam Chair Wingate questioned what the hours of operation would be.

Mr. Perez stated that the hours of operation would be from 7:00 am until 5:00 pm; that they start at 7:00 am, but his employees generally show up about 7:15 am.

Mr. Allen questioned whether they would work on weekends, and what the weekend hours would be.

Mr. Perez stated that they would work on weekends every now and then; that he would usually pick his employees up on the weekends to finish a job that they maybe did not finish on a Thursday or Friday, and the weekend hours of operation would be 7:00 am to 5:00 pm.

Madam Chair Wingate questioned whether snow removal services were provided.

Mr. Perez stated that his business did not provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Perez lived in the existing home on the site.

Mr. Perez stated yes, he lived in the existing home on the site; that he was trying to fence in the whole three acres for all the equipment.

Mr. Pettyjohn questioned whether Mr. Perez serviced his own equipment or performed oil changes.

Mr. Perez stated that he did not perform service or oil changes to his equipment, and if the oil was running low, he would add oil but usually took it to the shop.

The Commission found that no one was present who wished to speak in support, and three people were present who wished to speak in opposition to the application.

Mr. Brian Clairmont spoke in opposition to the application. Mr. Clairmont expressed concerns regarding noise, the negative impact of view from the proposed fence, and expressed the desire to keep the existing tree line.

Ms. Rita Fasano spoke in opposition to the application. Ms. Fasano expressed concerns regarding increased traffic, and the safety issues the increased traffic may cause, decrease in quality of life, and the negative impact on property values.

Mr. Anthony Fasano spoke in opposition to the application. Mr. Fasano expressed concerns regarding increased traffic and the impact on safety the increased traffic may cause.

Madam Chair Wingate questioned whether the application submission was initiated by an issued Notice of Violation or complaint.

Mr. Robertson stated he wanted to ensure the Applicant's testimony was accurate; that when looking at the Eagle View pictures from the County, it appeared that there was mulch on the site, however, it also appeared that trees were being grinded in the ground; that there appeared to be a grinding machine located on one corner of the property, despite being told that there was no grinding happening.

Mr. Perez stated that the grinder was not used on the property, and that he had been clearing the whole property.

Mr. Collins questioned whether Mr. Perez was indicating that the grinding was for the sake of his personal clearing of the property, and that the grinding was not for the sake of the business.

Mr. Perez stated exactly, yes; that there are big trees; that he got the grinder about a year ago; that with being busy he had not finished everything; that it was a very large property; that a neighbor had mentioned the property notice sign had been moved, but he had not touched it, and that the sign had remained in its place since Sussex County posted it.

Mr. Collins stated that he had visited the site a few days prior, at which time he did recall seeing the sign posting.

Madam Chair Wingate questioned whether the application was submitted as a result of an issued Notice of Violation.

Mr. Perez stated that he received a violation regarding having a lot of stuff in his yard; that he had been cleaning it up, and there was a lot of trash located on the site when he moved there.

Mr. Whitehouse advised the Commission that there was a Constable's case opened for the property dating back to June 2023.

Mr. Robertson stated that the Constables date was also consistent with the testimony regarding the tax sale.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/U 2604 Alvaro E. Perez Roblero. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS. The properties are lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88). 911 Address: N/A. Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 (P/O).

Mr. Robertson recused himself and left Council Chambers.

Mr. Whitehouse advised the Commission the submitted into the record were the Applicant's Conceptual Site Plan, the property deed, the Applicant's exhibit booklet, the Applicant's exhibits and presentation materials, an Artesian Willing to Serve letter, the Staff Analysis Report, the DelDOT Service Level Evaluation Response (SLER), and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission the no written public comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant and property owners, Seaside at Lewes, LLC and Mr. Joe Reed; that also present were Mr. Brent Reed, and Mr. Ring Lardner, Professional Engineer with Davis Bowen & Friedel, Inc. (DBF).

Mr. Hutt stated that in all the advertising for the property identified the property owners as Seaside at Lewes, LLC and Derrickson Properties, LLC; that about a month prior to the meeting, Mr. Joe Reed individually purchased Derrickson Properties, LLC's property, and is now the owner of both properties; that Mr. Joe Reed was also one of the principals of Seaside at Lewes, LLC; that another principal was his son, Mr. Brent Reed; that the application was to request that the 29.97 acres be rezoned from AR-1 (Agricultural Residential) District to C-2 (Medium Commercial) District; that many of the Commissioners knew that the subject property, and the area located behind it, had previously been the subject of many different ideas, applications, and concepts over the years; that there had been a Change of Zone application (C/Z 1770), which sought to change the zoning classification of 114.50 acres from AR-1 (Agricultural Residential) to CR-1 (Commercial Residential); that this application was known as Overbrook Town Center; that another application followed, which was major subdivision application, (2018-10) Overbrook Meadows West; that this application was for 135 lots on 65 acres; that another major subdivision application followed that known as Overbrook Meadows, which requested another 105 lots on 50 acres; that then, the fourth time the property was considered by an application, filed by the prior owner, which requested to

change the designation of the properties on the Future Land Use Map; that in 2008, they were shown on the Future Land Use Map as being within a growth area; that the 2018 Future Land Use Map removed them from the growth area, and the former property owner brought a petition or application, known as Ordinance No. 21-09 to change it; that the Planning Commission voted 3-2 in favor of restoring the properties to be within the growth area; that the County Council did not adopt that recommendation, and there was subsequent litigation over the issue; that the most recent application, being (2023-07) was a cluster subdivision, consisting of 359 single-family homes on 241 acres; that the Planning Commission approved the application on January 9, 2025; that the subdivision had a density of 1.49 unites to the 8th acre; that the location of the subject application needed no introduction, as it was located just before the speed camera recently placed for all the construction on Route 1, just south of Cave Neck Road; that the site was located along Route 1; that DelDOT had planned a future project for the Cave Neck Road Grade Separate Intersection project, which had been referred to in the submitted project materials; that he was referencing all of the parcel located along Route 1, and a portion of Parcel 1.00, located behind it; that the other portions of Tax Parcel 235-23.00-1.00 were either part of the cluster subdivision, located behind the subject properties, or they are areas that were anticipated to be acquired by DelDOT as part of the right-of-way acquisition for the Grade Separated Interchange; that during the public hearing for the subdivision, those areas were referred to as future development, and were still referred to as future development, because at the moment, it was still unknown what the future use for those properties would be; that should the County act favorably on the current application, it was anticipated that the use of the property would be for consumer goods, and service-related businesses and offices, such as a grocery store, restaurant, boutique, retail shop, coffee shop, medical or other professional offices; that this would be a continuation of businesses and commercial uses that exist along the corridor already; that when going from Cave Neck Road, down to the Minos Conaway Road intersection, being around the Nassau area, when staying on the western side of Route 1, is the location of Heritage Antiques, followed by Harvard Business, and then Red Mill Inn; that there was a brand new multi-story storage called American Storage, also being the home of Graulich Builders; that just past that, was the location of the Delaware Guidance Services office and Beach Babies; that right before one would reach Red Mill Pond, there was a cardiovascular medical office; that after that, there was more residential uses on the other side of Red Mill Pond, along Route 1; that beginning just north of the Nassau Bridge, is the location of Tyndall's Casual Furniture; that as one were to move further north on the eastern side of Route 1, is the location of Patriots Plaza, the Lighthouse of Lewes, the Meineke Car Servicing Garage, the Surfing Crab, Estate Farm, then the Red Mill Center, which contained Floors & More; that as one moved north, closer to the site, was the location of Willow Creek Plaza, being located right off Willow Creek Road, where one would see all of the residential development that had happened, particularly along Cave Neck Road, as one would move west away from Route 1; that per the 2020 State Strategies Map, the property was located within the Investment Level 4; that when this map was compared to the 2025 State Strategies Map, one could see a bit of an increase

in the State Strategies Level for a number of properties; that for instance, the property on the northwest corner of the intersection between Cave Neck Road and Route 1; that in addition, there were a number of instances where one could see that the State had indicated that the area had intensified in its use, because things that were once designated Level 3, were currently designated Level 2 and Level 1; that when going back to 2020, one could see the amount of area designated as Level 2 versus Level 3, and even Level 1; that all of that had increased, and he wanted to recognize the growth that had occurred within the area; that when thinking about the State Strategies Map, oftentimes people talk about funding; that the State was presently in the design stage for a Grade Separated Intersection at Cave Neck Road; that according to the DelDOT CTP's (Capital Transportation Program) Development Plan for fiscal years 2025 to 2030, it was currently a \$62,32,005.00 project; that while this was a Level 4 area, the impact of the intersection and the corridor had been noted by the State, regarding the uses of the property; that on the 2045 Future Land Use Map, the property was designated as being within the Low Density Area; that in the Low Density Area, there are business and commercial uses that the Comprehensive Plan would indicate are appropriate; that those include business development that was confined to businesses addressing the needs of the two uses, being agricultural activities and homes, which predominated the rural areas; that within Chapter 4, the focus of retail and office uses should be providing convenience goods and services to nearby residents; that this was the purpose of the proposed application; that Table 4.5-2 provided applicable zoning districts to various designations on the Future Land Use Map; that the C-2 (Medium Commercial) Zoning District was an applicable zoning district in the Low Density Area; that the next tool the Planning Commission often used to consider applications was the Sussex County Zoning Map; that the property and the surrounding area on the eastern side of Route 1 were zoned AR-1 (Agricultural Residential); that the property immediately north of the site was within an Agricultural Preservation District, known as the Cedar Tree Farms District; that south of the site, along the eastern side of Route 1, one would see all of the various shades of red being the C-1 (General Commercial) Properties; that the darker shade of red indicated CR-1 (Commercial Residential) zoning; that there was also C-2 (Medium Commercial) mixed in as one would get closer to the Nassau Bridge; that if he were to realign the uses with the map, those were the locations where all the previously mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on

June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodated community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly

typical of a Change of Zone application, where the use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented the Commission with an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time,

Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider with respect to stormwater management, parking, and other details of the site, being how it would interact with the subdivision behind it; that all of those things that are going to be designed in accordance with the Sussex County Zoning Code; that Mr. Hutt requested to conclude following a few points; that the site was located within a growing area, and the nature of the growth was reflected in the State Strategies Map changes presented to the Commission; that there were more recent Change of Zone applications that had been approved by the County; that in addition, it had been recognized that the growth in the area had been recognized by DelDOT; that DelDOT would be investing more than \$62 million at the intersection of Cave Neck Road and Route 1, and was anticipated to include both residential and commercial uses on the eastern side of the future overpass; that once the future overpass was completed, hopefully in 2029, it will be much more difficult to farm the area between the residential subdivision that would be constructed, Route 1, and the interchange that exists; that this would make farming a much less convenient use between the subdivision and the new, more easterly Route 1; that the Cave Neck Road overpass created concurrency for the application, as in order for there to be a commercial entrance for any future use of the project, the Grade Separate Interchange would need to be completed; that the application just made sense; that he had reviewed how the application matched the Comprehensive Plan and the purposes for the Low Density Area; that he reviewed how the C-2 (Medium Commercial) Zoning District was consistent with the uses in the area, and with the purpose of the C-2 (Medium Commercial) District; that certainly the land planning tools were helpful and instructive, but basic principles of land use planning state that more intense uses should be placed closer to the highway; that as one moves away from the highway, the intensity should decrease; that is what the application proposed; that the commercial area would be located immediately adjacent to a major arterial, leading back and away from that would be less intense uses, with a subdivision of low density; that this highlighted the common sense of the application; that when one would think of it practically, it stood out even more; that the future residents of Seaside at Lewes, being the future subdivision, would not want to jump onto Route 1 to pick up groceries; that it would be much more convenient if the residents could do these things right in front of their subdivision; that the subdivision was limited to 359 units; that all of the hundreds, potentially thousands, of units that are on Cave Neck Road, would not have to venture out onto Route 1; that if one lived within Vincent Overlook, they would come onto Cave Neck Road, go over top of Route 1, and go around the roundabout to turn into whatever future commercial area they would be; that they would never need to enter the Route 1 corridor, particularly during the summer or busy weekends; that if a person did not live on Cave Neck Road, and wanted to access the site, they would not have to drive on any smaller road, other than those required to get out of their community; that eventually they would end up on a major arterial, and once they get on that major arterial, being Route 1, their access would be to take an exit ramp off the Cave Neck overpass, enter a roundabout, and then get

access whatever commercial use they wanted; that many people had indicated, even in recent public hearings, that they would like to see commercial development off the major highways, and the locations being improved by DelDOT; that the common sense of the application demonstrated that the parcels are an appropriate location for the C-2 (Medium Commercial) Zoning classification, based upon the Comprehensive Plan, the Zoning Code, and the nature and character of the area; that Mr. Hutt requested to submit a proposed set of findings for the application record, and he requested that the Planning Commission recommend to the County Council that the requested Change of Zone from the properties to the C-2 (Medium Commercial) District be approved.

Mr. Collins stated that the application was consistent with what he expected to be proposed for the property, and questioned whether it was anticipated that there may be a connector that ran north to the other development, with the presumption that the rest of the land, that adjoined the parcels, would become developed.

Mr. Hutt stated that no, and the reason was that there was agricultural preservation.

The Commission found that no one was present who wished to speak in support of or in opposition to the application.

Upon there being no further questions, Madam Chair Wingate closed the public hearing.

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

In relation to C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Mr. Robertson returned to Council Chambers.

PUBLIC COMMENT

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

ADDITIONAL BUSINESS

Mr. Whitehouse discussed the requested report regarding solar array implementation.

Meeting adjourned at 6:39 p.m.

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internet at www.sussexcountyde.gov.**
