

MINUTES OF THE REGULAR MEETING OF MAY 7, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, May 7, 2025, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 12:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Bruce Mears, Mr. Brian Butler, and Mr. Scott Collins. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Mr. Michael Lowrey – Planner III, Ms. Ann Lepore – Planner I, and Ms. Jessica Iarussi – Recording Secretary.

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

Motion by Mr. Mears, seconded by Ms. Wingate, to approve the Minutes of March 19, 2025, of the Planning and Zoning Commission Meetings as circulated. Motion carried 5-0.

PUBLIC COMMENT

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

OLD BUSINESS

C/U 2557 Stockley Materials, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS. The property is lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432). 911 Addresses: N/A. Tax Map Parcels: 133-3.00-6.00.

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

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to close the record for C/U 2557 Stockley Materials, LLC. Motion carried 5-0.

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

C/U 2583 Tharros Village (C/O Code Purple at The Cape)

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS. The property is lying the south side of Coastal Highway (Rt. 1), approximately 0.2-mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9). 911 Address: 17996 Coastal Highway, Lewes. Tax Map Parcel: 334-6.00-526.01.

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

Mr. Collins moved the Commission to recommend approval of Conditional Use 2583 Tharros Village (C/O Code Purple at the Cape) for a campground for the unhoused based upon the record made during the public hearing and for the following reasons:

1. This Application seeks approval for a campground for unhoused citizens of Sussex County by providing a location for essential shelter and services in a dignified and supportive space with community support. The ultimate goal of this facility is to provide a pathway for individuals to obtain housing independence.
2. It is undisputed that there is a homelessness crisis in Sussex County. This is recognized in Chapter 8 of Sussex County's Comprehensive Plan. At the time the Plan was drafted in 2017 and 2018, more than 1,000 people were homeless in Sussex County, with many of those individuals sleeping in shelters or on the street. This number has increased since that time. To address this, Objective 8.1.3 of the Comprehensive Plan states that the County should, "reduce homelessness and displacement in Sussex County", with Strategies for doing so including 8.1.3.1 and 8.1.3.4, which state that the County should "Coordinate with non-profit and other stakeholders working to reduce homelessness in Sussex County" and "Consider ways to reduce homelessness and displacement in the County". These Objectives and Strategies are addressed by this Application.
3. There was testimony in the record that this program will be structured, with programming and on-site supervision. It is also assisted through meals provided by its various support organizations.
4. This location is appropriate for this use. It is the adaptive re-use of a vacant state-owned property at little cost to the Applicant. The site is located along Route One with the employment opportunities and the various transit options that exist there, including DART. It is also conveniently located near its support facilities including healthcare and the voluntary community support organization.
5. The use compliments the existing cold-weather shelters that operated in the Cape Region during the colder months, but not the warmer months. This facility will be open from early spring until the fall.
6. This location is within the Coastal Area according to the Comprehensive Plan's Future Land Use Map. This is an appropriate location for this type of facility.

7. There was no opposition to this Application during the public hearing and there is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties.
8. There was substantial public support for this Application through letters and testimony addressing the need for it, the appropriate location, the existing support system and other relevant factors.
9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. Because it addresses homelessness in Sussex County, it has a public or semipublic character and is essential and desirable for the general convenience and welfare of Sussex County and its residents.
10. This recommendation is subject to the following conditions:
 - a. The property shall be operated as a seasonal campground for the unhoused. There shall be no more than 28 tents with no more than 28 adults residing at the facility at any one time. No other improvements (other than DelDOT improvements) shall be permitted on the site. No vehicles shall be used for shelters on the site.
 - b. The facility shall be supervised at all times, with only authorized individuals permitted to reside at the location. As stated by the Applicant, there is a list of the individuals who are authorized to reside at the location. This list shall be kept by the Applicant and maintained on the site at all times for inspection by first responders, EMS and other organizations supporting the Applicant's efforts.
 - c. The use shall comply with any applicable state agency requirements that may apply, including, but not limited to those required by DelDOT, DNREC, DSHA, the Sussex Conservation District, and the State Fire Marshall's Office.
 - d. There shall be sufficient sanitary facilities on the site for the use, with regular cleaning and maintenance. These facilities shall be shown on the Final Site Plan.
 - e. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - f. All sanitary facilities, dumpsters and trash receptacles shall be enclosed and screened from the view of neighboring properties or roadways. No trash shall accumulate on the site, and the dumpsters and trash receptacles shall be regularly emptied.
 - g. As stated by the Applicant, off-site lockers or storage facilities shall be provided for the occupants of the site to prevent an accumulation of personal articles outside of the individual tents.
 - h. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT.
 - i. The campground shall be surrounded by a 50-foot landscaped buffer.
 - j. As stated by the Applicant, there shall be a 6-foot tall, galvanized fence around the site, incorporating the existing DelDOT chain-link fencing as necessary. Although gates are shown on the preliminary drawings, these gates shall not prevent access by EMS vehicles and first responders or vehicles needing to access the sanitary

facilities or trash receptacles. The location of this fencing with unimpeded access to the site as described here shall be shown on the final site plan.

- k. The entire facility may open no earlier than March 1st of each year and shall close no later than November 30th of each year. All tents, sanitary facilities, trash containers and other items supporting the use of the property by the Applicant shall be removed from the property when it is not permitted to be in use.
- l. The Applicant shall identify all “dwellings” in the vicinity of the property that require a 400-foot buffer pursuant to Section 115-172H(3) of the Sussex County Code. All campsites and cabins shall be a minimum of 400-feet from any dwelling that exists at the time of Final Site Plan approval, or a variance from this request shall be obtained from the Board of Adjustment.
- m. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
- n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.
- o. The Applicant shall provide the Sussex County Planning and Zoning Commission and County Council with a report on the program at this site prior to January 15, 2026. The report shall include verified data about the number of residents at the site during 2025, the success rate of residents finding more permanent housing, the number of EMS and/or police calls to the site while occupied, and any other information that the applicant deems relevant. This report, along with any additional information provided by County Staff regarding the site, shall be provided to the Sussex County Planning & Zoning Commission and County Council prior to February 1, 2026.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to recommend approval of C/U 2583 Tharros Village (C/O Code Purple at the Cape) for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PUBLIC HEARINGS

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

Chairman Wheatley stated that Ord. 23-07, C/Z 2010 CMF Cool Spring, LLC, C/U 2441 CMF Cool Spring, LLC, and C/U 2442 CMF Cool Spring, LLC were all applications for the same properties, with the same Applicant; that due to this, the Commission would allow the Applicant to consolidate the presentation for all four applications into one presentation. Chairman Wheatley stated that the Commission will consider each application separately when making a motion.

ORD. 23-07

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00. The properties are lying on the north and south side of Log Cabin Hill Road (S.C.R. 247), the east and west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Addresses: N/A, 28645 Log Cabin Road, Lewes, & 16915 Hudson Road, Milton. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's 2023 application for the Ordinance, a copy of the Applicant's exhibit booklet and the Applicant's plans and exhibits, a copy of the PLUS comments that were received following that presentation to the State Planning Office, a copy of letters that have been exchanged with the Office of State Planning Coordination following that PLUS hearing, a copy of a letter received from the State Department of Agriculture, comments received from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's proposed findings of fact, a copy of the letter received from the local school districts, and we have received 336 responses which are included in the paperless packet.

C/U 2441 CMF Cool Spring, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A 2.65 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS. The property is lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290) and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and Lewes Georgetown Highway (Rt. 9). 911 Address: N/A. Tax Map Parcel: 235-27.00-11.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the Applicant's exhibits and slides, a copy of the Applicant's proposed findings of facts, a copy of the staff analysis letter, a copy of the States PLUS comments, a copy of a letter received from the Cape Henlopen School District, copies of the Technical Advisory Committee comments, including letters received from Delaware Forestry, DNREC Waste and Hazardous Substances Division, DNREC Drainage Program, the State Historic Preservation Office (SHPO), a copy of the letter received from DelDOT, a copy of the comments received from the State Fire Marshall and the Sussex County Engineering Department Utility Planning Division, along with a letter from the State Department of Agriculture and a letter

received from the Delaware Electric Co-op and we have received 190 responses which are included in your paperless packet.

C/U 2442 CMF Cool Spring, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A 13.86 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS. The property is lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Address: N/A. Tax Map Parcel: 235-27.00-11.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the Applicant's exhibits, plans and slides, a copy of the staff analysis and the Applicant's response to the staff analysis, a copy of the Applicant's proposed findings of fact letter, a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of a letter received from the local school districts, a copy of the States PLUS comments, a copy of written responses received from the Technical Advisory Committee, including the State Fire Marshall's Office, the US Department of Agriculture, the Delaware Electric Co-op, Delaware Department of Transportation, and DNREC's Drainage Program and we have 185 comments submitted into the paperless packet.

C/Z 2010 CMF Cool Spring, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS. The properties are lying on the north and south side of Log Cabin Hill Road (S.C.R. 247), the east and west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Addresses: N/A, 28645 Log Cabin Road, Lewes, & 16915 Hudson Road, Milton. Tax Map Parcels: 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual master plan documents, a copy of the Applicant's exhibit booklets, slides and maps, and additional exhibits which include the Applicant shared parking study, the proposed

deed restrictions for the property including the Applicant's Wellhead Protection Map, a copy of the Applicant's Environmental Assessments and Public Facilities Evaluation Reports, a copy of the Applicant's Drainage Assessments, a copy of the Applicant's Chapter 99-9C Reports, a Technical Advisory Committee comments, including responses from the Sussex County Engineering Department, Utility Planning Division, DNREC Department of Drainage, the Delaware Electric Co-op, the State Department of Agriculture and the Forestry Section, a copy of written responses received from DNREC Waste and Hazardous Substances, a response from Delaware Department of Transportation, a copy of comments received from the State Fire Marshall, a letter received from the local school district and the States PLUS comments, and the Applicant's response to the States PLUS comments, a copy of the Staff Review letters and the Applicant's responses to those staff review letters, a copy of the staff suggested conditions document, a copy of the Applicant's TIS which is a traffic impact study and the DelDOT response letter to the Applicant's TIS and we have 237 written responses which are included in your paperless packet.

Chairman Wheatley advised the Commission and the members of the public the order that the presentation and public hearing would proceed.

The Commission found that Mr. James Fuqua, Esq., of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicants, Carl Freeman Companies and CMF Cool Spring, LLC; that there are four (4) applications being presented to the Commission that involve 637 acres of land that's comprised of five (5) tax map parcels located on the north side of Route 9 at Cool Spring; that the first application is a request to amend the Comprehensive Plans Future Land Use Map; that the 637 acres are currently designated as being in the low density rural area of the Future Land Use Map; that the amendment proposes a change from the existing designation to the coastal area designation, which is one of the planned growth areas; that the second application is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium Density) within a RPC (Residential Planned Community) overlay for the entire 637 acres; that the RPC would be called Cool Spring Crossing and it would consist of residential villages with single family and multifamily homes and the commercial Town Center; that the third application is a Conditional Use for educational facilities to be located in the Town Center; that the final application is for Conditional Use for an assisted living facility and associated medical offices that would be next to the Town Center; that all four (4) applications are interrelated; that these applications propose a significant large scale, single family and multifamily residential community consisting of 1922 residential units and a Town Center comprised of retail, service, educational and recreational uses, as well as an assisted living facility and medical offices; that the demand for residential housing in Sussex County is the reason Freeman filed these applications and the situation can be summarized in four (4) comments:

1. In 2022, 78% of all residential growth in the state of Delaware was in Sussex County.
2. More than 33,000 people have moved to Sussex County from other states over the past four (4) years and this migration is expected to keep rising for the next three (3) decades.
3. Growth is rapid in Sussex County.

4. There is a lack of affordable multifamily housing units to keep pace with the growing population.

That those four (4) comments are the comments made by David Edgell, the Director of the Delaware Office of State Planning Coordination, at a presentation made to the Sussex Preservation Coalition in February of 2024; that in agreement with Director Edgell's comments, on the land use issue in Sussex County, the two (2) issues that arise are a strong demand for residential housing and an even stronger need for affordable housing; that the Applicant is proposing Cool Spring Crossing as a Master Plan, a large scale mixed residential use community and a Town Center with a wide variety of uses; that the development is projected to be constructed in multiple phases over a 20 year build out time frame; that considering the zoning approval, site plan approval and agency permitting for this type of development will probably take two (2) to three (3) years, Cool Spring Crossing is not anticipated to be completed until 2048; that Freeman has an established history of developing large scale communities here in Sussex County and has proven it has the experience, the knowledge and the ability to develop a large scale mixed-use community like Cool Spring Crossing; that the request to amend Comprehensive Plans Future Land Use Map from low density, which is a rural area to a Coastal area which is a growth area under the plan is to ensure that the proposed MR-RPC development would be within compliance; that the Comprehensive Plan states that the proposed MR-RPC is not a zoning district designated as being appropriate in a low density area, but is appropriate within the Coastal area; that the Office of State Planning issued a PLUS review letter objecting and opposing this original request on January 13, 2022; that the current request for amendment brings up the question to the Commission as to whether the area of Cool Spring Crossing is still considered to be a rural area in which it would remain as low density on the Future Land Use Map; that following are the facts and reasons for supporting the Coastal Area change:

1. To the West of the Cool Spring Crossing proposed property is the Bay Health Emergency Center, with an additional land of residential development including approximately twelve (12) different subdivisions.
2. There is the Sussex Consortium, a special needs school, part of the Cape Henlopen School District not far from the proposed property.
3. There is a commercial corridor of land including a variety of businesses West of Fisher Road.
4. The Stephen Hudson Park is being developed on the South side of Route 9 at Cool Spring Road with a connection to the Lewes Georgetown Bike Trail.
5. The frontage of Cool Spring Crossing is along Route 9, which is a major Sussex County road, which is necessary for the Sussex County Zoning Ordinance to be located along a major arterial roadway.
6. The Delaware Transit Corporation operates a DART bus along Route 9 from Georgetown to the Lewes Park and Ride, with East and West stops all along Route 9, with the offer to install new stops near the Cool Spring Crossing development.
7. The Lewes Georgetown Bike Trail is adjacent to the property with a crossover of Route 9 located at Fisher Road and Route 9 where the Hudson Park is planned to be.

8. The proposed Cool Spring development will have a public bike trail going through it, connecting the existing trail to Hudson Road and a future extension to the Town of Milton.
9. Central public sewer is available from Artesian Wastewater Management, Inc. and they hold a Certificate of Public Convenience and Necessity for central water in this area.
10. The Delaware State Housing Authority indicated that the lands comprising Cool Spring Crossing are located within a Delaware State Housing Authority area of opportunity, which are strong, high value markets with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. They also noted that the need for affordable housing, particularly in the Coastal Area, is well documented, especially in the PLUS Review letter 2021-1287 and 2021-1288.
11. The Cool Spring Crossing property is contiguous with an existing Coastal Area on the Future Land Use Map all the way from the Northeast corner all the way to the coast.

All of these reasons support that the area of Cool Spring Crossing is not located within a rural area any longer and can support the amendment of the Future Land Use Map to a Coastal Area for this property; that the Delaware Supreme Court has ruled that the adoption of the a Comprehensive Plan in Sussex County is vested solely with the government of Sussex County; that Supreme Court case was Denmark versus Sussex County; that the Delaware Planning Act, Title 29, §9103 of the Delaware Code, states that as to the adoption of amendment update or revision of a Comprehensive Plan, the final decision is that of the County; that it is an irrefutable fact, that the 2020 Delaware Strategies for State Spending and Investment Level Maps are not a land use plan; that the Strategies document itself states that it is not a land use plan; that the plan states that the land use authority in Delaware has been delegated to the local government; that the decision to amend or not amend the Future Land Use Map is a Sussex County decision; that the Applicant's request to amend the Future Land Use Map is not unique; that County Council has amended the Future Land Use Map ten times since 2020; that the opposition would argue that the previous amendments were for smaller parcels; that this is a case were size is irrelevant; that it is important to look at the underlying facts to support if there is a basis or not for the change; that if there are solid facts supporting the amendment, it should be approved; that he believed that to be the case with the Cool Spring Crossing project; that next year, the Commission will begin its revision of the amendment of the County's Comprehensive Plan and Future Land Use Maps; that this is required to be completed every 10 years, resulting in an updated Comprehensive Plan in 2028; that regardless if the application was not before the Commission today, it is likely the Commission would be considering the very same issue as part of the plan update; that if the facts he presented support an amendment for the plan in three years, that those same facts support the amendment of the plan today; that in order for the MR-RPC development to proceed, the amendment of the Future Land Use Map to the Coastal Area is required; that if the amendment is not approved by the County, the 637 acres will remain designated as a rural, low density area; that this does not mean that the land will remain as farmland, nor does it mean that the land will remain undeveloped; that if the Cool Spring Crossing MR-RPC does not proceed, the land would be developed with single-family homes on individual lots; that the AR-1 (Agricultural Residential) zoned land, located within the low-density area, is permitted by the Sussex County Zoning Ordinance to be developed as a cluster subdivision; that subject to the design requirements of the Ordinance, a

cluster subdivision is permitted to contain two lots per acre; that with a minimum lot size of 7,500 sq. ft., the 637 acres would support a phased cluster subdivision or multiple subdivisions containing 1,274 single-family homes on individual lots; that a subdivision would have none of the numerous benefits of the completed livable community and with these comments, Mr. Fuqua concluded his comments regarding the proposed Future Land Use Map amendment.

In regard to the Cool Spring Crossing, MR-RPC, and the two Conditional Use applications for the educational facility, assisted living facility, and medical offices Mr. Fuqua stated that Cool Spring Crossing is designed as a mixed-use community containing several seven residential villages and a town center that the villages will contain a mixture of housing types being single-family homes, and various types of multi-family dwellings; that the variety of housing types will result in a range of housing options and prices for both purchase and rental; that the homes in the villages will be located on new developed streets, interconnected with existing public roads, with pedestrian and bicycle network of sidewalk and shared use paths, to create a walkable and bikeable community; that a network of recreational uses, parks, and open space area will be interspaced throughout the development; that the Town Center is adjacent and easily accessible from the residential villages; that the Town Center will offer a variety of retail and service businesses, educational facilities and recreational opportunities; that this will reduce the need for vehicle dependency for residents of Cool Spring Crossing; that the project has road frontage along the northside of Rt. 9, the east side of Hudson Road, and along both sides of Cool Spring Road and Log Cabin Road; that the Town Center would front Rt. 9, bordering the western side of Cool Spring Road, and the eastern side of the Bay Health emergency facility; that there are seven distinct residential villages; that three villages, being Village A, B & C are located south of Log Cabin Road; that four villages, being Villages D, E, F & G are similar in nature, as they all contain a mixture of single-family homes, on individual lot, and a variety of multi-family dwellings; that Village C is located to the west, on the west side of Josephs Road; that this village will only contain 34 single-family lots; that it is envisioned as the community of higher end, custom build type homes; that Village A is located to the north of the Town Center; that Village A will contain 700 multi-family dwellings and a mixture of housing type; that there will be 50 patio homes, 144 quadplexes, 30 villas, 188 townhomes, and 288 condominium units; that Village A is planned and designed as the more affordable village and community, with residential units both for sale and for rent; that 175 of the Village 8 units, being 25%, of the 700 units will be made subject to the Sussex County Rental Program (SCR) Ordinance; that the Ordinance was enacted by Sussex County Council to encourage the creation of the affordable rental housing, particularly for County workers in the easter part of Sussex County; that the rental program ordinance controls both the eligibility criteria for tenants and the rent schedule for tenants based on the tenant's family income; that as required by the Ordinance, the types of units participating in the rental program must be the same ratio as the different types of units in Village A; that the units must be integrated, not separated from, the other units in Village A; that the units must be the same design and floor layout as the other units of Village A; that Village A would have the same access from Cool Spring Road, Log Cabin Road, and from the main entrance to the Town Center, located off Rt. 9; that Village A will be comprised of approximately 115 acres, of which 61 acres will be open space, including five interior park areas; that the open space; that the open space amounts to approximately 53% of the Village A area; that

upon full completion of all of the villages, Cool Spring Crossing will contain 1,922 residential units, made up of 534 single-family homes, and 1,388 multi-family units of various types; that the proposed number of units is less than the maximum number of units that would be permitted within the residential planned community (RPC); that there is a special formula to calculate permitted density of RPC's; that for the project containing 637 acres, the area was reduced by the streets, resulting in 63.46 acres; that they took a conservative approach when performing the Town Center reductions calculations, by deducting the entire Town Center area, which contains 57.94 acres; that this calculation results in the permitted development area; that when deducting the streets and Town Center acreage from the gross development area, it results in a net area of 515.6 acres; that when one divides the net area of 515.6 acres by 10,000 sq. ft., being the minimum lot size permitted within the MR (Medium-Density Residential) district, the result of permitted density within the RPC would be 2,245 residential units, with a density of 3.52 units per acre; that the project is only proposing 1,922 units, with a density of 3.01 units per acre, being significantly less than the permitted density for the MR-RPC; that their result of the 3.1 units per acre density, was determined solely by using the MR (Medium-Density Residential) density; that they did not use any of the bonus density that is permitted under the Sussex County Rental Program, which would have allowed the density to increase up to 12 units per acre; that regarding the Town Center, the Town Center fronts on Rt. 9, being bordered by Cool Springs Road on the east, and the Bayhealth emergency urgent care center on the west, with Village A being located to the north; that the main entrance to the Town Center is from Rt. 9, with an additional entrance from Cool Spring Rd.; that there are several access streets from Village a that connect to the Town Center; that the center will include a variety of retail, service and educational and recreational uses to serve the Cool Spring residents, as well as the area residents; that the proposed uses will include a grocery store, bank, a convenience store with a gas service, four restaurants, five retail stores, an art & theater facility, which would be the Cultural Center of the community; that it is envisioned to be operated by a local theater group, who would provide live theater workshops and other live performances, as well as painting and similar art classes, workshops and displays; that the Town Center would also include a 100 room hotel, a modern YMCA, or similar type of facility with a full gym, indoor and outdoor pools, indoor and outdoor pickleball, indoor tennis courts, multi-purpose meeting rooms, and an early childhood program for the care and instruction of preschool ages children; that the Town Center would include the two requested Conditional Uses; that the educational facilities would be located in two buildings with classrooms, resources areas, study areas, and administrative offices; that one building would be the college level instruction, potentially with the University of Delaware offering associate degree courses and professional certifications; that the second building would be for adult learning, potentially operated by the University of Delaware's Osher Lifelong Learning Center, which is a volunteer driven educational cooperative for adults aged 50 plus; that this project offers a wide variety of subjects, often taught by experienced retired residents; that the other Conditional Use to be located within the Town Center would be the assisted living facility; that the facility would have a capacity of 100 residents; that it would also have the associated medical office building, focusing on senior healthcare, which could possibly be associated with Bayhealth, who operates the emergency and urgent care center, located adjacent to the Town Center; that at the core of the Town Center, there are two large area of landscape open space, which will consist of a village green, and an event lawn for various community events and

activities; that the Town Center would create economic development and employment opportunities, as well as convenient access to shopping and services to both residents of the community and residents in the area; that the Town Center would have a built-in advantage of having customers from the Cool Spring Villages, who would have the opportunity to access the Town Center without the need to drive; that in an RPC, commercial uses is one acre for each 100 dwelling units; that the 1,922 units being requested would equate to 19.22 acres of commercial use; that the planned commercial uses in the Town Center would utilize 18.52 acres of lands, being within the commercial use calculation; that regarding the entire community, and the recreational and social aspects of the development, the project is designed to be a walkable and bikeable community; that the project offers extensive opportunities for recreational activities and residential interaction, with sidewalks on both sides of community streets; that a DelDOT design shared use path will be provided along one side of the site frontage, along Rt. 9, Cool Spring Road, Hudson Road, Log Cabin Road, and on the extension of Cool Spring Road that comes through the development; that those shared use paths will be interconnected with the Lewes Georgetown Bike trail, which borders the property along Rt. 9; that the Town Center has the village green, the event lawn, and other recreational, educational, and entertainment opportunities for residents; that the main recreational complex is located between Villages D, E, F & G; that this complex will include a clubhouse, with a minimum of 7,500 sq. ft. of floor area, accommodating areas for group fitness exercise, children's play, teen gathering, meeting rooms, casual seating area, staffed offices, restrooms and a refreshment and storage area; that located adjacent to the clubhouse, will be an outdoor, resort style swimming pool, separate kids pool with a splash play area, and a hot tub area, which will be surrounded by an expansive deck with shaded and unshaded areas; that there will be tennis, pickleball, and bocce ball courts; that also in this area will be a green space picnic area, with fire pits, gas tabletop grills, seating and open space for special events and entertainment; that there will be four additional outdoor swimming pools, with bathhouses, to be located in Villages B, D, G and also between Villages E & F; that there are several larger village parks, along with smaller neighborhood parks, with other recreational features, to be determined at a later time, but part of the site plan review approval for each phase of the development as it goes on; that there will be approximately 1.5 mile nature trail that will meander along the western edge of the Martin Branch Conservation area; that all of the homeowners within Cool Spring Crossing, with the exception of the owners located within Village A, will be required to be members of the Recreational Association, with quarterly or annual assessments to cover the expenses of operating and maintaining the recreational facilities; that Village A is planned and designed to be the more affordable village within the development; that in keeping with that goal, the owners of Village A will not be required to be members of the REC Association; that the owners of Village A, will have the option of joining the Recreational Association, subject to the same recreation fee as the other members of the Recreational Association; that the village as five internal open space park areas; that those areas contain 3.3, 2.3, 1.3, 1.2, and .9 acres; that the specific design of the parks has not been finalized; that the spaces would be focused on spaces to gather, to exercise and to play; that the parks will include pavilions, numerous shades areas with benches, a walking loop, a children's bike/scooter loop track, two playgrounds, a yoga lawn area, open play areas, outdoor fitness stations and a possible dog park; that the idea in Village A was to amenities that would not be high in maintenance or high in design; that Cool Spring Crossing will be served by public

central sewer by Artesian Wastewater Management Company; that public central water will be provided by Artesian Waster Company; that Artesian has stated they are willing and able to provide sewer and water to the development; that Artesian has been issue a majority of the water and sewer certificates of Public Convenience and Necessity by the Delaware Public Service Commission to serve the area; that Artesian owns two properties that are surrounded by or located adjacent to the Cool Spring Crossing property, being the undeveloped parcel at the southeast intersection of the Cool Spring Road and Log Cabin Hill Road, and the elevated water storage tower, located along Cool Spring Road; that Artesian's Ability to Serve letter, dated April 9, 025, is located within the Applicant's submitted exhibit booklet; that stormwater management facilities, are required and will be designed and constructed to meet or exceed the requirements of DNREC's Sediment and Stormwater Management regulations, and also the Inland Bays Pollution Control Strategies; that the development of Cool Spring Crossing will occur over a 20 year period, in construction phases; that each phase will have its own Sediment and Erosion Control Plan, approved by the Sussex Conservation District, prior to the start of the construction phases; that there are multiple stormwater ponds integrated in the site design; that because the sites well drained sandy soil, and the relatively low water table, bioretention and infiltration practices will be utilized; that the development's stormwater will be directed to treatment ponds, and other management facilities for pretreatment, prior to any infiltration or discharge; that this will create significant improvement compared to the current condition of unfiltered stormwater runoff from land in agricultural use; that traffic impacts are almost always the main issue involved in any proposed development application; that Sussex County is required by law to have an agreement with DelDOT to provide a procedure to determine the traffic impact of any rezoning application; that in September 2020, Sussex County Council approved and executed an update Memorandum of Understanding (MOU) between the County and DelDOT establishing this agreement; that the Cool Spring Crossing application will have a significant impact on traffic; that provided within the MOU, at the Applicant, at the Applicant's expense, is required to conduct a Traffic Impact Study (TIS); that on Page 7 of the MOU, it states the Sussex County and DelDOT should encourage Master Planning for large scale development on large parcels or groups of parcels located within the Coastal Area; that Century Engineering was retained by Carl Freeman Companies to perform a Traffic Impact Study (TIS), in accordance with the scope and parameters established by DelDOT; that the Century studied reviewed the impact at all proposed access points to the development, and approximately 48 intersections in the surrounding area; that the TIS dated June 30, 2022, was reviewed by DelDOT, and subsequently DelDOT issued there TIS Review letter on January 10th, 2023; that subsequent to the issuance of the DelDOT Review letter, the applicant made some changes to the Cool Spring Crossing site design; that those changes reduced the number of proposed dwellings, and reduced the number of access points from ten to six; that those changes resulted in a reduction of the daily and peak hour trips; that as a result of those changes, DelDOT did require an updated review of the TIS, taking into consideration the revision of the land use, and the site entrances; that in additional, DelDOT also required a supplemental Sensitivity Analysis, to identify when improvements, to help mitigate traffic deficiencies should be constructed; that the Sensitivity Analysis was prepared by JMT Engineering, being DelDOT's consulting traffic engineering firm; that the final Revised TIS Review letter was issued by DelDOT on January 14th, 2025, and is about 150 pages in length; that both the original and the revised TIS

letters are included into the record; that DelDOT's revised letter provides that the Applicant is responsible for 22 specific roadway and intersection improvements, and also monetary contribution to several current DelDOT projects; that the required improvements are listed in detail on Pages 17 through 23 of the Revised TIS Review letter; that the Revised TIS Review letter also discusses the Sensitivity Analysis, and provides a time frame of when required improvements must be constructed; that the majority of the intersection improvements must be constructed at the beginning of the site plan construction; that the Applicant has fully complied with the requirements and provisions of the Sussex County and DelDOT Memorandum of Understanding for land development coordination; that the Applicant will be responsible for all the improvements and contributions as determined by DelDOT; that those applications will be implemented concurrently with the development, as determined by DelDOT's Sensitivity Analysis; that the entire site contains 637 acres; that based on DNREC's Wetlands Maps, there are no State regulated Tidal wetlands located on the property; that there is a single perennial stream, known as Martin Branch, located along the eastern boundary of the property; that as identified on the FEMA Flood Insurance Maps and the National Wetland Inventory Maps, federally regulated Non-Tidal wetlands exist on the low-lying area, adjacent to Martin Branch; that a Wetland Boundary Determination was performed by Mr. Edward Launay, with Environmental Resources, Inc., which found that there were 29.6 acres of stream and Non-Tidal wetlands existing on the site, being Martin Branch and the adjacent area wetlands; that the U.S. Army Corp of Engineers Office confirmed the determination, and issued a Jurisdictional Determination Letter on April 17, 2024; that there are no additional Tidal or Non-Tidal wetlands located on the property; that with the exception of the 29.6 acres containing Martin Branch, and the adjacent wetland, the remainder of the property is uplands, comprised of well drained, sandy soil, with an average elevation between 25 to 35 feet; that the site currently contains 217 wooded acres; that the development plan will result in approximately 103 acres of the existing woodlands to be removed, and 114 acres (53%) of the existing woodlands to be preserved; that except for a large portion of forested area adjacent to Martin Branch, historical aerial photos and land owner records, indicate that most of the other woodlands have been timbered in the past, being considered mid-succession, containing tree species typical of previously timbered land; that almost all tree clearing being proposed is located in the location of the pre-timbered areas; that the most important, natural and environmentally sensitive portion of the site, is located on the eastern boundary of the site; that this is the location of Martin Branch; that the Applicant recognizes and acknowledges the environmentally sensitive nature of this area, and accepts the responsibility of protecting and preserving the natural feature; that in 2022, the County enacted the Sussex County Resource Buffer Ordinance, which does apply to the Cool Spring Crossing applications; that this Ordinance would require a 50 foot wide resource buffer from Martin Branch; that it would require a 30 foot wide resource buffer from the edge of all Non-Tidal wetlands; that the Cool Spring Crossing development will far exceed the resource buffer requirements, by providing an expansive Martin Branch Conservation Area, consisting of the required resource buffers and additional land voluntarily included in the conservation; that as permitted by the Resource Buffer Ordinance, the Applicant elected to voluntarily expand the resource buffer by an additional 15 foot in width; that the Applicant is not requesting any buffer averaging; that the area would result in a total Non-Tidal Wetland Resource Buffer of 45 feet, which results in a total of 13.73 acres of forested, Non-Tidal wetlands; that the required 50 foot buffer from the perennial

stream lies within the wetland area; that the 50 foot buffer is provided, as it overlaps with the wetland and other buffers; that the additional conservation area contains 61.61 acres of forested land, with the exception of 2.6 acres of open field; that the open field will be maintained as a natural meadow; that the meadow will be planted with pollinator wildflower seed mix that is targeted to support the Monarch butterfly during its migration; that the Monarch butterfly is a candidate for listing as a threatened species by the U.S. Fish and Wildlife Service; that the additional conservation area, borders the Non-Tidal wetland resource buffer, resulting in a substantial increase in the width of the buffer from the wetland line; that the buffer varies considerably, but on average the buffer is about 130 feet in width, compared to the required 30 foot wide buffer; that the buffer consisting of the required buffer, the expanded resource buffer, and the 61.61 acres of voluntarily provided conservation area, results in a total buffer of 75.34 acres, resulting in more than eight times the required resource buffer area; that the entire Martin Branch Conservation Area, consisting of Martin Branch, the adjacent Non-Tidal wetlands, the resource buffers, and the voluntary Conservation Area will permanently preserve and protect 104.93 acres of the most natural and environmentally sensitive portion of the site; that this protected area also includes all of the Cool Spring Crossing site that is located within a Flood Hazard Area according to the FEMA Flood Insurance Maps; that all of the area proposed for development is located outside of the floodplain as designated by FEMA's Floodplain maps; that the Martin Branch Conservation Area will also be made subject to a Declaration of Restrictions, permanently preserving it as a natural area, and a Resource Buffer Management Plan, providing the management and stewardship of the protected area; that there are three additional areas, containing an additional 12 acres, that will also be subject to the conservation documents; that those lands are located on the western side of the property, near Hudson Road; that there are three or four trees that will be preserved in that area; that in total, the entire conservation area, including the Hudson Road portion of the forest, will contain approximately 117 acres, being over 18% of the Cool Spring Crossing site; that in addition to the Environmental Protection, the Martin Branch conservation area will also preserve and protect the archaeological integrity of the site; that the State Historical Preservation Office (SHPO) indicated that the majority of the site had low potential for prehistoric archaeological sites, except for a low to moderate potential, located on the eastern side of the site, near Martin Branch; that the Applicant retained Mr. Edward Otter to perform an Archaeological Assessment of the property; that the assessment confirmed that the area of near Martin Branch had the most potential for Native American sites; that all of the areas identified by SHPO and Mr. Otter, are located the Martin Branch Conservation Area, that will be permanently preserved and protected by the conservation restrictions and the conservation management plan; that Mr. Otter also conducted an archaeological study and delineation of the known cemetery site, located south of Log Cabin Road, just west of Cool Spring Road; that the cemetery area is located on the eastern side of Village A; that the study determined that there were four marked graves, and possibly more members of the Warrington family, who owned the land and passed between 1843 and 1849; that the delineation determined that the cemetery is 30 feet by 30 feet in size; that this area is two feet higher in elevation than the surrounding farm field; that this is due a loss of two feet in elevation, with over a century of rain and plowing; that the delineation excavated soils around the identified cemetery to confirm that no graves or human remains were present outside of the 30 ft. x 30 ft. cemetery area; that markers were placed at the

cemetery corners; that the cemetery, as part of the Cool Spring Crossing Development, will be restored; that a fence will be erected, marking the cemetery boundaries; that there will be a 25 foot buffer established from the fence line, and a marker will be placed to provide historical data or information regarding the cemetery; that including the 117 acres in the superior design conservation area, altogether the Cool Spring Crossing development will contain 295 acres of open space, being approximately 46% of the site; that the project will provide positive economic benefits, since one of the purposes of the Sussex County Zoning Authority is to promote the welfare and prosperity of the present and future county; that the Applicant retained Sage Policy Group, Inc., an economic and policy consulting firm out of Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that Sage was also the firm to perform analysis for the Northstar development; that the report indicates that over the estimated 20 year build out, will result in the following impacts being, the construction phases, consisting of site preparation, infrastructure installation, and residential and non-residential building construction is estimated to cost \$836 million; that the construction phase will support thousands of jobs in Sussex County, the majority of which will be in the construction trades, with an estimated \$475,000,000 in labor income; that after completion, the development will support approximately, 1,500 permanent Sussex County jobs, generating an estimated \$80 million in annual labor income; that transfer taxes from the initial land purchases will generate \$12.5 billion to Sussex County, and \$20.9 million of revenue to the State; that future resales will be sold in additional transfer tax revenue; that the Cape Henlopen School District, as a response to receiving notice about the application, recommended that no additional residential development be approved until such time that a school construction impact fee or voluntary school assessment can be implemented; that it was his understanding, that the District's response was not personal to their application, rather a stronger tact that the District is taking on the issue; that the District had provided similar responses on other applications; that the Applicant believed that funding for future school construction is an important issue that needs resolution; that County Council considered the School Impact Fee issue on January 30, 2024; that County Council unanimously rejected the fee for a number of reasons, but mostly for the reason that future school construction was deemed to be the responsibility of the State government, not the County; that there is no reasonable basis to delay the current applications, because of that issue; that the current applications were filed two years ago; that Sage determined, assuming the demographic of the 1,222 units, being all units except for Village A, that pupil generation from the development on the Cape Henlopen School District, would align with the demographics of Lewes and Milton, based on the U.S. Census Bureau's data; that Village A, being 700 more affordable workforce units, they were assumed to have similar demographics as the entirety of Sussex County; that the report projects, that once the development is at full build, would generate an estimate of 449 public school pupils in the Cape Henlopen School District; that with a 20 year build out, 449 pupils would average to 20 new pupils per year; that the Sage report estimates that the pupils from Cool Spring Crossing would increase the school district's annual expenditure by \$4.1 million; that those expenditures would be offset by annual property tax revenue in the district of \$4.7 million; that this would generate an annual net surplus of \$550,000 to the district; that regarding fire and emergency services, the closest fire companies to the development are the Milton Fire Department and the Lewes Fire Department; that the Applicant did meet with the fire department

representatives; that the Applicant has offered, that rather than the fire departments relying on individual contributions from Cool Spring Crossing homeowners, there would be a provision in the covenants stating upon issuance of the certificate of occupancy for each residential unit, each unit will be responsible for an annual fee of \$100; that the fee will be collected as part of the HOA fees; that the HOA or condo association will pay the fire department; that non-residential uses of the Town Center, will be responsible for an annual fire company fee of \$58,000, that will be correlated as it is built in the percentage of completion, and will progress as the Town Center progresses build out; that at build out the fire company fee would total \$250,000 per year, with half of the fee being paid to the Milton Fire Department and the other half of the fee being paid to the Lewes Fire Department; that this proffer contained on caveat condition that in the even the State or the County enact a fire or EMS fee ordinance in the future, applying to residential units or the Town Center, the condition shall be terminated; that there was a letter of opposition submitted on behalf of SHARP, which is a coalition of HOA's; that the letter opposed the proposed fire company contribution as unjustified and being against the intent of both public policy and homeowners; that the Applicant strongly disagrees; that the proposed fee is a fee restriction; that it is a private matter between the buyer and the seller; that if the potential buyer is offended by the annual \$100 fee, they do not have to buy within the community; that any potential buyer will be well aware that this fee is one of the requirements; that the SHARP letter alleges that the HOA can amend or nullify the fee, by amending the condition or amending the Declaration of Restrictions; that this required fee will be placed as a proposed Conditions of Approval for the project; that the Applicant did receive a letter from the Milton Fire Department, extending its appreciation for the offer and the proactive approach that Carl Freeman Companies is taking, to address the fire departments concerns; that the letter noted that Carl Freeman was the only developer to contact the department regarding the matter; that he submitted to the Commission proposed Findings and Conditions of Approval for all four applications; that the Applicant has the option of proceeding with the development of a cluster subdivision; that the Applicant could have submitted for a cluster subdivision four years ago; that the reason the approval for the MR-RPC continued to be pursued in the Carl Freeman firmly believes that the Cool Spring Crossing MR-RPC is a type of Master Planned Mixed-Use development that is by far in the best interested of both the applicant, and the current and future residents of Sussex County; that the plan is in accordance with the concepts of smart growth; that for example, the 2020 Delaware Strategies for State Policies and Spending documents, advocates the designing and building of what the State refers to as "complete communities" which are described as including integrated pedestrian and bike networks, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within the development; that the strategy states that this type of development would result in more diverse range of transportation and housing options, with more economical extension of public service utilities; that Cool Spring Crossing will be a complete community; that the Sussex County Comprehensive Plan states that in a Coastal Area, residential planned communities are encouraged to allow for a mix of housing types, to preserve open space and natural areas and resources; that the plan further stated that master planning should be encouraged, especially for large-scale developments on large parcels or groups of parcels, where higher density and mixed use developments are provided flexibility and site design; that Cool Spring Crossing will be a Master Plan Residential Planned Community; that even the Sussex

Preservation Coalition endorsed an agenda for what they referred to as livable communities; that the agenda for livable communities includes consideration of open space and protection of wetlands and streams, providing adequate infrastructure for residential growth, including safe roads, bike lanes, and public transportation, adequate healthcare, educational facilities, and the ability of affordable housing units for young families and local workers; that per the Sussex Preservation Coalitions agenda, Cool Spring Crossing will be a livable community; that the Coalition's opinion is the project is not the right use, at the right place, at the right time; that the Commission's opinion must be based on the facts placed into the record; that the project is the right use, being a mixed-use development, with a variety of housing options, located adjacent to a Town Center; that the project's design is consistent with the criteria of a complete community of a Master Plan community, or a livable community; that for the reasons previously stated regarding the Future Land Use Map amendment, the area is an appropriate place for the proposed project; that the site will have central sewer and water, and located near medical facilities; that the proposed site is possibly the only suitable land in the area for large scale development; that the Applicant has been working on the application for four years; that the Applicant could have requested a cluster subdivision; that this plan cannot wait for the revision of the Comprehensive Plan; that the decision for the application must stand on its own merits; that the Commission's recommendation on the four applications is extremely important, having significant influence on the County Council's decision and he requested that the Commission base their decision on the factual records and the reasons presented into the record.

Ms. Wingate questioned whether it was the developer's intention to construct the phases in alpha order, as they are reflected in the Phasing Plan; that she questioned if an explanation could be provided regarding the traffic impact and traffic numbers for the building out of each phase over the next 20 to 24 years of build-out, and questioned if there were only two entrances to the project, and why the hotel was labeled as non-commercial on the plan.

Mr. Fuqua stated that the plan reflects the names of the villages; that they normally would start in the front and back; that the idea is that Village A would be part of the initial construction; that in the Ordinance for a residential planned community, any permitted use in any residential district, is considered a permitted use; that a hotel is a permitted use in the HR District; that therefore the hotel is a permitted use in an RPC, and is not considered commercial; that within an RPC you can have one acre of commercial use for each 100 units, and what they were designating was that the hotel was not being counted against that one acre, because it is a permitted use.

Mr. Drew Boyce with Century Engineering stated that there is no assessment of per unit or per phase currently; that within the supplemental review letter issued by DelDOT, they commissioned their own consultant to do a high-level phasing analysis to provide an idea of when improvements may be triggered or may require to come online to support the traffic impacts; that there is a single entrance off Rt. 9; that there is an entrance for Village A and B off Cool Spring Road; that there is an entrance to Village D off Log Cabin Hill Road; that the extension of Cool Spring Road provides some additional infrastructure; that this area would be privately maintained, but look similar to the local infrastructure that DelDOT has in the surrounding area; that the entrance off Hudson Road,

is considered the fourth leg of the two intersecting roads that come in being Carpenter Road and Walker Road and those are anticipated based on the information in the TIS roundabouts at those locations.

Mr. Whitehouse stated that as a discussion with the Applicant's team as to whether the requirements for an RPC, which has a maximum commercial area that may be proposed, were complied with; that he does concur with Mr. Fuqua's answer, and staff did meet with the Applicant's team chairs.

Ms. Wingate stated she was happy to see the letter from the Milton Fire Department, as our first responders need all the support they can get; that she would like to go on record to state that the schools need support as well, and she questioned if there was a possibility for all the interior roads to be per DelDOT specifications and maintain budget.

Mr. Fuqua stated that there are five state-maintained roads involved in the application, being Cool Spring Road, Old Cabin Hill Road, Hudson Road, Joseph Road, and Rt. 9; that if you look at all the other interior roads, they are no different than any other subdivision; that the interior roadways would be built to Sussex County standards, and the interior roads will not bear any more traffic than a standard subdivision.

Ms. Wingate stated she would like to see the overhead bridge, similar to that of Baywood, to provide access to the trails, but she understood that it would most likely be up to DelDOT.

Mr. Fuqua stated that the Land Trust was fortunate enough to have the piece come up for sale, which became the source of Hudson Park; that DelDOT had a crossing located at the next light, which is where DelDOT preferred the crossing to be; the Carl Freeman got involved with the Land Trust; that there was preliminary work done; that there are sketches of what is being proposed; that he would be located where the park is located; that it would provide for a much safer crossing across Rt. 9, and the future of that is uncertain, as it is still being proposed.

Ms. Wingate questioned if it was the intention of the developer to complete the buffer strips as the phases are completed, and there have been issues in the past with communities waiting for the entire project to be completed before the buffer strips are placed.

Mr. Fuqua stated that the buffer strips would be completed as each phase is completed.

Mr. Mears stated that the Phasing Plan does not shade the Town Center area, and he questioned if the Town Center build-out will be constructed as part of Village Section A.

Mr. Fuqua stated he would envision those areas on the southernmost portion of the site, being Village A and the Town Center, would progress at the same time; that they do not know this for certain; that the Applicant would have to present that Phasing Plan before the Commission, and they recognize that Village A is top priority for the County.

Mr. Collins questioned whether there are any other alternative locations anywhere in the County, where a similar development could be placed, potentially within closer proximity to Rt.1, or consideration given to redevelopment of existing properties that may be underutilized.

Mr. Fuqua stated that off the top of his head, he absolutely could not think of another area, closer to Rt. 1, for this type of development; that one could renovate any existing property if one could purchase it; that this project was a product of the owners wanting to sell the land, and the vast majority of the land is existing cleared farmland, with little environmental impact, and that with the protections the Applicant is providing for the environmentally sensitive area, the site is an ideal piece.

Mr. Collins stated he was happy to see the voluntary contributions placed into the covenants for the fire and EMS services; that he questioned if there was any consideration given to the placement of residential units above some of the commercial uses; that although some people do not like high density, the higher the density, the less land is required to be used; that land is precious in Sussex County, and the Commission wants to preserve as much land as possible as natural habitat.

Mr. Fuqua stated that he could not say whether consideration was given to the placement of residential use being placed above commercial uses; that he believed the main concept was that not everyone wants to live in a commercial area either; that the 700 units located within Village A, adjacent to the Town Center is a lot of units, and they believed those units served the same purpose.

Mr. Butler questioned if the developer would build the bridge for the crossing of Rt. 9.

Mr. Fuqua stated he felt the bridge was cost-prohibitive; that he would talk to his client about the bridge in the future; that Carl Freeman had spent money to make a good design; that the Applicant has been working with DelDOT; that if the bridge can come to be, there could be some type of arrangement, as it certainly would be beneficial for the project, as well as the public, and that it is an idea that is being pursued.

Mr. Robertson stated that the roads laid out on the site plan do not match the current DelDOT layout, and that it appeared that there may need to be some road abandonment and relocation.

Mr. Fuqua stated that he believed that the one end of Log Cabin Road will be realigned; that the arch that connects to Hudson Road will be a brand new State road.

Mr. Robertson questioned if the fire company donation would be per unit or per fee simple unit, as there will be ownership, rental, and SCRP units with the development.

Mr. Fuqua stated they had discussed if they should exclude the SCRP units from the fee; that he hated to need to go back to the Fire Department stating they were going to exclude units from

anything; that he then realized it is not the renters paying the fee, that it will be the owners; that the fee will be paid per unit, and the owner will be paying the fee, not the renting tenant.

Mr. Robertson questioned what the open space for special events and entertainment means or would look like.

Mr. Fuqua stated it is a designated community area for periodic events, such as Fourth of July, Halloween, and potentially for weekly farmers markets, and the area is not proposed to be the new Freeman Stage North.

Ms. Wingate stated she was disappointed to hear it would not be a Freeman State North; that she felt that Bayside has been a wonderful asset to the community; that she questioned if the development roads will be connected to the medical center.

Mr. Fuqua stated that they envisioned a connection there; that they do not know at this point who will have the doctors' offices; that if it were Bayhealth it would make it easier; that they are going to have some type of connection, however interconnection becomes tricky because you do not want to create an unintentional thoroughfare.

RECESS

2:25 pm – 2:35 pm

The Commission found, by a show of hands, that there were 58 people present in support of the applications, and nine people present who wished to speak in support of the applications.

Dr. David Tam, MD, the President of Beebe Healthcare spoke in support of the applications. Dr. Tam requested that the Commission consider not only Beebe Healthcare of overall healthcare in general; that he had previously spoke before the Commission and County Council regarding the current physician shortage and the healthcare workforce housing shortage issues; that Sussex County will need more healthcare workers as more retirees move to the area; that if growth stopped today, the retiree community will continue to require three times more healthcare than non-retirees; that he supported the smart growth proposal by Cool Springs; that the plan provides 700 workforce housing units, with 175 units being rent restricted units; that for every doctor he would bring in, he will also require junior nurses, pharmacy technicians, laboratory technicians and radiology technicians, as well as many others that are required to support healthcare services; that he recently had contacted medical professionals, who stated they would love to work for Beebe Healthcare, but could not afford to live in Sussex County; that the YMCA plan will provide childcare; that the people they are looking to recruit are people with children and families, that will require childcare for their 12 hour work days; that the plan supports community integration; that Blue Zone studies have shown that people who live in congregate housing with multigenerational utilization, such as the ability to walk to places, being able to converse with each other, help improve healthcare outcomes; that he felt the proposed design was a good one, and regardless of what healthcare

system is proposed to go in that location, they will all have the same issues with the aging and challenging population, with a workforce that cannot serve that group of people.

Mr. Tim Kriebel spoke in support of the applications. Mr. Kriebel stated that he recently purchased property in close proximity to the site, where he plans to build a part-time retirement home; that he resides full time in Vendor City, New Jersey, where he currently serves as the Mayor, Commissioner of Public Safety, and has sat as a member of their Planning & Zoning Board for nine years; that his support for the project comes from a decade of public service and a 30 year career in Design & Planning; that he has seen the consequences of resisting thoughtful planning and development; that he has seen the development benefits when a community chooses managed growth instead of fearing it; that he experienced a similar proposal in his hometown; that after superstorm Sandy, the project was abandoned; that for the next 10 years the town declined; that there were no investments; that the ratables were in a nine year consecutive decline; that he felt the Master Plan offered walkability, affordability, and infrastructure investment; that the proposed plan was not development sprawl; that the plan offered a balanced, community focused development approach; that the plan offered a rare opportunity to shape growth, and he agreed the project would create increased traffic, but felt the plan provided a smart way to manage growth.

Ms. Linda Risk, Chief Operating Officer of the Delaware State YMCA, spoke in support of the applications. Ms. Risk stated that the YMCA of Delaware has been the cornerstone of the community in Sussex County; that this is achieved by their many programs including, after school care, early childhood education, summer camps, swim lessons, exercise classes, and chronic disease programs; that during the pandemic, they offered emergency child care services and food assistance across the State; that as the Sussex County population grows, so does their program; that the demand for their high quality programs has never been greater; that they support the Cool Springs Master Plan as the development presents a meaningful solution to pressing challenges facing local families; that the plan provides 700 workforce housing units, directly addressing the housing needs for the essential workers in the community; that the diverse housing options support families of all sizes, young professionals, first time homebuyers, and empty nesters; that the plan will make it easier for people to live where they work, while raising children in a stable, supportive environment; that by integrating a YMCA into the thoughtfully designed, walkable community, they can reduce barriers to access families; that if approved, Cool Spring Crossing would provide a unique opportunity, bringing the YMCA mission to life in a new and impactful way, through arts programming, workforce development, teen programs, college and career readiness programming, and other inclusive initiatives that benefit every age and background; that the projects emphasis on walkability, sustainability, and lifelong learning aligns directly with the YMCA's mission and their promises to Delaware; that ensure youth have a pathway to success, improve the health and wellbeing of individuals and families, and bringing communities together to inspire and serve others, and she respectfully requested the Commission support the forward thinking plan, and the long term benefits the plan would bring to the families of Sussex County.

Ms. Kelly Basile, Chief Operating Officer of the Delaware State Chamber of Commerce, spoke in support of the applications. Ms. Basile stated the most pressing concern the Chamber of Commerce

hears from Sussex County members is regarding the lack of affordable and diverse housing; that they recently released a report on the State's demographics and trends that will shape the State's future, which reinforces that between 2025 to 2035, the State's population is projected to increase by 6.4%, while the number of households are expected to rise by only 5.7%; that the supply is not meeting the demand; that house affordability is a key factor; that home prices have surged 56.2% over the past four years, which is outpacing the national average of 51.8%; that Sussex County is the fastest growing county by percentage in the Mid Atlantic; that employees are finding it increasingly more difficult to secure affordable housing near their places of work; that she questioned where the doctors, nurses, teachers, first responders and hospitality workers will live; that entry level wages for these positions do not allow people to live in the current available housing near their workplaces; that this makes people less likely to accept employment opportunities, because they do not want to drive an hour or more to work daily; that to maintain economic strength and competitiveness, Delaware must confront the housing shortages and the cost of living concerns; that the Cool Springs Crossing project directly addresses these issues with a thoughtfully planned mix of homes; that beyond housing, the project brings a significant economic impact; that potential construction activity along is estimated to generate a one-time economic impact of 1.3 billion statewide and will support approximately 6,400 full-time jobs, that the developer's investment in transportation infrastructure will help ensure that growth is manageable and forward thinking; that the proposed job creation, paired with significant infrastructure improvements is a win, and she requested the Commission approve the Cool Springs Crossing project, which will help to build a more sustainable and inclusive future for Sussex County.

Mr. Jonathan Contant, Land Planning Manager for K Hovanian Homes, spoke in support of the applications. Mr. Contant stated that with the proposed Master Plan, three minutes would be the approximate amount of time it would take someone to get from one end of the project to the other, to access groceries, gas, access to restaurants, doctor's offices, the gym, the YMCA and more; that the currently the closest grocery store to the site, is the Redners on Rt. 9, which would exceed three minute drive to; that it also adds to the traffic along Rt. 9; that the proposed Master Plan community would keep most daily necessities accessible from inside the community without creating additional traffic along the major roadways; that K Hovanian is the builder in Monarch Glen, located across the street; that the proposed plan provides closer access to these services for their buyers as well; that he felt having high density, multi-purpose, mixed-use, multi-price level communities, will help to reduce the traffic; that smart growth is a partnership; that partnership is not only what Sussex County wants, or what DelDOT wants; that the partnership is also what the land owners want to do; that this proposed development will help expand public water, and public sewer; that there are many DelDOT projects, identified in the Traffic Impact Study (TIS), that the project is proposed to impact by providing DelDOT more funding; that the developer will have to improve intersections rather than just providing a contribution; that he had not taken a look at the Traffic Impact Study, but he was willing to bet that most of the intersections are either currently failing; that the project will provide a partnership between the developer, DelDOT and the County, providing an opportunity to rectify those situations, and improve everyone's level of living and travel in the area; that he agreed with many other points of support that had already been

mentioned; that he requested the Commission consider the need for workforce housing, and stated that K Hovanian supports the proposal for additional housing, increased inventory and options for those who are retiring here, as well as those who work here.

Mr. Brian Rashley, Manager of Bayside Golf Club, spoke in support of the applications. Mr. Rashley stated that Sussex County continues to grow, and so does the urgent need for thoughtful and sustainable housing solutions, particularly for the local workforce; that he witnesses this need at Bayside and across the hospitality industry; that many of their employees struggle to find affordable housing; that he currently has associates who travel from Virginia and Pocomoke City to Bayside daily; that the issue is not unique to hospitality, as it impacts the healthcare workers, teachers, first responders and retail employees; that workforce housing is not just a housing issue, it is an economic and community issue; that if the community desires for businesses to thrive, and the communities to stay vibrant, we need employees to work close to where they work; that the Cool Springs Crossing project represents the comprehensive, forward-thinking development that Sussex County needs; that the project does not just check boxes on a site plan; that the plan offers a long-term solution by providing diverse housing options, thoughtfully planned amenities and a stronger foundation for the workforce and local economy, and he stated that by approving the project, the Commission would be voting for balance, inclusivity, and long term sustainability for Sussex County.

Mr. Greg Hurley, resident of Tower Hill within Sussex County, spoke in support of the applications. Mr. Hurley stated he felt the Tower Hill community is the most significant project of Carl Freeman, prior to the proposal of the Cool Spring Crossing project; that he serves as a member of the Tower hill Property Association Bord of Directors; that he had frequently interacted with the developer, Carl Freeman Companies and its team for the past two years; that he has found Carl Freeman Companies to be responsive to the needs of the residents, during the continuing development of Tower Hill; that they have made additions and changes in response to the request of the residents and the association, and based on past performance, he had no reason to change his view regarding Carl Freeman Companies.

Mr. Dave Carey, resident of Lewes, spoke in support of the applications. Mr. Carey stated he is one of the property owners in Cool Springs Crossing; that the property came to his father in 1969; that the decision to sell the property was difficult, and was made based on analyzing many factors, challenges, and risks; that one of his considerations was the ever increasing number of overlays on the property, which he felt served to diminish his private property rights; that water, sewer, three phase electric, and fire protection has been on the property for a decade; that the increasing traffic on Hudson Road, clearly explain the reasoning as to why the property should not be located within Level 4; that his support for Carl Freeman was based on three points, being the project is a mixed-use, smart growth community; that from his research there are at least 5,000 homes located within three miles of the property, that are required to drive to Milton, Long Neck, Rt. 1 or Lewes; that he feels the County needs to provide employment for the working age people, and those just graduating; that construction activities will generate \$1.3 billion, of which the vast majority of it

will stay in Sussex County, and he stated he would prefer to see a smart growth community over another community of single-family homes.

Ms. Patti Grimes, resident of Americana Bayside within Sussex County, spoke in support of the applications. Ms. Grimes stated that Americana Bayside is a completed community that offers similar amenities to the Cool Springs Crossing project; that her family has enjoyed being homeowners in Carl Freeman's communities; that she has been able to enjoy a walkable community for many years as a Bayside resident; that she is able to walk to work; that she is able to walk safely along sidewalks with streetlamps; that she often gets to meet and converse with her neighbors during walks and bike rides; that she is able to walk to the Bayside commercial corridor to the grocery store, pharmacy, restaurants, and bank without leaving the community; that this allows for less traffic on the roads, while still allowing the public to enjoy the benefits of their Master Plan community; that the project protects the environment by reducing the carbon footprint; that there is diversity in the community, allowing people to stay in place as they age; that it is important that we continue to grow Sussex County; that recommending a Master Plan community, with an amenity core, for not only the residents, but the public to enjoy, is very important; that there is quite a difference in the livability for people residing in a subdivision versus a Master Plan community, and she urged the Commission to approve the Cool Springs Crossing project.

Chairman Wheatley advised the Commission and the members of the public that the representatives from DelDOT are not presenting in support of or in opposition to the applications, and that the DelDOT representatives are present as a resource for the Commission only.

The Commission found that Mr. Todd Sammons, Assistant Director with DelDOT's Development Coordination Division, was present at the request of the Commission; that also present were Ms. Pamela Steinebach, former Director of Planning, newly appointed Director of Maintenance and Operations, Ms. Sireen Muhtaseb, Traffic Impact Study Engineer, Ms. Joanne Arellano, Senior Traffic Engineer with JMT Transportation Engineering firm.

Ms. Wingate requested an explanation of the impact the 1,922 units will have on the area, compared to the 1,200 to 1,300 units that would be permitted by right within a standard subdivision, given that the project is projected to be constructed over a 24-year span.

Mr. Sammons stated he was just presented that question that morning; that the Applicant is conducting a traffic analysis based on just single-family use, and that they currently do not have the apple to oranges to compare.

Ms. Muhtaseb stated they just received the preliminary Traffic Impact Analysis, and they are currently reviewing the analysis.

Mr. Sammons stated that if the current project is not approved, the Applicant is moving forward with a separate submission for a major subdivision, for single-family lots based on the by-right density permitted within the zoning district; that DelDOT is currently undertaking that requested

analysis, and because they are in the early stages of the analysis, they are not able to provide an apples to oranges response at that time.

Ms. Wingate stated that she realized the amount of time the analysis would take and questioned if four separate people purchased four separate properties, and they all decided to develop at the same time, the impact on the roadways would be very different than what the Commission is currently considering.

Ms. Sammons stated that it could look different; that the analysis was a massive undertaking with having to review 43 intersections, all of the committed developments, collectively painting a broad picture to do serious planning on it from a transportation impact; that if it was broken into small properties, being developed individually, they would have to comply with any warrants for analysis if required; that even if a project does not meet the warrants for a Traffic Impact Study or Traffic Operational Analysis, DelDOT still performs some form of analysis on the project; that if a project were to be piecemealed, it could result in piecemealed improvements to the roadways, creating a less holistic approach, and that it all comes down to timing.

Ms. Wingate questioned whether DelDOT was in support of constructing the walking bridge, which is proposed to be similar to what is at Baywoods and would take traffic off the crosswalks.

Mr. Sammons stated DelDOT has extended the trail down to Hudson Road and Rt. 9; that there is currently a pedestrian crossing there; that bicyclists also cross at this area, rather than the location of Cool Springs Road; that they initially looked at the area, as it was the proposed location for a bridge or tunnel; that these proposal are not technically off the table; that the proposed bridge or tunnel is out of realm of what they do, and at this time is not something the department is planning for.

Ms. Steinebach stated the current crossing is a safe crossing; that DelDOT does not currently have plans to perform a DelDOT funded project for a bridge or a tunnel; that they are completely on board with supporting it potentially with a federal grant, but it will not be funded as a DelDOT Capital Transportation (CPT) Project, as they do have an existing crossing in that location.

Mr. Sammons stated DelDOT has placed a crossing, and DelDOT may consider a bridge or tunnel in the future; that there are challenges with the proposal, which is the reasoning it has not already occurred; that the department took the initiative to build the path farther down to make that at-grade crossing; that people do not like to walk or bike across bridges, and tunnels present different challenges from a homeland security perspective.

Ms. Wingate stated that both bridges and tunnels are very effective and questioned if DelDOT would have any objection to allowing a roadway from the development to the medical center.

Mr. Sammons stated DelDOT fully supports interconnectivity within the department, subject to it being constructed in a sound and safe way; that many times the Planning Commission, County

Council, and DelDOT plan for interconnectivity, which is followed up by public opposition from the development community; that interconnectivity must be designed in a proper way, as cut throughs can become unsafe; that there are ways to mitigate that, and without interconnection it defeats the purposed of planned communities.

Mr. Collins questioned what DelDOT's estimate in trip reduction would be for a Residential Planned Community with amenities, employment centers, shopping, etc. built in versus a by-right standard subdivision.

Mr. Sammons stated that DelDOT refers to that as Internal Capture; that if you have a standard single family subdivision, residents will have to leave and return for every amenity; that when a project proposes multiple uses, like Cool Spring Crossing, that DelDOT provides credit to the project, and can calculate what the internal capture will be, which will pull those estimated trips off the roadways; that there is a huge benefit to internal capture; that DelDOT is not present to support the project; that DelDOT remains neutral to the proposed project; that there is a huge benefit to having these types of planned communities, with provided amenities, from a transportation perspective, and overall planned communities reduce vehicular traffic all together, because many people will walk or take a bike.

Ms. Arellano suggested keeping in mind that with internal capture, is the type of uses internal capture is applied to; that primarily it is residential to retail, residential to office or restaurants, and vice versa, and not every proposed land use within the development has an internal capture according to the ITE Trip Generation Manual.

Mr. Robertson requested further explanation of how the Traffic Impact Study (TIS) is facilitated.

Mr. Sammons stated that everything is time sensitive; that to be able to perform the analysis, a certain time and build out must be chosen; that they are dependent on the developer to tell them their schedule; that in the current case it was 2044, realistically now probably adjusted to 2048 for the full build out presented during the presentation; that when the counts are analyzed, it must be performed at a certain time, so that they can begin the analysis process; that they do apply annual growth factors and seasonal adjustment factors depending on when the counts were taken; that growth factors take into account the growth that is going to occur over the years, and committed developments as well; that it takes some time to perform an analysis of this magnitude, and DelDOT attempts to account for all the committed developments, add in growth factors which takes into account build out as well.

Ms. Steinebach stated that DelDOT also maintains nearly 90% of the roads, they do large scale planning; that one of the large scale areas is the coastal corridors; that they have completed the final report for those; that they will continue to analysis as they understand there is a lot of growth in the area; that the Henlopen Transportation Improvement District (TID) is located to the east; that they are not going to stop with that one formalized analysis; that they will continue to perform additional counts and forecasting; that; that they are a monitoring entity, and will have a pulse on

all the new developments; that they are trying to hone in on growth factors; that there are many factors that contribute to growth factors, such as population, number of households, and employment areas; that DelDOT is monitoring the coastal corridors, while including input from stakeholders throughout the area and the input includes comments from the County and business owners, who are on the ground, and can voice any current issues or potential issues.

Mr. Robertson stated that there is a Traffic Impact Study (TIS), which is separate from the Coastal Corridor Analysis, and he questioned how those two documents work with one another, how the Coastal Corridor study impacts the project, how the Coastal Corridor study should impact the Commission's consideration of the project, and what the interplay between the two studies are.

Ms. Steinebach stated the Traffic Impact Study (TIS) placed responsibility on the Developer for certain infrastructure that they will be responsible for, to avoid the project negatively impacting the transportation system; that this responsibility is only one cog in all development County-wide, not in one specific area; that this is part of DelDOT's long range planning; that the Coastal Corridors studies are to provide a regional analysis of impacts to the transportation system, separate from the specific developer requirements for specific projects and the current planning vision takes in account longer forecasting to approximately 2050 and beyond.

Mr. Sammons stated that DelDOT attacks the analysis, admiring the roadways and infrastructure from multiple sections and approaches; that these areas overlap each other; that just like the current letter for Cool Spring Crossing, which mentions the TID, the Coastal Corridor study and the CPT projects; that all these studies are independent of each other, but all overlap each other, while analyzing and attacking the same issues; that the main issue is traffic mitigation with regards to end growth and those types of things; that these individual studies are performed not only by their group, but multiple other groups, and this is the reasoning why it can be so cumbersome to pull these letters together, coordinating with multiple different sections and groups.

Mr. Collins questioned what the project timeline will be for the Lewes Georgetown Highway (Rt. 9) roadway dualization and expressed the voiced concern from the public that the property that may potentially need to be acquired may be developed on.

Ms. Steinebach stated that there are two projects in the DelDOT Capital Transportation Project (CTP); that construction for the project located from Coastal Highway (Rt. 1) to Old Vine Blvd. is projected to begin in FY27; that construction for the Rt. 9 dualization between Old Vine Blvd. to Dairy Farm Rd.; that the preliminary engineering is slated to begin in FY27 – FY28; that currently DelDOT does not have an estimated construction timing for that project; that DelDOT will need to accomplish the professional engineering, acquisition process and utility relocation first; that the Coastal Corridors monitoring is what will indicate when Rt. 9 will require dualization further west; that the intersection creating a lot of constraint is the intersection of Rt. 9 and Rt. 5; that there are many sensitive areas at that location, creating many complex problems, which will be the hardest for them to tackle; that DelDOT is aware of the concerns and growth of the area, but transportation projects take a very long time to get on the ground; that DelDOT has great

partnerships with Director Whitehouse and the Sussex County Planning staff; that they are working on the Rt. 9 dualization to the east; that they have a good footprint of what it will be; that it is extremely important that DelDOT's ensure that information is placed in the Traffic Impact Studies; that this helps provide the information to Sussex County, allowing the Commission and County Council to place requirements or stipulations if needed, and the developer has agreed and accepted the reservation.

Mr. Sammons stated that within Item 21 of the Traffic Impact Study states that the developer should enter into an agreement built for right of way reservation along Rt. 9 site frontage, to allow for the potential future U.S. Rt. 9 road widening; that DelDOT may not know at this time how much right away will be required, but as the developer proceeds through the approval process, those are items that will be addressed, and if DelDOT cannot achieve an exact determination, they will project and obtain the reservations as they proceed through the process, ultimately the property would be acquired when the dualization or widening occurs in the future.

OPPOSITION

The Commission found that, by showing of hands, there were 39 people present who were in opposition to the applications, and 12 people present who wished to speak in opposition to the applications.

The Commission found that representatives of the Sussex Preservation Coalition (SPC) being, Mr. Richard Barasso, Mr. Jim Dick, Mr. Joe Pika, Mr. Johannes Sayre, and Ms. Jill Hicks spoke in opposition to the applications and submitted an 1,800-signature petition in opposition for the records.

Mr. Barasso stated that the Sussex Preservation Coalition (SPC) consists of organizations and individuals who have interest or concerns regarding land use in the county; that their effort is not to unduly delay, interfere or obstruct the process, but rather be part of the process; that the Sussex Preservation Coalition (SPC) represents at least 4,000 people; that the SPC was organized about three years ago; that it was an outgrowth of other organizations including Sussex 2030 and Sussex Alliance Responsible Growth (SARG), which was an organization that he had co-founded; that SPC efforts are to focus on sustainability in the County as it relates to our natural resources, but more importantly, focuses on how best to balance growth, economic growth, and preservation of the roads, schools and emergency services; that he is proud to state that the former president of the Sussex Preservation Coalition now sits as a member of the Sussex County Council; that often land use decisions are focused on the future, and fail to recognize the unintended consequences to the here and now; that he complimented Carl Freeman Company in the presence of their management and organization at the meeting, unlike what the public has experienced from past developers; the SPC designated a team to work on the Cool Spring Crossing project for the past 18 to 20 months; that the team had interactions with hundreds of local residents, state agencies, homeowners associations, including HOAs where Carl Freeman was their developer; that they have spoken with land use professionals, traffic engineers and others; that the current application was the fifth

application to come before the Commission for the proposed area, after previous efforts in 2021 and 2023; that if it were an easy decision, a decision would have already been made; that the current issues of concern are design changes, specifically as it relates to housing and housing expectations; that he has no doubt that the land will be developed in 20 to 25 years from now; that SPC wants to ensure that development was completed in the right way, not just for the benefit of the landowner or the developer, but for the people in the surrounding area; that the public understands that the Commission has total discretion on the four applications; that SPC believes currently, all four applications must be denied for the following five reasons; that the subject properties are zoned AR-1 (Agricultural Residential); that according to the current Future Land Use Map the properties are not located within a designated growth area; that based on the scale and scope, any decision on these applications would be premature, neglecting the recent commitment and investment made by the County in formally assigning a Land Use Reform group to analyze land use development in Sussex County, set forth to make recommendations that could result in new ordinance to amend the current County Cod and Comprehensive Plan; that working group consists of ten people; that within seven months, extensive work will begin in casting what will serve as the standard for how development occurs and how land use is governed in Sussex County over the next 20 years; this will be performed through the process of updating the Sussex County Comprehensive Plan; that this plan is essential in updating and establishing land use policies and identifying growth areas; that the plan will also consider various other community concerns, such as affordable housing, agriculture preservation, open space protection, historic preservation, etc.; that Sussex County must learn from other jurisdictions to begin to implement land development plans utilizing carrying capacity, which regulates the maximum intensity of a development based on actual infrastructure capacity; that proposed residential or commercial occupancy needs to be aligned and sequenced with capacity; that capacity is dependent on required road improvements; that although Sussex County does not have responsibility for roads, Sussex County certainly has responsibility for land use decisions for cars on the road; that the SCP's main questions are, is this the right use, is this the right place, and is this the right time; that every development must be sequenced, and must be sequenced relative to the road improvements to provide for the needed capacity

Mr. Jim Dick spoke on behalf of the Sussex Coalition Preservation in opposition of the applications with legal questions, and to provide explanation as to why SCP believes it would be wrong to accept a rewrite of the Future Land Use Map. Mr. Dick stated that according to the Sussex County website, the Sussex County Comprehensive Plan, adopted by Sussex County Council in December 2018, and certified by Governor Carney in March 2019, represented *“the culmination of more than two years’ worth of work with scores of public meetings, workshops, outreach that attracted hundreds of comments, suggestions, and ideas from residents, business owners, government officials and others”*; that the Future Land Use Map is a legally required part of the Comprehensive Land Use Plan, and according to Delaware Code, it *“shall have the force of law, and no development shall be permitted except in conformity with the Land Use Map”*; that the current FLUM divides County land into seven growth areas, where development is encouraged, and two rural restricted growth areas, where growth is not encouraged; that Cool Spring Crossing is located within the Low Density Area, being one of the two restricted growth areas; that the primary uses

within the Low Density Area are agricultural uses and single-family homes on individual lots; that this area does not permit for large commercial developments or for multifamily residential buildings; that this is why the Cool Spring Crossing proposal cannot proceed unless the FLUM is amended to change the area from Low Density to a growth designation, such as the adjacent Coastal Area; that they have found only nine instances where County Council has used its authority to amend the current FLUM, since it was adopted about six years ago; that Mr. Fuqua had referred to ten instances, with one of those amendments pertaining to the Sewer Tier Map; that two of the nine instances were to correct technical errors; that one case was to transfer less than 1.5 acres, which had mistakenly been included in the Bethany Beach municipal FLUM to the Coastal Area within Sussex County's FLUM; that the other case involved restoring a Growth Area designation to land that had been in a growth area under the 2008 plan and map, but was incorrectly designated as Low Density in connection with the 2018 FLUM revision, apparently by a computer software program without any instruction or direction from the Commission or County Council; that he presented a list of seven amendments, excluding the sewer tier amendments, and the two technical amendments; that most of the amendments involved a change from one growth area to another growth area; that only three of the previous amendments involved changing land from Low Density to a growth area; that a FLUM amendment the size of Cool Spring Crossing, being 637 acres, is unprecedented; that the average of the three amendments listed is 19.5 acres; that Cool Spring Crossing would be nearly 33 times as large; that the average of the three low density to growth area amendments is only six acres; that Cool Spring Crossing would be 106 times as large as the average of the low density to growth area amendments that have occurred since 2018 and 2019; that 637 acres is twice the geographic area of Ellendale, and is 30% greater than Greenwood; that the next largest request to change the FLUM involved the 247 acre Seaside application; that FLUM amendment requested a change from the Low Density area to the Coastal Area; that this request was denied in January 2023; that the SCP believes that, at this current time, a development of Cool Spring Crossing's size and location would have very significant adverse impacts on Sussex County residents, traffic, schools and the delivery of medical, fire and police services; that they believe the project would have a negative impact on the environment, health, safety, and general welfare; that the approval of the project will also have other, less tangible, but very real adverse impacts; that an amendment of this magnitude would undermine the purpose of the Comprehensive Plan and the Future Land Use Map; that the project would be inconsistent with the plans overall objective of focusing growth in designated growth areas, leaving low density areas for low density; that approval of the project would disregard the years of work, scores of public meetings, workshops, citizen involvement, and County efforts; that approval for an amendment of this size would set a dangerous precedent, allowing other developers to look for similar opportunities, claiming entitlement to the same rights as Cool Spring Crossing; that approval of the proposed FLUM would inevitable erode public confidence in the FLUM as a reliable land use planning tool with the force of law; it would be seen as no more than a toothless suggestion; that it would also preempt any future decision on whether or not to expand the Coastal Area, in the Cool Spring Crossing direction, in connection with the upcoming 2028 Comprehensive Plan and Future Land Use Map revision; that a decision of this magnitude should not be made in isolation before the 2028 revision, and without consideration of the cumulative impact of existing and approved developments, as well as the long range planning objectives for Sussex Count as a whole; that the

decision should not be made without consideration of the results from the Land Use Reform Working Group, the Rt. 9 Corridor Study, and the other ongoing efforts that would impact the 2028 Comprehensive Plan; that Cool Spring Crossing is also located within Investment Level 4, which is not a designated growth area for the State; that the State tends to limit any investment in Level 4 areas to agricultural preservation and natural resource protection; that large residential developments and commercial activities are discouraged in these areas; that Sussex County has the highest percentage of residential developments located within the Level 4 areas in the State; that all of the residential building permits issued for Level 4 areas from 2019 to 2023, nearly 81% of them were in Sussex County; that less than 20% of building permits were issued in Kent and New Castle counties combined; that nearly ¼ of all the residential building permits issued in Sussex County during that period were located within Investment Level 4 areas; that this information was taken from the 2024 publication from the Delaware Office of State Planning Coordination; that Cool Spring Crossing would add nearly 2,000 new residential units to the Investment Level 4 area, as well as the large commercial project; that this is the reasoning the Office of State Planning Coordination has opposed projects in April 2021, December 2021, January 2023, and December 2023; that the State has a huge financial interest in the way Sussex County is developing; that the State pays for a very significant proportion of our infrastructure and necessary services; that according to the Office of State Planning Coordination's 2024 Annual Report chart for State planning issues, the State funds 90% of the roads in Delaware, including Sussex County; that the State funds 100% of the State Police, 30% of the State's paramedic programs, 90% of the public school's transportation; 60% to 80% of public school's construction and 70% of public school's operations; that the State is not currently planning to make the type of infrastructure investments needed to handle a new development of Cool Spring Crossing's size; that the State is expecting the area to remain largely rural and agricultural; that if the FLUM is amended and the project is approved, the State can legally withhold financial assistance and infrastructure improvements to support the project; that the State has lawful authority to withhold support for any new development with the Office of State Planning determines it is substantially inconsistent with State development policies; that this is the determination the Office of State Planning Coordination has made four times in the past; that legal authority is Delaware Code, Title 9, Section 6958-B; that is the State does agree to invest in a Level 4 area, in order to support a project of the proposed scale and magnitude, the investment will necessarily divert money from planned investments in Levels 1 and 2, slowing down essential projects in more populated areas; that it will disrupt State agencies long term planning and budgeting processes, resulting in inefficient and inflated State spending; that this is happening at a time where any financial help from the Federal Government is uncertain at best; that the SPC request that the Commission recommend denial of the pending huge and unprecedented FLUM amendment sought by Cool Spring Crossing, in order to allay growing public concern of there being no effective constraints on development in Sussex County, that even a planning guide, with the force of law, can be circumvented, and to avoid a fiscally irresponsible decision, that undermines the State's planning and budgeting processes, as well as the State's major role in funding necessary infrastructure improvements in the County.

Mr. Joe Pika spoke on behalf of the Sussex Preservation Coalition, in opposition to the applications, regarding the impact the project would have on the nearby area communities. Mr. Pika stated that he has been involved in public policy issues in Delaware for a long time; that he is a resident of Lewes, a retired faculty member from the University of Delaware, and previously served as President of the State Board of Education; that he wanted to discuss service infrastructure, which is much more than water, sewer, electric, natural gas and broadband services; that service infrastructure includes school, fire, police, and medical service providers, as well as the impact on neighboring towns, who provide many of those services; that the concern of SPC is regarding the new demands Cool Spring Crossing will place on all the previously mentioned services, placing those services under even greater stress than they already are under; that their interpretation is that Sussex County's growth has been so rapid that those services have been unable to keep up; that we have had residential growth on properties in the area, but the growth has not been synchronized with the expansion of those services; that as a result, the demand has exceeded capacity; that there are strains we all experience when trying to get a medical appointment; that the recent examples, seen in the news, is the discussion regarding emergency services, particularly from Lewes, the issues the Cape Henlopen School District has raised, and medical services; that they believe the impact of Cool Spring Crossing go well beyond those that were explored in the economic and physical analysis submitted by the Applicant, which primarily focused on the economic benefits of the development and the tax revenue it will produce; that Cool Spring Crossing is going to cause big ripples; that he believes the project's population will top out at approximately 5,600; that even when allowing for the growth of Laurel and Milton, the project will be within the vicinity of the fourth largest to the sixth largest community within the County; that there are consequences from that; that one of these consequences is the position that the Cape Henlopen School District has taken regarding many proposed developments; that the Cape School District has expressed that they do not want to take on any further students until they can settle on a way to accommodate the students; that he has had previous conversations with Mr. Jason Hale, Cape Henlopen Director of Operations, regarding the current issues with enrollments; that the Cape Henlopen School District's concern is that they are being inundated with students, which must be placed somewhere; that the estimates from the Developer had been inconsistent; that the 2023 estimate was 566 students; that the current estimate in the materials before the Commission, the estimate total is 409 students; that the number of residential units had not changed, rather the methodology changes; that the 2023 estimate was based on a projection, founded on a questionnaire given to the residents of Americana Bayside, questioning how many of those households had school aged children; that the Developer then used that census data to make that projection; that the newest estimate is based solely on the estimate referred to by Mr. Fuqua on the census; that in both cases, Mr. Hale suggested that the estimates were too low; that Mr. Hale believed the census would be higher; that neither estimate takes into account the issues of overcrowded classrooms, how the school district will accommodate, or the disruption to families as a result of the school district being unable to accommodate them; that it will require the school district to redesign the attendance boundaries; that he can confirm that those changes can be tremendously disruptive, as he is a father of three children who went through attendance boundary changes in the past; that the arrangement that they had learned about, only as a result of the Milton Fire Department letter; that there is no other description of this document within the 900 page

exhibit book; that within the drafted HOA documents, there is no mention of this obligation, and there is nothing in writing addressing this from the Developer; that they did hear during the presentation how it would operate and that it would also apply to Lewes; that it has been made clear that EMS needs more support; that currently there is a report being performed on the financial status of the volunteer fire departments in the County; that the fire departments are confronted with too few volunteers, moving towards using more professional, resulting in much higher expenses; that Lewes Fire Department have been providing monthly reports, expressing their higher demands; that according to their February report, only 14% of the Lewes Fire responses happened within city limits; that according to a recently uploaded document, the Cool Spring Crossing project would be served by the Lewes Fire Department; that he believed that providing some compensation to both fire district would be a good idea; that only 23% of emergency responses are located within the city limits; that between February 2024 and February 2025, the fire calls increased by 26%; that EMS calls increased by 15% as an indication of growth in the area; that Lewes' agreement is that growth has exceeded their capacity; that SPC is concerned that the project will place pressure and exceed capacity in all of the service areas; that Lewes has been considering discontinuing ambulance service; that police service, within unincorporated areas, relies on the Delaware State Police; that Town of Milton is adding two officers, resulting in a force of 12 officers; that the Milton Police have a reciprocity arrangement with the State Police; that in the last six months of 2024, the Milton Police responded to an average of 16 calls per month for areas outside of city limits, resulting in about 200 calls per year outside of their city limits; that after conversing with city officials, there is concern that the project will place a burden on the Milton police and fire departments; that Lewes is also adding officers to their police force; that Cool Spring Crossing would be an unincorporated community and would not have either police or fire service; that it was suggested that Cool Spring Crossing be considered a new town, but he was unsure if that suggestion had ever been considered; that growth has impacts on neighboring communities; that Dr. Tam and the Beebe Healthcare staff recently presented a valuable briefing to the County Council; that the briefing pointed out that currently we have a shortage of 336 clinicians, doctors, nurse practitioners, and physicians assistants, resulting in a total shortage of 2,400 medical support staff; that there are about six medical support staff required for every clinician; that this current issue will worsen by 2030; that Dr. Tam estimated that Sussex County will need 11,120 additional clinicians, and 7,800 medical support staff by 2030; that our area has been identified nationally as a shortage area for healthcare professionals, including dentist, and mental health providers; that regarding medical services, Cool Spring Crossing will provide the benefit of 175 affordable housing units to assist with recruitment and retention; that the affordable housing unit rates will be fixed and limited; that the 525 workforce units will be rented at market rates; that the project will provide medical space, to be located next to Bayhealth; that the consequences of the project would be an additional 5,600 new patients creating a new set of demands; that the project must account for both full-time and part-time residents; that part-time residents are staying for nine months now, rather than three months out of the year; that the market rates will place a lot of the support staff outside of the group that will be able to afford to live in the 525 units; that during Dr. Tam's presentation he mentioned three kinds of positions he needed to find housing, being for nurses, care coordinators, and lab technicians; that all of those positions would qualify for Sussex County's Rental Program housing; that none of them would equal at

100% Area Medium Income (AMI), which is presumably where the market rates would be; that the challenge is not being met for the needs of medical service housing; that SPC has sought to mitigate several of its impacts, by providing the financial support to Milton and Lewes Fire Departments, providing the medical office space, the 175 affordable units; that SHARP has raised the question if an HOA payment is the correct way to provide additional money to EMS services; that everything he had mentioned demonstrates the problems of meeting capacity on the service side, exceeds any one developers capacity to mitigate the issues; that the issues require managed growth; that this will require plans to be put into place on how the issues will be addressed; that the required planning will not be achieved by making piece meal decisions; that these plans are derived during the Comprehensive Plan, when all of these issues are on the table at the same time; that SPC is not stating that the Cool Spring Crossing plan is a bad idea, and they acknowledge that the plan offers many desirable things, and that SPC believes that the project is not a good idea at this current time.

Ms. Wingate stated for the record that within the Applicant's proposed Conditions of Approval, the Applicant proposed a fee of \$100,000 to be paid by the applicable homeowners or condominium association fees, being \$100 per house, and that the Applicant appeared committed to that proposal, by their submitted conditions.

Mr. Johannes Sayre, resident of Lewes, spoke on behalf of the Sussex Preservation Coalition on the impact of traffic and what the Traffic Impact Study (TIS) revealed. Mr. Sayre stated that he had reviewed all the information of the TIS, but acknowledged that he was not a traffic professional that the SPC had vetted their observations with Mr. Dennis Hughes, a professional traffic engineer in Delaware, and therefore felt their beliefs were accurate and relevant; that Cool Spring Crossing is proposed to be one of the largest developments in eastern Sussex County to date; that the project could be considered a new community, or a separate town, consisting of 5,000 people in a space of 20 years; that the project is estimated to bring 33,359 added vehicle trips to area roads; that in review the TIS, they noted that DelDOT regulations require a TIS to consider roadways and intersections out two to three intersections, beyond the planned boundaries of the proposed development; that the Cool Spring Crossing TIS goes well beyond that requirement, considering intersections as far away as Rt. 9 and Shingle Point Road, located 4.5 miles west of the site, and planned DelDOT projects on Rt. 1, starting 2.5 miles north at Hudson Road and moving southeast from there; that the TIS is considering a much larger area for traffic impacts of the project, than what the regulations mandate; that they found the analysis of the TIS identified about 20 intersections whose level of service (LOS) will degrade below the standard for failure, unless local roadway improvements are made or planned build out projects are completed; that the TIS identifies remedies like those for most of the mentioned intersections; that recalling that the TIS considers intersections up to four miles away from the project, there are several new developments at that distance or closer, that the TIS did not consider, notably the Northstar development, located about two miles east of the project's perimeter; that there were also developments located between three to four miles north of the site, which were not considered; that they understand the absence of these developments from the TIS is not due to negligence, as these developments were proposed, approved for finished build out after work was in progress on the Cool Spring Crossing proposal;

that this does not change the fact that these developments will contribute significantly to the traffic impact within the same area as the Cool Spring Crossing project, within the Rt. 9 corridor; that they found six developments, with a total of 3,132 homes located within four miles of the project, that were not considered within the Cool Spring Crossing TIS; that the Rt. 9 corridor is already a subject of the Coastal Corridor Study, consisting of Rt. 9 and Rt. 16; that as they just heard, there is currently a study being performed specifically to Rt. 9, which just began; that dualization of Rt. 9 is in some stage of planning, west of Five Points to Sweet Briar road, ending about one mile east of the project site; that the TIS performed a segment analysis of the impact of the project traffic contribution to Rt. 9, projecting completion from 2044 to 2048; that the Rt. 9 level of service will fall below the failure threshold; that the TIS does not recommend dualization of Rt. 9, considering the scale of the traffic impact of the Cool Spring Crossing project, as well as other developments within the immediate area; that it appears that no one yet has a whole plan to ensure that Rt. 9 does not fail to bear up under the projected load; that the DelDOT Memorandum of Understanding (MOU) states that DelDOT and Sussex County shall endeavor to maintain a service level of D, also known as Delta, on roads affected by an application; that there are conditions and exceptions on that mentioned within the MOU; that DelDOT's Level of Service Scale runs from A, being the best condition, to F, being the worst condition; that from the point of the MOU, failure means dropping to a Level E or Level F; that the TIS identifies multiple intersections, failing with a level of service less than Level D at different stages of the Cool Spring Crossing build out at 100%, 75% and even only 25% build out; that this creates impacts on access to neighborhoods and congestion conditions on roadways, at intersections, and area roadways, notably being Rt. 1, Rt. 9, Rt. 5, Cave Neck Road, and Hudson Road; that the TIS identifies local improvements such as added lanes, signalization or planned build out projects that can prevent that failing state from occurring; that completion of those roadway improvements is required in order to prevent failure; that SPC also found cases where failure is predicted, but no improvements are planned; that the presented to the Commission a list of intersections listed within the TIS, where failure conditions levels of service E or F are predicted at some stage of build out; that two of the roads are smaller neighborhood roads, being Joseph Road and Arabian Acres Road; that it does not appear that the TIS suggested improvements to avoid any service level failure; that he presented to the Commission an aerial map of the neighborhood entrances, with the Cool Spring Crossing project being outline in pink; that all of the entrances reflected are located along Rt. 9 and the Cool Spring Crossing area; that reflected within the middle of the map are the Hunters Mill and Beaver Creek developments, which the TIS does propose improvements to prevent service level failures; that further west on the map, there is Prettyman Road and Shingle Point Road; that the TIS proposes improvements to avoid failures at the Prettyman Road location; that at Shingle Point Road and Rt. 9, the DelDOT Park Avenue Relocation project, will address any potential failures in that location; that on the lower left of the map, there was a small red notch, labeled as Hawthorne development, which is one of the six areas found that was not considered in the TIS; that within the reflected class of neighborhoods, where traffic is entering and exiting, the neighborhoods may be impacted and suffer with a failure to their level of service; that the list of area roadways with intersections, where the TIS predicts that service level failures will occur were the intersection of Rt. 1 and Cave Neck Road, and the intersections of Rt. 9, Hudson Road, and Fisher Road; that they counted nine, of which six are listed as depending on planned build out projects avoid failure; that the other three

depend on the local improvements, such as added lanes, or signalization; that he presented and referenced an aerial map, which was provided within the TIS; that he stated the areas to take note of are the areas of the red dots, which represent planned DelDOT projects; that these projects include the Rt. 1, Eagle Crest and Oyster Rocks intersection, the Rt. 1 and Cave Neck Road intersection and the DelDOT Grade Separated Intersection project at that location, the Minos Conaway Road and Rt. 1 and another DelDOT Grade Separated Intersection at that location, Dairy Farm Road and Beaver Dam Road, and the DelDOT traffic circle project at that location, and the Rt. 9 and Rt. 30 intersection; that the TIS identified that area of Rt. 30 as requiring dualization to avoid failure; that Rt. 9 and Shingle Point Road intersection, depends on the Park Avenue Relocation project; that the Cave Neck Road, Sweetbriar Road, and Hudson Road intersection, and the DelDOT five-legged traffic circle project planned at that location; that he wanted to reference these improvements, as well as all the local ones, as they are required to be completed in order to avoid failing levels of service at the mentioned intersections; that there are six developments, with a total of 3,132 homes, equaling about 1.5 times the size of the Cool Spring Crossing project, located within four miles of the project's perimeter that were not considered within the TIS; that the Villages at Red Mill Pond, with 177 homes, is listed within the TIS, but does not appear to provide any trip generation data; that the remaining developments are not mentioned within the TIS at all; that these developments will be contributing traffic, at their scale, to the roadways where Cool Spring Crossing traffic will also be added to the Rt. 9 corridor; that the Cool Spring Crossing project proposes 1,922 homes; that the Villages of Red Mill Pond has 177 homes; that the approved Northstar development will have 852 homes; that Hawthorne has 254 homes; that the Granary will have 1,350 homes; that Scarlet Oaks will have 163 homes; that Four Winds will have 336 homes; that these are developments, equaling to 3,132 homes within a four mile radius of the Cool Spring Crossing project; that these developments are incrementally changing the area to something other than rural area; that the questions to be asked if we want to accept this process, do we want it to continue and do we want to facilitate it or not; that whatever the reason of why this data was not included in the TIS, these homes will contribute massively to the area traffic, while Cool Spring Crossing builds out; that SPC urged that for the Cool Spring Crossing proposal to be complete, an analysis of the Cool Spring Crossing traffic impact must include the traffic contributions of the missing developments; that the TIS identifies Rt. 9 as failing at Service Level E by 2044 or 2048, at 100% build out, specifically from Shingle Point Road and Sweetbriar Road; that on Page 5 of the TIS, it explicitly states not to recommend Rt. 9 dualization; that the 2024 Coastal Corridor Study projected a failing Service Level E, at the location of the Rt. 9 and Rt. 5 intersection, without the consideration of the Cool Spring Crossing or Northstar projects; that the recommended second study for specifically Rt. 9, had just began; that currently, the daily vehicle trip estimate for Rt. 9 is 17,000 trips, which is close to the threshold of 20,000 trips, where dualization is recommended; that there will be a total of 47,000 additional trips added to area roadways when combining the total trips proposed for Cool Spring Crossing and Northstar; that given the service level failures the TIS predicts on Rt. 9 in the project's area, SPC question why mitigations for that, including dualization are not proposed; that it appears that there is an analysis, which currently anticipates service level failure on a major local roadway, while still missing information and results need to support an accurate review of the proposed project; that the SPC concludes that the road improvements which the TIS identifies as preventing service level

failures must be carried out; that otherwise, per the TIS, those failures will occur; that to avoid those failures, the Phasing Plan for the Cool Spring Crossing project must synchronize completion of the roadway improvements with the project build out; that the project must establish concurrency; that the development cannot grow faster than the roadwork is completed; that the Cool Spring Crossing parcels are currently classified within State Investment Level 4, meaning there is no support planned for infrastructure investment; that funding and timing of improvements must be assured; that if this does not happen, per the TIS, there will be failure conditions on the affected roadways; that the TIS is missing information that is required in order for the TIS analysis for Cool Springs Crossing traffic impacts to be complete, and the Rt. 9 and corridor traffic studies, the land use review, State Investment Level review and Sussex County Comprehensive Plan update for 2028 need to be finalized before approving the proposed Cool Spring Crossing project, given the scale of the proposed traffic impact.

Chairman Wheatley requested to ask additional questions of the DelDOT representatives.

Chairman Wheatley questioned if the Delaware Office of State Planning Coordination had any authority over DelDOT's budget or had the ability to provide or take away funding to planned projects.

Ms. Steinebach stated that she was not aware of that being the case; that DelDOT goes through the Capital Transportation Project (CTP) full public process through MPO's and counties; that the projects get prioritized as part of the Delaware Code, and proceed through the Council of Transportation's public process; that as part of the CTP prioritization process, there is a local priority, and if it is located within a Transportation Improvement District (TID); that within the list of nominations DelDOT receives, some of the ranking does receive more points, if a project is endorsed by an agency, and it is a very long process.

Mr. Sammons stated that DelDOT attempts to account for all government and state agencies, and they have the TIS to mitigate the specific impacts of the developments themselves.

The Commission found that Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, was able to provide additional information. Mr. Edgell stated his office does not have the budgetary authority to stop any project at any State agency; that however, all of the State projects for infrastructure and operating budgets for service, do adhere to the Strategies for State Policies and Spending, which is developed by the Cabinet Committee on State planning issues, which are enacted by the Governor by executive order; that through the capital budgeting process and operating budgeting process, all of the projects are all evaluated based on those metrics and determined; that DelDOT has a very detailed process for Capital Transportation projects; that location, in accordance to the State Strategies, is part of that process; that this is a statewide evaluation, broken down by county; that if they have priorities in any given cycle in Investment Levels 1 and 2, they might outweigh Investment Levels 3 and 4; that projects proceed through an entire matrix of evaluations from DelDOT, and the whole Capital Transportation Project and budgeting process.

Ms. Wingate stated that she understood Mr. Sammon's previous comments testified that DelDOT does take other projects into consideration, and that all projects are factored in, at some point as a whole.

Mr. Sammons stated the Sussex Preservation Coalition has been reviewing the DelDOT analysis since January 2025; that they had only received SPC's presentation earlier that morning; that DelDOT attempts to account for all communities and developments, but as he previously mentioned, there must be a cutoff point; that the Northstar application was submitted after the Cool Spring Crossing application; that at the time, the Northstar project was not considered a committed development; that they can only analyze the information they have at the time; that if there is something significant, the department is willing to review and consider anything, and that the current application has been scrutinized and torn apart multiple times to date.

Ms. Steinebach stated that DelDOT knew how intensive the project would be; that as part of the Development Coordination Manual, DelDOT technically only had to review three intersections; that due to the magnitude of the project, they made the extra effort, going above and beyond, analyzing 46 intersections to review the ripple effects, and to provide a hypothesis of when phasing would be required to be done; that they performed a Segment analysis as well, which the DCM does not require, and DelDOT was sensitive to the impacts, which led to their additional efforts of analysis.

Ms. Jill Hicks, spoke on behalf of the Sussex Preservation Coalition, and presented a petition of opposition containing 1,803 signatures. Ms. Hicks stated the subject area is a rural area, with only pockets of developments around the area; that Mr. Fuqua previously stated that the project size is irrelevant; that she disagreed; that the project and its size will impact the roads, schools, fire and ambulance services, and infrastructure, and therefore is relevant; that the option of building a cluster subdivision, from her understanding, would take an additional two years to proceed through the zoning process; that she believed that Sussex County would be well into the FLUM and the Land Use Reform Work Group would be done with its work; that she does not know if a cluster subdivision proposal would be a viable option; that she questioned if the 515 acres included the Martin Branch area and the resources around it; that the impact to the schools and other infrastructure is one reason that the Land Use Reform Working Group was designed; that she felt between those two issues, it warrants waiting; that the estimation of 23 additional students per year, equals to a classroom per year; that she questioned if the \$100 per unit would be added into the rent figure, whether it be for affordable housing, or the market rate affordable housing; that she was pleased that the Applicant referenced smart growth; that the SPC is about smart growth, but she stated it does have to do with if it is the right time for the project and if the project is the right size; that there is a lot of information being presented for the estimated traffic count; that Mr. Sayre had provided some traffic analysis information; that she questioned if the Commission would want to hold the record open to the receipt of the traffic count information for the 1,200 unit application; that livable communities is not an internal look; that it is a look at the entire community area of

the County; that what makes an area livable is the quality of life, including infrastructure, as well as the environment; that another area of consideration should be that Rt. 9 is a major evacuation route, placing more importance on the traffic analysis; that currently Sussex County is short about 13,400 residential units, based on a study done by Cabinet Committee on State Planning; that 80% of those are required for homeowners, and 20% for renters; that the shortage varies by income; that the shortage is more pronounced in eastern Sussex County; that the project proposes 175 units to participate in the Sussex County Rental program, with the remaining 525 units, being considered workforce housing, that will be subject to market rates affordable house; that she considered this an oxymoron, particularly when located within Sussex County; that the market rate is not affordable to the workforce, thus the reason Sussex County is in the predicament it is in; that affordable relates to what is affordable to a household at 30% of the gross monthly income; that if they are renters, that includes rent and utilities; that if it is a homeowner, it is a mortgage, utilities, property tax and insurance; that in 2023, it was stated that the Area Median Income (AMI) was \$71,200; that she recently saw a report stating it is \$78,000; that affordable housing and workforce housing are used interchangeably; that workforce housing is generally considered housing affordable to persons below 100% AMI, that meets the needs of wage and service industry workers; that when referring to workforce housing units, there needs to be specification given to the workers the unit would be affordable to; that a unit geared toward a teacher, making 100% AMI, is not going to be affordable to a cashier making 50% AMI; that she questioned which workers the housing needs will meet with the Cool Spring Crossing project; that at 100% AMI, a person should be able to afford close to \$1,800; that she questioned if he proffered \$100 would be tacked onto the rent or not; that she is part of a homeowners association; that she felt an HOA is not where the proffered \$100 fee should be handled; that people do not pay their dues; that an HOA will not want to be responsible for paying something that the developer committed to; that she felt the intent was good, but it would be a bad way to administer; that she felt the Commission should wait for the impact fees that the Council is currently working on; that she felt the administration of those monies would have to come through the County, potentially as a County tax; that HOA will change their covenants; that public service people, and some of the people Dr. Tam had mentioned do not come up to 100% AMI; that when considering the market rate affordable housing, the 525 units will not apply; that only the 175 units will apply; that average rents in Sussex County for a one bedroom unit is \$1,800; that for a four bedroom unit, it is \$2,900; that for a unit to be affordable, it requires an income from \$72,000 to \$116,000; that average rent in Lewes, including the outer area, is \$2,800 per month at market rate; that those 525 units are not going to be affordable to the workforce the County is trying to take care of; that examples of this are, at the Vineyards a one bedroom unit cost \$1,669 to \$1,729; that two bedroom units range from \$1,810 to \$2,600; that the Vineyard Mendocino, consisting of two bedrooms and two bathrooms, ranges from \$2,050 to \$2,280; that she questioned if Cool Spring Crossings net contribution of 175 units of workforce housing reduce the County's need; that she questioned if the 175 units would even support the 1,900 units that are being proposed; that based on her research from the U.S. Census Data, for a subdivision, one would need about 6% of the project to be for workforce housing, to be able to handle the rest of the subdivision; that for the Cool Spring Crossing project at 5,600, the project would need 337 workforce people; that she questioned if the 175 units will get the County out of the hole, or will they dig the County deeper; that she questioned if all of the

concessions being discussed are worth making; that the proposal appears to be progress, but in reality it is far more modest, and may even create a negative impact; that she advised the Commission to not rush to judgement; that amending the Future Land Use Map at this time, for a project of its magnitude would be irresponsible; that the County needs to lead with the planning process for the County as a whole, not react piecemeal to developers' site-focused business plans, which has been happening over the past five to eight years; that Sussex County should avoid a fiscally irresponsible decision that undermines the State's planning and budgeting process; that the project will place undue burden on all Delaware taxpayers; that if Sussex County builds 24% of its homes within State Investment Level 4, all of Delaware taxpayers will be paying for that; the Future Land Use Map carries a force of law and should not be easily circumvented; that Sussex County should allay the growing public concern that there are no effective constraints on development in Sussex County; that the way to achieve this is to let the planning process play out; that a decision on the project should not preempt the upcoming 2028 Comprehensive Plan work; that the State Investment Level work should be completed at the end of the year; that the work of the Land Use Reform Working Group and the current Rt. 9 Corridor Study should not be subverted or undermined; that public welfare is at risk; that a project of its magnitude needs construction to be concurrent with all the Traffic Impact Study road improvements, and the dualization of Rt. 9; that the data is incomplete and inconclusive; that the County and State must collaborate to align infrastructure with growth, school space, staffing needs, medical services, and emergency services; that this cannot be another example of let the County build it, and the State will fix it; that SPC supports the County's effort to increase workforce housing; that the County needs metrics to know if proposals, such as the current, are going to help or exacerbate the problem; that the County needs to be more prudent in its expectations; that the County needs to commit to more affordable housing units, priced in line with Area Median Income guidelines, not market rate affordable housing; that smart growth is questioning if a project is the right use, at the right place, at the right time, and the current project is not the right size, at the right time, until we have more answers.

Mr. Collins questioned whether SPC preferred the by-right subdivision application of 1,200 units over the current proposal.

Ms. Hicks stated that the SPC does not prefer one application over the other; that if the Applicant were to come back with a 1,200 unit application, the two applications hearings would be two years apart; that during the two year time period, working will be started on the Comprehensive Plan; that work will be completed for the Land Use Reform Working Group, and the State Investment Level studies should be completed, and she was implying that the County needs to complete the Comprehensive Plan on where they want to see this area go.

Mr. Collins questioned if the Applicant was to resubmit next week, what rules would the application fall under?

Chairman Wheatley stated that if the applicant were to propose any affordable housing component, their application would be expedited.

Ms. Hicks stated in the secondary application, being the 1,200-unit subdivision, she did not see any affordable housing proposed, and again questioned at what point affordable housing would be getting the County out of the hole or even covering its own proposed residents.

Chairman Wheatley stated he felt everyone needed to keep in mind that sewer lines are not built on speculation; that sewer lines are built upon demand; that the idea that the County will catch up, and things will be in equilibrium, will never happen; that he hoped the County could do a better job than what is currently being done; that the County is currently trying to do that; that infrastructure will always be behind because taxpayers do not want to pay the cost of speculative ventures and there is always going to be an inconvenient period.

Ms. Hicks stated that the Commission needed to consider if they wanted to amend the Future Land Use Map for 637 acres, when every other developer watching will request the same, claiming a precedent had been set.

Mr. Robertson stated he disagreed with Ms. Hicks' statement, as a mentioned development was Seaside, which was quite large, and was denied, and he stated that developers can ask, but it does not mean the request will be granted.

Chairman Wheatley stated that each application must stand on its own; that the subject site has water and sewer services, with development all around, and the area might be currently classified as Level 4, but the area is not rural.

Mr. Collins stated that Level 4 only becomes Level 3 or Level 2, when all the infrastructure is in place.

Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, spoke in opposition to the applications. Mr. Edgell stated that as required by Delaware Code, the Sussex County application submitted the plan amendment for review through the Preliminary Land Use service in December 2021; that the PLUS review determined that the plan amendment was inconsistent with the Strategies for State Policies and Spending; that their PLUS response letter, dated January 13th, 2022, identified a number of concerns related to the proposed amendment, notable the location and Investment Level, as well as their environmental, transportation and archaeological concerns due to the large size of the amendment and the potential significant impact on State resources; that the letter was ended stating that the State looked forward to working with the County on a process that will evaluate the application in conjunction with the Coastal Corridors study, and a robust community planning effort led by the County; that it had been three years since the State's initial review; that to date, there had been no robust community planning effort led by the County to consider the plan amendment in relation to its cumulative impact on the area and corridor; that after waiting patiently for over two years, the Office decided to formally object the plan amendment in February 2024; that the objection triggered a 45 day period of negotiations with the County that they hoped would be an opportunity to discuss the amendment, and ways for collaboration, moving forward together to evaluate the impacts; that instead the County's position

was that they were unable to discuss the amendment at that time; that they learned from the County, that the current public hearing process, is the way they gather information and data about the plan amendment; that after the 45 day period concluded, he referred the matter to the Cabinet Committee on State Planning Issues; that the committee met with representatives of Sussex County on April 8th, 2024; that at the meeting, the County further explained the importance of holding hearings before discussing potential plan amendments with the State; at that meeting, a mutually agreeable course of action was decided upon; that the County would hold hearings before the Planning & Zoning Commission and Sussex County Council, and before action was taken, reengage the 45 day period of negotiations; that another meeting between Sussex County and the Cabinet Committee on State Planning issues will be held during this 45 day period to further discuss the amendment; that he prepared and submitted the letters of correspondence, along with his comments for the Commission; that Comprehensive Plan amendments of the proposed type, are required to go through the Cabinet Committee of State Planning issues, then onto the Governor; that the current process is very unusual, and they are feeling their way through it; that they have worked closely with Mr. Robertson; that they have crafted the process before the State's DAG, and it was important that he present before the Commission to share what the process was, so that they public was informed.

Mr. Robertson stated that it has been an evolving process working with the State Planning Coordination on map amendments; that they heard two different sides of it; that he supposed the County was somewhere in the middle; that the County had a couple of applications where the County was at the forefront of requesting a map amendment on behalf of the applicant; that an issue was that the County did not have sufficient information to understand why the request may be appropriate or not; that this needed information was not provided until the public hearing process; that Mr. Whitehouse was placed in the awkward position of having to appear at the Office of State Planning Coordination to advocate or explain a map amendment that he had no information on, which would allow him to present a meaningful, background reason, because it had not proceeded through the public hearing process; that through this process, they realized that this was not the best way to proceed; that the best way to proceed in all the matters is to have all the information available to everyone, to allow for an informed decision to be made; that at the time, no one had all the relevant information, and therefore it was the County's opinion that an informed decision could not be made; that there was mention of a delay in getting this application before the Office of State Planning Coordination; that he would disagree, as the County was trying to work out the process to do that; that the County has drafted a Memorandum of Understanding (MOU), with the Office of State Planning Coordination to document the process; that the MOU has not yet been signed by the Office; that they are currently proceeding this way because it enables the County to create a record, and the County is trying to work out the process to allow clear understanding on how to move forward.

Mr. Jack Young, resident of Rehoboth, spoke in opposition to the applications. Mr. Young stated that the Cool Spring Crossing applications failed the primary tests of the Sussex County Code §99-3 and §115-3; that the Sussex County Code §99-3 provides for the orderly growth and welfare of the citizens with proper development; that Sussex County Code §115-3 establishes the purposes

of the zoning process; that the zoning process should provide for present and future needs, including lessening congestions, and providing adequate provisions for public requirements, transportation and education opportunities; that the Cool Spring Crossing applications do not and are not supported by sufficient service infrastructure at the current time; that given the Code requirements, more needs to be done to satisfy the Code requirements or adequate provisions of public requirements, transportation and educational opportunities, and more must be done before we can satisfy ourselves of the primary task that the Zoning Code tells us to do in both Chapters 99 and 115.

Mr. John Montanez with SHARP (Sussex Homeowners Advocacy Resource Partnership) spoke in opposition to the applications. Mr. Montanez stated that SHARP has been in existence for approximately three years, and is comprised of 19 volunteer communities, servicing approximately 6,000 households in Lewes and Rehoboth; that SHARP's purpose is to serve the homeowners and residents of Sussex County; that SHARP is in full agreement with the Milton Fire Department; that they have witnessed first-hand all of the exponential growth that has occurred in the area; that they are equally concerned about their ability to meet those growing needs; that where they disagree is the belief that issues can be remedied by an agreement between a developer and HOAs; that they feel it is not justified and not sustainable to ask homeowners to pay an additional fee; that you are asking the residents to pay an additional fee for the same service that everyone in the room is currently receiving; that while the State allows the HOA to levy fees, homeowners can rescind those fees by vote; that this creates the fee to be unsustainable and non-binding; that everyone agrees that they trust the local government to make the services of roads, schools and emergency services provided in a fair and equal manner; that the idea of having an HOA provide these services is a stopgap measure that undermines the agreement that SHARP is trying to make; that the emergency services are being taxed, requiring a response from the County; that the response should be done through local governance, not through a relationship between the HOA and developer; that SHARP, and its 19 communities, fully support the local schools, emergency services and fire department, but do not agree with the idea that an HOA should be used as a mean of leveraging the proposed fee; that SHARP is not advocating for taxes; that they are suggesting that we need to look at the problem; that for the long-term, it is not going to be achieved by a Band-Aid approach, by having the HOA attempting to fill a void; that his personal opinion is that people will assume that the HOA will be able to make up that money, and they will not have to pay it; that as a taxpayer, this would be a County-wide issue; that by the fee going through the County, it would create a fair and equitable way to ensure all residents bear the burden, and not just the residents of Cool Spring Crossing.

Ms. Wingate stated she has spoken with one of the fire chiefs in the local departments, who stated they have sent out thousands of letters requesting homeowners to contribute to the local fire department, and they receive very few back, and this is the reasoning why, in her opinion, the proposed method would work.

Ms. Carolin Velardi, resident of Hawthorne in Sussex County, spoke in opposition to the applications. Ms. Velardi stated that three years ago, she attended a meet and greet with the House

of Representatives; that it was filled with angry EMS workers, teachers, and many people concerned with housing; that at that time, it was told to them that they needed to get involved with local County administration; that the State does not handle those issues, and that the local government does; that it was said that it is not the State; that the State had identified areas of concern, and placed things into progress to address the issues; that the issue was the local government allowing too much growth, which was outpacing the State plans; that she lives in the area; that just because she has a Dollar General store, does not mean that the area is not rural; that within the area there are farms all around; that there are different perceptions of what rural area looks like; that the State has identified the area as rural; that it is up to the Commission to deem whether it is an appropriate area or not; that there are a million reasons why the area is not the appropriate place and she is listening to her State representative, voicing her objection and now it is in the Commission's hands.

Mr. Fuqua stated that he would like to clarify the question regarding the fire company; that the fee has been proposed as a Condition of Approval, but more importantly, will be placed as one of the restrictions, and that the restriction would have a type of provision that it would not be permitted to be deleted, amended or modified, without the consent of the Lewes and Milton Volunteer Fire Departments.

Ms. Alison White, resident of Red Mill in Sussex County, spoke in opposition to the applications and submitted a petition of opposition containing 250 signatures. Ms. White stated that the proposed project will degrade their quality of life, safety and property values; that the project would add a town of 5,600 additional residents in 1,922 residential units with commercial development; that the project would add 33,359 daily vehicle trips to area roadways and remove 108 acres of forest cover on the parcel; that Rt. 9 is near capacity; that the community would triple traffic on Rt. 9 and its surrounding roads; that this will further impair vehicle entry and exit for the Villages of Red Mill Pond and degrade the residents daily driving experience; that there are insufficient plans for corridor expansion to manage additional traffic; that the site was classified by the State as being within Investment Level 4; that DelDOT will not consider, much less implement road improvements on Hudson Road, or Rt. 9 west of Old Vine Blvd until well after 2030; that Rt. 9 is one of the few emergency evacuation route for the Sussex Shore area; that Rt. 9 supports residents of Lewes, Rehoboth, and the growing Rt. 9 corridor; that adding 5,000 residents will make it more unviable than it currently is; that the property is not located within a growth area in the County's land use plans; that because of this, the developer is requesting the parcel to be amended to the Coastal Area, being considered a growth area; that the Coastal Area stretches from roughly Sweet Briar Road to the shore, and is already a scene of rampant overdevelopment; that the request to amend the FLUM violates State strategies, by building within State Investment Level 4, which is an area designated for conservation and preservation; that the massive number of added residents would further strain schools, emergency services, and healthcare facilities; that the amount of forest removal and pavement will endanger environmentally sensitive areas; that she urged the Commission to not recommend the applications for approval; that Red Mill Pond South has 177 homes with one entrance along Rt. 9; that the entrance has already been impacted by current traffic, creating a queue of four to five cars waiting

to exit; that there was one occasion where a resident was attempting to get a relative to the hospital, who had to wait six to eight minutes to get onto Rt. 9; that urgently needing medical care can be critical; that there had been discussions regarding signalization at this entrance and about the dualization of Rt. 9; that any such plans are at minimum five years away from being realized; that their entrance is just over one mile west of the future Northstar community and 2.5 miles east of the proposed projects Site Entrance A; that they are located in the middle of the two projects, and considering the two project will add an estimated total of 46,000 additional vehicle trips to area roads, and the unfinished plans for improving Rt. 9, she has grave concerns about the project's impact to her community and their driving safety.

Ms. Alison Monroe, Sussex County resident along Walker Road, spoke in opposition to the applications and submitted two separate petitions of opposition, one containing 760 signatures from the last application in 2024, and 175 signatures for the current application of 2025. Ms. Monroe stated that the primary purpose of the Commission is to protect the interests of the current residents in the area, not the wishes of those who would like to move to the area; that she would argue that every name on the petition carries as much weight, if not more, than any developer, real estate agent or builder, as the individuals will be the ones most impacted; that the opposition rate in the nearby area is 98.3%; that as of May 1st, 2025, there were 287 public comments submitted through the County's website, equaling to an opposition rate of 83%; that the other related applications had opposition rates of 73%, 88.9% and 90.1%; that as a native to the immediate area, she had watched her hometown be altered almost past recognition; that she understands when she hears complaints regarding how busy the area has become, or when the newest transplants lament on the explosion of growth; that she believed many of the new residents feel they were sold a bill of goods of a pretty new house, on a quarter acre lot, located in the middle of farmland and forest along quiet country roads; that the realtors and developers sell this dream to one person after another; that this is all done while generational community members, longtime residents and newcomers alike, are left watching feeling helpless as slower, lower Delaware is being sold out of existence; that many natives are heartbroken, but too attached to leave; that she questioned is there a tipping point, to where sacrificing our quality of living is not worth the extra dollar, when it takes an hour to get home, when it used to take 15 minutes, when a person no longer feels safe walking along the road on which they have lived for years, or when the family doctor cannot accept you as an patient, when there are no more turtles in your yard, and no more cows in the field, and no more solitude to be found on the beaches; that she questioned if the extra income will be enough, or will the man-made improvements be enough to replace what the area has lost; that as she watches the farm fields being bulldozed and back country roads becoming thoroughfares, she implored the Commission to make the only correct decision, to help protect what makes Sussex County a rural gem, and requested the Commission to not recommend the Cool Spring Crossing application for approval.

Ms. Barbara Capuano, resident of Independence in Sussex County, spoke in opposition to the application. Ms. Capuano stated that there has been massive growth over the past four years; that now every one of us sits in traffic, on roads, trying to catch up with the growth; that on the peninsula, we live on the coast; that there could be an emergency or 24 hour mandatory evacuation

at any time, like what northern New Jersey, and New York have had; that the area cannot handle the traffic now; that the roads need to be built or corrected before laying plans to place this development; that the roads have not caught up with what is already here; that this issue will cost lives, should anything happen, and she requested the Commission to pause to look at the infrastructure, to figure out ways to handle what had already been approved before moving forward, as it is concerning life and death.

Upon there being no further questions, Chairman Wheatley closed the public hearing for the four applications.

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

In relation to ORD. 23-07. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

In relation to C/Z 2010 CMF Cool Spring, LLC. Motion by Ms. Wingate defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Butler, and carried unanimously. Motion carried 5-0.

In relation to C/U 2441 CMF Cool Spring, LLC. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Butler, and carried unanimously. Motion carried 5-0.

In relation to C/U 2442 CMF Cool Spring, LLC. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Meeting adjourned at 6:05 p.m.

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internet at www.sussexcountysde.gov.**
