

MINUTES OF THE REGULAR MEETING OF AUGUST 19, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, August 19, 2026, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

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

Mr. Whitehouse stated that S-18-56 Frankford Business Park would be removed from today's agenda and be an item of "Other Business" at a future meeting.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Agenda as amended. Motion carried 5-0.

Motion by Mr. Collins, seconded by Mr. Passwaters, to approve the Minutes of August 5, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 5-0.

OTHER BUSINESS

2024-05 Rivers Edge (F.K.A. Totem) Subdivision

Revised Preliminary Subdivision Plan & Determination of Compliance w/ Condition "C"

This is a Revised Preliminary Subdivision Plan for Rivers Edge, a cluster subdivision consisting of one-hundred and eighty-seven (187) single-family lots, private roads, open space, resource buffers, planted buffers and other associated site improvements to be located on 125.13 acres +/-.

The Preliminary Subdivision Plan was approved by the Planning & Zoning Commission at their meeting of Wednesday, May 6th, 2026, subject to twenty-two (22) Conditions of Approval. Specifically, the Applicant has requested that the Commission determine compliance with its Condition "C" of the Conditions of Approval, which requires, *"The Resources defined by Sussex County Code shall be protected and preserved as required by Section 115-193 of the Sussex County Zoning Code. Although buffer averaging was proposed for certain areas of the subdivision, the Commission rejects that averaging design because the receiving areas of the Zone B buffers are unbuildable and do not provide any greater protection to the Resource while the reduced portion of the Zone B buffers will have an impact on the Resource. No buffer averaging shall be permitted in the area of Lots 13 through 18, 28 and 34 and 35. These lots shall be reconfigured or relocated as necessary to avoid any impact on the Resources or Zones A or B of the Resource Buffering."*

The Applicant has submitted a red-lined version of the Plans as an Exhibit noting the proposed

changes in compliance with this Condition. Planning & Zoning Department Staff have reviewed the Plans internally and agree that the attached Plans comply with the provisions of the Condition, but, as per the Applicant's request, are requesting that the Commission review and also indicate whether this Condition has been complied with as proffered. The Revised Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is lying on the northeast side of Cave Neck Road (S.C.R. 88) at King Cole Drive in Milton, Delaware. Tax Parcel: 235-21.00-171.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to approve the Revised Preliminary Subdivision Plan & Determination of Compliance w/ Condition "C", as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

2018-34 Keastone Bay – Section 6

Waterfront Amenities Plan

This is an Amenities Plan for Keastone Bay, Section 6 for proposed Waterfront Amenities. Specifically, the proposal is for the establishment of a proposed 3,903 square foot in-ground pool, 3,769 square foot Amenity Complex, 15 parking spaces and other associated site improvements to serve the Keastone Bay Subdivision. Keastone Bay is a cluster subdivision consisting of six-hundred and fifty-one (651) residential lots, private roads and open space. The Final Subdivision Plan for the Major Subdivision was approved by the Planning & Zoning Commission at their Meeting of Wednesday, March 23rd, 2023. Additionally, Staff are in receipt of agency approvals from the Office of the State Fire Marshal and Sussex Conservation District for the proposal. In accordance with previous approvals, the Applicant is requesting that the subdivision be approved in Phases. Section 3 consists solely of the proposed amenities and amenities area. A Master Phasing Plan has been submitted to the Department of Planning and Zoning depicting the overall subdivision design. The Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval for the Subdivision. The property is lying on the northeast side of Coral Way within the previously approved Keastone Bay Subdivision. Tax Parcel: 234-24.00-2.00. Zoning: AR-1 (Agricultural Residential District.) Staff are awaiting agency approvals. Should the Commission desire to favorably upon this proposal, Staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion carried by Mr. Collins, seconded by Mr. Allen, and carried unanimously to approve the Waterfront Amenities Plan as a preliminary, with final approval to be granted by the staff, subject to receipt of all agency approvals. Motion carried 5-0.

Robert Frey - Sandy Hill Acre, LLC (S-26-39) (CU 2438)

Preliminary Site Plan

This is a Preliminary Site Plan for the adaptive reuse of the existing structure as a professional office (1,567 SQ FT) with associated parking, and ancillary improvements. The office use at the site is permitted via Conditional Use (CU 2438) and Ordinance No. 3047 which was approved by County Council at their meeting of October 1, 2024, and subject to eight (8) Conditions of Approval. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (CU 2438). The property is located on south side of Lighthouse Road (Route 54) approximately 400 feet west of the intersection with West Line Road (S.C.R. 396) on a Parcel comprised of a total of (0.997) acres +/- . Tax Parcel: 533-18.00-68.00. Zoning: AR-1 (Agricultural Residential). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Pettyjohn, seconded by Mr. Passwaters, and carried unanimously to approve the Preliminary Site Plan with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

S-25-63 Stockley Materials, LLC

Revised Final Site Plan

This is a Revised Final Site Plan for Stockley Materials, LLC for the storage of fuel and other site improvements to an existing borrow pit. Conditional Use 2557 (Ordinance No. 4005) was approved with thirteen (13) conditions of approval by the County Council at their meeting on Tuesday, July 15, 2025. The parcel is located on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317). The Revised Final Site Plan complies with the Sussex County Zoning Code and all conditions of approval. Tax Parcel: 133-3.00-6.00. Zoning: Agricultural Residential (AR-1) District. Staff are in receipt of all agency approvals.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to approve the Revised Final Site Plan. Motion carried 5-0.

Lands of Martin Lee & Margaret Pepper

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands. Proposed Lot 1 shall consist of 2.0545-acres +/- with portions coming from Parcels 133-6.00-23.03 & 133-16.00-23.07, proposed Lot 2 shall consist of 2.1432-acres +/-, proposed Lot 3 shall consist of 1.2604-acres +/-, proposed Lot 4 shall consist of 2.1615-acres +/- and the residual lands shall contain 2.0288-acres +/- for Parcel 133-6.00-23.07 and the residual lands shall consist of 4.1328-acres +/- for Parcel 133-6.00-23.03. A shared-use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of E. Piney Grove Road (S.C.R. 329), and east of Kruger Road (S.C.R. 321). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-6.00-23.03 & 133-6.00-23.07 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals; should the

Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-foot easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 5-0.

Lands of Pearless & Gloria Gaines

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual land. Proposed Lot 1 shall consist of 1.003-acres +/- and the residual land shall contain 2.377 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is accessed from the north side of Rider Road (S.C.R. 505) through a proposed 30-foot ingress/egress access easement. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-3.00-9.00. Zoning: GR (General Residential District). Staff are awaiting agency approvals; should the Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Allen, seconded by Mr. Passwaters, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-foot easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals Motion carried 5-0.

Lands of T and D Developing, LLC

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus residual land. Proposed Lot 1 shall consist of 3.024-acre +/-, proposed Lot 2 shall consist of 1.490-acres +/-, proposed Lot 3 shall consist of 1.531-acres +/-, and the residual land shall contain 6.034 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is accessed from the south side of Cokesbury Road (S.C.R. 529) through a proposed 30-foot ingress/egress access easement. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 231-10.00-18.03. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals; should the Commission desire to act favorably upon this proposal, Staff are requesting that final approval be made subject to Staff upon the receipt of all agency approvals.

Motion by Mr. Allen, seconded by Mr. Pettyjohn, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30-foot easement as a preliminary, with final approval to be granted by the staff, subject to provided notation of the 30-foot width of the easement on the Final Site Plan and the receipt of all agency approvals. Motion carried 5-0.

Mr. Collins left Council Chambers.

S-26-45 First Baptist Church of Seaford

Revised Preliminary and Final Site Plan

This is a Revised Preliminary and Final Site Plan for the construction of proposed 2,750 square feet and 3,200 square feet additions to a Church and other site improvements to be located on the south side of Concord Road (Route 20). The Revised Preliminary and Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 132-2.00-140.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably upon this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

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

Mr. Collins returned to Council Chambers.

S-17-56 Nechay Ventures, LLC

Revised Final Site Plan

This is a Revised Final Site Plan for two (2) proposed storage buildings (4,950 square feet each) and other site improvements. Staff note that the Site was the subject of a previous Change of Zone Application (Change of Zone No. 1821) approved by Sussex County Council at their meeting of Tuesday, July 18, 2017. The change was adopted by Ordinance No. 2510. Staff also note the Site was subject to Preliminary Site Plan approval with Final Site Plan approval to be made by staff for a 39,000 square feet building to be used as a contractor's office, material and equipment storage, refrigeration equipment fabrication and training facility, with associated parking and landscaping, approved by the Planning and Zoning Commission at their meeting of Thursday, January 25, 2018. There are no additional parking spaces being added to the Site, with 84 spaces existing and 84 spaces proposed. The parcel is comprised of 62.54 acres +/- with access from Sussex Highway (Route 13). The Parcel is located on the east side of Sussex Highway (Route 13). The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 532-6.00-87.00. Zoning: CR-1 (Commercial Residential District). Should the Commission desire to act favorably upon this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Allen, seconded by Mr. Passwaters. and carried unanimously to approve the Revised Final Site Plan as a preliminary, with final approval to be granted by the staff, subject to the parking spaces being reflected on the plan, and the receipt of all agency approvals. Motion carried 5-0.

OLD BUSINESS

Mr. Collins stated for the record that although he was absent from the Commission meeting of August 5, 2026, he had listened to the audio and therefore was prepared to vote on the applications.

C/Z 2061 Sandie, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR C/Z 673 (ORDINANCE NO. 294) IN RELATION TO THE ADDITION AND USE OF RECREATIONAL AMENITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS. The property is lying on the south side of Plantations Boulevard, approximately 0.46 mile north of Cedar Grove Road (S.C.R. 283) and 0.14 mile west of Plantation Road (Route 1D & S.C.R. 275). 911 Addresses: 18462, 18464 & 18466 Plantation Boulevard, Lewes. Tax Map Parcel: 334-6.00-553.02.

Mr. Robertson recused himself and left Council Chambers.

Mr. Jamie Sharp, Assistant County Attorney, entered Council Chambers in place of Mr. Robertson.

Mr. Sharp stated that Mr. Collins has previously stated that he had looked at properties within the application's area, and questioned Mr. Collins whether he had any personal conflict that would create personal bias toward the application.

Mr. Collins stated that he had no bias in favor or in opposition to the Applicant, or any other person involved in the matter.

The Commission discussed the application which had been deferred since July 22, 2026.

Mr. Collins moved that the Commission recommend approval of C/Z 2061 for Sandie, LLC for a change in zone from MR-RPC to MR-RPC based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks a change in zone from MR-RPC Medium Density Residential to MR-RPC to allow for a recreation area improved with existing recreational facilities and amenities for public access as well as to construct additional recreational facilities in the recreation area.
2. This site consists of 4.29 acres more or less and is situated to the south side of Plantations Boulevard approximately 0.46 miles north of Cedar Grove Road. The 911 addresses for the property are 18462, 18464, and 18466 Plantation Boulevard, Lewes.

3. The property falls within the Plantations Residential Planned Community established through Change of Zone 673. This application seeks to amend the conditions of approval for C/Z 673.
4. The Property is situated in the Coastal Area under the 2018 Comprehensive Plan. MR-RPC zoning is appropriate for this area according to the plan.
5. The Plantations RPC, which includes the property, is governed by a declaration which was recorded at the Sussex County Recorder of Deeds Office and provides that owners within the Plantations have a right to use the recreational property subject to payment of fees for said use. Additionally, the declaration provides that the owner of the recreational property can allow persons other than lot owners within the Plantations to use the recreational property and that the owner of the recreational property can establish commercial uses on that property and to construct structures to house such uses. Because this declaration is of record, owners within the Plantations knew or should have known of this restriction.
6. For many years, the recreational property has been used for a tennis court facility, clubhouse, and pool and, more recently, pickleball courts. The evidence establishes that those facilities were open to and used by owners in the Plantations and the general public and the recreational property was used for a variety of purposes in addition to tennis, pickleball, and swimming such as dance and exercise classes, meeting space, and a gym. In 2024, the clubhouse burned down and the pool was removed in 2009. The Applicant now seeks to construct a new facility to house indoor pickleball, a new swimming pool, and additional parking facilities. An existing indoor facility and tennis courts will remain.
7. The proposal includes construction of a 9,984 square foot, more or less, building to serve indoor (not outdoor) racquet courts and amenities. The proposed pool and pool deck consists of approximately 4,162 square feet. These recreational areas are similar in size to the prior clubhouse and pool.
8. The proposed commercial uses comply with Section 115-119 of the Sussex County Zoning Code.
9. The evidence demonstrates that the new indoor facility and proposed pool is intended to be used by owners in the Plantations and the general public. The Applicant expects that the pool will be used mainly by owners in the Plantations and their guests and tenants.
10. Central water and sewer are available to the site.
11. DelDOT has determined that the new facility and pool as compared to the prior clubhouse and pool use would have a diminutive impact on local roadways.
12. Surface and groundwater pollution will be mitigated in accordance with the regulations of DNREC and the Sussex Conservation District.
13. There are no known wetlands on the site.
14. There are no known natural or historical features on the property.
15. No impact on the Cape Henlopen School District is anticipated.
16. This approval is subject to the following conditions which rationally relate to addressing the health, safety, prosperity, and general welfare of the public:

- a. The use shall consist of tennis, pickleball, and outdoor swimming pool recreational facilities and amenities for public access, including provision for community engagement and events for tennis, pickleball, and outdoor swimming pool related activities. The hours of operation shall be 6:00 am to 10:00 pm, Monday through Sunday, and the hours when tennis, pickleball, and outdoor swimming pool related activities may occur shall be 7:00 am to 9:00 pm.
- b. All pickleball courts, play, and events shall be indoors.
- c. The swimming pool shall have a water surface area of no less than 3,500 square feet and a length of at least 25 meters. Construction of the swimming pool and pool deck area shall be completed within 12 months of the Final Site Plan approval by the Planning & Zoning Commission.
- d. As proffered by the Applicant, after completing construction of the new facilities, including the pickleball center, swimming pool, and parking areas, and within 6 months thereof, Plantations Boulevard shall be milled and overlaid with new asphalt from the entrance on Plantation Road through the circle and the entrance and exit from the Applicant's property. The parties' existing cross access easement and maintenance agreement shall be updated to reflect this permitted use.
- e. A security system that meets industry standards shall be installed. Security lighting, if any, shall be shielded and downward screened so that it does not shine on neighboring properties.
- f. Parking shall be in compliance with Sussex County standards. The Final Site Plan shall indicate the one-way flow of traffic to and from the circle at the end of Plantations Boulevard along with all parking and drive aisles. Furthermore, a one-way traffic pattern shall be maintained for (i) the entrance and exit from the circle at the end of Plantations Boulevard into the recreational facilities and (ii) designated lanes in the parking lot to minimize congestion and streamline ingress and egress to and from the Property.
- g. The Final Site Plan shall include a Landscape Plan consistent with the existing plantings in the adjacent Plantations residential community that (i) incorporates plantings to demarcate the Property from the Plantations Property; (ii) incorporates plantings along the parking areas to minimize headlight pollution for nearby residents; (iii) includes a continuous buffer combined of evergreens no taller than six (6) feet and fencing along the property line adjacent to the residential area along the northern boundary of the property beginning at the entrance road into the parking area and ending at the rear of the parking area adjacent to the northern boundary of the property; (iv) incorporates plantings along the building and in the parking areas; and (v) identifies "Limits of Disturbance."
- h. The Final Site Plan shall include a signage plan that clearly designates where parking is allowed and where parking is prohibited. For prohibited parking areas, appropriate warnings shall be posted indicating that vehicles parked in unauthorized areas will be towed. Furthermore, the Applicant will display a map on the website of the operator of the facility outlining designated and prohibited parking areas along with a notice

stating that any vehicles parked in violation of these parking regulations will be towed at the owner's expenses.

- i. There shall be five (5) designated parking spaces located near the pool which are reserved for users of the swimming pool.
- j. There shall be no outside loudspeakers.
- k. As proffered by the Applicant, the number of tournaments related to pickleball, tennis, and swimming on the site shall be limited to 15 tournaments per year with no more than three (3) days per tournament. There shall be no more than one tournament per month during the months of June, July, and August.
- l. The Final Site Plan shall include a signage plan that clearly designates the one-way access for ingress and egress for the circle at the end of Plantations Boulevard.
- m. A speed bump or speed hump shall be installed at the midpoint of the first drive aisle in the parking lot adjacent to the northern boundary of the Plantations.
- n. Any trash receptacles or dumpsters associated with the use shall be shown on the Final Site Plan and screened from adjacent property lines.
- o. The proposed facilities shall be designed with earth-tone colors consistent with the color palette in the adjacent Plantations residential community.
- p. Any necessary stormwater construction facilities and all erosion and sedimentation control features shall be constructed in accordance with applicable State and Sussex Conservation District requirements. Required facilities shall be designed and operated using best management practices.
- q. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- r. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 am through 6:00 pm, Monday through Friday, and 7:00 am through 2:00 pm on Saturdays. No Sunday hours are permitted. A 24 inch by 36 inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- s. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning & Zoning.
- t. The Final Site Plan is subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2061 Sandie, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

Mr. Sharp exited Council Chambers.

Mr. Robertson returned to Council Chambers.

C/U 2536 John Whitby

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.56 ACRES, MORE OR LESS. The property is lying on the east side of Diamond Farm Road (SCR 257) and approximately 774.64 ft. north of Walker Road (SCR 260). 911 Address: 16423 Diamond Farm Road, Milton. Tax Map Parcel: 235-21.00-180.01.

The Commission discussed the application which had been deferred since August 5, 2026.

Mr. Passwaters moved that the Commission recommend approval of C/U 2536 for John Whitby for a small welding business based upon the record made at the public hearing and for the following reasons:

1. The proposed welding business is small, and it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.
2. The use began as a small business on the Applicant's property almost like a home occupation. Most of the Applicant's work is done off-site. As the business has grown, the need for a conditional use arose.
3. The location is mostly surrounded by farms and other large tracts of land.
4. The Applicant lives on the site, and the Applicant intends to keep the residential appearance of the property.
5. The Applicant operates a welding company that serves the Delmarva Poultry Industry. Most of the Applicant's work is done offsite in the poultry processing facilities and very little is done on this site. No truck, trailer or vehicle repairs occur on the site.
6. No parties appeared in opposition to this application.
7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to a welding business as shown on the Applicant's site plan.
 - B. The Applicant does not want any signage other than a sign on or near the shop located on the property for deliveries to differentiate between deliveries to the Applicant's name and business.
 - C. Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters or similar containers shall be screened from view of neighbors and roadways. The locations of these containers shall be shown on the Final Site Plan.
 - E. The parking areas for the conditional use shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers associated with the

conditional use shall only be parked and worked on within these designated areas. There shall not be any parking in the front yard setback.

- F. The site shall be subject to any DelDOT entrance and roadway requirements.
- G. Any violation of these conditions may be grounds for termination of this conditional use.
- H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to recommend approval of C/U 2536 John Whitby for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

C/U 2561 Frank Miranda

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL DOG KENNEL AND VETERINARY CLINIC TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS. The property is lying on the north side of Lighthouse Road (Rt. 54), approximately 0.22 mile west of Dickerson Road (S.C.R. 389). 911 Address: 33049 & 33053 Lighthouse Road, Selbyville. Tax Map Parcel: 533-18.00-12.00.

The Commission discussed the application which had been deferred since August 5, 2026.

Mr. Pettyjohn moved that the Commission recommend approval C/U 2561 for Frank Miranda to operate a veterinary clinic and commercial dog kennel on property that is zoned AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

1. The Applicant testified that the veterinary clinic and kennel has been in operation for decades on this site. It was previously the subject of multiple Special Use Exception approvals for this use, with the most recent granted on September 9, 2019, by the Sussex County Board of Adjustment. By Code, each of those prior approvals is only valid for a period of five years. This Conditional Use application is being sought for the same existing use so that the approval will become permanent.
2. The clinic and dog kennel will continue to be located within the existing buildings on the property, including the existing 18 dog runs.

3. The use is consistent with other uses that exist on nearby properties, including an industrial park, retail stores, restaurants and other businesses. Sussex County owns a large undeveloped tract of land adjacent to the property, as well. The conditional use as a veterinary clinic and kennel is also consistent with the underlying AR-1 zoning.
4. No parties appeared in opposition to the Application and one party testified in favor of the Application, stating that there is a real need for veterinary services in this area of Sussex County and the existing clinics typically have waiting lists for new patients.
5. Given the longstanding use of the property, there is no evidence that the use will have an adverse effect on the neighboring or adjacent properties. Again, this Conditional Use just reaffirms the multiple prior Special Use Exception approvals for this use on this property.
6. Consistent with the prior Special Use Exception approvals issued by the Sussex County Board of Adjustment, this recommendation is subject to the following conditions:
 - A. The use shall be limited to a veterinary clinic and commercial dog kennel.
 - B. The dogs using the kennel shall be enclosed indoors after 6:00 pm each night, except for being taken outdoors once before bedding down for the night.
 - C. The facility may be open between the hours of 7:00 am until 9:00 pm, each day with the exception of emergencies.
 - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the site.
 - E. In the event one is not currently on file following the prior Special Use Exception approvals, the Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2561 Frank Miranda for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

C/Z 2042 NVR (Lantern Cove)

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-RESIDENTIAL PLANNED COMMUNITY DISTRICT (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 ACRES, MORE OR LESS. The properties are lying on the north side of Old Mill Bridge Road (S.C.R. 381), the south and east sides of Bayard Road (Route 54/S.C.R. 384), and the south side of Lantern Lane, approximately 0.19-mile south of the

intersection of Bayard Road (Route 54/S.C.R. 384) and Double Bridges Road (Route 54/S.C.R. 363). 911 Addresses: 35987 & 36159 Daniel Way, 35379 Bayard Road, 35400 Lantern Lane, Frankford. Tax Map Parcels: 134-19.00-108.00, 110.04, 110.05 & 110.00 (P/O) and 134-21.00-3.00 & 4.00 (P/O).

The Commission discussed the application which had been deferred since August 5, 2026.

In relation to C/Z 2042 NVR (Lantern Cove). Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

PUBLIC HEARINGS

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

C/U 2560 Zachary Pulcinella

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS. The property is lying on the south side of Portsville Road (S.C.R. 492), approximately 1.04 miles east of South Shell Bridge Road (S.C.R. 492A). 911 Address: 8504 Portsville Road, Laurel. Tax Map Parcel: 432-7.00-13.00.

Mr. Passwaters recused himself and left Council Chambers.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the property's legal description, the Applicant's exhibit materials, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no public comments had been received in relation to the application.

The Commission found that Mr. Zachary Pulchinella spoke on behalf of his application. Mr. Pulchinella stated that he had a landscape construction company; that they currently use the property for storage and as a meeting place; that he stored his trucks, loaders, and bucket truck on the site; that depending on the season, he had an average of five to 10 employees, that the employees normally arrived at 6:45 a.m., returning to the site to leave around 5:30 p.m.; that the work they offer was not performed on the site; that they leave the site and perform work at their customer's properties; that they are only at the site in the morning and in the afternoon, and he wanted to know what was required to continue his business on the site.

Madam Chair Wingate questioned whether the application was submitted in relation to an issued violation.

Mr. Pulchinella stated that the application was submitted in relation to an issued violation in 2024; that he had letters from all the surrounding neighbors stating that his business did not impact them, and he provided those letters to Mr. Whitehouse to be submitted into the record; that the residence on the property was torn down, because it was dilapidated; that they continued to use the property; that since the violation he had obtained a permit; that he had gated in both sides of the driveway, with a privacy fence running down the roadside; that on the other side of the privacy fence was the location of the dumpster and the toilet, which was hidden from site; that on the back side of the driveway was the location where all of the equipment was stored, and he had clean the property up tremendously since 2024.

Mr. Allen questioned whether office buildings are anticipated to be placed on the site.

Mr. Pulchinella stated that he had no plans to place an office on the site within the next few years; that the site consisted of almost 14 acres; that his future plan was to place his residence on the site; that he would like to move his residence to the rear of the property, with the location he is now using, becoming beautiful grass; that currently, his office was within his home; that his business does not require customers to come and go, and it was strictly his employees coming to the site in the morning and leaving in the evening.

Mr. Allen questioned whether signage was proposed for the site.

Mr. Pulchinella stated that the site was under camera surveillance, along with no trespassing signs; that he currently had a small two-foot by three-foot yard sign located at the front; that he currently did not have signage for the business, and he would like a sign if it was permitted.

Mr. Allen questioned whether there would be any rentals or storage rentals from the site and questioned a red truck he had seen on the site with its hood up.

Mr. Pulchinella stated that he would not have rentals from the site; that he did have roll-offs that he used for his personal projects; that there was no trash being transferred from dumpster to dumpster; that there was a red truck on the site whose battery had died, and he was willing to install privacy trees, but he figured that the cattle fence would have been sufficient.

Mr. Allen stated that the Site Plan had reflected trees along the edge.

Mr. Pulchinella stated that the original Site Plan did reflect trees along the edge; that he was then required to retain Mr. Alan Keny, Surveyor, to perform an actual survey, reflecting his new fencing; that the revised Site Plan had been submitted; that he could not place a privacy fence along the edge of the road due to the setbacks, and he did provide privacy fencing to hide the dumpster and the portable toilet.

Mr. Pettyjohn suggested that Mr. Pulchinella plan out what his intentions were for the site and apply for them now rather than later and questioned whether repair work would be performed on the site.

Mr. Pulchinella stated that he did not anticipate repair work to be performed on the site; that should a piece of equipment or vehicle break down, he would repair it; that he did not anticipate having 30 inoperable trucks on the site; that he currently had two, shipping container, storage units and a shed; that he did not have a commercial shop; that the site was a location for his employees to park in the morning, leaving with the equipment, then returning to the site in the afternoon, getting into their personal vehicles and leaving; that very minimal work was performed on the site, and as business increases he hoped to eventually build a building two to three years down the road.

Mr. Collins questioned whether there were other businesses or similar activities located within the surrounding area of the site.

Mr. Pulchinella stated that there were not many other businesses located within the surrounding area; that when entering the Town of Laurel, there was a location of a gas station, car wash, repair shop and small restaurants, and the remainder of the area was mostly farmland and woods.

Mr. Collins questioned whether there would be any storing of chemicals, fuel, oil, pesticides or herbicides on the site.

Mr. Pulchinella stated that he did not store anything of that sort on the site.

Madam Chair Wingate questioned the hours and days of operation at the site, and whether snow removal services were provided.

Mr. Pulchinella stated that on a general day his employees clock in between 6:45 a.m. to 7:00 a.m.; that they normally would return between 5:00 p.m. to 5:30 p.m., Monday through Saturday; that in the event of an emergency service, they may be on the site at other hours, as they did perform snow removal services, and he would be comfortable with 6:30 a.m. to 7:00 p.m., except for emergency operations.

Madam Chair Wingate questioned whether there would be any grinding performed on the site, and whether any free materials and products would be stored on the site.

Mr. Pulchinella stated that he was not performing any grinding or storing any free products, and that he did not plan to.

Mr. Robertson questioned whether any retail sales would take place from the site.

Mr. Pulchinella stated that no retail sales would take place from the site.

Mr. Whitehouse questioned whether the ditch on the site was a tax ditch or a drainage ditch.

Mr. Pulchinella stated that it was a drainage ditch.

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

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

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

Mr. Robertson read Mr. Collin's motion at the request of Mr. Collins.

Mr. Collins move that the Commission recommend approval of Conditional Use No. 2560 for Zachary Pulcinella, for a landscaping business with equipment storage and parking based on the record made during the public hearing and for the following reasons:

1. The property is a 13.18-acre parcel of land. This is an appropriate size and location for this Conditional Use.
2. The site will generally be used for vehicle storage, a location to meet and depart for off-site work. No landscaping work occurs on the site.
3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
4. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be "diminutive".
6. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. There was no opposition to this application, and the Applicant has provided letters in support of the application from the surrounding landowners.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted. Ultimately, the Applicant shall be entitled to construct an office, and the Applicant has also stated that he may be ultimately build his personal residence on this site.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.

- C. As stated by the Applicant, there shall not be any retail sales occurring from the site.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The hours of operation shall be limited to 6:30 a.m. through 7:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
- F. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- G. The Final Site Plan shall clearly show the area where this landscaping business will be located on the property, including the location of any material storage areas or bins.
- H. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers, or equipment shall be stored on the site.
- I. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen and carried unanimously to recommend approval of C/U 2560 Zachary Pulchinella for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Passwaters abstained.

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

C/U 2585 Cody Collins

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS. The property is lying on the north and south sides of Dots Road (S.C.R. 415B), the east and west sides of Firemans Road (S.C.R. 413), and the north side of Parker Road (S.C.R. 415), approximately 0.426 mile south of Cypress Road (Rt. 54). 911 Address: 22009 & 37472 Dots Road, Millsboro. Tax Map Parcel: 333-15.00-7.00 (P/O).

Madam Chair Wingate advised the Commission that Mr. Passwaters had recused himself and would remain outside of Council Chambers.

Mr. Allen recused himself and left Council Chambers.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's exhibits, the property deed, the Staff Analysis Report, the DelDOT Service Level Evaluation Response Letter, and a letter from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comments had been received in relation to the application.

The Commission found that Mr. Cody Collins, owner of Shore Outdoor Living, spoke on behalf of his application. Mr. Collins stated that he used the property for the same reason Mr. Zachary Pulchinella did; that he used the property for his employees to show up and go to work; that his employees take their vehicles home; that he tries not to store as much as possible on the property; that there may be three vehicles on the site during the day; that there were no vehicles on the site during the night; that he grew up on the road; that it is part of his family's farm; that he wanted to use the front part of the 48 acres to conduct his business and to make it look nice; that he ran a hardscape landscape company; that they provide a full design build, and that no retail was proposed from the site.

Mr. Collins questioned whether any chemicals, such as fuel, would be stored on the site and whether any chemicals were anticipated to be stored on the site within the next couple of years.

Mr. Cody Collins stated that currently, there were no chemicals stored on the site, and potentially fuel would be stored on the site in the future.

Mr. Collins questioned whether any vehicle maintenance was carried out on the site.

Mr. Cody Collins stated that no vehicle maintenance was performed on the site, and that all vehicle maintenance was performed by Pittsville Ford.

Mr. Collins questioned the proposed hours of operation for the business.

Mr. Cody Collins requested permission to work from 6:00 a.m. to 6:00 p.m., and they do not begin work until 7:00 a.m., and at the latest work until 6:00 p.m.

Madam Chair Wingate questioned whether snow removal services were proposed.

Mr. Cody Collins stated that his business did provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Cody Collins currently lived on the site or planned to live on the site in the future.

Mr. Cody Collins stated that he did not currently reside on the site; that his parents lived down the street from the site; that the site was part of his family's farm; that he had grown up there, and the site was strictly a location for his business.

Mr. Pettyjohn questioned whether there was any intention of having a showroom for the hardscaping, and whether customers would be visiting the site.

Mr. Cody Collins stated that he would like to provide displays; that mostly they are a design builder; that they bring customers in, and provide them with a visual 3D walkthrough of everything to limit change orders; that he had no intention of selling pavers or any other material from the site; that he did not intend to have displays similar to Parker Block; that they had actually built Parker Block's displays; that he requested the ability to display, allowing clients to select everything, in an effort to avoid his clients needing to make the journey everywhere, then referring them to distributors to be able to purchase it, or they can take care of it through the distributor; that they only wanted to limit the client's process of being required to go to multiple places, and that all clients would visit the site by appointment only to view the visual displays.

Mr. Collins questioned whether a business sign was requested.

Mr. Cody Collins stated that yes, he would like to have sign for the business.

Madam Chair Wingate questioned whether there were any other businesses located within the surrounding area or any other similar businesses within the area.

Mr. Cody Collins stated that there were no other similar businesses within the nearby area; that there was a service station located down the street, and a general store.

Mr. Robertson questioned whether any grinding or mulching would take place on the site.

Mr. Cody Collins stated that no grinding or mulching would take place on the site.

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

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

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

Mr. Robertson read Mr. Collins' motion at the request of Mr. Collins.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2585 for Cody Collins for a landscaping and hardscaping business based on the record made during the public hearing and for the following reasons:

1. The property is a 48.11-acre parcel of land. The conditional use area will be located on a

- much smaller area of the larger parcel.
2. The use will generally be used for vehicle storage and a location for employees to meet and depart for offsite work. No landscaping or hardscaping work shall occur on site. There will be an office building with client meeting areas on the property.
 3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
 4. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping and hardscaping business is consistent with the underlying zoning of agricultural residential.
 5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.
 6. A landscaping and hardscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
 7. There was no opposition to this application.
 8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping and hardscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted, along with an office and storage building that has space for client meetings.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - D. The hours of operation shall be limited to 6:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
 - E. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - F. The Final Site Plan shall clearly show the area where this business will be located on the property, including the location of any material storage areas, bins or display areas.
 - G. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers or equipment shall be stored on site.
 - H. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Pettyjohn to recommend approval of C/U 2585 Cody Collins for the reasons and the conditions stated motion. Motion carried 3-0. Mr. Passwaters and Mr. Allen abstained.

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

Mr. Passwaters and Mr. Allen returned to Council Chambers.

C/U 2629 Age Well, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ASSISTED LIVING FACILITY FOR UP TO SIXTEEN (16) RESIDENTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS. The property is lying west of Roxana Road (Rt. 17), approximately 0.48 mile south of Powell Farm Road (S.C.R. 365). 911 Address: 34188 Roxana Road, Frankford. Tax Map Parcel: 134-15.00-139.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's exhibits, the Staff Analysis Report, the DelDOT Service Level Evaluation Response Letter, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comments had been received for the application.

The Commission found that Ms. Leslie Lockard, Nurse and Co-Founder of Age Well, LLC, spoke on behalf of the Application. Ms. Lockard stated that the application requested a Conditional Use for the existing residential home, to become a residential assisted living facility, subject to conversions of life safety upgrades; that it was just like on of the big box facilities, except that it would be within a home, providing more personalized care; that it was not proposed to be a large, 125 bed assisted living facility; that the plan was to provide up to 16 residents within the footprint of what currently exists; that they would like to do a five to one ratio with staffing; that there could be up to three caregivers taking care of the residents as they move in; that the State also required that they have a licensed Nursing Home Administrator and a Director of Nursing; that they would be part-time, essentially sharing one full-time position; that they would have a chef who would cook for them, being on site for limited hours to cook breakfast, lunch and prep dinner for the caregivers to serve later that evening; that the facility would be mainly like a house one would live in; that most of the residents do not drive; that there would not be a lot of vehicles, and their clients would be people who need help with assisting activities of daily living, such as getting dressed, eating, showering, toileting, and other things of that nature.

Mr. Collins stated that he believed the proposed facility was needed based on his own observations, as he found those types of institutional facilities to be lacking, and had no questions at that time.

Mr. Pettyjohn questioned the anticipated number of staff members for the facility.

Ms. Lockard stated that the caregivers would help out with a lot of the housekeeping, basically doing everything; that the caregivers would do laundry and housekeeping; that the chef would be part-time; that the facility would operate 24 hours per day; that per Delaware law, there must be someone awake and alert to take care of their residents at all times; that night shift may provide a little less, however, they still planned to staff the facility way above how most of the nursing home assisted living facilities are currently staffed; that she anticipated a maximum of three caregivers in the daytime; that they may have five staff members there, during a time when the administrator or Director of Nursing were there at the same time as the chef; that depending on how housekeeping goes, they may have people come in to provide deep cleaning services and things of that nature, and in the event the residents have home health, hospice or physical therapy services ordered, those vendors would still be allowed to visit the home.

Mr. Pettyjohn questioned whether there would be family visitation hours, whether parking had been planned out, and any other potential concerns that adjacent neighbors may have.

Ms. Lockard stated that they had not yet set that up; that they want it to be set up like a home; that should someone want to go visit their mother at 9:00 p.m., and the resident wanted them to come over, they would be fine with that visitation, especially when residents are getting older, potentially experiencing a recent discharge for the hospital, a potential infection, or mental status change; that sometimes families might wish to come later at night; that they did not plan to prohibit such a request; that the site was located pretty far from neighbors, and that their current neighbors were flipping their property to a commercial use.

Mr. Collins stated that it appeared that some additional parking, beyond what was provided on the Site Plan, may be needed.

Ms. Lockard stated that they were unsure of the parking requirements at the time they submitted the Site Plan.

Madam Chair Wingate stated that it appeared that the site provided plenty of room to add additional parking; that she felt it was a good suggestion with the proposal of 16 residents, potentially all having family members who wished to visit at the same time.

Ms. Lockard stated that they had also considered the need for additional ADA handicap parking spots, for visitors who may not be able to walk across a parking lot.

Mr. Passwaters stated that he did not have any questions, but felt the proposed use was needed in Sussex County.

Ms. Lockard stated that she hoped the site would be a flagship location for many more.

Mr. Allen questioned whether there was a cover location for EMS or resident drop-off.

Ms. Lockard stated that the front porch was covered; that the back would be covered, being the location where the main ramp was going to be placed; that since the submission of the Site Plan, they had decided they wanted to place a ramp on the front as well, however it would not be covered, but she felt that a cover was a good suggestion.

Madam Chair Wingate stated that she felt the proposed use was a much-needed service in Sussex County and that it was great for the community.

Mr. Robertson requested additional information regarding the neighborhood and surrounding area.

Ms. Lockard stated that the site was located approximately 0.5 mile up from the Beebe Healthcare South Coastal Emergency Room and Roxanna Road; that the area was residential with farmland; that there was approximately 50 to 100 acres behind the site that had not yet been developed, and there was a Conditional Use approved for a storage facility adjacent to the site.

Mr. Robertson questioned whether the existing dwelling would maintain its current residential appearance.

Ms. Lockard stated yes, absolutely, that the existing dwelling would maintain its current residential appearance.

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

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

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

In relation to C/U 2629 Age Well, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Pettyjohn, and carried unanimously. Motion carried 5-0.

C/Z 2036 Nickolaos Halkopoulos

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS. The properties are lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt. 1D). 911 Addresses: 20007 & 20008 Hitchens Lane, 19025 John J. Williams Hwy, Rehoboth Beach, and N/A. Tax Map Parcels: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that Mr. Harold (Hal) Dukes, Jr., Senior Partner with Tunnell & Raysor, P.A., spoke on behalf of the Applicant, Mr. Nickolaos Halkopoulos. Mr. Dukes stated that Mr. Halkopoulos came to the country in 1977; that he arrived in Dewey Beach in 1980; that Mr. Dukes had performed his legal work for over 46 years; that Mr. Halkopoulos owned Nick's Philly Cheesesteaks, located across from the Bottle & Cork in Dewey Beach; that he and his family have been extremely hard workers for years and have relied on his advice; that upon opening the sandwich shop, when he acquired extra money, Mr. Dukes directed Mr. Halkopoulos to purchase lots in the little development that is now completely surrounded by commercial; that Mr. Halkopoulos' goal was to acquire the property, and he had done a good job; that Mr. Halkopoulos had paid for all of the property; that there were no mortgages on the property; that Mr. Halkopoulos was now in a position to where he could provide a building for medical support; that the site was located near the Beebe Medical Center; that a couple doors down was the location of a new car wash; that down the street was all commercial area, containing a car dealership and McDonalds; that when the Comprehensive Plan was redone, the properties apparently got left out; that the site was kind of an island of property; that he filed the application over two years ago; that Mr. Halkopoulos was requesting for a change of zone to commercial; that Mr. Halkopoulos had three generations of family in the area, and they planned to remain in the area for a while; that everything was in good order on the property; that there had been no complaints from the neighbors; that the neighborhood was basically commercial, and therefore the requested rezoning would be a infill zoning.

The Commission stated that they had no questions, as the site was currently surrounded by commercial and institutional zoning designations.

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

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

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

Mr. Robertson read Mr. Collins' motion as requested by Mr. Collins.

Mr. Collins moved that the Commission recommend approval of Change in Zone No. 2036 for Nickolaos Halkopoulos for a change in zone from AR-1 (Agricultural-Residential) zoning district

to a C-2 (Medium Commercial) zoning district based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 2.938 acres and is located along Route 24 between the intersections of Route One and Warrington Road. This is an appropriate location for C-2 Zoning.
3. This property is currently developed as a single-family residence. However, that is becoming decreasingly viable given the expansion of Route 24 and the higher intensity medical uses, including Beebe Hospital, commercial retail, office, and hotel uses in the immediate vicinity. The C-2 zoning is the appropriate district based on the location of this property, and the C-2 zoning will allow uses to occur on this site that compliment these existing uses.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that zone that are consistent with the existing development trends of the area.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Collins, seconded by Mr. Pettyjohn, and carried unanimously to recommend approval of C/Z 2036 Nickolaos Halkopoulos for the reasons stated in the motion. Motion carried 5-0.

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

C/Z 2038 Randall Hall

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS. The property is lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile

north of Lighthouse Road (Route 54). 911 Address: 37011 Old Mill Bridge Road, Selbyville. Tax Map Parcel: 533-12.00-74.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's presentation materials and exhibit booklets, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that five public comment responses had been received and had been included within the Commission's Paperless Packet.

The Commission found that Mr. Mark Davidson, Vice President and Principal Land Planner with Pennoni Associates, Inc., spoke on behalf of the Applicant, Mr. Randall Hall. Mr. Davidson stated that Mr. Randall Hall was the owner of Bicycle Connection, being an existing bicycle sales and service business located immediately next door in the Dirickson Creek Center; that he was requesting a zoning map amendment for Tax Map Parcel No. 533-12.00-74.00, located at 37011 Old Mill Bridge Road, from AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that Mr. Hall's objective was practical and straightforward; that he sought to relocate Bicycle Connection from its current leased space within the Dirickson Creek Center, to his own parcel immediately next door; that the request would allow an established, local business to remain in the same commercial area, continue serving the same customer base, and invest in property under the owner's direct control; that the request was a modest infill and redevelopment request for a small parcel, located within Coastal Area, and predominantly within the State Investment Level 1 area; that the site was served by public water and sewer; that the site was located within an area where commercial, residential, utility, and public infrastructure uses already existed; that the submitted exhibit booklet provided the supporting basis for approval, including the application materials, Environmental Assessment, Public Facility Evaluation, Comprehensive Planning State Strategies Analysis, DelDOT correspondence, mapping and proposed Findings of Fact; that the property contained approximately 0.39 acres on the east side of Old Mill Bridge Road, being about 650 feet north of Route 54; that the site was currently improved with an existing dwelling, driveway, gravel parking area, and maintained lawn; that importantly, the parcel was already served by Artesian Water Company and Sussex County Sanitary Sewer, allowing the proposed modest commercial redevelopment to effectively use existing public infrastructure, without extending services in an undeveloped or agricultural area; that the surrounding context includes residential communities, commercial zoning and activity, the Dirickson Creek Center commercial complex, Delaware Electric Cooperative facilities, Sussex County utility infrastructure, and other nearby services uses; that the Delaware Electric Cooperative had a large transfer station located north of the site; that the Dirickson Creek Center was located to the south; that Mr. Hall's Bicycle Connection was located to the right of the site, and the Sussex County Regional Pump Station facility being located to the left of the site; that there are rural farms located out front of the site; that Seashore Village was located behind the site; that the parcel was not part of an isolated agricultural area; that the site was located within an established growth corridor, where the requested C-2 (Medium Commercial) classification was a reasonable and orderly land use transition; that the Sussex County Comprehensive Plan designated the area as a Coastal Area, where growth, commercial

services, employment opportunities and public investment are intended to be directed when supported by infrastructure and compatibility; that those factors being public water, public sewer, roadway access, existing electric service, public safety coverage and a surrounding development pattern that already include commercial and services uses are present; that these characteristics are the very factors cited throughout the Comprehensive Plan when determining where commercial rezoning should occur; that the proposed rezoning therefore implements, not conflicts with, the adopted Comprehensive Plan; that the State Strategies Map identifies the property as lying predominantly within an Investment Level 1, and marginally within an Investment Level 2 areas; that Investment Level 1 areas represent Delaware's highest priority for public investment, redevelopment, economic development, business growth, and infrastructure utilization; that Investment Level 2, likewise, supports continued growth where development patterns and infrastructure supports expansion; that the proposed rezoning is consistent with the State Planning's philosophy because infrastructure already exists, public sewer and public water already exists; that the parcel is located within an established growth corridor; that the request represents infill and redevelopment; that the request supports an existing local business and no extension of infrastructure into agricultural areas would be required; that the application, therefore, aligned with the purposes of the State Strategies Map by directing a modest commercial redevelopment opportunity to a location within the Coastal Area, served by public utilities, adjacent to existing commercial uses, and predominantly situated within an Investment Level 1 area; that the present AR-1 (Agricultural Residential) classification is intended for agricultural and low density, residential purposes; that while AR-1 Zoning remained appropriate in rural and agricultural areas, the subject parcel's location, infrastructure availability, and surrounding development patterns, support a transition to a Medium Commercial (C-2) Zoning classification; that the C-2 (Medium Commercial) district provides a controlled commercial classification that supports retail, service, office and neighborhood serving business uses, while preserving County authority over Site Plan review, buffering setbacks, lighting, signage, access, drainage and agency coordination; that the question before the Commission was not whether commercial activity should exist at the site; that commercial activity already exists next door; that the question was whether commercial zoning was appropriate for the parcel; that based upon the surrounding development pattern, infrastructure availability, Comprehensive Plan designation, and State Investment Policies, the answer was clearly, yes; that the requested C-1 District implements the Comprehensive Plan, reflects existing development patterns, compatible with adjacent zoning, is served by public water and sewer, is located along a collector roadway, allows neighborhood serving commercial uses, and maintains full County oversight through Site Plan review; that unlike Heavy Commercial or Industrial Zoning, the C-2 District remained a moderate commercial classification, intended to serve surrounding communities, while remaining compatible with nearby residential development; that a question may be raised as to whether a Conditional Use would be more appropriate than C-2 Zoning, because Mr. Hall's immediate intent is to relocate Bicycle Connection from Dirickson Creek Center to his own parcel adjacent to the site; that this fact supports the reasonableness and compatibility of the proposed use, but it did not limit the planning analysis to one operator; that the broader question was to whether the parcel itself appropriately classified for Medium Commercial Zoning, based on its location, infrastructure, surrounding commercial context, and then adopted land use policies; that the property is within the Coastal Area within State's Investments Level

land 2, adjacent to commercial zoning, and served by public infrastructure; that these characteristics support a permanent C-2 Zoning classification, rather than a site specific Conditional Use; that a Conditional Use would regulate one particular business operation, while C-2 properly recognizes the commercial character, infrastructure, and planning context of the parcel itself; that permanent zoning encourages business development, improves financing opportunities, encourage redevelopment, provides long-term predictability, and reduces future amendment proceedings; that it also increases property value stability; that Conditional Use was generally more appropriate where a use may be acceptable, only under special site-specific limits, because of intensity, compatibility, or unusual impacts; that this application is different; that it involved a known local business, already located next door, within the same commercial setting, and on a parcel that independently meets the planning criteria for C-2 consideration; that C-2 also provides better long-term certainty for property investment, financing, redevelopment, and continuity of business operations, while still preserving County authority over access; that the relocation of Bicycle Connection explains the immediate purpose, the Comprehensive Plan, State Strategies, public utilities, surrounding commercial pattern, and DelDOT review explain why C-2 is appropriate for the property; that for those reasons, C-2 was the stronger, more appropriate planning tool, because it recognizes the land use character of the parcel itself, not merely the Applicant's current business plan; that the Environmental Assessment had been organized to follow Sussex County Code §115-194.3(B)(2)(A) through (L); that the evaluation addresses drainage, stormwater quality and quantity, potable water, wastewater, traffic, threatened and endangered species, wetlands, open space, infrastructure, public benefits, historic resources, Comprehensive Plan consistency, and mitigation; that the Pennoni, June 2024 field review and wetland evaluation documented no Federal wetlands, no regulated wetlands, no wetland hydrology, no hydric soils, no wetland vegetation communities on the subject property; that the site is located within the Little Assawoman Bay watershed; that it was identified in the record materials as having good to fair groundwater recharge potential; that it is not located within a Wellhead Protection Area, and lies within the FEMA Flood Zone X shaded, based on the plans and the mapping; that future site design will be required to comply with the Delaware stormwater regulations, Sussex Conservation District's requirements, DNREC's requirements and engineering review; that Old Mill Bridge Road was identified as a Minor Collector roadway; that DelDOT completed a Service Level Evaluation for the proposed land use application; that determined, based on their IT Trip Manual 11th Edition, that the proposed use was expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 trips; that no Traffic Impact Study was required and DelDOT viewed the traffic impact to be negligible; that the property is served by public water by Artesian Water Company and public sanitary sewer through Sussex County; that the planned use therefore avoids reliance on private wells and on-site septic systems; that future development would be subject to the Office of Drinking Water, Delaware State Fire Marshal's fire prevention regulations, including requirements for emergency access, fire lanes, hydrant flow, fire flow coordination, and Building Code compliance; that the use of existing utilities and public facilities supports the Comprehensive Plan goal of concentrating growth where public investment already exists; that the rezoning supports the relocation and continued operation of Bicycle Connection, and existing local bicycle sales and service businesses from its current location in the adjacent Dirickson Creek Center; that it will be located on Mr. Hall's own parcel, located next

door; that this is not a speculative commercial proposal; that it was a request to support a known, operating business already located within the same commercial setting; that the C-2 designation promotes local services closer to surrounding residential communities, supporting shorter trips and more efficient access to retail and service uses; that the request supports economic development, preserves agency oversight through future Site Plan review, and represents a practical infill use as a small parcel already surrounded by existing development infrastructure; that in summary, the requested rezoning from AR-1 to C-2, supported by the County's Comprehensive Plan, the Coastal Area's Future Land Use Designation, the Delaware State Strategies for Policies and Spending, the existing zoning and land pattern along Old Mill Bridge Road, available public utilities, DelDOT Service Level Evaluation, and the Environmental Assessment and Public Facilities Evaluation, prepared pursuant to the Sussex County Code; that the request was an infill and redevelopment zoning application for a small parcel that is located predominantly within State Investment Level 1; that the proposed Findings of Fact could be located within Tab 6, which demonstrated that the property does lie within the Coastal Area; that the property was served by both water and sewer; that the evidence submitted into the record supports approval of the requested rezoning from AR- (Agricultural Residential) to C-2 (Medium Commercial); that for all these reasons, the Applicant believed the requested rezoning to be consistent with sound land use planning principles, advance the goals of the Comprehensive Plan and State Strategies, supports reasonable economic development, and represents an appropriate zoning classification for the property, and respectfully requested that the Planning Commission recommend approval of the requested rezoning.

Madam Chair Wingate questioned whether the cars, appearing toward the rear of the property, were on the subject property or on the Dirickson Creek Center property.

The Commission found that Mr. Randall (Randy) Hall spoke on behalf of his application. Mr. Hall stated that the cars located toward the rear of the property were his employees' vehicles.

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

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

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

Mr. Robertson read Mr. Pettyjohn's motion per Mr. Pettyjohn's request.

Mr. Pettyjohn moved that the Commission recommend approval of Change in Zone No. 2038 for Randall Hall for a change in zone from AR-1 Agricultural-Residential zoning to a C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 0.39 acres and is currently zoned AR-1 along Old Mill Bridge Road near the intersection with Route 54. This is an appropriate location for C-2 Zoning.
3. The property is next to property that is zoned C-1 General Commercial extending to Route 54 and the various retail and commercial uses along that roadway, including the Dirickson Creek Center next door, and a Delaware Electric Co-Op facility to the north of the site. The Applicant intends to relocate his existing bicycle business from the adjacent property to this site. This is an appropriate minor extension of the existing commercial zoning.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval C/Z 2038 Randall Hall, for the reasons stated in the motion. Motion carried 5-0.

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

PUBLIC COMMENT

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

RECESS

4:56 PM – 5:01 PM

ADDITIONAL BUSINESS

Mr. Robertson made a presentation before the Commission detailing Senate Bill 23 (SB 23).

The Commission discussed Senate Bill 23.

EXECUTIVE SESSION

5:42 PM – 6:13 PM

Motion by Mr. Collins to enter Executive Session, second by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

The Commission discussed potential and pending litigation.

Mr. Robertson advised the Commission that no action was required to be taken.

Motion by Mr. Allen to exit Executive Session, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Meeting adjourned at 6:13 p.m.

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