

MINUTES OF THE REGULAR MEETING OF AUGUST 5, 2026

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, August 5, 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. Jeff Allen, Mr. John Passwaters, and Mr. David Pettyjohn. Mr. Scott Collins was absent. 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 III, Ms. Susan Isaacs – Planner I, and Ms. Ashley Paugh – Recording Secretary.

Mr. Whitehouse advised the Commission that the application for 2024-13 Milton Village Residential was advertised but was not included in the agenda due to the adoption of the Housing for Every Delawarean Act (Senate Bill 23) into law; that additionally Other Business item, for The Point Farm Subdivision – Request for Director’s Determination was removed from the agenda.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to approve the Agenda as revised. Motion carried 4-0.

Motion by Mr. Passwaters, seconded by Mr. Allen, to approve the Minutes of July 22, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 4-0.

OTHER BUSINESS

2022-18 Wilhaven (F.K.A. Wil King Station)

6-month Time Extension Request

On July 28, 2026. The Planning and Zoning Department received a request for a 6-month extension for the Wilhaven Subdivision, a cluster subdivision for the creation of fifty-eight (58) single-family lots within the Coastal Area and the Low-Density Area. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, August 24, 2023, subject to twenty-two (22) Conditions of Approval. Specifically, this time extension request is being made pursuant to Section 99-40 of the Sussex County Code. In accordance with the requirements of this Section of Code, an explanatory Memo, schedule and plan of completed steps and reasons in support of the Applicant’s request for a time extension have been provided. The letter notes that the developer entered into a Brownfields Development Agreement (BDA) with the Delaware Department of Natural Resources and Environmental Control (DNREC) on January 22, 2024. The developer is currently in the final stage of the review process with DNREC and SCD. Approval from SCD is the only remaining item required before the Final Subdivision Plan may be submitted for review and approval. Due to the timing of this process, approval is not anticipated before the Preliminary Subdivision Plan expiration date of August 24, 2026. The property is located on the west side of Wil King Road (S.C.R. 288) approximately one mile south of Kendale

Road (S.C.R. 287). Tax Parcels: 234-6.00-26.00 & 59.19. Zoning: AR-1 (Agricultural Residential District.) and GR (General Residential District)

Motion by Mr. Allen, seconded by Mr. Passwaters and carried unanimously to approve the 6-month Time Extension Request. Motion carried 4-0.

S-19-46 Ocean Park

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of two (2) one-story office buildings (19,600 sq. ft. and 24,800 sq. ft.), parking, a stormwater management system, and other site improvements. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. The properties are located at the northeast intersection of Cedar Grove Road (S.C.R. 283) and Plantation Road (Rd. 275). Tax Parcels: 334-12.00-51.00 & 50.00. Zoning: B-1 (Neighborhood Business District) and 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. Passwaters, seconded by Mr. Passwaters and carried unanimously to approve the Revised Preliminary Site Plan, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Yellow Metal, LLC

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of two (2) 9,600 square feet flex space/pole buildings totaling 19,200 square feet, parking, a stormwater management system, and other site improvements. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. The properties are located on the north side of Lewes Georgetown Highway (Rt. 9). Tax Parcels: 135-11.00-31.00, 135-16.00-17.00 & 70.00. Zoning: C-1 (General Commercial District) and 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. Passwaters, seconded by Mr. Allen, and carried unanimously to approve the Revised Preliminary Site Plan, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Dale R. Breeding

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual land. Proposed Lot 4 shall consist of 2.437-acres +/- and the residual land shall contain 6.396 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is accessed from the east side of Hartzell Road (S.C.R. 560A) through an existing 50-foot ingress/egress access easement (Mystic Meadows Lane). The Minor Subdivision Plan complies

with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 131-13.00-48.05. 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. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to approve the Minor Subdivision Plan off an existing 50-foot easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Riveras Property Company, LLC

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus residual land. Proposed Lot 1 shall consist of 0.852-acre +/-, proposed Lot 2 shall consist of 0.976-acre +/-, and the residual land shall contain 1.193 acres +/- . A shared-use maintenance agreement shall be established for the use of the shared access road. The property is accessed from the east side of Bethel Concord Road (S.C.R. 485) through an existing 50-foot ingress/egress access easement (Tower Lane). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 132-2.00-335.03 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 an existing 50-foot easement as a preliminary, with final approval to be granted by the staff, subject to the receipt of all agency approvals. Motion carried 4-0.

OLD BUSINESS

C/U 2465 Sussex Materials, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT AND SAND PLANT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 107.517 ACRES, MORE OR LESS. The property is lying on the southwest side of Hunters Cove Road (S.C.R. 602), approximately 0.43 mile southeast of Owens Road (S.C.R. 611). 911 Address: N/A. Tax Map Parcel: 430-9.00-21.01.

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

Mr. Passwaters moved that the Commission recommend approval of C/U 2465 for Sussex Materials, LLC for a borrow pit and sand plant based upon the record made at the public hearing and for the following reasons:

1. This application is for a 6.9-acre sand plant, and a 31.7 acre borrow pit operation within a

- 103.25-acre site.
2. The property currently consists of scattered agricultural fields and woodlands that exhibit signs of prior logging operations.
 3. A need exists in the area for dirt, sand and gravel, and existing borrow pit sources are becoming depleted. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
 4. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.
 5. The Application complies with the requirements of Section 115-172(B) of the Zoning Code as follows:
 - (a) No material will be brought from off the site for processing, mixing, or similar purposes.
 - (b) The excavating and extraction operations will be managed to provide reasonable protection to surrounding properties and neighborhoods, particularly concerning odors, dust, air or water pollution, and the use of roads providing access to the site.
 - (c) The location of the excavation and extraction will be controlled concerning depth, water table, flood criteria, and slope to prevent an unsightly, hazardous, or wasteful condition of the land. Specifically, the proposed pit is:
 - (i) greater than 100 feet from all property lines;
 - (ii) surrounded by woodlands, agricultural uses, and a limited number of residential homes;
 - (iii) the proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one foot below the static water surface;
 - (iv) only trees within the area of the proposed pit and sand plant will be disturbed, with the other existing trees remaining as they are on the property; and
 - (v) regulated, non-tidal wetlands will not be disturbed and there will be a 50-foot buffer from those wetlands.
 - (d) The borrow pit will be surrounded by a landscaped unexcavated buffer strip of open space, maintaining a minimum distance of 100 feet from any street lines and 50 feet from all other property lines. The proposed landscaped buffer exceeds Code requirements, proposing a minimum buffer of 250 feet from the property identified as Parcel No. 430-9.00-23.00; a minimum 300 feet buffer from Parcel No. 430-12.00-13.00 and the centerline of the “Owens East Nanticoke Tax Ditch”; and a varying width buffer of 550 feet to 1,000 feet from Hunters Cove Road.
 - (e) The borrow pit will be located at least 200 feet from any dwelling on property of other ownership.
 6. The project, with the conditions and stipulations placed upon it, will not have an adverse

- impact on traffic or the neighboring properties.
7. As a source of fill dirt and aggregate available to the entire County, the project is essential and desirable for the general convenience, safety and welfare of the current and future residents of the County.
 8. The use is subject to approvals from State Agencies including DelDOT and DNREC.
 9. No parties appeared in opposition to this Application and there were several letters submitted in support of the Application.
 10. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The borrow pit shall not exceed 31.7 acres and the sand plant shall not exceed 6.9 acres. The Conditional Use area shall be limited to approximately 48.25 acres of the larger 103.25-acre tract.
 - B. The conditional use shall comply with all of the requirements of Section 115-172B of the Sussex County Zoning Code regarding borrow pits.
 - C. No materials shall be brought from off the site for processing, mixing or similar purposes.
 - D. Water or a water truck shall be available to control dust from road traffic when conditions require.
 - E. There shall be a single entrance to the pit via Hunters Cove Road. The entrance shall be gated to prevent unauthorized access, and the gate shall be located far enough away from the edge of Hunters Cove Road to allow trucks and other vehicles to pull entirely off of the road when the gate is locked. In addition, the entrance road shall be sufficiently sized to allow two trucks to safely pass each other. The dimensions of this road and the location of the gate shall be shown on the Final Site Plan.
 - F. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant.
 - G. Borrow pit operations shall only be between 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturdays. No Sunday hours shall be permitted.
 - H. No materials shall be stored on any access roads or within any buffer area.
 - I. Any fuel stored on-site shall be subject to all applicable State and Federal legal requirements.
 - J. No stumps, branches, debris or similar items shall be buried or placed on the site of the borrow pit.
 - K. Any safety lights shall be downward screened so that they do not shine on neighboring properties or roadways.
 - L. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one foot below the static water surface.
 - M. Permanent concrete markers or signs shall be placed at appropriate locations to designate the boundaries of the subject property and the pit areas. The markers shall be raised and marked so that they are clearly visible to anyone nearing the site.
 - N. A Final Site Plan, including all pit slopes, excavation phasing, and reclamation

plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.

- O. The Applicant shall comply with all State and County erosion and sediment control regulations. The project will meet or exceed stormwater management system regulations set forth by the Sussex Conservation District (SCD) and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The Final Site Plan shall contain the approval of Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- P. The borrow pit shall be surrounded by a buffer strip, a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation. All of these requirements shall be clearly shown on the Final Site Plan along with a "Limit of Disturbance" line for the existing trees and vegetation on the site.
- Q. This approval shall expire 50 years from the date of approval for the conditional use ordinance
- R. 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. Allen, and carried unanimously to recommend approval of C/U 2465 Sussex Materials, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

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 Mr. Robertson's absence.

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

In relation to C/Z 2061 Sandie, LLC. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 4-0.

PUBLIC HEARINGS

Mr. Sharp left Council Chambers, and Mr. Robertson returned to Council Chambers.

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

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.

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

The Commission found that Mr. John Whitby, Jr. property owner, and owner of Shore Mechanical Services, spoke on behalf of his application. Mr. Whitby stated that he resided on the property; that he began his business in 2009; that three years ago he purchased and acquired the house; that he also owned two lots, Lot 4 and Lot 5, adjacent to the site; that it was a small business; that 95% of their work was performed at poultry plants; that they support the local poultry industry businesses around Mountaire Farms, Perdue and Allens; that they also performed welding for farmers irrigations; that the business consisted of himself, his three sons, his one daughter, and a couple other helpers; that most of the work was performed off-site, and was not performed within his shop onsite.

Mr. Passwaters questioned whether Mr. Whitby's children and workers reported to the shop first, or did they meet at the individual job sites.

Mr. Whitby stated that it varied day to day; that some plants they work at were located up north; that when they are required to go north, they may jump in his truck to ride up together; that if the job is located closer, they often will drive to the job site; that if the job requires a welder or welding truck, those are kept at this shop on the site; that the foreman usually comes to get the welding truck; that most of the work would be performed off site; that only the trucks and materials are stored at the site; that he had obtained Sussex County building permits for everything; that they are just required to load up materials and head to the job site, and a lot of their job was mechanical work.

Mr. Passwaters questioned whether most of the materials were stored under a roof, whether there were any dumpsters or fencing on the site.

Mr. Whitby stated that all materials are covered under a roof; that he had two, small dumpsters, from Fitzgerald Salvage & Recycling, which were located behind the metal pole shed; that they throw any materials that they had to bring back in the dumpster; that Fitzgerald's would pick the dumpster up once it got full; that there was no fencing related to the business; that he did have cows in a fenced pasture, and fencing around his pool and hot tub, and that he had no other fencing as the property was boarded by woods, which he also owned, all the way around the site.

Mr. Allen questioned the number of work vehicles and where vehicle maintenance was performed.

Mr. Whitby stated that he had two Ford Ranger trucks, and three utility body trucks; that he takes the vehicles to Rolling Wrenches automotive repair shop with whom they had a service contract with; that they service all his work and personal vehicles, which included his personal trailers, go-karts and boats; that they also offered snow plowing, and had a vehicle for snow plowing; that he had a water truck for hauling water back to his hogs and goats; that he had two, Sussex County approved, Conex boxes which he used for material storage, and that he also had a personal race shop.

Mr. Pettyjohn questioned where the welding work took place, and whether any work with feed trucks or live haul was proposed.

Mr. Whitby stated that the welding work takes place at the job site, inside the chicken plants; that they do not build anything; that they may be required to remove a plate on the job site; that a lot of their work was maintenance work; that they specialize in special machinery; that they go to the job sites with their tools and work on the machinery that keeps the plants running and processing;

that they perform piping work; that was why they did store some materials, such as fittings, valves, and pumps within some of his outbuildings; that he was not proposing a full machine shop; that they have had to return to the site to get a bearing out of a point, at which time they took it in the shop and pressed the bearing out; that he had no desire to get bigger, and he wanted to remain small, but just wanted to move it further away from his home.

Madam Chair Wingate questioned the proposed hours of operation.

Mr. Whitby stated that he would request 8:30 a.m. to 4:30 p.m., Monday through Saturday; that Saturdays would be occasional; that they did not operate on a normal work week; that poultry plants close on Saturday and Sunday; that they also have worked in a bread factory up north; that they work during their clean down scheduled, requiring them to work Monday, Tuesday, Wednesday and Thursday, having off Friday, Saturday and Sunday, and it depends on each plant, and they could have employees coming and going from the site on Sundays.

Mr. Robertson stated that because snow removal maintenance was not applied for, and involved Mr. Whitby's personal truck, he did not feel it would be required to be placed within the conditions.

Madam Chair Wingate questioned whether there were any other Conditional Uses within the surrounding area.

Mr. Whitby stated that he was not exactly sure; that before he purchased the property, Mr. Glenn Reed owned the property; that he had a trucking business; that Mr. Reed stored his trucks and worked on them, however he did not believe any approval was given at that time; that he wanted his business to be legal; that he believed there were businesses, including an accountant office, toward Cave Neck Road; that it was mostly farmers, and there was a construction business down the corner.

Madam Chair Wingate questioned whether a sign was proposed for the business.

Mr. Whitby stated that he did not want a sign placed along the front of his home; that he did have a sign on the grey building to help direct Amazon to deliver to his shop and not his house, and he did not want a business sign along the site's frontage.

Mr. Robertson stated that it sounded like there would be no adverse impact on the neighbors; that the property was tucked away, with Mr. Whitby owning the properties out front; that the remainder of the property was surrounded by trees, and he questioned whether any neighbors expressed any concerns regarding the proposed use.

Mr. Whitby stated that no one had expressed any concerns; that he used to own the land that the two homes along the front are now located; that he knew the neighbors very well, and his neighbor was a car dealership owner in Lewes.

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 2536 John Whitby. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

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.

Mr. Whitehouse advised that Commission that submitted into the record were the Applicant's Conceptual Site Plan, the property deed, previously issued Notice of Decisions and Board of Adjustment Notice of Decisions. Mr. Whitehouse advised the Commission that no written comments had been received regarding the application.

Mr. Whitehouse, in an effort to provide the Commission with some background on the application, stated that the application had a history dating back to 1999; that since that time the property had five Board of Adjustment approvals for similar uses; that Board of Adjustment approvals could only be issued for a temporary period, not to exceed five years, resulting in the need for the reoccurring approvals; that the site was the subject of a Conditional Use in 2015 for a similar use, which was approved by Sussex County Council, but was subsequently reapplied for by a Board of Adjustment Case (BOA Case No. 12359), which was approved in 2019; that the site received a series of Board of Adjustment approvals, followed by a permanent approval, which did not appear to have been implemented, and would have lapsed after three years, and followed by another temporary approval and the current Conditional Use request was to clean the whole thing up, to keep the Applicant from being required to return again.

The Commission found that Mr. Frank Miranda, Applicant and property owner, spoke on behalf of his application. Mr. Miranda stated that the Heavenly Hound Hotel had been in operation for over 40 years, under a Special Use Exception approval, which required renewal every five years; that the veterinary clinic had been in operation under the same Special Use Exception, but not nearly as long; that he was trying to avoid the requirement to come back every five years; that there were other businesses there, and they employ over 30 people.

Mr. Pettyjohn questioned what the proposed hours of operation would be, whether 24-hour emergency services were provided, the number of kennels for the dogs, and whether there was any anticipation of an expanding in the future.

Mr. Miranda stated that he was requesting to keep the hours of operations he currently had; that the kennel operated seven days per week, which included the weekend, and the vet clinic occasionally brings in a specialist, like a heart specialist, every three months for people who have a problem with their dogs that may need or want to see a heart specialist; that he did not offer 24-hour emergency services; that his first clients come in at 9:00 a.m. and his last client would be at 5:00 p.m.; that drop off hours for the kennel are in the early afternoon being 1:00 p.m. to 3:00 p.m.; that pick up for the kennel was between 10:00 a.m. to 12:00 p.m., seven days per week; that there were 18 runs for the dogs, and he had no intention of future expansion as he did not own the business, his significant other was the owner of the business.

Mr. Allen questioned whether the veterinary services were proposed to change or stay the same.

Mr. Miranda stated the veterinary services were proposed to remain the same, as they are very busy.

Madam Chair Wingate questioned what other businesses were in the immediate area.

Mr. Miranda stated that Sussex County owned the 70 acre parcel adjacent to site; that Williamsville Industrial Park was located within the area, along with Breasure Pest Control, a liquor store, and several restaurants.

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

Ms. Joyce Keidel, resident of Frankford, spoke in support of the application, stating that the business was much needed for the area; that she personally used their facilities; that pet owners in the area have

a very hard time finding veterinary clinics because they all have waiting lists; that there were very few kennels in the area, and they do a wonderful job.

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 2561 Frank Miranda. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

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).

Mr. Whitehouse advised that Commission that submitted into the record were the Applicant's Preliminary Site Plan, the Applicant's presentation materials, exhibit booklet, Environmental Assessment Report, Drainage Assessment Report, and proposed Deed Restrictions. Mr. Whitehouse advised the Commission that one written comment had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, ELU DeLuca Mid-Atlantic, LLC; that also present were Mr. Reese Rosenthal, representative of ELU DeLuca Mid Atlantic, LLC, Mr. Brad Garrison, Professional Traffic Operations Engineer with the Bowman Group, Mr. Matthew Jeanette, Vice President with Geo Technology Associates, and Mr. Jason Palkowitz, and Professional Engineer with Solutions IPeM.

Mr. Hutt stated that the application had been advertised under NVR; that NVR signed the contract to ELU DeLuca Mid Atlantic, LLC; that it remained the same application, but would now move forward under ELU DeLuca Mid Atlantic, LLC; that the application requested a Change of Zone for parts of four tax parcels, and all of two tax parcels, being an assemblage of various parts of six

pieces of property; that the total acreage of the parcel assemblage was 57.21 acres; that the application requested to change the zoning classification of those properties from AR-1 (Agricultural Residential) District to the MR (Medium Density Residential) Zoning District with an RPC (Residential Planned Community) overlay; that the site was located on the east side of Bayard Road; that the site's eastern boundary line was shared with the western boundary line of the Estuary community; that the property currently had a single-family home on it, some wooded areas, some timbered areas, and other areas used for agricultural purposes; that the RPC application proposed 179 units, which included a mixture of housing styles, consisting of 59 detached single-family homes, and two types of multi-family homes; that six duplexes and 114 townhomes were proposed for the site; that Old Mill Bridge Road was located to the south of the site; that the entrance to Lantern Cove was located at the same location as the intersection of Daisey Road and Byard Road; that at the northwest intersection was the location of the Bayard Business Park, being the location of Custom Mechanical, Storage 302, True North Land Surveying, Keller Williams, and Canine Training Facility; that northward was the location of a church; that at the intersection of Bayard Road and Double Bridges Road, was the location of commercially zoned properties, and business activities; that per the 2020 State Strategies Map, the property was primarily located within an Investment Level 3 area, as was almost the entire surrounding area; that a few area were designated as Level 2; that the 2020 State Strategies Map was used when this project was reviewed by the Office of State Planning Coordination; that being shown in Investment Level 3, the PLUS Report, stated that the property may be consistent with the 2020 Strategies for State Policies and Spending; that it stated that the Investment Level designated an area where growth was anticipated by local, County, and State plans; that in 2025, when the Office of State Planning Coordination updated the State Strategies Map, the colors on the map changed significantly, as there were only little areas of Level 2 that were previously shown; that the entire area was now shown as being primarily in an Investment Level 2 Area, with some areas being within the Level 3 sprinkled in; that if one were to compare the two maps, the areas of change were likely the locations of ecological features; that even when the site was reviewed under the 2020 State Strategies Map, it was noted that the plan may be consistent with the County's plans for the area and its State Strategies; that the Office of State Planning Coordination described Investment Level 2 areas as being like Investment Level 1 areas, State investments and Policies should support and encourage a wide range of uses and densities; that it went on to say that investments should encourage departure from the typical single-family dwelling developments and promote a broader mix of housing types; that within that same section, the Office of State Planning Coordination stated, overall, the State's intent was to use its spending and management tools to promote well designed development in these areas; that such development provides for a variety of housing types; that the 2025 report from the Office of State Planning Coordination talks about Level 2 areas, having a broader mix of housing options; that it talked about efficient use of public and private investments; that it talked about maintaining and enhancing existing infrastructure in Level 2 areas, and then newer, higher density developments where applicable; that Investment Level 2 area were

areas where the State expected and encouraged growth, and more specifically a departure from typical single-family dwelling developments, which was one of the reasons why the application proposed a mixture of housing types; that the policy that the Office of State Planning Coordination was consistent with the discussions that the Land Use Reform Working Group had earlier in the year, where it was confirmed the emphasis on locating new growth and new development in Investment Level 1 and Investment Level 2 area that are shown on the State Strategies Map; that the 2045 Future Land Use Map contained within the 2018 Comprehensive Plan, reflected the property and everything surrounding the property was identified as being within the Coastal Area, being one of Sussex County's seven Growth Areas; that the description of the Coastal Area within the Comprehensive Plan states that the Coastal Area was an area where a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that Lantern Cove proposed two of those types of units, being multifamily townhomes and duplexes, and detached single-family home; that the County's Future Land Use Map further reflected that this was a Growth Area within the County; that the site was currently located within the AR-1 (Agricultural Residential) Zoning District; that at the intersection of Bayard Road and Daisey Road, was the location of properties designated as C-1 (General Commercial) Zoning District, being the location of all the previously mentioned business; that at the intersection of Bayard Road and Double Bridges Road was the location of C-1 (Business Commercial) Zoning District; that within that area was also that GR (General Residential) and the MR (Medium Density Residential) Zoning District; that the request to rezone to MR (Medium Density Residential) was consistent with the surrounding area, as there were other properties zoned MR; that also the density of the application was consistent with the overall area; that the gross density of the application was 3.13 units to the acre; that pursuant to §115-126 of the Code, there was a net density or an RPC density that would be calculated by deducting the land use for things like churches, schools, State Tidal Wetlands, or commercial uses, and then either 25% of the area for streets or the actual area of the streets; that for the application, it resulted in a reduction of 6.951 acres for the actual area of the streets and the right of way dedications resulting in a net, or PRC density, of 3.56 units to the acre; that this was consistent with, and less than, the density of other residential projects within the two mile radius; that within a two mile radius of the site, was the Wilson Community at 4.1 units to the acre, Seashore Villas at 6.7 units to the acre, Ascend by the Sea at 7.3 units to the acre, Swann Keys at 5.7 units to the acre, Millville by the Sea at 4.2 units to the acre, and Ashley Manor at 3.1 units to the acre; that the application requested a rezoning to the MR (Medium Density Residential) Zoning District; that in §115-28 of the Sussex County Code, it defined the purpose of the MR District as a district to provide for medium density residential development in areas which are expected to become generally urban in character, where sanitary sewers and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings; that the district was located to protect existing development of the character and contains vacant land considered appropriate for such development in the future; that there was a

mixture of residential and commercial zoning classifications within the area, including medium density zoning districts; that there was central or public water and sewer available to the site; that the Office of State Planning Coordination now identified the site as Investment Level 2 where growth was anticipated in the near term; that the site was identified within the Coastal Area; that Table 4.5-2 of the Comprehensive Plan described the MR District as a zoning district applicable to the Coastal Area designation on the Future Land Use Map; that the subject properties were chosen for the MR-RPC application because of all those characteristics from the various land planning tools and guidance provided from the State, as well as the County; that once that determination was made that it was an appropriate location from a project similar to Lantern Cove, then the property itself was studied; that the application requested a Residential Planned Community; that the purpose of the RPC District was to encourage large-scale developments as a means of creating a superior living environment through unified development and to provide for the application of designed ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that in order to create what the Zoning Code calls a superior living environment, the property was studied to determine its primary ecological features; that this is a similar process to the Cluster Subdivision process set forth in the Code; that in addition to being consistent, the RPC process being similar or consistent with the Cluster Subdivision process, it was similar to the Office of State Planning Coordination process, where it described in the PLUS letter that if a parcel were to contain environmental features or have environmental concerns or constraints, the State always requested that the Applicant work with the State agencies to identify those resources to help create a more sustainable development by buffering those appropriately and avoid the construction of the course of homes or infrastructure within those areas; that the site then is placed through a Topographical Analysis; that with that process, a Wetland Delineation was performed by GTA (Geo-Technology Associates, Inc.), which showed the existence of 0.62 acres of Non-Tidal or Federal Jurisdictional Wetlands along the property; that the United States Army Corps of Engineers did issue an approved Jurisdictional Determination on April 2, 2025, confirming the delineation that Geotechnology Associates had prepared; that this identified the limits of wetlands on the site; that as the project moved forward, a Drainage Assessment and Forest Assessment were performed; that there was a Resource Buffer Management Plan developed for the property; that woods were located on the property; that in addition to the woods, there were some timbered area, and other areas available for agricultural use; that all these various features were identified on the property in seeking to come up with a superior design; that the next step was to prioritize each of those ecological features, being the prongs for the tax ditch that existed at some of the boundaries of the property, as well as the wetlands that were delineated by GTA, as being the highest priority category; that the next highest priority category was the wooded areas, located immediately adjacent to those water features; that the next level of priorities were the agricultural area, the residential area, and then the timbered areas on the site; that after the delineation of the wetlands, identifying the water features, the wooded areas and prioritizing all of those features, the next step was to lay out the network of streets, and then place the various types

of units on those homes, again placing the highest priority of protection on those areas identified; that as a result of that, a purposeful design allowed for the wetlands, wooded areas, and the buffers that surround them to not be disturbed; that because of this, 5.22 acres (68%) of the existing woods would remain on the site; that once the residential homes is removed, the Applicant proposed to reforest 1.1 acres in that area; that the overall designed resulted in 32.8 acres (57%) of open space; that the site entrance will form a four way intersection at where Daisey Road currently intersects with Bayard Road; that that road would enter the community and the road would lead to the loop road for the balance of the community; that at the end of the entrance road, was the location of the proposed primary amenity area for the residents, which would include a pool house, pool and sports courts; that within the community there would be a walking trail; that the walking trail would go through the open space, and end at a gazebo; that the same walking trail would connect at a couple of locations to the sidewalk network of the community; that a sidewalk was proposed to be located on one side of the streets throughout the community; that the community would have a 30 foot landscape perimeter buffer; that there would be existing trees and greenery within the area; that there would a 20 foot perimeter buffer protection area; that another one of the superior design features was to treat the 50 foot area that the Zoning Code referred to as a separation distance where structures that require a Certificate of Occupancy were not permitted, but rather than treat it in that fashion, it was proposed that there would not be any structures at all within that 50 foot area, being treated as a true setback on the plans, rather than just a separation distance; that the FEMA Maps show that the area was located within Flood Zone X, which is an area located outside of the 500 Year Floodplain; that central or public utilities are available to the site; that the project materials contained a letter from Artesian Water Company indicating their willingness and ability to provide central water to the site; that in addition the Sussex County Engineering Department provided its report to the Planning Commission, which indicated that the central sewer is available and there was capacity for the proposed community; that there are no Source Water Protection Areas, as they are described in Chapter 89 of the Zoning Code, therefore meaning, there was not a Wellhead Protection Area located within the property nor was there any Excellent Groundwater Recharge areas located within the property; that a Property Owners Association would be created to manage and govern the common areas within the community; that there were proposed covenants presented, which were ultimately reviewed by Mr. Robertson's office; that the property was located within the Indian River School District; that the Applicant would coordinate with the school district on the location of a bus stop, should the school district require one; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT's response indicated that the traffic impact was considered minor as that term is defined in Sussex County's Memorandum of Understanding with DelDOT; that when that occurs, the developer may pay an Area Wide Study Fee (AWSF) in lieu of doing a Traffic Impact Study; that as part of the process of creating the entrance for Lantern Cove, the Applicant would be creating a right-hand turn lane from Bayard Road into the community; that there would also be a left-hand turn lane for someone coming from the other direction; that in addition, there would be a left-hand turn land for someone making the

turn from Bayard Road onto Daisey Road, but did not presently exist on the site; that the plan was consistent with the proposed Roxanna TID (Transportation Improvement District); that currently there was not a Roxanna Transportation Improvement District, but because DelDOT's response to the Service Level Evaluation Request specifically stated that the proposed development would be consistent with the land use and transportation plan developed for the TID; that as the plan was being developed there were assumptions with respect to the amount of residential units or commercial square footage that would be on undeveloped properties, for properties to be located within a Transportation Improvement District; that the assumption for the property fell within the proposed Lantern Cove community plans; that within DelDOT's Functional Classification of roads, there were local roads, collector roads, and both major and minor collector roads, and arterial roadways; that per Functional Classification System, Bayard Road was identified as being a major collector road; that DelDOT described major collectors as roads that serve the critical roles of gathering traffic from local roads and funneling vehicles into the arterial network; that in this application case, it helped to get cars and people to Route 26 as one heads north and to Route 54 as one would head south; that within the Coastal Area, the Comprehensive Plan states that a range of housing types should be permitted, including single-family homes, townhouses, and multi-family units; that in addition, the same section talks about when medium and higher density, described as being four to 12 units to the acre, can be appropriate; that it talked about areas where there is central water and sewer, where it is near sufficient commercial uses and employment centers, where it was in keeping with the character of the area, where it was along a main road or at, or near, a major intersection, where there was adequate level of service, or where other considerations exist that are relevant to the requested project and density; that the description of the Coastal Area, and when medium or high density is appropriate matches the description of the MR (Medium Density Residential) Zoning District; that under the Comprehensive Plan, medium density is four to 12 units to the acre; that the proposed density of 3.56 units to the acre would not qualify as medium density; that the project was still consistent with the standard for medium density communities; that two of those factors are central water and sewer; that there was an existing water main along Bayard Road; that there was also an existing sanitary sewer main; that the both were located right at the entrance to the community, and readily available for connection; that another factor was where it was near sufficient commercial uses and employment centers; that within two to three miles there is Giant Foods, Harris Teeter, CVS, M&T Bank, Beebe Healthcare; that there are other businesses, employment centers and commercial areas within that area; that Bayard Road was a major collector as referred to by DelDOT's Road Classification System; that within the project book there was a response to the PLUS report; that there was an Environmental Assessment and Public Facilities Evaluation Report; that there was a summary of the project's compliance with Chapter 99-9C; that the project was consistent with Chapter 4 of the Comprehensive Plan, as well as Chapter 5 for Conservation, Chapter 6 for Recreation and Open Space, Chapter 7 for Utilities, Chapter 8 for Housing, and Chapter 12 for Community Design; that the proposed project creates a superior living environment as required for Residential Planned

Community District through a design that has a number of features to meet that; that the plan exceeded the Resource Buffer Protection requirements; that the plan preserved 68% of the existing woods on the property; that in addition to that preservation, there was an additional 1.1 acres of woods to be planted through afforestation of what would be the former residential home site on the property; that the plan greatly exceeds the open space requirements found in the Zoning Code as it provided 57% open space; that existing and future developments are protected through the increased perimeter buffers; that all of the limited common elements are at least 40 feet from the perimeter of the property; that there would be no homes closer than 50 feet to the property; that treating the agricultural separation distance as a setback was proposed; that the project would include walking trails and sidewalks on one side of the street; that there are recreational amenities; that the stormwater management design was dual purpose in that it managed the stormwater and also acted as an amenity for the community; that the project was carefully planned to match the State Strategies Map Designation, the Comprehensive Plan description as a Coastal Area or Growth Area and to create the superior living environment through the features described; that not only will the ecological features on the site be protected greater than the buffering requirements that are found within the Code, but an additional 1.1 acres of wooded areas will be created as part of the plan; that Objective 4.1.1 of the Comprehensive Plan, being in Chapter 4, the Future Land Use Chapter, the stated objective is to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth; that one of the first strategies within that Objective 4.1.1.2 is to prioritize new development in designated growth areas to better preserve other areas; that it mentioned where infrastructure was already available and adequate; that infrastructure runs along the front of the property, and that there was demonstration provided that there was capacity for the proposed community from the water and sewer providers. Mr. Hutt requested to submit into the record proposed Findings of Fact and Conditions. Mr. Hutt stated that proposed Condition B talked about the separation distance between the multifamily units and also the single family detached units; that Condition J was proffered by the Applicant, being that 1.1 acres of reforestation would be placed in the area of the current residential home section of the property; that proposed Condition M related to the minimum size of square footages were proposed for the amenities, such as the pool house and the water surface area of the pool; that proposed Condition T related to contributions that the Applicant proffered as part of the application; that the first contribution was a \$2,000.00 contribution at the time each building permit was obtained; that this contribution would be made to either the Sussex County Housing Trust Fund, Habitat for Humanity, or a similar organization, resulting in \$358,000; that the reasoning was that there had been great emphasis both in the Comprehensive Plan, and even the current Governor with various executive orders to support affordable housing; that through studies performed as the project was being developed, it did not seem to be an appropriate location for affordable housing; that it was thought to be beneficial to support affordable housing with the proposed contribution upon each building permit; that the second contribution was proposed to the Roxanna Volunteer Fire Company, which was the fire district for

the site's location; that Condition T proposed \$500.00 with each building permit, resulting in \$89,500.00 contribution made over time, and within the governing documents for the community there would be an \$8.00 per month contribution required for each unit, which would result in an annual contribution when the community would be fully built out of \$17,184.00 to the Roxanna Volunteer Fire Company.

Madam Chair Wingate questioned what the price point would be for the sale of the units and whether affordable housing was proposed.

Mr. Hutt stated that he did not know the anticipated price point for the sale of the units, and that the units were proposed to be sold at market rate.

Mr. Passwaters questioned the locations of the proposed entrance and proposed turn lanes.

Mr. Brad Garrison, Professional Traffic Operations Engineer with the Bowman Group, spoke on behalf of the application. Mr. Garrison stated that the entrance location was based on several meetings with DelDOT; that a left turn lane was proposed from Bayard Road into the site; that there was a left turn lane proposed to be placed opposite of that; that it would serve existing traffic, and would get the left turns out of the through lane; that the through vehicles would not have to wait for left turning vehicles, and would be able to proceed without delay; that a right turn lane was proposed into the site, as well as a deceleration lane, and that there were a lot of constraints on the west side, so most of the widening would take place on the Applicant's side.

Madam Chair Wingate questioned whether a four-way stop was proposed for that location.

Mr. Garrison stated that the location was currently envisioned as a two-way stop, and Daisey Road and the site entrance would be stop-controlled.

Mr. Allen questioned the location of the parking area for the pool area and clubhouse, the width of the roadway throughout the development, and whether any future development was proposed on the adjacent properties.

Mr. Jason Palkowitz, and Professional Engineer with Solutions IPPEM spoke on behalf of the application. Mr. Palkowitz stated that parking was located near the amenities across from Lot 26, as he referenced on the screens around the room; that the Community Plan was currently a work in progress; that the road pavement would provide for 11.5 foot travel lanes with a curb and gutter, and that the area to the north, where they proposed reforestation, was specifically excluded from development in that area, as it was decided to be maintained as part of the land plan.

Madam Chair stated that she understood the reforestation area and questioned whether any community space was proposed.

Mr. Hutt stated that the area would be kept as a natural area.

Mr. Palkowitz stated that Lantern Lane served other parcels as an easement; that they did not want to affect those other properties, so they stopped at the end of the road, on their property.

Mr. Hutt stated that he believed that the plan contained a note that the easement for Lantern Lane currently continued further south directionally; that the easement was going to be terminated at a certain point; that the area where the afforestation would occur would be a naturalized area and Lantern Lane would just be for the other property owners that are located north of there.

Madam Chair Wingate questioned what would happen if other people crossed the property line onto Lantern Lane, where the other residents live, but the others had nothing to do with, and her main concern was for the residents.

Mr. David Hutt stated that he thought it would be highly unlikely with the plan proposed; that it was part of the consideration of not using Lantern Lane so that there would not be any interference with others; that one would need to cross the tax ditch to get to the area, which would not have anything other than trees in the future; that he was unsure what one's purpose would be in walking through that area in an effort to get to Lantern Lane, and one would be required to cross through the open space area, then cross over the tax ditch, and then through another area to access Lantern Lane.

Madam Chair Wingate requested confirmation that there would be only way in and one way out, which was being proposed from Daisey Road, and whether any other means of ingress or egress was proposed in the event of an emergency.

Mr. Hutt stated that Madam Chair Wingate was correct, and that there was only a single entrance point proposed for the site.

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

Ms. Joyce Keidel, resident of the Estuary, spoke in opposition to the application with concerns regarding the need for infrastructure in advancement of proposed developments, the amount of developments whose traffic feed onto Route 54, and current water issues in the area; that she questioned whether a second entrance was proposed or whether community expansion was

anticipated in the future., whether the HOA or POA would allow rentals and where the locations of tree clearing would take place; that she expressed concern regarding the intersection and improvements proposed along Daisey Road and Bayard Road and stated that the residents of the Estuary were previously told that the site was within a land trust.

Mr. Frank Luciano, resident of the Estuary, spoke in opposition to the application with concerns regarding environmental issues and stormwater runoff; that he presented with questions regarding the Wetland Delineation Map, as well as some of the resource exhibits presented by Mr. Hutt; that he questioned the location of the stormwater management pond, and expressed concern regarding the mentioned poorly draining soils, and that the storm water design may not be adequate as it suggested it was.

Mr. Palkowitz that they perform a Preliminary Stormwater Analysis; that they meet with the Sussex Conservation District (SCD); that they determine the best management practice specifically for the site; that they visit the site to perform about 40 to 50 swell borings on the property to determine what was proper and how they should be designed; that they take into account off-site drainage that comes onto the site; that they perform a downstream analysis to see the effect down; that they are required to meet all of those criteria in order to get approval.

Ms. Pam Peslis, resident of the Estuary, spoke in opposition to the application with concerns regarding drainage issues, traffic impacts, and potential negative ecological impacts being located close to the Assawoman Bay.

Mr. John-Paul Beaudet, resident of the Estuary, spoke in opposition to the application with concerns regarding the location of the pickleball courts; that questioned whether there was any consideration given to relocating the clubhouse and sports courts, as he felt it would better located within the green area of the plan, and questioned whether additional buffering could be provided.

Ms. Mary Egan, resident of the Estuary, spoke in opposition with concerns regarding the increased traffic; that she submitted into the record a picture of an accident, involving her friend, at Bayard Road and Daisey Road; that she stated there were no shoulders along Bayard Road and Daisey Road; that she requested to keep the existing trees, and questioned what would happen with existing chicken farm and remediation would be performed as part of that process.

Madam Chair Wingate stated that there was a letter in the record addressing the chicken farm; stating that the chicken house was no longer in use, and had not been in use, and was currently considered abandoned.

Mr. Hutt spoke as part of his permitted five-minute rebuttal period. Mr. Hutt stated that no new information had been presented that had not already been included within the public record; that the location of the entrance with is relation to Daisey Road had not changed; that an updated Site Plan had been submitted, for the purpose of new information being provided within the Site Plan Data Column; that the updated plan was uploaded to the electronic record at the time the exhibit book was uploaded, being on or around July 23. 2026; that most of the mentioned concerns were related to things that would be worked out through the agency approval process, whether it was regarding stormwater management, or the buffering between Lantern Cove and the Estuary; that one benefit was that the Estuary was a modern community, which provided its own perimeter buffer; that the Zoning Code intended that there would be a perimeter buffer for the Estuary, as well as, a propose perimeter buffer from Lantern Cove; that there was a concern specific to pickleball; that the plan did not define as to what the sport would be; that the plan defined the area as, sports courts; that to respect to the location of that, the Code, the Zoning Code, the Superior Design Requirements, and the Office of State Planning Coordination, along with its various agencies, would tell them that they need to preserve the largest blocks of open space, particularly with naturalized and ecological features; that being the reasoning why the green area was set aside and designated for that; that this design matched sound land use planning and also agency and superior design requirements; that future residents would be informed if their unit was located next to the sports courts; that the desire for this would depend on the individual buyers and their needs; that the planning tools and guidance from the State of Delaware and from Sussex County indicate that the proposed project would be located within an appropriate location based on the State Strategies Map and the Future Land Use Map, which designated the site to be located within a Growth Area; that all of those things indicate that the proposed location is where the proposed development should be, and with an RPC application, the Planning Commission had the opportunity to through the various conditions to help place conditions on it to address concerns like those raised in the hearing by folks within the Estuary.

Mr. Allen questioned whether a school bus stop was proposed, its proposed location, and questioned how the school bus would turn around without going through the community.

Mr. Palkowitz stated that the requirement for a school bus stop, and its location was up to the school district; that they typically do not have the buses drive into the communities, and the bus may pull off into the turn lane, but he was unsure what would be required.

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

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

In relation to C/Z 2042 NVR (Lantern Cove). Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 4-0.

PUBLIC COMMENT

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

Meeting adjourned at 5:26 p.m.

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internet at www.sussexcountyde.gov.**
