

MINUTES OF THE REGULAR MEETING OF AUGUST 6, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, August 6, 2025, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Vice-Chair Wingate presiding. The following members of the Commission were present: Ms. Holly Wingate, Mr. Bruce Mears, Mr. Brian Butler, Mr. Scott Collins, and Mr. Jeffrey Allen. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Ms. Cecchine– Planner III, and Ms. Ann Lepore – Planner I.

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

ADDITIONAL BUSINESS

Administration of Oaths – Mr. Robertson administered Oaths to the newly appointed Planning and Zoning Commission Member, Mr. Jeffrey Allen.

REORGANIZATION

Vice-Chair Wingate announced that Mr. Whitehouse, Planning & Zoning Director, would act as Chair for the purpose of electing a Chair, Vice-Chair, and electing Officers.

Mr. Whitehouse opened nominations for the Chairperson.

Mr. Mears nominated Ms. Wingate as Chair. There were no other nominations for Chairman.

Mr. Mears motioned to close nominations for Chair, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Motion by Mr. Mears to elect Ms. Wingate as Chair, seconded by Mr. Collins. Motion carried 5-0.

Vote for Ms. Wingate, as Chair by roll call: Mr. Collins – yea, Mr. Allen – yea, Mr. Mears – yea, Ms. Wingate – yea, Mr. Butler – yea.

Mr. Whitehouse opened nominations for Vice-Chair.

Mr. Collins nominated Mr. Mears as Vice Chair. There were no other nominations for Vice-Chair.

Motion by Mr. Collins, seconded by Chair Wingate, and carried unanimously that the nominations for Vice-Chair be closed. Motion carried 5-0.

Motion by Mr. Collins, seconded by Chair Wingate, to elect Mr. Mears as Vice-Chair. Motion carried 5-0.

Vote for Ms. Wingate as Vice-Chair by roll call: Mr. Mears – yea, Mr. Collins – yea, Mr. Allen - yea, Ms. Wingate – yea, Mr. Butler – yea.

Mr. Whitehouse announced that the Chair designation was handed back to Chair Wingate.

Motion by Mr. Collins, seconded by Mr. Mears, to approve the Minutes of July 23, 2025, of the Planning and Zoning Commission Meeting as circulated. Motion carried 4-0. Mr. Allen abstained.

PUBLIC COMMENT

The Commission found that Ms. Judy-Rose Seibert spoke during the public comment period. Ms. Seibert asked the Commission to reinstate the call-in during the public hearings for both the applicant testimony and for the public to make comments.

OTHER BUSINESS

S-25-06 The Townes at Channel Pointe (F.K.A. Channel Pointe Villas)

Final Site Plan

This is a Final Site Plan for The Townes at Channel Pointe, for the construction of a development consisting of twenty-three (23) proposed villa-style townhomes on fee-simple lots, private streets, stormwater management, street trees and landscaping and related amenities to include a tower, in-ground pool and associated parking. The Commission may recall that at their meeting of Wednesday, June 18th, 2025, that including proposed gates as part of the Townes project and Channel Pointe Subdivision was a substantial change to the intent of the original Plat pursuant to §99-13(B) of the Sussex County Code, which would require the submittal of a new Application and Public Hearing. The Applicant has chosen to remove the proposed gates, which aligns with the project as approved through Conditional Use No. 2368. The Final Site Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is located on the north side of Lighthouse Road (Route 54) and the west side of Bennett Avenue, approximately 200-ft west of Deer Run Road (S.C.R. 388) in Selbyville, Delaware. Tax Parcels: 533-20.00-22.00, 20.02 & p/o 533-20.00-20.00. Zoning: Medium Density Residential (MR) District. Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Butler, and carried unanimously to approve the Final Site Plan for further consideration. Motion carried 5-0.

2017-02 Woodfield Preserve Expansion

Revised Landscape Plan

This is a Revised Landscape Plan for the Woodfield Preserve Expansion, which consists of thirty-six (36) lot expansion to an existing cluster subdivision. A Buffer Inspection was performed by the Department of Planning and Zoning on Monday, May 19th, 2025, in which Staff observed that a portion of the required Forested/Landscaped Buffer appears to have been removed. The westernmost portion of the subject Property, required to contain 50-ft of existing trees to remain has been undertaken by the adjacent Property Owner of the Rookery Gold Course in order to accommodate a now existing golf cart path. In response to the Department of Planning and Zoning's written request for a Revised Landscape Plan demonstrating compliance with the Conditions of Approval and Code provisions, the Applicant has submitted a Revised Landscape Plan for review by the Planning and Zoning Commission. Staff note that the Plan consists of approximately 35% evergreen trees and 65% deciduous trees, with slightly more (5% more) evergreen trees and slightly less (5% less) deciduous trees than currently required under Code. Staff request that the Commission make a determination as to whether the submitted Plan is acceptable for approval as a Revised Landscape Plan reflecting the current conditions on the westernmost side of the Property. Aside from the mix of trees provided, the Plans otherwise appear to comply with current Code requirements and all related Conditions of Approval for the Subdivision. Tax Parcel: 235-8.00-87.00. Zoning: AR-1 (Agricultural Residential District).

Motion by Mr. Collins, seconded by Mr. Mears and carried to approve the Revised Landscape Site Plan. Motion carried 4-1 with Mr. Butler opposed.

S-25-49 Fenwick Self-Storage

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of two (2) self-storage facilities each containing four (4) stories and 57,214 square feet each, nine (9) parking spaces to include one (1) ADA accessible space, related landscaping and two (2) loading spaces on two (2) separate, adjacent properties/parcels of land. The Site currently houses the Long's Park Manufactured Home Park on Parcel 57.00 and Gray's Trailer Court on Parcel 56.00, which will be demolished and all manufactured homes removed in order to facilitate this project. The project Site is also located to the southwest of the municipal boundary and incorporated town limits of the Town of Fenwick Island. The properties are located on the north side of Lighthouse Road (Route 20), 0.10 miles west of the intersection of Lighthouse Road (Route 20 and Coastal Highway (Route 1) and consisting of 1.26 acres +/- in Fenwick Island, Delaware. A waiver request to allow nine (9) proposed parking spaces to be located within the front yard setback has been received for review by the Commission. The Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcels: 134-23.20-56.00 & 57.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

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

2018-17 Tower Hill (F.K.A. The Groome Property)

Revised Amenities Plan

This is a Revised Amenities Plan for Tower Hill, a cluster subdivision for two-hundred and ninety-two (292) single-family lots which received Final Subdivision Plan approval by the Planning and Zoning Commission at their meeting of Thursday, August 27th, 2020. The original Amenities Plan for Tower Hill (2018-17) was approved by the Planning and Zoning Commission at their meeting of Wednesday, July 10th, 2024, as part of a Determination Regarding Condition “H” of the Conditions of Approval which requires, “On-site amenities shall be divided so that equivalent (not necessarily the same) amenities shall be constructed on either side of Lynn Road.” Specifically, this Plan is for revisions to the types of Amenities to be provided on the east side of Lynn Road (S.C.R. 266A) from the previously approved open activity playfield area to a 7,200 square foot +/- athletic court (tennis & pickleball court), 240 square feet +/- of horseshoe courts and 616 square foot +/- pavilion area. The property is located on a 0.57-acre Parcel of land in the center of Shepard Loop and the south side of Solomon Way within the existing Tower Hill cluster subdivision. The Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 335-8.00-2.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all required agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

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

Lands of Andamule Farm LLC

Minor Subdivision Plan off a proposed 30-ft easement and Lot Line Adjustment

This is a Minor Subdivision Plan and Lot Line Adjustment for the creation of two (2) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 5 will consist of 0.910-acres +/- Lot 6 will consist of 1.053-acres +/-, and the residual lands will contain 32.94-acres +/- A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the west side of Sam Lucas Road (S.C.R. 256). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 235-20.00-55.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the plans are eligible for both preliminary and final approvals.

Motion by Mr. Butler, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30 ft. easement, as a preliminary and final. Motion carried 5-0.

Lands of Harvest Tide Farm, LLC (Maureen Coleman)

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off an existing 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.00-acre +/- and the residual lands will contain 2.13-acres +/- . 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 Champion Lane, a private road, approximately 375 feet northeast of Mile Stretch Road (S.C.R. 590). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 530-9.00-42.00. Zoning: GR (General Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Butler, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off an existing 50 ft. easement, as a preliminary with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of Sweet Meadow Riding Academy (Shelly Lynn Wright)

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Parcel A will consist of 0.47-acre +/- and the residual lands will contain 4.34-acres +/- . 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 Deer Run Road (S.C.R. 388). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 533-11.00-27.04. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Mr. Butler, and carried unanimously to approve the Minor Subdivision Plan off a proposed 30 ft. easement, as a preliminary with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

Lands of John D. & Donna Workman

Minor Subdivision Plan off an existing 50-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus the residual lands with access off an existing 50-ft wide ingress/egress access easement. Proposed Lot 4 will consist of 1.00-acre +/- and the residual lands will contain 60.71-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the northwest side of Maple Branch Road (S.C.R. 593). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-3.00-1.00 Zoning: AR-1 (Agriculture Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Butler, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off an existing 50 ft. easement, as a preliminary with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

OLD BUSINESS

C/U 2493 Rennie Hunt

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District to allow for a site development business with office and outdoor storage and parking to be located on a certain parcel of land lying and being in Sussex County, containing 0.45 acres, more or less. The property is lying on the northwest side of Roxana Road (Route 17), approximately 0.07-mile northeast of Pyle Center Road (Route 20). 911 Address: 35082 Roxana Road, Frankford. Tax Map Parcel: 533-6.00-19.00.

The Commission discussed this application, which had been deferred since July 23, 2025.

Mr. Robertson read Mr. Mears' motion into the record per Mr. Mears' request.

Mr. Mears moved that the Commission recommend approval of C/U 2493 Rennie Hunt for a site development business based upon the record made during the public hearing and for the following reasons:

1. The property is owned by the Applicant and has been used for the intended purpose for some time. This Application is the result of a notice of violation, and it has been filed to bring the property into compliance with the zoning code. The Applicant is seeking to continue the existing business with a condition use.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within the Coastal Area.
3. The property is zoned AR-1 Agricultural Residential. The property is in an area where other small businesses and similar uses exist. This use, with the conditions imposed upon it, will be consistent with these similar area uses and will not adversely affect any of the adjacent and neighboring properties.
4. DelDOT has determined that the use will only have a diminutive impact upon traffic and area roadways. Therefore, there will not be any adverse impact on traffic or neighboring roadways.
5. This small site development company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. There was no opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. This use shall be limited to a site development business that performs off-site site

- development.
- b. No manufacturing shall occur on the site. This prohibition includes the shredding, crushing or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - c. No dirt, stone, sand, mulch, asphalt millings, crushed concrete and/or similar materials shall be stored on the site.
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted. Given the location of the existing fencing and other contributing factors on this site, this sign must be located on the existing building.
 - e. The hours of operation shall be limited to 7:30am through 6:00 p.m. Monday through Friday. There shall not be any Saturday or Sunday hours. No materials shall be brought to the site or removed from the site outside of these permitted hours of operation.
 - f. The entire conditional use area shall remain enclosed with a solid fence. There shall not be any access to the adjacent properties. The location of this fencing shall be shown on the Final Site plan.
 - g. The applicant shall comply with all DelDOT requirements, including any entrance or roadway Improvements.
 - h. No fuel, gas, oil or similar liquids shall be stored on the site.
 - i. No junked, inoperable, unregistered or untitled vehicles or equipment shall be stored or parked on the site. No recreational vehicles, campers or tents shall be permitted on the site at any time.
 - j. 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.
 - k. There is currently a recreational vehicle or trailer at the site. That must be removed within thirty (30) days of the approval of this conditional use.
 - l. No heavy- equipment repairs shall occur on the site.
 - m. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use Approval.
 - n. The Final Site Plan shall be submitted to the Sussex County Planning & Zoning Commission for review and approval within three (3) months of approval of this Conditional Use by Sussex County Council. Thereafter, all of the conditions of approval must be completed or complied with on or before six (6) months from the approval of this Conditional Use by Sussex County Council.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend approval of C/U 2493 Rennie Hunt, for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Allen abstained.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, and Mr. Butler.

C/U 2494 Rennie Hunt

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District to allow for a site development business with office and outdoor storage and parking to be located on a certain parcel of land lying and being in Sussex County, containing 1.38 acres, more or less. The property is lying on the north side of Gum Road (S.C.R. 392), approximately 0.12 mile west of Roxana Road (Route 17). 911 Address: 36215 & 36219 Little Creek Lane, Frankford. Tax Map Parcel: 533-10.00-46.02.

The Commission discussed this application, which had been deferred since July 23, 2025.

Mr. Robertson read Mr. Mears' motion into the record per Mr. Mears' request.

Mr. Mears moved that the Commission recommend denial of C/U 2494 Rennie Hunt, for a site development business based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a residential 1.3 -acre lot in a residential area. This property is too small for the use proposed by the applicant, and it is not compatible with the adjacent and nearby uses.
2. The record indicates that the Applicant has been operating his business from this property for some time without the proper approvals. The site is also full of construction debris and other materials that were not cleaned up prior to the hearing on this application. As a result, I have no confidence that the Applicant will comply with code requirements, or any conditions imposed if this use is approved. Under these circumstances, it is not appropriate to grant a conditional use on this property.
3. Although this may be a need for this type of use in Sussex County. There are better locations in the county that will not have such an impact on neighboring properties.
4. This property backs up to one of the fields with the River Soccer complex. The owner of that complex has objected to this proposed use because it would adversely affect the complex and the children who use it.
5. The current condition of the property and the proposed conditional use do not promote the health, safety and welfare of Sussex County and its residents.
6. The proposed use in this location does not satisfy the purpose of a conditional use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents and businesses.
7. Given the Applicant's history of ignoring zoning requirements on this property, I am not satisfied that appropriate conditions can be imposed to protect the neighboring and adjacent property owners.
8. For all of these reasons, I move that the commission recommended a denial of this Conditional Use. In addition, I recommend that the property must be cleaned up and returned to AR-1 residential use within 30 days of this recommendation, and that the

Constable shall regularly inspect the property to confirm that this has occurred. The failure to clean up this property and return it to AR-1 residential use shall be subject to appropriate enforcement against this applicant.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend denial of C/U 2494 Rennie Hunt, for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Allen abstained.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, and Mr. Butler.

PUBLIC HEARINGS

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

C/U 2568 Unitarian Universalist Society of Southern Delaware

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS. The property is lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53 mile east of Dairy Farm Road (S.C.R. 261). 911 Address: 30486 Lewes Georgetown Highway, Lewes. Tax Map Parcel: 334-5.00-171.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Site Plan, the DelDOT Service Level Evaluation Response, comments received from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis Report, and a copy of the Applicant's presentation. Mr. Whitehouse advised that Commission that there were zero comments.

The Commission found that Mr. Mark Davidson, Pennoni, was present on behalf of the Applicant, Unitarian Universalist Society of Southern Delaware. Mr. Davidson stated that also present were Ms. Linda DeFeo and Ms. Ellen Lytton, members of the executive committee of the church; that the application to is grant a conditional use of land in an agricultural residential district (AR-1) for an on-premise electronic message center sign per section 115-161.1 A. (3) on a 5.91 parcel of land located on the southern side of the Lewes Georgetown Highway; that the highway classification is as a principal arterial road and it is approximately 2,800 ft. east of Dairy Farm Road; that the property is adjacent to other properties owned by the applicant and surrounded by AR-1 zoning and is adjacent to a large existing pond; that the applicants have owned this property since 2014; that the property is located in the Coastal Area on the 2045 Future Land Use Map and the property is located in the State Investment Level 3 on the 2020 Delaware State Strategies Map; that the property is improved with an existing church, parking area, stormwater management; that the

building sits back approximately 300 feet from US Route 9; that the property is connected to an on-site sanitary septic system and uses an existing well for domestic water; that Conditional Uses are subject to provisions of Articles 2 through 24 in section 115-22 of the Zoning Code; that the purpose of the conditional use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by the rigid application of the district regulations; that the Unitarian Universalist Society of Southern Delaware is dedicated to being an inclusive spiritual hub for the region that responds to the needs of the changing world; that they are requesting a 32 square foot on-premise electronic messaging sign sitting below a 16 foot square foot illuminated on premise sign; that this sign is going to take place of two signs they currently have on the property; that the sign will meet all setbacks and be placed further back on the property than the existing sign; that the electronic message center will follow the regulations that apply to all electronic message centers; that the sign will remain fixed for the required minimum 10 seconds and will change in one second or less with an illumination changing simultaneously and in unison; that the sign will have the safety features necessary for any malfunctions that should occur; that the sign will adjust to all ambient lighting levels and will have automatic dimming controls; that the sign will not emit any audio, verbal announcements or noise of any kind; that the electronic messaging science offers a multitude of benefits that traditional signage simply can't match, making them a popular choice for businesses, organizations, and institutions looking to enhance communication, marketing and safety initiatives; that electronic signs can be updated instantly and remotely, allowing places of worship to adapt to the changing needs, promote services and announce upcoming events without the cost and delay of traditional print; that churches can tailor messaging to specific audiences or just content based on factors like the time of day, the weather, or events; that this flexibility ensures that messaging is always relevant and impactful; that the proposed EMC sign will not alter the character of the surrounding area in any manner, and that substantially limits and precludes the use of surrounding properties; that the sign; that the sign will be located approximately 150 feet from adjacent dwellings on properties of other ownership; and that the proposed conditional use meets the general purpose of the zoning ordinance being located in an appropriate location, meeting the purpose of the district and the comprehensive plan by aligning with the underlying goals and intent of the zoning classification, serving the community and its residents, which is essential, desirable for the general convenience, growth, prosperity and welfare of the County.

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

The Commission found that Ms. Judy-Rose Seibert spoke in opposition to the application. Ms. Seibert stated that Route 9 is designated as a scenic byway and as such the Delaware Title 2 Code 2601 section 15 4.1.5.8 says that a variable message sign may not be placed along designated scenic or historic byways; that I do not wish to see electronic signs on our scenic byways, and I respectfully ask that you deny this conditional use.

Mr. Allen questioned whether there were similar signs currently existing along Route 9, and questioned if the existing signs were erected prior to the establishment of the scenic or historic

byways.

Mr. Mears stated that there were currently similar existing signs located along Route 9.

Mr. Robertson stated he believed from his personal knowledge that there are existing signs; that he would like to research the cited statute, to confirm if it applies to DelDOT versus Sussex County, and if it may allow Sussex County to permit the sign but may prohibit DelDOT from allowing the sign.

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

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

In relation to C/U 2568 Unitarian Universalist Society of Southern Delaware. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

C/Z 2024 The Christopher Companies

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 FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS. The properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365). 911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945. Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the applicant's environmental assessment and public facility evaluation report, the State PLUS comments, the Applicant's exhibit booklet which includes the TIS review and the 99-9C response, Staff review letters for the development, the DelDOT Service Level Evaluation Response, comments received from the Sussex County Engineering Department Utility Planning Division, Technical Advisory Committee (TAC) comments which include State Fire Marshal, Delaware Electric Co-op, Delmarva Power, State division of Watershed Stewardship and an additional letter from the Sussex County Engineering Department. Mr. Whitehouse advised that Commission that there were zero comments.

The Commission found that Mr. David Hutt, Esq., was present on behalf of the Applicant, The Christopher Companies; that also present are John Regan and Carmen Marinelli, representatives of the Christopher Companies, in the front row are the owners of the property, and Jim Eriksen,

professional engineer with Solutions IPEM, who are the project engineers. Mr. Hutt stated that this public hearing is for a change of zone application that encompasses 6 tax parcels totaling 94.7 acres of land; that the application seeks to change the zoning classification of those properties from their current agricultural residential district classification (AR-1) to an MR-RPC designation, which is the county's medium density residential district with a residential plan community overlay; that this MR-RPC application proposes 320 units with a mixture of two styles of single family homes, with some within a condominium ownership regime and conventional lot ownership regime; that the other type of housing that would be provided is townhomes; that this property was carefully selected based upon the land planning tools that were promulgated by the state of Delaware, specifically the Office of State Planning Coordination and by Sussex County through the comprehensive Plan and the zoning code; that the site plan was carefully tailored when it was designed to match the physical characteristics of this property as well as the surrounding property which is within the town of Millville; that the property is located just off of Burtons Farm Road; that if you were to travel on Burton Farm Road, on the western side of that road is Jones Road, on the eastern side of that road is Powell Farm Road, and if you turn on the Powell Farm Road that would take you to Route 17 (Roxana Road); that the community of Millville by the Sea is adjacent to this property and is within the town limits of Millville, and is currently still being developed; that the property to the south is within the 10-year Agricultural Preservation District and is known as Hudson's Heritage Expansion; that this property is located in Levels 2 and 3 of the State Investment Levels; that the state describes investment level 2 should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments and enhanced community identity and integrity; that investments should encourage departure from typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable that the State's intent is to use its spending and management tools to promote well designed development in these areas so that development provides for a variety of housing types, user-friendly transportation systems, essential open spaces and recreational facilities, other public facilities and services to promote a sense of community; that this is where the state anticipates and encourages growth, and encourages a departure from single family dwelling developments; that this application is a mixture of housing types that are being provided for and is a well-designed Community; that the property is within the Coastal Area on the 2045 Sussex County Future Land Use Map which is one of the County's growth areas where a range of housing types should be permitted; that medium residential district is one of the applicable zoning classifications within the coastal area; that the property is adjacent to other properties within the coastal area and municipal areas; that as this development is adjacent to the municipal boundaries of Millville, however, it will not be annexed into the town as Millville would have to change their Comprehensive Plan to make that change; that the purpose of this district is to provide for medium density residential development in areas which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that this application is for the 320 units with that mixture of specifically is 87 single-

family homes, 72 condominium ownership single-family detached homes and 161 townhomes; that the gross density for this application is 3.88 units to the acre; that this is consistent with the density of other residential projects in the area and less than some; that Millville by the Sea has a density of 4.2; that section 115-118 of the Sussex County Code states that the purpose of the RPC overlay, is to encourage large scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the comprehensive plan; that in order to create that superior living environment, or as it was referred to in the description, for level 2 in the Office of State Planning Coordination, State Strategies Manual, a well-designed community, the property was studied to determine its primary ecological factors which is consistent with good planning; that the wetlands were delineated and show an existence of 4.3 acres of non-tidal wetlands on the property; that there are two tax ditches on the property; that there are resource buffers A and B with some averaging to be included in the development; that all the resource buffers are the appropriate distances away a required by code and exceeding it in many places; that the area where the wetlands is located and which is the primary wooded area on the property, is left undisturbed; that the open space with area A that is along this side of the property is a 19.6 acre area which is 20% of the property which will also serve as a habitat area for wildlife; that the entrance to this development will be off of Burton Farm Road and is a full entrance with a right hand turn lane and a left hand turn lane; that as you enter the community you would go along the western boundary into a primary amenity area with a proposed clubhouse, pool and some sports courts; that this would be an ideal location for a school bus stop as parents could use the parking lot and the bus would not have to do any backup maneuvers; that in addition to the 19 acres of open space on the western side of the property there are additional open space including stormwater management areas; that the total area of open space is 43.2 acres or 45.6% of the site; that there will be a pocket park and a walking path throughout the community; that there will be sidewalks on both sides of the streets; that the property will have a minimum 20-foot landscape buffer but in areas next to Agricultural lands a 50-foot setback is shown on the plans; that the FEMA maps show this property as being located within Zone X, which is an area outside of the 500 year floodplain; that public utilities are available for the site and Artesian Water Company has provided a letter stating they can provide central water and Artesian Wastewater Management can provide central sewer to the property; that the property is not located within a wellhead protection area, and the property is located in a fair groundwater recharge area; that a Property Owners Association will be created to manage and govern the common areas within the community, which would include the resource buffers, the amenities, and all of the other typical common ownership matters; that the property is located within the Indian River School District and the applicant will coordinate with the district on the location of a bus stop; that a Service Level Evaluation Request was filed with DelDOT and they indicated that the traffic impact for this proposed community is a major impact; that the next step was a Traffic Impact Study (TIS) was prepared by Betty Tustin with The Traffic Group; that DelDOT has provided a review of the TIS stating that the intersections show no deficiencies; that although there are no deficiencies in the intersections there are still requirements to include a full

access entrance to the community including right hand and left hand turn lanes and making a contribution toward the future construction of a roundabout at Powell Farm Road, Peppers Road, and Roxanna Road; that this property is not well situated for the placement of Affordable Housing as it is not located on a collector road and access to public transportation would be more difficult from this site; that the Applicant recognizes that there is a need for Affordable Housing in Sussex County and is proffering a contribution of \$2250 per building permit to be contributed to either the Sussex County Housing Trust Fund or Habitat for Humanity and the result is a contribution of \$720,000 towards affordable housing from the Flyaway Farms community; that with respect to emergency services, the applicant is proffering a contribution of \$250 be made with each building permit to the Roxana Volunteer Fire Department totaling \$80,000; that in addition the applicant is proffering that the governing documents of the future Property Owners Association for the community will require, on average, each unit to contribute \$10 per month to the Roxanna Volunteer Fire for an annual contribution of approximately \$38,000; that the features of the site create a superior design to integrate the existing features of the property and then maintain the character of the area as Millville by the Sea expands West to meet this property; that the Comprehensive Plan states that the Coastal Area can accommodate development provided special environmental concerns are addressed; that it goes on to state that medium and higher densities, and it refers to medium and higher densities as something between 4:00 to 12:00 units per acre can be appropriate in certain locations, and has a series of factors that the Planning Commission and County Council would consider that those factors include where there is central water and sewer available, where the property is near sufficient commercial uses and employment centers where it's in keeping with the character of the area, where there is adequate level of service and then other or other considerations may exist; and that this property has central water and sewer available and that it is near commercial uses and employment centers.

Mr. Hutt submitted a proposed set of Finding of Fact and proposed declarations for the Properties Owners Association.

Mr. Mears stated that the referenced Millville by the Sea was located a couple of miles from the application's site, and when comparing the two sites, Millville by the Sea is located along an arterial roadway, whereas Burton Farm Road is not considered an arterial roadway.

Mr. Hutt stated that Millville by the Sea is located adjacent to the subject property; that the property is currently being developed; that the only sections of Millville by the Sea, which have received final approval and have been recorded, are Phases A1 & A2; that those are the areas currently under construction; that the developer is permitted to construct phases in whichever order they desire; that along Burton Farm Road, there are townhomes, and the Millville by the Sea is located adjacent to the municipal limits of the Town of Millville.

Chair Wingate questioned where the back of properties meets up with Horse Play Way, and if there was an existing and active airstrip located in that location.

Mr. Whitehouse stated that there was not an active airport in that area, recognized by the Sussex County Comprehensive Plan, but that did not mean that there could not be an active airstrip in that location.

Chair Wingate stated that Artesian would be supplying the central sewer and water; that she questioned whether a private treatment system or private pumping system would be placed on the site, or if there was a nearby system, the project would tie into.

Mr. Hutt stated there would not be treatment on the site; that there would be a pump station, which would pump by force main into an Artesian network system for water and sewer, which he assumed would be Millville by the Sea's system.

Chair Wingate questioned if a response had been received from the local school district for the project.

Ms. Cecchine stated that notification was provided to the local school district; however, no response was received from the school district.

Mr. Robertson stated that within the submitted Proposed Conditions of Approval, Condition R, required \$10.00 per unit, being an average of \$38,400.00 in total contributions; that he questioned if the contribution would be from day one of when the first unit is built, or was is proposed to be an annual contribution as units are brought online.

Mr. Hutt stated that it is proposed as an annual contribution, as units are brought online; that the \$38,400.00 would be at full build out; that within the first year the number would be much lower, and as the site is developed, the numbers would continue to go up to reach the \$38,400.00 at full build out.

Mr. Robertson stated that it was proposed that with each building permit being pulled, a contribution of \$250.00 would be made to Roxanna, and he questioned if that would then trigger the unit's required \$10.00 from there forward.

Mr. Hutt stated that Mr. Robertson's understanding and statement were correct.

Chair Wingate questioned if there were any DelDOT improvements required by DelDOT to be performed along Burton Farm Road for the project.

Mr. Hutt stated that with the required entrance improvements, the site's frontage along the road is also required to be improved to the functional classification of the roadway and will essentially be a turn lane.

Chair Wingate stated that she did visit the property; that she is very familiar with Burton Farm Road; that it is a small road; that she felt that the entrance through the alley to access the property felt as if it was stuck in the middle of a farm field, and she felt the project could create a lot of traffic onto Burton Farm Road.

Mr. Mears stated he agreed with Chair Wingate's concerns, which had prompted his comments regarding the arterial roadway.

Mr. Collins stated he had concerns regarding the condition of the roadway, as it seemed very narrow with no shoulders; that he had concerns that there was no input from the local school district and questioned the odds that staff would receive a response from the school district.

Ms. Cecchine stated that staff could follow up with the school district for a response should the Commission desire to do so.

Mr. Collins stated he would like to hold the record open to allow for input from the school district.

Mr. Robertson stated that Ms. Cecchine (formally known as Ms. DeVore) had issued notice to the local Indian River School District on April 17, 2025, allowing the school district over three months to respond; that he did not want to hold up the process, and that the school district would still be permitted to provide comment, as the application was still required to go for a public hearing before Sussex County Council.

Mr. Whitehouse advised the Commission that Sussex County Council will be provided an application memorandum, as well as the meeting minutes from the Planning & Zoning Commission meeting; that staff could provide a copy of that same memorandum to the Indian River School District's contacts, allowing them to provide any additional comments to be reported to the Sussex County Council as an alternative.

Mr. Butler stated he had more concerns regarding the roadway.

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, Chair Wingate closed the public hearing.

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

In relation to C/Z 2024 The Christopher Companies. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5-0.

Meeting adjourned at 4:53 p.m.

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internet at www.sussexcountyde.gov.**
