

## MINUTES OF THE REGULAR MEETING OF SEPTEMBER 2, 2026

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

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

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

Motion by Mr. Collins, seconded by Mr. Passwaters, to approve the Minutes of August 19, 2026, of the Planning and Zoning Commission Meetings as circulated. Motion carried 5-0.

## OTHER BUSINESS

### **S-26-45 First Baptist Church of Seaford**

#### **Revised Preliminary and Final Site Plan**

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

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

## OLD BUSINESS

### **C/Z 2042 NVR (Lantern Cove)**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 ACRES, MORE OR LESS.** The properties are lying

on the north side of Old Mill Bridge Road (S.C.R. 381), the south and east sides of Bayard Road (Route 54/S.C.R. 384), and the south side of Lantern Lane, approximately 0.19-mile south of the intersection of Bayard Road (Route 54/S.C.R. 384) and Double Bridges Road (Route 54/S.C.R. 363). 911 Addresses: 35987 & 36159 Daniel Way, 35379 Bayard Road, 35400 Lantern Lane, Frankford. Tax Map Parcels: 134-19.00-108.00, 110.04, 110.05 & 110.00 (P/O) and 134-21.00-3.00 & 4.00 (P/O).

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

Mr. Pettyjohn moved that the Commission recommend denial of C/Z 2042 for Lantern Cove for a change in zone from the AR-1 Agricultural Residential District to an MR-RPC based upon the record made during the public hearing and for the following reasons:

1. This rezoning to an MR-RPC is not appropriate at this location.
2. The MR Zoning would allow an increase in permitted density on this site along Bayard Road which cannot support the increased density that will result from rezoning this property to MR.
3. Although the current Sussex County Comprehensive Plan indicates that this property is in the Coastal Area, it does not mandate that the property be rezoned to MR. The Plan states that Sussex County's density of two units per acre and the existing AR-1 zoning is appropriate in the Coastal Area. That statement supports the continuation of the existing AR-1 zoning and the two units per acre that are permitted under the that district.
4. The Comprehensive Plan suggests that zoning classifications that permit densities greater than two (2) units per acre can be justified under certain circumstances. However, several of those conditions mentioned in the Plan do not exist here. For example, MR Zoning is not in keeping with the area. The site is not on a main road at/or near a major intersection – even though Bayard Road is considered a Major Collector, it is currently a two-lane road. There is no other MR zoning in the immediate area, and the proposed multi-family and townhouse dwellings are not in keeping with the character of the immediate area. Although there is a commercially zoned property across Bayard Road, that property is not used as a retail or employment center that would support this rezoning to MR. For these reasons, the Comprehensive Plan does not justify the upzoning to the MR District and the increased density that can occur there.
5. The purpose of the RPC District is not satisfied by this Application. According to the Zoning Code, an RPC is supposed to “encourage large-scale developments as a means of creating a superior living environment through unified developments and to provide for design ingenuity while protecting existing and future developments....” These goals are not satisfied by this project for reasons including the following:

- a. This is not a large-scale development. Instead, the applicant is seeking to shoehorn a higher density multi-family and townhouse development into a relatively small irregularly shaped parcel that is surrounded by lower-density single-family and agricultural AR-1 properties.
  - b. There is nothing in the record to indicate that this is a “superior living environment” or that it represents “design ingenuity”. Instead, it appears to merely seek a higher density than what is possible under the existing AR-1 zoning without a design that is superior to a standard subdivision or multi-family development design. There is nothing unique, superior or ingenious in this design, and the Applicant has failed to satisfy its burden in this regard.
  - c. The development is not unified with its surrounding developments. There is a complete lack of unity with the surroundings. For example, its point of access is along a roadway that serves agricultural uses, homes on large lots and AR-1 low-density single-family developments. There is no multi-family or townhouse development surrounding this site.
  - d. The proposed RPC does not protect the existing or future developments in the area. Instead, there was evidence in the record that this RPC would adversely affect the existing developments through the substantial increase in traffic, among other factors.
6. Several neighbors appeared in opposition to this application, citing concerns about traffic along Bayard Road at the intersection with Daisey Road if this project were to be approved. While improvements are proposed, they do not, in my view, overcome the harmful impacts of the application described above. They also raised concerns about the inconsistency of creating MR zoning in this area where none currently exists. In general, there was testimony that the change in zone and the impacts of it would adversely affect the area, its roadways, its character and nearby properties. I found these reasons to be compelling.
7. There is a need for affordable housing in Sussex County, and Sussex County promotes affordable housing initiatives and development as reflected in the Comprehensive Plan. This development does not include any affordable housing opportunities within it.
8. The proposed rezoning does not promote the overall health, safety, convenience and general welfare of this neighborhood or the County.
9. In summary, there is nothing in the record to suggest that the proposed MR-RPC is more appropriate than the existing AR-1 zoning that currently exists on this property.
10. For all of these reasons, it is my recommendation that C/Z 2042 be denied.

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

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend denial of C/Z 2042 NVR (Lantern Cove), for the reasons stated in the motion. Motion carried 5-0.

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

Mr. Pettyjohn voted yea for the reasons stated in the motion.

Mr. Collins voted yea for the reasons stated in the motion.

Mr. Passwaters voted yea for the reasons stated in the motion.

Mr. Allen voted yea for the reasons stated in the motion.

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

**C/U 2629 Age Well, LLC**

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

The Commission discussed the application which had been deferred since August 19, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2629 for Age Well, LLC for an Assisted Living Facility for up to Sixteen Residents based upon the record made during the public hearing and for the following reasons:

1. This application seeks approval for a small Assisted Living Facility that will provide for sixteen (16) full-time residents in a rural setting.
2. The Applicant has stated that this facility will not be a nursing home. Instead, it will provide a safe assisted living facility for individuals who need limited supervision in their daily lives.
3. There will be no more than sixteen (16) individuals residing at the facility at any one time.
4. Representatives of the Applicant testified that this program will be fully staffed at all times, and it will include a full-service kitchen for preparation of the residents' meals.

5. This site is a large lot, and the structure will remain residential in character, and it will not appear materially different from a permitted residential home on the property.
6. This use fills an important need and service to Sussex County residents and their families. There are not currently enough assisted living facilities throughout the county, and this small use helps fill this need.
7. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties.
8. This use satisfies the purpose of a Conditional Use under our Sussex County Zoning Code. The services that will be provided here have a public or semipublic character that is essential and desirable for the general convenience and welfare of Sussex County and its residents.
9. This recommendation is subject to the following conditions:
  - A. The property shall be operated as an Assisted Living Facility. There shall be no more than sixteen (16) individuals staying in the facility at any one time. In addition, there shall be no more than six (6) staff members on site at any one time.
  - B. The facility shall be staffed by qualified staff at all times, and it shall be fully licensed as required by the State of Delaware.
  - C. The facility shall maintain its residential appearance all times.
  - D. The use of the facility shall comply with all of the standard state agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District and the State Fire Marshall's Office.
  - E. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
  - F. There shall be at least ten (10) parking spaces located on the site. These parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
  - G. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - H. Any dumpsters or trash receptacles shall be screened from view of the neighboring properties and roadways. The location of these items shall be shown on the Final Site Plan.
  - I. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
  - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters to recommend approval of C/U 2629 Age Well, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

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

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

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

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

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

#### PUBLIC HEARINGS

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

#### **C/U 2529 Jamie & Darren Hooks**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANIC REPAIR BUSINESS, OFFICE, MATERIAL AND EQUIPMENT STORAGE TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.29 ACRES, MORE OR LESS.** The properties are lying on the north side of Airport Road (S.C.R. 494), approximately 600 feet east of Old Hickory Road (S.C.R. 497). 911 Address: 7119 Airport Road, Laurel. Tax Map Parcels: 432-7.00-28.05 & 432-7.00-28.04 (P/O).

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

The Commission found that Ms. Jamie Hooks spoke on behalf of her application. Mrs. Hooks stated that the use would operate from Monday through Friday, with occasional Saturdays; that most of their drivers arrive to the site around 6:00 a.m. and return to the site around 6:00 p.m.; that they had a sweeper truck, and occasionally needed emergency services for it; that because of this, their drivers may be required to arrive at different times and currently they had three employees.

Madam Chair Wingate questioned whether the application was related to a Notice of Violation.

Mr. Whitehouse stated that no Sussex County Notice of Violation had been served.

Mr. Allen questioned what type of business was being performed at the current time and questioned whether there was a mechanic repair business on the site.

Ms. Hooks stated that they currently had dump trucks and one sweeper truck for the purpose of hauling material from locations for mostly commercial clients., and that they perform their own repairs on their own vehicles, which was performed in their own shop, and that they did not provide any outside mechanic repairs.

Mr. Passwaters questioned whether the hauled material was stored on the site or whether it was dropped off to another location, with the trucks returning empty to the site.

Mrs. Hooks stated that occasionally they did have material at the site; that it would depend on their current job; that they do perform some residential work, which sometimes require a small amount of material that they haul to the site; that most of the of time, they go to pit or stone yards, pick up their material to take to their job locations, and the material was loaded with a skid steer.

Mr. Passwaters questioned whether the entire dump truck could fit inside the shop when repairs were performed, whether the three employees left their personal vehicles on the site during the day, and the proposed hours of operation.

Mrs. Hooks stated that the entire dump truck could fit in the shop for repair; that the three employees arrive to the site, leaving their person vehicles at the site until return at the end of the day, at which time they leave the site in their personal vehicle, and that the proposed hours of operation were 7:00 a.m. to 6:00 p.m., Monday through Friday, with occasional Saturdays allowing for emergency sweeping or whatever may be needed.

Mr. Allen questioned whether Mr. and Mrs. Hooks resided in the house on the site and whether the gas tanks were propane tanks.

Mrs. Hooks stated that they currently had a house on the site, however, they had a house fire and currently were not residing in the dwelling on the site as it was currently under construction due to fire; that they hoped to be back into the dwelling on the site by November 2026, and that the tanks had been removed.

Mr. Collins questioned whether the bar and pool reflected on the site were part of the requested Conditional Use.

Mrs. Hooks stated that the bar was built by her husband and was for their personal use only, not to be related to the requested Conditional Use.

Mr. Pettyjohn stated that it appeared that the driveway crossed over the boundary line onto the neighboring property.

Mrs. Hooks stated that there were three neighboring properties, being to the left and right of the site that were all owned by her parents; that the driveway was intended to be a right of way when the house was first built in 2005, and her parents do not plan to sell their property, until they are able to eventually purchase the property from her parents.

Madam Chair Wingate stated that the driveway would need to be cleaned up before the Commission could approve the Final Site Plan.

Mr. Whitehouse questioned what a piece of equipment was, that was shown on an aerial photo, and whether it was related to the proposed business.

Mrs. Hooks stated that the equipment shown was a top-soil screener and was currently up for sale as they were currently downsizing their company.

Madam Chair Wingate questioned whether anything was being processed on the site, such as mulch or grinding.

Mrs. Hooks stated that no processing was taking place on the site, aside from the top-soil screener that they were selling.

Mr. Pettyjohn questioned whether they would continue to use the top-soil screener until it was sold.

Madam Chair Wingate stated that they could not use the top-soil screener, as they did not have approval for that proposed use, and that use was not listed as part of the Conditional Use application.

Madam Chair Wingate questioned what materials would be stored on the site, whether storage bins would be located on the site, and how oil and chemical waste was handled when performing service on the trucks.

Mrs. Hooks stated that they would store stone, fill dirt, and topsoil on the site; that they did not have any storage bins on the site;

Mr. Darren Hooks spoke on behalf of his application. Mr. Hooks stated that the oil goes into a 300-gallon tote; that once the tote was full it would get removed off the site; that generally people come

to pick it up and would use it for oil heat; that they fuel tanks had been removed and they fueled up at fuel stations.

Madam Chair Wingate questioned whether a business sign was being requested, and whether there were any other or similar businesses within the surrounding area.

Mrs. Hooks stated that no, they were not requesting a business sign as part of the Conditional Use; that there was a farm around the corner along Old Hickory Road, and they mostly were surrounded by existing farms.

Mr. Passwaters questioned whether there was exterior lighting around the pole building.

Mr. Hooks stated yes that they did have exterior lighting around the pole building.

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 2529 Jamie & Darren Hooks. Motion by Mr. Allen to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

**C/U 2573 Total Package Landscaping, Inc.**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EMPLOYEE PARKING AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.16 ACRES, MORE OR LESS.** The property lying on the west side of Beaver Dam Road (Rt. 23), approximately 0.14-mile north of Kendale Road (S.C.R. 287). 911 Address: 19024 Beaver Dam Road, Lewes. Tax Map Parcel: 234-2.00-2.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Conditional Use Site Plan, the Applicant's photographs and exhibits, the Staff Analysis Report, the DelDOT Service Level Evaluation Response Letter, and letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that one written public comment letter had been received regarding the application.

The Commission found that Mr. Christopher Jefferis, property owner, spoke on behalf of his application. Mr. Jefferis stated that he used to reside at the property, but it was no longer his primary residence; that his business, Total Package Landscaping, remained located on the site, and the Conditional Use was requesting permission to keep his business at the site.

Madam Chair Wingate questioned what type of operation is performed on the site, what the hours of operation were, whether snow removal was provided, and the number of employees.

Mr. Jefferis stated that the hours of operation were Monday through Friday; that they arrive to the site at 7:00 a.m. and leave roughly within a half hour; that they returned to the site between 5:00 p.m. and 6:00 p.m., that he requested that the same hours be permitted for Saturdays for overtime; that no snow removal services were provided, and that he had five employees.

Mr. Collins questioned whether Mr. Jefferis intended to expand in the future with additional employees, if material was stored on the site, if so, how was the material stored, whether any chemicals or fuel were stored on the site, what type of vehicles were stored on the site and whether a business sign was being requested.

Mr. Jefferis stated that he planned to downsize the business, requesting to stay at five employees; that in the past he did paver work and used to have pavers delivered to the job sites; that if there were pavers left over, that material would come back to the site; that left over pavers are the material currently stored on the site; that otherwise, he purchased material at a supplier to use; that he did not store goods was ; that he was not a retailer; that no chemicals or fuel were stored on the site; that he had six dump trucks, five trailers; that all equipment was stored in the detached pole building or garages, and stated that a business sign was not being requested.

Mr. Pettyjohn questioned whether the leftover materials were brought back by Mr. Jefferis' employees or whether the materials were brought back by delivery.

Mr. Jefferis stated that if any material was left over, his employees would clean up and bring back the leftover material, and that he had no intention of having anything delivered from a second source.

Mr. Passwaters questioned whether debris, such as mulch or trimmings, were ever brought back from the site or were they dropped off at a waste yard.

Mr. Jefferis stated that he had dump trucks, which would fill up through the course of the day; that if the trucks were not full, the debris would remain in the truck until they were full, and that once the trucks were full, the debris would be dropped off to a waste facility.

Mr. Allen questioned whether retail sales were provided to customers for the leftover material.

Mr. Jefferis stated that he did not have retail sales on the site, and he would have a yard sale for excess products or would take it to Clean Cut, as they have a concrete disposal there.

Madam Chair Wingate questioned whether there were any other existing businesses within the area, whether maintenance of the trucks was performed on the site and whether fuel was stored on the site.

Mr. Jefferis stated that he did not know of any other businesses within the surrounding area and that no maintenance of vehicles was carried out on the site, as he had a mechanic and that no fuel was stored on the site.

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

Mr. Charles Mitchell, adjacent neighbor and Board Member of the Cardinal Grove Homeowners Association, spoke in opposition to the application with concerns regarding air quality, the unpleasant smell of exhaust fumes, potential negative impacts on the water quality from spills of gasoline or chemicals, the hazard that negative water quality would play on the nearby residents and animals, the potential load of the existing private septic system that could potentially contribute to bacteria, and the potential for larger buildings to be constructed, which could interfere with sight lines.

Mr. Jefferis spoke as part of his permitted five-minute rebuttal period. Mr. Jefferies stated that he tried to keep the trucks closest to the house as possible; that he recognized there was a community behind the site; that he did his best to avoid any spills, however he was not proposing a mechanic shop; that he was attempting to place a privacy fence; that he attempted not to run his truck for long periods of time, and he had a plug-in for the trucks to stay warm during the wintertime.

Mr. Collins questioned whether the existing home was being used for office space or being rented.

Mr. Jefferis stated that he had owned the property for 21 years; that he lived there for a short period, but no one had resided there in approximately 18 to 20 years.

Mr. Robertson questioned whether anyone would be using the bathroom facilities on the site and requested more information about the fence to the rear of the property.

Mr. Jefferis stated that his employees use the restroom at Wawa; that they are not on the site long enough to use the bathroom facility; that the dwelling had been winterized; that he did not use the property for residential purposes at all; that the fence was comprised of solid white vinyl; that it was about 6.5 feet in height; that it was installed for about 3/4<sup>th</sup> of the property, and then they implanted a buffer throughout the property when they found out the community was coming.

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 2573 Total Package Landscaping, Inc. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Pettyjohn and carried unanimously. Motion carried 5-0.

Mr. Whitehouse advised the Commission that next two applications were related to the same project, as well as the same tax parcels, and therefore the public hearing presentation would be combined.

**ORD 26-06**

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP ELEMENT OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-11.00-31.00, 135-16.00-17.00 & 70.00.** The properties contain approximately 42.54 acres of land, lying and being within Sussex County. The properties are lying on the north side of Lewes Georgetown Highway (Rt. 9), approximately 0.69 mile west of Gravel Hill Road (Rt. 30). 911 Addresses: 24215 & 24217 Lewes Georgetown Highway and 20288 Asphalt Alley, Georgetown & N/A. Tax Map Parcels: 135-11.00-31.00, 135-16.00-17.00 & 70.00.

**C/Z 2063 Millsboro Towne Village, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO AN LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 42.54 ACRES, MORE OR LESS.** The properties are lying on the north side of Lewes Georgetown Highway (Rt. 9), approximately 0.69 mile west of Gravel Hill Road (Rt. 30). 911 Addresses: 24215 & 24217 Lewes Georgetown Highway and 20288 Asphalt Alley, Georgetown & N/A. Tax Map Parcels: 135-11.00-31.00, 135-16.00-17.00 & 70.00.

Mr. Whitehouse advised the Commission that submitted into the record for both Applications were a copy of Ordinance No. 2606 as it was introduced to the Sussex County Council, the Artesian

Ability to Serve Letter, and Applicant exhibits, materials, and presentation exhibits for both applications. Mr. Whitehouse advised the Commission that three public comments had been received for both applications and had been included within the Commission's Paperless Packet.

The Commission found that Mr. Preston Dyer, Member of Millsboro Towne Village, LLC, spoke on behalf of the application; that also present were, Mr. Fletcher Kenton, joint venture partner with the family, as a 50% interest participant, Mr. Mason Dyer, son of Mr. Preston Dyer, 50% interest participant and representative of the Dyer Family, Mr. David Hutt, Esq. with Morris James, LLP, and Mr. Mark Davidson, P.E. with Pennoni.

Mr. Preston Dyer stated that Millsboro Towne Village sold the property in Millsboro, and was the purchaser of the property, which was the subject of the current application under a tax deferred exchange; that subsequent to that, they would be changing the name to White Oak Business Center, LLC; that they considered the project to be a legacy project; that they intended to develop the site as a business center; that they felt there was a huge need for such a project; that the business center would be managed primarily by Mr. Fletcher Kenton, and Mr. Mason Dyer, and requested to turn over the presentation to Mr. David Hutt, Attorney with Morris James, LLP.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of Applicant, Millsboro Towne Village, LLC. Mr. Hutt stated that applications related to properties situated along Route 9, just a bit east of Georgetown; that a lot of careful thought, planning, studying, evaluation, and analysis had occurred amongst the owners, experts, and through the Pennoni, as well as others; that previous meetings occurred with Sussex County, including meetings with Mr. Andrew Harton, Sussex County's Director of Economic Development, resulting in the applications currently before the Commission; that currently, the Future Land Use Map reflected the 42 acres as being within the County's Commercial Area, being one of the County's seven Growth Areas; that the site was surrounded by an parcel located within the Industrial Area, as well as other Growth Areas as referenced within the Future Land Use Map; that Ordinance 26-06 sought to change the designation of the outlined area, from a Commercial Area to a Developing Area; that this was requested in an effort to add the LI-2 (Limited Industrial) classification as an applicable zoning classification, pursuant to Table 4.5-2 of the Comprehensive Plan; that Table 4.5-2 of the Comprehensive Plan identified all the various Growth Areas, and as part of its chart, all of the applicable zoning districts for that; that the current Commercial designation on the Future Land Use Map would allow for all businesses or the "B" zoning designations; that it would not allow for industrial zoning classifications, such as LI-1 (Limited Industrial), LI-2 (Light Industrial) or HI-1 (Heavy Industrial); that the Change of Zone application was submitted as a companion to Ordinance 26-06, seeking to change the zoning classification from a split zoning of C-1 (General Commercial) and AR-1 (Agricultural Residential) to LI-2 (Light Industrial) District; that the requested change from the Commercial Area to the Developing Area, would allow, under the

Comprehensive Plan, for the requested change of zoning to proceed forward; that Chapter 4, Section 4.44 of the Comprehensive Plan provided the underlying basis for how the plan was developed; that the fourth one was to encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County; that the subject applications spoke directly to that basis for the Future Land Use Plan; that within Chapter 4, Section 4.6, being the implementation section of the Future Land Use Plan, it spoke about how the County intended to promote commercial and industrial development; that specifically, Section 4.6.3 entitled Promoting Appropriate Commercial and Industrial Development stated that the Future Land Use Plan designated area for future commercial and industrial development; that it was important that commercial and industrial development occurs in a scale, intensity, and distance, appropriate to adjacent residential neighborhoods; that promotion of commercial and industrial development section for the Comprehensive Plan is further manifested; that the Comprehensive Plan ends each chapter with goals and objectives; that Objective 4.1.3 promoted commercial and institutional development in designated commercial and institutional area, in scale, intensity, and distance appropriate to adjacent residential neighborhoods; that the site was already designated as commercial within the Future Land Use Map; that Chapter 4 of the Comprehensive Plan was not the only chapter which promoted commercial and industrial development; that there was an Economic Development chapter, being Chapter 9 of the Comprehensive Plan; that Chapter 9 discussed the County's promotion of business parks for commercial and industrial uses, and like Chapter 4, ended with goals, objectives and strategies; that Goal 9.2, and several other objectives and strategies within Goal 9.2, specifically discussed rezoning; that it specifically discussed rezoning to LI-1 (Limited Industrial) and LI-2 (Light Industrial) in appropriate areas; that Goal 9.2 was to encourage economic diversity and expansion; that the objective within Goal Objective 9.2.2 was to identify an adequate supply of vacant, shovel-ready land for commercial and industrial uses, while encouraging development that was environmentally sensitive; that within Objective 9.2.1, there are four strategies that begin the section; that Strategy 9.2.2.1 was for the County to review the Zoning Code and the development process to see where there were prohibitive costs to development for industrial park developers; that an example of the prohibitive costs and time, which relates indirectly to cost, is the amount of time that an application would have to be in the queue in order to be heard and processed; that the County, recognizing that job creation is important, saw fit to move the current applications up in the process, which spoke to the fulfillment of that strategy, as part of this application; that Strategy 9.2.2.2 was to complete the current expansion of the Delaware Coastal Business Park and to identify potential areas for additional expansion; that the current application was not an expansion of the Delaware Coastal Business Park, but the site was in fairly close proximity to and related to it; that the Comprehensive Plan talked about the fact that there were only four industrial or business parks in Sussex County; that it identified those and indicated the need for additional areas; that Strategy 9.2.2.3 was to explore the potential for public-private partnerships for the development of additional industrial parks within Sussex County; that the subject project intended to involve work with the Sussex County

Economic Development Office, as well as work with the State on site readiness projects; that all of those things would interrelate with each other to help fulfill that strategy; that Strategy 9.2.2.4 was to identify area that are served with adequate electricity, natural gas, and fiber optic infrastructure for rezoning to LI-1 (Limited Industrial) and LI-2 (Light Industrial) uses, which the reasoning for the companion application requesting the rezoning to LI-2 (Light Industrial) uses; that should the applications be approved, the permitted uses, as described within the Comprehensive Plan, would specifically include business and industrial parks within those uses; that it stated that portions of the Developing Areas with good road access and a few nearby homes should allow for business and industrial parks; that appropriate mixed-use development should be allowed; that in doing so, careful mixtures of homes with Light Commercial and Industrial uses could be appropriate to provide for convenience services and to allow people to work close to home; that the industrial park and business park referenced, as well as working close to home, are all strategies, objectives, and goals that are accomplished by the two current applications; that changing this area from the designated Commercial Area to the Developing Area supported managed growth, and infrastructure efficiency, as there was infrastructure in place, as well as community scale development, with respect to those areas; that it concentrated growth along the major corridor, Route 9; that it was near existing and similar development; that changing the designation reduced the risk of scattered or leapfrog development, were something like this would be distant from other similar uses; that it reinforces what a Growth Area is, and how Growth Areas are defined, rather than expansion into less desirable area or suitable locations; that within the 2025 State Strategies for Policies and Spending, one could see that this area was recognized a Corridor Planning Area, specifically by the Office of State Planning Coordination; that Director Whitehouse, planning staff, and many other County staff had met with various State agencies over the last several months; that there was a public meeting that occurred a few months prior at the Cheer Center in Georgetown to discuss various portions of the Route 9 Corridor; that the property consists of 42.5 acres, with an existing business located on the property, being Peninsula Paving, operated by Mr. Fletcher Canton; that Mr. Fletcher Canton was one of the principals of Millsboro Towne Village, LLC; that Peninsula Paving was approved on March 26, 2019, as Conditional Use No. 2162, by adopted Ordinance No. 2641, which permitted a paving construction business, with an office and equipment storage to be located on the property; that prior to that Conditional Use, there was another Conditional Use, which was approved in 1989, for Conditional Use No. 865, approved on August 29, 1989, for the property to be used as a campground with 290 units or campsites; that currently, there are no campsites located on the site; that Conditional Use had long since sunsetted; that within .70 mile, traveling east, was Gravel Hill Road (Rt. 30); that within .70 mile west was Park Avenue (Delaware Truck Rt. 9); that when traveling east, toward Gravel Hill Road, is the location of Sequoia Landscaping, Inc., along with the mini-business complex immediately to the east of it with several service-oriented businesses; that the next property over was the location of Providence Park, being similarly situated, but with different businesses and a different mixture of commercial and industrial style uses; that Providence Park was the subject of

Change of Zone Application No. 1961, which was approved on August 9, 2022, which change a split-zoning, similar to the current application, from C-1 (General Commercial) and AR-1 (Agricultural Residential) to C-2 (Medium Commercial) District for slightly under eight acres; that the next property was the location of Weston Willows; that apartments sat to the rear of the property; that Weston Willows Professional Center was located at the front of the property, which had a business, commercial feel to it; that as one traveled past Weston Willows, they would come to Besche Furniture; that continuing down to the intersection of Rt. 9 and Gravel Hill Road (Rt. 30), the DelDOT gravel hill yard was located on the southwest corner of the intersection; that when one were to turn south on Gravel Hill Road (Rt. 30), one of the first businesses one would reach, right before the railroad track was Creative Courtyards, which was a landscaping contractor yard, which was approved as Ordinance No. 3053, for Change of Zone Application No. 1976, which was approved in 2024, rezoning the property to the LI-1 (Limited Industrial) District; that .70 mile heading west from the Peninsula Paving property was the location of VS Service and Cycle Center, which was also known as Donaway's Auto Repair; that the next property was M&V Tire Service; that the next property was Isaac's Asphalt Paving; that within a short distance from there was the location of A.P. Croll & Son, Inc., a site contractor; that immediately after that property was F.H Furr Plumbing, Heating, Air Conditioning & Electrical; that across from that site was Steiner Road; that there were properties, located along Steiner Road, which were rezoned to HI-1 (Heavy Industrial), and were planned to be the future home of Chaney Concrete Plant & Sun Recycling Center; that when leaving Steiner Road, heading back to Route 9, and traveling west, was the location of three chicken houses, located on the right at the intersection of Route 9 and Shingle Point Road; that immediately south of that, at the intersection of Park Avenue was the location of Downs Automotive; that when traveling past Downs Automotive, one would come to the Sussex County Association of Realtor Offices; that all of the previously mentioned businesses are located within .70 mile of the subject site; that he mentioned these areas as it provided the most vivid description of the character of the immediately surrounding area, and how it had organically developed in an identical manner, as is proposed with the two current applications proposing commercial, business, and industrial uses; that both Park Avenue and Gravel Hill Road were both located within less than a mile from the site; that the roadways were identified by DelDOT's Functional Classification Map as major collectors; that Park Avenue was also a truck route, which further supported the current applications; that Gravel Hill Road was also known as Route 30; that both of these things confirmed that businesses and industries, as well as organic development, should be located along major highways that connect to other major roadways; that with respect to the characteristics of the property itself, the combined three tax map parcels met all the Height, Area, and Bulk requirements found in §115-107 of the Zoning Code; that those minimum lot size requirements reflected one acre of total area, 150 feet of width and 200 feet of depth, which were greatly exceeded by the geographical dimensions of the subject property; that the property was not located within a floodplain, as is it was within Zone X on the FEMA Flood Maps; that this meant the property was located outside of the 500 Year Floodplain; that there were no Jurisdictional

Wetlands located on the property that require an Army Corps of Engineer permits, as confirmed by an approved Jurisdictional Determination as part of the previous Peninsula Paving application, and the submitted application materials; that the property was not located within any Source Water Protection Areas as described within Chapter 89 of the Code, meaning that there were no Wellhead Protection Areas, and not located within an Excellent Groundwater Recharge Area; that Artesian held the CPCN for both central water and sewer for the properties; that an Artesian Willing and Able Letter was submitted into the record confirming that Artesian Water Company, Inc. could provide public water, including fire protection for the property, and Artesian Wastewater Management, Inc. could collect, treat and dispose of the sanitary waste from the site; that Delmarva Power (DP&L) provided electric service to the site; that there were other utilities that were available as they existed right along Route, including natural gas through Chesapeake, Verizon and Comcast; that the area of Route 9 is one of the original commercial zoning areas in Sussex County when the original and first zoning maps were set up; that County Planners at that time would take 600 feet of area, on either side of the roadway, and identify that area as commercial, while designating the areas behind that as AR-1 (Agricultural Residential); that the subject site was one of those areas; that aside from the properties that had been rezoned over time, most properties were designated as C-1 (General Commercial) within the first 600 feet parallel to Route 9, with AR-1 Zoning located behind the commercial zoning; that there were other zoning classifications such as LI-2 and C-2 Districts; that the C-1 (General Commercial) zoning extended down to Weston Willows; that then on the south side of Route 9, there was CR-1 (Commercial Residential), as well as HI-1 (Heavy Industrial) zoning; that to the rear of the site were areas zoned as AR-1 (Agricultural Residential), and are portions of the approved Cluster Subdivision known as Azalea Woods, which would be adjacent to the rear of the property; that Azalea Woods was approved by the Planning Commission on December 19, 2019 as Subdivision No. 2019-8, and was approved with Conditions of Approval A through U; that when analysis and studying was being performed on the property, one of the concerns was the best way to ensure compatibility and transition from proposed light industrial uses to residential uses, being the approved Azalea Woods subdivision; that the result of those studies and evaluations were included within the record materials, and resulted in an analysis that the most effective means of providing something that included both a physical separation, visual screen, as well as a natural sound attenuation was to leave a wider perimeter buffer of existing woods around those portions of the property than the Code would require as standard setbacks; that the Applicant had directed him to prepare a Restrictive Covenant to create specifically restricted areas on the property adjacent to the future portions of Azalea Woods; that there would be a 100 foot restriction area; that on the side that was not adjacent to Azalea Woods, there would be a 50 foot restricted area on the that boundary to the east; that the terms of the drafted Restrictive Covenant was included within the project book materials; that the Restrictive Covenant would be enforceable by Sussex County; that they wished to leave an option for enforcement, should a violation occur, recognizing that Change of Zone applications could not have conditions placed on them; that this way, Sussex County would have an enforcement tool

available; that the other group able to enforce this was specifically identified in the drafted covenants was all of the adjacent properties; that they are identified by tax map parcel number as parties with specific enforcement rights for that Restrictive Covenant; that the Restrictive Covenant states that it would be recorded within 10 days of a decision from the Sussex County Council, approving the Change of Zone classification to the LI-2 (Light Industrial) District, and would exist so long as the property had the LI-2 (Light Industrial) zoning classification; that there would be a 100 foot restricted area, which would be located adjacent to Azalea Woods; that there would be 75 feet of undisturbed woods; that the currently existing woods within that 75 foot area would remain undisturbed; that the remaining 25 feet of the 100 foot restricted area would be used for two things, being the location of utilities and stormwater management, such as a swale, pond or something of that nature; that on the eastern side of the property, a 50 foot restricted area and 50 feet of woods, located along the property boundary line would remain in their undisturbed wooded condition; that submitted into the record were a number of reports which referred to the outcome of the performed studies and analysis that were prepared by various professionals; that those reports included a Planning and Compatibility Analysis, a Sound Attenuation Evaluation, a Cost Benefit Analysis, as well as a Soils and Stormwater Analysis; that the first question the Applicant asked was what classifications were available; that one of those classifications was the C-3 (Heavy Commercial) classification, which most closely matched the existing C-1 (General Commercial) classification that existed for the first portion of the property; that the Future Land Use Map indicated that the area should be for commercial; that if it was rezoned to C-3 Zoning, all setbacks would be much closer to the property boundaries than what is being proposed in the Restrictive Covenant that is being proposed as part of the current application; that it was important to remember that not only would there be the restricted area of 100 foot along the Azalea Woods boundary, but during the studying of the property, they looked at all the various surrounding properties, and their approvals, specifically, the Cluster Subdivision approval for Azalea Woods; that Condition F of their approval requires Azalea Woods to have a 30 foot wooded landscape buffer, along all of its property boundaries, and also a 50 foot separation from all property boundaries to the beginning of the lots within the community; that for the current project, this means that between the requirements for Azalea Woods and the proposed Restrictive Covenant, there would be 100 feet of separation between any type of industrial use and the lot lines for future homes in Azalea Woods; that this was one of the compatibility considerations provided; that with the proposed Restrictive Covenant would provide a larger setback and therefore the industrial uses would be more distant than if there was a commercial rezoning; that they provided a slide exhibit that compared all of the setbacks between C-3 and LI-2 Districts; that DelDOT would identify Route 9 as another principal arterial; that DelDOT defined that as highways in rural and urban areas which provide access between an arterial and a major port, airport, public transportation facility or other intermodal transportation facility; that Sussex County's Code §115-4, described Lewes Georgetown Highway or US Route 9 as a major arterial roadway; that the property was situated along a major arterial roadway as defined by DelDOT and the County; that the best

evidence of that was the fact that the area already supported a number of employment generating businesses and uses along the roadway, which were previously mentioned; that there was a Sound Attenuation Report included within the project material regarding the wooded buffer that was proposed in the Restrictive Covenant which would add 75 feet, which would provide a number of things, including acting as natural sound attenuation for the project; that there was a DelDOT Service Level Evaluation performed for the application; that DelDOT's response indicated that there would be no need for a Traffic Impact Study (TIS) at this time, until specific uses of the property are known and as plans would come forward to the County in the future; that one of the important developments since the project was planned was House Bill 450, being the Road Delaware Act, which the Governor signed in July 2026; that as part of that act, there was a threshold number of trips for when a Traffic Impact Study would be required, which was 500 peak hour trips; that if that threshold is met, then a Traffic Impact Study would be required; that if that threshold was not met, then the developer would pay a traffic impact fee, which is currently being determined through the various agency reviews of House Bill 450; that the site had a number of existing approvals; that some of the property's information was well known; that for instance, within the past month, the Planning Commission had reviewed a Revised Site Plan for the property, as well as comments from the Sussex Conservation District, the Office of State Fire Marshal, and the Army Corps of Engineers regarding approvals relating to Peninsula Paving; that in addition, along the corridor, there was new redevelopment about to occur for Delaray Foundations, which was about to redevelop the property immediately in front of the subject property, or between the property and Route 9; that the Delaray Foundation site would be redeveloped as a contractor office and storage yard; that the Principal of Delaray Foundations, Mr. Raynol Garcia, was also present for the public hearing; that as part of the applications, there was a number of stormwater management soils, infiltration feasibility analysis undertaken; that the 75 foot wide forested buffer would provide community benefits, including physical separation, visual barrier and sound attenuation; that the 75 foot wide strip of forested buffer provides a number of other benefits including ecological benefits, creating corridors, particularly when you take that and add it to the landscape and wooded buffer belonging to Azalea Woods; that trees, particularly of that width, will improve air quality and stormwater management; that they are considered Best Management Practice (BMP), under DNREC and the U.S. Environmental Protection Agency (EPA)'s Green Infrastructure regulations; that an existing buffer was far superior than creating a new and planted landscape buffer; that in addition to all of those land planning specific benefits, there are a number of studies that were done about the public and economic benefits; that projected for the site would be approximately 14 shovel-ready sites that could hold up to about 320,000 square feet of vertical construction; that the objective would be to create between 100 to 150 permanent full-time positions for those businesses that would be located in the White Oak Business Center; that annual payroll would be between 5.5 million and \$11,250,000; that this would increase tax value, permit and inspection revenue, and utility investments, without increasing any enrollment in public schools, because they would be employment centers, not residential homes; that all of these things

would be subject to future Site Plan review and approval by the Planning Commission; that there would be a lot of agency reviews and approvals through the Site Plan review and approval process; that the White Oak Business Park concept was present to the Sussex Economic Development Action Committee (SEDAC), who supported the application by written letter; that White Oak Business Park matches the mission of the SEDAC organization, which was to create sustainable economic prosperity in Sussex County; that within the project materials were a number of support letters, beyond the three letters mentioned by Mr. Whitehouse; that most of the support letters were provided by immediately adjacent neighbors, one being from Mr. Harold Dukes, Jr., who owns the Route 9 Industrial Center located two properties down from the site; that another support letter was provided from A.P. Croll & Sons, Inc.; that another support letter was provided by Mr. Charlie Ayoub, who owned the property immediately to the west of the property; that Mr. Raynol Garcia, who was present, had also provided a letter of support, which he requested to submit into the record; that additionally, he requested to submit into the record proposed Findings of Fact for both applications for both Ordinance 26-06, as well as Change of Zone No. 2063; that particularly for Ordinance 26-06, all the various sections of the Comprehensive Plan, as previously mentioned, were included within the Findings of Fact; that in addition, all of the other references and information within the Findings of Fact that were proposed for the Planning Commission to consider, there was documents and supporting data provided within the project material for each one of those items, and the correspond to things included within the record; that the applications sought to create shovel-ready land, for commercial and industrial uses along Route 9 in an area with existing mixture of commercial, industrial and business uses; that with respect to Ordinance 26-06, the question was not should the site be located within a Growth Area, as it was already located within a Growth Area; that the question was whether or not it was appropriate for the site to be located within a Developing Area, which would allow for the LI-2 (Light Industrial) Zoning District classification; that he would point the Commission back to Strategy 9.2.2.4, which was to identify areas that are served with adequate electricity, natural gas, and fiber optic infrastructure; that along Route 9, and through Comcast and Verizon, those things are available; that with respect to the requested amendment to the Zoning Map, requesting to change the split designation from C-1 (General Commercial) to AR-1 (Agricultural Residential) to the singular LI-2 (Light Industrial) District, the change would allow for uses that are similar to, and within the character of the existing uses in the area; that as discussed, there were various uses located within .70 mile in both the east and west direction; that the Zoning Code defines that the purpose of the LI-2 (Light Industrial) District as providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehouse uses appropriately located for access by major thoroughfares, which was the bottom line objective of the two applications, and the Applicant would request that the Planning & Zoning Commission recommend approval of both Ordinance 26-06 and Change of Zone No. 2063 to the Sussex County Council.

Mr. Collins questioned whether there were any perspective businesses who had expressed interest in the proposed industrial park, and what might be an example of what one of those businesses may be.

Mr. Preston Dyer stated that currently, they did not have any perspective businesses interested in the proposed industrial park.

Mr. Collins questioned whether the proposed zoning change would by right permit for the use of a data center.

Mr. Whitehouse stated that the LI-2 (Light Industrial) District allowed for everything permitted within LI-1 (Limited Industrial), as well as all of the business and commercial uses allowed within the Commercial zoning districts; that data centers were currently not defined within Chapter 115; that they prioritized following the Comprehensive Plan; that research centers were allowed within LI-2 (Light Industrial), however a research center was not the same as a data center, and a data center was more industrial, and more complex.

Mr. Collins questioned whether or not there was any intent for a data center to occupy any part of the proposed industrial park.

Mr. Preston Dyer stated that it was their understanding that there was not sufficient electrical capacity to practically support a data center type of operation.

Mr. Robertson stated that it struck him that the Planning Commission was currently going through the process of amending the Comprehensive Plan to the Developing Area to allow for LI-2 (Light Industrial), which was an extra step; that they would need to deal with the Office of State Planning Coordination and more; that when he looked at C-2 (Medium Commercial) and C-3 (Heavy Commercial), it allows distribution centers, warehouses, major repairs, and wholesale, which were similar to what the Applicant had expressed they were looking to do; that they had stated they were looking to do similar uses to those within the existing area; that he questioned the reasoning for requesting LI-2 (Light Industrial), with the need of having to change the Comprehensive Plan, versus that much more straight pathway of the existing Commercial Area designation, which would keep the Comprehensive Plan the same.

Mr. Hutt stated that when one looks at the uses that are permitted within the LI-2 District, one of the permitted uses is all of the permitted uses within the LI-1 (Limited Industrial) District; that it would be a much more expansive list of permitted uses than C-2 (Medium Commercial) which contained a much more limited set of uses; that there was a property, previously rezoned to the C-2 District that always runs into enforcement questions; that to solve a lot of those questions, is by having an appropriate zoning designation from the outset; that with the goal and objective being

to create shovel-ready sites, to which a person could bring their business to that area, and know that was all they needed was to put together their Site Plan and construct their building versus having to go through the process of getting Conditional Use approval or changing the zoning designation; that this was the thought process behind the applications; that having a commercial designation on the Future Land Use Map was very meaningful; that it was a very powerful Growth Area, and with the Developing Growth Area, one would have the ability to have the LI-1 and LI-2 Zoning Districts, as well as other industrial classifications.

Mr. Robertson questioned whether there was an idea for providing pad sites, creating a condominium, or subdivide the site at some point, with a Site Plan being presented for the whole site, showing pad site, or would there be multiple one-off Site Plans.

Mr. Hutt stated that Mr. Preston Dyer had thought about those things, and they had previous conversations regarding Mr. Robertson's question.

Mr. Preston Dyer stated that there was a Preliminary Site Plan; that the concept would be to do a condominium overlay regime to avoid what they never guessed correctly; that they would try to ascertain that at the time with the condominium overlay to avoid the need for major subdivision, unless it were required by the tenant or the user, in which case, they would go through the minor or major subdivision process.

Mr. Hutt stated that one thought was that the site would have up to 14 sites, as would be reflected on the Preliminary Site Plan that Mr. Preston Dyer had referenced and the 14 sites would be individual and for separate businesses.

Mr. Whitehouse stated that it was more of a curiosity in understanding the nature of the use; that it would go to the compatibility in terms of LI-1 and LI-2; that there was a difference between the two zoning districts; that LI-1 was very limited in terms of activities are directed to be placed inside buildings, with no processing of raw material permitted; that this was the fundamental difference between LI-1 and LI-2; that LI-2 allowed raw material to be processed; that this created a compatibility type of question, given the property had an adjoining residential development; that he questioned whether there were specific uses on the LI-2 list that involve raw processing and materials outside of buildings that were desirable as opposed to all the stuff inside the buildings permitted within the LI-1 District; that LI-1 specifically spoke to the purpose of LI-1, which was for an industrial park, and where activities would be inside the buildings, and the key difference between the two was the processing of raw materials.

Mr. Hutt stated that Peninsula Paving currently existed on the site; that Peninsula Paving did not fit within the LI-1 District description; that the LI-1 District sort of got taken off the table at some

point, and being the primary reason why the Planning Commission was not seeing an LI-1 District application; that there was a similar situation with a property along Gravel Hill Road, and because of the way the property was currently being used, LI-1 no longer fit the bill.

Mr. Pettyjohn questioned whether LI-2 would allow the processing of raw steel with a 100-ton punch press that may potentially bang all day and night.

Mr. Whitehouse stated that the difference between LI-2 and Heavy Industrial (HI-1), was that all the heavy industrial uses were controlled depending on their scale; that there is some metal processing permitted within the LI-2 District, however, that kind of industrial plant would not be permitted.

Mr. Hutt stated that Section 115-102 stated the permitted uses for the LI-1 District; that it stated a building shall be used for the following purposes consisting of general light industrial warehousing and storage uses, including certain open or enclosed storage of products, materials, and vehicles, and including the following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount of normally resulting from other uses listed; that there was a list of uses provided; that it spoke about such listed uses being generally wholesale establishments, service and light industries that manufacture, process, store and distribute goods and materials, and were in general dependent on raw materials, refined elsewhere and manufacture, compounding, processing, packaging, or treatment as specified of the following products; that it was a long list, but provided a clear differentiation between the heavy industrial type of activities and those light industrial activities; that some may be a judgement call by Mr. Whitehouse and the office staff to what was generally related to a the list in the Code; that should a proposed use be found to not be within the two to three page list of uses, then a process through the Sussex County Board of Adjustment public hearing would be required to determine whether the use fit into the light industrial category or not.

The Commission found that there was no one present in support of or in opposition to either 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 ORD 26-06 regarding Tax Map Parcel No. 135-11.00-31.00, 135-16.00-17.00 & 70.00. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 5-0.

In relation to C/Z 2063 Millsboro Towne Village, LLC. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 5-0.

**PUBLIC COMMENT**

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

**Meeting adjourned at 4:49 p.m.**

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