

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 3, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, September 3, 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 Chair Wingate presiding. The following members of the Commission were present: Ms. Holly Wingate, Mr. Jeff Allen, Mr. Scott Collins, Mr. Bruce Mears, and Mr. John Passwaters. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Ms. Lauren Cecchine – Planner III, and Ms. Ann Lepore – Planner I.

ADDITIONAL BUSINESS

Administration of Oaths – Mr. Robertson welcomed new member, Mr. John Passwaters, and administered the Oath of Office.

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

Motion by Mr. Mears, seconded by Mr. Allen, to approve the Minutes of August 20, 2025, of the Planning and Zoning Commission Meeting as circulated. Motion carried 5-0.

OTHER BUSINESS

2022-11 Hunter's Creek

6-Month Time Extension Request

On Wednesday, August 13th, 2025, the Department of Planning and Zoning received a 6-month time extension request for the Hunter's Creek Subdivision, a cluster subdivision consisting of ninety-three (93) single-family lots, private roads, stormwater management, perimeter buffers and open space. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, September 8th, 2022, subject to eighteen (18) Conditions of approval. The Commission last reviewed the Revised Preliminary Subdivision Plan at their meeting of Wednesday, August 21st, 2024 where they approved a request to amend Condition "G" of the Conditions of Approval pertaining to the requirement of a secondary emergency entrance along Hickory Manor Road (S.C.R. 346) opting to change the original wording of the Condition to *"There shall be a vehicular entrance via Omar Road and there shall be an unobstructed emergency access via Hickory Manor Road that remains open and available to use by emergency vehicles, but not paved."* Specifically, this time extension request is being made pursuant to §99-40(C)(1)(C) of the Sussex County Code pertaining to Major Subdivisions. In accordance with the requirements of this Section of Code, an explanatory Memo, schedule and plan of completed steps, agency approval statuses and reasons in support of the Applicant's request for a time extension have been provided. The property is located on the north side of Omar Road (S.C.R. 54),

approximately 0.33-mile west of the intersection of Powell Farm Road (S.C.R. 365). Tax Parcels: 134-11.00-102.00 & 103.00. Zoning: MR (Medium Density Residential (MR) District. The Commission's recommendation will allow the Application to be forwarded to the Sussex County Council for their final decision on the matter, pursuant to the process outlined in §99-40(C)(3) of the Sussex County Code. If approved, this Application's expiration date will be extended 6 months from the original expiration date of September 8th, 2025, to March 8th, 2026.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to defer action on the on the 6-month extension request for further consideration. Motion carried 5-0.

John Ford (C/U 2313)

6-Month Time Extension Request

On Monday, August 18th, 2025, the Department of Planning and Zoning received a 6-month time extension request for John Ford for the establishment of a realty office within an Agricultural Residential (AR-1) District. The Sussex County Council approved Conditional Use No. 2313 for the subject property at their meeting of Tuesday, September 20th, 2022, subject to eight (8) Conditions of Approval. Specifically, this time extension request is being made pursuant to §99-40(C)(1)(d) of the Sussex County Code pertaining to Conditional Uses. In accordance with the requirements of this Section of Code, an explanatory Memo, schedule and plan of completed steps, agency approval statuses and reasons in support of the Applicant's request for a time extension have been provided. The property is located on the southeast side of Savannah Road (Route 9B) at 1528 Savannah Road in Lewes, Delaware. Tax Parcel: 335-12.06-49.00. Zoning: Agricultural Residential (AR-1) District. The Commission's recommendation will allow the Application to be forwarded to the Sussex County Council for their final decision on the matter, pursuant to the process outlined in §99-40(C)(3) of the Sussex County Code. If approved, this Application's expiration date will be extended 6 months from the original expiration date of September 20th, 2025, to March 20th, 2026.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of the 6-month extension request. Motion carried 5-0.

S-24-22 Ash Property

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of a 4-story apartment building consisting of 58 units, a 3,000 square foot retail building, parking, two (2) loading spaces, and other site improvements. The Preliminary Site Plan was approved by the Planning and Zoning Commission at their meeting of Wednesday, July 10th, 2024. The Site Plan has been revised to add twelve (12) additional apartments and to remove the previously-approved 9,828 square foot flex space building. The properties are located on the south side of John J. Williams Highway (Route 24), approximately 0.25 mile east of Camp Arrowhead Road (S.C.R.279). The properties are located within the Henlopen Transportation Improvement District (TID) and shall be subject to the payment of any related fees as outlined by the Delaware Department of Transportation

(DelDOT). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: M (Marine District). Tax Parcels: 234-7.00-111.00 & 112.00. 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. Collins, seconded by Mr. Mears and carried unanimously to approve the Revised Preliminary Site Plan. Motion carried 5-0.

S-24-79 Mark A. Baul (C/U 2340)

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a 1,195 square foot +/- wood frame building to house an Auto Repair Business, parking and other ancillary site improvements. The property was the subject of a previous Conditional Use Application (Conditional Use No. 2430) for the establishment of an Auto Repair Business to be located within a Medium Density Residential (MR) District and an Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, April 30th, 2024, and the change was adopted through Ordinance No. 3002 subject to thirteen (13) Conditions of Approval. The property is located on the northeast side of the intersection of Armory Road (Route 20) and Murray Road (S.C.R. 355), consisting of 2.045 acres +/- and to be located at 30465 Armory Road in Frankford, Delaware. Zoning: Medium Density Residential (MR) District & Agricultural Residential (AR-1) District. Tax Parcel: 433-1.00-7.00. 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. Collins, and carried unanimously to approve the Preliminary Site Plan. Motion carried 5-0.

S-25-32 Shell We Bounce Expansion

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of a 2-story mixed-use building consisting of 4 units and 6,242 square feet of retail, a proposed 4,000 square foot indoor recreation building expansion, parking, and other site improvements. There is an existing 24,000 square foot indoor recreation building on the property as well. The properties are located on the northwest side of Lewes Georgetown Highway (Route 9). The properties are located within the Henlopen Transportation Improvement District (TID) and shall be subject to payment of any related fees as outlined by the Delaware Department of Transportation (DelDOT). A request for parking to be allowed within the front yard setback has been submitted with this proposal. Otherwise, the Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning: C-1 (General Commercial District). Tax Parcels: 334-5.00-143.00, 144.00, & 144.02. 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. Collins, seconded by Mr. Allen, and carried to defer action on the Revised Preliminary Site Plan for further consideration. Motion carried 5-0.

Lands of 18747 Gravel Hill Road

Minor Subdivision Plan off a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1, notated as the Residual Lands will consist of 1.33-acres +/-, proposed Lot 2 will consist of 1.12-acres +/-, proposed Lot 3 will consist of 1.20-acres +/-, and proposed Lot 4 will consist of 1.28-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located east of Gravel Hill Road (Route 30), approximately 450 feet south of Pettyjohn Road (S.C.R. 255). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-11.00-59.09. 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. Allen, seconded by Mr. Collins and carried unanimously to approve the Minor Subdivision off a proposed 30-ft. easement. Motion carried 5-0.

Lands of Daniel and Dona Rose Nero

Minor Subdivision Plan off an existing 60-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off an existing 60-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.7501-acres +/-, proposed Lot 2 will consist of 0.7501-acres +/-, and the residual lands will contain 6.581-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located south of Nero Lane, a private road that is accessed off Gordy Road (S.C.R. 70). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-7.00-26.00. Zoning: GR (General Residential District). Staff are in receipt of all agency approvals. Therefore, the plans are eligible for both preliminary and final approvals.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to approve the Minor Subdivision off an existing 60-ft. easement. Motion carried 5-0.

OLD BUSINESS

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.

The Commission discussed this application, which had been deferred since August 6, 2025.

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

Mr. Mears moved that the Commission recommend denial of C/Z 2024 The Christopher Companies based upon the record made during the public hearing and for the following reasons:

1. The stated purpose of the MR Zoning District *"is to provide for medium-density residential development in areas which are or 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.... The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future."* While sewer and water will apparently be available at some point in the future, I do not believe that this site is "in an area that is or is expected to become urban in character". I also do not believe that this vacant land "is considered appropriate" for MR zoning for the reasons that follow.
2. Although this site is technically adjacent to Millville's boundaries, it's the backside of Millville. This site only has indirect access to Burton Farm Road via only 80.14 feet of road frontage and it does not have any direct access to Millville's town center or its internal roadways. The site is also isolated from any other higher-density development because it is situated behind several larger two-acre lots that have frontage on Burton Farm Road. In this isolated location, separated from the rest of Millville and without any substantial road frontage of its own, I do not believe that this site is, or is expected to become, urban in character or that it is appropriate for MR development.
3. I do not believe that this is an appropriate location for the density that is permitted in the MR Zoning District. The MR Zone permits a density of up to four units per acre. Again, this location is immediately behind lots that are at least two acres in size. It is surrounded on a majority of the rest of its boundaries by land in agricultural use, with the entire southern boundary adjacent to lands under Agricultural Preservation. This proposed rezoning is inconsistent with the adjacent properties and uses.
4. This upzoning to a higher density is not entirely supported by the Sussex County Comprehensive Plan. p. 4-15 the current Comprehensive Plan provides the following guidance for increased densities in the Coastal Area where this property is located: *"Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is*

- along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density.” Applying those factors to this application:
- a. *“Near sufficient commercial uses and employment centers”*: A corner of the property is adjacent to the Town limits of Millville and an undeveloped portion of the Millville By the Sea development. However, Millville By the Sea is largely oriented towards Roxana Road and not Burton Farm Road where this RPC would have its access. Other than a very small B-1 property near this site (along Roxana Road and Horse Play Way) there are no other commercial uses or employment centers in the immediate vicinity of these properties. This factor is not satisfied.
 - b. *“Where it is in keeping with the character of the area”*: Again, aside from the proximity to the Town of Millville and the limited area of shared border with Millville By The Sea, the rest of the character of the area is primarily AR-1 farmland and larger 2 acre strip lots in front of this property along Burton Farm Road. As confirmed in the hearing, the property directly south of this RPC is in Ag Preservation, too. So, the MR medium density of 4 units an acre is generally out of character with area.
 - c. *“Where it is along a main road or at/near a major intersection”*: This one is not satisfied since Burton Farm Road is not a main Road and there are no main intersections nearby. The road improvements imposed upon this development by DelDOT largely only cover the area of the road immediately adjacent to this site. In this case, the site only has 80.14 feet of road frontage, making material improvements to Burton Farm Road very limited. This factor is not satisfied, and the required DelDOT improvements along the site’s limited road frontage do not mitigate the fact that Burton Farm Road is a narrow, two-lane roadway with limited shoulders.
 - d. *“Where there are other considerations that are relevant to the project and density”* - While this MR-RPC is technically adjacent to Millville’s boundaries, it’s the backside of Millville, and Burton Farm Road does not have any direct access to Millville’s town center and its internal roadways without having to travel across several roads to get to the center parts of the town. As a result, this project does not reflect a natural expansion or extension of the development trends within Millville since there is no direct connectivity between this project and the Town.
5. DelDOT has stated that Burton Farm Road in the vicinity of this site currently has a daily traffic volume of 329 vehicles per day. DelDOT has also stated that this development alone would create an additional 2,668 trips per day on this narrow roadway. This is more than eight times the current traffic volume of that road. Because it is more than 500 additional vehicles it is considered a Major impact to the area roadways. Again, the limited road and entrance improvements required by DelDOT can only occur within the site’s 80.14 feet of frontage. This is not enough to mitigate the adverse impact of the substantial increase in the traffic volume on Burton Farm Road caused by this rezoning.

6. Because this is a recommendation for denial of the upzoning to MR, it is not necessary to also address the nature of the Residential Planned Community and the site plan associated with that part of the application. However, for the reasons stated in this motion, the purposes of a Residential Planned Community are also not satisfied because this application does not create “a superior living environment through unified developments”. Instead, this RPC is neither unified nor consistent with a majority of the surrounding properties and uses. For the same reasons, this Residential Planned Community does not protect the “existing and future developments” in the area. And, as stated in Item #4 of this Motion, it is not “achieving the goals of the Comprehensive Plan”.
7. For all of these reason, it is my motion that the Commission recommend a denial of this MR-RPC.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend denial of C/Z 2024 The Christopher Companies, for the reasons stated in the motion. Motion carried 4-0.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Allen. Mr. Passwaters abstained.

C/U 2475 S&J Growers

An Ordinance to grant a Conditional Use of Land in an AR-1 Agricultural Residential District for a borrow pit to be located on a certain parcel of land lying and being in Sussex County, containing 30 acres, more or less. The property is lying on the north and south sides of Bald Branch Road (S.C.R. 61) and on the east and west sides of Millsboro Highway (Rt. 30/26). 911 Addresses: 22311, 22327 & 34943 Bald Branch Road and 36597 Millsboro Highway, Frankford. Tax Map Parcel: 333-7.00-23.00.

The Commission discussed this application, which had been deferred since August 20, 2025.

Mr. Collins moved that the Commission recommend denial of C/U 2475 S&J Growers based upon the record made during the public hearing and for the following reasons:

1. The Applicant stated that he does not intend to use this borrow pit as a typical commercial borrow pit operation. However, he still has the obligation to create a record in support of the use. The Applicant was unable to provide definite details as to the following relevant factors of every borrow pit application:
 - a. the volume of dirt or sand to be removed,
 - b. the frequency of the truck traffic generated by the operation,
 - c. dust control measures,
 - d. noise generated by the use,
 - e. the specific location of the pit as it expands
 - f. the existing and proposed buffers around the pit,

- g. the method and hours of the excavation operations and how those operations would be monitored,
 - h. the depth of the pit,
 - i. how the excavation will affect the water table in the area,
 - j. security and fencing around the pit so that it is safely operated,
 - k. the slopes of the pit's sides, and
 - l. other relevant information that is necessary for an application such as this.
2. There is no indication in the record about the Applicant's coordination with DNREC on the pit's operations.
3. The Applicant did not provide any information about a proposed reclamation plan for the site once pit operations end.
4. Because the record lacks sufficient detail, it is not possible to recommend approval of this Application based on the record made during the Planning & Zoning Commission Hearing.
5. As a result of all of these reasons and the lack of a record, I move that we recommend a denial of this Application.

Motion by Mr. Collins, seconded by Mr. Mears, and carried to recommend denial of C/U 2475 S&J Growers for the reasons stated in the motion. Motion carried 3-0.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, and Mr. Collins – yea. Mr. Allen and Mr. Passwaters abstained.

C/U 2476 Richard & Brandi Gentner, Jr

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a masonry business to be located on a certain parcel of land lying and being in Sussex County, containing 5.37 acres, more or less. The property is lying on the north side of Hardscrabble Road (Rt. 20), approximately 1.25 miles southeast of E. Trap Pond Road (S.C.R. 62). 911 Address: 18353 Hardscrabble Road, Georgetown. Tax Map Parcel: 133-13.00-2.05 (p/o).

The Commission discussed the application, which had been deferred since August 20, 2025.

Mr. Allen moved that the Commission recommend approval of C/U 2476 Richard & Brandi Gentner, Jr. for a Conditional Use for a masonry business based on the record made during the public hearing and for the following reasons:

1. This site is proposed to be used as a centralized location for the Applicant's Masonry Business, including office space and the indoor and outdoor storage of the business's equipment. There is a need for this type of use in Sussex County.
2. There will be no retail sales or similar business conducted from the site.
3. The applicant has stated that all work is performed offsite, and that there will not be any dumping or storage of concrete or similar materials on the site.
4. The use does not require any regular deliveries during the day. The only traffic is

- typically in the morning and afternoon when employees take the equipment to offsite job locations.
5. There are no homes adjacent to this site and DelDOT has stated that the traffic impact will be diminutive. With the conditions and limitations of this approval, this use will not adversely affect neighboring properties, roadways or traffic.
 6. The Applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
 7. This recommendation is subject to the following conditions:
 - A. This use shall be limited to the Applicant's masonry business with equipment storage. No retail sales or other business shall be conducted from the site.
 - B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - D. The hours of operation shall be limited to 6:30 a.m. through 6:30 p.m., Monday through Friday and between 7:00 a.m. and 3:00 p.m. on Saturdays. There shall not be any Sunday hours.
 - E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - F. The site is currently gated. The gate shall be relocated so that it is further back from Hardscrabble Road to allow vehicles to pull completely off of the roadway when the gate is closed. The location of the gate shall be shown on the Final Site Plan.
 - G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.
 - I. All maintenance of vehicles and equipment shall be performed indoors.
 - J. The Final Site Plan shall clearly show all areas for vehicle 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. All concrete forms shall be stored in location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.
 - L. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Mears, and carried to recommend approval of C/U 2476 Richard & Brandi Gentner, Jr for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Allen – yea. Mr.

Passwaters abstained.

C/U 2479 The Crossings at Oak Orchard, LLC

An Ordinance to grant a Conditional Use of land in a GR General Residential District to amend Conditional Use No. 677 to allow for two (2) additional lots into the Riverwinds (F.K.A. Oak Orchard West) manufactured home park to be located on a 0.37 acre portion, more or less, of a certain parcel of land lying and being in Sussex County, containing 35 acres more or less. The property is lying on the south side of Devon Drive within the Riverwinds (F.K.A. Oak Orchard West) Manufactured Home Park, located on the south side of Oak Orchard Road (Rt. 5). 911 Address: N/A. Tax Map Parcel: 234-29.00-222.03 (p/o).

The Commission discussed the application, which had been deferred since August 20, 2025.

Mr. Robertson read Mr. Mear's motion into the record at Mr. Mear's request.

Mr. Mears moved that the Commission recommend approval of C/U 2479 The Crossings at Oak Orchard, LLC for a Conditional Use for two (2) additional lots based on the record made during the public hearing and for the following reasons:

1. This manufactured home community was originally established in 1982 by Conditional Use #677 that limited the number of lots to 112. This application seeks to add 2 additional lots within a formerly undeveloped area of the community.
2. These 2 lots will be consistent with the other lots throughout the community.
3. This community is located within the Coastal Area according to the current Sussex County Future Land Use Map. This 2-lot expansion of the community is appropriate in this Area according to the Comprehensive Plan and the Future Land Use Map.
4. The community and these 2 new lots are served by central water and they are connected to the Sussex County sewer system.
5. There is no evidence that the additional 2 lots will adversely affect nearby properties or area roadways.
6. No parties appeared in opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. No more than 2 new lots shall be added to the existing, approved Manufactured Home Park.
 - b. The additional 2 lots shall conform to the current requirements for a manufactured home park as set forth in the Sussex County Zoning Code as to size, setbacks, parking and other dimensional requirements.
 - c. The addressing for these 2 new lots shall be established by the Sussex County Geographical Information Office.
 - d. A Final Site Plan depicting these 2 new lots shall be reviewed and approved by the Sussex County Planning & Zoning Commission. At the same time that a Final Site Plan is submitted for approval, the Applicant shall submit a revised "Master Plan" of the entire Community identifying all lot locations by number, and further identifying

lots that are owned by the Applicant and those lots owned by third parties.

Motion by Mr. Mears, seconded by Mr. Mears, and carried to recommend approval of C/U 2479 The Crossings at Oak Orchard, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Allen – yea. Mr. Passwaters abstained.

C/U 2527 LIC Housing, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an independent care facility, restaurant and fitness center to be located on a certain parcel of land lying and being in Sussex County, containing 4.833 acres, more or less. The property is lying on the west side of Kings Highway (Route 9), approximately 0.17 mile southwest of Clay Road (S.C.R. 269). 911 Address: 16770 Kings Highway, Lewes. Tax Map Parcel: 334-6.00-56.00.

The Commission discussed the application, which had been deferred since August 20, 2025.

Mr. Collins moved that the Commission recommend approval of C/U 2527 LIC Housing, LLC for a Conditional Use for an independent care facility, restaurant and fitness center based on the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use meets the purpose of the Sussex County Zoning Code in that it promotes the orderly growth of the County. The project is in the Coastal Area according to the Sussex County Comprehensive Land Use Plan and the location is appropriate along Kings Highway next to a church and in the vicinity of similar facilities, doctor's offices and other institutional uses.
2. The development of this site with no more than 95 age-restricted units is consistent with the densities of similar facilities in this area around Lewes.
3. Sewer service will be provided by Sussex County as part of the County operated sanitary sewer district.
4. The development will be served by central water.
5. The proposed development will not adversely affect neighboring properties or roadways.
6. The Applicants have stated that this project is intended to meet the demand for seniors for a facility that is designed to fill the gap between a high-end apartment complex and a full-service senior care facility. There is the need for this type of senior housing in Sussex County.
7. The proposed restaurant and fitness center will be a shared-use facility available to both the residents of this project and the public. Because these will not be exclusive to the projects' residents, the housing costs will be lower than other similar projects. The public restaurant and fitness center uses are also appropriate along Kings Highway, and

- they are consistent with other similar uses in the area. In addition, according to the recommendations of approval and based upon statements made during the public hearing, other types of ancillary commercial uses are appropriate instead of a restaurant or fitness center. Examples could include medical or physical therapy facilities.
8. DelDOT has stated that the impact of this project on area roadways will be minor. The Applicant will also be required to comply with all DelDOT entrance and roadway improvement requirements.
 9. The proposed use promotes services of the Goals, Objectives and Strategies in Chapter 8 of the County Comprehensive Plan regarding “Housing” and the expansion of housing opportunities for Sussex County’s aging population.
 10. There was no opposition to this Application.
 11. This recommendation is subject to the following conditions:
 - a. There shall be no more than 95 dwellings units constructed on the site. As proffered by the Applicant, these units shall be operated and maintained as housing intended for occupancy by persons 55 years of age or older in compliance with the Federal Fair Housing Act and the Housing for Older Persons Act. In addition to these housing units, the project may also include a restaurant, fitness center or other similar uses open to the public but compatible with the primary use as an age-restricted residential project. The location and type of these additional uses shall be shown on the Final Site Plan. To the extent that these uses do include a restaurant, the restaurant shall close no later than 10:00pm and any music or entertainment shall cease by 9:00pm.
 - b. All entrances, intersections, inter-connection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s requirements.
 - c. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
 - d. The Conditional Use shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - f. The Resources on the site as defined by the Sussex County Zoning Code shall be protected, and Resource Buffers shall be installed and maintained in accordance with the requirements of the Zoning Code.
 - g. The Applicant shall submit as part of the Site Plan Review a landscape plan showing all buffers and the proposed tree and shrub landscape design, including the landscaping along Kings Highway.
 - h. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

- i. Construction, sitework, grading and deliveries of construction materials, landscape materials and fill on, off or to the property shall only occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and in Spanish shall be prominently displayed at the site entrance during construction.
- j. All lighting on the site shall be directed downwards so that it does not shine on neighboring or adjacent properties or roadways.
- k. The site plan presented during the public hearing showed a fence between this property and the church next door. An alternative landscaping plan showed a potential shared garden/patio area between the two properties. Under either scenario, there shall be pedestrian interconnectivity between this development and the church next door.
- l. This site is located within a wetland protection area. Therefore, the site plan and the development of the site shall comply with the applicable requirements of Chapter 89 of the Sussex County Code.
- m. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried to recommend approval of C/U 2527 LIC Housing, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Mr. Allen – yea. Mr. Passwaters abstained.

PUBLIC HEARINGS

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

C/U 2510 Henry Villegas-Solis

An Ordinance to grant a Conditional Use of land in a B-1 Neighborhood Business District for an auto repair shop to be located on a certain parcel of land lying and being in Sussex County, containing 0.61 acres, more or less. The property is lying on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06 mile south of John J. Williams Highway (Route 24). 911 Address: 28375 & 28377 Layton Avenue, Millsboro. Tax Map Parcel: 234-32.00-67.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant’s Exhibit Book, a copy of the Applicant’s presentation, the Preliminary Conditional Use Site Plan, the DelDOT Service Level Evaluation Response letter, and the Staff Analysis. Mr. Whitehouse stated that three comments had been received on behalf of the application.

The Commission found that Mr. Henry Villegas-Solis spoke on behalf of his application; that also present was his son, Mr. Julien Villegas. Mr. Villegas-Solis stated that he had purchased the property five years ago; that at that time he performed many renovations, such as new siding and new shingles, and at the back of the property, there is a big shop, where he performs mechanic work.

Mr. Julien Villegas spoke on behalf of his father and the application. Mr. Villegas stated that his father enjoys performing mechanical work; that they also have other family members who enjoy performing mechanical work; that there is a large shop located in the back of the property; that his father's tools and equipment are located within that shop; that the shop has four lights within it; that at times, his father forgets to close the shop doors; that his father had received a complaint from a neighbor for that reason; that there are no motion lights placed outside, as his father did not want to disturb the neighbors; that the lights are only for the shop, and will not be present when the shop is closed, and his father submitted the application to ensure his use of the shop was legal within Sussex County.

Mr. Mears questioned all the activities and uses that would be performed on the site.

Mr. Villegas stated that his family runs a roofing business; that they have business trucks, and they purchase vehicles, perform mechanical work to use for themselves.

Madam Chair Wingate questioned if the roofing business was previously approved, as she believed the current Conditional Use application was for the purpose of a mechanical business only.

Mr. Whitehouse advised the Commission that before them was a Conditional Use requesting approval for an auto repair shop; that the property was the subject of Constable activity in 2023, at which time a Sussex County Notice of Violation was issued for an illegal business; that the Constables had provided notes regarding the roofing business, however, the current Conditional Use did not request approval for a roofing business, and there was no record of any previous approval for the roofing business for the site.

Mr. Villegas stated that his family was not operating the roofing business from the site, and the trucks they work on are used for the roofing business.

Mr. Mears questioned Mr. Robertson about whether the public hearing was permitted to continue, as the application was not advertised for the roofing business use.

Mr. Robertson stated that the Commission could not move forward with considering the roofing company's use, as the roofing company's use was not included on the application, advertised, or stated in the ordinance, and that the Commission could move forward with the hearing considering only the auto repair business use.

Mr. Allen questioned whether the auto repair business was a licensed business or not.

Mr. Villegas stated that his family currently did not have a license for the business, but they would work toward getting one, and they only perform mechanic work for themselves at the moment.

Mr. Collins stated in general, the Commission tries to promote and support the growth of small businesses where they are able; however, the Commission also wants to ensure that those small businesses do not negatively impact adjacent neighbors.

Mr. Villegas translated that his father, Mr. Villegas-Solis, had attempted to obtain a lawyer; that the application is a small case, and no lawyers were interested in taking his case.

Mr. Collins stated that if the Conditional Use was recommended for approval, the Commission would likely require many conditions, such as privacy fencing, screening, and reconfiguration of existing lighting in an attempt to avoid negative impacts to the neighbors.

Mr. Villegas translated that his father wanted to please the neighbors; that his father was not opposed to conditioned business hours; that they understand the drill guns for the tires are loud, and they are willing to have business hours completed by a certain time.

Mr. Collins stated there would likely be other conditions around the storage, disposal, and licensed removal of any fluids and toxic materials.

Mr. Villegas stated that they have time to do that, and that is something they were looking to do.

Mr. Passwater questioned whether a business was operated on the property or if the work being performed was on personal vehicles only.

Mr. Villegas stated that they do perform work on their work vehicles, which is the only thing that would push it to be business-related.

Mr. Mears questioned what the desired hours of business operations would be.

Mr. Villegas stated the proposed hours of operation would be from 9:00 am until 6:00 pm, with occasional later hours until 8:00 pm on the weekends.

Mr. Villegas stated that his father did not mind what the business hours would be, based on what business hours the neighbors would prefer; that it is a big shop; that his father has not put up outdoor lights or cameras, in an attempt not to disturb the neighbors; and his father would like to place lights outside of the shop; that they do store items of value, such as fans, trucks, motors and bobcats outside, and would like to have cameras.

Madam Chair Wingate questioned why a bobcat is located on the site, if there is no business operations happening on the site.

Mr. Villegas stated that his father recently purchased a Bobcat, which remains on the site; that he personally owns a Can-Am vehicle, which will likely be stored within the shop to ensure it is protected as well; that the Bobcat is for personal use; that his father is from Costa Rica, and he may want to send the Bobcat to Costa Rica in the future; and his mother has a property in Seaford, which will require a lot of yard work, and the Bobcat will help assist in that.

Mr. Villegas translated for his father, who stated that the roads were beat up when he purchased the property, and he had always tried to take care of the roads as well.

Mr. Mears questioned what days of the week the Applicant intended to operate.

Mr. Villegas stated his father requested business hours from Monday through Saturday, but should neighbors have any objection to Saturday hours, he would be agreeable to Monday through Friday as well and would request permission to have lighting on the property as well.

Mr. Robertson questioned whether people bring vehicles to the property to be repaired for payment.

Mr. Villegas stated that his primo (cousin) purchased a car, which his uncle performed work on when he was available; that is not a service they advertise, and they only keep it within the family.

Mr. Collins questioned whether the Applicant purchases vehicles to fix up and resell.

Mr. Villegas stated no, that his father does not purchase vehicles to resell; that his family enjoys fixing vehicles, and they have Bobcats and tow trucks on the site.

Mr. Collins questioned whether the Applicant only fixes personal vehicles, occasionally friends' vehicles, and the vehicles belonging to the roofing business, which is not operated on the subject site at all.

Madam Chair Wingate questioned whether they provided vehicle towing services as well.

Mr. Villegas stated they do not provide vehicle towing services; that the tow truck has been on the site for a year and a half, and he was unsure why it was on the site.

Mr. Collins questioned whether the tow truck was operational or licensed.

Mr. Villegas stated that the tow truck is licensed; that it was purchased to switch the transmission, and he had planned to ship it to Costa Rica, however, it did not work out as planned.

Mr. Allen questioned what the existing larger building is being used for at the current time.

Mr. Villegas stated that the building with black shingles, located at the rear of the property, is the

only building used for their mechanical work.

Mr. Robertson stated that the Commission normally would see these types of applications located within the AR-1 (Agricultural Residential) Zoning District; however, the subject site is located within the B-1 (Neighborhood Business) Zoning District; that because the zoning is B-1, some of the uses are permitted; that he would suggest that the Commission defer action for further consideration, to allow the Commission to consider the record, and to allow staff to confirm what uses are permitted, and what uses would require a Conditional Use approval, what needs to be done; that the Applicant is not beginning the process at the baseline of zero, where no business is permitted; that it is unusual as the Commission does not often see Conditional Use request within the B-1 District; that within the B-1 District, automobile parking lots are a permitted use; that even filling stations, subject to multiple conditions, is a permitted use within the B-1 District; that the B-1 zoning permits for stores, shops and retail businesses; that there are a number of uses that would be permitted on the site; that there may be a requirement, which would clean up the site by submission of a Site Plan; that the Site Plan would allow everyone to know what is happening on the site, where the use is happening, where the buildings are located, and where parking is located in relation to the required setbacks, and it appeared as the Applicant goes through the process, that the Application is a bit more complicated than it appeared initially.

Madam Chair Wingate stated she felt there was a bit more happening on the site than what was discussed within the hearing.

Mr. Whitehouse requested to provide clarification of his previous comments; that there were three comments submitted on behalf of the Application, and had been placed into the record..

Madam Chair Wingate stated that the Commission has seen and read the submitted comments, and had watched the submitted videos as well.

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

Mr. Tom Wolfe spoke in opposition to the Application. Mr. Wolfe stated that his rear yard is located adjacent to the front of Mr. Villegas-Solis' property; that he had submitted comments and videos regarding the application; that there is a lot happening on the site, and it creates a constant disruption; that the site is being used as an auto repair shop, vehicle storage, and residential duplex, with two families, totaling approximately 10 people; that the vehicles are stored right against his property; that he understood the property is located within the B-1 District, however he did not know of any other storefront that faces an adjacent residence; that most storefronts face a roadway; that work is being performed all hours of the day and on the weekends; that there are dilapidated conditions; that all of the uses mentioned within the Staff's Memorandum were really low impact businesses, such as flower shops, office spaces, and barber shops; that there were no similar businesses approved within the area; that the proposed use of automotive repair is not compatible with the property; that the site is surrounded by four residences; that there are not enough setbacks,

especially if the shop is to be used as it currently is, because the shop is facing his property; that he believed the requirement is a 60 foot Front Yard Setback; that he had submitted a video where there are vehicles coming and going from the site; that there is always something going on at the site, whether it be the coming and going of vehicles or the heavy machinery; that the only access to the site is essentially squeezing by Layton Avenue; that there is a lot of noise disruption; that this is the type of business that belongs on Rt. 24, not on a side street, surrounded by residences; that the Applicant did have an assessment performed based on vehicular flow; that once the bypass is completed, Layton Avenue will become the only secondary way in and out of Jersey Road; that at this time Layton Avenue is more of a tertiary or alternative route; that that if the Conditional Use is granted, there will be a lot of traffic flow; that there is not much visibility from Jersey Road, going to Layton Avenue; that the barn is an eyesore; that he felt the building should be torn down, not granted usage for a business; that he requested the Commission deny approval of the Conditional Use; that he felt the Applicant should propose a business use to be placed in the building facing Layton Avenue, for a more quaint use, such as a flower shop or something more conducive for the B-1 Zoning District; that everything that was listed was incompatible to be located so close to residential properties; that he requested that the Commission decline any subsequent request for any type of mechanical or disruptive use to the surrounding properties, and those uses are not compatible with the surrounding residences, with insufficient setbacks; that the orientation of the buildings are incompatible; that the property stores Bobcats, cement trucks, cement mixers, with lights shining onto this property; that the current use is more of an industrial park; that he felt he base case scenario would be for the Applicant to tear down the front of the building to face Layton Avenue, and be restricted to one business; that he is not aware of any Jiffy Lubes, where people are meandering around after hours, tinkering with this and that; that he felt the proposed business hours were still too broad, and when he sits on his deck, he is eye level with everyone out there, who are standing on equipment and banging on things.

Mr. Robertson stated that the Staff Memorandum lists other Conditional Use applications located within a one-mile radius of the site; that when reviewing those, they are all located within the AR-1 (Agricultural Residential) Zoning District, except for one application, which was located within B-2 (Business Community) Zoning District; that there was a Conditional Use for a flower shop or a beauty shop, which was less intensive, however those uses were also being requested within the AR-1 (Agricultural Residential) Zoning District; that the subject site is located within the B-1 (Neighborhood Business) Zoning District; that Mr. Wolfe's property is located adjacent to a property zoned B-1; that the B-1 Zoning District, by right permits uses such as ice distribution stations, automobile parking lots and/or garages, a bank, a bakery, with other more intensive uses such as a dry cleaning and laundry business; that a filling station is permitted to be placed on the property; that there are site plan requirements, but essentially, a Royal Farms could be placed on the property by right, subject to meeting those requirements; that a large part of the application is Site Plan related, as much as it is use related, and the Commission will need to consider multiple different things.

Ms. Joan Balback spoke in opposition to the application. Ms. Balback stated she resides adjacent to the site; that when she purchased her property 40 years ago, there was a small photography shop

located on the site; that she was unaware of the B-1 (Neighborhood Business) Zoning designation; that she did submit a letter with pictures; that the submitted pictures reflect all the equipment that is parked along Layton Avenue; that Layton Avenue will be an access road once the Millsboro bypass is completed; that when she mows her lawn, she had seen mounds of trash placed along the tree line; that she questioned where parking would be placed, as she could not understand where all the vehicles would park; that several years ago, all the residence along Jersey Road had a large water issue with Mountaire, because there had been water pollution coming from the water irrigation systems around the neighborhood; that she feared, with a mechanical business, a lot of oil and fluids may pollute the wells; that she questioned who would monitor the safety of the wells; that Layton Avenue used to be a very quiet little side street; that currently cars are constantly coming and going; that she had counted up to 10 to 15 trucks, vehicles and vans, and she feared that the approved business would bring more traffic to the site.

Mr. Mark Brittingham spoke in opposition to the application. Mr. Brittingham stated that his detached garage is located adjacent to Mr. Villegas-Solis' property; that he can hear various noises from the site anytime throughout the day and night; that he had owned his property for four years; that he mostly hears the noise in the early evening; that the noise does bother his wife's sleep at times, and he did not understand how the proposed business fit into the neighborhood.

Ms. Cecchine questioned how many employees currently work on the site.

Mr. Villegas-Solis stated that the only employees operating on the site were two, consisting of his brother and himself.

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 2510 Henry Villegas-Solis. Motion by Mr. Mears to leave the record open for the following reasons:

1. To review with staff the permitted uses that are allowed in the B-1 zoning,
2. The existence of building permits and Certificate of Occupancy for all the buildings on the property,
3. The history of the zoning and the legal non-conforming uses associated with this property and any site plans associated with these uses,
4. Any information that staff has regarding the duplex on the site,
5. To receive information from DelDOT confirming any change in use or access to or from Layton Avenue or Jersey Road as a result of the Millsboro bypass.

The motion was seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2519 Savini Companies

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a general contracting and home construction business, service & professional offices and storage to be located on a certain parcel of land lying and being in Sussex County, containing 5.57 acres, more or less. The properties are lying on the north and south sides of Old Silo Lane, and on the west side of Shingle Point Road (S.C.R. 249), approximately 0.81 mile north of Gravel Hill Road (Rt. 30). 911 Address: 16902 Shingle Point Road, 8301 Old Silo Lane, Milton & N/A. Tax Map Parcels: 235-25.00-33.00, 33.02 & 33.04.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book and presentation materials, the Conditional Use Site Plan, the DelDOT Service Level Evaluation Response letter, and a copy of the Staff Analysis. Mr. Whitehouse advised the Commission that zero comments were received on behalf of the application.

The Commission found that Mr. Mark Davidson, Vice Principal and Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicants, Mr. Anthony Savini, and Mrs. Jessica Savini of Savini Companies. Mr. Davidson stated that Mr. Savini, a principal owner of the company and the current owner of the properties, was also present; that the application requested Conditional Use approval for land located within the AR-1 (Agricultural Residential) Zoning District, to allow for a general construction and home construction business service, with professional offices and storage to be located on certain parcels of land, lying and being on the north and south side of the Old Silo Lane, being west of Shingle Point Road; that Shingle Point Road had a State highway classification as a local road; that the site is located approximately one mile south of Delaware Rt. 5, being a major collector road; that the site is one mile north of Gravel Hill Road (Rt. 30), which is also a major collector road, as well as, a State truck route; that the properties consist of approximately 5.57 acres; that the Savinis have owned the property since 2009; that within the submitted exhibits, the subject properties are reflected in a tan color, surrounded by properties reflected in a green color; that the green colored properties, are other properties that the Savinis currently own, with the exception of one property, located adjacent to the rear, which was approved by the Sussex County Planning & Zoning office on August 8th, 2025, to be subdivided from Parcel No. 34.01, and will be added to the other properties, but are not subject to the current Conditional Use application; that the Savinis do not currently own the property, but are in the process of purchasing the property, which will add to a buffer for the existing uses currently happening on the site; that currently the properties are improved with an existing Old Silo Lane, and an existing dwelling; that the existing dwelling is an old 1920-1930s circuit farmhouse, which is registered in the Bureau of Archaeology and Historic Preservation; that the farmhouse was renovated by the previous owners, and subsequently renovated further by the Savinis; that the property additionally has three outbuildings, driveways, parking, areas of trash containment, landscaping, and an in-ground pool; that the site is serviced by a domestic well and septic system; that there also is an old Silo, which is part of the old farmhouse and previous farming operation many years ago; that the properties are bordered on the north and south by existing agricultural lands, which are all zoned AR-1 (Agricultural Residential); that the lands are bordered on the west by Ingrams Branch, and an existing borrow pit, known as the Hastings Pit, located in

the back; that Shingle Point Road is located to the east; that across the road, there is an existing Four Winds, major subdivision, which is currently under construction; that according to the 2045 Future Land Use Map of the Comprehensive Plan, the property is identified as a Low Density area, which is a rural area; that the proposed project is consistent with the guidelines for the projects located within Low Density areas, as it provides a place primarily for personal service uses to be developed to serve the needs of a relatively small area, and its primarily low and medium density areas; that the 2020 Delaware State Strategies and Policies indicated the property to be located within an Investment Level 4; that the proposed Conditional Use is subject to the provisions of Articles 4 through 24, and §115-22 of the Sussex County Zoning Code, which states that the purpose of Conditional Uses is to provide for certain uses which cannot otherwise be well adjusted to their environment in a particular location, with full protection offered to surrounding properties by rigid application of the district regulations; that the Savinis have been in business for over 20 years, offering premier residential building services, serving their community in Sussex County with a commitment to excellent craftsmanship and personalized service; that they currently have four full time employees accessing the site; that they are looking to add four new employees in the future; that general contracting, home construction, business services and professional offices are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the use, the importance of its relationship to the Comprehensive Plan, and the possible impact on neighboring properties, the proposed use requires the exercise of the planning judgement on location site; that a Preliminary Site Plan was submitted into the record; that one of the properties contains an old building which Mr. Savini renovated, and is currently being used for company storage of equipment and materials; that further in the back there is another building; that Ingram Branch follows the back property line; that Mr. Savini had kept everything out of the existing wooded area; that there are no plans to further any improvements back to the existing tree line; that as reflected on the submitted aerial images, Mr. Savini had kept the property clean and tidy; that there is a fence installed between the two back buildings; that he had planted trees along an adjacent property line to provide additional buffer from the adjacent neighbors; that Mr. Savini owns the property located on the south side; that there is existing trees and buffering around the existing house; that the existing house will be used for the office space for the business; that the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of the surrounding properties; that properties and use will have access from Shingle Point Road, which is a local road; that right of way dedication and easements will be part of the application moving forward; that the proposed Conditional Use will not adversely affect the congestion of the roads, as confirmed by DelDOT Service Level Evaluation response, which deemed the traffic impact to be negligible; that DelDOT did not require a Traffic Impact Study to be performed; that according to DelDOT the site is located within the Milton Transportation Improvement District (TID), which is currently under development; that should the application not be further along in the process, the application will be required to be part of the Milton TID; that there are wetlands on the property, located near the rear, along Ingram Branch; that there will be no encroachments of any activities, as part of the proposed application, anywhere near Ingram Branch; there are no threatened or endangered species located on the property; that there is no need for public water, as the site is currently served by a private on site well and wastewater septic system, which serve the needs of

the business; that the property is not located within an Excellent Groundwater Recharge or Wellhead Protection area; that the property is located within two different Flood Zone areas, being Flood Zone X, and Flood Zone A; that Flood Zone A is located along Ingram Branch at the rear of the property; that the property is located within the Milton Fire Department's service area for fire protection; that they had submitted into the record, proposed Conditions of Approval; that in the proposed conditions, the Applicant did request a sign of 32 square feet, which will be placed at the front of the property; that the business hours are proposed to be Monday through Friday, from 7:30 am to 5:00 pm, and Saturdays from 8:00 am to 12:00 pm, with no Sunday hours; that all security lighting will be screened as to ensure it does not shine on neighboring properties, and 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 providing sufficient space, in an appropriate location for certain uses, which cannot be well adjusted to the environment in a particular location with full protection offered to the surrounding properties by rigid application of the District regulations, which are essential, desirable for the general convenience, order, growth, prosperity and welfare of the County.

Mr. Mears questioned if all material storage would be placed within the building, if vehicle maintenance was performed on the site, what type of construction equipment would be parked outside of the building, if the Commission should consider a few additional employees that the four proposed, and if the proposed sign is to be lit or not.

Mr. Davidson stated that all materials storage is housed within the existing building; that no vehicle maintenance would be performed on the site; that the Applicant does have trucks and trailers, along with some personal heavy equipment; that the Applicant is not an equipment operator, nor is he an equipment contactor, he simply stores some of his own personal equipment on the site; that the Applicant would appreciate approval of six additional future employees, and the sign is proposed to be unlit.

Madam Chair Wingate questioned whether there would be one vehicle on the site for each employee.

Mr. Davidson stated he had the pleasure of previously having work performed by Mr. Savini; that all the employees arrived in a Savini vehicle; that all four employees, which includes Mr. Savini, have Savini vehicles; that when he previously had work performed by Mr. Savini, all business was conducted at this house, never at Mr. Savini's office, and Mr. Savini already had parking areas established on the site, with a pull over area to avoid anyone backing out onto Shingle Point Road.

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

The Commission found that Ms. Linda Greybeal Callaway spoke in opposition to the application. Ms. Callaway stated that she is Mr. Savini's neighbor, that she has owned her property since 1982; that if Mr. Savini purchased the land, which currently belonged to her sister, Ms. Janet Callaway,

then Mr. Savini will become her direct neighbor; that she expressed concerns regarding noise, construction, and lights coming; that the existing flood lights shine back onto her home; that she was concerned about construction equipment coming in and out, and making noise; that there are already two proposed developments going in across the street; that their lives will be forever changed with the developments; that she appreciated the proposal of no Sunday hours, and that there are red fox squirrels located on the property, which she believed to be endangered.

Madam Chair stated that the Commission had the authority to condition the lighting, so that it is required to be downward screened, so as not to shine onto Ms. Callaway's property.

Mr. Savini stated that his business is a general contractor business; that most of the work is performed on the job site; that his company builds about eight to ten custom homes per year; that they do not perform any work on equipment or projects from the site, other than loading equipment with a forklift; that the forklift does have a backup alarm, and he did not feel disengaging the backup alarm would be beneficial for safety reasons.

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 2519 Savini Companies. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 5-0.

RECESS

4:47 pm – 4:54 pm

Chair Wingate recused herself and left Council Chambers. Mr. Mears assumed the role of chair.

C/Z 2021 Crosswinds Landing, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an AR-1-RPC Agricultural Residential District - Residential Planned Community (352 dwellings) for certain parcels of land lying and being in Sussex County, containing 183.19 acres, more or less. The properties are lying on the southwest side of Lighthouse Road (Rt. 54), and on the west side of Dickerson Road (S.C.R. 389), approximately 310 feet northwest of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). 911 Address: 33080 Lighthouse Road & N/A. Tax Map Parcels: 533-18.00-63.00 & 56.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Preliminary Subdivision Plan, a copy of the drafted Homeowner Association bylaws, the Applicant's presentation exhibits, the Applicant's rendering, the Environmental Assessment, the State PLUS comments, the Applicant's response to the PLUS comments, a letter received from the Sussex County Engineering Department Utility Planning Division, the Sussex County Engineering Department's review of the

Drainage Assessment information statement, the DelDOT Traffic Impact Study, the Applicant's Chapter 99-9C written responses, and written responses from the Technical Advisory Committee members. Mr. Whitehouse stated that four comments were submitted on behalf of the Application.

Mr. Robertson, for the benefit of the public and the new Commission members, explained what a Residential Planned Community (RPC) was and how the Commission is permitted to place conditions on RPC approvals.

The Commission found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant, Crosswinds Landing, LLC; that also present was Mr. David Sobczak, with Crosswinds Landing, LLC, Mr. Chris Flathers with Morris Ritchie & Associates, Mr. Joe Caloggero with the Traffic Group, and Ms. Kimberly McNew with Geotechnology Associates. Mr. Fuqua stated that an exhibit book was submitted, which contained relevant information about the application; that additionally, there was a comprehensive Information Booklet submitted regarding the application itself; that the application proposes a residential planned community, known as an RPC; that the site consists of 183 acres of land, located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a mixed-use RPC of 352 residential dwellings, which would be comprised of 161 single-family lots, and 191 townhouses; that the name of the development is proposed to be Swann Lake; that that no change in zoning is being requested; that the underlying zoning will remain as the current zoning of AR-1 (Agricultural Residential); that the property is located slightly southwest of Williamsville; that the site has frontage on the south side of Lighthouse Road (Rt. 54), and also on the west side of Dickerson Road and West Line Road; that Bayview Estates and Americana Bayside are located to the east of the site; that the Maryland line is a short distance to the south of the property; that to the west of the site, along Rt. 54, is the Williamsville Industrial Park, as well as a 74-acre parcel owned by Sussex County, which was purchased by Sussex County in the 1980s; that according to the State Strategies for State Policies and Spending map, the site is designated within Investment Levels 3 & 4; that the Level 4 areas of the site are the general location of the environmental features of the site, being Buntings Branch, White Oak Swamp Ditch, and some adjacent wetlands; that those areas, located within the Level 4 area, will not be impacted by the proposed development, and will remain undisturbed; that the development is concentrated in the areas designated with Investment Level 3, which are areas where growth is anticipated by the State and County plans; that under the Sussex County Zoning Ordinance, the site is located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a RPC (Residential Planned Community) overlay; that the purpose of an RPC is to create a superior living environment, for larger scale developments; that an RPC permits a development to contain mixed residential uses, generally being single-family and some form of multi-family units; that the RPC section of the Zoning Ordinance provides a specific process for determining the permitted density within an RPC; that when applied to the subject property, the permitted density is determined by taking the total site area, of 183 acres, subtracting from that the proposed street right of way of 19 acres, resulting in a net development area of 164 acres; that under the RPC Ordinance, it would be divided by the minimum lot area of the underlying zoning district, being AR-1; that the formula would permit the proposed RPC a maximum of 357 residential units, which is what was being proposed; that the project also results in a gross density of 1.92 units per acre; that according to the 2018 Sussex County Comprehensive Plan; that

the plan contains the Future Land Use Map; that per the Future Land Use Map, the property is located within a Coastal Area, being designated as a Growth Area within Sussex County; that according to the Comprehensive Plan, growth areas seek to encourage the County's most concentrated forms of new development, including most higher density residential development; that the Comprehensive Plan further states that a range of housing types, including single-family homes, townhouses, and multi-family units, should be permitted in the Coastal Area, that the plan states that medium and higher density development of four to 12 units per acre can be appropriate in certain locations, being areas where central water and sewer are available, and where the proposed use is in keeping with the character of the area; that the plan recognizes that higher density could be permitted in these types of areas; that the application does not seek a high density, as it proposed to maintain the existing AR-1 density; that the proposed development seeks to utilize the RPC to create a mixture of single-family homes and townhomes, while maintaining the existing AR-1 density; that the Application is consistent with the State Investment Level designations; that the Application is compliant with the provisions of the Sussex County Zoning Ordinance, and in accordance with the provisions of the Sussex County Comprehensive Plan; that the development was designed utilizing the superior design process, which is recommended for cluster subdivision developments; that they first identified the portions of the property that should remain undisturbed and preserved; that next, the most appropriate locations for development on the site should be identified, followed by streets, lots, trails, and recreational area should be laid out; that in accordance with the process, they first identified the environmental features; that all the environmental features are located toward the center of the property; that there is Buntings Branch that runs west to east, from the Sussex County owned property to West Line Road; that located south of the branch is a man-made lake, which is the result of a borrow pit operation which had been conducted on the site since the 1940s to 1950s; that the lake itself had gradually expanded in size and shape over the decades as material had been removed; that the lake's current size is approximately 29 acres, with a maximum depth of 50 feet; that provided the RPC would be approved, the borrow pit operation would be terminated; that the lake would be reclaimed as a recreational component for the proposed development; that to the south of the lake, is the location of the White Oak Swamp Ditch, which also runs from the west boundary line to West Line Road on the east; that adjacent to the ditch on the south side, is an area of non-tidal wetlands; that Geotechnology Associates performed a Wetland Delineation for the property; that the delineation found that there were approximately 14 acres of federally regulated non-tidal wetlands on the site; that the majority of those wetlands are located adjacent to the ditch; that there are three small wetland pockets in the northeast corner of the site; that the wetland delineation was reviewed by the U.S. Army Corps of Engineers, and an approved Jurisdictional Determination letter was issued on January 3, 2024; that the resource areas will remain undisturbed; that the required resource buffers will be provided in accordance with the Sussex County Resource Buffer Ordinance; that the 183 acre site is partially wooded; that there are 65 acres of existing woodlands; that 30 acres of the woods will be impacted by the development, resulting in approximately 35 acres (54%) of the existing woodlands being preserved; that in order to avoid disturbance of the environmental areas, the development is proposed to be located in two sections of the property; that the north section will have an entrance from Lighthouse Road; that the southern section will have an entrance from West Line Road; that the north section will contain 255 residential units, comprised of 116 single-family homes, and 139 townhouses; that the small southern section will contain 97 residential units, comprised of 45 single-

family homes, and 52 townhouses; that the development is to be served with central water for domestic use and fire protection by Artesian Water Company, who was already serving the area; that the proposed on-site water distribution system is anticipated to connect to the existing artesian water infrastructure, which was currently located along Lighthouse Road; that the development would be served as part of the Sussex County Sewer system, as were the surrounding communities; that the Sussex County Engineering Department indicated that the sewer capacity is available for the development; that a new pump station will be located on the northeast corner of the site; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations, and will be reviewed and approved by the Sussex Conservation District; that the stormwater facilities will meet or exceed the current stormwater regulations, including management of water quality and quantity; that Geotechnology Associates also performed a Subsurface Exploration Study, which was performed to determine the recommendations for stormwater facilities locations and site work preparation; that a Traffic Impact Study was prepared by the Traffic Group, and was performed in accordance with DelDOT's requirements; that DelDOT issued a Traffic Impact Study (TIS) letter on February 1, 2024, which stated that the Applicant would be responsible for the improvement of both sides of the paved roadways along the site's frontages along Rt. 54, West Line Road, and Dickerson Road, to meet DelDOT's standards and requirements; that the construction of the Rt. 54 entrance and West Line Road entrance, in conformity with the configurations that are described in the DelDOT TIS letter; that the Rt. 54 entrance will require, in addition to through lanes, a 240-foot right turn lane on the eastbound side of Rt. 54, and a 210-foot left turn lane on the westbound side of Rt. 54; that the West Line Road entrance will have a right turn lane westbound, and a bypass lane eastbound; that there is a current DelDOT study, called the West Line Road, SR 54, Lighthouse Road Intersection Improvement Project, which may result in a roundabout at the Rt. 54 and West Line Road intersection; that the Applicant will be required to make an equitable contribution of \$103,500.00, toward the project, as part of its DelDOT approval; that the Applicant will be granting a 15-foot permanent easement to DelDOT, from the edge of the right of ways along the site frontage on all three roads previously mentioned; that within the 15-foot easement, the Applicant will be constructing a 10-foot wide shared use path designed with pedestrian and bicycle improvements to be determined by DelDOT; that the entrance to the northbound section will have separate ingress and egress lanes; that the road frontage along Lighthouse Road will be attractively buffered with the 10 foot shared use path; that adjacent to that there will be a 30-foot wide, extensively landscaped buffer area with a five foot high berm; that not only will this create a very attractive appearance along Rt. 54, it will act as a noise buffer for the homes located on the interior; that the southern entrance from West Line Road will also have separate entrances and landscaping; that the development's 161 single-family lots will have an average lot size of 8,413 square feet; that the 191 townhouse lots will have an average lot size of 4,062 square feet; that the development's design provides that all the lots will be adjacent to some type of community open space; that no two lots rear yards will directly front one another; that overall, the development will contain 352 units, which does comply with the density required for an RPC; that the development streets will be constructed to Sussex County Engineering Department requirements; that as shown on the Site Plan, sidewalks will be constructed on both sides of the development streets, with one exception being the cul-de-sac street of Wedge Court (reflected as David Lane on the Preliminary Site Plan); that this area only had homes proposed on one side of the street; that sidewalks are not needed on both sides of the street in that

area, and will only be provided on the side where the homes are located; that in order to avoid impact to the existing wetlands and environmental features, there is no internal road connection proposed for motor vehicles between the northern and the southern sections of the development; that there will be a boardwalk-type connection from the Wedge Court (aka David Lane) cul-de-sac to Benno Court, connecting the sections purely for pedestrians, bicycles, and possibly golfcart use; that the main recreational area is located on the north section of Black Swann Lane, fronting the lake, and will consist of a community clubhouse, with a minimum floor area of 3,000 square feet, an outdoor pool with a surrounding patio and deck area; that will be bocce ball courts, a playground or tot lot, and gathering areas with fire pits; that there will be parking for 44 vehicles; that on the plan it reflected two pickleball courts next to the clubhouse that the courts may be modified to provide for a more passive type of activity, as pickleball is beginning to become undesirable due to the noise associated with it; that the details of the recreational area will be provided and reviewed by the Planning Commission as part of the Final Site Plan approval process; that located in the front of the clubhouse area there will be a boardwalk connecting the recreational area to the beach on the north side of the lake; that there will be a designated area for swimming, bathing, launching and storage area for kayaks and stand up paddle boards, and there will be a walking trail, with no anticipation of any motorized aquatic vehicles; that the southern section of the development will have an approximately one-acre park, that the park will be landscaped; that the park will contain a pergola, benches, tot lot and parking spaces in conformance with the Subdivision Ordinance; that the recreational amenities will be completed prior to the issuance of the 60% of the residential building permits, as it is required by the Zoning Ordinance; that the development's total community open space, as it is defined by the Zoning Code, will be approximately 114 acres (62%) of the 183 acre site; that the location of the development is in the service area of the Roxana Volunteer Fire Company; that the Applicant is proposing to voluntarily commit, that upon the issuance of a Certificate of Occupancy for each residential unit within the Swann Lake development, an annual contribution of \$100.00 to the Roxana Fire Company will be made; that the contribution will be collected and paid by the homeowners association; that the contribution will be collected from each homeowner through their HOA dues; that the Applicant did request a caveat be placed, that should the State or County enact a law requiring a mandatory payment to the fire company, that the proposed obligation would no longer apply; that this obligation had been proposed as Condition P in the proposed Conditions of Approval; that the site is located within the Indian River School District; that a school bus stop, or stops, will be located near the development entrances or at the clubhouse; that the exact location of the bus stops would be coordinated with the school district; that it is anticipated that the development would be constructed in six phases over approximately five to seven years; that Mr. Fuqua requested to submit into the record, proposed Findings and Conditions for the Commission's consideration; that the Swann Lake RPC is located within the Coastal Area, being a designated Growth Area according to the Comprehensive Plan; that the plan states Growth Areas are locations where development should be placed, even at much higher densities; that the existing AR-1 (Agricultural Residential) zoning density will remain unchanged, and the RPC density will be in accordance with the permitted density for an RPC within the AR-1 district; that the proposed development will offer a variety of housing, with both single-family, as well as townhouses; that the plan proposes superior recreational amenities; that the proposed development will replace an existing borrow pit excavation operation, by reclaiming and revitalizing the borrow pit as a community lake for recreational use and visual appearance, and the Applicant

requested the Commission recommend approval on the application, subject to any conditions the Commission deem appropriate.

Mr. Collins questioned the staff whether or not notice was provided to the local school district, and if the school district provided any response.

Mr. Whitehouse stated that staff had notified the school district, and if a response was received, it would have been included within the record.

Chairman Mears requested confirmation that, should the development be approved, the developer will work with the local school district to provide a bus stop as needed.

Mr. Fuqua stated that yes, the Applicant would work with the local school district on the location of a bus stop, and the development may require more than one, as there would be two entrances.

Mr. Collins questioned, if the application were to be denied, whether the Applicant could return with a new proposal to build the same number of homes, but with the development sprawled across the entire property.

Mr. Fuqua stated that he could not speak for the Applicant in that circumstance, but confirmed that it would be an option for the Applicant; that if the proposed development were not approved, he would anticipate that the property would remain as a borrow pit, or be developed in another way at two units per acre, and the current development proposed a density less than a cluster subdivision.

Mr. Collins stated that higher density helps to control sprawl, which helps preserve natural features that exist on the site.

Mr. Robertson stated that the current application did not propose higher density; that the application proposed the same density permitted within the current zoning of AR-1 (Agricultural Residential); that the only difference is the different type of housing units proposed, as it is not just single-family homes that are generally provided within a typical cluster or standard subdivision, and the property would be permitted to go through the Major Subdivision process as a cluster subdivision at two units to the acre, which would result in a much different looking application.

Mr. Whitehouse questioned whether the indicative area shown on the rendering was the area for the townhouse, including the yard, whether the building would be touching the buffer, or if a yard would be provided at the back of each unit.

Mr. Fuqua stated that he believed that the area is reflected as a lot, and it is not intended that the buffer will effectively become the backyard; that townhouses can be condominiums, which have no lots, and the current plan proposes individual lots, which will be subject to a Rear Yard setback within each of the reflected rectangles.

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

Mrs. Roberta Cordara spoke in opposition to the Application. Mrs. Cordara stated that she and her husband reside along West Line Road; that they had seen a lot of changes; that Chicken Farm Road is located behind their property; that Chicken Farm Road is reflected in a different color on one of the Applicant's exhibits; that if Chicken Farm Road is taken away, the five houses located behind her property will no longer have access to the back of their property; that the County designated her septic, being the rear of her property; that if the road were taken away, they will have no access to their property, should anything go wrong with their septic tank or septic mound; that she questioned whether a survey had been performed on the number of accidents, including fatal accidents, that had taken place; that the road was originally a farm road; that it is 50 mph; that there are tractor trailers to motorcycles drag racing on the road; that it traffic had been getting increasingly worse; that the proposed development would be dumping 700 additional cars to the area of West Line Rod

Mr. Richard Cordara spoke in opposition to the Application. Mr. Cordara stated that the area is agricultural farmland from Muskrat Town to Bishopville Road; that there are irrigation ditches; that he did not believe there was any way to expand it; that when Lighthouse Road was closed to place the cross pieces, drivers realized that West Line Road led to the same place; that there are no red lights or traffic signals on that roadway; that when a deer jumps out of a cornfield, there is nowhere to go; that there was a recent fatality of a man who attempted to avoid hitting a deer, but hit a tractor trailer and did not survive; that the increased traffic being proposed on West Line Road will increase traffic on Lighthouse Road, with no place for the traffic to thin out; that they have a private well and septic, and he questioned how the construction would affect the groundwater moving forward.

Mr. Fuqua stated that the project would be serviced by central water, provided by Artesian; that the project would not be taking any water from the ground; that all stormwater designs must comply with all DNREC and Sussex Conservation District requirements; that regarding the West Line Road concerns, it is DelDOT's purview to determine the upgrades and requirements; that DelDOT is requiring the Applicant to contribute \$100,000.00; that he believed DelDOT would be placing a roundabout at the West Line Road and Rt. 54 intersection, which is located further east of the site; that West Line Road is not located at the site's corner; that he assumed the Applicant's contribution was to be placed toward a safety improvement from DelDOT's point of view, and the Applicant cannot control the traffic racing on West Line Road.

Mr. Robertson requested more information regarding the concern about Chicken Farm Road; that it appeared to him that the road ran in the area of the perimeter buffer along the southern side of the site, and he questioned if Chicken Farm Road was the only access to the Gregory or Wendell A. Bunting properties.

Mr. Whitehouse stated that there was a License Reference number, and a Deed Book and Page referenced, and he questioned what they were referenced for.

Mr. Chris Flathers, the Engineer for the project, stated the during their deed research for the property, there was no record of an easement found through that area; that there was no right of way or easement known to be in that area; that on the submitted plan, they had shown Chicken Line Road to be eliminated because it was located on their property; that he was unsure if Chicken Farm Road was the only access to the Gregory property or the Wendell A. Bunting property; that the reference number references a small easement, where it bumps out onto the subject site, being a odd trapezoidal area; that a buffer is proposed to be placed in that area; that they placed the buffer around the easement; that it is wooded, other than that section, and if there were required to plant, they would plant a vegetated buffer within that area.

Mr. Joseph Lieb spoke in opposition to the Application. Mr. Lieb stated that he had lived in the area for 50 years; that West Line Road is crazy; that until the roads get better, it will get worse; that he suggested starting with the roads first; that a quarter acre for a home site is small, and he questioned if 116 acres out of 183 is open space.

Mr. Mears stated that the Sussex County Code was changed to allow for more open space, and the project's proposed open space meets the requirements of the Ordinance.

Mr. Alfred Lynch spoke in opposition to the Application. Mr. Lynch stated his wife owns a property along Lighthouse Road; that there is currently a main drainage ditch that runs from Rt.54, follows their property line, and runs back to Bunting Branch; that it appeared to him that the ditch will now terminate at the end of their property line, and he questioned where the water is anticipated to go other than his property.

Mr. Flathers stated it did not appear that there was a tax ditch located within the mentioned section; that in accordance with the County and State regulations, the project would maintain drainage patterns, and would not impound water onto adjacent properties; that they will continue the current drainage pattern, and that if there is water currently cutting through that area, the Applicant would have to accept that water, and convey it back to the ditch.

Mr. Whitehouse stated that there is a tax ditch located on the neighboring parcel, with a tax ditch easement, which terminates at the property boundary, and that there was no tax ditch located on the subject property.

Mr. Robertson questioned whether the Applicant intends to get an amendment to the tax ditch easement, if applicable, as it appeared that the tax ditch easement ran potentially along the back side of some of the townhouse lots.

Mr. Flathers stated that the intention is to work with tax succession and the managers to amend that area.

Mr. Robertson stated that there appeared to be a tax ditch on an adjacent property; that it appeared the tax ditch easement was located on the subject property, and he questioned how the required buffer

and the tax ditch easement would fit in the back of the proposed townhouse lots.

Mr. Flathers stated that the area would most likely be reworked; that they would likely end up piping that section of the ditch to bring it into the property, rather than maintain it along there, and they would place inlets along the property line to pick up the water, rather than running it parallel with the property.

Mr. Whitehouse questioned whether trees are proposed to be placed on top of underground infrastructure, or if trees would not be placed in those areas, and if the buffer depth or the number of trees would be compromised.

Mr. Flathers stated that they would not be permitted to place trees on top of any piped areas; that they would look into what would be needed to configure the infrastructure; that they would work with Planning staff to figure out what their options would be, such as modifications of the buffer or potential adjustments through the engineering process.

Mr. Robertson stated that the area was somewhat unusual in the fact that Sussex County owned the property adjacent to the site, and that the adjacent parcel would never be developed.

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 2021 Crosswinds Landing, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 4-0. Ms. Wingate abstained.

Ms. Wingate returned to Council Chambers and resumed her role as Madam Chair.

PUBLIC COMMENT

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

Meeting adjourned at 5:55 p.m.

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountysde.gov.
