

THE MINUTES OF THE REGULAR MEETING OF APRIL 28, 2022.

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, April 28, 2022, in Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware. Members of the public were also able to attend this meeting by teleconference. The teleconference system was tested during the meeting by staff to confirm connectivity.

The meeting was called to order at 5:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, and Mr. Bruce Mears. Also, in attendance were Mr. Vincent Robertson – Assistant County Attorney, Mr. Jamie Whitehouse – Planning & Zoning Director, Mr. Chase Phillips– Planner II, Elliott Young- Planner I, and Ms. Ashley Paugh – Recording Secretary.

Mr. Whitehouse advised the Commission that staff requested the Revised Final Site Plan for Coastal Tide (F.K.A. Arbors of Cottagedale), listed under Old Business, be removed from the agenda, as the Applicant had submitted a further revised plan; that both Revised Final Site Plans are included within the packet; that after discussions with the Applicant, staff have requested to remove the Revised Final Site Plan from the agenda and the plan will be brought back to the Commission at their meeting in two weeks.

Ms. Wingate requested (S-22-03) Steiner Road Industrial Park be removed from the agenda due to receipt of a supplement packet yesterday and she feels the information is too extensive for the Commission to currently review.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the agenda as amended. Motion carried 5 - 0.

Motion by Ms. Wingate, seconded by Mr. Mears to approve the Minutes of the March 24, 2022, Planning and Zoning Commission meeting as circulated Motion carried 5 – 0

OTHER BUSINESS

(2018-24) Sycamore Chase (F.K.A. Good Will Farm & Willow Run)

Revised Final Subdivision Plan

This is a Revised Final Subdivision Plan for the creation of a cluster subdivision consisting of one-hundred and four (104) single-family lots with amenities including a clubhouse and pool. The Final Subdivision Plan for the development was approved by the Planning and Zoning Commission at their meeting of Thursday, March 11, 2021. The property is located on the west side of the intersection of Peppers Corner Road (S.C.R. 365) and Central Avenue (Route 84). Specifically, revisions to the plan include the extension of the ROW on Big Ben Court and Sunrise Court and to utilize the multi-modal plan as the buffer along Bayard Road and Peppers Corner Road as has been the case with other proposed projects due to DelDOT regulations. The proposed ROW extensions will not affect setbacks and the Sussex County Engineering Department has provided approval for these changes. The Revised Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Zoning District: AR-1 (Agricultural Residential District). Tax Parcels: 134-18.00-55.00, 134-19.00-5.00 & 6.00. Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Revised Final Subdivision Plan. Motion carried 5-0.

(S-19-46) Ocean Park

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of one (1) 30,00 square foot office building, one (1) 7,700 square foot office building, and one (1) 7,700 square foot restaurant, as well as other site improvements. The parcels total 5.482 acres +/- and are located on the southwest corner of the intersection of Cedar Grove Road (S.C.R. 283) and Plantations Road (S.C.R. 275). The Applicant requests relief to allow parking in the front yard setback. The Applicant has also indicated that the two parcels will be combined prior to the submission of the Final Site Plan. The Revised Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). Tax Parcels: 334-12.00-50.00, 334-12.00-51.00. Staff are awaiting agency approvals.

Ms. Stevenson questioned if the parking along Cedar Grove Rd. is considered within the front yard setback; that she does understand the Applicant is requesting relief in parking to the front yard setback on both sides; that she has no concern with the parking proposed along Cedar Grove Rd.; that on the maps it is mentioned the parking is set back far enough it provides room for expansion of the road if needed and these were her main concerns.

Mr. Phillips stated the parking relief request is in reference to the 60-ft. required setback; that there is more room if expansion is needed, and the request is more of a technicality.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Revised Preliminary Site Plan with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

(S-21-35) Millsboro Fire Company Substation

Preliminary Site Plan

This is a Preliminary Site Plan for the adaptive reuse of the existing structures on the site as a fire company substation for the Millsboro Fire Company. The Sussex County Council approved this use through Conditional Use (CU 2314) at their meeting of Tuesday, November 30, 2021, and the change was adopted through Ordinance No. 2816. The property is located on the northeast corner of Lewis Road (S.C.R. 409) and Millsboro Highway (Route 30). The Applicant's Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Zoning District: AR-1 (Agricultural Residential District). Tax Parcel: 133-20.00-17.16. Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to approve the Preliminary Site Plan with final approval by staff. Motion carried 5-0.

Peninsula Lakes Residential Planned Community (RPC)

Revised Amenities Plan

This is a Revised Amenities Plan for the previously approved and established Peninsula Lakes Residential Planned Community (RPC). The Peninsula Lakes Residential Planned Community was established through Change of Zone #1474 which changed the zoning on the site from Agricultural Residential (AR-1) District and General Residential (GR) District to Medium Density Residential, Residential Planned Community (MR-RPC). The Application was approved by the Sussex County Council on Tuesday, November 19, 2002, and the change was adopted through Ordinance No. 1572. The Final Site Plan for the development was approved by the Planning and Zoning Commission at their meeting of Thursday, October 16, 2008. Changes to the previous Amenities Plan include the relocation of the pavilion to the south side of the walking path, the revision of the bocce and horseshoe court locations, and the relocation of the proposed playground area (tot lot) to be located at the north end of

the tennis court parking area. The Revised Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Zoning District: MR-RPC (Medium Density Residential – Residential Planned Community). Tax Parcels: 234-29.00- 248.00, 249.00, 249.01, 249.02, 256.00 & 259.00. Staff are in receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to approve the Revised Amenities Plan. Motion carried 5-0.

(2017-17) Hailey’s Glen (F.K.A. Keilbasa)

Revised Amenities Plan

This is a Revised Amenities Plan for the Hailey’s Glen subdivision, a cluster subdivision comprised of sixty-seven (67) single-family lots and proposed amenities to include a double-sided fireplace, 1,120 square foot open-air pavilion, 308 square foot patio, and 204 square foot mailbox station. The Commission may recall that the previously proposed Amenities Plan was reviewed at their meeting of Thursday, February 17, 2022, where it was determined that, due to reasons including safety and traffic circulation concerns, the mail area be relocated to a better-suited location. Staff have been presented with an amended plan which addresses the Commission’s earlier concerns. In addition, staff have provided a copy of the Meeting Minutes from the previously mentioned meeting for the Commission’s review and this information has been included in the Commission’s packet for this evening. The Revised Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Zoning District: AR-1 (Agricultural Residential District). Tax Parcel: 234-12.00-11.00. Staff are in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Revised Amenities Plan. Motion carried 5-0.

Sussex Bible Church

Preliminary Site Plan

This is a Preliminary Site Plan for the Sussex Bible Church for the creation of a proposed 31,250 square foot church building, a 240 square foot pavilion, an amphitheater, athletic field, softball field, and other site improvements. The property is located on the east side of Harbeson Road (Route 5) and on the northwest side of Cool Spring Road (S.C.R. 290). The Preliminary Site Plan complies with the Sussex County Zoning Code. Zoning District: AR-1 (Agricultural Residential Zoning District). Tax Parcel: 234-10.00-75.00. Staff are awaiting agency approvals.

Ms. Wingate stated she appreciated the proposed layout, and the layout utilized the whole property in a great way.

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

Lands of Joshua Loose and Kristen Loose

Minor Subdivision Plan

This is a Minor Subdivision Plan for the creation of three lots plus residual lands off a 50-foot access easement. Proposed Lot 1 consists of 2.6 acres +/- . Proposed Lot 2 consists of 1.11 acres +/- . Proposed Lot 3 consists of 1.25 acres +/- and the proposed residual lands consist of 3.04 acres +/- . Staff notes that a tax ditch right-of-way divides Lot 3 and Lot 4 and that the right-of-way extends 80 feet into Lot 4 as measured from the top of bank. The property is located on the west side of Pyle Center Road (S.C.R. 382) in Frankford. It is requested that final approvals be made by staff upon the receipt of all agency approvals. This will allow a modification to the access easement as DNREC does not permit the access

easement and the tax ditch right-of-way to overlap. Otherwise, the Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 533-5.00-73.00. Staff are awaiting agency approvals.

Ms. Wingate questioned if the Applicant would be required to work with DNREC and their Tax Ditch Program regarding the tax ditch easement.

Mr. Whitehouse stated the Applicant is required to work with the Fire Marshal's Office to ensure an appropriate turn-around area is provided; that the Applicant must also ensure what is proposed will not create any issue to the tax ditch right-of-way or the tax ditch organization and if the approval were to be finalized by staff could allow approval to be contingent on both of the requirements being met, along with all other agency approvals.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Minor Subdivision Plan with final approval by staff upon receipt of all agency approvals. Motion carried 5-0.

OLD BUSINESS

2021-28 Lands of Fannin – A standard subdivision to divide 4.45 acres +/- into five (5) single-family lots to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County. The property is lying on the north side of Shawnee Road (Route 36), approximately 0.70 mile southwest of S. DuPont Highway (Route 113). Tax Parcel: 130-3.00-170.00. Zoning: MR (Medium Density Residential District).

The Commission discussed the application which has been deferred since April 14, 2022.

Mr. Hopkins moved that the Commission grant preliminary approval of Subdivision 2021-28 for Lands of Fannin, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1 which permits low-density single-family residential development. The proposed subdivision density of 5 lots on 4.45 acres of land is significantly less than the allowable density.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, public buildings, and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. The subdivision complies with the requirements of Section 99-9C of the Subdivision Code.
7. Given the relatively small size of this subdivision at only 5 lots, it is appropriate to grant a waiver from the grading and buffer requirements of the Subdivision Code.
8. This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 5 lots within the subdivision.
 - B. If required, the stormwater management system shall meet or exceed the requirements of the State and County.
 - C. All entrances shall comply with all DelDOT's requirements.
 - D. There shall be a shared maintenance agreement established for the common maintenance of the roadway providing access to these lots. This shared maintenance agreement shall

be included on the Final Site Plan or recorded as a separate document in the Office of the Recorder of Deeds.

- E. The Final Site Plan shall be subject to the review and approval of Sussex County.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to grant preliminary approval of 2021-28 Lands of Fannin for the reasons and conditions stated in the motion. Motion carried 4-0.

The vote by roll call: Mr. Hopkins- Yea, Mr. Mears – Yea, Ms. Wingate – Yea, Chairman Wheatley – Yea, Ms. Stevenson - Abstained

C/U 2318 V&M, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE AND OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.305 ACRES, MORE OR LESS. The properties are lying on the southeast corner of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (S.C.R. 284) also on the southeast side of John J. Williams Highway (Rt. 24) and also on the southwest side of Mulberry Knoll Road (S.C.R. 284). 911 Addresses: 19429, 19425, 19405, & 19387 John J. Williams Hwy. & 19676, 19662, 19646, & 19634 Mulberry Knoll Rd., Lewes. Tax Parcels: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, 112.00.

The Commission discussed the application which has been deferred since April 14, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2318 V & M, LLC for a convenience store and office based upon the record made during the public hearing and for the following reasons:

1. The site is at the intersection of Route 24 and Mulberry Knoll Road. Route 24 and this intersection are undergoing substantial improvements, with a traffic light to be installed at the intersection. This is an appropriate location for the proposed use.
2. This location serves an area that has experienced residential growth. It is also near two relatively new schools and the recently constructed Troop 7. This Conditional Use will provide a convenient location for retail and automobile fueling for nearby residential developments as well as Route 24 traffic.
3. The Applicant will be required to comply with all DelDOT entrance and roadway improvements as required by DelDOT's TIS Review Letter and DelDOT's Letter Agreement.
4. The site will be served by central water and Sussex County sewer.
5. The site is in the Commercial Area according to the current Sussex County Land Use Plan. This type of business is appropriate in this Area according to the Plan.
6. The proposed Conditional Use lessens the congestion on area roads by providing appropriate commercial activities at the Route 24 and Mulberry Knoll Road intersection so that residents and visitors to the area can meet some of their commercial needs without having to travel to Route One or the Angola areas.
7. The proposed Conditional Use meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
8. There was no opposition to this Application.
9. This recommendation is subject to the following conditions:

- a. The use shall be for a 5,000 square foot convenience store with fueling stations and a 12,000 square foot office building.
- b. The Applicant shall comply with all entrance, intersection, and roadway improvements required by DelDOT.
- c. Fuel and petroleum products shall be stored and dispensed as required by all State and Federal requirements.
- d. All security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- e. Any dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- f. The Developer shall comply with all stormwater management requirements and the Final Site Plan shall contain the approval of the Sussex Conservation District.
- g. The site may have the signage permitted in the C-3 District.
- h. There shall be a landscape area along the site's common boundary with lands of the Cape Henlopen School District and lands of Ralk Properties, LLC to screen this site from these adjacent properties. A landscaping plan shall be submitted as part of the Final Site Plan.
- i. The site shall comply with the parking requirements and calculations set forth in the Sussex County Zoning Code. The Final Site Plan shall clearly show these areas and all parking areas shall be clearly marked on the site.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2318 V & M, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Mr. Mears- Yea, Chairman Wheatley – Yea

C/Z 1962 Jeff-Kat, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.19 ACRES, MORE OR LESS. The property is lying on the east side of Kings Highway (Rt. 9) approximately 0.36-mile northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267). 911 Address: 1005 & 1007 Kings Highway, Lewes. Tax Parcel: 335-8.00-39.00 (portion of).

The Commission discussed the application which has been deferred since April 14, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/Z 1962 for Jeff-Kat, LLC for a Change in Zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle service stations.

2. The site is adjacent to the applicant's property which is currently used for a brewpub/restaurant. This location is appropriate for this type of zoning.
3. As stated by the Applicant, there will be interconnectivity between this site, the existing brewpub restaurant, as well as the adjoining property.
4. The expansion of the Applicant's C-3 zoning will improve the vehicle movement and parking on the entire site and the area in general.
5. The site will be served by central water and sewer.
6. The site is in the Coastal Area according to the Sussex County Land Use Plan. This type of commercial use is appropriate in these areas according to the Plan.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1962 Jeff-Kat, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

The vote by roll call: Ms. Stevenson – Yea, Mr. Hopkins – Yea, Ms. Wingate – Yea, Mr. Mears- Yea, Chairman Wheatley – Yea

PUBLIC HEARINGS

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

C/U 2341 Caden Oplinger

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARM TRACTOR AND TRUCK REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20 ACRES, MORE OR LESS. The property is lying on the southeast side of Shawnee Road (Route 36), approximately 0.23 miles south of Abbotts Pond Road (S.C.R. 620). 911 Address: N/A. Tax Parcel: 130-6.00-22.00.

Mr. Whitehouse advised the Commission that submitted into the record is the staff analysis, Site Plan, DelDOT Service Level Evaluation Response, a letter from Sussex County Engineering Department Utility Planning Division, and zero comments.

The Commission found that Mr. Caden Oplinger spoke on behalf of his Application; that his request is for a shop where he can repair farm tractors and trucks; that his Grandfather lives adjacent to his property; that the subject property is behind his Grandfather's property, which his Grandfather has owned since 1970; that he helps take care of his Grandfather who is considered disabled; that he has known his surrounding neighbors for decades; that he has friendly relationships with all of his adjacent neighbors; that he does not know of any adjacent neighbors who are opposed to his request;

Mr. Robertson questioned the location the repairs will take place.

Mr. Hopkins questioned the size of the building, the name of the business, what the definition of "fleet refinishing" is, the location the materials, supplies, and dissembled tractor parts would be stored on-site; that he questioned if it was trees located on both sides of the road located on the Site Plan; that he questioned

if a sign is requested on the property, being lighted or not; how many employees are proposed and he questioned if Mr. Oplinger proposed to work full-time or part-time.

Ms. Stevenson questioned if the Conditional Use request was for the entire parcel, or only for the portion of the property being used.

Ms. Wingate questioned the location and storage of all chemicals on the site.

Chairman Wheatley questioned if there would be any noise associated with the work performed; that he mentioned concerns to the storage of vehicles, stating the Commission avoids the property having an appearance of a junk yard and requested a description of what outside storage is proposed to be.

Mr. Oplinger stated all repairs would be constructed inside of the building; that the building is 60'x 80' in size; that his proposed sign to advertise his business as "Fleet Refinishing"; that Fleet Refinishing a business in which he took over; that in high school, he began working for a gentleman, where they would restore and repair old farm tractors, as well as other equipment; that he has always loved the job; that the gentleman retired and he took over the business; that he decided to use the original business name moving forward; that all materials, supplies and parts will be stored within the building; that no material, parts or work will be performed outside; that he farms the area around the building, as a hobby; that the adjacent property to the right is owned by his Grandfather; that he currently lives behind his Grandfather's property; that he keeps his personal implements behind his personal home; that on the Site Plan, there are Evergreen trees proposed on both sides of the road; that he would request permission for an advertising sign with a light; that he believes he will need only one to two employees; that he plans to perform this work full-time; that he is requesting a Conditional Use be granted for the portion of the property currently being used; that he will have proper storage of all chemicals located on site; that any noise would be associated with typical farm equipment, such as a running tractor; that all work will be performed inside of the building; that he prefers to have a clean, nice looking property and he cannot recall anything necessary to store outside; that currently everything he uses is stored inside a building.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to Application C/U 2341 Caden Oplinger. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

Chairman Wheatley stated the next two Applications for C/Z 1933 Route 54 Limited Partnership and C/Z 1934 Bunting Holdings, LLC will be combined for presentation purposes.

Ms. Wingate recused herself from the next two Applications and left Council Chambers.

C/Z 1933 Route 54 Limited Partnership

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.62 ACRES, MORE OR LESS.

The property is lying on the south side of Lighthouse Road (Route 54), approximately 0.39 mile east of Johnson Road (S.C.R. 390). 911 Address: 33006 Lighthouse Road, Selbyville. Tax Parcel: 533-18.00-59.00.

C/Z 1934 Bunting Holdings, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS.

The property is a landlocked parcel of land lying on the south side of Lighthouse Road (Route 54), approximately 0.39 mile east of Johnson Road (S.C.R. 390). 911 Address: N/A. Tax Parcel: 533-18.00-58.00.

Mr. Whitehouse advised the Commission, that submitted into the record for both Applications was the staff analysis, PLUS comments, property survey, DelDOT Service Level Evaluation Response, a letter from Sussex County Engineering Department Utility Planning Division; the Site Plan, one mail return for both Applications and zero comments.

The Commission found that Mr. Daniel Bunting spoke on behalf of the Applications, C/Z 1933 Route 54 Limited Partnership and C/Z 1934 Bunting Holdings, LLC; that he will be consolidating both presentations into one; that both parcels are contiguous and lying within the Coastal Area; that the Applicant's seek a C-2 (Medium Commercial) rezoning of the properties; that the proposed Applications are considered an infill rezoning; that currently there is C-1 (General Commercial) to the east and west of the property; that the property to the left is the location for the Bunting Construction office; that the subject property, owned by Route 54 Limited Partnership currently has a 1970's single-family home located on site; that the three acre property owned by Bunting Holdings, LLC is a landlocked agricultural parcel; that both properties have been placed through the PLUS process; that both Applications have received no objection from DelDOT or DNREC; that the C-2 Zoning is an applicable zone within the Coastal Area according to the Comprehensive Plan; that they feel both Application rezoning requests are proper rezoning considering the surrounding areas, as well as what the proposed rezoning could provide for the area in regards to the property location near residential subdivisions; that the proposal for commercial zoning will support future and existing residential homes in the area; that both Applicant's have no immediate plans for the site; that due to this, there was no Site Plan submitted with the Application and their rezoning requests are simply to plan ahead.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to C/Z 1933 Route 54 Limited Partnership or C/Z 1934 Bunting Holdings, LLC.

Upon there being no further questions, Chairman Wheatley closed the public hearings.

At the conclusion of the public hearings, the Commission discussed both Applications.

In relation to Application C/Z 1933 Route 54 Limited Partnership. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0. Ms. Wingate abstained.

In relation to Application C/Z 1934 Bunting Holdings, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 4-0. Ms. Wingate abstained.

C/Z 1980 MARS-RE, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.91 ACRES, MORE OR LESS.

The property is lying on the south side of Atlantic Avenue (Route 26), approximately 475 ft. east of Powell Farm Road (S.C.R 365). 911 Address: 34464 Atlantic Avenue, Ocean View. Tax Parcel: 134-11.00-191.00.

Mr. Whitehouse advised the Commission that submitted into the record is the staff analysis, Site Plan, Applicant Exhibits, the PLUS comments, the Applicant's response to the PLUS comments, the Applicant's proposed Findings of Fact; a letter from the Sussex County Engineering Department Utility Planning Division and zero written comments.

The Commission found that Ms. Mackenzie Peet, Esq, spoke on behalf of the Application; that she is an attorney with Baird Mandalas Brockstedt, LLC; that also present were members of MARS-RE, LLC, Mr. Roger Schwandtner and Mr. Maxwell Allen, as well as, Mr. John Murray, Senior Project Manager with Mott MacDonald Company; that Mr. Schwandtner has decades of experience in commercial development; that he has worked operations and business development in the food, retail and airport industries; that Mr. Allen is a United States Army veteran with an employment background in retail management; that Mr. Allen is currently employed as Delaware Relator with Long & Foster Real Estate; that there is a Long & Foster Sign located on the property; that the sign is only being used for advertisement purposes; that the property is not for sale; that Mr. Schwandtner and Mr. Allen are both full time residents of Dagsboro; that the Applicant requests a Change of Zone from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial); that the property is 3.9-acres +/-; that the property is located within the Baltimore Hundred at 34464 Atlantic Ave. in Ocean View, Delaware; the Applicant submitted a supplemental exhibit packet on April 14, 2022; that the Exhibit Packet includes the Planning & Zoning Application; property and deed information within Exhibit A, which confirms MARS-RE, LLC ownership of the property, a Conceptual Site Plan which was prepared by The Kercher Group, Inc. which is now a Mott McDonald Company as Exhibit B, the PLUS Application and PLUS comments dated April 22, 2021, and the Applicant's response to the PLUS comments, dated April 30, 2021, as Exhibit C; that listed in Exhibit D are applicable sections of the Zoning Code; that the Future Land Use Map and Table 4.5-2 of Zoning Districts applicable to Future Land Use Categories as Exhibit E; that aerial maps of the site, referencing Zoning District, Conditional Use, Future Land Use and Sewer Tier overlays as Exhibit F; that renderings prepared by Method Architects, LLC are within Exhibit G; that the proposed Findings of Fact are within Exhibit H; that the site is located on the southwest side of Atlantic Ave., Rt. 26; that the site is located approximately 350-ft. of the four way intersection of Powell Farm Rd., Omar Rd., Vines Creek Rd. and Atlantic Ave.; that nearby commercial and residential developments, which include a property located on the opposite side of the property, which is zoned CR-1 (Commercial Residential); that the property operates as a Carquest Auto Parts and Marine store; that the next adjacent site is a Goodyear Tire Center; located east on Atlantic Ave. is Good Earth Market, which is zoned CR-1 (Commercial Residential); that at the intersection of Roxanna Rd. and Atlantic Ave. there are properties zoned as C-1 (General Commercial), B-2 (Business Community), and CR-1 (Commercial Residential); that at the intersection of Roxanna Rd. and Atlantic Ave. there are a number of commercial uses, which include the Creative Concepts furniture store, Liberty gas station,

Hockers store and Walgreens; that in the opposite direction of the intersection of Roxanna Rd. and Atlantic Ave. is the location of St. George's Church, as well as properties zoned as MR (Medium-Density Residential) and GR (General Residential); that the site is currently vacant with trees bordering the rear yard perimeter of the site; that a small area of non-tidal wetlands, consisting of 0.45-acres; that within the Conceptual Site Plan it is shown the wetlands wrap around the rear yard and along the side yard; that open space has been prioritized near environmentally sensitive areas of the site; that the non-tidal wetlands will remain as an undisturbed area; that a 25-ft. wetland buffer area will be provided; that the project is located within the St. George's Tax Ditch Watershed, which is noted on the Site Plan; that the Applicant will submit the plan to DNREC's Tax Ditch Section, subject to the approval of the rezoning request, to address remarks made within the PLUS comments; that the project is located within Tier I of the Sussex County Unified Sewer District; that central sewer is anticipated to be provided by Sussex County; that central water is anticipated to be provided by Tidewater Utilities, Inc.; that the stormwater management system will meet or exceed the requirements of the State and Sussex County; that the increase in traffic and its effect on surround area roadways will be reviewed and approved by DelDOT in the Applicant's pre-submittal meeting with DelDOT; that the PLUS comments indicate the proposed improvements will generate less than 2,000 daily vehicle trips daily and less than 200 peak hour vehicle trips; that this allows the Applicant to pay an Area Wide Study Fee in lieu of a Traffic Impact Study (TIS); that this fee is calculated at ten dollars per vehicle trip, which equals \$5,480.00 as noted within the PLUS comments; that the mandatory shared use path, required by DelDOT will be added to the Final Site Plan; that the Applicant will also address DelDOT's comments to add a walkway connecting the interior of the development to the shared use path located at the front of the site; that the project is located within Investment Level 2 and Investment Level 3 according to the Strategies for State Policies and Spending Map; that Investment Level 2 reflects areas where growth is anticipated in the near term; that Investment Level 3 reflects areas where growth is anticipated in the longer term; that the PLUS comments confirm the Office of State Planning and Coordination has no objection to the proposed rezoning and development, provided the project is in compliance with the Comprehensive Plan, applicable codes and Ordinances; that the intended future use is a mixed-use development which will consist of a commercial space and multi-family residential units or any other permitted use within C-3 (Heavy Commercial); that other permitted uses with C-3 (Heavy Commercial) are agricultural related uses, such as commercial greenhouses and wholesale nurseries, residential uses such as hotels and motels, and commercial uses including convenience stores, gas stations, restaurants, business parks and professional offices; that the C-3 (Heavy Commercial) District is generally intended for larger scale service businesses along major arterial roads; that the zoning district does permit mixed-use developmental, including residential within commercial and office space, which is the current proposed use; that the intended rezoning is consistent with the purposes of the C-3 (Heavy Commercial) District; that the Applicant acknowledges the need to go through site plan approval for any proposed development of the site; that the proposed rezoning from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial) is also consistent with the Comprehensive Plan and Future Land Use Map; that the project is located within the Coastal Area; that the Coastal Area is a designated growth area which generally include the areas on the south eastern side of Sussex County; that this area was previously referred to as the Environmentally Sensitive Developing Area; that mixed-use development, like the proposed project, is permitted within the Coastal Area; that Section 2.3 of the Comprehensive Plan titled as Implications of Population Growth recognizes the benefits of mixed-use development in curving traffic and congestion implications of a growing population; that the Applicant's plan is consistent with the Comprehensive Plan as the Coastal Area is considered to be considered a compatible location for retail, office, large shopping centers and office parks located with access along arterial roads, much like Rt. 26; that the proposed C-3 rezoning is also consistent with the surrounding land uses, with other properties nearby being zoned for commercial; that noted within the Planning & Zoning Memorandum, since 2011 there have been six Change

of Zone applications submitted within a mile radius of the site; that these application resulted in AR-1 (Agricultural Residential) properties being rezoned to CR-1 (Commercial Residential) or B—1 (Neighborhood Business); that there are other commercial uses within the vicinity of the site which area zoned C-1 (General Commercial); that it is the Applicant’s position the intended use is consistent with, similar to and compatible with existing uses in the vicinity of the site, with some uses being more intensive than the Applicant’s mixed-use development; that Table 4.5-2 titled Zoning Districts Applicable to Future Land Use Categories confirms C-3 (Heavy Commercial) District is an applicable zoning district within the Coastal Area; that for all the reasons stated the proposed zoning meets the general purpose of the Zoning Ordinance by promoting the orderly growth, prosperity and welfare of Sussex County with the proposed rezoning and the intended future commercial use; that the proposed commercial use will provide needed commercial services to Sussex County residents living in the area; that in addition to the fact the proposed rezoning is compatible with the surrounding community because the site is located within an appropriate location on a commercialized, and increasingly commercialized Rt.26, which will support C-3 (Heavy Commercial) permitted uses to nearby residential and business uses and in addition to being consistent with the Comprehensive Plan and Future Land Use Map.

Mr. Mears questioned the height of the mixed-use building, as it is stated to be four stories high at 7,129 sq. ft.

Ms. Wingate stated the maximum height of 52-ft. was listed on the submitted plan.

Mr. Robertson stated should the Application be approved for rezoning the Applicant will be required to come back to the Commission for Site Plan approval.

Ms. Peet stated the height of the mixed-use building will be required to comply with the 42-ft. height requirements of the Sussex County Code; that the plan submitted is strictly a concept plan only; that when the Application was originally submitted, it was submitted for HR-2 (High-Density Residential); that HR-2 would have allowed for a higher building; that based off subsequent discussions an amendment was made to the Application; that the Applicant decided to request C-3 rather than HR-2; that C-3 is much more consistent with the surrounding area than HR-2; that any proposed structure would meet the height, area and bulk requirements of the C-3 Zoning District.

Chairman Wheatley stated he wanted to remind the Commission that the request before them is to change the zoning district; that once the property is rezoned, any permitted use within the district is allowed, regardless of what the Applicant has proposed, and their decision should be based on if the subject parcel of land is appropriate for the zoning being requested.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to Application C/Z 1980 MARS-RE, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 5-0.

C/Z 1956 Jeffrey Behney

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.546 ACRES, MORE OR LESS.

The property is lying on the northeast of the intersection of E Line Road (S.C.R. 419) and Parker Road. 911 Address: 38531 Parker Road. Tax Parcel: 333-15.00-20.00.

Mr. Whitehouse advised the Commission that submitted into the record is the staff analysis, Site Plan, DelDOT Service Level Evaluation Response, Sussex County Engineering Department Utility Planning Division, and zero comments.

The Commission found Mr. Jeffrey Behney spoke on behalf of his Application; that he is representing Over the Hill Holdings, LLC and the Delmarva armory, Range Time; that Range Time is a 15,000 sq. ft. indoor shooting facility; that no shooting is performed outdoors; that he is requesting a Change in Zone to C-2 (Medium Commercial) to allow security in the investment made into the property and along with the 15 employees who have been hired; that the 15 employees are supplied with health insurance and offered nice wage compensation and he requested the rezoning to offer security for his staff and the investment made on the property.

Ms. Wingate questioned if all activity is performed inside and if any noise would be made outside of the building.

Mr. Robertson questioned if the use was currently permitted under a Conditional Use; that if the property is rezoned, any use within the requested zoning district will be permitted; that if a Site Plan has already been approved, the Applicant would not be required to come back to the Commission for Site Plan approval if there is no change and questioned if Mr. Behney's Application request is to rezone the whole property.

Mr. Whitehouse confirmed the current use was approved as a Special Use Exception; that the Site Plan was reviewed, and the structures were permitted before being built.

Ms. Stevenson questioned if Mr. Behney needed a rezoning of the whole parcel; that he has residential neighbors and once they rezone the property, any permitted use within the requesting zoning would be permitted.

Chairman Wheatley requested Mr. Whitehouse bring up the Zoning District overlay in maps to reference where other commercial properties are located relation to the subject property.

Mr. Whitehouse stated the nearest commercial property is located to the north, over a mile away, which was referenced in red for C-1 (General Commercial) Zoning.

Mr. Robertson mentioned the property is located on the State line, that the maps of Sussex County will not reference any commercial activity across the line, and he questioned if there were any know commercial businesses used located nearby on the Maryland side.

Mr. Behney stated no noise would be heard outside of the property; that all activity would take place inside the building; that the noise range is 62 decibels in the parking lot on the property; that the property was currently approved as a Special Use Exception; that he is requested to rezone the whole 10.56-acre property;

that the back of the property is just a back yard they mow; that he does feel the whole property is required to be rezoned; that they keep the property clean; that they are requesting to rezone the whole property the way it is currently structured; that there are a couple of nearby properties, located on the Maryland side, being used for commercial use and his property is located right on the line.

The Commission found that Ms. Librada Famiglietti presented questions to the Application; that she and her husband live adjacent to the subject property; that they currently have no opposition to the Application or the Applicant; that the Applicant has been a good neighbor; that the Applicant does keep the property very clean; that she questioned why the property suddenly is required to be zoned for commercial; that they purchased their home, located within a residential area, with a back yard for agricultural purposes; that once the property is rezoned for commercial use, any permitted use within the zoning would be permitted; that based off of her research, there are many different uses which could be constructed within commercial zoning; that she is concerned for potential future uses if rezoned for commercial; that she is concerned what types of uses would be permitted which could impact her residential well located at the rear of her property; that she is concerned of the potential permitted use, if the property were to change owners; that she is concerned of her privacy should the rezoning be approved and there are families with small children near the subject property.

Chairman Wheatley stated Change in Zone Applications are very important, as when a Zoning District is changed, and permitted use within the Zoning District is permitted; that the Commission's job to consider the Change of Zone very carefully for that reason; that the Applicant has testified the reasoning for the rezoning request in order to protect their investment in the property; that if there was any other reasoning, it had not been placed on record for consideration by the Commission and if the rezoning is approved, the commercial zoning would stay with the property, even if the property were sold to new owners.

Mr. Whitehouse stated the related Board of Adjustment for Special Use Exception is referenced as BOA Case No. 1283; that this Application was heard by the Board of Adjustment on January 8, 2018; that the request was for a five-year approval for a Special Use Exception for indoor shooting and archery range; that the Application was approved by the Board of Adjustment; that the meeting minutes and Findings of Fact are dated March 6, 2018; that the five-year expiration date for the Special Use Exception has already started counting down and he believes the temporary five-year approval is what led the Applicant to proceed with the Change of Zone process.

Ms. Stevenson questioned if the Applicant could request a Conditional Use for the use within AR-1 (Agricultural Residential).

Mr. Whitehouse stated once the current Special Use Exception approved five-year time frame expires, the Applicant may request a renewal of the Special Use Exception for another five years, proceed with a Conditional Use, or request a Change of Zone.

Chairman Wheatley questioned why Conditional Use was not requested for the use initially.

Mr. Whitehouse stated the County Code specifically states the use is permitted as a Special Use Exception; that the Special Use Exception request is a faster process; that a Special Use Exception application is a hundred dollars cheaper to proceed through the Board of Adjustment and that the limitation to a Special Use Exception is the approval is limited to a maximum period of five years.

The Commission found there was no one present by teleconference who wished to speak in support or opposition to the Application.

Ms. Stevenson questioned what portion of the property is actively being used for the current business.

Mr. Behney stated the portion of the property actively being used for the current business is the main part of the parcel where the building is located; that they use the funnel area of the property to bring in equipment needed to clean the range; that they periodically perform cleanouts; that the cleanout process is a full recycling process of the lead; that was a major undertaking and a major expense to bring the range to Sussex County; that the funnel area of the property is where they bring in the recycling dozers to excavate the lead out of the indoor range; that the property looks completely different than what was represented on the map; that there is a commercial entrance located on the Maryland and Delaware side of the property; that the equipment come in around the back of the property; that there is black top that is located between the second building and the main building; that the black top area is where the excavators come in to recycle the lead; that the HEPA filter, which is the main infiltration unit, that cools and ventilates the indoor shooting range is also located in that area; that if the equipment requires servicing they must remove the 550,000-BTU unit; that to remove the unit a crane is required to pick up and move the unit; that all indoor ranges have a shelf life to the equipment; that this is the reasoning for the commercial rezoning request and the rezoning to commercial will allow the equipment to be brought on the property, which secures the investment made on the property.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to Application C/Z 1956 Jeffrey Behney. Motion by Ms. Wingate to defer action for further consideration, seconded by Ms. Stevenson, and carried unanimously. Motion carried 5-0.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTIONS 72-16 THROUGH 72-28 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-25, 115-29, 115-34, 115-37, 115-42, 115-45, 115-50, 115-53 AND 115-58 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRIP) PROGRAM

Mr. Whitehouse advised the Commission the Ordinance was noticed and posted on the Sussex County website; that one letter raising comment was submitted and has been circulated to the Commission.

The Commission found that Mr. Vincent Robertson spoke on behalf of the Ordinance; that also present was Ms. Brandy Nauman, who runs the Community Development and Housing Office for Sussex County; that the Ordinance originated back in 2018 with the 2018 Comprehensive Land Use Plan; that there was a lot of input offered related to the lack of affordable workforce housing in Sussex County; the basis for the initiative is cited in the Where As clauses of the Ordinance; that there is a housing vision which supports the intuitive; that in 2018 the Comprehensive Plan recognized an influx of new residents in Sussex County, which fueled prosperity within the County's real estate market, hospitality industry and related economic sectors; that most housing, particularly on the eastern side of the County is new and often unaffordable to low-income families, seasonal employees, entry-level workers, and recent college graduates; that the Comprehensive Plan also recognized the shortage of affordable housing remains a very real problem for low to moderate household within Sussex County; that there were a few objectives discussed within the housing element where the need to improve the Sussex County Rental (SCRIP) Program, by providing incentives to properly reflect the housing market, while

incentivizing developers to participate in the provision for affordable housing; that one of the strategies mentioned explore ways for private developers to provide multi-family affordable housing opportunities in Sussex County; that there were several objectives and strategies which mentioned facilitating and promoting land use policies that enable and increase in the supply of affordable housing in areas with adequate infrastructure, increase affordable housing options, which include supplying rental units near employment opportunities, review of County Code to determine if there are regulatory barriers to development of affordable housing, to revisit the Zoning Code to determine in districts where multifamily housing is currently considered a Conditional Use versus being considered a permitted use, where water and sewer area already present to the site; that there are other objectives mentioned in the housing element as well; that Ms. Brandy Nauman's office, in following the directives of the Comprehensive Plan developed and RFP for a housing consultant to provide recommendation for Sussex County, which was done in April 2021; that the County contracted with LSA to perform a Housing Needs, Market Analysis, Economic Feasibility Analysis, Housing Opportunity and Market Evaluations; that these were broad topics within the Comprehensive Plan; that he believes people do understand the need to address and increase the affordable and workforce housing opportunities in Sussex County; that it is one thing to discuss the need, but it is another issue to figure out way which works for Sussex County, the future residence and the developers who will build the units; that there is a current Rental Unit Program for Sussex County; that this program is known as the SCRCP Program; that when the SCRCP Program was originally initiated around 2008 or 2009, there was no study performed; that there were incentives offered in the initial program; that some of these incentives were expediting the Application, bonus density and other incentives; that within the last 14 years, there has only been one developer to utilize the SCRCP Program; that the feedback from the SCRCP Program was the program was economically inviable and the process was not smooth to go through, which resulted in no one utilizing the program; that the first issue was to identify why that was and try not to make the same mistake twice when developing a new program; that they attempted to develop a new program based on expert opinions and facts which confirms affordable and workforce housing could be supplied and Sussex County would be able to partner with the development community in a way which would be economically viable for developers; that there are elements to those areas within the LSA report; that LSA did have discussions with people who are involved and engaged in the process; that LSA had discussion with people from the public sector, private sector, housing sector and Sussex County staff; that there are a lot of different variables which went into this, such as the land use costs; that land use costs are higher on the coastal side of the County than on the western side of the County; that on the flip side of the situation, the market rate rent is higher on the coastal side of the County than on the western side of the County; that meanwhile the fixed costs and construction costs essentially remain the same on both sides of the County; that this example is an oversimplification; that the math of the situation is, there must be enough density, referenced by LSA as "Cross Subsidizing", where there must be enough of the market rate units to make the affordable and workforce housing units viable; that when there are lower property values on the western side of the County for market rate units; that it is tough to offer the units on the western side; that it is also difficult to offer on the eastern side, as there is higher rent, but also having higher land use; that the LSA report can be found on the Sussex County website; the LSA report determined 12 units per acre is required to make the program work; that within the LSA report it was stated the Zoning Code should be modified to promote housing and affordability within the growth areas identified within the Comprehensive Plan, which should include the by right allowance of a maximum density of 12 units per acre, where affordable units are provided; that they learned from the experience of developing the only SCRCP project, known as Coastal Tide, located behind Home Depot in Lewes; that Coastal Tide was a good test case; that the existing SCRCP Code provisions are located in Chapter

72; that the way the SCRPs provisions are drafted, it places Sussex County in partnership with the property management, by evaluating tenants; that it creates Sussex County to become a duplicate property management agency, despite there already being a property management agency present, who works for the developer; that they chose to change this issue by allowing all of the requirements to remain in place, but require the property manager or the developer to certify that they are complying with the requirements and supply the information and certification to Sussex County on an annual basis; that this allows for checks and balances within the processes, without duplicating work which is already being performed; that this is one of the big changes made to Chapter 72 of the County Code; that it removes the bonus and expedited densities; that the proposed Ordinance states if housing is provided to the qualified individuals, the developer would be permitted to do 12 units to the acre in all the residential zoning districts; that 12 units to the acres is already permitted within the HR Zoning Districts; that this would be allowed within AR-1 and AR-2 (Agricultural Residential) Zoning Districts as well; that there are conditions and requirements placed; that there were three main strategies mentioned within the final recommendations from the LSA report; that the strategy currently being focused on is for the modification to the County Zoning Code to help promote affordability in growth areas identified in the Comprehensive Plan; that the Local Housing Trust Fund is a separate initiative, which is currently underway; that the third strategy to preserve the existing supply of affordable housing is an ongoing initiative; that they have added the annual audit requirements; that the audit must be prepared by a Certified Public Accountant (CPA), who is not otherwise affiliated with the developer; that the County requires a third-party, independent auditor; that the auditor must certify that all Chapter 72 requirements and all the terms of the SCRPs agreement are being adhered to; that the auditor must confirm the status of each leased or vacant SCRPs unit; that the auditor must certify that each of eligible tenants renting an SCRPs unit within the project are eligible as of the date of the report; that the auditor must certify and provide the status and duration of any SCRPs unit vacancies; that the auditor must certify any marketing efforts to re-rent any vacant SCRPs units; that the auditor must provide a status list of any eligible SCRPs tenants waiting for an available SCRPs unit; that the auditor must provide any other information requested by the Certified Public Accountant's (CPA) office or by the Sussex County Community Development Department; that by setting these requirements, it will allow the developer to run the project, providing housing to tenants; that it also allows Ms. Brandy Nauman and the Sussex County Community Development Department to perform their jobs more efficiently; that they did place a penalty provision in the Ordinance, in the attempt to avoid a developer sitting on a SCRPs unit or not making a concerted effort to rent a SCRPs unit; that there is a provision in place which states if a SCRPs unit is rented at market rate, the developer will be required to pay the rent occurred to Sussex County, where it is placed back into the Housing fund for the County; that this penalty does provide an incentive to rent the units; that within the proposed Ordinance, affordable housing would be permitted by right in the Coastal Area, Developing Area and the Town Center Area; that these areas are all considered growth areas within Sussex County; that they placed standards within the Ordinance as to where the affordable housing could be located within the growth areas; that without the placement of the standards, it would almost eliminate the purpose of zoning; that they attempted to make sure the projects would be placed in appropriate locations, with appropriate perimeters; that the Planning & Zoning Office hired AECOM to take the proposed perimeters, attempting to confirm if development would be feasible with the proposed perimeters; that the LSA report confirmed the economic elements would work at 12 units to the acre; that AECOM was hired to ensure that the 12 units to the acre could be constructed, while meeting the separation, parking and stormwater management requirements; that stated in the proposed Design Criteria, at least 30% of the project units must be SCRPs units; that there must be a perimeter buffer of 100-ft.; that the permitted building height increased to 52-ft. and four stories; that due to the height limits, many of the multi-

family and apartment complexes within Sussex County have flat roofs; that they hoped of offer more flexibility for design ingenuity, where a pitched roof may be possible; that the open space is required to be at least 50%; that central water and sewer are required; that the LSA report did mention the necessity for central utilities; that he feels the project could move forward without central water, but he feels central sewer would be essential; that without central sewer, the project would require a lot more land to accommodate the required drain field for a project without central sewer; that he does understand this requirement will limit geographically where projects can be constructed; that if a commercial zoned property is located adjacent, there must be interconnectivity provided; that all sidewalks and streets will be interconnected with surrounding sidewalk systems; that walking and biking trails are required to be interconnected; that the trails would be permitted within the 100-ft buffer perimeter; that primary views for all units will be directed to open spaces and amenities; that this is a design requirement to avoid all of the units being crammed onto a parcel; that this is similar to the superiority design perimeters for cluster subdivisions; that projects should be located near and existing and/or planned DART route; that the idea is for the projects to be located near employment centers or allowing access to employment centers; that within the current Ordinance, it requires projects to be located within a half mile of an existing or proposed DART route; that DART had mentioned excitement in the Ordinance requirement, as it would promote DART ridership; that the housing requirements state only multi-family and rental units would be permitted; that the current Ordinance does not include home ownership; that home ownership is part of a separate plan for Sussex County; that home ownership would not require a property manager or developer running a project with market rate and SCRP units; that at least 30% of restricted units that average 80% of AMI or less; that compliance reporting is required, based on submitted audits and certifications; that there is financial penalties if the requirements are violated; that AECOM did produce two site plan analysis on a 10 acre parcel and a 30 acre parcel using the proposed perimeter requirements;

Chairman Wheatley suggested an exception be made for small projects, such as projects under 20 or 40 units; that he does not know if it would be feasible but wanted to offer the suggestion.

Mr. Robertson stated should exceptions for small projects be considered, he would suggest they reach out to the experts and Mr. Hans Medlarz with Sussex County Engineering, to obtain his opinion.

Ms. Stevenson stated she did attend a Low-Income Housing symposium; that there was a non-profit organization out of Salisbury present, that would be interested in projects of the proposed use and maybe companies like them would be interested in smaller-scale projects.

Mr. Whitehouse stated there is guidance from the Federal Highway Administration as to distances that are deemed walkable; that with a bicycle considered, the distances become greater and the location distance, relative to DART routes was based on the distances deemed “physically walkable”.

Ms. Wingate stated if central sewer and water are required, it would more likely be in an area of a DART route as well.

Mr. Hopkins questioned the 30% requirement of restricted units in relation to the 12.5% requirement; that he questioned if the 30% of units that average 80% of AMI or less; that AMI stands for Average Median Income; that he questioned if the definition of “moderate to low income” within the Ordinance is 30% to 80% and he questioned if a tenant must be 30% of 80%, how does the requirement play into the big picture of almost half of the workforce, as stated by the LSA report, being considerably under 80%.

Mr. Robertson stated the 12.5% was the requirement within the current SCRP program which they propose to remove and replace with the 30% requirement, which is the newly proposed requirement; that the State statute requires any deletions from an Ordinance, must be placed within brackets; that anything added to the Ordinance must be underlined and placed in italics; that this makes reading a document very hard to follow when in black and white print; that it is particularly difficult to locate where the brackets begin and end; that on the first part of Chapter 72, they attempted to highlight in red any place there was a change; that everything proposed to be removed is located within brackets and everything proposed to be added is referenced with underlining and italics.

Ms. Brandy Nauman stated the percentages can get confusing; that under requirement No. 2, to be eligible to receive permitted use, 30% of the project must be offered as affordable SCRP units; that for example 30 units out of 100 units must be offered as affordable SCRP units; that the 30% of SCRP units must serve a population that is 80% of the AMI or less and this is a standard that is considered moderate to low income.

Chairman Wheatley stated that 80% or less of AMI does contain a large portion of the workforce.

Ms. Stevenson questioned what 80% or less of AMI would look like in real income number statistics.

Ms. Nauman stated AMI stands for Area Median Income; that AMI does not differentiate between the east and the west side; that the AMI is County specific; that for a household of two people, the range would be \$18,030 to \$48,100 earned annually; that a one-bedroom rental unit is \$590, \$705 for a two-bedroom rental unit and \$815 for a three-bedroom rental unit; that those are the current rental prices being used within Coastal Tide; that the 2022 Income Limits were just released that week; that they will be updating the prices based off of the reported income limits, which did go up and that a family of four can earn up to \$60,100.

Mr. Whitehouse stated that they had to make certain assumptions; that they had AECOM provide site plan analysis to show projects could be constructed on a 10-acre parcel as well as a larger parcel; that for the 10-acre parcel, they assumed 1,000 sq. ft. per unit, with four floors and four units per floor; that this was able to be constructed in compliance to the 100-ft. setback requirement; that they were able to construct the project at 12 dwelling units to the acre while meeting the numerical requirements, parking requirements, setback requirements and include assumptions for stormwater management, as well as a community-building; that the model shows the flexibility and possibility to achieve development on a 10-acre parcel; that comments they received included flexibility of parking being important in allowing the arrangement of the buildings to work; that shown on the 30-acre model they used the same principle and same design assumptions, they were able to assume eight units per floor at 1,000 sq. ft. per unit with four floors; that this would allow for 30 units per building; that when again assuming 12 dwelling units to the acre, they were able to provide 360 dwelling units; that 30% of the 360 dwelling units would produce 72 Workforce Housing units; that they did show the 30 acre parcel as a slightly irregular parcel, not being a perfect rectangle; that even on the irregular parcel, they were able to consider stormwater management and the potential for the presence of wetlands; that they were able to establish that the project would be viable physically, in terms of the design and layout; that interconnectivity was able to be achieved; that they were able to place a community building at the front; that all the design criteria, unit number were met and all complied with required setbacks and this was all achieved without significant compromise and with room left over.

Ms. Stevenson questioned if there is a minimum lot requirement, or if anyone could build if they meet the requirements of the Ordinance.

Mr. Whitehouse stated there is nothing within the Ordinance that states a parcel must be a minimum of 10 acres or 30 acres and they chose those numbers for modeling purposes only.

Mr. Robertson mentioned the site plan analysis were all done to scale.

Ms. Wingate questioned if storage buildings are normally included with affordable housing.

Mr. Robertson stated they looked at several other projects; that they did not consider storage units and most affordable housing units do not offer separate storage units, as storage is typically built into the units themselves.

Mr. Hopkins questioned if the current Ordinance proposes 12 units to the acre, what would encourage developers to develop at 12 units to the acre if they are required to sacrifice 30% of their units, as they are currently only required to sacrifice 12% of the units and questioned if developers would be permitted to develop anywhere in Sussex County.

Mr. Robertson stated the proposed Ordinance permits 12 units to the acre as a permitted use; that in being a permitted use, there is no requirement for a public hearing before the Planning & Zoning Commission or County; that a developer would be permitted to go straight to Site Plan Review and a developer would be permitted to develop 12 units to the acre if they meet all the proposed Ordinance criteria.

Mr. Hopkins questioned if Robinsonville Rd would be an ideal location.

Mr. Robertson stated he could not speak to any specific locations, but one of the criteria is near an existing or proposed DART route; that he does not believe the location of Robinsonville Rd. would meet the DART route criteria; that he stated the State controls DART routes, and the presence of DART routes will be a limiting factor for projects.

Mr. Hopkins questioned if a developer could obtain a DART route from the State, they could potentially be able to develop a project.

Ms. Wingate stated DART may expand its proposed routes if they were guaranteed opportunities for ridership.

Mr. Robertson currently stated the existing DART route consists of Rt. 9, Rt. 24, Rt. 54, Rt. 26, Rt. 1, and Rt. 113

Chairman Wheatley questioned if a developer could secure a commitment for DART to extend a route within a half-mile of a proposed site would the parcel, then qualify.

Mr. Robertson stated Final Site Plan approval shall not be granted until a route is in existence and operated by DART.

Mr. Robertson stated there is a well-established acknowledgment that Sussex County does not have enough affordable or workforce housing; that they have looked at ways to achieve more workforce housing; that Sussex County itself, does not own housing developments; that Sussex County does not build them, does not own them, does not develop them; that the LSA report did mention what can be done to create affordable housing that is not currently being built in Sussex County; that the only way for affordable housing to be achieved is through the proposed density and by allowing the density to be a permitted use; that a lot of people will want affordable housing, but if a public hearing is required, there will always be arguments regarding density; that this creates everyone being put on the spot,

creating unpredictability and uncertainty and the public hearing process takes time to get through for approvals.

Ms. Stevenson stated everyone who currently does not live in Sussex County wants to see affordable workforce housing, everyone within the Government wants affordable workforce housing but the current residents of Sussex County do not necessarily want affordable workforce housing.

Mr. Robertson stated with the data he has received and the comments he has heard, he believes many people are in support of affordable workforce housing; that he stated Ms. Brandy Nauman's office has had discussions with Cape Henlopen School District regarding the issue of being unable to get teachers for the district because the teachers cannot afford to live in Sussex County.

Mr. Hopkins stated he agrees there is a current problem; that he believes the LSA report was well written; that he strongly encourages everyone to read the whole report; that the report clearly shows that half of Sussex County's workforce cannot afford a \$250,000 house; that the LSA evaluation mentions both ownership as well as rentals and he questioned if the Ordinance was referencing rental units only.

Mr. Robertson stated the Ordinance currently focuses on rental units only; that this is due to Sussex County having a completely separate section of the County Code regarding homeownership; that when dealing with homeownership, one has to be very careful to ensure investors do not purchase the properties and flip them; that this requires Sussex County to be the regulator, ensuring the homeowner occupied properties remain that way in perpetuity; that he acknowledges the fact the homeownership issue needs to be tackled as well but right not the Ordinance is tackling rental units.

Mr. Hopkins questioned how many units are needed and how long; that if the Ordinance is peeling off tenants who just fall under the 80% criteria, he questions what happens to everyone else; that he stated the only issue he had with the LSA evaluation is the fact they had to work off the consortium numbers; on page two and page 13 it shows the projection between 2020 and 2030 which states over those 10 years, new permits are projected to be 10,290 and between 2030 and 2040 another 5,000 permits are projected; that within the last three years, Sussex County has nearly hit the 15,000 range and he believed building permits last year to have 5,200 +/-.

Mr. Whitehouse stated the permit total would include all permits located for in-town and permits within Sussex County and if one were to total all permits pulled in town and unincorporated areas, the average is approximately 5,000 permits per year.

Mr. Robertson questioned if the 5,000 permits per year include deck and accessory structures, or dwelling units.

Mr. Whitehouse stated the permits would include single-family homes, manufactured homes, and multi-family homes.

Mr. Hopkins stated the current subject is a sore subject for the Commission members who participated in the many meetings in 2017 and 2018; that currently, only three years later, Sussex County has burnt through, what the consortium stated would take 20 years to do and he requested Ms. Stevenson read a paragraph from page two of the LSA report.

Ms. Stevenson read from page two of the LSA report that:

"However, Sussex County has not seen the construction of new homes at rents and prices that are affordable to lower-income households, including individuals in key sectors of the local economy and

individuals living on fixed incomes. Currently, there are nearly 10,700 households in Sussex County that are severely cost-burdened, spending more than half of their income on housing each month. To help mitigate current and future housing challenges, support economic growth, and promote a high quality of life for County residents. Sussex County should encourage the reduction of rental and for-sale homes affordable to households in different income ranges as follows.”

Mr. Hopkins stated that the LSA report goes on to list information in the table, which was based on the information provided by the consortium; that it is stated the 80% to 100% and lower; that one would take the less than 30% of AMI, the 30% to 50% of AMI, the 50% to 80% of AMI; that these are the numbers which are reference in the proposed Ordinance as medium and low categories; that it states Sussex County should be building the 99, the 131 and the 171 to keep up with the demand; that it was stated we should not touch the 10,700 households mention in the paragraph Ms. Stevenson previously read; that Sussex County should be generating 401 based on the total number of units of 1,549; that last year the total number of units was not 1,549; that it was 5,200 units, being the same the year before and the year before that; that based off of previous years, one could think the provided numbers are going to increase as well; that he suggested they use the provided numbers, which state Sussex County should be providing 401 units annually and he states Sussex County first need address how large the problem is, then how does the County achieve what is needed.

Ms. Wingate stated she feels the proposed Ordinance is a great first step in the right direction; that it used to be 70% and is proposed to increase to 80% to attempt to help those who were previously being missed; that she appreciates the work that has been placed into the Ordinance; that the models prepared by AECOM clearly shows the projects can be done and the other great part being the Ordinance does not require a public hearing.

Mr. Robertson stated with the current SCRP Program has only provided 30 units, within Coastal Tide, in the last 14 years.

Mr. Hopkins mentioned on page 20 of the LSA report it is stated the best-case rental scenario, the model becomes viable at 10 units per acre at 12 units per acre, the project could support a 25% units set aside affordable to households earning 80% or below; that he feels the LSA analysis has already proven the Ordinance wrong; that the Ordinance proposes 12 units to the acre while setting aside 35%, which seems to be in opposition to the LSA report.

Mr. Robertson stated on page 20 of the LSA report it states that in a best-case rental scenario, the coastal model at 12 units to the acre, the project could support a 25% set aside of units affordable to households earning 80%; that they took it a step further, in the attempt to shoot a little higher, requesting 30%; that this was in the attempt to obtain more affordable units out of the 12 units to the acre; that the Ordinance is going to allow, by right, a permitted 12 units to the acre, Sussex County should get something back in return; that it would be a lot easier to begin at 30% and back the percentage down to 25% than to begin at 25% and attempt to increase to 30%.

Mr. Hopkins stated within the next sentence on page 20 of the LSA report it stated to achieve the level of housing affordable to 50% or less of AMI, the project would need at least 16 units per acre.

Mr. Robertson stated the statement Mr. Hopkins referenced within the LSA report is correct, however, they attempted to reach a greater range of people by looking at 80% or less of AMI.

Mr. Hopkins stated that 80% is higher and is considered a higher income.

Mr. Robertson stated that 80% is a higher income; that the LSA report referenced that many residents within Sussex County are at the 80% and lower who currently cannot afford rental and homeownership in Sussex County, and they are attempting to capture 80% and down, even below 50% of AMI.

Mr. Hopkins stated that to capture 80% and lower one must look at the lowest number; that provisions must be made for the 30% tenant; that a 30% tenant will not fit within an 80% category, and he feels the Ordinance has it backward.

Ms. Nauman stated this is one of the reasons they hired someone to perform all the math; that it was her understanding that all the mentioned scenarios were played out as part of the provided modeling; that the level of incomes that would be able to be viable at the proposed model location.

Mr. Hopkins questioned an explanation of the sentence within the LSA report, which stated, *“to achieve about this level of housing affordable to 50% AMI and below the project would need at least 16 units per acre.”*

Mr. Hopkins stated the statement is correct; that if one were to only look at 50% and below, a lower rental rate would be charged, which would require more units to be offered at market rate to offset the 50%.

Mr. Hopkins questioned if Sussex County is attempting to help the 50% or below AMI tenants, or only those tenants who are at 80% of AMI.

Mr. Robertson stated tenants are eligible at 80% or less of AMI, it allows for tenants at 80%, 70%, 60%, 50%, 40%, 30%, and below to be eligible.

Mr. Hopkins stated as Sussex County makes provisions for the people who make less money, there is a need for more units to be offered.

Mr. Robertson stated the proposed Ordinance states, based on the LSA report if a person were to bring in tenants of 80% of AMI and less, going all the way down, allowing for 80%, 50%, and 30%, 12 units to an acre is required at 25% of the units.

Mr. Hopkins disagreed with Mr. Robertson stating he does not believe him to be correct and he feels the math is not correct.

Mr. Robertson stated the presented Ordinance is based on the information provided to them by the hired experts; that the statement Mr. Hopkins referenced is regarding the attempt to look at only tenants at 50% and below of AMI; that in that circumstance, one would not capture the 80% to 50% of AMI range of people; that if the goal was to only look at 50% and below of AMI, the stated 16 units per acre would be required, which would be four additional units per acre to offset that 50%; that if one looks at 80% and below of AMI, it can be achieved at 12 units per acre and 30% of proposed units and they do not want to exclude the people located within the 50% to 80% of AMI range; that the people in this range make up the majority of the workforce for Sussex County.

Mr. Hopkins stated by only building 12 units to the acre, Sussex County will only accommodate people located within the 80% range, not people located within the 50% and below range.

Mr. Robertson stated Mr. Hopkins's view was not correct; that he was not certain how else to explain the Ordinance and if Sussex County looks at people at 80% and below of AMI it would include 78%, 77%, 76%, and below.

Mr. Hopkins stated he did not see Mr. Robertson's information to be true; that he stated that 80% of \$100 is \$80; that he understood the Ordinance to state he would be eligible at \$80 when everyone else is paying \$100; that he would be sliding in just under the threshold at 80%; that he questioned what happens if he only makes \$50 and he would not be eligible to rent.

Ms. Wingate stated the Ordinance proposes 80% and down.

Mr. Robertson stated they are not proposing to take just anyone at 80%; that if an eligible tenant came forward at 50%, they would be accepted; that if an eligible tenant came in at 60% or 70%, they would be accepted, and the Ordinance provides a wider range.

Ms. Stevenson questioned how it is determined that the rentals are a good mixture of all percentages, making sure rentals are not only going to tenants at 80% and no tenants at 30%.

Ms. Nauman stated the slide stated the request for an average of mixed incomes; that it is very difficult to get someone at precisely at 80% of AMI; that someone may come in at 60% of AMI and another person come in at 100% of AMI; that if the average of the units is 80% of AMI annually, that is what they are hoping to achieve.

Mr. Hopkins questioned if the people who provided the LSA report, or any of the other mentioned providers and stakeholders, were in any way involved in writing the proposed Ordinance.

Ms. Nauman stated the mentioned providers were a part of many focus groups and stakeholders to develop the provided report and the provided report was used to construct the proposed Ordinance.

Mr. Hopkins stated his intention is not to give everyone a hard time; that he wants the Ordinance to work; that the Ordinance is a big deal; that the affordable workforce housing issue is one of the biggest issues Sussex County is currently dealing with; that he feels the issue should be handled with all hands on deck; that he appreciates the models provided by AECOM and he would like to hear and receive opinions from developers as well.

Mr. Robertson stated the report reflects the information provided by housing developers and others.

Mr. Hopkins questioned if those developers were part of the writing of the Ordinance.

Mr. Robertson stated the developers were not part of the writing of the Ordinance itself, but the comments and suggestions provided within the LSA report were the guidelines for the writing of the Ordinance.

Mr. Hopkins stated he feels the devil is in the details.

Chairman Wheatley stated he understood where Mr. Hopkins is coming from, however, they are not the people who write Ordinances.

Mr. Hopkins questioned why there is a 100-ft buffer requirement.

Mr. Robertson stated they attempted to ensure if this type of high density were to be placed in other residential areas, they offer some separation; that this type of separation is offered in other areas of the County Code, such as with RPCs; that also due to the permitted height increase; that they considered ratios of the height to the setbacks, but this was found to be very complicated to plan; that they proposed the 100-ft. buffer as it would provide a vegetated buffer and separation from the property boundaries and the development; that this is one reason they requested AECOM; that they wanted to ensure they were not impacting the ability to construct 12 units to the acre by imposing the 100-ft.

separation and buffer; that they, as staff, drafted the proposed Ordinance based on the information provided in the LSA report and the Comprehensive Plan; that many people had an opportunity to participate in the drafting of the Comprehensive Plan; that they did not invent an Ordinance that was not based upon all of the stakeholder information provided in the LSA report and Comprehensive Plan; that there was a lot of thought that went into the Ordinance, as well as a lot of verification was performed to ensure the Ordinance would work;

Chairman Wheatley stated he feels there should be some consideration given to small projects that may be achievable without central water and sewer; that he is very concerned about the DART route requirement; that he feels the DART route requirement will be the chokepoint for the Ordinance; that he feels consideration should be given for a circumstance where DART was to agree, in writing, to provide service for a complex once the apartments are available for rent, even if the service or route does not currently exist; that otherwise, construction of projects would be waiting on DART; that if one can build the project, people will come and if one cannot get permission to build a project, the people will not come.

Mr. Robertson stated they did have conversations regarding the DART requirement; that they wanted to allow the Applicant to approach DART to request a new route be created; that this would allow an Applicant to move forward with preliminary site plan approval and all State agency approvals; that the thought was during the preliminary stages, a new DART route would be in the process of being established; that the DART route would be established in time for final site plan approval, allowing building permits to be pulled and construction underway; that the Ordinance is subject to change; that their intention was to ensure there would not be constructed projects without DART nearby and they did obtain the distance number from the federal standards.

Mr. Hopkins stated the program in 2014 was a failure; that he does not want the proposed Ordinance to be a failure; that he feels the LSA report, and the proposed Ordinance are completely different and that he would like to see more involvement.

Chairman Wheatley stated that public hearings are held to promote involvement from developers and members of the public.

Mr. Robertson stated when the SCRP Program was established in 2008, everyone thought it would work; that conversations were had with developers, who provided comments they thought the SCRP Program was great; that in reality, the program did not work; that even with an amendment to the SCRP Program, it still had the same outcome; that the program only results in 30 units in the last 14 years; that with the current proposed Ordinance, they chose to frontload with hiring an expert in the field providing information on what works based on their own experience; that the experts did have conversations with advocates for housing, towns with current housing issues, housing developers, such as Christian Hudson, Doug Motley, Jack Lingo, Joseph Mastrangelo, Carl Freeman, Boardwalk Development, Kevin Gilmore with Habitat for Humanity; Ryan Homes, Ocean Atlantic, and Milford Housing; that a lot of the mentioned developers are developing multi-family housing projects currently; that the developers know the land costs; that listed in the appendix of the LSA report, it mentioned where they looked at the economics; that the numbers provided to them, were real cost numbers provided by real developers who are currently constructing and involved in multi-family projects within Sussex County; that they do not want to make the same mistake twice and they also want the Ordinance to work.

Mr. Hopkins stated he had spoken to a developer, who he believes had developed more low-income and affordable housing than anyone else; that the developer had stated he would not touch the proposed Ordinance with a 10-ft. pole.

Chairman Wheatley stated he hoped the developer would be present at the current public hearing and would tell the Commission his reasons why he does not agree with the Ordinance.

Mr. Hopkins stated the developer he mentioned was not present at the public hearing.

Chairman Wheatley questioned if Mr. Hopkins knew what the developer's issues were with the proposed Ordinance and he appreciates feedback from developers, however, if the feedback cannot be provided to the Commission it does not mean much.

Mr. Hopkins questioned if anyone was concerned that no developers had made comments regarding the proposed Ordinance.

Chairman Wheatley stated he is not yet concerned, as the public hearings are part of the public comment process; that he is not sure what else the Commission can provide other than public hearings where public comment can be given; that developers were consulted by the team who constructed the LSA report; that it is not a fact where developers had no idea the Ordinance is being proposed and if developers do not care enough to be present at the public hearings, offering concerns and comments, the Commission cannot help them.

Mr. Hopkins stated his main concern is that the density number is not high enough and the 50% open space requirement and if developers cannot make the same percentage, they will not be interested in the Ordinance.

Mr. Robertson stated they wanted to have the 50% open space, without impacting the 12 units to the acre; that they hired AECOM to ensure the requirements are achievable; that the LSA report does discuss what a developer needs to make on return; that the report looks at return on cost and yield on cost; that they mention a hurdle rate, which is the minimum percentage a project must achieve to be financially viable; that the hurdle rate is the threshold which must be met before a developer begins making any money; that the LSA report looked at what those yields were; that they mentioned return on cost at 25% and a minimum yield on cost at 7.5%; that the provided information is the reason they hired LSA to provide the evaluation and report, based off of information provided by the developers who are currently building within Sussex County; that they made every attempt to establish the Ordinance the right way, compared to the previous way in 2008 and the proposed Ordinance was constructed based off of actual data.

Mr. Hopkins stated he felt the LSA evaluation and provided data were good; that he would like to see a focus group, constructed of developers the Commission respects, voicing their interest in the Ordinance.

Ms. Stevenson stated she felt it should be mentioned within the Comprehensive Plan, locations in which Sussex County would like to see the development of this nature; that she questioned if there had been any consideration regarding the State Investment Levels and Spending and she stated the Ordinance will eventually become a political talking point.

Mr. Robertson stated consideration was not made directly based on the Delaware Strategies for State Policies and Spending; that this was due to the fact the State Levels state they are not to be used as land use tools for Sussex County to follow; that there is a strong indirect correlation with projects

being limited to Growth, Developing, Coastal and Townhome Center areas; that these areas are mostly located within Investment Level Areas 1 and 2; that there have been Investment Level 4 areas being applied for development; that the Coastal Area is not located within Investment Level 4; that he does believe the Delaware Office of State Planning & Spending recently updated their Investment Level map; that they chose to keep the Ordinance compatible with Sussex County land use and the Sussex County Comprehensive Plan; that the State can always change where Investment Levels are located, which could impact the Ordinance and locations where Sussex County desires the projects be built; that the Henlopen TID is based on density assumptions; that if a project were to be located within the Henlopen TID, the project would be required to go through the TIS process; that the developer would not be permitted to pay the TID fee and continue as the project is not two units to the acre.

Ms. Stevenson questioned if there were an additional incentive for anyone who would construct an infill project, increasing the density where it is presently located, which is mostly located within city centers where people can walk to work.

Mr. Robertson stated the Ordinance cannot offer incentives for that circumstance as those areas are located within municipalities.

Chairman Wheatley stated the Ordinance will only permit projects within Sussex County; that the requirement for central water and sewer will limit the locations projects can be located; that central water and sewer are not offered throughout Sussex County; that central water and sewer are offered more on the eastern side of the County, but not as much on the western side; that the majority of sewer is controlled within municipalities and is the reason he suggested considering a small project exemption to create a greater opportunity to expand projects within Sussex County.

Ms. Stevenson feels most of the need is on the eastern side; that most of the traffic she frequently gets stuck in is the workforce leaving the eastern side to go home to the western side and questioned if there was more affordable workforce housing located on the western side of the County.

Chairman Wheatley stated there is lower-priced housing located on the western side of the County.

Mr. Robertson stated the Ordinance is not limiting central water and sewer to be provided by Sussex County; that the water and sewer could be provided by another company, and they are not considering only housing-cost burdens, but also transportation-cost burdens; that with current gas prices, they attempted to get people living closer to the locations they work to help minimize travel costs.

Ms. Stevenson stated she agreed with Mr. Robertson, but she questioned if people will utilize transit opportunities; that the kids attempting to work at the beach, will ride the bus for 45 minutes to work and the next day decide they would rather park in town.

Chairman Wheatley stated he does agree that there should be buy-in from the developers who could be constructing the projects; that he requested to ensure a draft of the proposed Ordinance gets circulated to all the people and developers on the list within the LSA report allowing the opportunity to receive comments from them.

Ms. Stevenson questioned if Sussex County is looking at accessory dwelling units (ADU), allowing people to live in RVs and other options; that she feels other alternative options would allow a solution to the current problem without requiring people to sell all their farmland to developers.

Ms. Nauman stated she believes considering alternative dwelling options is on the radar for Sussex County, as it was mentioned during the Comprehensive Plan; that another initiative happening

currently within her office is the Housing Trust Fund; that the Housing Trust Fund just rolled out at the beginning of April; that the Housing Trust Fund initiative is hoping to address the homeownership components of the LSA report; that Sussex County is offering direct homeownership assistance with the Housing Trust Fund; that they are offering down payment closing and offering a developer grant program for those who are building affordable housing; that between the current proposed Ordinance and the current Housing Trust Fund initiative, it has been two large lifts for the six staff members within the Sussex County Community Development Department and homelessness is also an issue they hope to address.

The Commission found that Mr. Christian Hudson spoke on behalf of the proposed Ordinance; that he is glad to see Sussex County attempting to address the affordable housing issue; that he feels affordable housing is a massive crisis; that he feels it has taken too much time for action to be taken for the issue; that he had not heard any comment, since providing comment to LSA in the summer of 2019; that he had heard no talk regarding the current Ordinance or any other Ordinance related to the affordable housing issue; that the provided population consortium numbers are laughable; that had Sussex County used other population growth estimates back when the 2018 Comprehensive Plan was written, Sussex County would most likely not be in its current predicament; that many people within the development community warned Sussex County during the Comprehensive Plan process and the 37 public hearings; that the 10-acre model provided by AECOM is completely unworkable; that he does not believe AECOM was aware of current Fire Marshal regulations; that the buildings do not have drive-aisle or fire lanes located on all four sides of the buildings; that he would assume, based on the model, AECOM does not know much about the groundwater table for Sussex County, especially locations down below the Indian River; that there are no turning radiuses referenced in the model parking lot; that depicted on the model are nice, square, right angle turns; that there are violations to the Sussex County Code in regards to how many parking spaces can be placed side by side; that he can point out these issues, which ensure the model is a very unbuildable plan, after only reviewing the plan for 30 seconds; that the mentioned issues are the reasons he greatly advocates for a task force or working group where the people included on LSA's list and any other person could be requested to provide critical input and feedback on the proposed Ordinance; that he mentioned the Ordinance stated projects are subject to "public" sewer and water; that he would suggest the Ordinance state projects are subject to "central" sewer and water to allow Artesian and Tidewater to provide those services; that he does understand and agrees with the concern and comments regarding the location distance to nearby DART routes; that he feels the limiting factors should be the project location near a DART route and central sewer and water; that he does not feel the limitation should be the DART route, central water and sewer and growth zoning; that he feels with all three requirements, a lot of Sussex County will be cut out; that this is due to the map for the State Strategies for Spending are not always accurate; that years ago, he was before the Commission for his application for Chapel Farm; that DelDOT had budgeted \$30,000,000 for infrastructure at the intersection of Cave Neck Rd. and Rt. 1; that the Chapel Farm project bordered the proposed infrastructure improvements on two sides and yet the project was designated within Level 4; that within Level 4 designates for no State spending; that he had approached Mr. David Edgell's predecessor regarding updating the Investment Level maps to reflect what DelDOT had included within their budget; that the State Planning Office refused to update the maps at that time; that he questioned if there were an idea of how many units the Ordinance will provide or impact analysis performed; that a shortened version of his comments would be, good, congratulations, too little too late, we are in a crisis and the current Ordinance is a band-aid; that he feels the Ordinance is a band-aid on a big gaping wound, in a submarine hole, completely underwater; that the report was done in 2019, and prices have increased drastically since then; that he was looking

at a housing project, which had been constructed near Plantation Rd. and Rt. 24 intersection; that the homes were constructed by a large home builder; that the project had been approved years ago; that the homes started at \$500,000; that now, the same homes with the same floor plan is listed within the \$800,000 range; that this price increase was over a two year time period, similar to the two year period of the home evaluation performed by LSA; that the housing crisis is even more acute than the LSA report reflected a few years ago; that when he said too little too late, he is not trying to criticize the Council; that he believes the Ordinance is heading in the right direction, however, he feels Sussex County needs to head in the right direction a lot faster; that everyone is dealing with inflation and shortages in labor, materials and supplies; that housing costs are going up; that wages have become stagnant; that this is a toxic mix for the work force; that a major issue for many employers he has spoken with is housing their workforce; that many employers are now seeking to purchase housing, to house their workforce; that he has heard stories about company towns and how awful those scenarios were; that is the direction Sussex County is heading if the housing issue does not get solved and he is in support of the permitted use provision of the Ordinance.

Mr. Robertson stated the term “public” versus “central” in regards to water and sewer, was discussed and the term used was taken from Chapter 110 of the County Code; that an impact analysis would almost require a prediction of how many parcels would utilize the Ordinance, the acreage of the parcels and the density would be; that their goal was to maximize density at 12 units to the acre; that there has been discussion at 16 units to the acre; that they chose 12 units to the acre as that is the maximum density permitted within Sussex County in any zoning; that they wanted to stay consistent with the density; that they did not go into the Ordinance with any projected numbers and he feels the proposed Ordinance is much more ambitious than the current SCRP Program.

Chairman Wheatley stated he feels the permitted use provision of the Ordinance is the biggest driving force of the Ordinance; that the current proposed Ordinance is not meant to answer the whole housing crisis within Sussex County; that it is intended to deal one this one particular part of the housing issue; that for now, they need to attempt to get this Ordinance right; that the comments made regarding the site plan model are well taken and he hopes to study the model, as the mentioned issues are concerning and he questioned if Mr. Hudson had any recommendations to how the Commission and Council could provide relief to the housing situation in a faster manner.

Mr. Hudson stated he feels the bulk standards could be lessened; that he felt the 100-ft. buffer was almost discriminative against low-income residents, in the fact, the Ordinance would require a 100-ft. buffer, but does not require single-family housing to have a 100-ft. buffer; that he questioned if the Ordinance wants density, why is there a requirement to take away land; that if the project is considered permitted and the projects are limited on the location they can be constructed, why would we not maximize the density; that these densities would be specifically located near the DART routes, with central water and sewer and located near major highway corridors; that those areas should be the densest areas within Sussex County; that the height requirement is a huge issue when considering all the other setback requirements; that he questioned if Sussex County cared what the shape or look of the building would be; that he questioned if the look and shape of the building should be an issue for the developer or the people who live in the units; that he questioned why a building could not be required to meet a square footage; that the bulk requirements are the largest limiting factor; that this is the reason every apartment building looks like every other apartment building within Sussex County; that it is because the design is maxed out and the maximum allowed by County Code; that to allow these buildings to be efficient to build, there are exterior corridors instead of interior corridors; that this limits elevators and other ADA amenities; that there is a lot of limitation to the height

requirements within the Code; that he just built a hotel; that he had to place his HVAC underground to meet the height restriction of the County Code; that a peak on a roof offers more design flexibility and allows for a more attractive look; that he suggested a working group as there are many provisions within the County Code which are technical in nature; that there has been a lot of great work completed by the Commission and by LSA; that on page 30 of the LSA report it stated *“the restrictive Land Use and Zoning Code in Sussex County born out of the efforts to reduce traffic congestion, promote environmental stewardship, preserve the County’s agricultural landscape and/or reduce strain on infrastructure, is setting rules and regulations that place limits on the number and type of housing units that can be built in areas of the County that have been designated for growth”*; that in other words, although projects may be located within a growth zone, it is still limited to what you can construct, therefore affordability is impacted; that the report continues to state *“while well intentioned the Zoning Code is inadvertently placing upward pressure on housing prices and exacerbating the same policies the restrictions are working to address, low density single-use developments, increased traffic congestion, lengthy commutes to work, the cost of installing new infrastructure and the degradation of even more land from sprawling development”*; that due to the non-by-right nature and lack of inventory of other zonings encourages sprawling development; that his application for Chapel Farm, which was approved for 10.4 units to the acre, has been the highest density the Commission has approved in the last 20 years; that the LSA report suggested a minimum of 12 units to the acre to solve the issue; that would be 1,500 units per year, being almost 30% of Sussex County built last year; that those are phenomenal numbers Sussex County must achieve; that the by-right provision is the key part of the Ordinance; that politicians are required to be re-elected every two to four years; that it is difficult to approve property for 12 units to the acre for low-income housing, when the higher-income residents will oppose; that this issue is a very big disservice to Sussex County; that this issue is causing our children a major crisis and our children are not making enough money to afford a \$800,000 home in Lewes and Rehoboth.

Mr. Robertson stated that some of the suggested bulk requirements were initiated by Fire Marshal requirements; that Mr. Hudson made many very good points; that this Ordinance is not the end of the affordable housing discussion; that there may be other areas that require attention within the Zoning Code and the limiting factors it may be causing; that he requested whatever the ending result of the proposed Ordinance would be, we get a better Ordinance through; that he would hate to see the Ordinance be held up for the rewriting of the Zoning Code, which could take years and the Zoning Code was written in 1973.

Chairman Wheatley stated he agreed with Mr. Robertson; that he does not want to get the Ordinance through and go back to sleep; that he wants to get the current Ordinance through and move on to the next affordable housing issue.

Mr. Robertson stated when Sussex County staff came up with the Ordinance the biggest factor being considered were what would the density be, and would the density be permitted; that the 100-ft buffer or the 50-ft open space requirements are not going to make or break the Ordinance; that they are components of the Ordinance, but less important than providing the housing at the density required while expediting the process by making it permitted.

Chairman Wheatley stated he agreed with Mr. Robertson’s point; that he stated the buffer and open space requirements do have an impact and he feels those requirements should be reconsidered as they may potentially become the limiting factors in the proposed Ordinance.

Ms. Stevenson questioned if there was any input from the Fire Marshal's Office on the proposed Ordinance.

Mr. Whitehouse stated the model was a special concept and it did look at stormwater and separation distances and some vehicle parking standards.

The Commission found that Ms. Katie Millard who spoke in support of the Ordinance; that she supports the by-right aspect of the Ordinance; that she wished to add a personal face to the affordable housing issue of the Ordinance; that she works within Sussex County for Habitat for Humanity; that the day before the current public hearing, she gave up her apartment as she could no longer afford the rent; that she has had to move back in with her parents while attempting to find a new apartment; that it is very difficult to find affordable housing in Sussex County; that she wanted to ensure she expressed how important the proposed Ordinance is; that it will affect many people within Sussex County and she hopes it is most impactful Ordinance, ensuring the most affordable units possible.

The Commission found that Mr. Kevin Gilmore spoke on behalf of the Ordinance; that he works for Sussex County Habitat for Humanity; that he supports the proposed Ordinance; that he wanted to express how enthusiastic he is to the conversation taking place on affordable housing; that for 18 years he has worked toward addressing affordable housing within Sussex County; that in those 18 years he had never seen the current level of conversation take place regarding affordable housing; that a lot of the conversation had was regarding how does Sussex County move forward in addressing the affordable housing issues; that the proposed Ordinance is the first step in helping to fix the current issue; that he was one of the people who provided comment in the early conversations for the provided LSA report; that the big topic pieces previously discussed, shine through in the proposed Ordinance; that the key pieces to the Ordinance is the by-right use and the permitted density; that he is not a developer who focuses on rentals; that he currently focuses on affordable homeownership; that he hopes to be present to support an Ordinance for homeownership in the future; that he does appreciate some of Chairman Wheatley's comments regarding DART routes and reconsideration to smaller scale projects; that he lends his support to the Ordinance and thanked the Commission for the work they do.

Mr. Robertson requested Mr. Gilmore explain to the Commission what Habitat for Humanity is currently doing and how many houses they are constructing a year.

Mr. Gilmore stated Habitat for Humanity has built over 160 affordable homes in Sussex County; that it has taken 30 years to achieve the 160 homes; that the majority home have been built within the last 15 years; that they average about 10 to 12 affordable units per year; that Habitat for Humanity finances the unit to allow affordability to the homebuyer; that they maintain the values in the community, but allow the payments to become affordable to the homebuyer; that they have been exploring other ideas on how to make the unit affordable; that they have launched impressive programs in the past to help keep people in their current homes; that there is an aging population, who is on a fixed income, who may not always be able to perform minor repairs to their home; that last year Habitat for Humanity performed 100 repairs to homes in Sussex County; that this helped keep residents in their current homes; that these repairs were everything from placing skirting around manufactured homes, to help improve energy efficiency to placing grab bars, tub cuts, ramps and updated windows; that the home improvements has been a growing aspect of what Habitat for Humanity does; that they are not going to be able to just build their way out of the affordable housing crisis at only 10 to 12 homes a year; that they have had over 30,000 volunteers help build houses in Sussex County; that they asked themselves what they could do in their current public forum; that they felt they could help improve housing conditions to homes, even if they are not constructing the homes themselves; that Habitat for Humanity has received support from Sussex County Council for many years; that he appreciates

working with Ms. Brandy Nauman and the Sussex County Housing Development team; that they tag team on many projects to help the community; that they perform a lot of work intown as well; that they have been doing a lot of work in Georgetown, Seaford and Laurel; that they have been focusing on blocks; that if a block has eight houses, they may try to focus on five homes to improve; that this may be tearing down homes and rebuilding or renovating existing homes and by doing this is causes the market to go up and encourages people to invest more money into the properties.

Chairman Wheatley stated the work performed by Habitat for Humanity has made a big difference in the town of Laurel.

The Commission found that Mr. Robert Mitchell spoke on behalf of the Ordinance; that he has been a mortgage banker for the last 30 years; that affordable housing has recently been getting a lot of press; that the press and conversation is a great move forward in the right direction; that the LSA report was done in 2019; that unfortunately in the last three years the curve for housing has gone straight up; that the need for housing has increased due to the pricing of housing; that within the last three years Sussex County has issued 1,500 building permits; that he questioned what the average price was for the homes issued building permits; that two and a half years ago it was recognized there was an issue with affordable housing; that over the last three years Sussex County has issued 1,500 building permits, for the vast majority of the houses to unaffordable for the majority of Sussex County residents; that he looked over the LSA report; that he feels the LSA report establishes the 12 units to the acre as a minimum; that the Ordinance does require 100-ft buffer on each side of the property; that when meeting the Ordinance, projects will be utilizing less than 50% of the property; that the 100-ft. buffer requirement, placed on a nine acre parcel, would create almost five acres of open space when located on a perfectly square lot; that he questioned how many parcels are available to meet the Ordinance criteria and requirements; that he questioned if there was an analysis to how much acreage it would take to perform a project; that staff had two and a half years to perform these analysis; that he asked these questions in hopes to obtain a goal; that the goal would help provide a target number of affordable homes the Ordinance would be projected to provide; that he questioned if 12 units to the acre enough density to provide the units needed; that he questioned if the people who have had to leave their homes care about the 100-ft. buffer and 50% open space; that he questioned why the Ordinance could not propose 15 to 16 units to the acre; that he feels the 100-ft. buffer requirement is a lot to be required on every side of the property; that when reading the Ordinance he felt it portrayed, affordable housing being an issue, the Ordinance being what Sussex County wants to do about the issue, but the Ordinance is also how Sussex County will protect certain areas of the County from affordable workforce housing from being built, that he is concerned the Ordinance will be pushed through, but be impossible to make work

Mr. Whitehouse stated Sussex County would be able to state the estimated cost for building the home, which received a building permit, but Sussex County would not know the selling price of the home, as Sussex County does not collect data on selling price; that he would estimate, under \$200,000 on average, considering all units that received building permits; that manufactured homes do bring down the pricing of larger homes; that they did conduct an analysis to look at how many parcels could be subdivided, how many parcels are undeveloped near transit areas; that he did not have the number in front of him, but an analysis was performed; that they do have a number to the acreage, but he did not have the exact number at that moment

Mr. Robertson stated the 50% open space and 100-ft buffer requirements are not separate; that those requirements may overlap each other; that the setback areas may be counted toward the 50% open space requirement of the Ordinance and they do have the number related to acreage; that the information regarding acreage can be pulled from the Sussex County GIS Mapping System; that they

currently do not have the exact number in front of them; that he questioned Mr. Mitchell if he is suggesting Commission hold the Ordinance until the numbers and information are provided; that based on the comments and complaints on how long the Ordinance has taken to come forward, he struggled with the idea of holding the Ordinance any longer, unless there were valid reasons to do so; that the number of 12 units to the acre was provided by the LSA report; that 12 units to the acre are also the current maximum density permitted in any zoning with Sussex County Code; that the reasoning for the proposed design criteria is due to projects being located in areas that are not high density areas; that the by-right portion of the Ordinance would permit 12 units to the acre in AR-1, where currently only two units to the acre is permitted; that the Code does currently have separation requirements for residential adjacent to commercial, for example; that the reason for the design requirements was due to the potential difference in density; that the proposed numbers are a starting point; that they could consider reduction of the 50% open space or the 100-ft. buffer to ensure the 12 units to the acre or would it allow better design flexibility to build a better project; that he questioned what number Mr. Mitchell felt would work regarding the open space and buffer requirements; that he stated the other portion of the Ordinance is it increases the permitted height from 42-ft to 52-ft. to allow for an extra story and a pitched roof; that the thought process was if it was permitted to go up, the project to could come in more and spread out less; that this would create more of a Cluster design;

Chairman Wheatley stated if Mr. Mitchell had an issue with the timing of the performed analysis and Ordinance, he would need to express his issues with Sussex County Council, as they are the governing body that regulates the time management of the Ordinance; that he agrees if the questions to the number of units and acreage can be calculated with accuracy, he agreed, the Commission should review the numbers; that he feels the market will answer some of the questions; that in some cases the answer will be a judgment call; that there may be a parcel that meets the Ordinance requirements, but may not be a location that developers would be interested building in; that there may also be a case where there are geological issues which exclude the parcel but would not be found in a calculation; that he understands Mr. Mitchell's desire to have answers to his questions, but he questions how valuable the information and numbers would be;

Mr. Mears stated he disagreed with Mr. Mitchell on his impression of what the proposed Ordinance is trying to achieve, and he does not feel the proposed Ordinance is being put through to, in the end, not want to do it.

Ms. Wingate stated the Commission just went through a similar issue within the Town of Bethany; that she questioned if a project is constructed adjacent to single-story or two-story residential homes, then placing a 52-ft building next to the homes, the people within the 52-ft. units will likely be able to see through the windows of the single-story and double-story homes; that people have previously testified to have concern and issues with that fact; that she stated a 100-ft. buffer may be too large, but there does need to be a consideration for the communities already existing

Mr. Robertson stated that the RPC section of the County Code does discuss that issue and states there needs to be an appropriate transition between densities; that he stated the proposed number may not be right; that they felt having a defined number was more appropriate, than an undefined number and would allow a developer to know the number and progress on.

Mr. Mitchell stated maybe the 100-ft. buffer is needed adjacent to residential communities, but possibly that adjacent to a highway the buffer could be lessened to allow for more units.

Chairman Wheatley stated he feels a 50-ft. buffer would suffice for the projects.

Ms. Wingate and Mr. Mears stated they both agree with Chairman Wheatley’s comment that a 50-ft. buffer requirement would suffice for proposed projects.

Ms. Stevenson questioned if the Sussex County Code defines what an apartment is; that she questioned why dorm-style units are not being constructed, where people would have an individual room but would share a kitchen and bathroom; that she questioned if dorm-style units are currently permitted; that she questioned if the location where individual people sleep considered a dwelling unit and she questioned if the sleeping quarters or the kitchen defined a dwelling unit.

Mr. Whitehouse stated in the County Code there is a definition as to what a dwelling unit is; that the definition is based on the number of related and/or unrelated individuals; that this is currently stated in Chapter 115 of the County Code; that if there were eight people sharing cooking facilities, who were unrelated, it would be considered outside the definition of a dwelling unit; that the definition would then become multi-family and the definitions would not be changed by the proposed Ordinance.

Ms. Stevenson stated that dorm-style units could be a solution to help cut into the current affordable housing problem.

The Commission found there was no one present by teleconference who wished to speak in support or opposition to the proposed Ordinance in relation to the workforce housing.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

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

In relation to the Ordinance. Motion by Mr. Hopkins to hold the record open for written comment until the next regular Planning & Zoning Commission meeting for the receipt of additional written comments, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Meeting adjourned at 8:24 p.m.

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www.sussexcountyde.gov.**
