

COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
JANE GRUENEBaum
MATT LLOYD
STEVE C. McCARRON



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

January 13, 2026

1:00 PM

Call to Order

Approval of Agenda

Amendment to the Rules of Procedure for County Council Zoning Hearings

Approval of Minutes - January 6, 2026

[Draft Minutes 010626](#)

Reading of Correspondence

Public Comments

Recognition of Board of Adjustment & Planning & Zoning Commission Members

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, Project Manager

1. South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension

A. Direct Equipment Purchase Order for Intermediate Pumping Equipment

[SC WRF PO Pumping Equip](#)



Old Business

1. [Change of Zone No. 2037 filed on behalf of Mulberry Knoll Associates, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” (properties are lying on the northwest side of John J. Williams Highway [Rt. 24], at the northwest corner of the intersection with Mulberry Knoll Road [SCR 284]) (911 Address: N/A) (Tax Map Parcel: 334-12.00-46.00 & 47.00)

[Old Business CZ2037](#)

Introduction of Proposed Zoning Ordinances

[Ord Into CU2625 CZ2054](#)

Council Members' Comments

1:30 p.m. Public Hearing

1. [Conditional Use No. 2586 filed on behalf of Preston & Mason Dyer](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS” (properties are lying on the southwest side of Coastal Highway [Rt. 1], approximately 0.70 mile north of Broadkill Road [Rt. 16]) (911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton) (Tax Map Parcels: 235-8.00-35.02 & 35.03 ([P/O])

[Public Hearing CU2586](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 6, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to councilpackets@sussexcountyde.gov or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 6, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 6, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson.
	Mr. Hudson called the meeting to order.
M 001 26 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda, as presented.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Election of Officers	Mr. Lawson noted the requirement that the County Council must elect officers for 2026.
M 002 26 Appoint President	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that Mr. Hudson serve as President of the Sussex County Council in 2026.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 003 26 Appoint Vice President	A Motion was made by Mr. Hudson, seconded by Ms. Gruenebaum that Mr. Rieley serve as Vice President of the Sussex County Council in 2026.
	Motion Adopted: 5 Yeas
	Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea;

Mr. Hudson, Yea

**Council
Member
Appoint-
ments**

Mr. Lawson noted the requirement that Council appoint members to the various boards and committees, and he referenced the recommendations included in Council packets for this meeting, as follows: Doug Hudson to the Delaware Association of Counties (County Director); Steve McCarron to the Delaware Association of Counties (Executive Board); Doug Hudson to the Delaware League of Local Governments; Matt Lloyd to the Salisbury/Wicomico MPO (District Specific); Steve McCarron to the Sussex Conservation District Board; Matt Lloyd to the Sussex County Airport Committee; and John Rieley and Jane Gruenebaum to the Sussex County Land Trust.

**M 004 26
Approve
Council
Member
Appoint-
ments**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the 2026 Member appointments as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Legal
Counsel
Appoint-
ments**

Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vince Robertson; and legal representation for the Board of Adjustment, Planning and Zoning Commission, and Sussex County Council/Government, as follows: Ballard Spahr LLP, Barnes & Thornburg, Moore & Rutt, P.A.; Parkowski, Guerke and Swayze, P.A.; Potter Anderson & Corroon LLP, and Young Conaway Stargatt & Taylor, LLP. For legal representation for the limited matters of litigation covered by and subject to the terms of their respective retainer agreements – Halloran Farkas + Kittila and Law Offices of Stephani J. Ballard, LLC.

**M 005 26
Approve
Appoint-
ment of
Legal
Counsel**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that the Sussex County Council approves the 2026 appointment of Legal Counsel, as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Rules
Procedure**

of Mr. Lawson presented the Rules of Procedure which were included in Council packets. He reported that there was one recommended change to the Rules of Procedure. The recommended change to the rules is to add an

Rules of Procedure (continued) additional rule, 10 A.1.1 to read “At the conclusion of the County Council’s hearing on a change of zone or conditional use application, in the event the County Council seeks additional information and questions regarding the application, the public hearing record shall remain open to receive responses and public comments thereto, for a period specified by the County Attorney or presiding officer”.

M 006 26 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that be it
Approve moved that the Sussex County Council approves the 2026 Rules of
2026 Rules Procedure, as amended and presented.
of Procedure

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Rules of Procedure/ Zoning Hearings Mr. Lawson then presented a revision to the rules of procedure for County Council zoning hearings. He reported that the new language was added to read as follows “After the Opposition has had an opportunity to speak, the applicant and/or the applicant’s team will have no more than 5 minutes total, to respond to matters stated by the opposition. This time shall not be used to simply restate, or summarize the presentation previously given”. A discussion was then held about the change.

Minutes The minutes from December 16, 2025, were approved by consensus.

**Corre-
spondence** Mr. Moore reported that correspondence was received from Down Syndrome Association of Delaware, Milford Housing Development Corporation, Friends of Sussex CASA, KSI, Sussex County Volunteer Delaware 50+, Boys & Girls Club of Delaware, La Red Health Center, Ronald McDonald House, Autism Delaware, Delaware Hospice, Shoes That Fit and New Hope Center thanking Council for their donation.

**Public
Comments** Public comments were heard, and the following people spoke:

Mr. Gary Vorsheim spoke about transportation infrastructure for the Route 24 corridor.

M 007 26 A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to approve the
Approve following items under the Consent Agenda:

**Consent
Agenda**

Use of Existing Wastewater Agreement, IUA 2025-22
Gander Car Wash, Millville Area

Use of Existing Wastewater Agreement, IUA 917-4
Ingram Village (Additional Townhomes), Ellendale Area

Motion Adopted: 4 Yeas, 1 Abstain

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Abstain;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Assessment Appeals

Property owners who believe the assessed value of their property does not reflect fair market value as of July 1, 2023, may file an application for appeal beginning January 12, 2026. The application period will remain open until 4:30 p.m. on March 15, 2026, with hearings held as needed through May 31, 2026. Applications and filing guidelines are available on our website at <https://sussexcountyde.gov/board-assessment-review> and may also be picked up in the main lobby.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Sunrise Condominiums (Plan Review & Construction Record), and The Highlands of Peppers Creek – Phase 2 (Construction Record) received substantial completion effective December 10th and December 17th, respectively.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Bank
Resolutions**

Mrs. Jennings reported that since there was no change in leadership changes this year, no action is needed.

**Airport
Advisory
Committee
Appoint**

Bob Bryant, Airport Manager, presented for Council's approval the Delaware Coastal Airport Advisory Committee members for the Year 2026.

**M 008 26
Approve
Airport
Advisory
Committee
Appoint-
ments**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that the Sussex County Council appoints Dustin Berlinger, Larry Kelley, Jeff Reed, Rick Garner, Ezra Richards, Mark Ryan, Scott Thomas, and Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2026.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Runway 4- Bob Bryant, Airport Manager, presented a grant application for the

22 Grant **Runway 4-22 extension project for Council's consideration.**

M 009 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that based**
Approve **upon the recommendation of the Sussex County Engineering Department**
Runway 4- **on behalf of the Delaware Coastal Airport that Sussex County Council gives**
22 Grant **its approval to Sussex County Administration for the submittal of a Federal**
Application **Aviation Administration airport improvement program grant application in**
 the amount of \$1 million for the work associated with environmental
 assessment and preliminary design of the proposed extension to Runway 4-
 22.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 010 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that based**
Approval **upon the recommendation of the Sussex County Engineering Department**
Signature/ **on behalf of the Delaware Coastal Airport that Sussex County Council gives**
Grant Offer **its approval to Sussex County Administration for approval of signature of a**
 Federal Aviation Administration airport improvement program grant offer
 in the amount of \$1 million for work associated with environmental
 assessment and preliminary design of the proposed extension to Runway 4-
 22.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

Runway 4- **Bob Bryant, Airport Manager, presented task order no. 2 for**
22 Environ- **environmental assessment and preliminary design for Runway 4-22**
mental **extension project for Council's consideration.**

Assessment
& Design **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron that based**
 upon the recommendation of the Sussex County Engineering Department
M 011 26 **on behalf of the Delaware Coastal Airport that Sussex County Council gives**
Approve **its approval to Delta Airport Consultants Task Order 2 in the amount of**
Runway 4- **\$1,040,000 for work associated with environmental assessment and**
22 Environ- **preliminary design of the proposed extension of Runway 4-22 and subject to**
mental **Sussex County receiving a Federal Aviation Administration airport grant**
Assessment **offer in the amount of \$1 million.**

&
Preliminary **Motion Adopted: 5 Yeas**
Design

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

**Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Winding Creek CO & Completion **Patrick Brown, Project Engineer IV, presented final balancing order & substantial completion for Winding Creek Village Water District for Council's consideration.**

M 012 26 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that**
Approve **be it moved based upon the recommendation of the Sussex County**
Winding **Engineering Department, that final balancing change order 1 for contract**
Creek CO & **S20-10, Winding Creek Village Water District, be approved, decreasing the**
Completion **contract amount by \$487,522.26, and that project closeout be granted with**
 substantial completion on October 20, 2025, and any held retainage released
 in accordance with the contract documents.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

LBPW **Hans Medlarz, Project Engineer, presented agreements between the Lewes**
Agreements **Board of Public Works and Sussex County concerning Wastewater**
 treatment for Council's consideration.

M 013 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved based upon the recommendation of the Sussex County Engineering**
LBPW & **Department, that Council approve the agreement between the Board of**
SC WW **Public Works and Sussex County concerning wastewater treatment, as**
Agreement **presented.**

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
 Mr. Lloyd, Yea; Mr. Rieley, Yea;
 Mr. Hudson, Yea

M 014 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved based upon the recommendation of the Sussex County Engineering**
LBPW & **Department, that Council approve the agreement between the Board of**
SC **Public Works and Sussex County for and on behalf of Sussex County**
Agreement **Unified Sanitary Sewer District in connection with the transmission and**
USSD **treatment of sewage discharge to/from the Unified Sewer District area, as**
 presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;

**Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Joy Beach Funding & Bids **Hans Medlarz, Project Engineer, presented a request for an application for funding and associated income survey, and to reject all bids for the Joy Beach sewer expansion phase II project for Council's consideration.**

M 015 26 Approve Joy Beach Funding Application **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that a standalone application package be submitted to the State Revolving Loan Fund, supported by a third-party County assisted income survey to document a lower median household income for the Joy Beach sewer expansion, Phase II project.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

M 016 26 Approve Joy Beach Rejection of all Bids **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that bids for contract S25-03, Joy Beach sewer expansion, phase II be rejected.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**Old Business/
Ord. 23-07/
CZ2010/
CU2441/
CU2442** **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented Proposed Ordinances entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00", "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS", "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A 2.65 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS", "AN ORDINANCE TO GRANT A**

Old Business/ Ord. 23-07/ CZ2010/ CU2441/ CU2442 (continued) **CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A 13.86 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS” filed on behalf of CMF Cool Spring, LLC.**

Mr. Whitehouse announced that the record has been closed for all of the applications effective December 23, 2025, at the close of business.

Old Business/ CZ2037 **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” filed on behalf of Mulberry Knoll Associates, LLC.**

Mr. Whitehouse announced that the record has been closed for the application effective December 23, 2025, at the close of business.

Grant Requests **Mrs. Jennings presented grant requests for the Council’s consideration.**

M 017 26 Bethany-Fenwick Area Chamber of Commerce **A Motion was made by Mr. Hudson, seconded by Mr. Lloyd to give \$2,000 (\$2,000 from Mr. Hudson’s Councilmanic Grant Account) to Bethany-Fenwick Area Chamber of Commerce for their 2026 Fire & Ice Festival.**

Motion Adopted: 5 Yeas
Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 018 26 Skeeter Strong Foundation **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give \$2,000 (\$2,000 from Mr. Rieley’s Councilmanic Grant Account) to the Skeeter Strong Foundation for their project to assist with medical-related expenses for those in need.**

Motion Adopted: 5 Yeas
Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 019 26 New **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to give \$2,600 (\$2,000 from Mr. McCarron’s Councilmanic Grant Account**

Coverdale Outreach Mission and \$600 from Ms. Gruenbaum's Councilmanic Grant Account) to New Coverdale Outreach Mission for a dinner for underprivileged families.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Introduction of Proposed Ordinances Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS" filed on behalf of Brian Lessard.

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 50 ACRES, MORE OR LESS" filed on behalf of John Zotcavage.

The Proposed Ordinances will be advertised for a Public Hearing.

CM Comments

There were no Council Member comments.

M 020 26 Go Into Executive Session

At 11:25 a.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to go into Executive Session for the purpose of discussing land acquisition & pending & potential litigation.

Motion Adopted: 5 Yeas

Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

Executive Session

At 11:30 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters relating to land acquisition & pending & potential litigation. The Executive Session ended at 11:42 a.m.

M 021 26 Reconvene

At 11:45 a.m., a Motion was made by Mr. McCarron, seconded by Mr. Rieley to come out of Executive Session back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

E/S Action There was no action related to Executive Session matters.

**M 022 26 A Motion was made by Mr. McCarron, seconded by Mr. Rieley to recess
Recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Ms. Gruenebaum, Absent; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 023 26 A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to
Reconvene reconvene.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Rules Mr. Moore read the rules of procedure for public hearings.

**Public A Public Hearing was held on Proposed Ordinance entitled “AN
Hearing/ ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE
Ord No. COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-
20-07 13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00” (properties are lying on
the west side of Gravel Hill Rd. [Rt. 30] approximately 309 feet south of
Milton-Ellendale Hwy. [Rt. 16]). (911 Address: 14888, 14866 & 14742 Gravel
Hill Rd., Milton) (Tax Map Parcels: 235-13.00-29.00, 29.01 & 235-14.00-
570.00).**

Jamie Whitehouse, Planning & Zoning Director, presented the application.

**The Planning and Zoning Commission held a public hearing on December
17, 2020. At the meeting of February 25, 2021, the Commission
recommended that the County Council adopt the Ordinance for the 8
reasons outlined.**

**The Council found that Mr. David Hutt was present on behalf of the
Applicant, Reed Farms, LLC, that also present were Mr. Richard Reed and
Ms. Beverly White, principals in the ownership of the subject properties,
Mr. Mark Davidson, principal land planner with Pennoni Group; that this**

**Public
Hearing/
Ord No.
20-07
(continued)**

Ordinance has a lengthy history; that when the application was filed, they sought to change the description of the properties from low density to a developing area; that the second part was to change the designation of the same three properties to a H-1 (Heavy Industrial District); that the Planning Commission recommended approval of Ordinance 20-07 and the Change of Zone; that it came before County Council and with a split decision, the applications were denied; that the Court of Chancery made the decision that a new hearing must occur before the County Council; that today's application is not to change the zoning to H-1; that there is no application pending to change the zoning designation; that the only matter today is to change the designation on the zoning map of these parcels; that the properties are located between Milton Ellendale Highway (Rt. 16) and Gravel Hill Road (Rt. 30); that there are two well-known landmarks including Kemp's Liquors on the northeast corner and on the southwest side is Iron Works; that traveling west, the intersection of Route 30 and 16 is the first signalized intersection outside of the municipal limits; that the property starts on the other side of Iron Works; that if you head west and then turn south onto Route 30, the entire frontage prior to Baker's Petroleum is the frontage of this property; that developing areas are newer, emerging growth areas that demonstrate the characteristic of developmental pressures; that most of the proposed Developing Areas are adjacent to municipalities within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers; that section 4.4 of the 2019 Comprehensive Plan states that Future Land Use Plan is the most influential part of this Comprehensive Plan and goes on to describe the basis for the Future Land Use Plan with seven bullet points; that the first bullet point states "to direct development to areas where it has infrastructure"; that there are seven bullet points that exist; that the first is to direct development to areas that have existing infrastructure or where it can be secured cost-effectively; that the fourth bullet point states "to encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County."; that Chapter 4 has a list of considerations when it should be in the growth area; that there are ten considerations; that the first consideration is the proximity to an incorporated municipality or a municipal annexation area; that these properties are located less than a mile from the boundary line of the Town of Milton; that the second consideration is presence of existing public sewer and public water service and plans by the County to provide public sewage service within five years; that Artesian has a CPCN for water and wastewater in the area; that this site is in close proximity to the waste water treatment facility operated by Artesian; that there are three 16-inch mains that run across this property; that there are a number of manholes and fire hydrants that run along the property; that the fifth consideration is location on or near a major road or intersection; that that the subject properties have extensive frontage onto roadways which are designated by DelDOT as major collectors; that there is a proposed Milton TID which the property is located within; that there are two proposed roundabouts near the property; that this property is adjacent to a DART bus route; that the fifth factor is

**Public
Hearing/
Ord No.
20-07
(continued)**

the character and intensity of surrounding development, including proposed development; that there is an extensive amount of HR zoning across the street from this property; that there are high density residential uses located in the area; that on the eastern side of Route 30, Pemberton single-family home community is located which is surrounded by HR and the future Milton Village; that to the western side is an area used for agribusiness; that there were two recent Changes of Zones that were adopted in this area; that CZ1992 changed the property from AR-1 to C-2; that CZ2027 changed a portion of the property along Route 16 from AR-1 to C-3; that the sixth and eighth consideration deal with the same topic; that the sixth consideration is location relative to major preserved land, and the eighth consideration is location of agricultural and other protected easements; that there is a property located across the street with an agricultural preservation easement; that the area to the north of the property are spray fields; that Artesian has a 90 million gallon lagoon located nearby; that the seventh consideration is location of water bodies and ninth consideration is the area's environmental character; that the properties are not located adjacent to water bodies; that the nearest water feature is the Brittingham branch; that there are no wetlands located on the properties; that the tenth factor is how the area ranks according to the Delaware Strategies for State Policies and Spending; that this area has levels 1, 2 and 3 in it; that Chapter 9 in the Comprehensive Plan vision is to create the conditions for self-sustaining, long-term growth in Sussex County; that it further states that the County should look for new business and industrial sites attractive to businesses looking to locate to the County with sites that will be most attractive are those that will have access to utilities, natural gas, fiber optic, etc. as well as low electric rates; that there is a natural gas line that runs along this property; that objective 9.1.3.6 talks about strengthening the relationship between the County and various economic development organization, like the Sussex Economic Development Action Committee; that a letter of support was submitted by SEDAC for this application; that strategy 9.2.2.4 states identify areas that are served with adequate electricity, natural gas, fiber optic infrastructure for rezoning to LI-1 and LI-2 areas; that this property has those in place; that in addition to having frontage on two collector roads, the southern boundary of the property is adjacent to the Delmarva Central Railroad line; that it is mentioned in section 13.2 of the Comprehensive Plan about reducing truck impacts by shifting freight to rail; that Carload Express has submitted a letter of support for the Application; that there is limited access to rail on the Eastern Shore; that HI-1 is located near this property; that HI-1 zone allows LI-2 classification; that the thought was as businesses come here that it would attract more businesses; that this application checks off the Land Use Reform Working Group recommendations for growth areas; that this property meets the criteria for being in a growth area; that it is requested to adopt the recommendation of the Planning Commission to change the designation to the Development Area.

Public comments were heard.

**Public
Hearing/
Ord No.
20-07
(continued)**

Mr. Chris Montoya spoke about the application.

Mr. Anthony Scarpa spoke about the application.

Mr. Keith Steck about the application.

Ms. Cathleen Garnavich about the application.

Ms. Jill Hicks about the application.

Ms. Louis Montoya spoke about the application.

Ms. Carol Remenick spoke about the application.

Ms. Helen Ralston spoke about the application.

The Public Hearing and public record were closed.

**M 024 26
Defer
Action/
Ord No. 20-
07**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00” for the reasons given by Planning & Zoning.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

**M 025 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 3:28 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;
Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County’s website.}

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Douglas B. Hudson, President
The Honorable John L. Rieley, Vice President
The Honorable Jane Gruenebaum
The Honorable Matthew R. Lloyd
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Project Manager

RE: ***SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension
A. Direct Equipment Purchase Order for Intermediate Pumping Equipment***

DATE: January 13, 2026

The multi prime South Coastal RWF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2. The **General Construction Project C19-11** was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing change orders 36.1 & 36.2.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue working with the County, providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements sequentially online.

DNREC issued the associated construction and operations permits on June 17, 2024 after a seven (7) years process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances required an innovative project implementation approach to establish the critical implementation path and construct individual components out of sequence to assure the best



possible permit compliance. Therefore, Council concurred on July 16, 2024 with the staged construction implementation process under a series of sequential change orders based on critical path implementation.

In order to financially separate the South Coastal RWF Treatment Process Upgrade No.3 project from the Inland Bay RWF Phase 2 Project the Finance Department suggested a transfer of retainage via a change order process. On July 15, 2025 Council approved Change Orders No. 37 & No. IB-007-GC to facilitate the transfer of \$500,000.00 in retainage.

On July 16, 2024, County Council had reaffirmed GHD, Inc. as “Engineer of Record” for the County’s wastewater treatment process related projects at all facilities through June 30, 2029. Therefore, the Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. GHD’s scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid, and funds can be exchanged between them as the priorities shift. GHD also committed to transition their cohesive South Coastal design team project and on July 16, 2024, Council approved GHD’s Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the entire scope of services associated with the Inland Bays RWF Phase 2 Project fast track implementation.

The first scope item of the Inland Bay RWF Phase 2 project was the two-stage clarifier component under RFP-IB-001&002. The IB-001 included the costs associated with procuring the precast concrete and the equipment, the IB-002 consisted of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. The associated Change Order IB-001 was approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90.

Ronca also priced the site mobilization per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoicing. Normally the overhead expenses are included in the mark-up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department recommended Ronca’s staff be on site on a continuous basis.

On January 25, 2025 Council approved M.F. Ronca & Sons, Inc.’s Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

Subsequently GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the conversion of lagoons 3 & 4 to aeration basins utilizing

the equipment package furnished by Bioworks under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. On May 13, 2025, County Council approved Change Order IB-004 in the amount of \$1,405,000.00, Change Order IB-005 in the amount of \$1,448,000.00 & Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

In December 2025 GHD issued Revision C update to the yard piping construction plans in accordance with the applicable details and specifications from the South Coastal project for pricing by M.F. Ronca & Sons, Inc. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. County Council concurred to increase M.F. Ronca & Sons' Change Order IB-006 by \$2,277,600.00 on December 16, 2025. After this round of pricing to the yard piping, only a few segments remain to be priced.

Change Order IB-005 included a sludge removal allowance of \$100,000 based on the assumption the lagoon was NOT used for biosolids storage. Upon removal of the supernatant water, a significant layer of old sludge was discovered, increasing the costs to date, as documented to \$158,325.62. The remaining work is estimated at approximately \$40,000. Change Order No. IB-010 amending No. IB-05's allowance in the amount of \$100,000.00 to M.F. Ronca & Sons was approved on September 23, 2025.

The Engineering Department designed and submitted the permitting for the site improvements, E&SC measures, drainage piping and the storage building pad under RFP-IB-008-GC. M.F. Ronca & Sons, Inc. submitted pricing for Site Work, S&EC, Storage Building Pad, etc. in the total amount of \$1,434,000.00 and unit pricing for column supports. With the final structural design not yet available the number of column supports for the storage building was conservatively estimated and can be adjusted downward using unit prices.

On July 29, 2025, Council approved Change Order No. IB-008-GC to M.F. Ronca & Sons, Inc. in the not to exceed amount of \$1,434,000.00 with the column number to be reduced based on final structural analysis and unit cost.

The upgrades to the effluent pump station no.1 were designed and issued under RFP IB-009. It comprises the complete rehabilitation of the mechanical components of the station including the temporary pump rentals. M.F. Ronca & Sons offered to complete the scope for \$841,000.00 and Change Order No. IB-009 to M.F. Ronca & Sons was approved on September 23, 2025.

The next component of the project ready for pricing by M.F. Ronca was the general construction of the Pump & Blower Building No. 2 as shown on RFP-IB-010 in accordance with the applicable details and specifications from the South Coastal projects including all mechanical equipment but excluding the electrical components. County Council approved Change Order IB-011 to M.F. Ronca & Sons, Inc. in the amount of \$1,880,000.00 on December 16, 2025.

Electrical Construction Project C19-17 was awarded December 17, 2019, to BW Electric Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on March 21, 2025 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

BW Electric, Inc. offered pricing for mobilization to the Inland Bays site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc., has a much smaller on-site overhead team and therefore chose to include its cost in the fixed percentage markup on a task-by-task basis.

On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

The County's 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF) including **the Effluent Loop Project** which provides for treated effluent distribution after completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property through 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) distribution locations. The contract documents were publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor and presented Change Order No. 1, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where future distribution & diffuser piping will connect to the spray-field header. On October 15, 2024, Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00. On September 9, 2025 Council approved Change Order No. 3 for the first of three spray fields diffuser piping for Project S24-01 in the amount of \$909,915.98.

The Loop Project was the initial step towards constructing a treated effluent distribution system at Inland Bays RWF including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The 100,000 gallons treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection

process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

The Inland Bays RWF Phase 2 Project includes conversion of an unused original treatment lagoon into two aeration basins (3&4) as well upgrade of the aeration system at the two existing basins (1&2) which were converted over ten years ago. GHD developed a Request for Proposals which was distributed to Bioworks and Parkson, the only two (2) companies in the field. After a two-stage competitive selection process both submitted costs and payment.

Based on GHD's and the Department's recommendation County Council approved the issuance of a purchase order to Bioworks in the amount of \$1,397,640.00 on March 25, 2025.

The Inland Bays RWF Phase 2 Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. Three (3) filter manufacturers were considered. Evoqua was the most expensive due to the stainless-steel filter media while Aqua Aerobics and Nexom, both offered cloth filter media and were priced comparably lower. The Nexom purchase price is slightly more expensive than Aqua Aerobics', but the Nexom equipment will fit into the existing tank structure with less structural modifications and easier accessibility for maintenance. Therefore, the overall capital and lifetime maintenance costs to the County will be lowest using the Nexom equipment.

Of the three (3) UV manufacturers considered, Nuvonic was the most expensive and the closed vessel design was not conducive to installation in the existing contact chamber. Trojan Technologies, in line, and Glasco, vertically, were priced comparably, with Glasco slightly cheaper. On July 15, 2025 Council approved issuance of two purchase orders (i) Nexom for filtration equipment in the amount of \$798,300.00 and (ii) Glasco in the amount \$415,000.00 for UV equipment.

In order to provide sufficient air for the conversion of the currently unused lagoon into two aeration basins (3&4), GHD solicited firm proposals for process aeration blowers from the two manufacturers the County currently uses requiring similar warranty periods and payment schedules. GHD and the Department recommend selecting the slightly lower Kaeser proposal. In addition to the slightly lower costs, the Kaeser blowers match the existing process aeration blowers at Inland Bays RWF. The existing blowers will be kept in service to supply air to aeration basins 1&2. Using identical blower models across all six units will simplify maintenance for the operations team and allow spare parts to be used interchangeably.

A direct equipment purchase order in the amount of \$298,000.00 to Riordan Materials Corporation, the exclusive area representative of Kaeser, was approved on September 23, 2025.

As mentioned above the Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. The existing three (3) intermediate lift pumps date to the original 1990s construction and do not meet the new hydraulic duty points. Therefore, GHD prepared a request for proposals which were distributed to five (5) manufacturers. After reviewing the proposals, GHD recommended Pentair for the

intermediate pumps due to the best hydraulic fit, even though they are not the lowest cost. Cascade's proposal, which was associated with the lowest cost, included a smaller motor not correctly sized over the range of the application. In order to satisfy the design standards, Cascade would need a 50 hp motor, which could not be accommodated in the current electrical design therefore decreasing the cost delta between Cascade and Pentair. The other two manufacturers, Sulzer and Geiger, both had higher associated costs and did not offer any hydraulic performance advantages to overcome the cost delta between them and Pentair. Once a selection was made on the intermediate lift pumps the request was opened to include one much smaller recirculation pump to limit the number of suppliers.

In summary, the Engineering Department recommends issuance of a purchase order for intermediate and recirculation pumping equipment to Sydnor Hydro, Inc., the exclusive representative for Pentair in the amount of \$466,700.00.

The Engineering Department is continuously updating the list of outstanding scope items under the critical path staged construction implementation process below. Some of them may be grouped together under an aggregate versus an individual change order. This summary will be updated in subsequent memoranda to Council.

- *Disinfection tank conversion to tertiary treatment & UV disinfection*
- *Chemical incl. hypochlorite feed systems building w/ separate electrical building*
- *Effluent storage lagoon hydraulic influent/effluent modifications,*
- *New sludge pump station using ext. pumps*
- *Dewatering building remodeling*
- *Administration building remodeling incl. temp. facilities*
- *Power distribution equipment and motor control center upgrades*
- *Loop system fiber control components*
- *Second belt filter press procurement*
- *Storage Lagoon no. 1 cover with vendor installed option & possible liner replacement upon inspection*

Manufacturer	No. of Pumps	Cost	Delivery Time	Min. Submergence (in)	NPSHR (ft)	Motor HP	Motor RPM	Rated Condition	Column Diameter	Air Release Valve	O&M	Motor Data Sheet	Spare Parts	Warranty	Terms of Sale	Other
Sulzer	4	\$ 531,120.00	44-48 weeks	39.58	19.18	40	1800	2734 gpm 33 ft	12"	No	No	Yes	Yes; 1 bowl/line shaft bearings, 1 impeller, 1 mechanical seal, 1 bowl liner	12 months from commissioning or 18 months from shipment, whichever is first	30% from PO, 70% upon delivery	
PentAir	4	\$ 439,000.00	24-26 weeks		9.06	40	1200	2734 gpm 33 ft	14"	Yes, 2"	Yes	Yes	Yes	12 months from commissioning or 18 months from shipment, whichever is first	Not included	
Cascade	4	\$ 307,575.00	34 weeks		22.22	30	1800	2734 gpm 32 ft	14"	Yes	Yes	Yes	Yes; 1 set of pump bearings, 1 impeller	12 months from commissioning or 18 months from shipment, whichever is first	20% shop drawing approval, 70% shipment, 10% start up	
Geiger	4	\$ 556,000.00	38-40 weeks	42.80	21.60	50	1200	2733 gpm 33 ft	12"	No but the previous proposal did	No but the previous proposal did	Yes	Yes; 1 bowl/lineshaft, 1 impeller, 1 set of packing, 1 set of wear rings, 1 set of motor power connection terminals, 1 set of motor bearings	12 months from commissioning or 18 months from shipment, whichever is first	20% shop drawings, 70% delivery, 10% startup	

**SUBJECT TO THE CONDITIONS OF SALE SET OUT BELOW AND, ON THE BACK, HEREOF,
Sydnor Hydro, Inc. offers to sell to Buyer the following:**

**REFERENCE: INLAND BAYS REGIONAL WASTEWATER FACILITY PHASE #1 EXPANSION – CONTRACT 09-19
SUSSEX COUNTY, DELAWARE – ENGINEERING DEPARTMENT**

We propose to furnish FOB factory, freight allowed jobsite, the following equipment:

Specification Section 11304 – Vertical Effluent Pumps

Name / Location: Intermediate Pumps / Chlorine Contact Tank

Tag Nos: CCT-IP-810, CCT-IP-811, CCT-IP-812, CCT-IP-813

- Four (4) Fairbanks Nijhuis (Pentair) Model 17M 1-stage vertical turbine pumps, each designed to deliver 2,734 GPM @ 33' TDH (full speed) and 1,215 GPM @ 8' TDH (reduced speed) with a 40 HP, 460/3/60, 1200 RPM motor. Each bowl assembly will be furnished with a custom bill of materials and will feature the following: cast iron bowl w/ 316 SS fasteners, 316 SS impeller (dynamically balanced), 316 SS impeller wear ring, 316 SS casing wear ring, 416 SS pump shaft and coupling, bronze bowl bearing, SS basket strainer. Pump assembly will feature 14" flanged column pipe (10' sections) w/ SS bolts, 416 SS lineshaft and couplings, SS bearing retainers, neoprene rubber bearings. Each pump will be supported at the surface by a 14" "LS" fabricated steel discharge head (150# flanged connection) and soleplate (34" x 34"). Stuffing box will feature graphite packing rings with bypass for shaft seal, bronze split glands, bronze stuffing box bushing, 416 SS drive shaft. One (1) air release valve will be furnished with each pump. Each pump will be driven by a 40 HP, 460/3/60, 1200 RPM Vertical Hollow Shaft Motor with premium efficient rating, inverter duty insulation, TEFC enclosure, 364TP frame, steady bushing, non-reverse ratchet, winding temperature thermostats, space heater and standard oversized conduit box. Bowl assembly, column pipe, discharge head and soleplate to be coated on the interior and exterior in accordance with manufacturer's recommendations (Black Tnemec N140). A factory certified hydrostatic and performance test will be performed on each bowl assembly. Reduced speed testing will be performed with factory VFD's. A complete initial unwitnessed test will be performed on each motor. Test results will be submitted to the project engineer for review and approval prior to shipment.

Price for Above (Pumps)\$432,000.00

Spare Parts:

- One (1) complete set of pump bearings
- One (1) set of motor bearings
- One (1) set of impellers
- One (1) set of packing
- One (1) set of wear rings (impeller and casing)
- One (1) set of three (3) motor power connection terminals

Price for Above (Spare)\$7,000.00

Recirculation Pump

Name / Location: Recirculation Pump / Base of 100M Sphere Elevated Tank

- One (1) Fairbanks Nijhuis (Pentair) Model 8" 1592A vertical close-coupled in-line pump (NSF Certified) with 9.00" dia. Impeller and 15 HP, 460/3/60, 1200 RPM motor. Pump will be furnished with the following options/features: ductile iron ASTM A536 casing, SS Type 316 impeller, 416 SS ASTM A582 shaft, SS 416 shaft, cast iron ASTM A48 motor bracket, John Crane Type 21 mechanical seal, 6" pipe flange support base, manufacturer's recommended coating (blue). Motor will be premium efficient with a TEFC enclosure rating (286JM frame). A factory certified hydrostatic and performance test will be performed on the pump. Test results will be submitted to the project engineer for



2111 MAGNOLIA ST., RICHMOND, VA 23223
P.O. BOX 27186, RICHMOND, VA 23261-7186
800-552-7714 • 804-643-2725 • FAX: 804-788-9058

review and approval prior to shipment.

Price for Above (Pump).....\$27,250.00

Spare Parts:

- One (1) sealing kit, Type – 382B-CC, 8x8x11A, 286JM frame, 4761258644

Price for Above (Spare)\$450.00

Clarifications:

- Installation and electrical connections are to be performed by others.
- Any item not specifically described above shall be furnished and installed by others.
- Anchor bolt sizing calculations will be furnished with our submittal package. Actual anchor bolts by others.
- Field vibration testing by independent 3rd party is not included in the above proposal. Contractor to coordinate, if required.
- Startup and training activities are included in the above pricing.
- Submittals and O&M Manuals are included in the above pricing.
- Equipment to be furnished with manufacturer's standard warranty, 18 months from shipment or 12 months from startup, whichever occurs first.
- Freight to the jobsite is included in the above pricing. Sales tax is not included.
- Pumps to be shipped assembled (less motors) unless told otherwise by installing contractor.
- Motor oil, if required, to be furnished by others.
- Submittal lead time: 6 weeks. Production lead time (turbines): 18-20 weeks, (vertical in-line): 12-14 weeks.

Terms, upon credit approval, are net 30 days. All prices quoted are exclusive of any applicable taxes. Payment made with a credit card will result in additional charges. All items quoted herein are subject to engineer/owner approval. Any additional requirements not outlined in our above quote may result in additional charges. For further information, please contact Tyler Poindexter at 804-643-2725, Ext. 229.

ACCEPTED UPON THE CONDITIONS SET OUT ABOVE AND OVER.
EXPIRATION 30 DAYS.

SYDNOR HYDRO, INC.

BUYER –

BY: _____ BY: _____
AUTHORIZED AGENT AUTHORIZED AGENT – TITLE

ADDITIONAL CONDITIONS OF SALE

PARTIES: Sydnor Hydro, Inc. is hereinafter referred to as "Seller". The Buyer is hereinafter referred to as "Buyer".

DURATION AND ACCEPTANCE OF QUOTATION: This quotation is an offer to sell. It may be accepted only upon the terms herein stated by Buyer signing the Acceptance copy hereof and delivering it to Seller's office before its expiration. Unless otherwise provided on the face hereof, this quotation expires thirty days after the quotation date shown on the face or at such earlier time as it may be withdrawn by Seller either verbally or by writing addressed to Buyer at the mailing address on the face hereof. Once effective, Buyer's acceptance may be canceled only with Seller's consent and upon terms which will indemnify Seller against loss by reason of such cancellation.

CLERICAL OR TYPOGRAPHICAL ERRORS in price, description, or otherwise are subject to correction by Seller.

PRICES do not include any applicable sales, use, excise or other comparable taxes which, if required to be collected or paid by Seller or its supplier, shall be paid by Buyer to Seller, unless otherwise stated on the face hereof.

TERMS OF PAYMENT: Unless otherwise stated on the face hereof, terms of payment are net thirty (30) days after invoice date. In the event customer causes shipment or work delay, the invoice date may be the date ready for shipment or installation regardless of continued possession by Seller. Seller may invoice for partial shipments. On work that includes construction services, seller reserves the right to cease construction activity and vacate the jobsite should buyer fail to make payments in accordance with payment terms established herein.

ADDITIONAL TERMS: If bankruptcy or insolvency proceedings be instituted by or against Buyer or if Buyer makes an assignment for the benefit of creditors or if Buyer's financial situation, in Seller's judgment, does not justify extending credit to Buyer, Seller may, at its election, require payment in advance or on delivery or cancel the order for any unshipped goods and require payment of any loss incurred by reason of the cancellation.

PAST DUE PRINCIPAL shall be subject to monthly interest, service or late charges at the highest lawful rate but not exceeding 1 1/2% per month. Buyer shall be liable for all costs (including reasonable attorneys' fees) incurred in collecting past due amounts.

DELIVERY: Unless stated on the face hereof, delivery shall be FOB point of shipment, and the means, method and route of delivery shall be as Seller may select. Any time of delivery stated on the face hereof is approximate only and Seller shall in no event be liable for delays in delivery or completion of work caused by delays in procuring materials or equipment or caused by fires, floods, accidents, acts of God, unavoidable accidents, strikes, labor difficulties or delay in transportation or by any action, law, ordinance, requirement, rule or regulation of any government or governmental authority, nor shall Seller be liable for any penalties or losses caused by any delay.

DESCRIPTIVE TERMS: Any descriptive terms or documents accompanying this order show only approximate dimensions, appearances, and specifications. Seller may make such changes therein as it deems an improvement.

RISK OF LOSS: The Buyer shall bear the risk of loss for any damage to or destruction of the goods ordered from such time as delivery by Seller of the goods to the carrier for transportation to Buyer, or, if Seller is the carrier, from tender of delivery to Buyer by Seller.

ADDITIONAL SERVICES: Unless stated on the face hereof, Seller does not agree or undertake to supervise or in any manner assist in the installation or start-up or servicing of the goods ordered.

EXPRESS WARRANTIES: (a) Items of equipment furnished by Seller under this Agreement, whether drop-shipped or installed by Seller, may be conditionally warranted against defects in material and workmanship by their manufacturer and are not warranted against such defects by Seller. Buyer's sole and exclusive remedy (if any) is against manufacturer only.

(b) Except as provided in paragraph (a), Seller agrees to correct all new construction work performed by Seller under this Agreement which proves to be defective in material or workmanship within one year from the Date of Substantial Completion. New construction work is defined as work performed on new facilities.

(c) Except as provided in paragraph (a), Seller agrees to correct service work provided by Seller under this Agreement which proves to be defective in material or workmanship within ninety days from the date service work is completed. This warranty is expressly limited to defects in material and workmanship specifically provided by Seller, and does not include failure caused by conditions outside the scope of service work performed by Seller. Service work is defined as work performed primarily on existing facilities, even if some portion of the work includes new or replacement components.

This warranty is expressly in lieu of all other rights and remedies at law or in equity. THERE ARE NO EXPRESS WARRANTIES EXCEPT THOSE HEREINABOVE SET OUT IN THIS PARAGRAPH. Seller shall not be responsible for any work done or expense incurred by Buyer which has not been authorized or is in excess of that authorized.

DISCLAIMER OF IMPLIED WARRANTIES AND CONSEQUENTIAL DAMAGES: SELLER DOES NOT WARRANT THE MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR OR INTENDED PURPOSE OR USE. SELLER SHALL NOT BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL OR LIQUIDATED DAMAGES.

CONDITIONS EXCLUSIVE: No terms or conditions (including terms and conditions in any specification, order, contract, or subcontract in performance of which Buyer is purchasing the articles or services to be furnished pursuant hereof) not stated herein, and no agreement or other understanding varying the terms and conditions herein stated, shall be binding on Seller unless made a part hereof and signed by a duly authorized representative of Seller. To the extent that the assumptions, representations or conditions contained in this proposal are in conflict with any terms and conditions set forth on any subsequent purchase order or similar document issued to authorize or accept this proposal, the assumptions, representations and conditions of this proposal shall govern.



Jason North
199 Overlook Road
Morgantown, PA 19543
(610) 451-1178
jnorth@chesequip.com

November 10, 2025

Rachel deBradander
Environmental Engineer
GHD
16701 Melford Blvd Suite #221
Bowie, MD 20715

Reference: Inland Bays WWTP, Intermediate Pumps at IBRWF

Dear Rachel:

Please consider the following:

In response to your request for a firm quotation, Sulzer/Johnston would like to provide the following quotation.

Four (4) Model JP-10PO Sulzer Pumps

- **Pricing \$531,120.00**
- Freight included
- Tax is not included if required.
- Delivery Time is anticipated to be 44 to 48 weeks.

Please Note:

1. All shipments FOB point of manufacturer, full freight allowed.
2. Prices quoted herein exclude any applicable state or local taxes.
3. We reserve the right to assign any orders received pursuant to this proposal directly to the manufacturer of the designated equipment.
4. Startup of equipment without checking of same by an authorized service technician will void all equipment warranties.
5. Estimated delivery time is based upon the Manufacturer's published data at time of bid. Lead times are subject to change based upon production demand at time of release. It is suggested Contractor confirm current delivery schedule at time of release to production.

Please contact our office with any questions/comments that may arise.

Sincerely, **Jason North**



CHESAPEAKE
ENVIRONMENTAL EQUIPMENT

Jason North
199 Overlook Road
Morgantown, PA 19543
(610) 451-1178
jnorth@chesequip.com

CHESAPEAKE ENVIRONMENTAL EQUIPMENT LLC

STANDARD TERMS & CONDITIONS

Warranty:

All products are covered by the warranty of the specific manufacturer and subject to their standard terms and conditions. Chesapeake Environmental Equipment LLC is a manufacturer's representative and does not warranty the products, installations, or deliveries. Copies of the specific manufacturer's warranty can be provided upon request.

Liability Limitations:

Chesapeake Environmental Equipment LLC assumes no liability for loss of profits by reason of plant shut down, non-operation, increase in expense of operation of other equipment or facilities, loss of production or progress of construction, whether resulting from delays in delivery or performance, faulty installation, breach of manufacturer's warranty, or any other special indirect, consequential, punitive, collateral, or liquidated damages.

Installation:

Buyer agrees to cause the products to be installed in accordance with the Manufacturer's instructions and will indemnify Chesapeake Environmental Equipment LLC against any and all damages, demands, suits, causes of action, claims and expenses arising directly or indirectly out of Buyer's failure to cause the products to be so installed.

Past Due Accounts:

Past due accounts will be assessed a finance charge equal to 1 ½% per month. If an account is placed for collections, Buyer must pay an additional 15% to cover costs and attorney's fees.

Payment:

All payments should be remitted to: Chesapeake Environmental Equipment, 5609 Powell Grove Terrace, Midlothian, VA 23112

Delivery:

Shipping dates are estimates only and are based on Manufacturer's production schedules and commitments by suppliers. Delay in shipment or variance from shipping schedule shall not be cause for cancellation or claim for damage. If, at Buyer requests,



Jason North
199 Overlook Road
Morgantown, PA 19543
(610) 451-1178
jnorth@chesequip.com

shipment is delayed, the above payment terms commence running as of the date when ready for shipment.

Return Policy:

No returns will be permitted without prior written consent of Chesapeake Environmental Equipment.

Cancellations:

A 25% cancellation charge will apply to any canceled orders prior to "release to fabrication/manufacture". Cancellations after "release to fabrication/manufacture" will be invoiced in full.

Force Majeure Limitations:

Chesapeake Environmental Equipment LLC shall not be liable for any loss, damage or expense resulting from delay or failure of performance of Chesapeake Environmental Equipment LLC's obligations hereunder if such delay or failure is due to acts of God or the public enemy, strikes, labor troubles, fire, explosions, riots, war, governmental orders or restrictions, shortages of materials or labor, delay in transportation, theft, accident, or any other cause for which Chesapeake Environmental Equipment LLC is not responsible.

Flow Equipment

Sulzer Pumps Solutions Inc.
140 Pond View Drive
Meriden 06450
UNITED STATES
Phone (203) 238-2700
Fax
www.sulzer.com

Chesapeake Enviromental Equipment

Attention
Forest Hill, MD 21050
Forest Hill, Maryland 21050
UNITED STATES

Contact Ron Derrick
Department / Unit
Phone
Mobile phone
E-mail Ron.Derrick@sulzer.com
Date 10 Nov 2025

FIRM QUOTATION

Project:
Inquired at:
SULZER-Reference: USA.6669-NWW.25.6669-F0
Revision: 0

Dear ,

Thank you for your above referenced inquiry. We are pleased to submit our quotation, which is based on the technical and commercial information attached hereto.

Service	ItemQuantity	PumpSize	Unit Price	Total Item Price
Effluent Pump	4	JP-10PO	USD 132.780.00	USD 531,120.00
Grand Total				USD 531,120.00

We are confident you will find our quotation in line with your requirements. In case you have any questions, please do not hesitate to contact us.

Yours Sincerely
Sulzer Pumps Solutions Inc.

Umer Beg
Regional Manager

Ron Derrick
Application Engineer

MID ATLANTIC PUMP & EQUIPMENT COMPANY

NJ Office

Dennis Zepp
228 No. Route 73
Berlin, NJ 08009
Phone: (856) 768-3880 x644
Fax: (856) 768-0925
E-Mail: Dzepp@mapeco.com

Central PA Office

Jim Engleman

Reading, PA
Phone: 610-780-1979

E-Mail: Jime@mapeco.com

Eastern PA Office

Gary Covert

Phone: (267) 772-9550

E-Mail: Garyc@mapeco.com

QUOTATION

QUOTE NO: DZ120925-2

QUOTE DATE: December 9, 2025

SALESPERSON: Dennis Zepp, Ext. 644

Attention: Rachel deBrabander

Project: Inland Bays Regional Wastewater Facility Phase #1 Expansion

Contract: N/A

End User: Sussex County, DE

Engineer: GHD

Cascade Pump Company is pleased to submit the following proposal for four (4) Intermediate Pumps and Motors for the Phase #1 Expansion

SCOPE OF SUPPLY

Pump Tag No's.: CC-IP-810, 811, 812, 813

Rated Condition: 2,734 GPM at 32 FT Pump Head, 30HP Motor, 1800 RPM

- Pump design features and materials of construction will be the same as those furnished under Cascade SO# 17558/59/60 with revisions as required to accommodate above noted hydraulic conditions

Pumps: Qty (4) Cascade Model 11MF mixed flow, 1-stage, 14" nominal diameter above base flanged discharge, enclosed lineshaft – oil lubricated, 1800 RPM, 83% bowl efficiency / 82.0% pump efficiency, 27 brake horsepower, 16'-2" from baseplate to bottom of suction bell, estimated dry weight ≈ 2,176 lbs.

Motors: Qty (4) 30 HP, 1800 RPM, 460 volts, 3 phase, 60 Hz, VSS, TEFC enclosure, estimated weight ≈ 330 lbs.

F.O.B. Shipping Point, lump sum for four (4) Pumps and Motors: **\$307,575 Net Lot**

We have a stainless steel bowl liner that can be fitted into the Cascade 11MF bowl assembly. The only advantage is that the liner is a replaceable wear surface. But typically, after the bowl cast iron “seat” becomes worn, it can be machined at a future date to accept this bowl liner upon teardown & rebuild.

Adder: \$21,312 total for Qty-4 pumps.

Price Includes 4 days start up and commissioning service. Additonal days available at \$1,300 Per Day

Schedule

Estimated Pump Submittal	6 weeks after PO
Estimated Pump Shipment	28 weeks after release to Manufacturing
,	----

THE FOLLOWING ITEMS ARE INCLUDED:

- Pump Configuration: Oil Lubricated - Enclosed Line Shaft
 - Pump Materials of Construction:
 - Bowl and Suction Bell: CL.30 Cast Iron
 - Impeller: 954 Bronze (1.63" max sphere size)
 - Bowl Shaft, Keys & Hardware: 416 SS
 - Bowl Bearings: 932 Bronze
 - Line Shaft, Line Shaft Couplings: 416 SS
 - Line Shaft Bearings: 932 Bronze
 - Enclosing Tube: A53 Steel
 - Grease Line to Suction Bearing: 316 SS Tubing
 - Discharge Elbow, Flanged Column: Fabricated Steel
 - Fasteners: 316 SS
 - Coupling Guards: Aluminum
 - Tension Nut: CL.30 Cast Iron
 - Tension Nut Lock Ring and Body: Bronze
 - Tension Nut Bearing: 932 Bronze
 - Flanged Motor Coupling: Steel
 - Key Pump Features
 - Reinforced Heavy Duty, 3-Piece Mitered Discharge Elbow
 - Discharge Nozzle Flange (AWWA C207, Class D)
 - Flanged Column (0.375" Wall)
 - Lifting Lugs
 - OSHA Compliant Coupling Guards
 - Tension Nut Assembly w/ Oil Lubricator, 480v Solenoid Valve & 1 Gallon Oil Pot
 - Threaded Line Shaft Couplings
 - Flanged Adjustable Motor Coupling, 3-Piece
 - 1/4" NPT Gauge Tap, Discharge Nozzle
 - Drain to Sump from Tension Nut Mounting Plate, Hard Piped
 - Variable Speed Ribs
 - Dynamically Balanced Impeller
 - APCO Air Release Valve Series 140 or Equal (DI body, 316 SS internals)
 - Other non-specified features and materials per Cascade Pump standard construction and as provided on prior Cascade SO# 17558/59/60
 - Key Motor Features
 - 30HP, Vertical Solid Shaft, TEFC, 1800 RPM, Premium Efficiency, 3/60/460V
 - NEMA MG1, Part 31 Design Standard
 - Inverter Duty Rated (1.15 SF on Sine Wave, 1.0 SF on Inverter)
 - NRR Assembly
 - 40 Deg C Ambient @ 3,300 Ft Altitude
 - Standard Enamel Paint System
-

- Insulated Bearing (Upper Bracket)
- 8,800 Hr L10 Bearing Life
- High Thrust
- Ground Lug, Main Conduit Box
- Class F Insulation
- Class B Rise
- AEGIS Shaft Grounding Ring (SGR)
- Stainless Steel Hardware
- 115V Space Heaters (Leads Terminate in Main Conduit Box)
- N/C Winding Thermostats (Qty-1 Per Phase) (Leads Terminate in Main Conduit Box)
- Oversized Cast Iron Main Conduit Box (Qty-1, 3.00 Inch Conduit Hub)
- Non-Witnessed Short Commercial Test per NEMA MG1-12.55 (each unit)
- **Coatings**
 - Epoxy: Carboline 1086 Hydroplate - Discharge Elbow ID & OD, Column Assembly ID & OD, Enclosing Tube OD, Bowl Assembly ID & OD
 - Mfg Standard Industrial Enamel Paint System: Motor
- **Spare Parts – Per Pump Type**
 - Qty-1 Set, Pump Bearings
 - Qty-1, Impeller
- **Factory Testing and Inspection**
 - Non-Witnessed HI 14.6 Grade 1U Bowl Assembly Performance Test w/ Certified Constant Speed Lab Driver & Test Lab Components
- **Engineering Analysis**
 - Pump-Motor Structural Natural Frequency Analysis
- **Engineering Submittals and Documentation**
 - Pump GA Drawing
 - Pump Performance Curve
 - Pump Cross-Sectional Drawing / Parts List
 - Coating Data
 - Motor Data
 - O&M Data/Manuals

THE FOLLOWING ITEMS ARE NOT INCLUDED:

- VFD's, MCC's
 - Lubricants (oil & grease)
 - Anchor Bolts
 - Pressure Gauges & All Appurtenances
 - Lifting Beam / Slings & Shackles
-

- Field Testing (performance-GPM/Head)
- Field Painting/Inspection
- Boxing & Crating for Long Term Storage
- Installation
- Pre-Commissioning
- Unloading
- Sales Tax
- Bonding (Warranty, Performance, Maintenance, Payment, etc.)

THIS SCOPE OF SUPPLY IS QUOTED BASED ON THE FOLLOWING:

- Mid Atlantic Pump email (dated 09/08/25)

TECHNICAL COMMENTS – PUMPS & MOTORS

- **Pumps as quoted are a physical drop-in replacement to those previously furnished under Cascade SO# 17558/59/60.**
- **Pump design features and materials of construction will be the same as those furnished under Cascade SO# 17558/59/60 with the following revisions:**
 - Bowl assembly will be sized to accommodate new hydraulic design condition of 2,734 GPM at 32 FT Pump Head.
 - Motors will be Inverter Duty rated and sized at 30HP to accommodate new hydraulic design conditions.
- Reference Specification 11304:
 - 1.05.A.2.c: Lateral natural frequency analysis is included. Exception to Torsional Natural Frequency Analysis. It is Cascade Pump's experience that torsional natural frequencies are never an issue with motor driven vertical pumps.
 - **1.05.A.2.e: Pumps are provided with epoxy coating, as were original pumps.**
 - **2.02.B.2: Impellers are 954 Bronze. This is an upgrade over the originally provided material, and 836 Bronze. The pump bowls are not provided with liners(See Ader if required), as the originals were not. Motors are Vertical Solid Shaft, per original.**
 - 2.02.G/H: Pumps are enclosed lineshaft, oil lubricated per original. As such references to bearing retainers and mechanical seals are not applicable.
 - Standard Factory Bowl Tests are included.
 - Standard Routine Motor Tests are included.

TERMS AND CONDITIONS OF SALE

- **Bid Price:** Pricing is F.O.B. Factory, Santa Fe Springs, CA for pumps, and F.O.B Factory Laredo Texas for motors -
 - **Taxes and Duties:** Unless otherwise stated in this quotation, prices do not include any Federal, State, or Local sales, use or other taxes that may be applicable to the sales of offered products or services.
 - **Payment Terms:** Cascade Pump Company standard progress billing milestones shall apply unless otherwise mutually negotiated, consisting of:
 - 20% upon submittal approval and release to manufacturing
 - 70% net 30 days from shipment
-

- 10% upon approval of start-up and field testing, not to exceed 180 days
 - Terms and Conditions: Cascade Pump Company standard terms and conditions shall apply unless otherwise negotiated per attached.
 - Bid Validity: This proposal is valid for 60 days from the quotation date and based on all conditions herein. (Pump pricing subject to escalation based on documented material price increases using BLS statistics, etc.)
 - Warranty: Warranty will be (12) twelve months after product is first put into operation or (18) eighteen months after date of shipment, whichever is less.
-



ENGINEERED SOLUTIONS FOR WATER AND WASTEWATER

Geiger Pump and Equipment Co.

8924 Yellow Brick Road

Baltimore, MD 21237

Phone: (410) 682-2660

◆ P R O P O S A L ◆

Date: December 4, 2025
To: GHD
Reference: Inland Bays RWF Expansion
REV: 1

Geiger is pleased to offer the following proposal for equipment for the above project.

I. Equipment Description

11304 – Vertical Effluent Pump

Quantity (1) Xylem Goulds Water Technology Vertical Turbine Pump

- Primary Design Point: 8200 GPM at 33 ft TDH
- Model: IT-FFFM 16RGLC, 2 Stage
- Max Sphere Passage: 1.5”
- Bowl:
 - Bowl Material: Epoxied Cast Iron
 - Impeller Material: 316 Stainless Steel
 - Bowlshaft Material: 416 Stainless Steel
 - Impeller Attachment: Keyed
 - Key Material: 416 Stainless Steel
 - Suction Type: Bell
 - Suction Material: Cast Iron
 - Bowl Bolting Material: 316 Stainless Steel
 - Sand Collar: 304 Stainless Steel
 - Suction Bearing: Bronze
 - Intermediate Bowl Bearing: Bronze
 - Impeller Trim: 8.93”
 - Impeller Balance: Manufacturer’s Standard
 - Impeller Design: Enclosed
 - Bowl Wear Ring: 416 Stainless Steel
 - Impeller Wear Ring: 416 Stainless Steel
 - The casing shall be hydrostatically tested to 1.5 times the design head or 1.25 times the shutoff head whichever is greater.

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- Column:
 - Column Diameter: 12"
 - Column Flange: Carbon Steel
 - Lineshaft Diameter: 1-3/16"
 - Column Bolting: 316 Stainless Steel
 - Column Pipe Material: Carbon Steel
 - Lineshaft Material: 416 Stainless Steel
 - Lineshaft Bearing Material: Rubber (Dog Bone)
 - Lineshaft Coupling Type: Threaded
 - Lineshaft Coupling Material: 416 Stainless Steel
 - Lineshaft Sleeve: 416 Stainless Steel
 - Bearing Retainer Design: Separate (304SS)
 - Maximum Bearing Spacing: 5'
 - Max Column Section Length: 60"
 - Number of Bearings: 2
 - Column Wall Thickness: 0.38"
 - Lubrication Method: (Open LS) Product Lube
- Head:
 - Head Type: FF (Fab F)
 - Discharge Flange Rating: 150#
 - Disch Flange Pressure Limit: 285 PSI
 - Head Design: One Piece Head
 - Discharge Head Material: Carbon Steel
 - VFD Compliant Head Design: Yes
 - Headshaft Material: 416 Stainless Steel
 - Headshaft Coupling Type: Threaded
 - Headshaft Coupling Material: 416 Stainless Steel
 - Headshaft Diameter: 1.19"
 - Discharge Head Size: 12"
 - Discharge Head BD: 20"
 - Sealing Method: Packing
 - Packing Material: Acrylic Yarn & Graphite
 - Stuffing Box Material: Cast Iron
 - Stuffing Box / Seal Hsg Bolt: 316 Stainless Steel
 - Stuffing Box / Seal Hsg Brg: Bronze
 - Seal Housing Material: Carbon Steel
 - Air Vacuum Valve: 2"
 - Steel Sub Base: Carbon Steel
 - Head Bolting: 316 Stainless Steel
- Coatings:
 - Bowl OD: Tnemec 21 (NSF 61), Liquid Epoxy (8 mils)
 - Column ID: Tnemec 21 (NSF 61), Liquid Epoxy (16 mils)
 - Column OD: Tnemec 21 (NSF 61), Liquid Epoxy (16 mils)
 - Column Bearing Retainer: Tnemec 21 (NSF 61), Liquid Epoxy (16 mils)
 - Head ID: Tnemec 21 (NSF 61), Liquid Epoxy (16 mils)

Check Out Geiger On-Line! www.geigerinc.com

- Head OD: Goulds Water Technology Blue Enamel
 - Sub Base: Goulds Water Technology Blue Enamel
- Motor:
 - Driver Type: Vertical Hollow Shaft
 - HP Rating: 50HP
 - Speed: 1200 rpm
 - Phase/Frequency: 3ph/60Hz
 - Voltage: 460VAC (PWS)
 - Enclosure: TEFC
 - Efficiency: Premium
 - Coupling: NRR w/o Steady Bushing
 - Inverter Duty (1.0 SF)
 - Insulated Upper Bearings
 - AEGIS Ground Ring
 - Thermostats (NC – 1/phase)
 - Space Heater (115V)
 - Standard Oversized Conduit Box
 - Short Commercial Test
 - Special precision balance to achieve no more than 0.08 inches per second peak vibration in any direction.
- Factory Testing:
 - Performance Testing:
 - Bowl Assembly
 - Job Motor
 - Full Speed
 - Non-Witnessed
 - Multi-Speed (min 3 speeds)
 - Minimum 6 data points per test curve
 - Hold Shipment for Testing Approval: Yes
 - Acceptance Grade: 1U
 - Hydrostatic Testing:
 - Bowl Assembly
 - Flanged Column
 - Discharge Head
 - Non-Witnessed
 - NPSH Testing: Non-Witnessed
- Engineering Services:
 - 3D Model Deliverable: Included
 - NSF 61 Certification: Included
 - Critical Speed Analysis: Included

- Set of Spare Parts Including:
 - (1) set of Bearings (bowl and lineshaft)
 - (1) Impeller
 - (1) set of Packing
 - (1) set of Wear rings – Impeller and bowl
 - 1 (one) set of 3 (three) motor power connection terminals
 - (1) set of motor bearings
- Warranty:
 - Factory standard warranty, which covers a length of 18 months from shipment or 12 months from start up, whichever shall occur first.

Please refer to 'Not Included' listing of items below.

NOT INCLUDED are installation, piping, fittings, pressure gauges, packing/seal flush hardware, lubricants, controls not described above, relays, wiring, grout, anchor bolts, spare parts, tools, field alignment, video equipment/taping, or any other items not specifically included by the scope of this proposal.

II. Applicable Sections

GHD Request for Proposal: Intermediate Pumps for the Inland Bays RWF Expansion
Dated September 5, 2025
15170 – Motors
01640 – Equipment General
11300 – Pumping Equipment – General
01660 – Testing and Startup
11304 – Vertical Effluent Pumps

We acknowledge the receipt of the following addenda: N/A

III. Clarifications and Exceptions

- 2.02.B.1.a. 316SS impeller material is offered in lieu of 416SS due to material strength properties when manufacturing the impellers.
- 2.02.I.2.a. Auto greaser system for stuffing box lubrication is not offered. Standard ports are present on the stuffing box for connection to auxiliary system(s). Open line shaft applications on water services are designed to provide lubrication of the packing.
- 2.04. Division 9 not provided. Manufacturer's standard coatings and surface preparation shall be provided. Please advise if only primer is required per the RFP.

- 2.07.A. Manufacturer's standard coatings and surface preparation shall be provided. Please advise if only primer is required per the RFP.
- 2.08.D. Testing shall be per RFP requirements. Factory VFDs shall be supplied and testing shall be non-witnessed

IV. Service

Manufacturer's certified field service representative for five (5) business days on site for start-up, training, and supervision of testing with the Contractor and Engineer.

V. Schedules

Drawings for approval will be available within 6 weeks after receipt of an acceptable written purchase order.

Equipment quoted will be available for shipment 32-34 weeks after receipt of a written release for manufacture.

VI. Pricing

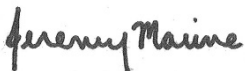
For the equipment described in Section I, we are pleased to quote the following:

\$ 556,000.00 Total Net

All pricing is FOB our factory with freight allowed to destination. Pricing does not include any State, Sales, Use or other taxes as may be applicable to this project. This quotation is subject to the terms and conditions attached.

Payment terms: 20% on shop drawing approval, 70% on delivery, and 10% on completion on testing and startup.

Best regards,



Jeremy Marine, P.E.
Vice President
JMarine@geigerinc.com
(410) 682-2660 x 1115
Cell: (443) 377-4118



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: January 8, 2026

RE: County Council Report for C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC

The Planning and Zoning Department received an application (C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Commercial Zoning District at Tax Parcels 334-12.00-46.00 & 47.00. The property is located on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284). The parcel size is 73.5 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Commission discussed the application and then deferred action on the application for further consideration. At the meeting of October 15, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons of approval and subject to the 17 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on October 21, 2025. At the conclusion of the meeting, Council deferred action on the application, holding the public record open for the limited purpose of obtaining additional information from State Agencies, including DelDOT and DNREC, by close of business on November 18, 2025. Following receipt of the responses, they would be reported to the County Council, after which members of the public and the applicant would have an additional 14 calendar days to comment on the responses received from the State Agencies. The Public Record automatically closed at 4:30 pm on December 23, 2025.

Below is a link to the minutes of the October 21, 2025, County Council meeting.

[Link to the Minutes of the October 21, 2025, County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 15, 2025

Minutes of the September 17, 2025, Planning & Zoning Commission Meeting

C/Z 2037 Mulberry Knoll Associates, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS. The properties are lying on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284). 911 Address: N/A. Tax Map Parcel: 334-12.00-46.00 & 47.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, Applicant's Exhibits, including architectural sketches, illustrative plans, an Ability to Serve Letters from Delaware Electric Cooperative, Chesapeake Utilities, and Tidewater Utilities; that State's PLUS comments, and the Applicant's responses to the PLUS comments; the Applicant's Traffic Impact Study (TIS), along with the DelDOT response accepting the TIS, the Staff Review Letter, and the Applicant's response to the Staff Review Letter, a letter received from the Sussex County Engineering Department, Utility Planning Division, a letter received from the Applicant in relation to the requirement for a Drainage Assessment, and a letter received from the Applicant requesting a waiver from the front yard parking setback requirement. Mr. Whitehouse advised the Commission that 303 comments were received for the application; however, some comments did appear to be duplicates, and all documents had been included within the Commission's Paperless Packet.

Mr. Robertson advised the Commission, as well as the members of the public, that all documents and public comments submitted for the application could be located online through the Sussex County Online Application Docket.

The Commission found that Mr. James Fuqua, Esq. of Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mulberry Knoll Associates, LLC; that also present were Mr. Ben Hoskins on behalf of the Applicant, Mr. Jamie Andruzzi and Mr. Steven Furtunato with Bohler Engineering, Ms. Nicole Kline, and Mr. Braden Garrison with Bowman Consulting Group Traffic Engineering. Mr. Fuqua stated that a Project Support Narrative was submitted into the record, along with all the documentation required for the rezoning request; that the application proposes to rezone a parcel of land located on the northwest side of Route 24 from AR-1 (Agricultural Residential) to C-4 (Planned Commercial District); that the C-4 District is relatively new, and rather unique; that it was his understanding that the C-4 District had only been previously requested one time before the Planning & Zoning Commission, with the Change of Zone request for C/Z 2001 Belmead Farm, which was held before the Commission in March 2025, and before the County Council on September 16, 2025; that at that hearing, Mr. Robertson provided information about the C-4 District stating that the C-4 (Planned Commercial) District is similar to a Residential Planned Community (RPC), except that C-4 is predominantly commercial, and an RPC is predominantly residential; that similar to an RPC, a C-4 request requires as part of the application, a detailed Development Site Plan, addressing the site layout, the uses, and also providing information that

is listed in the C-4 section of the Zoning Ordinance; that unlike other Change of Zone applications, which cannot be approved subject to conditions, a C-4 rezoning includes Site Plan review, and the ability for the County to place conditions on the approval of the application; that the Code states, the purpose of the C-4 Planned Commercial District, is to encourage carefully planned large-scale commercial retail and mixed-use developments, as a means of creating a superior working and living environment through unified developments; that the current application requests a C-4 Zoning designation for the proposed use of a large scale, superior designed commercial shopping center, to contain approximately 665,000 square feet of floor area, anchored by three prominent national retailers, with other best-in-class brand stores, which are not already located within Sussex County; that the commercial center would be called Atlantic Fields; that the property contains 73.5 acres of cleared farmland; that the property is currently owned by JG Townsend, Jr Company; that the site is located on the northwest side of Route 24; that the site is less than one mile from the Route 24 and Route 1 intersection; that the site has approximately 2,515 feet of frontage along Route 24; that located to the east of the site are several residential homes, a Sussex County EMS paramedic station, the Plantation Medical Office, which is currently under construction, and Plantation Road; that also to the east, on the south side of Route 24, is the Beebe Specialty Surgical Hospital, which is a part of the Beebe Abessinio Health Campus; that across from the site, on the south side of Route 24, is a large parcel of agricultural lands, also owned by JG Townsend Jr. Company; that on the south side of Route 24, located at the Route 24 and Mulberry Road intersection, is a parcel that was previously approved as a Conditional Use for the use of a convenience store and office building; that the site is currently under development and construction; that to the west of the site, is the location of the Beacon Middle School, and a Tidewater elevated water tower located on the school's property; that the west side of the property borders Mulberry Knoll Road, with 1,280 feet of road frontage; that across Mulberry Knoll Road from the property, there are several homes, Copp's Seafoord, and the Delaware State Police Troop 7 Headquarters; that to the west of the previously mentioned properties is the location of the Love Creek Elementary School and the Four Seasons at Belle Terre subdivision; that to the north or the rear of the site, are agricultural lands that are subject to an Agricultural Preservation easement; that he hoped to focus on three main topics regarding the application, being the applicable lands use regulations, which full support the requested C-4 rezoning and proposed use, the traffic impacts of the proposed use, the improvements and contributions that will be the Applicant's responsibility, and a review of the Atlantic Fields Development Site Plan, the infrastructure, the proposed uses, and the economic impact of; that the application had generated considerable interest, with over 300 comments; that a rezoning application is not a popularity contest, nor is it a political decision; that the courts of Delaware have ruled that public comments should be considered by the County, but ultimately, the County's decision must relate to the statutory mandates applicable to the rezoning request; that the most important consideration of any rezoning request is the relationship of the requested change to the provisions of the County's Comprehensive Plan; that the County is required by law to prepare and adopt a Comprehensive Land Use Plan for the purpose of planning future development and growth in the County; that the Comprehensive Land Use Plan is required to be updated every 10 years; that Sussex County is about to begin the cycle of the update, as the current Comprehensive Plan was last adopted in 2018; that work originally began in 2016 to begin preparing for the 2018 Comprehensive Plan; that the plan was a culmination of over two years of work, which involved dozens of presentations, workshops, and public meetings by the Commission and Council; that the approval of the 2018 Comprehensive Plan was recommended by the Planning & Zoning Commission, and was adopted by the Sussex County Council in December 2018; that subsequently, the plan was certified and signed by the Delaware Governor Carney

in March 2019; that there are 13 Chapters in the Comprehensive Plan; that Chapter 4, the Future Land Use Chapter, is the centerpiece of the plan; that stated on Page 4-8, the Future Land Use Plan is the most influential part of the Comprehensive Plan; that the plan further states on Page 4-20, that the County zoning regulations are intended to carry out the future land use plan; that the Future Land Use Plan includes a Future Land Use Map, which designates land in the unincorporated area of Sussex County, as being located in one of the described growth areas, or one of the rural areas; that the map represents the County's vision regarding the future of land development, and land preservation priorities through the year of 2045; that the entire Atlantic Fields site is designated on the Sussex County Future Land Use Map in red; that the red color indicates the Commercial Growth Area of the Future Land Use Map; that the Comprehensive Plan specifically addresses the uses that are envisioned in this commercial area; that the plan states that commercial areas should include concentrations of retail and services uses, that are mainly located along arterials and highways; that commercial areas should include commercial corridors, shopping centers, and other medium and large commercial of vicinities geared toward vehicular traffic; that the commercial areas are an appropriate place to locate primary shopping destinations and larger scale community uses; that the plan states on Page 4-17, that these more intense uses should be located along main roads or near major intersections; that in addition to the Plan, there is a table, being Table 4.5-2, which lists the zoning districts that are applicable to Future Land Use categories; that the C-4 Planned Commercial District is designated as an applicable zoning district in the Commercial Growth Area; that the County designated this Atlantic Fields site as a Commercial Area on the Future Land Use Map, per the Comprehensive Plan; that the County determined that a Commercial Area is appropriate for a primary shopping destination, such as shopping centers, and larger scale commercial uses, geared toward vehicular traffic; that County determined that more intense uses should be located along a road, such as Route 24, or near a major intersection, such as less than a mile from the Route 24 and Route 1 intersection; that in reality, the Applicant did not choose the site; that the County actually chose the site, and through the Comprehensive Plan directed the Applicant to the location as being an appropriate place for the proposed use; that there were many written comments submitted in opposition to the application; that some people disagreed with the County's vision, as it is currently stated within the Comprehensive Plan; that some members of the public have a different vision of the future development and use of the property; that those member so the public are entitled to their opinion, and the Applicant respects their concerns, however those opinions cannot nullify, modify or change the provisions of the Sussex County Comprehensive Plan; that the Comprehensive Plan states that large-scale commercial uses, such as a primary shopping destination, had been envisioned by the County for the subject 73.5 acre parcel, since the plan was adopted in 2018; that the plan states on Page 1-6, that the Comprehensive Plan is the County's official policy guide for future development related decisions, and that the plan strives to set a foundation for decision-making, by providing the County with a road map; that the State Statute that requires the County to enact a Comprehensive Plan, addresses what the legal status of the plan is; that under Delaware Law, Title 9, Section 6959A it states that the land use map, forming part of the Comprehensive Plan, shall have the force of law; that this means it is more than just a guide or a suggestion; that based on the language of the plan and its designation on the Future Land Use Map, the Atlantic Fields C-4 rezoning request and proposed use for the subject site, is in full compliance in accordance with the Sussex County Comprehensive Plan; that the Delaware's 2020 Strategies for State Policies and Spending, is a State document, however, it is not a land use plan; that the document and its investment level maps indicate that where the State investments will be directed in the future; that under the Strategies Investment Level Maps, the Atlantic Field site is located within Investment Level 2, which

is an area where growth is anticipated by local County and State plans in the near future; that it is the State's intent to promote well designed development within Investment Level 2 areas; that associated with the Level 2 designation, the Atlantic Fields rezoning application participated in the PLUS review process in May 2024; that the Office of State Planning Coordination issued its PLUS Review Letter on June 21, 2024, stating that the State had no objection to the proposed project; that the State had no objection to the proposed C-4 rezoning request, and proposed commercial development; that with all larger land use applications, traffic impacts are always an important, if not the most important consideration; that there is a very specific and detailed process that addresses those concerns; that Sussex County, as required by State law, has an agreement with DelDOT, providing a procedure for determining the traffic impact of any rezoning application; that the Memorandum of Understanding (MOU) between Sussex County and DelDOT requires that any development having a major impact, as defined by the MOU, is required to conduct a Traffic Impact Study (TIS), per DelDOT's specifications and requirements; that the Atlantic Fields site is located within the boundaries of the DelDOT Henlopen Transportation Improvement District (TID); that the TID was created in October 2020; that the TID is a planning concept that seeks to align transportation, infrastructure spending and improvements with land use projections and future development within the TID area; that a land use and transportation plan was prepared by DelDOT for the Henlopen TIS; that any proposed development located within the TID, and is consistent with the TID plan, is required to pay a TID fee, which is established by DelDOT, and is in lieu of performing a Traffic Impact Study (TIS); that the required fee satisfies the obligations for that development; that a proposed development that is determined to not be consistent with the TID, in addition to paying the TID fee, is required to also perform a Traffic Impact Study, to determine if the planned TID improvements are adequate, by considering the vehicle trips that are proposed to be associated with the new proposed use; that DelDOT determined that the Atlantic Fields development warranted a full Traffic Impact Study; that as a result, the Applicant retained Bowman Consulting Group to perform the Traffic Impact Study (TIS), in accordance with the parameters established by DelDOT; that the study involved 28 intersections in the general area of the Atlantic Fields site; that Bowman Consulting Group prepared the study, which was reviewed by DelDOT's traffic engineering consultants; that DelDOT's Traffic Impact Study Review Letter was issued on May 1, 2025, and was included into the record; that all improvements and responsibilities of the developer are listed on Pages 11 – 20 of the DelDOT Review Letter; that there were 16 improvements area, which DelDOT deemed the Applicant's responsibility; that the developer shall improve Route 24 and Mulberry Knoll Road, within the limits of the site's frontage to roadway specifications; that the Applicant will construct a single-lane roundabout at the site entrance 1A, located along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a single-lane roundabout at Entrance 2, along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a full movement site entrance at Entrance 3A, along Route 24, with a left and right turn lane, as determined by DelDOT; that Entrance 3A will be the main entrance to Atlantic Fields; that the developer will enter into a Traffic Signal Agreement, to design and construct a traffic signal, with pedestrian crossing at Entrance 3A; that the Applicant will construct a right in, and right out site entrance at Entrance 3B along Route 24, and Entrance 3C; that the Applicant will improve the existing intersection of Plantation Road and Dot Sparrow Drive, by the way of an existing cross access easement, including a single-lane roundabout on Plantation Road; that this was granted at the time of the entrance permit issuance for the medical building; that the Applicant will enter into a Traffic Signal Agreement to design and construct improvements at the intersection of the Route 24, and Mulberry Knoll Road; that these improvements will include and/or will be in addition to

improvements already proposed in the end loop and TID plan; that the concept and improvements within the TID are improvements planned for the future, and are then funded by developers as projects come in; that any additional improvements beyond what is planned, is also the developer's responsibility; that the developer is responsible to design and construct a raised median along Mulberry Knoll Road, between Route 24 and the site entrance, to the specifications necessary as determined by DelDOT; that this would prohibit certain turning on Mulberry Knoll Road; that the Applicant will design and construct a four-foot-high decorative fencing along the Route 24 property frontage to direct pedestrians toward signalized pedestrian crossings; that the location of the decorative fencing would be determined by DelDOT; that the Applicant will design and construct a single-lane roundabout at the Mulberry Knoll Road and Cedar Grove Road intersection, which will be located north of the site; that the developer will prepare for DelDOT review, a Traffic Signal Justification Study for the Robinsonville Road and Kendale Road intersection, located northwest of the site; that the developer will design and construct a single-lane roundabout, with a southbound bypass for Plantation Road and Robinsonville Road; that the Applicant will provide pedestrian and bicycle improvements, with bicycle lanes and symbols, as determined by DelDOT; there will be dedication of a 15 foot permanent easement from the right of way frontage on Route 24 and Mulberry Knoll Road, and construction of a 10 foot wide shared use path with an easement; that there will be internal sidewalks in the development that will connect with the shared use paths; that there will be bus stop pads constructed on both sides of Route 24, just east of Mulberry Knoll Road, as well as, at the main Entrance 3A; that a public bus service is available on Route 24; that all of these improvements will meet federal and State requirements regarding ADA compliance; that per the DelDOT TIS Review Letter, in addition to the items already stated, the Applicant shall pay the Henlopen TID fee again, as provided within the agreement and as determined by DelDOT; that all of the stated improvements and contributions will be completed in compliance with the provisions of the Henlopen Transportation Improvement District (TID); that as stated within the DelDOT TIS Review Letter, all required improvements and contributions will be implemented at the same time as the site construction; that as a result, the Applicant will be responsible for entrance and road improvements with an estimated cost of between three million to four million dollars, with an additional payment to the Henlopen TID, which will be approximately three million dollars; that the proposed development is in full compliance with the requirements of Sussex County and DelDOT, with the terms of the Sussex County and DelDOT Traffic Impact Memorandum, the Henlopen Transportation Improvement District, and the applicant will be responsible for the improvements and contributions as determined and required by DelDOT; that the development will be served with central public water, provided by Tidewater Utilities, for domestic use and fire protection; that Tidewater holds an existing Certificate of Public Convenience and Necessity (CPCN) to serve the property; that the site will be annexed as part of the contiguous Sussex County Unified Sanitary Sewer District; that the Sussex County Engineering Department indicated that Sussex County is willing and able to serve the site; that the project will require a pump station and a force main to connect the center to Sussex County's system; that electricity will be provided by Delaware Electric Cooperative; that natural gas service is available from Chesapeake Utilities; that the record contains Ability to Serve Letters from all four utility providers; that the entire 73.5 acre site is cleared farmland, which had been used for agricultural purposes for over a century; that the site is located within Flood Zone X per the FEMA Flood Insurance Maps, being located outside of the floodplain; that the Delaware Emergency Management Agency indicated that the property is within an area of minimal flood concern; that the County's Resource Buffer Ordinance is not applicable or relevant to the site or the design of the site, as there are no Tidal Wetlands, Non-Tidal Wetlands, perennial or intermediate streams or woodlands

located on the site; that there were some comments in opposition concerned about the need for a Drainage Assessment Report for the site; that the Resource Buffer Ordinance does require such a report when a resource buffer is located adjacent to or the site contains a stream which is not part of a tax ditch; that the site does not contain any streams; that the site does not contain any resource that has been defined in the Ordinance, and therefore the Ordinance is not applicable to the application; that the State Historic Preservation Office (SHPO) indicated that due to the long-standing agricultural use of the property, and the lack of any known occupation, there was low potential for historic archaeological sites on the property; that the lands located across Route 24 from the site are subject to an agricultural preservation easement, located to the rear of the site; that the Atlantic Fields development, design, and operation will comply with all notice and setback requirements for agricultural use protection, as required by Title 3, Chapter 9 of the Delaware Code; that the development's Declaration of Restrictions, as well as all leases and deeds shall contain the agricultural use and activities notice, which is required by the Code; that in addition, the rear boundary of the site, which is adjacent to the agricultural lands, will be screened with a six-foot-high sight tight for the entire length of the rear boundary; that the proposed Atlantic Fields commercial development will comply with all fire protection requirements of the Delaware State Fire Marshal's Office; that the State Fire Marshal indicated in the PLUS letter, that they had no objection to the rezoning request; that the Applicant is agreeing to make a voluntary fire company contribution of \$100,000; that the contribution will be paid at the time that Certificates of Occupancy are issued for a building; that the contribution will be prorated based on the square footage of the building, as a percentage of the entire square footage; that because of the location, the developer is proposing 50% of the fire company contribution will be paid to the Lewes Volunteer Fire Company, and 50% to be paid to the Rehoboth Beach Volunteer Fire Company; that this contribution is a voluntary proffer, and is included as a condition in the proposed Conditions of Approval; that for a rezoning request to a C-4 Planned Commercial District, a detailed Development Plan of the proposed use is required; that the development fronts on Route 24; that there are three entrances from Route 24, being one full entrance with signalization, and two right-in and right-out entrances; that there will be two entrances along Mulberry Knoll Road; that there are seven pad sites, which are to be located along Route 24, however the access to the site will be from an internal drive; that there will be 17 store buildings situated within the center itself; that Buildings A, B and O will be the location of the three anchor stores; that a fuel filling station, located at the southeast corner of the property will be operated as part of the Building A operation; that Stores C, D, E, F & H, will be located adjacent to one another, and will be located on the northwest portion of the site; that the remaining stores are located between the rear of the pad stores, and the main parking area for the development; that the gross floor area for all of the buildings will be approximately 665,000 square feet; that two of the anchor stores being the largest buildings; that Building A is approximately 172,000 square feet, and Building B is approximately 148,000 square feet; that all buildings will be no more than 42 feet in height, and will comply with all setback provisions of the Zoning Ordinance; that most of the various buildings floor area will be leased, but it is the business policy of some national retail companies to purchase and own their own store sites; that as a result, the development site plan was designed for possible future parcel and building conveyance; that by designating 11 separate parcels within the center, which are reflected on the full Development Plan that was submitted into the record; that the seven pad sites are each parcel; that Parcels 8, 9 & 10 are the anchor stores; that Parcel 11 is the largest parcel, containing about 29 acres, which will include all the remaining buildings, and the land in the center; that the C-4 section of the Zoning Code provides that the land in the C-4 District is not required to be under single ownership; that the C-4 section states that it is the intent of the C-4 District, that development be

designed as an integrated and comprehensively planned area, using a common parking area, shared ingress and egress, pedestrian walkways, open space stormwater management areas, and water and wastewater utilities, that provisions for assessments for maintenance, repair and replacement of these shared common facilities will be established in the Centers Declaration of Restrictions; that the easements that will be applicable to all leased or conveyed property; that for the center's vehicular traffic circulation, there will be a dualized drive from the main, signalized, entrance, being Entrance 3A, from Route 24; that the drive will extend from the entrance to a service road, which will be located along the rear of the property; that then connecting to that drive are two drives that run in an east and west orientation across the site; that the east to west drive will connect with Entrance 1A at Mulberry Knoll Road; that there will be a service road to the rear of the property that will connect the second entrance from Mulberry Knoll Road, with the eastern boundary of the site; that this road will continue on to Plantation Road by the way of an existing DelDOT cross access easement, which is being referred to as an ingress egress easement; that there was a letter submitted into the record, from the attorney for the medical center, expressing concern regarding the use of the easement; that the developer has no agreement, nor has had any discussion with the medical center regarding the easement; that DelDOT is requiring the developer to extend the road where the access easement is located; that from records he had obtained, the easement was placed on the plan when the entrance was granted by DelDOT for the medical office building; that the developer is responsible for completing the road and constructing the roundabout; that the easement concern is really between DelDOT and the medical center's property owner; that the developer of Atlantic Fields intends to do what is required by DelDOT, while attempting to make sure everyone is in agreement with what will be constructed; that parking is shown on the Site Plan; that per the Zoning Code, the proposed shopping center will require 3,317 parking spaces; that 3,405 parking spaces are proposed to be provided, including ADA compliant design spaces; that larger parking lots, such as what is proposed, require landscaped islands spaced within the parking areas; that for the proposed parking area, 136 islands would be required; that the Site Plan provides 242 islands, which considerably exceeds the requirement; that there will be sidewalks located adjacent to, and at minimum, the fronts of all stores, and will be marked; that designated pedestrian crosswalks will be located throughout the center; that there will be stop signs located where appropriate; that loading areas will be provided for all stores as required; that loading areas and trash enclosures will have appropriate landscaping and/or screening/fencing; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations, and will be reviewed and approved by the Sussex Conservation District; that stormwater management and treatment will meet or exceed the current stormwater regulations, including management of water quality and quantity; that the system will be designed to direct all stormwater on the site to catch basins; that from the catch basin, stormwater will be routed to above ground and underground collection facilities by way of an underground closed storm system; that both the above-ground and underground facilities will be designed to infiltrate the collected stormwater up to the 100 Year Storm event; that an emergency outfall pipe will be installed as part of each facility that will be situated above the 100 Year Storm Water Peak Elevation; that it would route stormwater in that type of event to a DelDOT right-of-way; that as shown on the Site Plan, the underground facilities are located in parking lots; that there is a Wellhead Protection Area located in the southeast corner of the site; that this is the proposed location of the fuel station area; that the area will be graded and developed so that all stormwater runoff within the fuel station footprint will be collected and routed to an underground stormwater facility that will be located 300 feet from the Wellhead Protection Area; that there will be no infiltration of stormwater from the fuel station site in the Wellhead Protection Area; that the underground facility

will provide quality treatment to that stormwater prior to its infiltration, and would be done at a distance far removed from the Wellhead Protection Area; that the stormwater facilities will meet or exceed DNREC requirements, and will be reviewed and approved by Sussex Conservation District; that the Development Plan, as required by the C-4 District, has a Landscape Plan, which details the landscaping and the types of plantings for the center; that there is a separate Landscaping Plan, as part of the original documents; that reflected on the plan, within the center, and along sections of the perimeter of the site, a total of 262 various types of canopy trees with a height at maturity of 12 to 14 feet, 186 evergreen trees with a maturity height of six to eight feet, 32 ornamental trees with a height of eight to 10 feet, and 929 shrubs, reaching a height of four to five feet in height; that each of the 242 parking lot islands will be mulched, and planted with a canopy tree; that parking areas along Route 24 will have shrubbery screening between the parking spaces and Route 24; that in addition, DelDOT required an ornamental fence between Route 24 and the parking spaces; that the western boundary of the center at Mulberry Knoll Road will have landscaped areas with evergreen trees, canopy trees and shrubs; that the eastern boundary will be screened by evergreen trees; that the screening will incorporate some existing trees that are located along that boundary; that to the rear of the site, there will be a continuous six-foot-high sight tight fence; that shrubs and canopy trees will be located along the service road; that the responsibility for the maintenance, upkeep and replacement of all the landscaping globally will be established in the center's Declaration of Restrictions; that the key factor in the successful operation of a shopping center is its anchor stores; that anchor stores are typically large, well-known, national retailer grocery stores, which serve as the primary draw for shoppers; that anchor stores attract a high volume of customers, and serve as a magnet for shoppers who most likely will also shop at the surrounding smaller stores in the center; that historically, most of the popular national brand retailers who serve as anchor stores relied on population to determine their new store sites; that previously, the year-round population of Sussex County did not meet the requirements of most of the national stores; that with the recent changes which have occurred in Sussex County, many national companies have reconsidered their location criteria; that Sussex County's year-round population has grown significantly; and is projected by the Delaware Office of State Planning Coordination to continue growing well into the future; that there are other considerations unique to Sussex County; that eastern Sussex County has a significant seasonal population; that the demographics of Sussex County, being income levels and median age, are demographics factors that are very supportive of a successful retail operation; that other considerations are market opportunities, as determined by the stores site access from a major road, which is a major consideration, and community interest; that another factor would be the availability of suitable real estate at a location, which is suitable real estate, at a location that is available through land for sale; that based on those considerations, three national companies have committed to being anchor stores at Atlantic Fields; that Building O will be a Whole Food Grocery Store; that Building B, located in the center, will be a Target; that Building A, being the largest building, will be a Costco; that other retailers have also committed to the center as well, consisting of Ross, Nordstrom Rack, Hobby Lobby, and Dick's Sporting Goods; that there are other popular retailers in discussions with the Applicant, but they have not yet committed; that the economic impact of Atlantic Fields center is a relevant consideration; that one of the purposes of the County's zoning authority is to promote the welfare and prosperity of present and future County residents; that the Applicant retained Sage Policy Group, an economic and policy consulting firm, who's headquarters are located within Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that the reported is dated

August 2025, and was submitted into the record; that the permitting and construction phase of Atlantic Fields will take approximately three years; that the total development cost, including land acquisition, site preparation, infrastructure and building construction, will be approximately \$175 million; that the construction of Atlantic Fields will support approximately 990 jobs in Sussex County, generating approximately \$76,000,000 in labor income during the construction phase; that once fully built and operational, Atlantic Fields will support approximately 1,750 permanent jobs in Sussex County, with an annual labor income of approximately \$79 million, and Atlantic Fields is project to contribute \$370,000 annually in school property taxes to the Cape Henlopen School District, without directly generating any additional pupil enrollment.

Mr. Ben Hoskins, present on behalf of the Applicant, stated that he agreed that the information provided in Mr. Fuqua's presentation was factual, true, and correct.

Ms. Nicole Kline, with Bowman Consulting Group, stated that she agreed that the information provided in Mr. Fuqua's presentation regarding traffic was accurate.

Mr. Jamie Andruzzi and Mr. Steve Fortunato, with Bohler, stated that they agreed that the information provided in Mr. Fuqua's presentation regarding site design, infrastructure, and related matters was accurate.

Mr. Fuqua requested to submit proposed Findings and Conditions into the record for the Commission's consideration.

In conclusion, Mr. Fuqua stated that in his presentation, he discussed three separate topics; that he established for the record that Atlantic Fields requested C-4 rezoning and Development Site Plan fully complies with the C-4 Plan, commercial district design and use provisions; that all requirements regarding traffic impact, as set forth in the Sussex County DelDOT Memorandum of Understanding, the DelDOT Henlopen Traffic Improvement District, and the DelDOT Traffic Impact Study Review Letter had been complied with or would be complied with, and that those improvements would be concurrent with the development construction; that larger scale commercial uses and primary shopping destinations are appropriate in a commercial area, as described in the Comprehensive Plan, and as designated on the Future Land Use Map; that Atlantic Fields requested C-4 rezoning and use are precisely located in total conformity with the Comprehensive Plan, and also with the Delaware State Investment Map, as the plan states on Page 4-8; that the County zoning regulations are intended to carry out the Future Land Use Plan, and based on the record presented, the Applicant requested the Commission's recommendation of approval, subject to conditions that the Commission deem appropriate.

Recess

4:57 pm – 5:02 pm

Mr. Collins questioned whether the Applicant had considered to build a mix of housing; that would be suitable for the workforce; that many members of eastern Sussex County had expressed concerns regarding challenges with affordable workforce housing, especially during summer seasons; that there are

already existing challenges with local businesses; that he felt the proposed development would place additional pressure on that workforce; that he questioned this, as he believed a Costco in Los Angeles built residential housing units above the store, and he felt that providing residential units would be appear like a partial solution to reducing sprawl and improving access to housing for citizens potentially working at the center.

Mr. Fuqua stated that in the context of his client and the proposed development, the proposed use was purely a commercial project; that a commercial project is being proposed and reflected in the design; that the developing commercial projects are the business the Applicant is in, and therefore, there was no consideration to provide workforce housing, as that is not the business the Applicant does; that there is opportunity for workforce housing anywhere that can be appropriate; that the Applicant acknowledges it as a problem, and although the Sussex County population had grown, he did not feel Sussex County has a similar population to Los Angeles.

Mr. Collins stated that he agreed, but the Commission had concerns regarding sprawl and environmental damage from overdevelopment; that he felt there was an opportunity to improve landscaping along Route 24 to ensure the development does not create a strip of highway, similar to what Coastal Highway looks like currently, with no trees or landscaping.

Mr. Fuqua stated that all the details regarding landscaping are included and reflected on the submitted Landscape Plan; that the plan was fairly detailed; that per DelDOT requirements, there will be a decorative, four-foot fence placed along that area, and from a commercial and business point of view, there is an accessibility and view that the Applicant would desire to have.

Mr. Collins stated that Mr. Fuqua had specifically mentioned that the Future Land Use Map indicated that the site would likely be commercial, which did not indicate that the site would necessarily mean the site would become commercial now, and he questioned if other sites were examined for development, which may have been located within a less sensitive area in western Sussex County or along Route 1.

Mr. Fuqua stated that no other properties were examined, as the Sussex County Comprehensive Plan indicated that the subject site was an appropriate location; that according to the plan, the site is required to be located along a major road, and near a major intersection, and the site must be appropriate for C-4 zoning, as well as, be for sale.

Mr. Allen requested more information regarding the DelDOT management area, in regard to the stormwater overflow.

Mr. Fuqua stated that not all stormwater overflows would go to the DelDOT management area, and only stormwater associated with a 100 Year Flood Event would be directed to the DelDOT management area.

Mr. Steve Fortunato, with Bohler Engineering, stated they will connect into an existing DelDOT storm drain system; that the system was placed as part of the Route 24 expansion; that the developer had met and coordinated with DelDOT, who were provided preliminary plans; that they have had multiple meetings with DelDOT who are aware of the development plans, and had no objection, subject to the Applicant completing all DelDOT requirements.

Madam Chair Wingate questioned where the water would be discharged from the underground stormwater system, and if the discharge would be performed through an infiltration of the system.

Mr. Fortunato stated that a very large amount will primarily be infiltrated; that there will be an overflow, where larger storm events will be discharged into the DelDOT storm drain system, and the Applicant will be required to meet the pre-development flows associated; however, there will be a lot of infiltration happening.

Madam Chair Wingate questioned whether there was an area of interconnectivity proposed to the north of the site.

Mr. Fuqua stated that the site is located along Mulberry Knoll Road and Route 24; that there will be access to Plantation Road by way of the access easement to the rear of the property; that there is no interconnectivity shown on the plan; that they could stub something to the parcel of land, but the land is currently agricultural land with an designated agricultural preservation easement, and they would do not want to insult the property by implying that it may be developed.

Madam Chair Wingate questioned whether there were any plans to have a multi-use path in the front, along with the fence, to deter any pedestrians from crossing where they are not supposed to; however, she could see a path being beneficial for bicyclists.

Mr. Fuqua stated there will be a multi-use path along the frontage of Route 24 and Mulberry Knoll Road; that the path will be similar to what is being constructed for many residential developments; that there will be a 15-foot easement, with a five-foot gap between the right of way, and there will be a 10-foot paved shared-use path along both roads of Route 24 and Mulberry Knoll Road, but not the service road.

Madam Chair Wingate questioned what the estimated time of completion was, as she was concerned about the amount of time that would be needed for DelDOT as well.

Mr. Fuqua stated that the only estimated timeline he had was that the project would take approximately three years to construct the development, with some stores coming online along the way.

Mr. Ben Hoskins stated the current projection would be pending approvals, and the entitlements timeline would have a grand opening where the majority of the center would open before the “high season” in 2028; that this timeline is based on the assumption that they would begin groundbreaking sometime in 2026, and that everything is subject to change.

Mr. Robertson questioned whether all the road improvements along the southside of Mulberry Knoll Road would be constructed within the DelDOT right of way, the Applicant’s property, or someone else’s property.

Mr. Fortunato stated that they have designed all the entrance improvements to be constructed within either the DelDOT right of way or the Applicant’s property, and currently, they are not anticipating any right of way or easement acquisition for the construction of the entrances or roundabouts.

Mr. Collins stated electricity prices have been increasing, creating power generation concerns; that residents do not want to place power generation in their backyards; that people do not want to turn existing farms into solar farms; that he questioned whether the Applicant had considered the development of solar arrays for vehicle covering or on rooftops to help with generation of power, and potentially offset market increases which are likely coming in the future.

Mr. Fuqua stated that the project has not reached that level of detail for the project yet, however, he believed the Applicant may have considered the placement of solar arrays, as he believed solar power was becoming the future.

Mr. Whitehouse questioned whether there would be any objection to interconnectivity to the adjoining Sussex County paramedic station.

Mr. Fuqua stated that he believed that the location would be located to the rear of the proposed Costco store; that he did not see why interconnectivity could not be possible, subject to the Planning & Zoning Commission allowing the Applicant to remove the landscape buffer proposed in that area, and the Applicant would have no objection to that interconnectivity requirement.

Mr. Robertson stated for the record that the Commission requested that the DelDOT representatives be present for the Commission's benefit, as DelDOT is the State regulating agency of the roadways.

The Commission found that Mr. Todd Sammons, Assistant Director of Development Coordination of DelDOT was present, along with Ms. Sarah Coakley, Transportation Improvement District Program Manager, Ms. Sireen Muhtaseb, Traffic Impact Study Group Engineer, and Mr. Tucker Smith, Traffic Engineer with McCormick Taylor, Inc., who is a consultant for DelDOT, and who assisted in the review to develop the Traffic Impact Study letter, in conjunction with the rest of the DelDOT staff.

Mr. Collins requested information regarding what the state of the roads is projected to be like, once the shopping center is developed and open to the public in 2028; that he questioned what the current state of Route 24 and Mulberry Knoll Road was, and what DelDOT improvements were proposed, beyond the road improvements that the Applicant had already previously spoken to.

Mr. Sammons stated that Mr. Collins question was a large question; that the proposed development is large, and will create a large trip generator, with pass-by trips as well; that DelDOT had factored for all of that; that they performed their analysis based off the years when the development would open, which was projected to be in 2028; that they also pushed the analysis out to 2045, which aligns with the TID (Transportation Improvement District) analysis; that from a high level, DelDOT is constantly monitoring all roads, being all major roads, side roads, and intersections; that they have programs that monitor these roadways; that they also have models that they run; that they have projects located within the CTP (Capital Transportation Program) which are ongoing, regardless whether the Atlantic Fields project comes in or not; that those projects are listed in the letter, and listed within the CTP; that there were improvements made to Route 24, from Route 1 just past the elementary school, where Route 24 was dualized, and turn lanes were placed; that there are more phases of Route 24 improvements that are coming, which will be constructed to the west of there and beyond Love Creek; that they will dualize Route 24; that DelDOT also had plans to make the Mulberry Knoll Road connection, which will take you all the way up to Route

9; that as developments come in, they are having developer's put those pieces in place; that some of those pieces are going to be CTP projects, which DelDOT and the federal government will fund; that they are constantly working and evolving to make the infrastructure better; that sometimes the projects do not happen fast enough for people, however, they do their best to stay in front of those issues; that they also attempt to attack infrastructure issues from different directions; that when developers come through the Development Coordination Group, they will have them mitigate their impacts in addition to the other pieces of the CTP project; that DelDOT did look out to 2045 in relation to Route 24; that the capacity, with the dualization of Route 24, even after the proposed development and other committed developments, will not exceed the capacity of the existing and current roadways.

Mr. Robertson questioned whether DelDOT considers and reviews committed developments, including developments that may not necessarily be built, whether there was a plan for lands located within the TID, whether the lands are developments or commercial, and if all of those things were taken into account during DelDOT's reviews.

Mr. Sammons stated that DelDOT considers the buildout year that the project proposes, as well as the future year, because this is a TID; that there are active projects that are currently planned in the TID; that he wanted to stress that 2045 is a long time out, being 20 years out; that everything is subject to change, however, DelDOT is constantly monitoring; that if there are problems as they develop, then there could be other changes and other improvements made; that engineers they like to say that they can fix anything, but he questioned what the ramifications of doing so would be; that he questioned if Sussex County would desire three travel lanes in each direction; that there are environmental and size impacts; that there are a lot of things that go into the decisions; that there is a balance between quality of life, as well as the transportation infrastructure, and it is a tough balance to strike through.

Mr. Collins questioned what the phasing and timeline would be for the dualization of Route 24, and if it would include the expansion of the bridge over Love Creek.

Mr. Tucker Smith, Traffic Engineer with McCormick Taylor, Inc., stated that there is another Capital Transportation Project proposed that will expand Route 24 to the west, from Love Creek out five miles west of that area; that currently, that project is not scheduled, but it is the next planned project; that he would assume the project would include the expansion of the bridge over Love Creek, as it is located along the same roadway; that the project is included within the scope of the CTP plan, and includes two lanes, each way, along the entire segment.

Mr. Collins questioned whether there were currently any plans to have the dualization of Route 24 completed before the proposed project would be operational, with customers driving in and out, and if the Mulberry Knoll Expansion to Route 9, which he believed to be another important project to deliver, would be finished by the time the proposed development would be built out.

Mr. Sammons stated that Mr. Collins's comments were correct; that the projects would not be completed, and that there is a piece going in with the Northstar project, as one of the conditions put in for Phase 1, which would be built from Route 9, as they are building their first set of homes; that before those homes could obtain a Certificate of Occupancy, they will have the road built from Route 9 down slightly past Route 23; that they are trying to hit the pieces as they go, and if there are other developers that come in,

DelDOT will ask them to make those, but if not, there are connections, and if not, then the CTP project will eventually take care of it, but will not be placed by 2028.

Mr. Collins questioned whether DelDOT would anticipate that some of the traffic into and out of the center would also access the service road located behind the stores, and he believed the service road could provide an alternate route in the event there would be an accident on Route 24.

Mr. Sammons stated yes, that DelDOT does anticipate that some of the traffic into and out of the center would also access the service road located behind the stores; that this was the reasoning why there is connectivity over to Plantations; that interconnectivity is something that DelDOT constantly promotes, as long as it makes sense and does not create unintended consequences; that it did not make sense to have all the traffic push out to Route 24 and Mulberry Knoll Road, when there could be a feasible connection over to Plantations, and they wanted to distribute the traffic as much as possible, so it does not unfairly and unduly impact certain areas, and the bigger and more distribution, the better.

Mr. Mears questioned whether DelDOT could provide any further description of the developer's required improvements.

Mr. Sammons stated that he felt the Traffic Impact Study (TIS) letter spoke for itself; that the TIS covers the requirements well, and had been part of the record since May 1, 2025; that there will be significant improvements required to occur for the proposed development; that there are four to five roundabouts required to be constructed, with two being site entrances; that there will be a roundabout located at Cedar Neck Road and Mulberry Knoll Road; that there will be one to two placed at Plantations; that there are significant intersection improvements around the site that are required to occur to help alleviate, and mitigate the site's impact; that there will be a major entrance located along Route 24, which will be signalized, and will have a right in and right out; that the plan has evolved from what the developer initially proposed with regards to the access points that the developer initially proposed; that a right in and right out, when designed safely, is a good relief valve, because it does not affect the traffic going the other way; that no one will need to make a left across Route 24; that it will allow vehicles to access the site better; that it is a balance between what the developer proposed, and what DelDOT feels is a good idea; that is why the developer is collaborating with DelDOT; that things could change and evolve as they go through the design process with DelDOT, when getting into the details of the design from a geometry, operational and safety standpoint; that the TIS is high level with regard to traffic impacts, determining where and how things are going to distribute out; that along Mulberry Knoll Road and Route 24, the developer will need to make improvements to the intersections that are above and beyond what the required TID improvements would be, or the current Route 24 improvements; that specifically, it would be a southbound, double-left out of the site, to mitigate their site traffic and to alleviate the traffic on Mulberry Knoll Road; that those are the types of things that DelDOT looked at to confirm if any further improvements would be required that would be above and beyond what is already planned there, and the Traffic Impact Study for the proposed project was a very complicated one, and DelDOT took it very seriously.

Madam Chair Wingate stated she felt it was fair to say that it appeared to be a sliding target, to see what is happening, and what the developer is proposing, and at the end of the day, DelDOT will make it the best that it can be.

Mr. Sammons stated that DelDOT considered the build-out year, also aligned it with the future projections of the TID, and accounted for all that and the CTP projects, doing the best they could to make sure that the infrastructure works in the area, should the project be approved.

Mr. Allen questioned whether DelDOT considered the difference in the traffic numbers during the summer months versus the non-summer months.

Mr. Sammons stated that DelDOT did consider the traffic numbers during the summer months; that typically, when performing an analysis, there are peak hours for the AM and the PM peak hours; that then there is a summer Saturday analysis that occurs; that when reviewing the analysis, one can see that sometimes a summer Saturday is bad, however, there will be a decent to good level of service for the AM and PM peak weekday traffic; that in the summer, there is a higher volume and intense traffic of cars, creating an unacceptable level of service or a level of service that is not the best during these times; that DelDOT attempts to account for this, in an attempt to mitigate the issue; that there again, it comes down to a balance of how far it should be taken, and he questioned if Sussex County would want lane roundabouts, or four lane road sections, and this balance must be considered.

Mr. Robertson requested that DelDOT emphasize or further explain the point that DelDOT knows the traffic counts and the impacts of the proposed project, including the existing traffic counts along Route 24 and Mulberry Knoll Road, as well as the future counts, which have been based on performed studies and criteria that DelDOT has.

Mr. Sammons stated Mr. Robertson's statement was an accurate statement; that there are physical counts that are taken in real time; that there are committed developments that are added in; that there are grown out factors that are appropriate, studied, and applied through an engineering analysis and through practical data; that all of this information gets added together, and grown out to when there are seasonal factors; that then they consider the traffic from the site itself, and grow that out to the future; that once this has been completed the analysis is performed; that they then compare to what the existing traffic is versus the projected future numbers; that they then took it another step, by growing it out to what the TID projections would be in 2045, to provide for a better look at the area; that there are a lot of things that go into growing it out, being the reasoning why the numbers get so big; that at times the level of service or future projections will show a Service Level F; that there is so much delay because there was all this traffic pushed into that; that this is what DelDOT based mitigations off of; that they attempt to look at worst-case scenarios; that DelDOT does not want anyone to experience delays, operational or safety concerns, however, the reality of it is, on a Saturday, during the summer months, there will be delays; that there will be some capacity issues because we all live at the beach, being the place that everyone wants to be; that he questioned how should DelDOT mitigate that issue; that he questioned whether DelDOT should design out of it fully, or should they accept some delays on a summer Saturday, but not accept it on a weekday; that this is where engineering judgement come into play; that there were many engineers, and a lot involved with the proposed project; that he believed the TIS speaks for itself to the amount of mitigation, and it also identifies the concerns and the amount of traffic that is in it.

Mr. Collins questioned whether there was any consideration given to autonomous driving and how it may impact requirements in the future.

Mr. Sammons stated that the answer to Mr. Collins' question was beyond the DelDOT representatives present for the meeting; that he did guarantee that DelDOT is looking at it, and that DelDOT looked at bus stops, mass transportation, such as bicyclists, and pedestrians, which is all incorporated into the recommendations.

Mr. Robertson questioned whether the proposed project would generate a DART bus stop.

Mr. Sammons stated there are four DART bus stops that were made as a recommendation and/or requirement; that there are two stops proposed close to Mulberry Knoll Road, one stop proposed on either side of Route 24, and two proposed close to the entrance there as well; that regarding the shared use path and fencing, it was DelDOT's idea to channelize pedestrians and the low impact bicycle to the safe crossing points at Mulberry Knoll Road, and the main intersection, which will be signalized with the approval of the proposed development; that DelDOT did not want pedestrians running across Route 24 for safety reasons; that the fence and shared use path will be located around the entire site and down Mulberry Knoll Road, and that DelDOT is looking at all forms of transportation when they make recommendations.

Madama Chair Wingate stated the Commission's hope would be that many people would utilize the bus transit, which would eliminate the number of vehicles on the roadways.

The Commission found that there were three people present who wished to speak in support, and 22 people present who wished to speak in opposition to the application. There were 15 people present in support, and 62 people present in opposition, by a show of hands.

Dr. Chris Haffer of Scenic Harbor, Lewes, spoke in support of the application.

Mr. Tom Hinderliter of Pot Nets Bayside spoke in support of the application.

Ms. Cynthia Anderson-Clay of Plantation Lakes spoke in support of the application.

Representative Ms. Claire Snyder-Hall of Rehoboth spoke in opposition to the application.

Mr. Kenneth Suter of Rehoboth spoke in opposition to the application.

Mr. Raymond Gulino of Lewes spoke in opposition to the application.

Ms. Robin Delgado of Lewes spoke in opposition to the application.

Ms. Susan Wattman of Belle Terre in Lewes spoke in opposition to the application.

Mr. David Bower of Lewes spoke in opposition to the application and provided opposition exhibits.

Mr. Robertson requested that more information be provided by the Applicant regarding truck and delivery access to the stores on the site.

Mr. Fortunato stated that the actual turning paths of which uses had not been finally determined; however, all of the accesses are required to be designed to a WB62 in accordance with DelDOT; that the Applicant is required to provide truck turns around every roundabout and every entrance, regardless of whether a tractor-trailer ever turns into the area or not; that regardless of whether an entrance is or is not used for deliveries by anyone, all of them will include truck turning movements in the engineering diagrams for approval.

Ms. Sheri Kastner of Lewes spoke in opposition to the application.

Ms. Amber Day of Belle Terre in Lewes spoke in opposition to the application.

Mr. Gary Vousheim of Lewes spoke in opposition to the application.

Ms. Barbara Bowen of Lewes, on behalf of ROOT Nation Reclamation Trust of Ancestral Lands Restoration, spoke in opposition to the application.

Mr. William Green of Belle Terre in Lewes spoke in opposition to the application.

Ms. Ever Council, on behalf of ROOT Nation Reclamation Trust of Ancestral Lands Restoration, spoke in opposition to the application and submitted opposition exhibits.

Ms. Ann Merkert of Belle Terre in Lewes spoke in opposition to the application.

Recess

6:35 pm – 6:56 pm

Mr. Eric Wattman of Belle Terre in Lewes spoke in opposition to the application.

Ms. Stephanie Sette of Welches Pond spoke in opposition to the application.

Ms. Nicole Kline, with Bowman Consulting Group, stated that the intersection and roundabout that Ms. Sette referred to is a TID improvement, which was planned by DelDOT; that DelDOT had selected certain improvements within the TID that the Applicant will be required to construct as part of their development construction; that this will not fall under the umbrella of DelDOT projects; that when DelDOT requires an applicant to construct a TID improvement, it becomes fully an applicant project; that DelDOT will only review the design, and it would not be completed as a DelDOT funded or State-ran project.

Mr. Robertson questioned if the intersection at Mulberry Knoll Road and Cedar Grove Road is not anywhere near the Applicant's property, and the right-of-way payment is small, how would the Applicant acquire the land to place in the roundabout if there is not sufficient room within the DelDOT right-of-way, with it being a private TID project, being constructed with private money by the developer.

Ms. Kline stated that it would be part of the Applicant's responsibility; that they cannot yet speak to all the details of the off-site improvements; that at this point, DelDOT had said that the Applicant

would need to build that off-site improvement; that they have to design it, reviewing all of those details; that if they find that the roads will require widening, it will be on the Applicant during the design process, and at that time they will determine if there is sufficient right of way to accommodate that full design or not.

Ms. Tracy Denton of Belle Terre in Lewes spoke in opposition to the application.

Dr. Lori Bunting Hudson of Welches Pond spoke in opposition to the application.

Mr. Randy Barnhart of Belle Terre in Lewes spoke in opposition to the application.

Mr. Whitehouse stated that for a commercial project within the C-4 Zoning District, the Front Yard Setback requirement is 60 feet; that the Side and Rear Yard Setback requirements are five feet; that the Corner Front Yard Setback requirement is 15 feet; that the C-3 Zoning District permits for mixed-uses, but for strictly commercial uses the setback requirements would remain the same as the C-4 District.

Ms. Denise Krok of Welches Pond spoke in opposition to the application.

Ms. Jennifer Heilman of Belle Terre in Lewes spoke in opposition to the application.

Ms. Judy Rose Seibert of Saddle Ridge in Lewes spoke in opposition to the application.

Ms. Celia McDermott of Belle Terre in Lewes spoke in opposition to the application.

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

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

In relation to C/Z 2037 Mulberry Knoll Associates, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

Minutes of the October 15, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2037 Mulberry Knoll Associates, LLC for a change in zone from the AR-1 Agricultural Residential District to the C-4 Planned Commercial District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a 73.5-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District is “to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working, and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.” This purpose is satisfied with this application.

2. Route 24 is classified by DelDOT as a principal arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. This project will have access to Route 24 as well as other adjacent roads. In addition, a TIS was prepared by the Applicant's traffic engineers and approved by DelDOT. On top of the improvements required by the TIS, the developer's contributions to roadway improvements within the Henlopen TID are set forth in DelDOT's TIS Review Letter dated April 30, 2025. It is estimated that these improvements will cost approximately \$10,000,000.00.
3. The site is within the Commercial Area according to the Sussex County Comprehensive Plan and its Future Land Use Map and it has been designated with this classification since the current Plan was adopted in 2018. C-4 Zoning is an appropriate zoning designation within the Map's Commercial Area. As a result, the County anticipated that large-scale commercial development would occur at this location. Therefore, this is not sprawl or uncontrolled growth. Instead, it follows Sussex County's long-term planning goals, designating this as an appropriate area for commercial growth and development.
4. The entire site is cleared farmland that has been in agricultural use for more than a century. There are no environmental features or Resources as that term is defined in the Sussex County Code on the site. In furtherance of this, the Applicant has provided an Environmental Assessment and Public Facilities Evaluation as part of the Application.
5. This site is in an area with a variety of existing uses, including two schools, Delaware State Police Troop 7, a Sussex County EMS paramedic station, Beebe Hospital's medical campus, land approved for a convenience store, and a variety of housing developments. On the other side of the Beebe medical campus are intensive commercial uses, including a large hotel, bank, car dealership, and an apartment complex. The site is also less than one mile from the Route One commercial corridor. This is an appropriate location for C-4 zoning and the commercial center proposed by the Applicant.
6. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a design that includes a wide variety of grocery, retail, restaurant, food service, and other commercial uses in close proximity to many homes. This benefits the residents of this community and other Sussex County residents by reducing the need to travel farther away on area roadways for these uses.
7. There is evidence in the record that the project will have a positive impact on Sussex County's economy. In addition, it will be required to make substantial annual tax payments to the local school district without generating any additional enrollment within that school system.
8. The use will be served by central water and Sussex County sewer.
9. The site is located along a bus transit route operated year-round by DART that serves Millsboro, Long Neck, and Rehoboth Beach, and bus stops will be provided at the site.
10. The recommended conditions of approval require the proposed gas station to be relocated away from the northeast corner of the site to a more internal location. This removes this more intensive use from the existing wellhead protection area and further away from residential properties.
11. With conditions imposed, the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
12. This recommendation is subject to the following conditions:
 - A. The proposed fuel station shown at the northeast corner of the site shall be moved to a more internal location within the site that is not within a wellhead protection area or

adjacent to existing residential properties. This will mitigate any potential harm to the wellhead protection area and will reduce traffic, light pollution, and noise immediately next to homes. In addition, the site shall comply with the applicable requirements of Chapter 89 of the Sussex County Code regarding Source Water and Wellhead Protection.

- B. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination, including specifically the requirements contained in DelDOT's April 30, 2025, TIS Review Letter, along with any additional requirements that DelDOT may impose. These roadway improvements will include off-site roadway improvements and a signalized entrance constructed to provide safe vehicular and pedestrian access to the site. Given the location and size of the project, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the applicant and DelDOT, and it shall be presented to the Planning and Zoning Commission for consideration as part of the Final Site Plan.
- C. The developer shall cooperate and coordinate with Sussex County and its Emergency Medical Services team to explore the installation of a controlled-access interconnection between the County's EMS station on Plantations Road and this site.
- D. There shall not be any truck deliveries to or from this site via Mulberry Knoll Road until that roadway is fully improved and operational between Route 24 and Cedar Grove Road. There shall be signage installed along the site's Mulberry Knoll Road boundary confirming this prohibition. This shall also be noted on the Final Site Plan.
- E. There shall not be any waivers granted from the required front yard setback for parking or buildings. This area shall be improved with vegetation to create a visual buffer from Route 24. The nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- F. There shall be vegetation planted along Mulberry Knoll Road to screen this development from that roadway and the homes located on the opposite side of it. The nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- G. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.
- H. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- I. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- J. The Final Site Plan shall include a lighting plan showing the locations of all external luminaries within the site. The Plan shall include a photometric plan with contours to show the cumulative spill of all luminaries to be sited relative to adjoining parcels.
- K. As voluntarily proffered by the Applicant, the Applicant and/or its successors and assigns shall make a contribution to the Rehoboth Beach Volunteer Fire Company and the Lewes Volunteer Fire Company in the total amount of \$100,000.00. This contribution shall be made on a *pro rata* basis in equal shares to the two Fire Companies at the time any

Certificate of Occupancy is issued following the construction of a building within the site, based on the square footage of that building as a percentage of the total project square footage of 663,213. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to both Fire Companies as a condition of Final Site Plan approval.

- L. During sitework and initial construction, all dumpsters, roll-off containers or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
- M. There shall be solid green fencing along the northwestern boundary of this site adjacent to the land in Agricultural Preservation. The vegetation along this boundary shall be planted on the outside of this fencing between the fence and the property boundary. These plantings shall be of a size and variety to screen the fencing and the rear of this property, and the nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- N. All dumpsters and trash containers on the site shall be enclosed and screened from the view of neighboring properties and roadways. The location of these enclosures shall be shown on the Final Site Plan.
- O. No structures, buildings, temporary storage containers (including Conex or similar containers), trash compactors, or equipment shall be located within the parking areas or drive aisles to the rear of the site. There shall be signage installed along the rear drive aisle confirming this, with the location of the signage shown on the Final Site Plan. This prohibition shall not apply to enclosed dumpster locations approved as part of the Final Site Plan.
- P. The Final Site Plan shall include the Agricultural Use Protection Notice.
- Q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried to recommend approval of C/Z 2037 Mulberry Knoll Associates, LLC for the reasons and the conditions stated in the motion. Motion carried 4-1.

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

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

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

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

Mr. Collins voted nay, as he had concerns regarding the traffic considerations and concerns expressed by citizens, and that DelDOT may not be able to make the improvements needed to alleviate their [the citizens] concerns.

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
BRIAN BUTLER
SCOTT COLLINS
J. BRUCE MEARS



Sussex County

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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 17th, 2025

Sussex County Council Public Hearing Date: October 21st, 2025

Application: C/Z 2037 Mulberry Knoll Associates

Applicant: Mulberry Knoll Associates, LLC
c/o Ben Hoskins
1 W. Pennsylvania Ave., Suite 230
Baltimore, MD 21204

Owner: JG Townsend Jr.
P.O. Box 430
Georgetown, DE 19947

Site Location: Located on the west side of John J. Williams Highway (Rt. 24)
approximately 500 feet south of Plantations Road / Warrington Road
(Route 1D / S.C.R. 275)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Planned Commercial (C-4) Zoning District

TID: Parcel is within the Henlopen Transportation Improvement District

Comprehensive Land
Use Plan Reference: Commercial Area

Councilmanic
District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Public (Sussex County)

Water: Private (Tidewater)

Site Area: ≈ 73.5 acres


Tax Map ID.: 334-12.00-46.00 & 47.00





Exit HERE, Gaithersburg, MD, Maryland

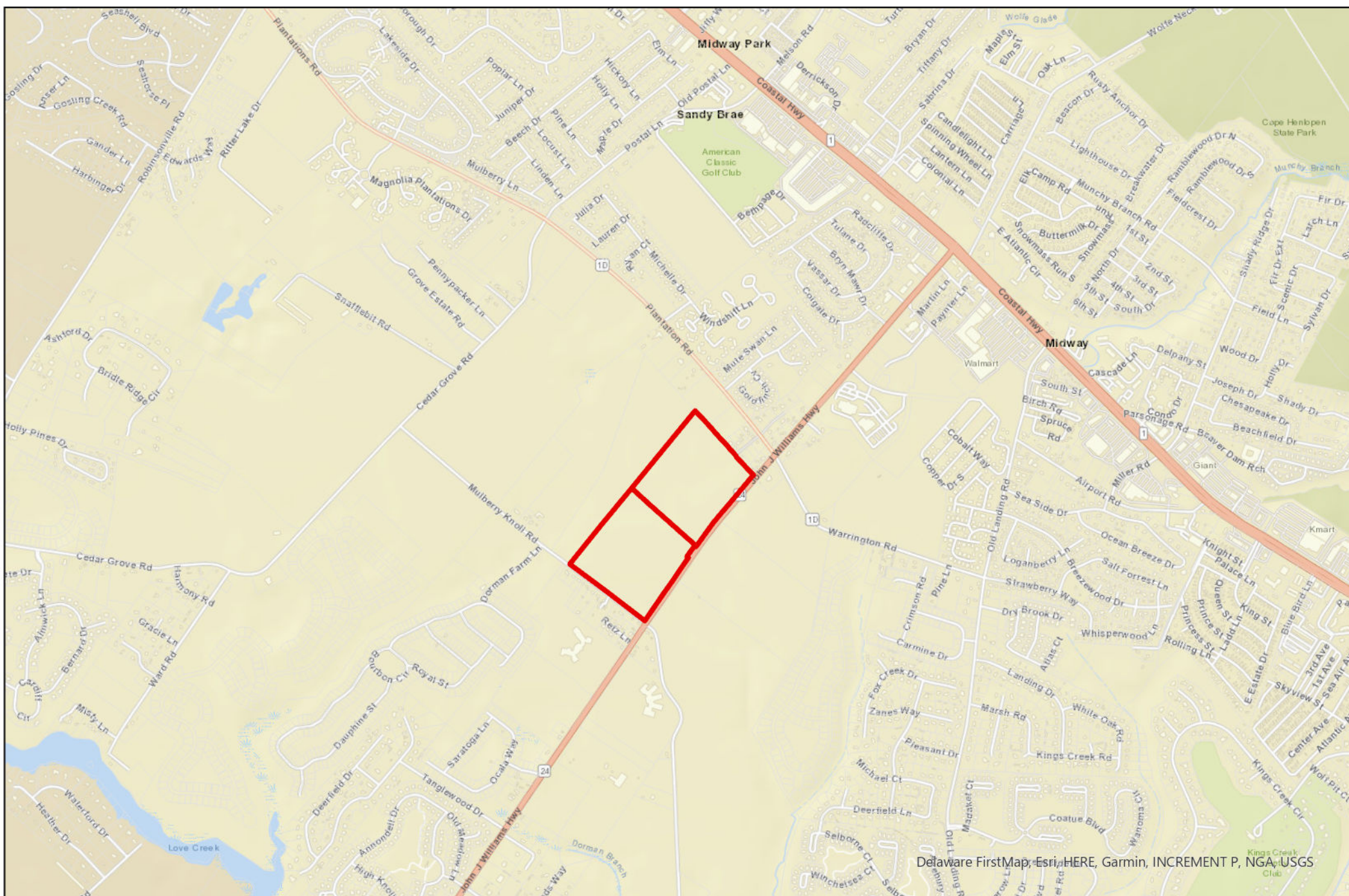
C/Z 2037 - Mulberry Knoll Associates
Aerial Map
TM# 334-12.00-46.00 & 47.00

 **CZ 2037 - Mulberry
Knoll Assoc.**




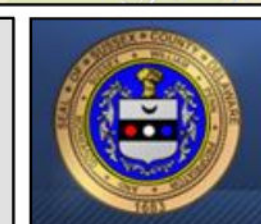
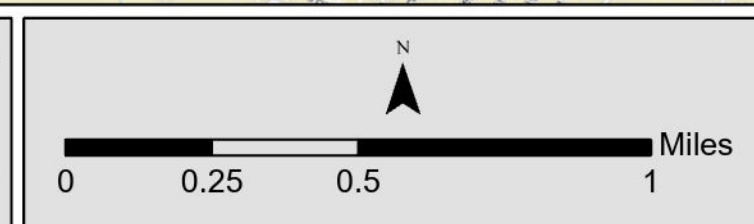
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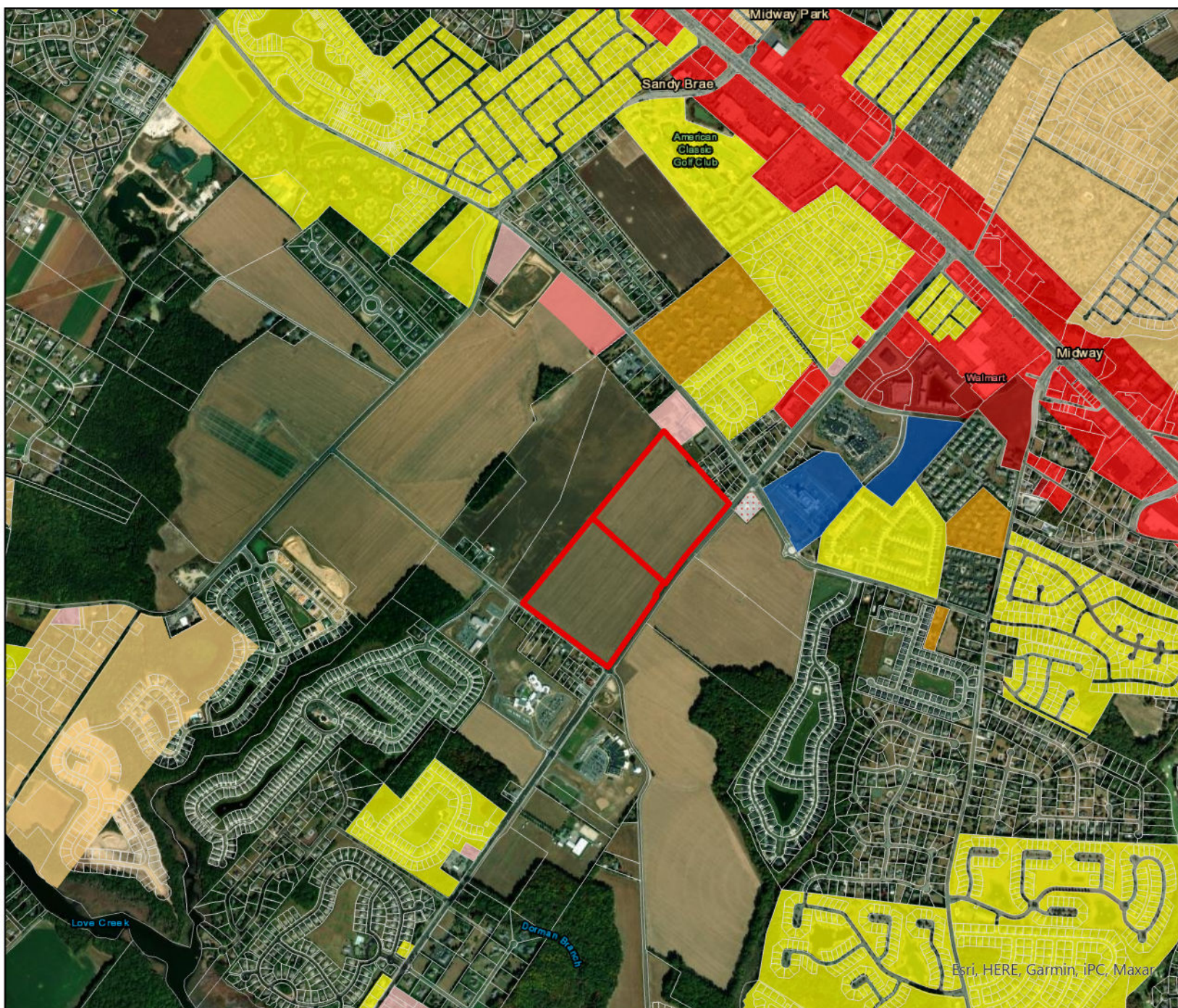




**C/Z 2037 - Mulberry Knoll Assoc.
Streets Map
TM# 334-12.00-46.00 & 47.00**

 **CZ 2037 - Mulberry
Knoll**




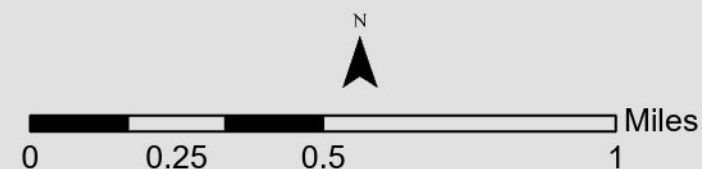


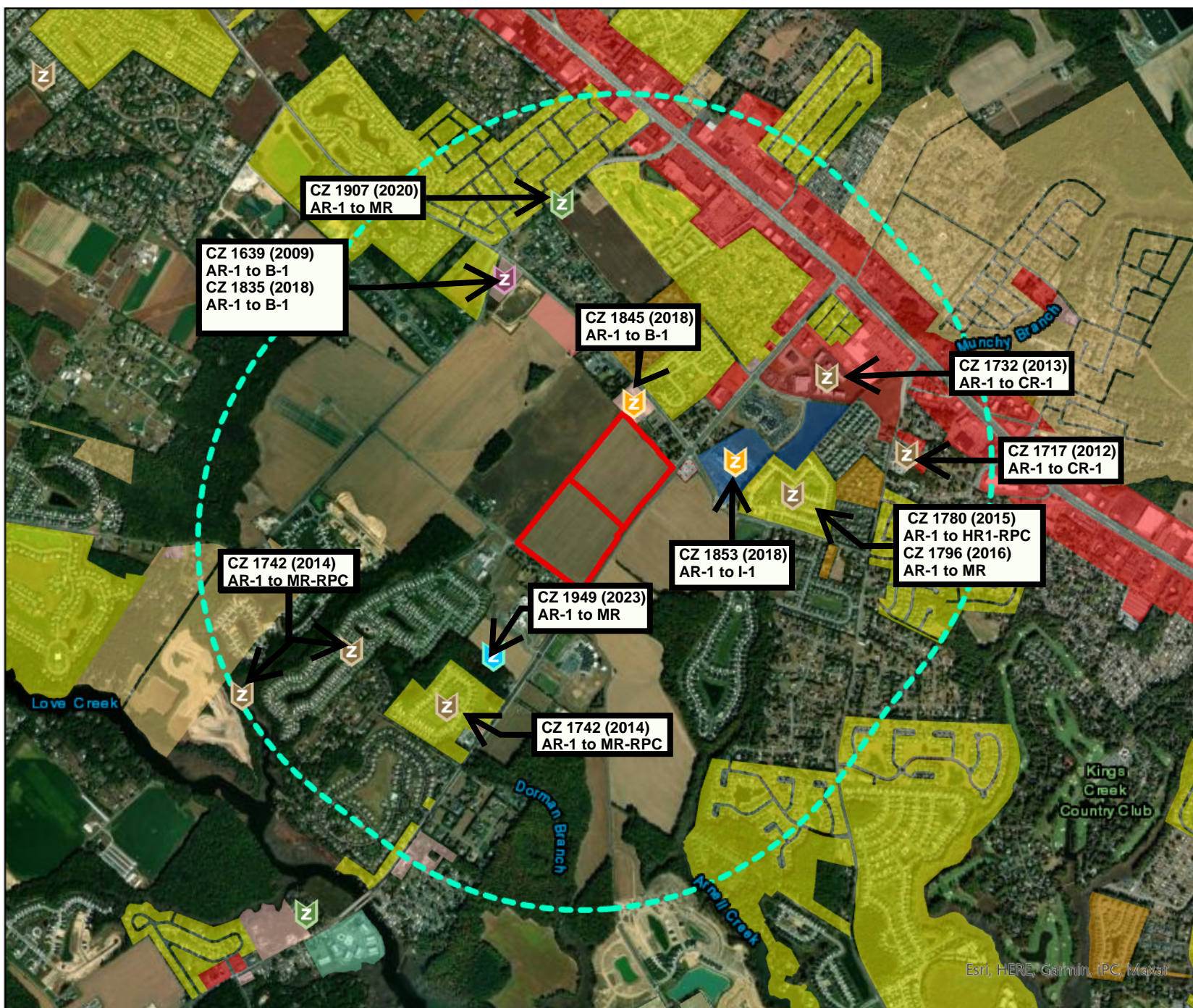
Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
-  B-3: Business Research

**C/Z 2037 - Mulberry Knoll Assoc.
Zoning Map
TM# 334-12.00-46.00 & 47.00**

 CZ 2037 - Mulberry Knoll



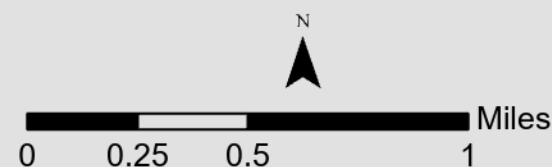


Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

CZ 2037 Mulberry Knoll Associates
Change of Zone Vicinity Map
TM#s: 334-12.00-46.00 & 47.00

- CZ 2037 (1-Mile Radius)
- CZ 2037 Mulberry Knoll Associates LLC



Introduced: 8/19/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-12.00-46.00 & 47.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS

WHEREAS, on the 6th day of September, 2024, a zoning application, denominated Change of Zone No. 2037, was filed on behalf of Mulberry Knoll Associates, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2037 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-4 Planned Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284) and being more particularly described in the attached survey prepared by Bohler Engineering, said parcels containing 73.5 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/13/26

Council District 2: Mr. McCarron

Tax I.D. No.: 231-9.00-4.00, 5.00 & 5.01

911 Address: 22372, 22378 & 22382 Coverdale Road, Seaford & N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2270 (ORDINANCE NO. 3070) REGARDING THE HOURS OF OPERATION FOR AN EXISTING OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS

WHEREAS, on the 1st day of December 2025, a Conditional Use application, denominated Conditional Use No. 2625, was filed on behalf of Greg Mitchell; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2625 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2625 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate Sussex County, Delaware, and lying on the northwest side of the intersection of Hastings Farm Road (S.C.R. 526) and Coverdale Road (S.C.R. 252) and being more particularly described in the attached legal description prepared by D. Stephen Parson P.A., said parcel containing 35.00 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/13/26

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.06-52.00
911 Address: 1534 Savannah Road, Lewes**

ORDINANCE NO. ____

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 SUSSEX COUNTY, CONTAINING 0.5739 ACRES, MORE OR LESS

WHEREAS, on the 27th day of June 2025, a zoning application, denominated Change of Zone No. 2054, was filed on behalf of 1534 Savannah Road, LLC; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2054 be _____; and

WHEREAS, on the ____ day of _____ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the southeast side of Savannah Road (Rt. 9), approximately 535 feet north of Wescoats Road (S.C.R. 12) and being more particularly described in the attached legal description prepared by McAllister, DeTar, Showalter & Walker, LLC d/b/a Tidemark Title Company, said parcels containing 0.5739 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



Memorandum

To: Sussex County Council
The Honorable Douglas B. Hudson
The Honorable Jane Gruenebaum
The Honorable Matt Lloyd
The Honorable Steve McCarron
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: January 8, 2026

RE: County Council Report for C/U 2586 filed on behalf of Preston and Mason Dyer

The Planning and Zoning Department received an application (C/U 2037 filed on behalf of Preston & Mason Dyer) for a Conditional Use for the expansion of an existing campground in an AR-1 Agricultural Residential Zoning District at Tax Parcels 235-8.00-35.02 and 35.03. The property is located at 12984 Coastal Highway and 13177 Eagles Nest Trail, Milton. The parcel size is 21.93 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on November 19, 2025. At the meeting of December 10, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions of approval as outlined within the motion (copied below).

Minutes of the November 19, 2025, Planning & Zoning Commission Meeting

C/U 2586 Preston & Mason Dyer

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS. The properties are lying on the southwest side of Coastal Highway (Rt. 1), approximately 0.70 mile north of Broadkill Road (Rt. 16). 911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton. Tax Map Parcels: 235-8.00-35.02 & 35.03 (P/O).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Applicant's Exhibit Booklet and materials, the Staff Analysis, a letter received from the Sussex County Engineering Department's Utility Planning Division, and a copy of the DelDOT Service Level Evaluation Response letter. Mr. Whitehouse advised the Commission that the application had received two written public comments, which were included within the paperless packet.

The Commission found that Mr. Preston Dyer, a member of Campground Holdings, LLC, spoke on behalf of his Application; that also present were Mr. Mason Dyer, who is involved in the ownership and management of the campground, as well as Mr. Mark Davidson, P.E., with Pennoni. Mr. Preston Dyer stated, as a way of background, they entered into a contract in 2023 to purchase Deep Branch Campground, recognizing that the property consisted of just under 20 acres; that there was a year-to-year lease for the 10-acre parcel to the south; that the Commission should be familiar with the 10-acre parcel, as there was a preliminary, and now final approval granted for an assisted living facility, on approximately five acres of C-1 (General Commercial) ground; that the clubhouse, pool and office encroached outside the five acres, and onto a portion of the additional five acres, which was zoned AR-1 (Agricultural Residential); that t Pastor William Sammons, Sr. previously owned all of the property; that the original Conditional Use for the property dated back to 1982, being C/U 705; that when they entered into contact, they were monitoring the progress of the assisted living project; that at the point where it appeared that project was going to occur, they returned back to Mr. Bill Sammons, Jr., who currently resided in the residence with his wife, and Pastor William Sammons, Sr.; that they added the two acre parcel in anticipation of the loss of the amenities and related uses on the 10 acres; that the lease was extended for one year, and now the lease has not been extended thereby rendering the move to the additional two acres to be fortuitous to them; that they did settle on the property, with the Sammons in 2024; that he requested to go on record saying that as developers, they certainly have no problems whatsoever, and recognize the ability of the adjoining property to construct an assisted living facility on that property; that they have an excellent relationship with the Eagles Nest Church; that they supplied two letters of support, one from the Administrative Pastor, and one from the Head Pastor; that the application seeks to replace and to restore the uses, the structures and the activities that were present on the adjoining 10 acre parcel; that they are seeking to add a two acre parcel, which was originally the Sammon's residential parcel, to C/U 705 for Deep Branch Campground; that the original campground was the starting point for Pastor Sammons and his wife, Mary Jane, to formulate what later became Eagles Nest Church; that it is a well known church, and certainly a dominant church in Sussex County; that the present Delmarva Christian lower school enjoys the campus facility; that the well-known church, Crossroads, was a church plant from Eagles Nest Church; that he had been very blessed to have a relationship over the years with Pastor Sammons, as had Professional Engineer, Mr. Mark Davidson; that they had all master planned the entire property many times; that they have allowed the development, and the acquisition of the campground to seek to honor the legacy of Pastor Bill Sammons, Sr., his wife, Mary Jane, and Mr. Bill Sammons, Jr.; that the plans include a clubhouse, a campground store, snack bar, office and/or residence for management, pool, deck seating, and an open-air pavilion; that they are also adding an additional one-acre parcel, reflected on the Site Plan, and deeded to them by Eagles Nest Church; that the Commission had placed a requirement on the assisted living facility to accommodate the existing on-site septic system for the campground; that in order to protect that, a portion of the system is located

on the one acre parcel, and the Eagles Nest Church deeded that to them in satisfaction of the condition that was placed by the Commission; that the campground, as they are seeking to expand, is bordered by Parcel No. 35.09, which belongs to Mr. Tim and Pam Parker; that they will fence that parcel in accordance with the staff's recommendations; that the site also borders Route 1, with the two acre parcel, which will have limited access, which was also in accordance with the staff's recommendations; that there will be a Knox box gate provided; that Mr. Mark Davidson, P.E. with Pennoni, would provide additional details; that to the north, the site borders Milton Crossing subdivision; that he secured the original contract for, and went through with the subdivision; that this was an effort, in Pastor Bill's later years, to consolidate his, and Mr. Bill Sammons, Jr's real estate holdings; that eventually, they purchased the remaining real estate, which is the campground; that they did achieved that prior to Mr. Bill Sammons passing; that there are no vehicular or pedestrian access between the Milton Crossing Subdivision and the campground; that there is the Deep Branch Creek, and a large span of wetlands that prohibits any interconnectivity located on the west of the site; that the campground is bordered by agricultural uses; that on the south, is the location of the assisted living facility; that they recognize the right for them to develop, but the fact that the new building, as proposed, would consist of a 40 foot building and a retaining wall, that will border the campground property; that Mr. Tim and Pam Parker, the owners of Parcel No. 35.09, have managed the campground for many years for the Sammons family; that the Parkers had also been managing the property for them as well; that they plan to have the Parkers continue managing the campground; that Mr. Mason Dyer, his son, is responsible for the interfacing for the management of the campground by Mr. Tim & Pam Parker, and at that time Mr. Dyer requested Mr. Mark Davidson with Pennoni come up to provide additional information on the application.

The Commission found that Mr. Mark Davidson, Professional Engineer with Pennoni, spoke on behalf of the application. Mr. Davidson stated that Conditional Use No. 705 was approved in 1982, as a resolution; that there was a condition placed requiring Pastor William Sammons, Sr. to be able to get a letter from the Department of Interior for a flowage easement, which happened to lie within the property, to allow the campground to have no negative effect on the flowage easement; that there are two letters submitted into the record from the Department of Interior, talking about the flowage easement, and one from the U.S. Army Corps of Engineers talking about the wetlands, and the ability to be able to flow water from the campground naturally into the wetlands; that the Army Corp of Engineers had no objection as well; that Conditional Use No. 705 was approved for 150 campsites for overnight mobile campers, tents, camp trailers, touring vans and the like; that is how the Code specifies campgrounds in §115-172(H); that the campground was improved to have campsites, cabins, central water, wastewater, a camp store, and office, in ground swimming pool, bath houses, playground, maintenance yard, and a chapel; that the campground has been operating for about 43 years; that the addition of the two properties, improved with the existing dwelling and the septic systems will provide for the purpose of the uses intended primarily compatible within an existing campground, and as outlined in §115-172(H); that the house currently is located on Parcel No. 35.02, and is serviced by an existing septic system; that Parcel No. 35.03, as part of a previous Condition stipulation placed on the Eagles Nest assisted living facility, the developer was required to provide for no negative impact to the campground; that because of this, they reviewed the wastewater for the campground fairly heavily; that on the submitted Site Plan, he had indicated what had been relocated, as part of that 10 acres being developed with the assisted living facility; that he had outlined the assisted

living facility on the back five acres, which is zoned C-1 (General Commercial); that the front five acres are zoned AR-1 (Agricultural Residential), which is the location of the one acre piece is; that they had discovered an existing septic system located on the once acre property; that this was the reasoning the one acre was deeded over to the campground by Eagles Nest Ministries; that the existing septic system serves the uses on the campground; that the primary wastewater facility is demarcated on the Site Plan; that the access coming in, has a dump station and a pump station located there; that all the wastewater for the campsites come down to the pump station; that there are some uses that access and use the existing septic system located on the one acre property; that there was a property line that ran through the old campground office, store and community center; that when the property was being planned for the assisted living facility, the building was torn down in 2020; that all that remains on the site is the inground swimming pool, which is to be demolished as part of the assisted living facility development; that the current application is requesting approval to bring in additional acreage; that bringing in the two acre parcel, and the one acre parcel, to provide the ability to relocate the new clubhouse, pool, and pool area; that the campground was part of the ministry that Pastor William (Bill) Sammons started; that the ministry is going to continue; that they are proposing typical campground activities; that it is intended that one parks at the campground, they would maneuver through the campground on foot or by golf cart; that on occasions when the weather is no conducive, they have proposed to add a parking area, where people could access the community building, and the existing house, which is slated to be the manager's office and residence; that previously the managers resided within a mobile home on the property; that the existing house could be used for the manager's house, the office, the business office activities; that the clubhouse and the pool are proposed to be relocated to that particular site; that if the application should be approved, the boundary line would disappear; that the two acre parcel would merge into the adjacent parcel; that per the 2045 Future Land Use Map of the Sussex County Comprehensive Plan, the property is identified as being within the Low Density Area, and Existing Development Area; that the one acre parcel is located within an Existing Developing Area, and the two acre parcel is located within the Low Density Area; that these areas included promote a quiet and private environment, with more space, preserving natural habitats in place, primarily for fostering a close knit social atmosphere among campers, and enhancing privacy for campers; that within the Comprehensive Plan, the Low Density Area and the Developing Area, spell out that those activities are what may be used within those area according to the Comprehensive Plan; that the 2020 Delaware Strategies for State Policies and Spending shows the site within Investment Level 4; that the Dyers are not going to be asking for any State money to develop the project, and intend to fund the entire project themselves; that the proposed Conditional Use is subject to the provisions of Articles IV through Article XXIV, §115 - §22 of the Sussex County Zoning Code; that the purpose of the Conditional Use is to provide for these certain uses, which cannot otherwise be well adjusted to their environment, in particular location with full protection offered to surrounding properties or rigid application and district regulations; that the subject application being submitted to Sussex County is to request the approval to add 3.01 acres +/- to the existing campground; that Conditional Use No. 705, under Article XXIV §115-172(H), which is Parker Campgrounds, for mobile campers, tents, camp trailers, touring vans, and the like; that it is for the purpose of the residents in our office, for the Park Manager meeting area, small retail businesses, clubhouse, pool, which are intended primarily for the occupants of the campground; that these are similar to uses and appropriate to Conditional Use No. 705; that the area for C/U 705 was approved for 22.5 acres; that over the years, the acreage decreased when three acres were deed over to Mr. William (Bill) Sammons, Jr., being

the location he built his house; that the current residents, Mr. & Mrs. Parker, who are currently managing the campground, previously purchased from Mr. William (Bill) Sammons, Jr., and was taken out of the Conditional Use area previously; that with the request to add the three acres back into the Conditional Use, the total Conditional Use are will be 21.93 acres +/-; that the original Conditional Use was approved for an area of 22.5 acres +/-; that the proposed use will not alter the character of the surrounding area in any manner, which would substantially limit, impair or preclude the use of the surrounding properties; that the Conditional Use is compatible with the surrounding low density uses, which include residential, commercial, institutional, agricultural and recreational areas; that through the existing Conditional Use No. 705, which controls factors like the number of campsites, roadways, setbacks, building locations, which preserve the character of the community and prevent interference with existing uses; that adjacent Parcel No. 35.09 is owned by the Parkers, who currently manage the campground; that a comment provided within the Staff Analysis report concerns to ensure privacy and protection of the property of Parcel No. 35.09; that the Dyers will be placing a privacy fence along their respective properties to provide a visual screen and buffer between the adjacent properties and to minimize adverse visual and noise impacts from the adjacent campground; that the properties and the use will have access to the existing campground; that access to Zion Church Road, which is classified as a local road, according to DelDOT's Highway Functional Classification Map; that rights-of-way, dedications and permanent easement dedications have been dedicated; that they were dedicated as part of the assisted living facility process; that the campground has an existing access easement, which had been granted to them over the years, which comes up from Zion Church Road; that this is a recorded deed easement, which is 50 feet wide, and comes up to the back of the property; that this easement will be the primary access for the addition of the two properties for the campground; that the existing access, located off Zion Church Road, will be the primary access for the campground and the associated amenities; that staff had also expressed concern regarding additional traffic trying to access off of Coastal Highway (Rt. 1); that they are proposing to present to DelDOT, is to use the existing driveway as an emergency access, designated for emergency services only; that the emergency access will be gated, with a Knox box, to provide an alternate way of leaving the site in the case of an emergency; that the emergency access will be controlled by the management of the campground so that no campers will have access through that access to Coastal Highway (Rt. 1); that all campers and non-emergency traffic will come through the existing entrance along Zion Church Road; that DelDOT felt that the proposed Conditional Use would not adversely affect the congestion of the roads; that they deemed the proposed use to be diminutive in the context of the agreement with Sussex County; that DelDOT did not require a Traffic Impact Study (TIS) for the application; that there are wetlands located on the property; that a Wetland Delineation is required to be shown along the wetland area; that there is no wetlands on the subject properties that are being added to the existing Conditional Use; that there are no threatened or endangered species on the properties being added; that there is no need for public water for the application; that Parcel No. 35.02 has an existing well, which had been permitted through DNREC, which serves the existing dwelling; that the existing campground currently has an existing commercial well which services the property; that the commercial well is protected by the Wellhead Protection Ordinance that does not encroach within the boundaries of the of the application; that the Well Head Protection is a 150 foot buffer, which goes around the existing commercial well; that the existing wastewater disposal systems are monitored on a five year basis by a licensed wastewater treatment operator, who submits reports to DNREC on a yearly basis; that every five years the permit gets updated by DNREC for the

campground; that the one acre property, being part of Parcel No. 35.03, does not lie within an Excellent Groundwater Recharge Area; that any disturbance within the portion of this property will follow Chapter 89 Source Water Protection Code criteria; that there are no plans to do anything with it right now, except to keep it as a spare area for septic; that there is an existing septic system sitting in the upper corner of the one acre property; that the one acre parcel is located within Flood Zone X, which is located outside of the 500 Year Floodplain; that a Flood Zone AE, with elevation of 8, impacts portions of Parcel No. 35.02 and Parcel No. 35.03; that a Letter of Map Amendment could be requested to bring the parcel out of the Flood Zone AE; that all improvements would be located outside of the 100 Year Floodplain; that the property is located within the Milton Fire Department Service Area; that he had submitted proposed Conditions of Approval for the Commission's consideration; that he had added one extra condition, based on the comment provided within the staff's recommendation; that he added the proposed condition for a permanent opaque fence, of at least six feet in height, shall be erected per the requirements of the current Code and maintained along the property of Parcel No. 35.09 to provide a visual screen and buffer between the adjacent properties; that all of the other conditions match what was previously submitted within the exhibit booklet; that the Conditional Use shall allow the properties to be used for the campground, for mobile campers, tents, campers, camp trailers, touring vans and the like, the residence and office for the park manager, meeting area, small retail businesses, clubhouse, and pool, which are intended primarily for the occupants of the campground; that the parcels will be used for any utilities, as needed and necessary, for safe operation of the campground, and the proposed Conditional Use meets the general purpose of the Zoning Ordinance, being located in an appropriate location, meaning the purpose of this District and the Comprehensive Plan by providing sufficient space and appropriate locations for certain uses, which cannot be well adjusted to their environment in particular locations with full protection for the surrounding properties by rigid application of the District's regulations which is essential, desirable, for the general convenience, orderly growth, prosperity and welfare of the County.

Mr. Collins questioned whether the project would be open year-round and if the majority of the sites were permanent.

Mr. Preston Dyer stated that there is a variation of sites throughout the site.

Mr. Allen questioned whether the existing septic system on the one-acre property was a standard gravity-fed septic system and whether it was approved to be used.

Mr. Davidson stated that the existing septic system was a standard gravity system; that the existing topography happens to flow that way, and the system had been tested and approved for use.

Madam Chair Wingate stated that should the application be recommended for approval, there needed to be a condition added regarding the entrance off Route 1 (Coastal Highway) for emergency use only.

Mr. Robertson stated that Conditional Use No. 705 is approximately 40 years old; that there may be things that apply to it that maybe would not apply to a new application; that he is unsure whether the Commission should add conditions to the existing campground, to avoid any misunderstanding in the

future, and questioned if Mr. Davidson had received any feedback from DelDOT regarding the DelDOT entrance to Rt. 1 (Coastal Highway).

Mr. Davidson stated that they were required to perform lot line adjustments to the Parker's property, and Parcel No. 35.02, and a subdivision from the 10-acre parcel; that at no time did DelDOT request the Applicant to abandon their proposal; that DelDOT knew the access was there; that DelDOT knew they were requesting the Conditional Use for the campground, however, they had not had a pre-coordination meeting with DelDOT, and their goal is to get approval for the emergency access.

Mr. Whitehouse stated that DelDOT had published a document in the last 12 months for the entire Capacity Corridor Preservation Program, showing a host of reconfigurations of existing entrances and crossovers being closed, and that the document is available online.

Mr. Davidson stated there is a proposed service road plan that will end at the Parkers' property, as part of the new overpass, which they are placing on Route 16.

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

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

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

In relation to C/U 2586 Preston & Mason Dyer. Motion by Mr. Passwaters to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the December 10, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since November 19, 2025.

Mr. Mears advised the Commission that he had reviewed the record and listened to the audio for the application and, therefore, was prepared to vote on the application.

Mr. Passwaters moved that the Commission recommend approval for the small expansion of an existing campground based upon the record made at the public hearing and for the following reasons:

1. Conditional Use No. 705 was approved in 1982 for 150 campsites for overnight mobile campers, tents, camp trailers, touring vans, and the like. The campground was improved to have campsites, cabins, central water and wastewater, a camp store and office, an inground swimming pool, bathhouses, playground, maintenance yard, chapel, and other similar features. The campground has been operating for the past 43 years.
2. This application seeks to add two properties to the existing Conditional Use. One of the properties includes a dwelling, and the other includes a portion of the septic system that serves the existing campground.

3. The existing campground is immediately adjacent to a property that is zoned C-1 (General Commercial), which was part of an application for a Senior Care Facility that was recently approved. The approved site plans for that use forced the removal of the campground's clubhouse, office, and swimming pool. The addition of the additional two parcels that are the subject of this application will add those uses back into the campground.
4. The addition of these two parcels will not materially increase the total area of the campground, as it was approved in 1982.
5. The replacement of the removed uses on these new additional parcels is consistent with the campground requirements set forth in Section 115-172H of the Sussex County Zoning Code.
6. This application will not alter the character of the surrounding area or adversely affect neighboring properties or roadways. DelDOT has stated that these additional parcels will have a "diminutive" impact on area roadways. The use is just a continuation of the longstanding operation of the campground.
7. These additional properties will have access through the existing campground access to Zion Church Road.
8. The one-acre portion of Parcel 35.03 that is a part of this application lies within an excellent groundwater recharge area. Any disturbance within this portion of the property will be required to follow the criteria contained in Chapter 89 of the Sussex County Code regarding Source Water Protection.
9. This recommendation is subject to the following conditions:
 - A. Conditional Use No. 705 shall remain in effect for the entire campground and for Parcel No. 35.03 except as specifically modified by these conditions.
 - B. These additional properties shall be used as (1) a campground for mobile campers, recreational vehicles, tents, camp trailers, and touring vans consistent with the adjacent approved campground; (2) a residence and/or office for the campground manager; (3) a meeting area and small retail businesses, clubhouse and pool intended primarily for occupants of the campground; and (4) utilities as needed and necessary for the safe operation of the campground.
 - C. One lighted on-premises sign, not to exceed 32 square feet of sign area per side, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
 - D. All security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - E. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements. In addition, and subject to the coordination and approval of DelDOT, the existing driveway from the subject property to Route 1 shall remain available for emergency use and access via a Knox Box or similar form of restrictive access. This driveway entrance shall remain locked and shall not be used by the public for access to or from the campground except in cases of emergency. This restricted entrance shall be noted on the Final Site Plan and with signage on the site itself.
 - F. All trash and recycling containers shall be screened from view of the adjacent properties and area roadways.
 - G. A permanent opaque fence of at least 6 feet in height shall be erected and maintained all the common boundary with Parcel No. 35.09 to provide a visual screen and buffer between the two properties. The location and type of fencing shall be shown on the Final Site Plan.

- H. A violation of these conditions may result in the termination of this conditional use.
- I. The Final Site Plan showing this additional area and incorporating the entire existing campground shall be subject to the review and approval of the Planning and Zoning Commission.

Mr. Robertson advised the Commission, for additional clarification, that regarding Condition I, which required a Final Site Plan showing the additional area and incorporating the entire existing campground for the Planning & Zoning Commission's review; that the intention of the Condition is not to need to go back to revisit the prior existing campground, as it had been in existence for 40 years; that intention behind the Condition is to require one comprehensive Site Plan, which would include everything, to remain on file with the staff and the Planning & Zoning Department, and he wanted to avoid any misconceptions that the condition is allowing the entire campground to be opened up as a result of the condition.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2586 Preston & Mason Dyer, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
J. BRUCE MEARS, VICE CHAIR
JOHN PASSWATERS



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DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 19th, 2025

Sussex County Council Public Hearing Date: January 6th 2026

Application: C/U 2586 - Preston & Mason Dyer

Applicant: Preston & Masion Dyer
P.O. Box 112
Lewes, DE 19958

Owner: Campground Holdings, LLC
33712 Westcoats Road, Unit 5
Lewes, DE 19958

Site Location: Located on the southwest side of Coastal Highway (Rt. 1),
approximately 0.70-mile north of Broadkill Road (Rt. 16).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Expansion of an existing campground

TID: Parcel is not within the Henlopen Transportation Improvement District

Comprehensive Land
Use Plan Reference: Low Density Area & Existing Development Area

Councilmanic
District: Mr. McCarron

School District: Cape Henlopen School District

Fire District: Milton Fire Co.

Sewer: Private On-Site Wastewater

Water: Private Well

Site Area: ≈ 21.93 acres

Tax Map ID.: 235-8.00-35.02 & 35.03





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Michael Lowrey, Planner IV
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: November 6th, 2025
RE: Staff Analysis for C/U 2586 Preston & Mason Dyer

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2586 Preston & Mason Dyer to be reviewed at November 19th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID(s): 235-8.00-35.02 & 35.03

Proposal: The request is for a Conditional Use for Tax Parcels #235-8.00-35.02 & 35.03 to allow for the expansion of the existing campground to be located on two Parcels lying on the west side of Coastal Highway (Route 1) approximately (0.7)-miles south of the intersection with Broadkill Road (Route 16). The Parcels comprised of a total of (21.93) acres with the proposed improvements largely on Parcel # 35.02 except for the southern portion of the proposed parking lot.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. The parcel immediately east (Parcel #11 other adjacent parcels to the Parcel are zoned Agricultural Residential (AR-1).

Future Land Use Map Designation w/in Comprehensive Plan: Developing Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of "Low Density." The Parcel #35.06 immediately adjacent to the south is categorized as a growth area and an "Existing Development Area" and hosts Eagles Nest Senior Care Facility which has received Preliminary approval. the recently approved All other adjacent parcels have the "Low Density Area" designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Low Density Areas are "are currently zoned AR-1" and where "Sussex County hopes to retain the rural environment of Low

Density Areas and set aside significant open space. (2018 Sussex County Comprehensive Plan, 4-14). Additionally, the Plan notes “The primary uses envisioned in Low Density Areas are agricultural activities and homes” and “Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses” (2018 Sussex County Comprehensive Plan, 4-18)

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The prior/current use on Parcel 235-8.00-35.02 is residential. As such, campground patrons and patron guests did not access the site via the entrance to the residential property with frontage on Route 1. Staff recommend the Planning Commission carefully consider any ongoing or future ingress/egress to this site from Coastal Highway as the applicant now proposes a pool (≈1,800 SQ FT), clubhouse (≈4,000 SQ FT), patio (≈8,000 SQ FT), office & meeting area (≈2,000 SQ FT), and parking (55 spaces) and associated amenity features less than (100) feet from Route 1. Staff believe this may create a demand for higher volumes of vehicle ingress and egress along the campground’s Route 1 frontage, as did not exist previously. In the past, campground patrons and guests have accessed the property via Zion Church Road and Shalom Trail. Staff recommend the Planning & Zoning Commission request the applicant provide the specificity regarding the uses/activities to occur at the “Clubhouse” and “Camp Office & Meeting Area” as well as the design for routine vehicular access to this area.

Staff recommended the plan include a design for vehicular access to the proposed area on Parcel #35.02 to contain the amenities (clubhouse, pool, patio) office/meeting area, and parking (55 spaces) be provided from Zion Church Road/Shalom Trail and from within the existing campground use exclusively as this has been the design and practice for the campground use on the site (CU 705). Additionally, Staff have concerns about the impact of the amenities and the parking area as it relates to the residential structure on Parcel #35.09 as it is immediately adjacent.

- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Aerial imagery indicates existing trees and/or forest across much of the site. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Additionally, Staff recommend any future site plan, if the proposed expansion use were to be permitted, include screening measures or barriers between campsites and amenity

feature or parking areas while preserving and utilizing as many of the existing trees as possible

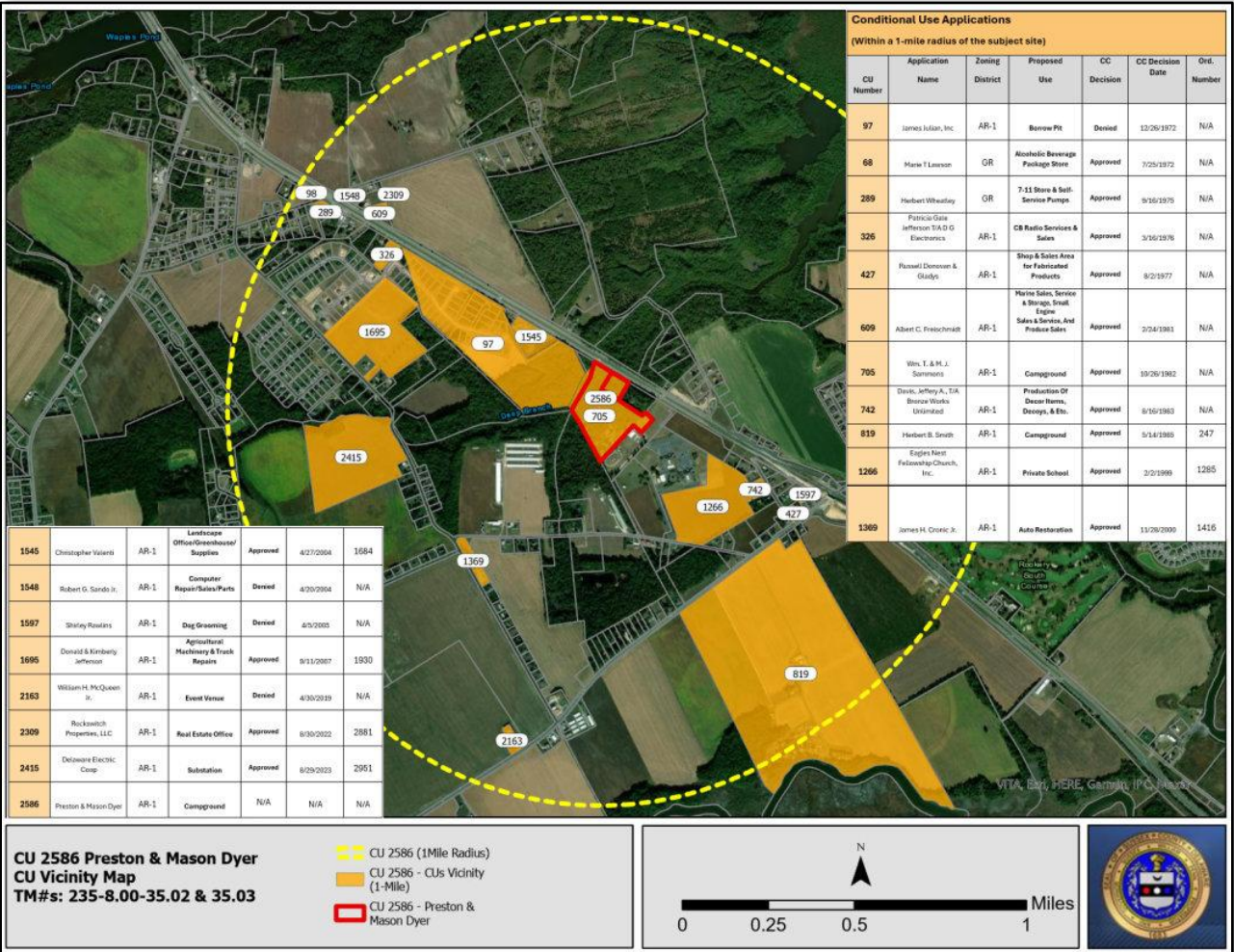
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and “AE” – Special Flood Hazard Area (SFHA - High-risk area designated by FEMA as having a 1% annual chance of flooding). Staff note that the Parcel is not within a Wellhead Protection Area. The Parcel is classified as within areas of “Good”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

Based on the analysis provided, Conditional Use to allow for an expansion of the existing campground on Parcel #35.02 similar to, and extending the uses permitted under C/U 705, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of eighteen (18) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications						
(Within a 1-mile radius of the subject site)						
CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ord. Number
97	James Julian, Inc	AR-1	Borrow Pit	Denied	<Null>	N/A
98	Marie T Lawson	GR	Alcoholic Beverage Package Store	Approved	7/25/1972	<Null>
289	Herbert Wheatley	GR	7-11 Store & Self-Service Pumps	Approved	<Null>	<Null>
326	Patricia Gale Jefferson T/A D G Electronics	AR-1	CB Radio Services & Sales	Approved	<Null>	<Null>
427	Russell Donovan & Gladys	AR-1	Shop & Sales Area for Fabricated Products	Approved	<Null>	<Null>

609	Albert C. Freischmidt	AR-1	Marine Sales, Service & Storage, Small Engine Sales & Service, And Produce Sales	Approved	<Null>	<Null>
705	Wm. T. & M. J. Sammons	AR-1	Campground	Approved	10/26/1982	<Null>
742	Davis, Jeffery A., T/A Bronze Works Unlimited	AR-1	Production Of Decor Items, Decoys, & Etc.	Approved	8/16/1983	<Null>
819	Herbert B. Smith	AR-1	Campground	Approved	5/14/1985	247
1266	Eagles Nest Fellowship Church, Inc.	AR-1	Private School	Approved	2/2/1999	1285
1369	James H. Cronin Jr.	AR-1	Auto Restoration	Approved	11/28/2000	1416
1545	Christopher Valenti	AR-1	Landscape Office/Greenhouse/Supplies	Approved	4/27/2004	1684
1548	Robert G. Sando Jr.	AR-1	Computer Repair/Sales/Parts	Denied	4/20/2004	N/A
1597	Shirley Rawlins	AR-1	Dog Grooming	Denied	4/5/2005	<Null>
1695	Donald & Kimberly Jefferson	AR-1	Agricultural Machinery & Truck Repairs	Approved	9/11/2007	1930
2163	William H. McQueen Jr.	AR-1	Event Venue	Denied	4/30/2019	N/A
2309	Rockswitch Properties, LLC	AR-1	Real Estate Office	Approved	8/30/2022	2881
2415	Delaware Electric Coop	AR-1	Substation	Approved	8/29/2023	2951
2586	Preston & Mason Dyer	AR-1	Campground	N/A	N/A	N/A

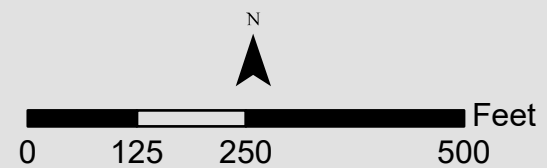




Maxar, Microsoft, VITA, Esri, HERE, Garmin, iPC

**CU 2586 Preston & Mason Dyer
Aerial Map
TM#s: 235-8.00-35.02 & 35.03**

 **CU 2586 - Preston &
Mason Dyer**





03/09/2025



Shalom Trail

Wilderness Trail

Jericho Trail

Damascus Trail


Eagles Nest Trail


03/09/2025

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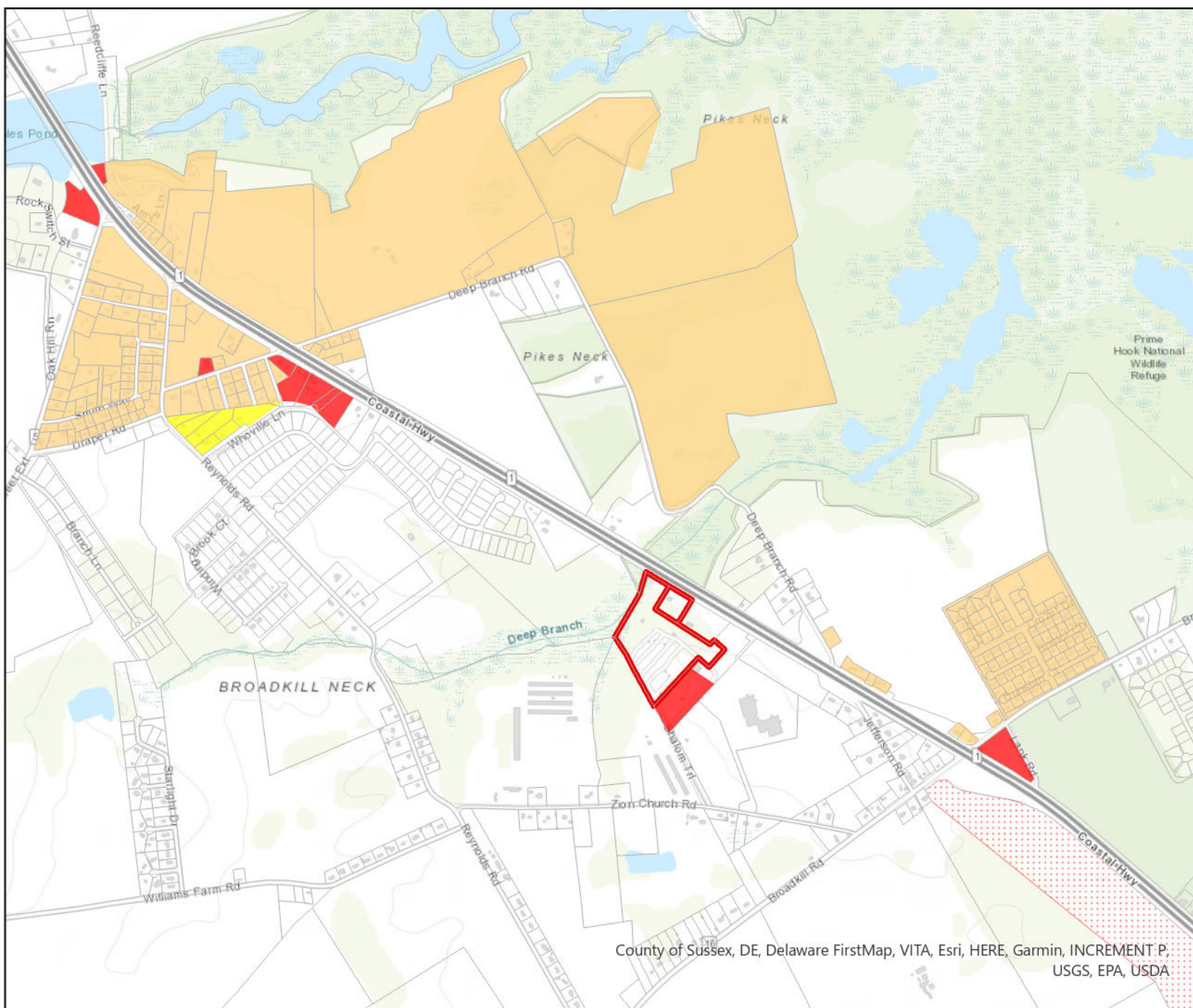


**CU 2586 Preston & Mason Dyer
Streets Map
TM#s: 235-8.00-35.02 & 35.03**

 **CU 2586 - Preston &
Mason Dyer**


0 1,000 2,000 4,000 Feet



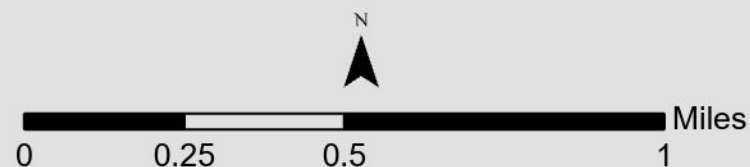


Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

**CU 2586 Preston & Mason Dyer
Zoning Map**
TM#s: 235-8.00-35.02 & 35.03

CU 2586 - Preston & Mason Dyer



Reintroduced: 10/21/25

Council District 2: Mr. McCarron

Tax I.D. No.: 235-8.00-35.02 & 35.03 (P/O)

911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS

WHEREAS, on the 9th day of April 2025, a Conditional Use application, denominated Conditional Use No. 2586, was filed on behalf of Preston & Mason Dyer; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2586 be _____; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2586 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County Delaware, and lying on the southwest side of Coastal Highway (Rt. 1), approximately 0.70 mile north of Broadkill Road (Rt. 16), and being more particularly described in the attached legal description prepared by Pennoni said parcel containing 21.93 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.