

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

May 12, 2026

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - April 28, 2026 & May 5, 2026

[Draft Minutes 042826](#)

[Draft Minutes 050526 Budget Workshop](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement, IUA-1283
Convenience Store with Gas (Wawa), Western Sussex Area**
[Consent Agenda Wawa](#)
2. **Use of Existing Wastewater Infrastructure Agreement, IUA-1284
Club House Crossing, Millville Area**
[Consent Agenda Club House Crossing](#)
3. **Use of Existing Wastewater Infrastructure Agreement, IUA-1296
Dartmouth Independent Living (LIC Housing), West Rehoboth Area**
[Consent Agenda Dartmouth Independent Living](#)



Todd Lawson, County Administrator

1. **Discussion & Possible Action on Opioid Commission Grant Applications**
2. **Administrator's Report**

Jamie Whitehouse, Planning & Zoning Director

1. **Conditional Use No. 2371 filed on behalf of Georgetown Business Plaza, LLC – request for an extension**
[CU2371 Time Extension Request](#)

Mike Harmer, County Engineer

1. **Lewes Board of Public Works (LBPW) – Sussex County Partnership Wolfe Neck RWF Upgrade and Expansion**
 - A. **Electrical Construction, Project S24-09 – Change Order No. 4**
 - B. **Denali Sludge Removal Agreement – Change Order No. 5**
[LBPW CO NO. 5](#)
2. **Administration Building MEP Renovations, Project C26-21**
 - A. **DEDC Professional Services Proposal**
[Admin Building Renovations](#)
3. **Sussex County Landfills Site Maintenance Contract 17-13**
 - A. **Change Order No. 1 – FY 26**
[Landfills FY 26 CO1](#)
4. **FY 2025 General Labor & Equipment Contract, Project 25-01**
 - A. **FY 26 Change Order 2**
 - B. **One-year Extension**
[Labor & Equip. FY 26 CO2](#)

Mark Parker, Assistant County Engineer

1. **Lincoln EMS Station, Project C21-15**
 - A. **Recommendation to Award**
[Lincoln EMS Station Award Recom](#)

Paul Mauser, Assistant County Engineer

1. **Facilities Management Pole Buildings, Project G25-08**

A. Recommendation to Award

[SC Pole Buildings](#)

Karen Brewington, Human Resources Director

1. **Stop Loss Insurance for consideration and possible approval**

[Stop Loss Insurance](#)

Old Business

1. **[Change of Zone No. 2033 filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS” (property is and lying on the northerly and northwesterly right-of-way line of Gills Neck Road [S.C.R. 267] and approximately 0.20-mile east of Kings Highway [Route 9]) (911 Address: N/A) (Tax Map Parcel: 335-8.00-43.01)

[Old Business CZ 2033](#)

2. **[Conditional Use No. 2622 filed on behalf of Tharros Village \(c/o Code Purple at the Cape\)](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS” (property is lying on the south side of Coastal Highway [Rt. 1], approximately 0.2 mile northwest of the intersection of Coastal Highway [Rt. 1] and Dartmouth Drive [Rt. 9]) (911 Address: 17996 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-526.01)

[Old Business CU 2622](#)

Grant Requests

1. **Children’s Beach House, Inc. for their Youth Development program**
[Children's Beach House](#)
2. **History Book Festival at Lewes Inc. for their History Book Authors in Schools and Community Outreach programs**
[History Book Festival at Lewes Inc](#)
3. **American Legion Post 8 Inc. for Emergency Aid to Veterans’ project**
[American Legion Post 8](#)
4. **Millsboro Historical Society for the Jacob Godwin School**
[Millsboro Historical Society](#)
5. **Speak Out Against Hate Association for their Student Ambassador Internship program**
[Speak Out Against Hate](#)
6. **Bridgeville Apple Scrapple Festival Inc. for their 34th Annual Apple Scrapple festival**
[Bridgeville Apple Scrapple Festival Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intro CU2569](#)

Council Members' Comments

Recess

1:30 p.m. Public Hearings

1. **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$239,059 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE JOY BEACH PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
[Public Hearing Joy Beach](#)
2. **[Conditional Use No. 2546 filed on behalf of James Mershon](#)**
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.3 ACRES, MORE OR LESS” (property is lying on the south side of Roxana Road [Rt. 17], approximately 370 feet south of Bennett Road [S.C.R. 371]) (911 Address: 35015 & 35011 Roxana Road, Frankford) (Tax Parcel: 533-6.00-60.03)

3. [Conditional Use No. 2594 filed on behalf of Anthony DeGirolano](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR AND VEHICLE STORAGE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS” (property is lying on the north side of Long Neck Road [Rt. 23], approximately 800 feet west of Pot Nets Road [S.C.R. 22C]) (911 Address: 32909 Long Neck Road, Millsboro) (Tax Parcel: 234-24.00-39.05)

[Public Hearing CU 2594](#)

4. [Conditional Use No. 2636 filed on behalf of Antulio Joel Chavez Lopez](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANICAL TRAILER MAINTENANCE BUSINESS AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (property is lying on the west side of Doddtown Road [S.C.R. 293], approximately 0.36 mile north of Anderson Corner Road [S.C.R. 292]) (911 Address: 21032 Doddtown Road, Harbeson) (Tax Parcel: 135-17.00-25.00)

[Public Hearing CU 2636](#)

5. [Conditional Use No. 2541 filed on behalf of Hudson Pond, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS” (properties are lying on the north and south sides of West Hudson Pond Road [S.C.R. 623], approximately 234-feet west of DuPont Boulevard [Rt. 113]) (911 Address: N/A) (Tax Parcel: 230-19.00-23.03 & 23.00 [P/O])

[Public Hearing CU 2541](#)

6. [Conditional Use No. 2602 filed on behalf of Sunset Bridge Corporation](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS” (property is lying on the east side of Charleys Run, approximately, 0.22 mile south of Fred Hudson Road [S.C.R. 360]) (911 Address: 31613 Charleys Run, Bethany Beach) (Tax Parcel: 134-13.00-84.00)

[Public Hearing CU 2602](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 5, 2026 at 3:15 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, APRIL 28, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 28, 2026, at 1:00 p.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 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 160 26 Approve Agenda A Motion was made by Mr. McCarron, seconded by Mr. Rieley, to approve the Agenda, as presented.
Motion Adopted: 4 Yeas, 1 Absent
Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Yea; Mr. Hudson, Yea

Minutes The minutes from April 21, 2026, were approved by consensus.

Correspondence There was no correspondence.
There were no public comments.

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

Administrator's Report

- Sussex County Council FY 2027 Budget Workshop
On Tuesday, May 5th, the Sussex County Council will meet for its annual budget workshop. The Fiscal Year 2027 Budget Workshop will be held at 9:00 a.m. at the Sussex County Emergency Operations Center. The next regularly scheduled Council meeting will be held on Tuesday, May 12th.
- County Government Day – Thursday, May 7th
The County is pleased to again sponsor the annual County

**Adminis-
trator's
Report
(continued)**

Government Day on Thursday, April 7th. At 9:30 a.m., high school juniors from Sussex County Girls and Boys State will meet in the Council Chambers. A mock County Council session will occur, with the representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle County issues as presented by department heads. This program can be seen and heard on the County's website.

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

**Enterprise
Solution**

Mark Parker, Assistant County Engineer, presented an initiative update and vendor contracts for Enterprise Solution for Asset, Workflow and Land Management for Council's consideration.

**M 161 26
Approve
Vendor
Contracts**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments that the professional services agreement for Timmons Group and three (3) software license agreements for Trimble, Avolve, and Timmons Group in connection with the Enterprise Solution for asset, workflow and land management project be approved in the overall aggregate amount of \$1,144,231.25.

Motion Adopted: 5 Yeas

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

**WNRWF
Irrigation
Award**

Paul Mauser, Assistant County Engineer, presented a recommendation to award for the WNRWF irrigation rigs replacement project for Council's consideration.

**M 162 26
Approve
WNRWF
Irrigation
Award**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department that contract G26-11, WNRWF Irrigation Rigs replacement project be awarded to SMW Sales, LLC for their total bid amount of \$227,609.26.

Motion Adopted: 5 Yeas

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

**Grant
Requests**

Mrs. Jennings presented grant requests for Council's consideration.

M 163 26

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give

House of David **\$2,500 (\$2,000 from Mr. McCarron's Councilmanic Grant Account and \$500 from Mr. Rieley's Councilmanic Grant Account) to House of David Milford DE Inc. for their mobile food delivery & distribution expansion.**

Motion Adopted: 5 Yeas

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

M 164 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give**
American Youth Football Inc. (Woodbridge) for their equipment shed
repairs.

Motion Adopted: 5 Yeas

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

M 165 26 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to give**
Greater Lewes Community Village for their harvest hustle event.

Motion Adopted: 5 Yeas

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

M 166 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give**
Little League Baseball Inc (Woodbridge) for a portable pitching mound.

Motion Adopted: 5 Yeas

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

M 167 26 **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to**
give \$2,500 (\$2,500 from Ms. Gruenebaum's Councilmanic Account) to
Community Resource Center, Inc. for their safe harbor day shelter.

Motion Adopted: 5 Yeas

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

M 168 26 Harry K Foundation A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$3,000 (\$3,000 from Countywide Youth Grant Account) to Harry K Foundation for their food backpack program.

Motion Adopted: 5 Yeas

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

M 169 26 Town of Blades A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$2,000 (\$2,000 from Mr. Lloyd's Councilmanic Grant Account) to the Town of Blades police department for their community outreach program.

Motion Adopted: 5 Yeas

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

M 170 26 Western Sussex Chamber of Commerce A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,000 (\$500 from Mr. Lloyd's Councilmanic Grant Account and \$500 from Mr. McCarron's Councilmanic Grant Account) to the Western Sussex Chamber of Commerce for their Broad Creek bash.

Motion Adopted: 5 Yeas

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

M 171 26 Nanticoke Little League A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,500 (\$1,500 from Mr. Lloyd's Councilmanic Grant Account) to Nanticoke Little League for an AED device.

Motion Adopted: 5 Yeas

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

Intro of Ord There were no Proposed Ordinances for Introduction.

CM Comm. There were no Council Member comments.

M 172 26
Go Into
Executive
Session **At 1:22 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to go into Executive Session to discuss matters related to land acquisition.**

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 1:24 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session ended at 1:36 p.m.**

M 173 26
Reconvene **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of Executive Session and go back into Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent

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

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

Rules **Mr. Moore read the rules of procedure for zoning hearings.**

Public
Hearing/
CU2554 **A Public Hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS” (property is lying on the north and west side of the intersection of Central Avenue [S.C.R. 84] and Lizard Hill Road [S.C.R. 367A]) (911 Address: N/A) (Tax Map Parcel: 134-19.00-12.00 [P/O]) filed on behalf of E. Johnson Holdings, LLC.**

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

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission deferred action on the application, leaving the public record open until the close of business on April 22, 2026, for receipt of any additional written comments. The application is to be considered by the Planning & Zoning Commission at its next meeting on May 6, 2026.

The Council found that Mr. Brenton Archut spoke on behalf of the application; that also present was his father, Mr. Russell Archut; Mr.

**Public
Hearing/
CU2554
(continued)**

Russell Archut summarized the application and stated that the parcel is 12 acres, but the area proposed is about 170 feet wide at the eastern end and about 250 feet wide at the middle; that 40' setbacks would be met; that there is a 20' setback in the rear; that it is an irregular shaped parcel; that the initial phase is for contractor/commercial usage for them to store equipment and materials; that there are 3 buildings proposed; that they plan to lease 800 square foot spaces; that they know a number of contractors that are looking for convenient storage space in the coastal area; that they feel that it is a good location for this type of business; that everything would be housed inside; that they have looked at self-storage as a future option; that they believe that it would have a low impact on the area; that 6:00 a.m. to 9:00 p.m. would be the hours for access; that there will not be any water or sewer provided to the units; that they plan to build with neutral colors and the lighting will be mounted on the buildings; that DelDOT states that the use would generate less than 50 trips per day and that the use is a low impact use; that the signage would be installed as allowed by the County; that the property is located in the Coastal Area between two existing commercial uses (Wilson's Welding about 150 feet away) and a heating and cooling business; that the applicant believes the use is a good use considering the irregular shape of the land and a need in this area; that they will be a standard single story A frame building.

Mr. Brenton Archut stated that they are not sure where the DelDOT entrance will be; that there may be a sight issue with the curve if there is screening; that there will be a fence installed; that there is a lot of residential growth in the area; that there are many residential developments in the area; that they are trying to find a balance to use their property and not sell it; that they are looking for the least intensive use and provide a service to the businesses that need these types of services in the area.

There were no public comments.

The Public Hearing and public record was closed except receiving the record from Planning & Zoning and recommendation and allowing written comments for 5 days after receiving the recommendation.

**M 174 26
Defer
Action/
CU2554**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

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

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

**Public
Hearing/
CU2555**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” (property is lying on the southeast corner of the intersection of Central Avenue [S.C.R. 84] and Old Church Cemetery Road [S.C.R. 367]) (911 Address: 34555 Central Avenue, Frankford) (Tax Map Parcel: 134-19.00-25.00 [P/O]) filed on behalf of Bittersweet Investments, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission deferred action on the application, leaving the public record open until the close of business on April 22, 2026, for receipt of any additional written comments. The application is to be considered by the Planning & Zoning Commission at its next meeting on May 6, 2026.

The Council found that Mr. Brenton Archut spoke on behalf of the application; that also present was his father, Mr. Russell Archut; that the testimony as to the general conditional of the area will be incorporated into the record for this application as requested by the applicant. Mr. Brenton Archut stated that the proposal is for an office building and to use the existing barn structure for storage; that they are not looking to add any additional storage; that Mr. Archut mentioned that he had been approached while mowing the property with requests to rent the barn; that approaches had been made from landscapers wishing to keep their trucks on site; that he had been approached by several people wishing to do this; that the property has been in the family for three generations; that the farming heritage is important to their family; that the proposal would generate revenue to help preserve the barn; that there is a viable septic system on the parcel; that they are requesting a non-medical office; that they are looking for 1,600 square foot building; that they are looking to rent one out and use the other one for their office; that they are looking to move their office to a more central location; that Crescent Place 58 home development allows for a sewer easement to enable annexation and connection to the sewer district; that there is a Tidewater line to the property and an available well; that there is a letter included in the record stating that Artesian would provide water if requested; that DeDOT states that the use would be diminutive; that the storage would be rented out; that neutral colors would be used; that there is a welding business nearby and a C-1 Zoned Parcel nearby.

There were no public comments.

The Public Hearing and public record was closed except receiving the record from Planning & Zoning and recommendation and allowing written comments for 5 days after receiving the recommendation.

**M 175 26
Defer
Action/
CU2555**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

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

**M 176 26
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 2:32 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.}

SUSSEX COUNTY COUNCIL

BUDGET WORKSHOP

MAY 5, 2026

The Sussex County Council held a Budget Workshop on May 5, 2026, beginning at 9:00 a.m. at the Sussex County Public Safety Complex in Georgetown for the purpose of discussing the Proposed FY 2027 Budget.

The following were present:

| | |
|--------------------------|---|
| Douglas B. Hudson | President |
| John L. Rieley | Vice President |
| Matt Lloyd | Councilman |
| Jane Gruenebaum | Councilwoman |
| Steve McCarron | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| Kathy Roth | Deputy Finance Director |
| Andrea Wall | Accounting Manager |
| Traci Lynch | Financial Reporting & Internal Control Officer |

Mr. Lawson stated that the purpose of the Budget Workshop was to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2027 Budget.

A brief overview of FY 2026 Budget accomplishments and details of the Proposed FY 2027 Budget were presented which included the new building permit fee for schools.

Department presentations were provided by the following departments: Planning & Zoning.

M 177 26 At 11:55 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. Rieley to recess.

Motion Adopted: 5 Yeas

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

M 178 26 At 1:00 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. Rieley to reconvene.

Motion Adopted: 5 Yeas

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

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

Department presentations were then provided by the following departments: Engineering - Water and Sewer (Operating and Capital) and Public Safety. Presentations were also given on Grants and Capital projects.

There were no public comments.

No action was taken.

The workshop concluded at 3:15 p.m.

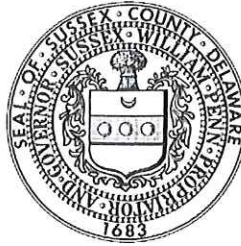
Respectfully submitted,

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

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov




Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Convenience Store with Gas (Wawa) IUA 1283
File: OM 9.01*

DATE: May 12, 2026

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Greenwood Associates, LLC** for **Convenience Store with Gas (Wawa)** project in the **Western Sussex Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Convenience Store with Gas (Wawa)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Greenwood Associates, LLC** will contribute **\$9,727.00** for the financial catch-up contribution of the existing infrastructure to serve **8.50** Equivalent Dwelling Units. Payment is required prior to connection to the county infrastructure.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Convenience Store with Gas (Wawa) – IUA 1283

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

GREENWOOD ASSOCIATES, LLC a Limited Liability Company and developer of a project known as **Convenience Store with Gas (Wawa)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 530-10.13-75.00, 76.00, 77.00, 79.01 & 530-10.00-54.00 to be known as **Convenience Store with Gas (Wawa)** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **8.50** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$9,727.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a connection permit.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **3304 Old Capitol Trail, Suite 100, Wilmington DE 19808.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR GREENWOOD ASSOCIATES, LLC

By:  _____ (Seal)
Fred Wittig

4-8-26 (DATE)

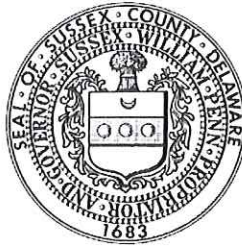
WITNESS:

 _____

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov




Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Club House Crossing IUA 1284
File: OM 9.01*

DATE: May 12, 2026

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Club House Crossing, LLC** for **Club House Crossing** project in the **Millville Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Club House Crossing** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Club House Crossing, LLC** will contribute **\$40,991.00** for the financial catch-up contribution of the existing infrastructure to serve **35.00** Equivalent Dwelling Units. Payment is required prior to connection to the county infrastructure.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Club House Crossing IUA-1284

THIS AGREEMENT (“Agreement”), made this 25th day of April 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

CLUB HOUSE CROSSING, LLC a Delaware Limited Liability Corporation and developer of a project known as **Club House Crossing**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 134-12.00-151.00 to be known as **Club House Crossing** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Millville Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **35.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$40,991.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to connection to the county infrastructure.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **34752 Delaware Ave., Unit 6 Frankford, Delaware 19945.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

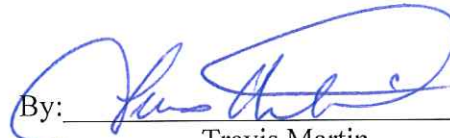
By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR CLUB HOUSE CROSSING, LLC

By:  _____ (Seal)
Travis Martin

4/1/2020 (DATE)

WITNESS: 
Megan Kiner

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountyde.gov




Sussex County

DELAWARE
sussexcountyde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Dartmouth Independent Living (LIC Housing) IUA 1296
File: OM 9.01*

DATE: May 12, 2026

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **LIC Housing, LLC** for **Dartmouth Independent Living** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Dartmouth Independent Living** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **LIC Housing, LLC** will contribute **\$34,016.00** for the financial catch-up contribution of the existing infrastructure to serve **85.25** Equivalent Dwelling Units. Payment is required prior to connection to the county infrastructure.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Dartmouth Independent Living (LIC Housing) IUA-1296

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2026, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

LIC HOUSING, LLC a Delaware Limited Liability Corporation and developer of a project known as **Dartmouth Independent Living**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-6.00-56.00 to be known as **Dartmouth Independent Living** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **85.25** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$34,016.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to connection to the county infrastructure.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **18949 Coastal Hwy., Unit 301, Rehoboth Beach, Delaware 19971.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

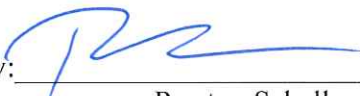
By: _____
(President - Sussex County Council)

(DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR LIC HOUSING, LLC

By:  _____ (Seal)
Preston Schell
April 24, 2016 (DATE)

WITNESS: Mollynn Burton



Memorandum

To: Sussex County Council

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

CC: Everett Moore, County Attorney

Date: April 21, 2026

RE: County Council Report for Georgetown Business Plaza, LLC (C/U 2371)– 6-Month Time Extension Request

On February 5th, 2026, the Planning and Zoning Department received a request for a 6-month time extension for the establishment of a Business Park to include warehouses and office buildings within an Agricultural Residential (AR-1) District. The Conditional Use Application (Conditional Use No. 2371 Georgetown Business Plaza, LLC) was approved by the Sussex County Council at their meeting of Tuesday, March 28th, 2023, subject to sixteen (16) Conditions of Approval and the change was adopted through Ordinance No. 2916.

Under §115-174 of the Code, “*Approval of a conditional use shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period.*” The property is located on the southwest side of Prettyman Road (S.C.R. 254), approximately 0.52-miles northwest of Lewes-Georgetown Highway (Route 9) in Georgetown, Delaware and contains 22.29 acres +/-.

The Applicant filed this request with the Planning & Zoning Department in writing on February 5th, 2026. The request for extension has been submitted under the sunset provision of (§99-40(C)) which allows an Applicant to request up to a six-month extension of the Conditional Use approval. The Council may grant a time extension for up to six (6) months pursuant to (§99-40) based on the following:

1. Prior to the expiration date of its current approval, any Applicant holding a currently valid approval set forth in this §99-40(C) may request an extension up to six months for the validity of said approval. The six-month period shall commence on upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the Applicant is to provide the anticipated time frame for completing those remaining steps.



- (b) A detailed explanation of the reasons in support of the Applicant's request for the time extension. The Applicant is to include an explanation of whether such reasons were within the Applicant's reasonable control. Examples of reasons beyond the Applicant's reasonable control include, but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third-party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting the Applicant's key stakeholders.
- (d) For conditional uses, a specific schedule and plan demonstrating that the construction or use will be substantially underway within six months of the expiration of the current approval.

On February 5th, 2026, the Planning & Zoning Department received both the initial request for extension letter as well as a copy of the anticipated project schedule demonstrating that approval of the use will be substantially underway within 6 months of the expiration of the current approval. The Applicant's Engineer notes that the Applicant is currently "*working through several necessary items to move the project forward*" including "*obtaining easements for the property*" which requires additional time to "*complete the remaining pre-construction requirements and proceed in accordance with the approved Plans.*"

The current status of the agency approvals for this request are outlined in the Applicant's original request letter dated March 24th, 2026 and include the following:

- Department of Natural Resources & Environmental Control (DNREC) Notice of Intent (NOI) Permit # 7096, received August 8, 2023.
- Sussex County Engineering Department (SCED), Sewer Service Concept Evaluation, received January 27, 2023.
- Office of State Fire Marshal, received June 28, 2024.
- Sussex Conservation District – Ready for Final letter received July 3, 2024.
- Artesian Water Company – received December 2024.

The Planning and Zoning Commission recommended approval for the 6-month time extension request at their meeting of Wednesday, April 15th, 2026, and to forward the Application to the Sussex County Council for their final decision and approval of this request.

If the Council agrees, there should be a motion that, based upon the authority granted to Council under §99-40(C)), and based upon compliance and requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that Conditional Use No. 2371 Georgetown Business Plaza, LLC shall be granted a six (6) month time extension until September 28th, 2026, which is six (6) months from March, 28th, 2026 the original expiration date for the Conditional Use.

February 5, 2026

Sussex County Planning and Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse,
Planning Director

Re: **Georgetown Business Plaza (CU 2371)**
Conditional Use Site Plan Extension
Tax Map Parcel No.: 2-35-30.00-6.00
DBF Project Number: 2916A013

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Dear Mr. Whitehouse:

On behalf of our client, Georgetown Business Plaza, LLC., I am writing to respectfully request a six (6) month extension for the approved Conditional Use Site Plan for the property located at 2-35-30.00-6.00.

The original approval was granted on March 28, 2023, and we are currently working through several necessary items to move the project forward. Due to obtaining easements for the property, we require additional time to complete the remaining pre-construction requirements and proceed in accordance with the approved plans.

We remain committed to the project and to complying with all conditions of approval. The requested extension will allow us to finalize outstanding items and ensure the development proceeds in a manner consistent with the intent of the approval and local regulations.

Please let us know if any additional documentation, fees, or formal application materials are required to process this extension request. We appreciate your time and consideration and look forward to your guidance on the next steps.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via e-mail at jls@dbfinc.com.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



Jamie L. Sechler, P.E.
Principal | Senior Civil Engineer

Enclosures

Letter: Georgetown Business Plaza (CU 2371)
February 5, 2026
Page 2

JLS/CYJ
P:\Lighthouse\2916A013 Prettyman\Docs\P&Z\2026-02-05 SCPZ CU EXTENSION\Cover Letter.docx

cc: Michael Glick - Georgetown Business Plaza, LLC.,
Mackensie M. Sindelar – Saul Ewing, LLP

Lauren Cecchine

From: Carrie Y. Joles <cyj@dbfinc.com>
Sent: Monday, February 9, 2026 11:44 AM
To: Lauren Cecchine; Planning and Zoning
Cc: Jamie L. Sechler; Michael Glick; Sindelar, Mackenzie M.; Jamie Whitehouse
Subject: RE: Georgetown Business Plaza - CU 2371 - Extension Request

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Lauren,

Good morning! At this time, all required agencies are prepared for final approvals **with the exception of DeIDOT**. The project is currently finalizing necessary easement documentation associated with DeIDOT requirements so that the project may be submitted for DeIDOT final approval.

Thank you,

Carrie Y. Joles

Executive Assistant
Department of Administrative Support
Davis, Bowen & Friedel, Inc.
Office: 302-424-1441 | Fax: 302-424-0430

From: Lauren Cecchine <lauren.Cecchine@sussexcountyde.gov>
Sent: Monday, February 9, 2026 9:13 AM
To: Planning and Zoning <pandz@sussexcountyde.gov>; Carrie Y. Joles <cyj@dbfinc.com>
Cc: Jamie L. Sechler <jls@dbfinc.com>; Michael Glick <mglick@lhconstruction.com>; Sindelar, Mackenzie M. <mackenzie.sindelar@saul.com>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: RE: Georgetown Business Plaza - CU 2371 - Extension Request

Good Morning, All,

The Department is in receipt of your request.

Please send along the following additional documentation to facilitate this request to the Commission:

The Council may grant a time extension for up to **six (6) months pursuant to (§99-40)** based on the following:

1. Prior to the expiration date of its current approval, any Applicant holding a currently valid approval set forth in this §99-40(C) may request an extension up to six months for the validity of said approval. The six-month period shall commence on upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) **A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the Applicant is to provide the anticipated time frame for completing those remaining steps.**

(b) A detailed explanation of the reasons in support of the Applicant's request for the time extension. The Applicant is to include an explanation of whether such reasons were within the Applicant's reasonable control. Examples of reasons beyond the Applicant's reasonable control include, but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third-party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting the Applicant's key stakeholders.

(d) For conditional uses, a specific schedule and plan demonstrating that the construction or use will be substantially underway within six months of the expiration of the current approval.

If we could please receive a supplemental Memo detailing the items above, this would be greatly appreciated.

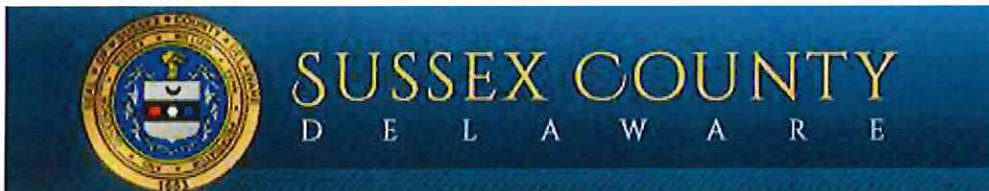
To have this on for an item of "Other Business" for the 2/18/2026 Agenda, we will need this information **no later than noontime today**, please, to allow Staff to prepare Staff materials in advance of the Meeting.

Best Regards,

-Lauren

Lauren Cecchine [Chi-kee-nee], AICP

Planning & Zoning Manager
Department of Planning and Zoning
P.O. Box 417
Georgetown, DE 19947
Tel: (302) 855-7878
8:30AM – 4:30PM



PLEASE NOTE: As of July 1st, 2024, the Department of Planning and Zoning has updated its list of Service Fees. Please find the Department's Listing of Service Fees here:

[https://sussexcountyde.gov/sites/default/files/PDFs/Planning and Zoning Fees.pdf](https://sussexcountyde.gov/sites/default/files/PDFs/Planning%20and%20Zoning%20Fees.pdf)

The County has overhauled its Land Use Docket. For information on pending Land Use Applications in the County, please visit the Application Docket: [Sussex - Land Use Application Docket](#)

For more information on the County's latest Comprehensive Plan, please visit the following location: [2018 Sussex County Comprehensive Plan](#)

From: Planning and Zoning <pandz@sussexcountyde.gov>

Sent: Thursday, February 5, 2026 3:41 PM

To: Carrie Y. Joles <cyj@dbfinc.com>

Cc: Jamie L. Sechler <jls@dbfinc.com>; Michael Glick <mgllick@lhconstruction.com>; Sindelar, Mackenzie M.

<mackenzie.sindelar@saul.com>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Planning and Zoning

<pandz@sussexcountyde.gov>; Lauren Cecchine <lauren.Cecchine@sussexcountyde.gov>

Subject: RE: Georgetown Business Plaza - CU 2371 - Extension Request

Good Afternoon,

Thank you for submitting the Six-Month Extension Request Letter for C/U 2371 Georgetown Business Plaza. It has been received and placed into the physical and electronic record.

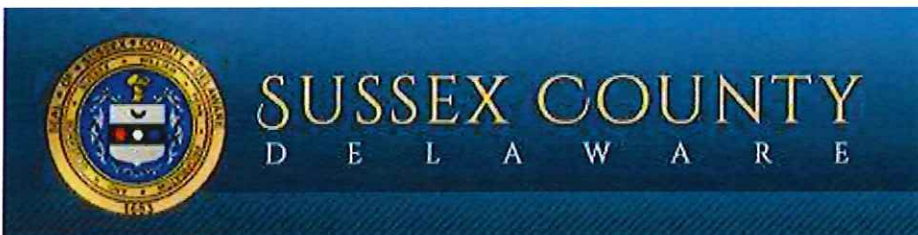
This request has been allocated to Ms. Lauren Cecchine and is tentatively scheduled as an item of Other Business for the Planning Commission of February 18th, 2026.

As always, please feel free to contact the office at 302-855-7878 or by email at pandz@sussexcountyde.gov with any questions.

Kind Regards,

Ashley Paugh

Planning Technician
Sussex County Council
Planning & Zoning Dept.
2 The Circle (PO Box 417)
Georgetown, DE 19947
(302)-855-7878



For information on pending Sussex County Land Use Applications, please visit the Sussex County Online Application Docket: [Sussex - Land Use Application Docket](#)

The Sussex County Online Zoning Code may be accessed here: [Sussex County, DE Zoning](#)

As of July 1, 2024, the Department of Planning & Zoning updated its list of Service Fees. Please find the Department's Listing of Service Fees here: [Planning and Zoning Fees.pdf](#)

FRAUD ALERT:

The office of Planning & Zoning has been made aware of third-party attempts to defraud applicants and their representatives by using publicly accessible information to demand payments by means of wire transfer.

The Planning & Zoning Department does NOT email invoices containing requests with wire transfer instructions. Also, all official email communication from the Planning department will have an email address ending in sussexcountyde.gov.

If at any point during (or after) your application or public hearing process, you receive a suspicious payment inquiry, please contact our office to verify the validity of such a request.

The Planning & Zoning Department may be reached during normal business hours of Monday through Friday from 8:30 am to 4:30 pm, or by email at pandz@sussexcountyde.gov.

From: Carrie Y. Joles <cyj@dbfinc.com>

Sent: Thursday, February 5, 2026 12:45 PM

To: Planning and Zoning <pandz@sussexcountyde.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>

Cc: Jamie L. Sechler <jls@dbfinc.com>; Michael Glick <mglick@lhconstruction.com>; Sindelar, Mackenzie M. <mackenzie.sindelar@saul.com>

Subject: Georgetown Business Plaza - CU 2371 - Extension Request

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie,

Good afternoon! On behalf of our client, Georgetown Business Plaza, LLC., we are respectfully requesting a six (6) month extension for the approved Conditional Use Site Plan for the property located at 2-35-30.00-6.00.

The original approval was granted on March 28, 2023, and we are currently working through several necessary items to move the project forward. Due to obtaining easements for the property, we require additional time to complete the remaining pre-construction requirements and proceed in accordance with the approved plans.

We remain committed to the project and to complying with all conditions of approval. The requested extension will allow us to finalize outstanding items and ensure the development proceeds in a manner consistent with the intent of the approval and local regulations.

Please let us know if any additional documentation, fees, or formal application materials are required to process this extension request. We appreciate your time and consideration and look forward to your guidance on the next steps.

Thank you,

Carrie Y. Joles

Executive Assistant

Department of Administrative Support

Davis, Bowen & Friedel, Inc.

Email: cyj@dbfinc.com

Office: 302-424-1441 | Fax: 302-424-0430

1 Park Ave., Milford, DE 19963

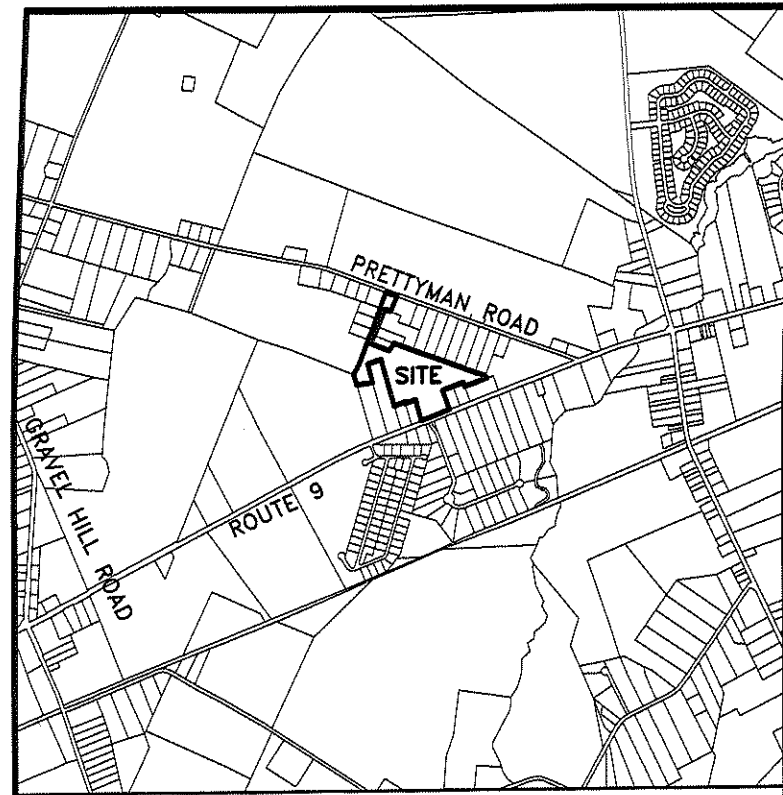
dbfinc.com | [Facebook](#) | [LinkedIn](#) | [Instagram](#) | [Twitter](#) | [Youtube](#)



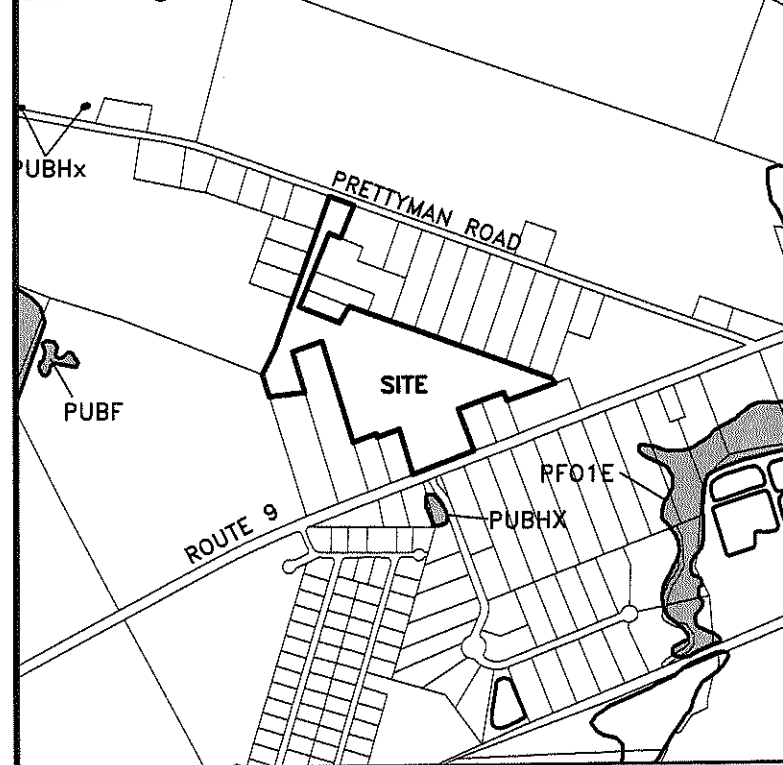
PRETTYMAN PROPERTY

PRELIMINARY PLANS FOR COMMERCIAL/RESIDENTIAL SUBDIVISION GEORGETOWN HUNDRED & BROADKILL HUNDRED SUSSEX COUNTY, DELAWARE

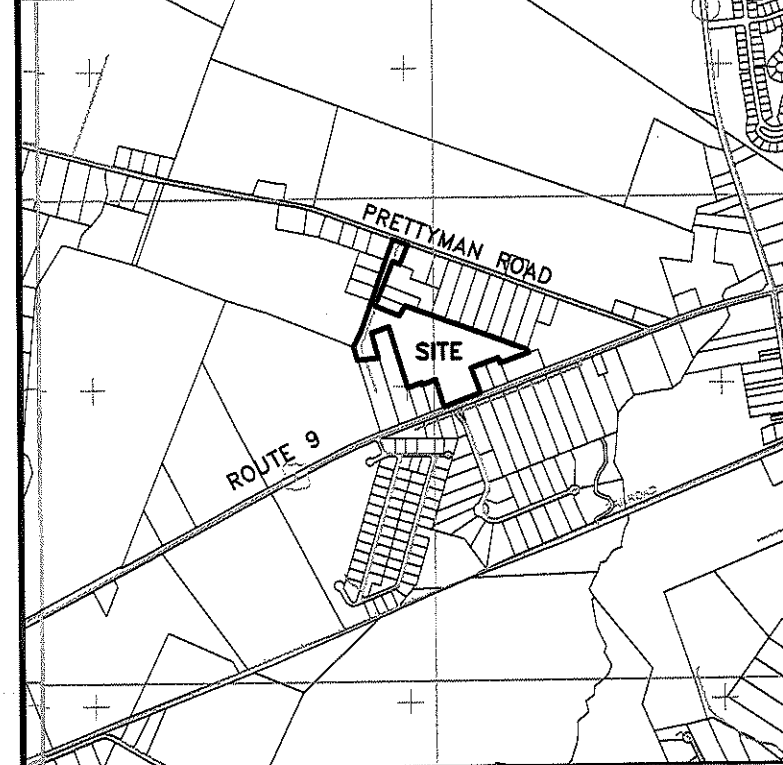
DBF PROJECT NO. 2916A013 MAY, 2022



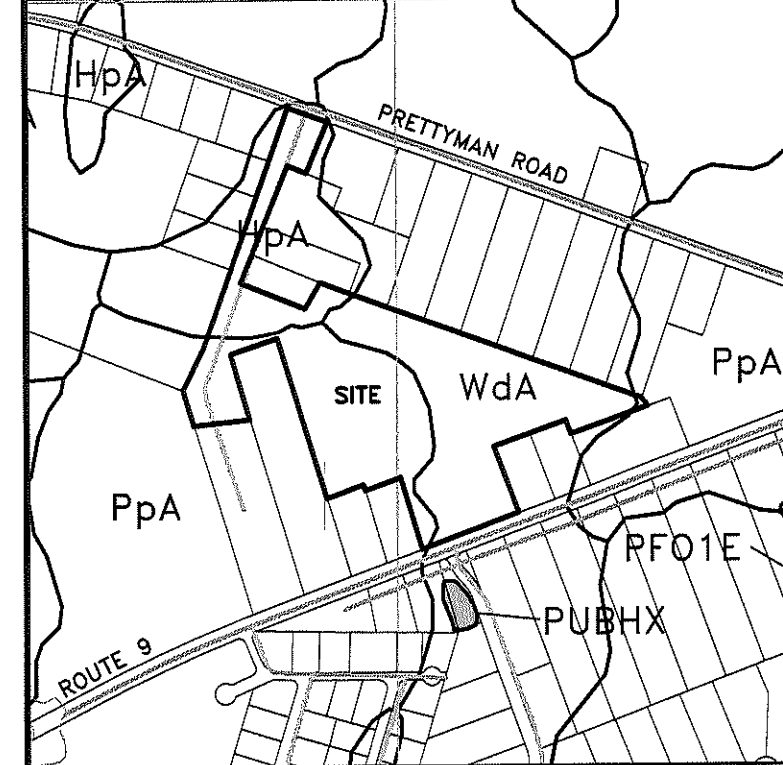
LOCATION MAP
1" = 1/2 MILE



NWI WETLANDS MAP
1" = 1200'



FEMA FLOOD MAP
1" = 2000'
FLOOD PANEL 10050310K & 10050325K, DATED MARCH 16, 2015



SOILS MAP
1" = 1200'

| SOILS DATA | | |
|------------|--|------|
| LABEL | SOIL NAME | TYPE |
| HpA | HAMBROOK SANDY LOAM, 0-2 PERCENT SLOPES | B |
| PpA | PEPPERBOX-ROSEDALE COMPLEX, 2-5 PERCENT SLOPES | A/C |
| WdA | WOODSTOWN SANDY LOAM, 0-2 PERCENT SLOPES | C |

DATA COLUMN

TAX MAP NUMBER: 2-35-30.00-6.00

DATUM NAVD 88
VERTICAL NAD 83 (DE STATE PLANE)
HORIZONTAL

EXISTING ZONING: AR-1

PROPOSED ZONING: AR-1

EXISTING LOTS: 1

PROPOSED LOTS: 15

EXISTING USE: FORESTED AREAS AND FARM FIELDS

PROPOSED USE: 2 OFFICE BUILDINGS, 7 WAREHOUSE & OFFICE BUILDINGS & 13 RESIDENTIAL LOTS

FLOOD HAZARD MAP: THIS SITE IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP #10050310K AND IN THE FLOOD ZONE X

WETLANDS: THIS SITE DOES NOT CONTAIN ANY STATE OR FEDERAL WETLANDS

TOTAL SITE AREA: 22.285± ACRES

PROPOSED LAND USE AREAS

| | |
|--------------------------|-----------------|
| R.O.W. DEDICATION | 0.089 AC. (0%) |
| LOT 1 COMMERCIAL | 2.715 AC. (12%) |
| LOT 2 COMMERCIAL | 8.376 AC. (38%) |
| RESIDENTIAL LOTS | 6.469 AC. (29%) |
| RESIDENTIAL RIGHT OF WAY | 1.418 AC. (6%) |
| RESIDENTIAL OPEN SPACE | 3.220 AC. (15%) |
| TOTAL | 22.285 AC. |

RESIDENTIAL AVG. LOT AREA: 21,671 SF. (0.50 AC.)

PARKING DATA:

REQUIRED PARKING LOT 1 COMMERCIAL: 1 SPACE PER 200 S.F. FLOOR AREA

PARKING SPACES REQUIRED: 31,616/200 = 159 SPACES

PARKING SPACES PROVIDED: 161 SPACES INCLUDING 6 HANDICAP SPACES

REQUIRED PARKING LOT 2 COMMERCIAL: 1 SPACE PER 200 S.F. FLOOR AREA (OFFICE SPACES), 1 SPACE PER 2 EMPLOYEES (WHOLESALE/MANUFACTURING)

PARKING SPACES REQUIRED: 800 S.F. / 200 S.F. = 28 SPACES
28 EMPLOYEES = 14 SPACES (WHOLESALE OR MANUFACTURING)
TOTAL SPACES: 42 SPACES

PARKING SPACES PROVIDED: 67 SPACES INCLUDING 14 HANDICAP SPACES

SOURCE WATER PROTECTION: PROJECT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
PROJECT IS NOT LOCATED WITHIN AN EXCELLENT GROUNDWATER RECHARGE AREA.

SETBACK REQUIREMENTS

FRONT SETBACK: 40'
SIDE SETBACK: 15'
REAR SETBACK: 20'

UTILITIES PROVIDER

OFFICE: ARTESIAN WASTEWATER MANAGEMENT, INC.

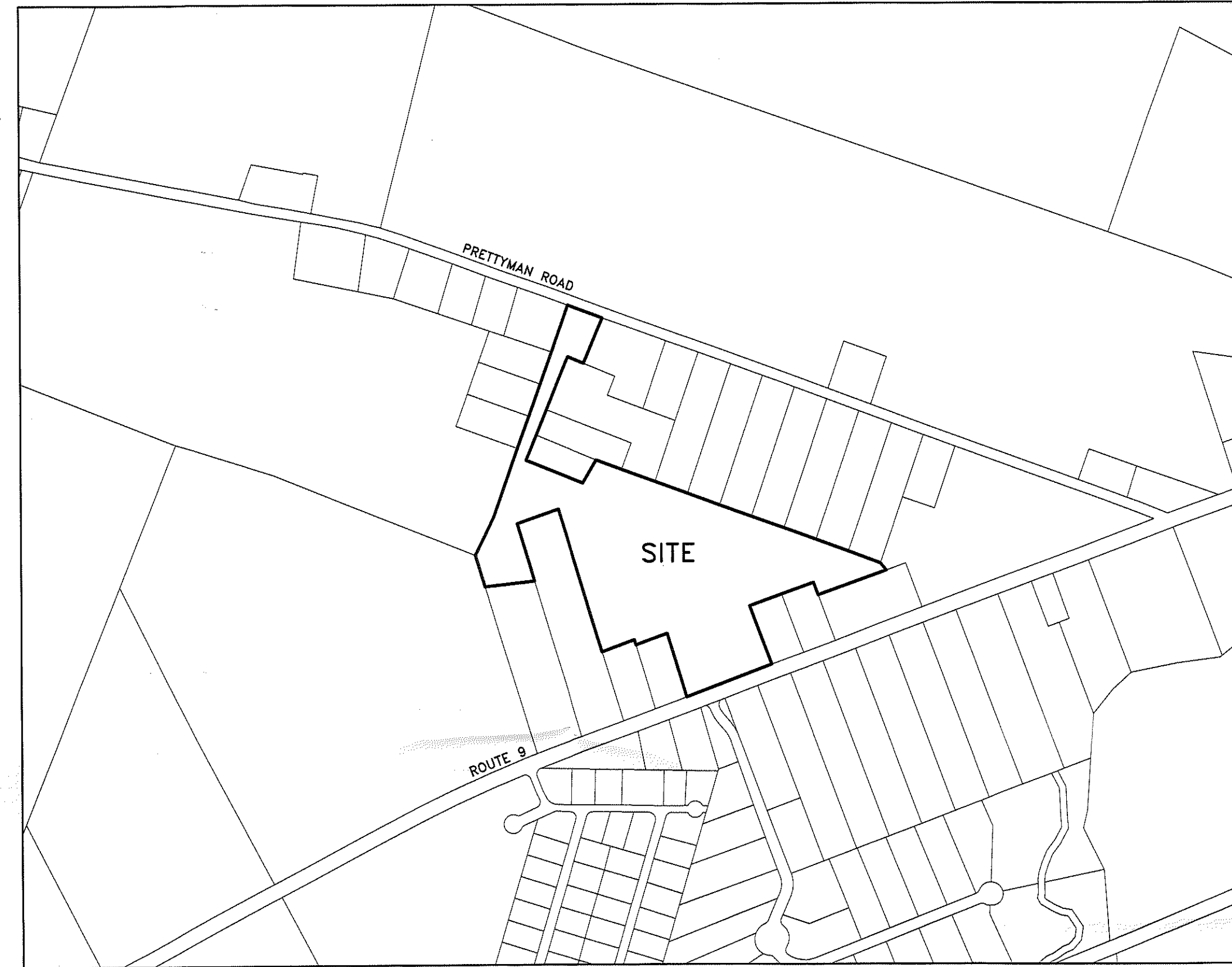
WATER: ARTESIAN WATER COMPANY, INC.

PROPOSED BUILDING HEIGHT: LESS THAN 42' (2-1/2 STORIES)

PROPOSED BUILDING CONSTRUCTION: MASONRY & WOOD CONSTRUCTION

OWNER/DEVELOPER: GEORGETOWN BUSINESS PLAZA, INC.
859 GOLF LINKS LANE SUITE 1
MAGNOLIA, DE 19962
(302) 677-1965

PREPARED BY: DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963
(302) 424-1441



LOCATION MAP
SCALE: 1"=500'



| INDEX OF SHEETS | |
|-----------------|-----------------------|
| PL-01 | PRELIMINARY TITLE |
| PL-02 | PRELIMINARY OVERVIEW |
| PL-03 - PL-07 | PRELIMINARY SITE PLAN |

GENERAL NOTES:

- STREETS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNER'S ASSOCIATION CAN PROVIDE FOR REQUIRED MAINTENANCE. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE FACILITIES WITHIN THE SITE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY SHOWN ON THIS PLAN ARE PRIVATE AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. SUSSEX COUNTY AND THE STATE OF DELAWARE ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- ACCESS TO ALL LOTS SHALL BE PROVIDED FROM THE PRIVATE SUBDIVISION STREETS PROPOSED WITH THIS PLAN. NO DIRECT ACCESS TO PUBLIC STREETS IS PROPOSED EXCEPT THE ENTRANCES SPECIFICALLY SHOWN ON THIS PLAN.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED, IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
- THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN IN THESE PLANS ARE BASED ON FIELD SURVEYS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC.
- UTILITY EASEMENTS DEPICTED HEREON REPRESENT, TO THE GREATEST EXTENT PERMITTED BY LAW, PRIVATE EASEMENTS FOR THE EXCLUSIVE USE AND BENEFIT OF THOSE UTILITY COMPANIES AND/OR OTHER PROVIDERS OF SERVICES TO THE DEVELOPMENT AS MAY BE DESIGNED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- UNLESS OTHERWISE DESIGNATED BY OWNER, OR ITS SUCCESSORS AND ASSIGNS, FROM TIME TO TIME BY AN INSTRUMENT IN WRITING, STORM DRAIN EASEMENTS DEPICTED HEREON REPRESENT PRIVATE EASEMENTS TO ACCESS THE STORM DRAINS FOR THE SOLE PURPOSE OF MAINTAINING AND REPAIRING SUCH STORM DRAINS, AND IN NO WAY GRANT, CONVEY OR CREATE ANY GENERAL PUBLIC UTILITY EASEMENT OR ANY GENERAL OR PUBLIC ACCESS RIGHTS.
- WETLANDS DO NOT EXIST ON THIS PARCEL.
- THE HOMEOWNERS' ASSOCIATION OR MAINTENANCE CORPORATION, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES RELATED TO THE RESIDENTIAL PROPERTIES. HOMEOWNERS' ASSOCIATION PROPERTIES AND ROAD RIGHT-OF-WAY WITHIN THE PROJECT. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN A SATISFACTORY CONDITION AS REQUIRED BY SUSSEX COUNTY, DELAWARE. SHOULD THE OWNER OR OWNERS OF THE PROPERTY DEFAULT IN THE MAINTENANCE OF THE STORMWATER DRAINAGE AND MANAGEMENT FACILITIES, THE HOMEOWNERS' ASSOCIATION SHALL HAVE THE RIGHT TO MAINTAIN THE FACILITIES SUBJECT TO THE TERMS AND CONDITIONS OF THE COVENANTS.

OWNER'S STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

GEORGETOWN BUSINESS PLAZA, LLC _____ DATE _____
859 GOLF LINKS LANE
MAGNOLIA, DE 19962

ENGINEER'S STATEMENT

I, JAMIE L. SECHLER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

By JAMIE L. SECHLER, P.E. REGISTERED ENGINEER No. 17925 DATE MAY 12 2022
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DELAWARE, 19963

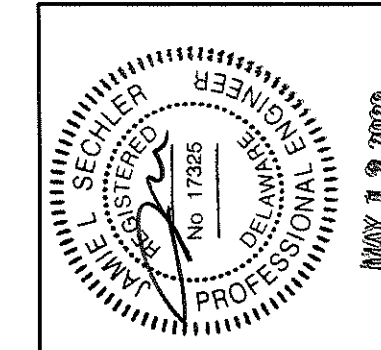
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX, MARYLAND (410) 645-9000
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 776-4744

DAVIS, BOWEN & FRIEDEL, INC.

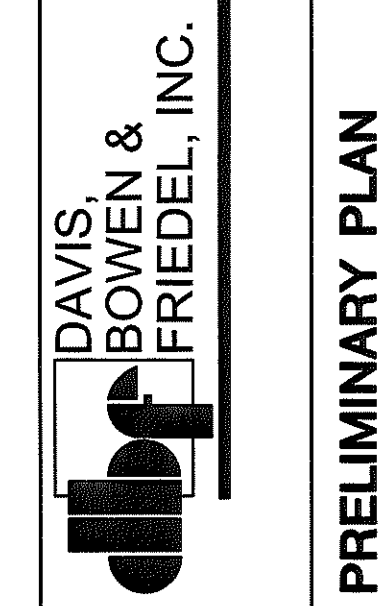
MAY 2022
2916A013

PRETTYMAN
COMMERCIAL

PL-01



ARCHITECTS ENGINEERS SURVEYORS
 DAVIS, BOWEN & FRIEDEL, INC.
 BALTIMORE, MARYLAND (410) 543-8901
 EASTON, MARYLAND (410) 770-4744



PRELIMINARY PLAN

**PRETTYMAN PROPERTY
 COMMERCIAL AND RESIDENTIAL
 SUSSEX COUNTY, DELAWARE**

| | |
|------------|----------|
| Revisions: | |
| Date: | MAY 2022 |
| Scale: | 1"=100' |
| Dwn.By: | DJR |
| Proj.No.: | 2916A013 |
| Dwg.No.: | PL-02 |

P:\LightHouse\2916A013 Prettyman\PRELIM\2022-04-18 PRELIMINARY.dwg May 03, 2022 - 3:26pm read

SHEET PL-07

SHEET PL-05

SHEET PL-06

SHEET PL-04

SHEET PL-03

N/F PAUL R. OVERMAN
 235-29.00-23.01
 D.B. 2273/42

N/F MICHAEL & CATHERINE R. CATHELL
 235-29.00-25.03
 D.B. 3556/7

N/F JOSHUA & AMY DENHAM
 235-29.00-25.04
 D.B. 3067/271

N/F SCOTT W. & TAMMY L. SIPE
 235-29.00-25.05
 D.B. 5073/322

N/F ROBERT H. MCCOY
 235-30.00-6.18
 D.B. 3388/5

N/F FLOYD V. BUCCI
 235-30.00-6.17
 D.B. 5410/70

N/F ABRAHAM J. & ELEANOR D. REFSNIDER
 235-30.00-6.03
 D.B. 2509/270

N/F KYLE DAVID BANKS
 235-30.00-6.15
 D.B. 2000/310

N/F JAMES WEST & IRMA M. PRETTYMAN
 235-29.00-25.00
 D.B. 5093/18

N/F JOSEPH A. WARREN, JR. & TRACY M. WARREN
 235-30.00-6.19
 D.B. 4146/30

N/F FLOYD V. BUCCI
 JULIA A. BUCCI
 235-30.00-6.22

N/F JAMES F. & OLIVA M. HUDSON
 235-30.00-6.13
 D.B. 2889/221

N/F SARAHANN SHYDER
 235-30.00-6.12
 D.B. 2823/289

N/F DICK CHIAU LING
 235-30.00-6.11
 D.B. 3104/166

N/F JOHN LOHR & CONSTANCE DONNELLY
 235-30.00-6.10
 D.B. 4949/334

N/F LEONARD E. LUCAS, JR. & LAVONNE W. LUCAS
 235-30.00-6.09
 D.B. 3353/141

N/F GEORGEANNE TERESA EMAN-RIVKINS
 235-30.00-6.08
 D.B. 3977/159

N/F RANDALL T. WARD, JR. & MICHELLE DIANE WARD
 235-30.00-6.07
 D.B. 2377/233

N/F EMMA J. & CHRISTOPHER PAYNE
 235-30.00-6.16
 D.B. 4873/47

N/F TOBACK DEVELOPMENT LLC.
 235-30.00-6.21
 D.B. 5401/293

N/F JOHN FLOYD LINGO III & ROBERTA ANNE LINGO
 135-11.00-68.00
 D.B. 4801/237

N/F AMERICAN TURKISH FRIENDSHIP ASSOCIATION INC.
 235-30.00-5.00
 D.B. 4350/276

N/F EXECUTIVE LAWN PROPERTY MANAGEMENT LLC
 235-30.00-6.20
 D.B. 4899/79

N/F B A WHITE PROPERTIES LLC.
 235-30.00-6.04
 D.B. 3769/318

N/F WALTERS FOR RENTALS & MAINTENANCE LLC
 235-30.00-6.05
 D.B. 3384/209

N/F BRENDA G. NELSON
 235-30.00-6.06
 D.B. 2251/347

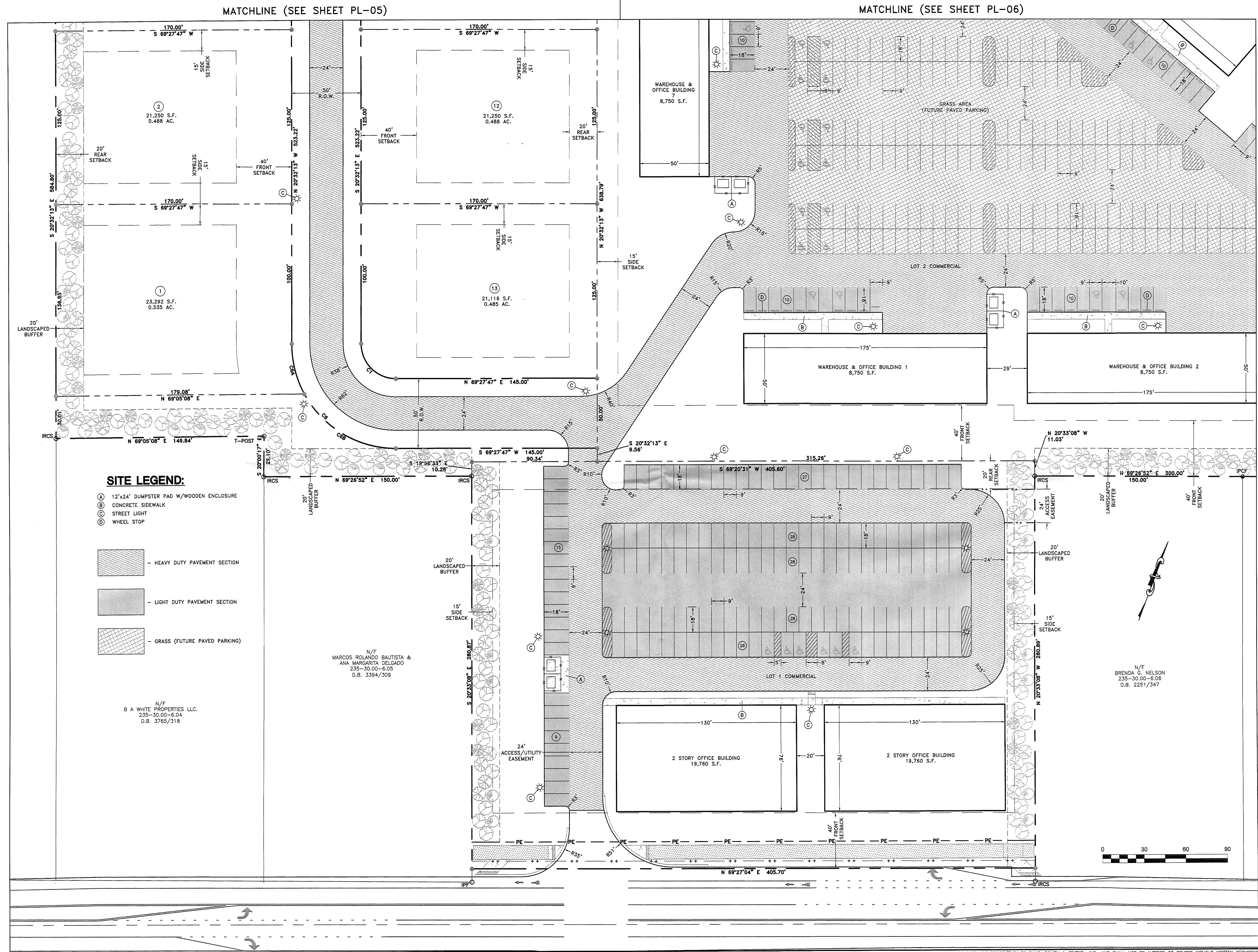
N/F B A WHITE PROPERTIES LLC.
 235-30.00-6.02
 D.B. 3769/318

N/F GLEN E. & MILDRED D. ALBERT
 235-30.00-6.01
 D.B. 4253/150

LEWES-GEORGETOWN HIGHWAY (ROUTE-9)



P:\LightHouse\2616A013 Prettyman\PRELIM\2022-04-18 PRELIMINARY.dwg May 03, 2022 - 3:30pm read



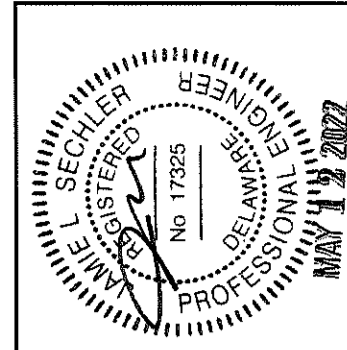
SITE LEGEND:

- (A) 12'x24' DUMPSTER PAD W/WOODEN ENCLOSURE
 - (B) CONCRETE SIDEWALK
 - (C) STREET LIGHT
 - (D) WHEEL STOP
- [Hatched Box] - HEAVY DUTY PAVEMENT SECTION
 - [Dotted Box] - LIGHT DUTY PAVEMENT SECTION
 - [Cross-hatched Box] - GRASS (FUTURE PAVED PARKING)

N/F
B A WHITE PROPERTIES LLC.
235-30.00-6.04
D.B. 3765/318

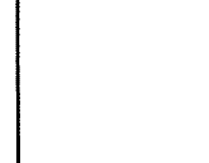
N/F
MARCOS ROLANDO BAUTISTA &
ANA MARGARITA DELGADO
235-30.00-6.05
D.B. 3304/309

N/F
BRENDA G. NELSON
235-30.00-6.06
D.B. 2251/347



ARCHITECTS ENGINEERS SURVEYORS
SALESMAN, MARYLAND (410) 843-8000
MILWAUKEE, DELAWARE (302) 594-1441
ESSEX, MARYLAND (410) 770-4774

DAVIS, BOWEN & FRIEDEL, INC.



PRELIMINARY PLAN

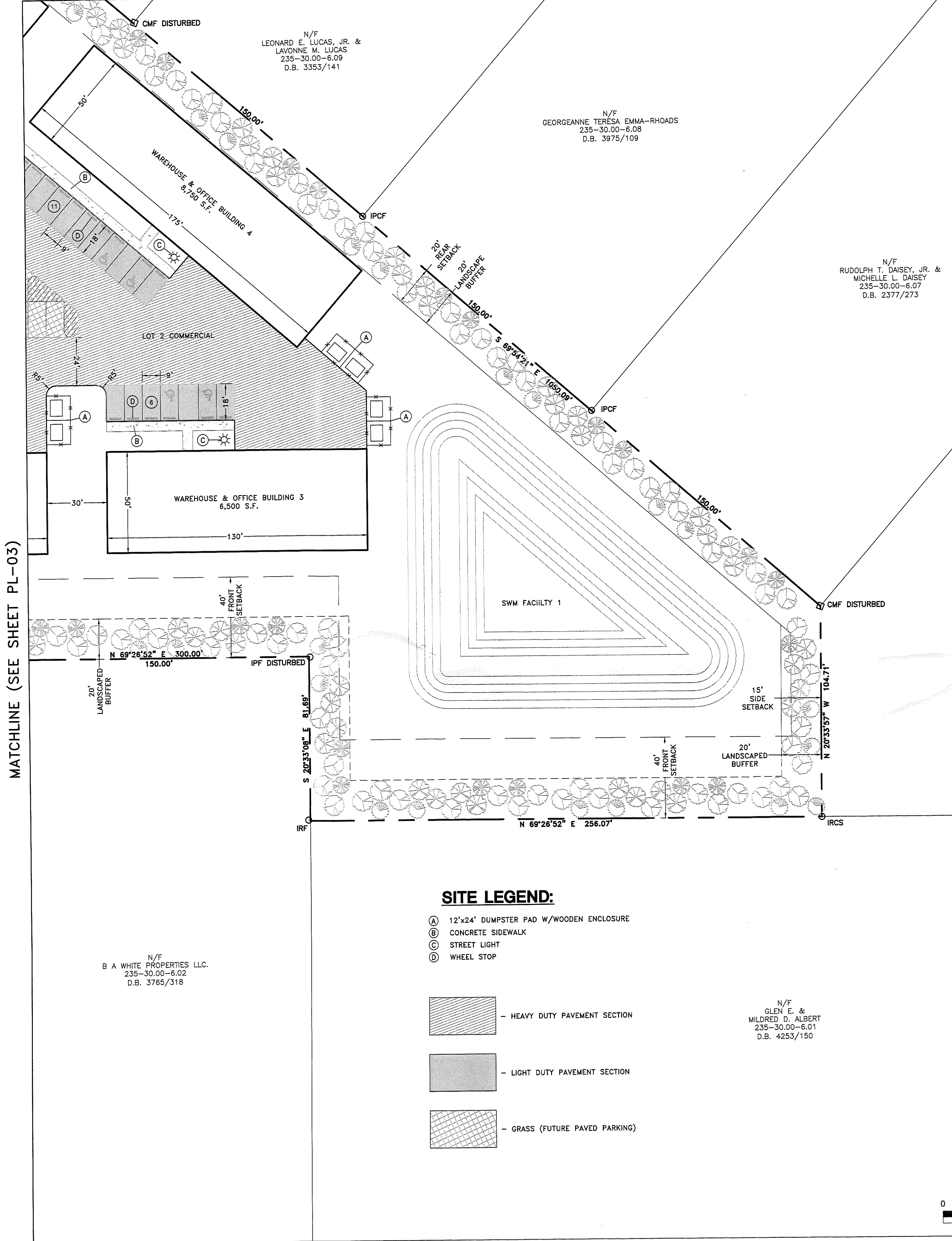
**PRETTYMAN PROPERTY
COMMERCIAL AND RESIDENTIAL
SUSSEX COUNTY, DELAWARE**

Revisions:

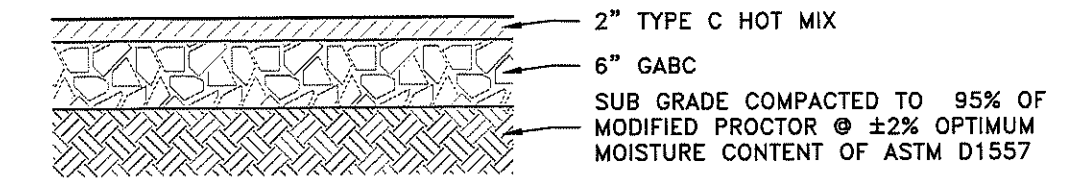
| | |
|------------|----------|
| Date: | MAY 2022 |
| Scale: | 1"=30' |
| Drawn By: | DJR |
| Proj. No.: | 2916A013 |
| Dwg. No.: | PL-03 |

PL-03

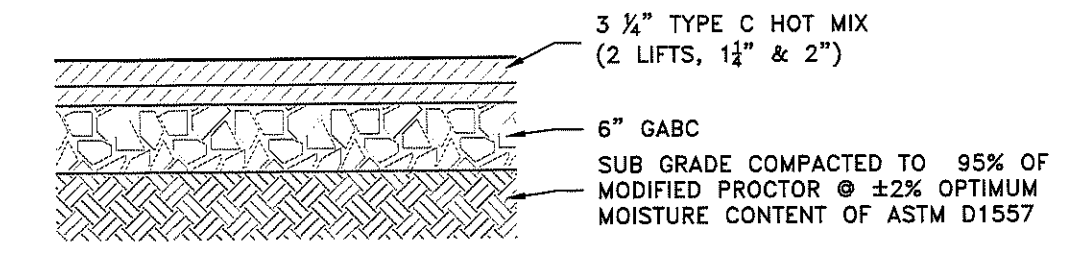
MATCHLINE (SEE SHEET PL-06)



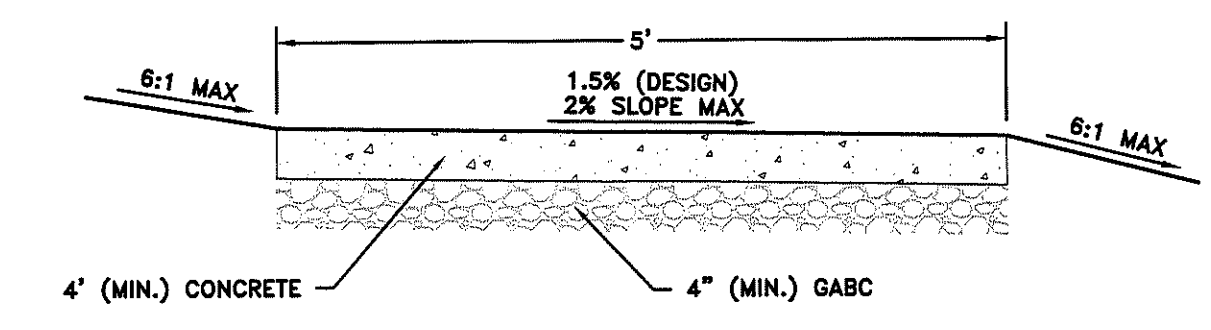
| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 25.00' | 59.27' | 35.36' | S 65°32'13" E | 90°00'00" |
| C2 | 100.00' | 85.06' | 80.69' | S 44°19'56" E | 47°35'26" |
| C2A | 100.00' | 51.78' | 51.20' | N 35°22'13" W | 29°40'01" |
| C2B | 100.00' | 31.28' | 31.18' | N 59°09'56" W | 17°55'25" |
| C3 | 25.00' | 31.24' | 28.24' | S 32°19'54" E | 71°35'29" |
| C4 | 51.00' | 223.95' | 82.73' | N 57°40'06" E | 251°35'29" |
| C5 | 50.00' | 41.53' | 40.35' | N 44°19'56" W | 47°35'26" |
| C6 | 75.00' | 117.81' | 106.07' | N 65°32'13" W | 90°00'00" |
| C6A | 75.00' | 37.28' | 36.90' | S 34°46'42" E | 29°29'00" |
| C6B | 75.00' | 80.53' | 76.71' | S 79°46'42" E | 61°51'00" |



LIGHT DUTY PAVEMENT SECTION
 (PARKING STALLS)
 PROPOSED STRUCTURAL NUMBER = 1.36

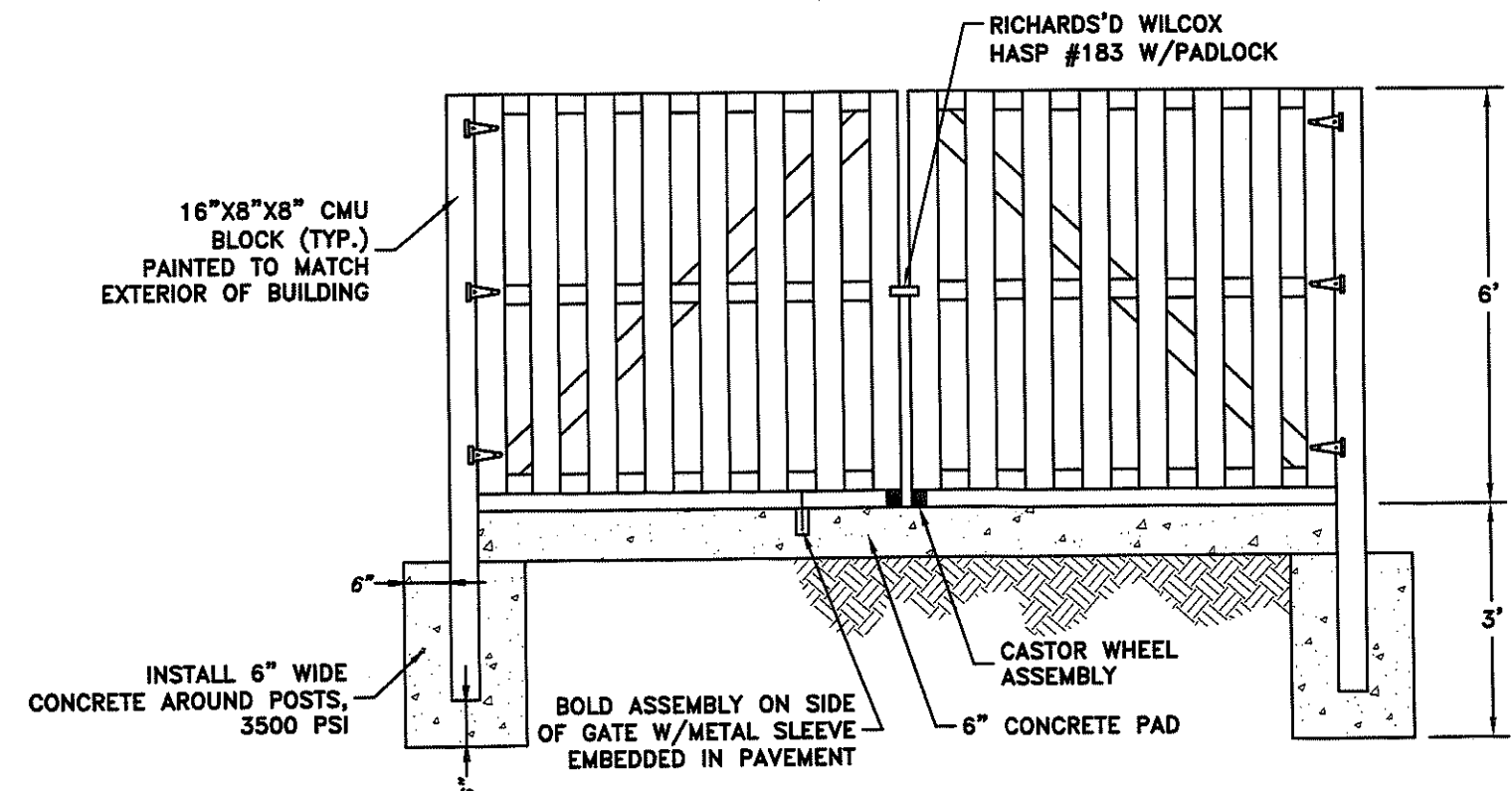


HEAVY DUTY PAVEMENT SECTION
 (FIRE LANE AND ENTRANCE LANE)
 PROPOSED STRUCTURAL NUMBER = 2.14

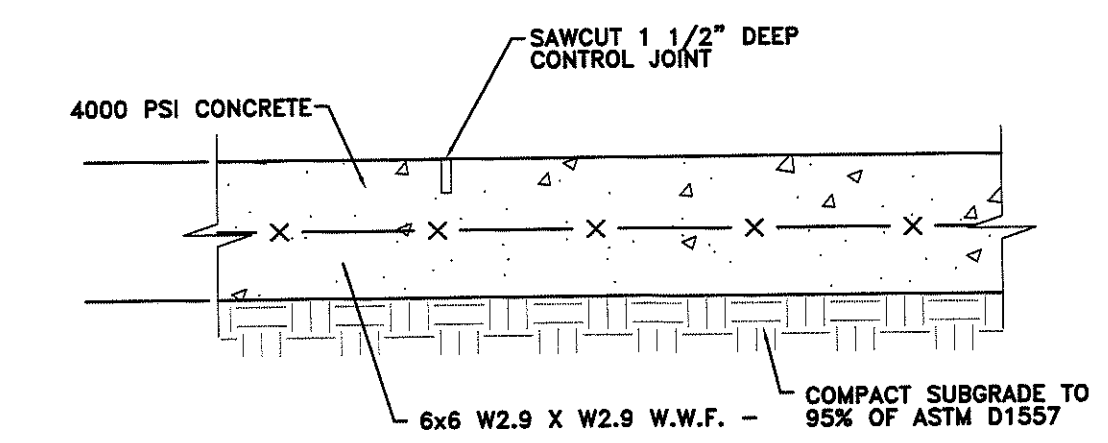


SIDEWALK DETAIL
 NOT TO SCALE

GATE HARDWARE:
 LATCH: STANLEY #1290 THUMB LATCH
 HINGE: STANLEY #908 HEAVY T-HINGE (OR EQUAL)
 CANE BOLT: STANLEY #1010, 24" LONG (OR EQUAL)

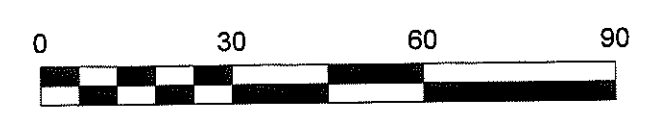


DUMPSTER PAD ENCLOSURE GATE/FENCE DETAIL
 NOT TO SCALE



DUMPSTER PAD DETAIL
 NOT TO SCALE

- SITE LEGEND:**
- (A) 12'x24' DUMPSTER PAD W/WOODEN ENCLOSURE
 - (B) CONCRETE SIDEWALK
 - (C) STREET LIGHT
 - (D) WHEEL STOP
- HEAVY DUTY PAVEMENT SECTION
 - LIGHT DUTY PAVEMENT SECTION
 - GRASS (FUTURE PAVED PARKING)



MATCHLINE (SEE SHEET PL-03)

P:\LightHouse\2916A013\Prettyman\PRELIM\2022-04-18 PRELIMINARY.dwg May 03, 2022 - 3:27pm resd

MATCHLINE (SEE SHEET PL-07)

SITE LEGEND:

- (A) 12'x24' DUMPSTER PAD W/WOODEN ENCLOSURE
- (B) CONCRETE SIDEWALK
- (C) STREET LIGHT
- (D) WHEEL STOP

- HEAVY DUTY PAVEMENT SECTION
- LIGHT DUTY PAVEMENT SECTION
- GRASS (FUTURE PAVED PARKING)



N/F
JAMES WEST &
IRMA M. PRETTYMAN
235-29.00-25.00
D.B. 5093/18

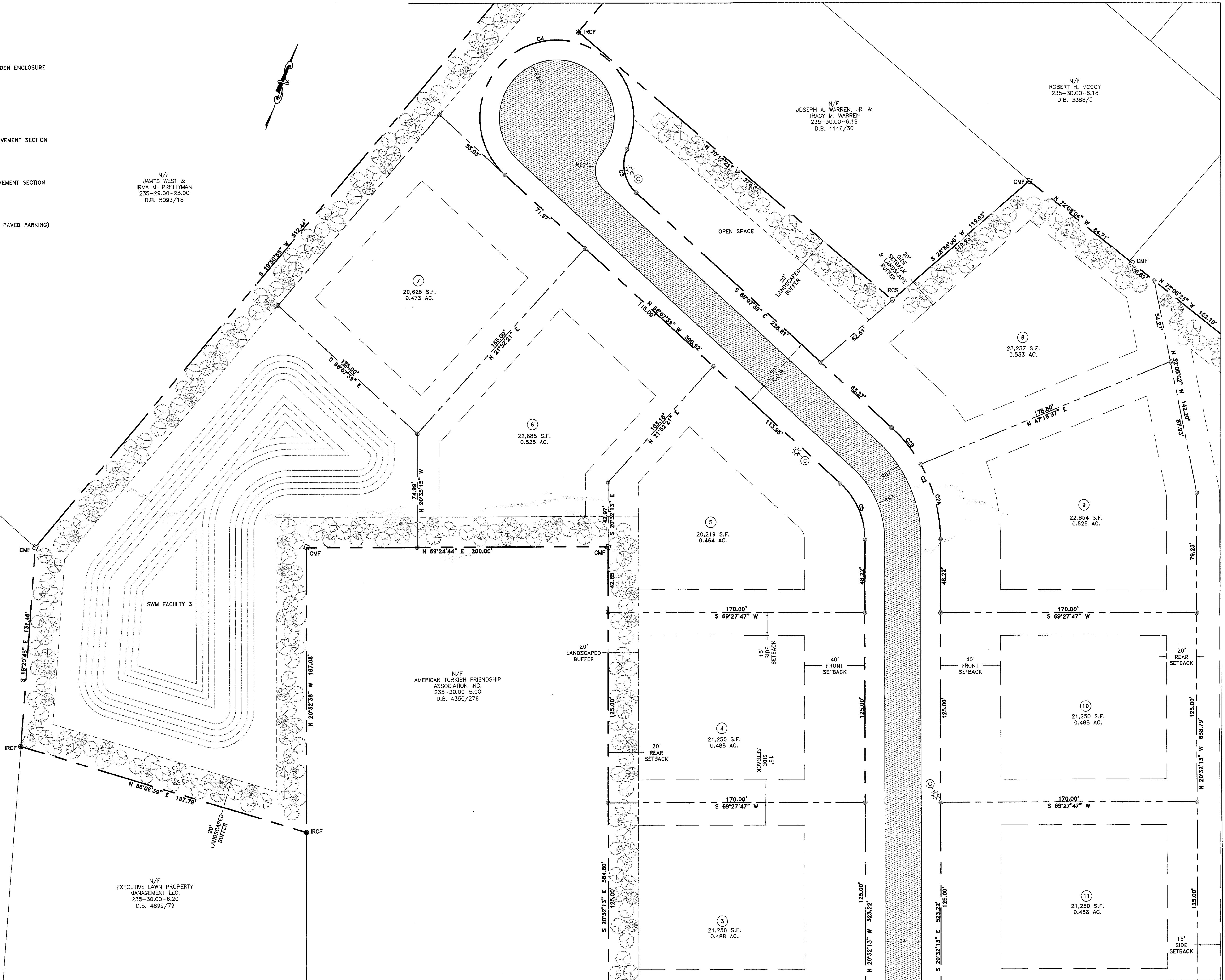
N/F
JOSEPH A. WARREN, JR. &
TRACY M. WARREN
235-30.00-6.19
D.B. 4146/30

N/F
ROBERT H. MCCOY
235-30.00-6.18
D.B. 3388/5

N/F
JOHN FLOYD LINGO III &
ROBERTA ANNE LINGO
135-11.00-68.00
D.B. 4601/237

N/F
EXECUTIVE LAWN PROPERTY
MANAGEMENT LLC.
235-30.00-6.20
D.B. 4899/79

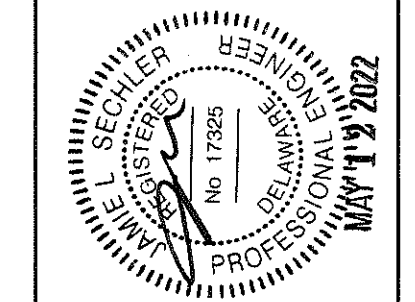
N/F
AMERICAN TURKISH FRIENDSHIP
ASSOCIATION INC.
235-30.00-5.00
D.B. 4350/276



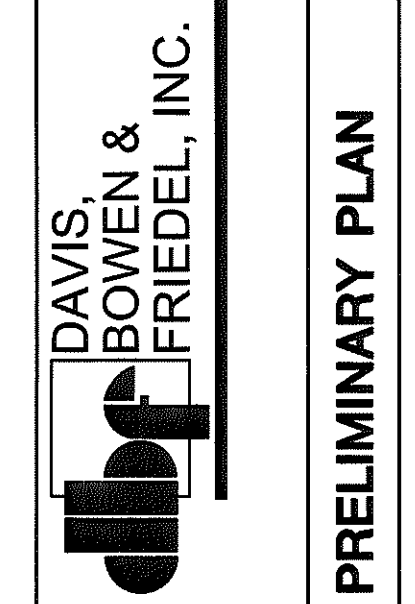
MATCHLINE (SEE SHEET PL-03)



MATCHLINE (SEE SHEET PL-06)



ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
SUSSEX, MARYLAND
ESTON, MARYLAND



PRELIMINARY PLAN

**PRETTYMAN PROPERTY
COMMERCIAL AND RESIDENTIAL
SUSSEX COUNTY, DELAWARE**

Revisions:

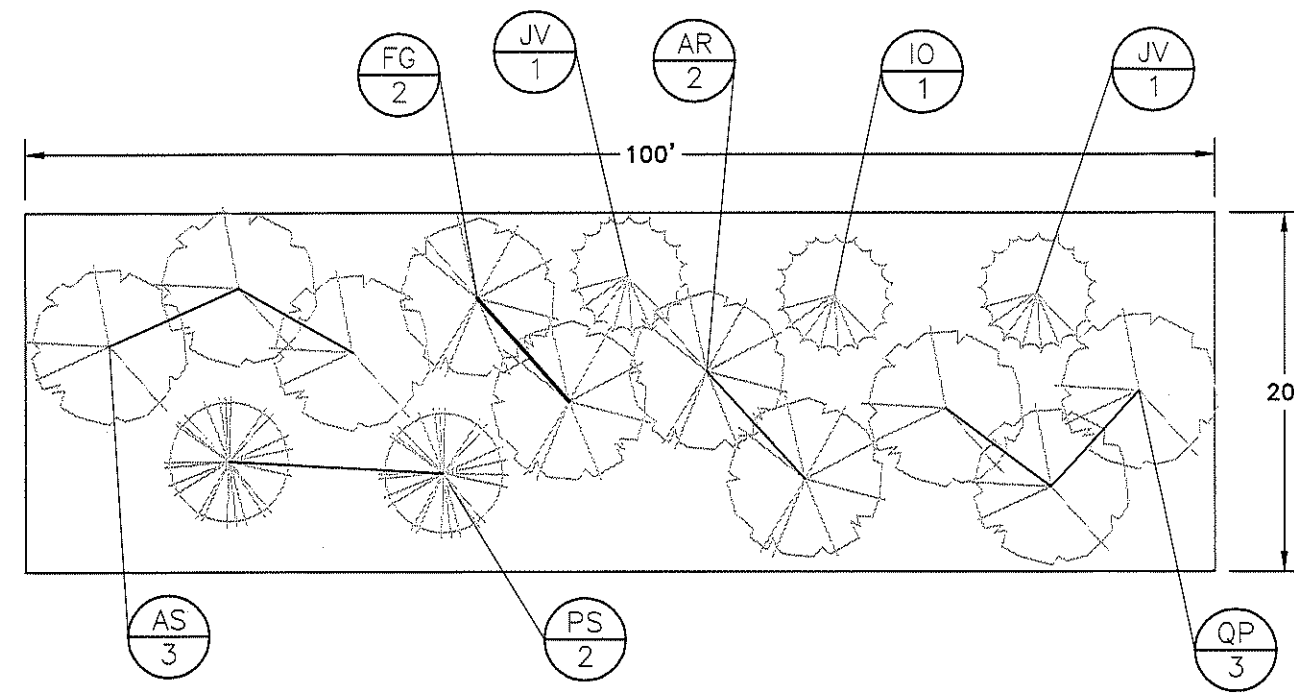
| | |
|-----------|----------|
| Date: | MAY 2022 |
| Scale: | 1"=30' |
| Dwn.By: | DJR |
| Proj.No.: | 2916A013 |
| Dwg.No.: | PL-05 |

PL-05

MATCHLINE (SEE SHEET PL-07)

GENERAL LANDSCAPE NOTES

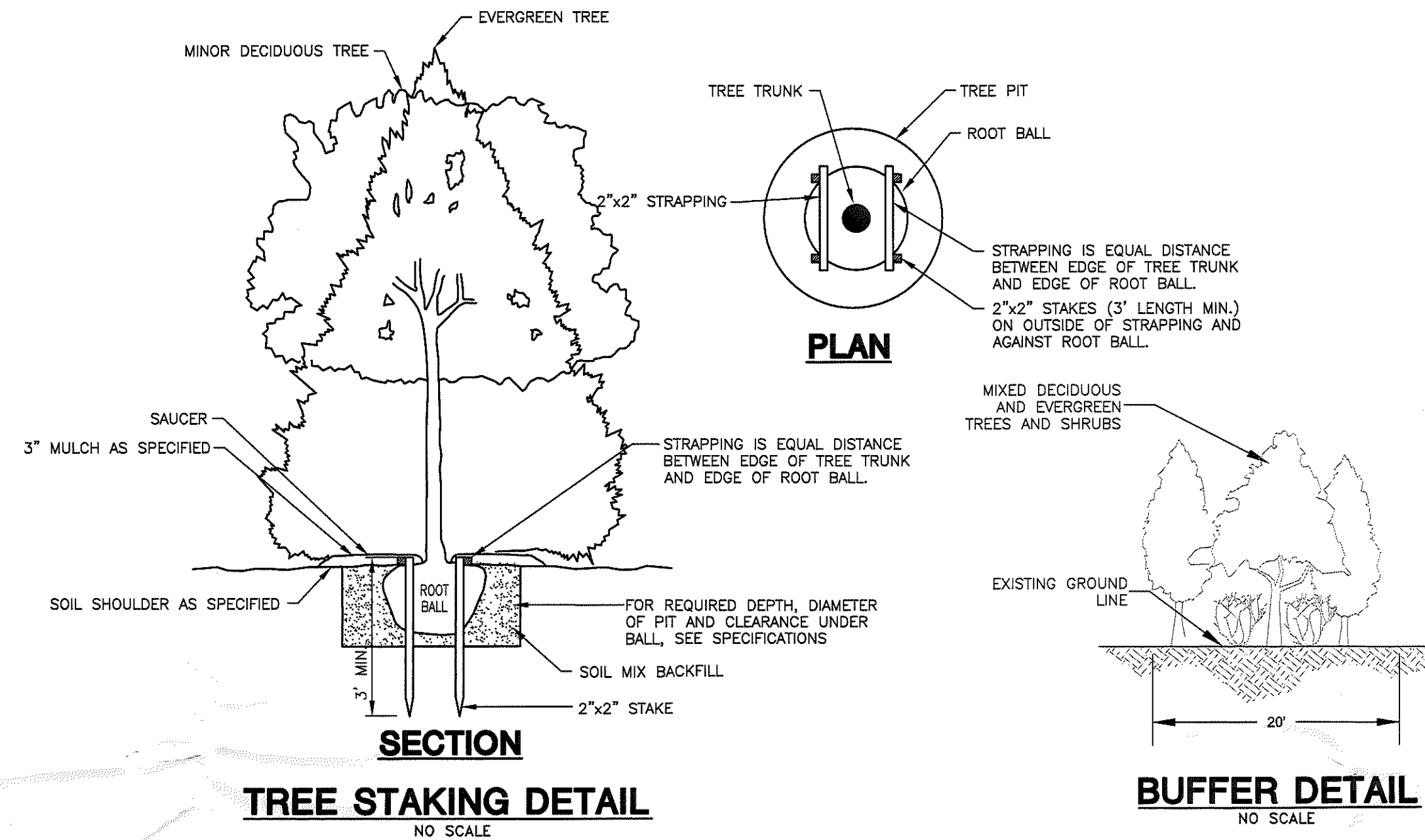
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOT BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF SHREDDED HARDWOOD MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. EXISTING VEGETATION MAY BE USED IN LIEU OF LANDSCAPE BUFFER.



TYPICAL FORESTED BUFFER 100'X20'
NO SCALE

SITE LEGEND:

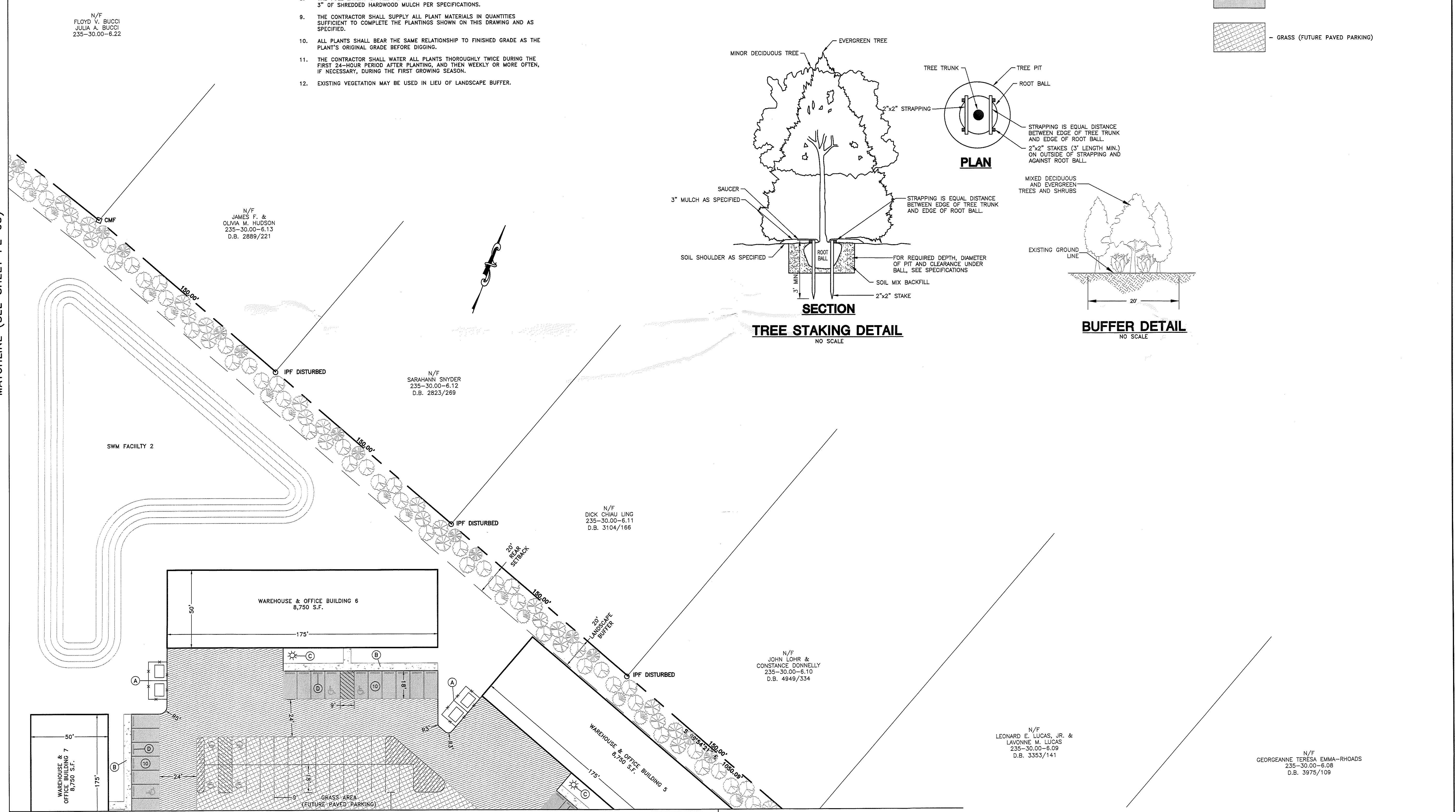
- (A) 12'x24' DUMPSTER PAD W/WOODEN ENCLOSURE
 - (B) CONCRETE SIDEWALK
 - (C) STREET LIGHT
 - (D) WHEEL STOP
- [Hatched Box] - HEAVY DUTY PAVEMENT SECTION
 - [Dotted Box] - LIGHT DUTY PAVEMENT SECTION
 - [Cross-hatched Box] - GRASS (FUTURE PAVED PARKING)



TREE STAKING DETAIL
NO SCALE

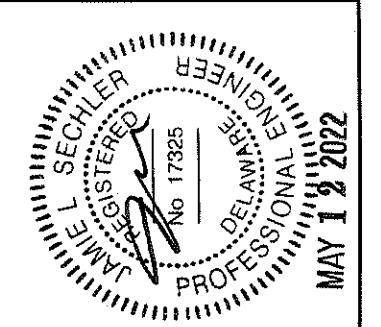
BUFFER DETAIL
NO SCALE

MATCHLINE (SEE SHEET PL-05)



MATCHLINE (SEE SHEET PL-03)

MATCHLINE (SEE SHEET PL-04)



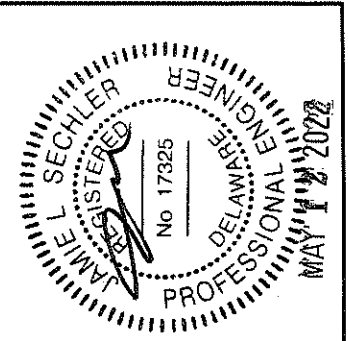
DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 1000 W. MARKET ST. SUITE 200
 WILMINGTON, DE 19801
 TEL: (302) 441-4441
 FAX: (302) 441-4444
 EASTON, MARYLAND
 TEL: (410) 770-4744

PRELIMINARY PLAN

**PRETTYMAN PROPERTY
 COMMERCIAL AND RESIDENTIAL
 SUSSEX COUNTY, DELAWARE**

| | |
|------------|----------|
| Revisions: | |
| Date: | MAY 2022 |
| Scale: | 1"=30' |
| Dwn.By: | DJR |
| Proj.No.: | 2916A013 |
| Dwg.No.: | PL-06 |

P:\LightHouse\2916A013 Prettyman\PRELIM\2022-04-18 PRELIMINARY.dwg May 03, 2022 - 3:27pm read



ARCHITECTS ENGINEERS SURVEYORS
 SUBSIDIARY OF
 DAVIS, BOWEN & FRIEDEL, INC.
 1101 W. MARKET STREET
 WILMINGTON, DELAWARE 19801
 (302) 441-1100
 (302) 441-1101
 (302) 441-1102

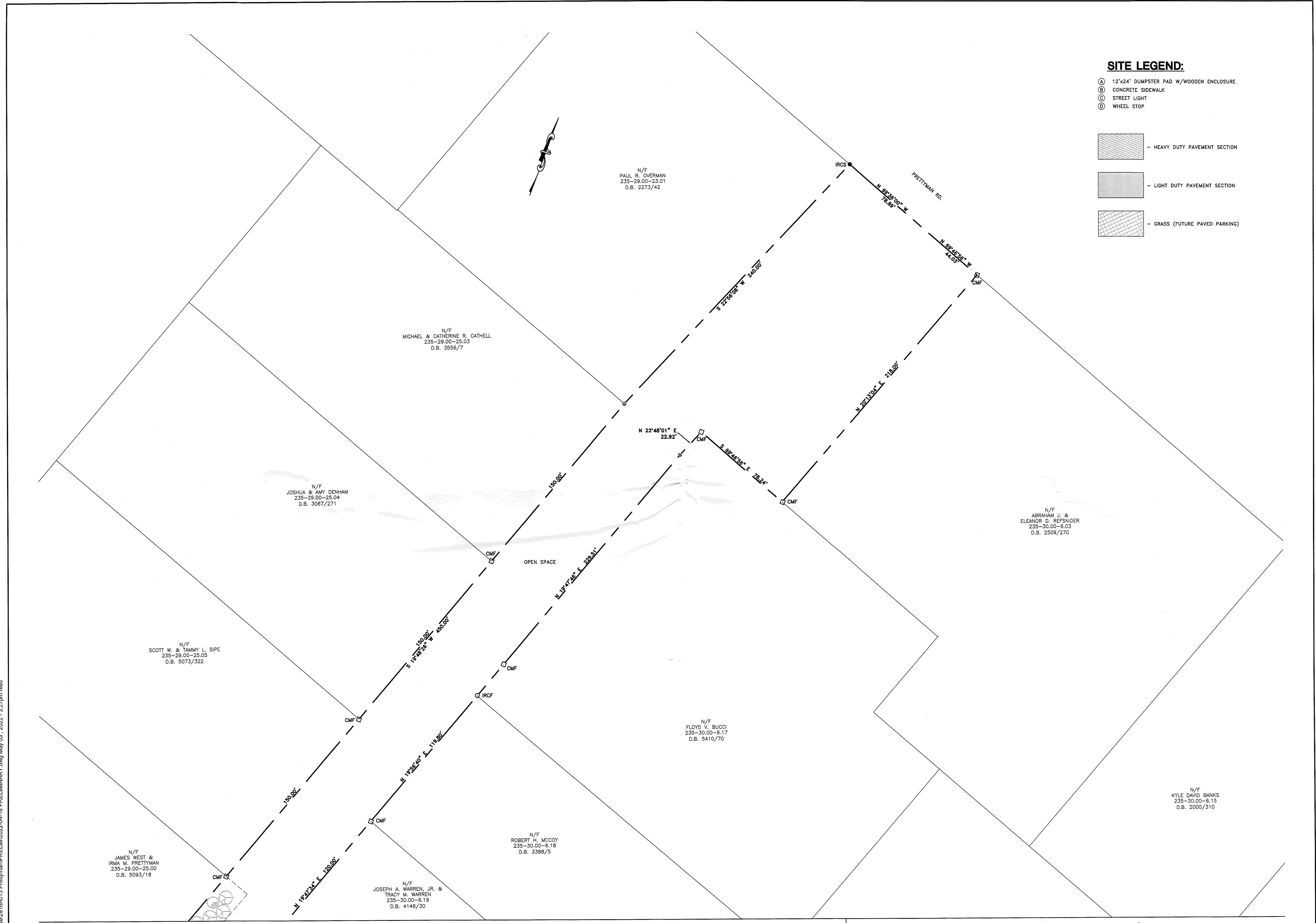
PRELIMINARY PLAN

**PRETTYMAN PROPERTY
 COMMERCIAL AND RESIDENTIAL
 SUSSEX COUNTY, DELAWARE**

| |
|---------------------------|
| Revisions: |
| Date: MAY 2022 |
| Scale: 1"=30' |
| Dwn.By: DJR |
| Proj.No.: 2916A013 |
| Dwg.No.: PL-07 |

SITE LEGEND:

- (A) 12'x24' DUMPSTER PAD W/WOODEN ENCLOSURE
 - (B) CONCRETE SIDEWALK
 - (C) STREET LIGHT
 - (D) WHEEL STOP
- HEAVY DUTY PAVEMENT SECTION
 - LIGHT DUTY PAVEMENT SECTION
 - GRASS (FUTURE PAVED PARKING)



P:\LightHouse\2916A013 Prettyman\PRELIM\2022-04-18 PRELIMINARY.dwg May 03, 2022 - 3:27pm read

ORDINANCE NO. 2916

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BUSINESS PARK TO INCLUDE WAREHOUSES AND OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 22.29 ACRES, MORE OR LESS.

WHEREAS, on the 12th day of May 2022, a conditional use application, denominated Conditional Use No. 2371 was filed on behalf of Georgetown Business Plaza, LLC; and

WHEREAS, on the 28th day of March 2023, 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. 2371 be approved; and

WHEREAS, on the 28th day of 2023, 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, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2371 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 Broad Kill Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9), approximately 0.39 miles south of Prettyman Road (S.C.R. 254), and being more particularly described in the attached legal description and site plans prepared by Jamie Sechler P.E., said parcel containing 22.29 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.

This Ordinance was adopted subject to the following conditions:

- a. The project shall consist of 2 medical or professional office buildings fronting on Routes 9 and 7 warehouse/office buildings behind them.**
- b. No businesses that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or restaurants and food service.**
- c. This conditional use is limited to the eastern portion of the site as depicted during the public hearing. The remainder of the site shall not be developed without an additional public hearing. The Preliminary and Final site plans shall clearly depict limits of this conditional use.**
- d. There shall not be any outside storage, including boats, construction materials, RVs, or equipment within the site.**
- e. No vehicle repair or fueling operations shall be performed on-site.**
- f. There shall be no manufacturing on the site, and any contractor work shall only occur indoors.**
- g. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- h. A 20-foot landscaped buffer shall be installed along the perimeter of this project. The buffer shall comply with the planting requirements for the Forested and/or Landscaped Buffer Strip contained in Section 99-5 of the Sussex County Code.**
- i. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- j. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- k. There shall be an adequate parking area for all tenants and employees as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property's setbacks.**
- l. Signage for the Property shall comply with the following requirements: One indirectly illuminated on-premises ground sign shall be permitted along Route 9, not to exceed 64 square feet of sign area per side; and one On-premises wall, illuminated awning, marquee, or projecting sign with a total sign area of 32 square feet shall be permitted with respect to each building.**
- m. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.**
- n. There shall not be any access to this site from Prettyman Road.**
- o. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2916 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 28TH DAY OF MARCH 2023.



Tracy N. Torbert
Clerk of the Council

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Georgetown Business Plaza, LLC for a Conditional Use in an AR-1 Agricultural Residential District for a business park to include warehouses and office buildings to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 22.29 acres, more or less (property lying on the southwest side of Prettyman Road [S.C.R. 254] approximately 0.52-mile northwest of Lewes Georgetown Highway [Rt. 9]) (911 Address: N/A) (Tax Map Parcel: 235-30.00-6.00).
- B. Based on testimony before the Sussex County Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mackenzie Peet, Esquire, with Saul Ewing, was present on behalf of the Application, together with Mr. G. Michael Glick, Vice President of Lighthouse Construction, and Mr. Jamie Sechler, Professional Engineer with Davis, Bowen & Friedel, Inc.; that the Applicant submitted a Conditional Use application to pursue a Conditional Use of land within the AR-1 (Agricultural Residential) Zoning District, for a business park to include warehouses and office buildings to be located on a very uniquely shaped property; that the record owner of the property is the Applicant, Georgetown Business Plaza, LLC; that the property consists of a 22.285-acre parcel, located on the southwest side of Prettyman Road and the northwest side of Route 9; that the Conditional Use is not proposed for the total property acreage of 22.29 acres; that 11.159 acres total for the proposed Conditional Use; that the site is located next to the recently approved Toback Development for contractor flex space, as well as Executive Lawns, LLC; that Executive Lawns, LLC property was recently rezoned from AR-1 to C-2; that the site is also located next to Mr. John Lingo's forested parcel and Wynford Preserve; and that Wynford Preserve was recently approved for 100 single-family homes.
- C. Council found that the proposed use is a business park intended to be developed in two phases; that Phase 1 will consist of two medical and professional office buildings, with a total area of 39,520 sq. ft., to be located on a 2.8-acre portion of the site, along Route 9; that to the rear of the property, seven flex buildings are proposed as Phase 2; that the flex spaces would consist of office and warehouse spaces, being located on 8.269 acre portion of the property; that the subdivision application was withdrawn, leaving the remainder of the property as residual land; that no retail sales or restaurant uses are proposed; that 161 parking spaces are provided for Phase 1, which include six handicap parking spaces; that 67 parking spaces, with 14 handicap spaces are provided for Phase 2; that the parking is proposed to be behind the proposed buildings; that central parking is proposed within the flex space portion of the property; that the flex spaces are proposed to be for office and warehouse space; that the Code defines an office as "a room, or group of rooms used for conducting the affairs of a business, profession, service industry or government and generally furnished with desks, tables, files and communications equipment"; that the Code also defines a warehouse as "a building use primarily for storage of goods and materials"; that the use of each flex building may consist of just office or warehouse space, as defined in the Code, or a mix of each, depending on the demand of the end user; that provided parking will be driven by the ultimate use of the site; and that the site does have additional room for parking if needed.
- D. Council found that the entire concept is driven by the fact that existing professional and medical office space in the Rehoboth and Lewes area, are looking for the opportunity to expand; that expansion will allow for businesses to see more clients or patients, by relocating administrative staff to places similar to the proposed use; that the property will be accessed from Route 9; that an updated Exhibit A was submitted to the Commission; that previously submitted exhibits reflected access from Prettyman Road, which was incorrect; that currently, for the development of the proposed portion of the site, there is no intention to utilize the Prettyman Road access, primarily for the reason that portion of the property is not the subject of the current Conditional Use request; that to gain access from the Conditional Use area to

Prettyman Road, existing vegetation would be required to be cleared; that the Prettyman Road access is more of a private driveway; that there are easements recorded that benefit the property owners who live along Old Wood Drive; that the Developer desires to ensure service oriented traffic does not travel through the residential area; and that the access may serve as an emergency access for future development of the parcel.

- E. Council found that the Landscape Plan reflects the proposed buffers and the existing vegetation that is to remain; that residential and commercial uses surround the property; that the property is located within Investment Level 4; that the property is designated as a Low Density area; that DelDOT's response to the Service Level Evaluation Request and Memorandum of Understanding were included within the Exhibits; that within the Memorandum of Understanding, for land development coordination with Sussex County, DelDOT found that the proposed use will have a minor impact on local area roadways; that the Developer will be required to pay an Area Wide Study Fee in lieu of performing a Traffic Impact Study (TIS), make necessary roadway and frontage improvements, as well as enter into a Traffic Signal Agreement for the intersection of Route 9 and Prettyman Road; that the PLUS comments and responses specifically address the initial application request; that some of the comments relate to the proposed vegetation removal and environmental concerns, which are not necessarily applicable to the current Conditional Use request, now that the subdivision request has been withdrawn; that the property is proposed as a Low Density area on the Future Land Use Map; that as of 2018, all lands designated as Low Density are also located within AR-1 (Agricultural Residential); that §4.4.3 on the Plan details the permitted uses envisioned within the Low Density area; that the Comprehensive Plan describes the permitted uses to be agricultural activities and homes; that business development should be largely confined to businesses addressing the needs of the agricultural activity and home uses; that industrial and agribusiness uses that support or depend on agricultural should be permitted; that the focus of retail and office uses in Low Density areas should be providing convenience, goods and services, to nearby residents; and that commercial uses within the residential areas should be limited in their location, size and hours of operation.
- F. Council also found that the proposed Conditional Use is compatible with the surrounding land uses, being a mix of residential, business and commercial uses, along developing Route 9; that the Comprehensive Plan states that the area is possible to develop, and is developing as a business corridor, with a mix of residential and commercial uses; that the property is located between commercially zoned properties, located to the west, at the intersection of Route 5 and Route 9; that there are commercial zoned properties located to the east of the site, at the intersection of Route 30 and Route 9; that properties located at the various intersections are zoned as C-1 (General Commercial), CR-1 (Commercial Residential), MR (Medium-Density Residential) and HI-1 (High Industrial); that surrounding properties have Future Land Use designations within the Low Density, Existing Development, Commercial and Industrial areas; that nearby commercial and industrial uses include Royal Farms, Besche Furniture, McGee Plumbing, AP Croll & Sons, Inc., Peninsula Paving, the Route 9 Industrial Center and the Gravel Hill DelDOT Maintenance yard; that a contractor flex space was recently approved for Toback Builders on the property adjacent; that there was a recent approval for a rezoning request, from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for Executive Lawns; that Bayhealth Medical facility is also located near the site; that the Future Land Use Map suggests that Route 9 will continue to develop commercially, with some parcels developing industrially; and that the subject area has developed residentially, and continues to develop commercially with services that support residential growth.
- G. Council also found that the proposed project is consistent with the guidelines for projects within the Low Density area; that the Low Density purpose is to provide convenient areas for businesses addressing the needs of homes and property owners in the rapidly growing area of Sussex County; that the proposed use is a commercial use, permitted as a Conditional Use, when the purposes of the Zoning Chapter are more fully met by the issuance of a Conditional Use permit; that the Code states Conditional Uses are to provide for uses which cannot be well adjusted to their environment in particular locations, with full protection to surrounding properties by ridged application of the district regulations; that these uses are generally of public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the use, the importance of the relationship with the Comprehensive Plan and possible impact on neighboring properties and the County, require exercise of planning judgement on location and site plan; and that

the use is of semi-public character, as it will provide needed services to present and future Sussex County residents.

- H. Council found that the proposed use is compatible with surrounding uses, as there are a number of approved Conditional Uses located nearby the site; that the Memorandum prepared by the staff reference C/U 1882 for professional office spaces within the CR-1 District; that C/U 2210 for a microbrewery located in a C-1 District, C/U 2290 for contractor flex space located adjacent to the site; that there are numerous properties located nearby which have been rezoned for commercial use; that C/Z 1831 was rezoned from AR-1 to B-1 (Neighborhood Business), being the location of the Two Farms property; that the Two Farms property is intended to be a retail center; that C/Z 1902 was rezoned from CR-1 to HI-1; and that C/Z 1944 was amended from AR-1 to C-2 for Executive Lawns.
- I. Council further found that there are no wetlands located on the site; that the site is not located within an Excellent Groundwater Recharge area; that the project is not located within a Wellhead Protection area; that Artesian Water Company and Artesian Wastewater Management have indicated they are willing and able to serve the site with public water, fire protection and public sewer; that Delaware Electric Coop will provide electricity; that proposed use is not anticipated to adversely impact neighboring properties; that significant vegetated buffers are proposed between the commercial use and the adjacent residential properties; that the proposed conditions do state the use will be limited to a business park to include warehouse and office buildings; that the proposed use will occur within the proposed structures; that there shall be no outside storage, including boat materials, RVs or equipment within the site; that there shall be no vehicle repair or fueling operations performed on the site; that there shall be no manufacturing work performed on the site; that all performed work shall occur indoors; that the hours of operation shall be between 7:00 a.m. to 8:00 p.m., Monday through Friday, with additional hours by emergency only; that emergency hours are intended for the potential medical office needs and there shall be adequate parking provided for all tenants and employees as required by the Code.
- J. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8a. – p.), both as amended, Council found that:
1. The site is located along Route 9, which is classified as a Principal Arterial Roadway in Sussex County. This use is appropriate for this location. This Application seeks approval of two medical or office buildings closest to Route 9 with warehouse and/or office space in buildings behind them.
 2. The use is situated on a part of a larger 22.285-acre parcel of land. This conditional use shall only be located on the eastern portion of the site as depicted during the public hearing. The remainder of the site shall not be developed without an additional public hearing.
 3. There are other small businesses and structures in the area including a similar project nearby approved as Conditional Use #2290. It is also near the Route 9 and Harbeson Road intersection. There are various zoning districts in this area, including MR, C-1, CR-1, and C2. With the limitations placed upon it, this use is compatible with the surroundings.
 4. DELDOT has stated that traffic generated by the proposed use will be minor and will not have a negative impact on the neighboring properties or roadways.
 5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 9 that is convenient for residents and small businesses.
 6. The property is located in the Low Density Area according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan's guidelines for the Low Density Area, since it will provide convenient areas for businesses addressing the needs of homeowners and property owners in this area of Sussex County.
 7. The site is served by central water and sewer.
 8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the

Conditional Use is approved subject to the sixteen (16) conditions (a. – p.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

March 24, 2026

Sussex County Planning and Zoning
2 The Circle
Georgetown, DE 19947

Attn: Jamie Whitehouse,
Planning Director

Re: **Georgetown Business Plaza (CU 2371)**
Conditional Use Site Plan Extension
Tax Map Parcel No.: 2-35-30.00-6.00
DBF Project Number: 2916A013

Dear Mr. Whitehouse:

This letter serves as a follow-up to provide additional information requested by the Planning & Zoning Commission regarding our client, Georgetown Business Plaza, LLC's request for a 6-month extension submitted by my office on February 5, 2026. As noted in my previous correspondence, the original approval for this project was granted on March 28, 2023 and is set to expire on March 28, 2026. Due to the time required to secure easements, my client needs additional time to complete the remaining pre-construction requirements and move forward in accordance with the approved plans.

At the Commission's request, we have summarized the current status of approvals below and can confirm that the outstanding items pertain to the need for two (2) easements, which are necessary for obtaining DelDOT agency approval.

For context, initial notices seeking necessary permanent and temporary construction easements for the project were sent to several property owners back in August 2023. Follow-up efforts have successfully secured several necessary easements; however, our client still requires: (1) a temporary construction easement from Jie Lin (property owner of TP No. 235-30.00-99.06); and (2) a permanent easement from Jennifer L. Layfield (property owner of TP No. 235-30.00-99.05). My client is actively working to obtain these final, two (2) easements and anticipates receiving them within the next month, with final agency approval from DelDOT expected by July 2026. Once these easements are secured and DelDOT grants its final approval, my client is prepared to proceed with the project, aiming to break ground in July 2026.

Below is a list of current agency approvals or items ready for submission of final plans:

- Department of Natural Resources Notice of Intent Permit # 7096, received August 8, 2023.
- Sussex County Engineering Department, Sewer Service Concept Evaluation, received January 27, 2023.
- Office of State Fire Marshal, received June 28, 2024
- Sussex Conservation District – Ready for Final letter dated July 3, 2024
- Artesian Water Company – received December 2024.

On behalf of Georgetown Business Plaza, LLC, we respectfully request a 6-month extension for the approved Conditional Use No. CU 2371.

Should you have any questions regarding this submission or need any additional information, please contact me at (302) 424-1441 or via e-mail at jls@dbfinc.com. Given that our client's approval is set to expire on March 28, 2026, we request that this matter be rescheduled for the Commission's consideration on the next available agenda. Thank you for considering this request; we sincerely hope it will be granted, especially given the progress we've made and our client's plans for a groundbreaking in July.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



Jamie L. Sechler, P.E.
Principal | Senior Civil Engineer

Enclosures

JLS/CYJ
P:\Lighthouse\2916A013 Prettyman\Docs\P&Z\2026-03-24 SCPZ\Cover Letter.docx

cc: Michael Glick - Georgetown Business Plaza, LLC.,
Mackensie M. Sindelar – Saul Ewing, LLP



PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
GREGORY SCOTT COLLINS, VICE-CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN

Sussex County

DELAWARE

sussexcountyde.gov
302-855-7878 P
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

April 21, 2026

Mrs. Mackenzie M. Sindelar, Esquire
Saul Ewing, LLP
1201 North Market Street, Suite 2300
Wilmington, DE 19801

By email to: mackenzie.sindelar@saul.com

RE: Notice of Decision Letter for a 6-month Time Extension Request for Georgetown Business Plaza, LLC (Conditional Use No. 2371) for the establishment of a Business Park to include warehouses and office buildings within an Agricultural Residential (AR-1) District and to be located on a 22.98 acre +/- Parcel of land lying on the north side of Lewes-Georgetown Highway (Route 9) and the south side of Prettyman Road (S.C.R. 254) in Georgetown, Delaware
Tax Parcel: 235-30.00-6.00

Dear Mrs. Sindelar,

At their meeting of **Wednesday, April 15th, 2026**, the Planning & Zoning Commission **recommended approval** of the **6-month Time Extension Request for Georgetown Business Plaza, LLC (Conditional Use No. 2371)**. Specifically, the proposed use is for the establishment of a Business Park to include warehouses and office buildings within an Agricultural Residential (AR-1) District. The property is located on a 22.98 acre +/- Parcel of land lying on the north side of Lewes-Georgetown Highway (Route 9) and the south side of Prettyman Road (S.C.R. 254) in Georgetown, Delaware. The parcel is zoned Agricultural Residential (AR-1) District and has a Rural Area Future Land Use Map designation of "Low Density Area" per Sussex County's 2018 Comprehensive Plan. The property is not located within any established Transportation Improvement Districts (TIDs).

The Conditional Use Application (Conditional Use No. 2371 Georgetown Business Plaza, LLC) was approved by the Sussex County Council at their meeting of Tuesday, March 28th, 2023, subject to sixteen (16) Conditions of Approval and the change was adopted through Ordinance No. 2916. Under §115-174 of the Sussex County Code, *"Approval of a conditional use shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period."*

Specifically, the time extension request was made pursuant to §99-40(C)(1)(a, b & d) of the Sussex County Code, which requires for Conditional Uses, the submittal of a.) A schedule or plan for the project describing the steps that have been completed and the status of any remaining steps, b.) A detailed explanation of the reasons in support of the Applicant's request for the time extension, and d.) For conditional uses, a specific schedule and plan demonstrating that the construction or use will be substantially underway within six (6) months of the expiration of the current approval.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

On February 5th, 2026, the Planning & Zoning Department received both the initial request for extension letter as well as a copy of the anticipated project schedule demonstrating that approval of the use will be substantially underway within 6 months of the expiration of the current approval. The Applicant's Engineer notes that the Applicant is currently "*working through several necessary items to move the project forward*" including "*obtaining easements for the property*" which requires additional time to "*complete the remaining pre-construction requirements and proceed in accordance with the approved Plans.*" The Applicant's Engineer has also indicated that, "*All required agencies are prepared for final approvals with the exception of DelDOT as the project is currently finalizing necessary easement documentation associated with DelDOT requirements so that the project may be submitted for DelDOT final approval.*"

The Commission had last reviewed this request at its Meeting of Wednesday, February 18th, 2026, where the Commission took no action on the request and requested further information on the status of existing agency approvals, efforts to obtain further outstanding approvals and construction timeline to date. In response, the Applicant furnished the Department with a Letter answering these questions.

The Planning and Zoning Commission have recommended approval for the 6-month time extension request and to forward the Application to the Sussex County Council for their final decision and approval of this request. If approved by the Sussex County Council, in accordance with §99-40(C)(3) of the Sussex County Code, the Application's expiration date will be extended 6-months from the previous approval deadline of March 28th, 2026, to September 28th, 2026.

Please feel free to contact me with any questions during regular business hours from 8:30AM- 4:30PM, Monday through Friday, at 302-855-7878.

Sincerely,



Mrs. Lauren Cecchine, AICP
Planning & Zoning Manager

CC: Ms. Lisa Walls, Sussex County Engineering Project Coordinator Engineering – Public Works
Mr. Mark A. Rogers, Chief Constable – Constable's Office
Mr. Andy Wright, Chief of Building Code – Sussex County Building Code
Mr. Jamie Whitehouse, AICP, MRTPI, Director of Planning & Zoning
Mr. John Ashman, Director of Utility Planning & Design – Engineering
Ms. Jennifer Norwood, Planning Manager – Sussex County Planning & Zoning
Conditional Use No. 2371 Georgetown Business Plaza, LLC file

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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: Mike Harmer, P.E., County Engineer

RE: ***Lewes Board of Public Works (LBPW)- Sussex County Partnership
Wolfe Neck RWF Upgrade & Expansion***

A. Denali Sludge Removal Agreement – Change Order No. 5

DATE: May 12, 2026

GHD, Inc., held the County's engineering services contract associated with the South Coastal RWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" for South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant. On July 16, 2024 County Council expanded GHD, Inc.'s reaffirmation as "Engineer of Record" for the County's wastewater treatment process related projects at all facilities through June 30, 2029.

In July of 2016, County Council authorized negotiations with other wastewater providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up to 300,000 gallons per day during the fall/winter season at an initial rate of \$2.40/1,000 gallons.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.

On September 26, 2018, the County presented a request for a 25% increase in both the base and seasonal flow contributions in exchange of payment of the associated impact fees at a



board meeting. Subsequently, LBPW instructed their Counsel to draw up Amendment No. 2 outlining the details, which was accepted by County Council on January 8, 2018.

As early as 2020, LBPW was pursuing a long-range plan for their wastewater treatment plant's future needs. This presented a possible cooperation opportunity to significantly reduce LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, LBPW held a workshop for public discussion and input on March 31, 2022. As a result of the input, a proposal from GHD, Inc., the consultant already representing both entities, was requested to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

On May 24, 2022, County Council approved to fund 50% of GHD's long-range study cost in the amount of \$124,250.00. The results of the study were presented to County Council on December 6, 2022 and on January 23, 2023 to LBPW. Subsequently the LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th of 2023 to continue the open decision-making process.

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. The impact has created uncertainty for biological polishing under option 3b as well as the proposed spray facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests. While subsequent negotiations were ongoing the County was able to conclude a multi-year effort to exchange land with the State of Delaware at Wolfe Neck. Hereby obtaining land right to >20 acres immediately adjacent to the effluent storage lagoon. Control over this land does keep the option of wetland polishing prior to final effluent discharge into Wolfe Glade open if it can be cleared in a phase II archeological study.

During the BPW workshop on August 9th, 2023 the concept of an ocean outfall from the Wolfe Neck RWF emerged as Option 3c. Under this scenario the County would construct a new 5.00 MGD treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. Council approved GHD's Amendment 23 on August 15, 2023 for the expansion of LBPW's long-range study to include Option 3c in the amount of \$95,000.00. However, since the City of Rehoboth Beach and Sussex County had a long-standing successful wastewater partnership, the County jointly with LBPW approached the City in the spring of 2024 with a proposal to purchase 5.0 MGD of unused ocean outfall capacity for \$20 million in lieu of constructing another outfall off Wolfe

Neck. The offer was ultimately rejected by the City’s Commissioners effectively shutting down the three-party regional approach.

However, under any outfall scenario the County and the Lewes BPW had to expeditiously either update previous ocean studies, initiate new ones off Wolfe Neck into the ocean or the Canal. To accomplish this task, the Engineering Department requested and Council approved GHD’s Amendment 28 in the not to exceed amount of \$474,000.00 to initiate up to four (4) sampling events and reports of the near field benthic zone.

During their March 18th, 2025 Public Workshop the LBPW reduced their options to (i) continue operation at a “hardened” facility while discharging to the Lewes-Rehoboth Canal at existing location or (ii) transmit flow to a future joint facility with a relocated discharge to the Lewes-Rehoboth Canal at the Wolfe Neck RWF. Following the March 2025 workshop a series of joint staff meetings were conducted which allowed the LBPW to tentatively select the latter option during their October 28th, Public Workshop. However, they continued to solicit public input, kept the topic on the agenda of the monthly board meetings and posted draft agreements on their website.

The first Agreement addressed the future joint facility while the second Agreement, replaced the current agreement for services facilitating the implementation of the first one by maximizing the County’s flow contribution to the LBPW’s facility without payment of impact fees but with an adjusted rate based on actual treatment cost escalation. December 10, 2025 LBPW approved both agreements followed by County Council’s approval January 6, 2026.

With County Council’s approval of both LBPW’s agreements, the Engineering Department solicited Amendment 31 from GHD for the following scope:

1. Expanded baseline benthic and water quality testing for the Lewes-Rehoboth Canal.
2. Archeological investigation of the area obtained via the land exchange with the State of Delaware for potential construction of wetland prior to discharge.
3. Management and Permitting for USACE of the Lewes – Rehoboth Canal dredge spoil material for potential beneficial reuse.
4. Assessment of Lewes-Rehoboth Canal’s hydrodynamic behavior at the two potential discharge locations.
5. Wolfe Neck RWF treatment process evaluation envisioned in the Agreement.

Scope item 1 reduces Amendment 28’s budget by more than \$200,000.00. Given the timing of the scientific subconsultant’s report, GHD will keep Amendment 28 open, until such time when the report and the associated invoice is finalized before closing out Amendment 28. On February 3, 2026 Council approved Amendment 31 in the not to exceed amount of \$1,050,000.00. On April 14, 2026 Council approved the modification to Amendment 31, increasing the not to exceed amount to \$1,810,000.00 for an expanded scope of services.

Any Wolfe Neck treatment expansion can only occur in one of the existing treatment lagoons requiring complete removal of all the legacy biosolids. As a precursor of the removal, all incoming flows had to be transferred to treatment lagoons 2 & 3. For the support of the

biosolids removal and dewatering equipment a new electrical service and power distribution center had to be installed to accommodate both the immediate power needs as well as the future plant expansion. Therefore, Council approved GHD's Amendment 22 on August 15, 2023 for the Advanced Electrical Design in the amount of \$427,138.72.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work and Invitations to Bid were advertised. Five (5) contractors attended the pre-bid meeting but only two (2) bids were received for Electrical Construction, and one (1) bid for General Construction. On April 30, 2024, Council approved award of Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00. The same day Council rejected the sole General Construction bid and authorized soliciting three proposals under an alternate delivery method which resulted in Council's issuance of Change Order No. 1 to Bancroft Construction's James Farm contract for \$1,376,000.00 on June 11, 2024.

The Engineering Department requested GHD to submit Amendment 25 for construction phase engineering services for both contracts at the Wolfe Neck Facility which Council approved on June 11, 2024 in the not to exceed amount of \$736,342.23.

Environmental Services and the Engineering Department had planned the removal of the accumulated biosolids during a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from both firms, and on February 28, 2025, final proposals were received. County Council approved the lower cost proposal with the Denali Corporation in the amount of \$3,850,800.00 on March 25, 2025.

The Denali Corporation contract has been amended four (4) times to date. On April 29, 2025, County Council approved Change Order No. 1 to Denali Corporation in the aggregate credit amount of (\$35,000.00) to provide on-site power generation for six (6) months for \$175,000.00 as well as credit the baseline staging area expense in the amount of (\$210,000.00). On September 9, 2025, Council approved Denali's Change Order No. 2 in the amount of \$75,000.00 to provide an additional five days of labor and overhead expenses. On March 10, 2026, Council approved Denali's Change Order No. 3 in the amount of \$333,250.00 to increase the unit price allowances by 250 dry tons and Denali's Change Order No. 4 in the amount of \$967,158.00 to remove up to 700 cubic yards of material from lagoon A at the South Coastal RWF and replace the liner.

Now that nearly all water has been removed from Lagoon 1, it has become evident that previous estimates of the remaining solids quantity underestimated the actual remaining quantity. Based on recent observations, Denali has indicated that the unit quantity will need to be increased again by an amount of 1,250 dry ton, for a total of \$1,666,250.00. It is also noted that additional cost increases will be required prior to project completion. Firstly, the intent for project completion is to remove all sludge that is not mixed with sand (to avoid paying to dispose of sand at landfill), and to lime-stabilize the residual sand-sludge mix to achieve permanent decommissioning of the lagoon. It is anticipated that this will require lime to be

tilled into the remaining sludge-sand layer, with the lime quantity being as needed to achieve a neutral pH. Secondly, the duration of the work is extended by the additional material to be processed, which will require additional costs to cover generator expenses along with costs to construct a temporary access path for equipment to enter and exit the lagoon. Denali will proceed under an allowance of \$333,750 for the additional site work, which will be tracked and balanced in a future change order.

In summary, the Engineering Department requests approval of Change Order No. 5 increasing the unit quantity of bottom sludge removal in lagoon 1 at the Wolfe Neck RWF for a total of \$1,666,250.00 and providing an allowance of \$333,750.00 for the additional costs, resulting in a total of \$2,000,000.00.

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Removal of up to 1,250 dry tons of bottom sludge in Lagoon 1 and an allowance for additional site work at the WNRWWF.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Denali Water Solutions, LLC

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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 Matt R. Lloyd
The Honorable Steve C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: **Administration Building MEP Renovations, Project C26-21**
A. DEDC Professional Services Proposal

DATE: May 12, 2026

Construction of the existing Sussex County Administration Building was completed in December of 1996. Since then, limited renovations and upgrades have occurred, but a majority of the Mechanical, Electrical and Plumbing (MEP) systems are original to the facility and beginning to fail at an increasing rate.

In coordination with the Facilities Management Division, the Engineering Department developed a scope of work based upon identified needs and initiated a proposal request from DEDC, LLC.

The scope of work includes:

- Replacement of Council Chambers heating & ventilation systems (AC-1 and VAV)
- Replacement of the outside air units (CHPU-1 and 2)
- Boiler replacement.
- Replacement of all R-22 Freon water source heat pumps throughout the building.
- Condenser water loop pump replacement and efficiency upgrade.
- Building Automation System (BAS) upgrade/replacement.
- Domestic water/sewer piping evaluation and replacement.
- Renovation of public toilet rooms on each floor and P&Z toilet room for a total of 5 men's and 5 women's.

Though not directly related to the Administration Building MEP Renovation portion of the project, DEDC will also include an engineering evaluation for elimination of the JP Court Annex Building transformer and refeeding the Annex utilizing the Administration Building transformer, or other feasible options.



The Engineering Department would like to exercise our right to tag onto the State of Delaware contract OMB242422, Statewide Major Capital Projects, to enter into a professional services agreement with DEDC, LLC, who is an awarded Engineering Firm on the contract. The Department anticipates the design kick-off to occur within 1-week of Council approval with the goal of bidding the project by Fall/Winter 2026.

The Engineering Department requests County Council's approval of the proposal with DEDC, LLC in the amount of \$253,860.00 for various renovations within the Administration Building.



Pennsylvania
901 Market Street
Suite 3020
Philadelphia, PA 19107
Phone
267.804.7286

Delaware
315 S. Chapel Street
Newark, DE 19711
Phone
302.738.7172
Fax
302.738.7175
www.dedc-eng.com

May 4, 2026

Mr. Mike Harmer, P.E.
County Engineer
Sussex County Government
2 The Circle – PO Box 589
Georgetown, Delaware 19947

Reference: Sussex County Administration Building
Building Systems Modifications and Toilet Room Renovation
Professional Services Proposal
State of Delaware OMB/DFM Major Cap Contract: OMB242422-SW_MJCAP

Dear Mr. Harmer;

We are pleased to offer our professional services to the Sussex County for your upcoming project. The overall project objective is to provide facilities in support of Sussex County government operations at the Sussex County Administration Building located in Georgetown, Delaware.

The general project scope, scope of our services and proposed fees are summarized in this proposal.

General Project Scope:

This project generally involves equipment replacements and facility modifications to include the following:

- AC-1 and VAV replacement (Council Chambers unit).
- CHPU-1 and 2 replacements (fresh air units)
- Boiler replacement
- Exhaust fan replacement
- Replacement of all R-22 WSHPs. As part of this effort R-410A units will be evaluated and replaced as needed.
- Replace two(2) 30HP constant volume pumps with variable speed pumps that can modulate on differential pressure and install 2-way control valves at every WSHP.
- Controls upgrade/replacement
- Service and sanitary piping evaluation and replacement. As part of the scope the vent piping to be evaluated and replaced as needed. DEDC will coordinate destructive testing and camera inspections of known problem areas with County Facilities personnel. Isolation valves will be installed after the testing process.
- Minor electrical circuits modifications as needed.

- Renovate public toilet rooms to include 4 men's, 4 women's gang toilet rooms as well as the Planning/Zoning toilet room. For this effort it is anticipated that the layout will remain the same. Renovations will include new tile, fixtures, partitions, and finishes.
- Duct Cleaning

As part of the project the existing piping and ductwork will remain. Modifications will be made to accommodate equipment installation and ease of maintenance. WSHP isolation valves and hoses at the equipment will be replaced. Control valves will be installed at the WSHP's.

Electrically, the renovations will be served by the available capacity from the existing infrastructure. The scope will include the engineering evaluation for elimination of the Annex Building transformer and refeeding the Annex utilizing the Administration Building Transformer.

As part of this project DEDC will include optional addition services related to including the following:

- Destructive survey to identify piping located within building walls.
- Sanitary pipe locating services and video scope.

The scope of our services was developed in our recent project review meetings. What follows is a summary of the scope of our services and our proposed fee.

Scope of Services:

Schematic Design Phase

- Field survey existing conditions as required to document proposed renovations. Survey will include the areas directly adjacent to the equipment being replaced. Detailed survey of ductwork and piping to remain are not included in this proposal.
- Coordinate optional additional services.
- Meet with project team to review project and system design criteria.
- Establish mechanical and electrical code requirements.
- Complete load calculations.
- Prepare the following schematic documents to be used by the project and design team.

Mechanical Equipment Arrangement
 Mechanical System Diagrams
 Domestic Water Riser Diagrams
 Controls Schematic
 Architectural Finish Schematic

- Participate in project and design review meetings.

Design Development Phase

- Refine mechanical and electrical engineering calculations.
- Complete preliminary selection of "major" mechanical and electrical equipment.
- Prepare the following preliminary drawings to be used by the project and design team.

Mechanical Equipment Arrangement
Mechanical Single Line Ductwork Plan
Mechanical Plumbing Riser Diagrams
Mechanical System Diagrams
Electrical Single Line Diagram
Main Electrical Room Plan
Architectural Plan and Details

- Participate in project and design review meetings.

Construction Document Phase:

- Complete mechanical and electrical load calculations.
- Complete site utility coordination.
- Select and specify major mechanical and electrical equipment.
- Complete drawings and specifications for bidding. The drawings will include:

Mechanical HVAC

Mechanical Equipment Arrangement
HVAC Ductwork Plans
HVAC Ductwork Details
Mechanical Piping Plans
Mechanical Piping Details
HVAC Schedules and Details
HVAC Sequence of Operation and Controls Diagrams
HVAC Notes and Legend

Mechanical Plumbing

Service Piping Plans
Waste and Vent Piping Plan
Riser Diagrams

Electrical

Electrical Power Plans
Electrical Panel Schedules
Electrical Details
Electrical Notes and Legend

Architectural
Architectural Floor Plan
Architectural Sections and Details
Architectural Schedules, Notes and Legend

- Provide fire protection performance specifications for HVAC related items.
- Provide drawings for permitting and construction.
- Participate in project and design review meetings.

Bid and Scope Review:

- Participate in contractor bid meeting.
- Answer requests for information during bid process.
- Participate in bid evaluation and negotiations related to project documents.

Construction Administration:

- Review of shop drawings for compliance with project design criteria.
- Provide response to contractor requests for information.
- Provide record drawings of M/E/P drawings based on red lines provided by construction contractors.
- Attend construction meetings.

Assumptions:

For estimating the time required to complete the above scope the following assumptions have been made:

1. BAS and fire alarm modification will be designed for expansion into the future annex renovation
2. Mechanical and electrical upgrades will include modification to administration building. Consideration of future annex renovation will not be included in this effort.
3. Mechanical and electrical design will be based upon an approved space plan provided by architect.
4. The existing electrical infrastructure including building service, electrical room equipment, MCC space and panel space is adequate to support the proposed modifications. The existing electrical panels will serve space modifications.
5. If required owner to provide electrician to assist in circuit tracing to verify availability of electrical feeds to be used for this project.
6. Fire protection and life safety modifications will be provided based on performance specifications.
7. Redesign to meet budget constraints will be considered an additional service. All estimating will be provided by others.
8. For security, A/V, data, and communications systems, DEDC will provide pathways (conduits, raceways). DEDC will provide communication wiring runs. The owner will be responsible for all final connections. Documentation of wiring for these systems will be provided by others.
9. LEED accreditation services are not included in our proposed fee.

- 10. Structural design is not anticipated and is not included in our proposed fee.
- 11. Design of UPS or back-up power systems are not included in our proposed fee.
- 12. Field survey will develop existing conditions drawings that directly impact to proposed renovations.

Engineering and Design Fee:

Our fees for this effort based upon our understanding of the project scope and the scope of services are as follows:

| Phase | Fee | Notes |
|--|---------------|-----------|
| Field Survey | \$ 13,360.00 | ~80 hours |
| | | |
| Schematic Design | \$ 31,950.00 | |
| Design Development | \$ 42,600.00 | |
| Construction Documents | \$ 85,200.00 | |
| Bidding | \$ 10,650.00 | |
| Construction Assistance | \$ 42,600.00 | |
| Engineering Total | \$ 213,000.00 | |
| | | |
| Project Management | \$ 10,000.00 | |
| | | |
| Engineering, Survey and Project Management Total | \$ 236,360.00 | |
| | | |
| Optional Services | Fee | |
| Destructive Survey | \$ 7,500.00 | Allowance |
| Pipe Location and Video Scope | \$ 10,000.00 | Allowance |
| | | |
| Project Total | \$ 253,860.00 | |

We have not included an allowance in our proposed fee for reimbursable costs such as printing and overnight. These will be invoiced at cost with no mark up. We can begin work upon receipt of a purchase order.

We appreciate the opportunity to submit this proposal and look forward to working with you on this project. If you have any questions or need additional information do not hesitate to contact us.

Very Truly Yours,

DEDC, LLC
Engineering/Design/Consulting

Howard Krinsky

Howard Krinsky
Principal

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

mike.harmer@sussexcountycle.gov



Sussex County

DELAWARE
sussexcountycle.gov

Memorandum

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

FROM: Mike Harmer, P.E. County Engineer.

RE: **SUSSEX COUNTY LANDFILLS SITE MAINTENANCE CONTRACT 17-13**
A. CHANGE ORDER NO. 1 – FY 26

DATE: May 12, 2026

On March 7, 2017, the request for proposals for a five-year landfill maintenance agreement covering all six County owned legacy landfills was approved by Council. The selected contractor was William F. Betts II, with a base bid of \$18,900.00 for the first year of work, decreasing to \$18,200.00 for subsequent contract years. On August 10, 2021, Council approved a modification to the Landfill Maintenance Contract, authorizing a performance based, year over year, continual contract with consumer price index adjustments starting with year 2022.

The Landfill Maintenance Contract includes one (1) spring and one (1) fall mowing of accessways with cutting to allow for required inspections and sampling of monitoring wells at the landfills as per DNREC approved O&M Plans. The Engineering Department is aware of numerous downed trees, limbs and foliage from the winter storms that currently block access in many locations. The extent of cutting and clearing work necessary to restore accessways is considered well beyond the maintenance contract scope. Therefore, the Engineering Department requests approval of Change Order No. 1 of the FY2026 contract be authorized in the not-to-exceed amount of \$14,400.00, for additional hourly rate services related to winter storm cleanup at the County owned landfill sites.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Sussex County Landfill Maintenance**
2. Sussex County Project No. 17-04
3. Change Order No. 1 - FY 26
4. Date Change Order Initiated - 5/12/26
5.
 - a. Original Contract Sum \$ 23,019.80
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$ 23,019.80
 - d. Requested Change \$ 14,400.00 (NTE)
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$ 37,419.80
6. Contact Person: Patrick Brown, P.E.
Telephone No. (302) 855-7815

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Not to exceed, hourly rate services for winter storm cleanup at the various landfill sites.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. William F. Betts, II

William F. Betts, II April 30, 2026
Signature Date

William F. Betts, II
Representative's Name in Block Letters

2. Sussex County Engineer

[Signature] 5/4/26
Signature Date

3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



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: Mike Harmer, P.E., County Engineer

RE: ***FY 2025 GENERAL LABOR & EQUIPMENT CONTRACT, Project 25-01***
A. FY 26 Change Order 2
B. One-Year Extension

DATE: May 12, 2026

Prior to FY 2017, Sussex County followed a traditional design, bid and build approach. Over the years, increased capital project load associated with aging infrastructure required a more efficient delivery system. In response, the Engineering Department developed a competitively selected time and equipment, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment (GL&E) Contract for FY 2017 was awarded to George & Lynch, Inc., on June 21, 2016, and was renewed on June 13, 2017, for an additional one-year period based on performance. Throughout this initial two (2) year timeframe, a significant workload was completed with considerable cost and time savings. Therefore, the Engineering Department re-advertised the contract in the spring of 2018 again using the “best value” approach. On April 24, 2018, Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc. This contract award was valid for one year, and Council voted to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

The GL&E Contract was again re-advertised on June 1, 2021, for FY 2022 and was structured with two independent bid packages to break out specialty contracting services. On July 2, 2021, a total of two bids were received, and following review and recommendation by the Engineering Department, Council approved on July 13, 2021, a joint award of Bid Package A to George & Lynch, Inc. and JJID, Inc, and singular award of Bid Package B to George & Lynch, Inc.



The Engineering Department readvertised the contract on April 2, 2024, with the same time performance of one-year with two (2) possible one-year extensions. The FY 2025 was structured with only one Bid Package based on anticipated needs of the Engineering Department, and again incorporated a “best value” approach in consideration of the following factors:

- Unit Bid Pricing 80 points
- Qualification of Staff 7.5 points
- Equipment & Labor Availability 12.5 points

In addition, similar to past GL&E Contract qualifications, bidders had to demonstrate emergency response capabilities via mobilization tests in order to be considered for Bid award. A mandatory Pre-Bid meeting was held on April 11, 2024, with only two Contractors in attendance: George & Lynch, Inc. and A-Del Construction. Following the Pre-Bid meeting, both Contractors participated in and successfully completed the mobilization tests. On May 1, 2024, bids were received by the same two Contractors.

Following review and evaluation by the Engineering Department of the submitted bids, it was determined that George & Lynch, Inc. submitted the most responsive and highest scoring bid. Based on the anticipated needs in both the capital project and emergency response support areas, the Department felt that only one award was justified. Therefore, on May 14, 2024, County Council awarded the FY 2025 GL&E Contract to George & Lynch, Inc. in the amount of \$4,949,784.00. On May 20, 2025, Council approved FY 25 Change Order No. 1 in the not to exceed amount of \$1,300,000.00 and a one-year extension to the contract. The approved budget for the one-year extension was \$5,000,000.00.

On December 16, 2025, Council approved Change Order No. 1 in the not to exceed amount of \$2,500,000.00 for the Ocean Outfall and Kent Ave Projects. **After reviewing financial statements from March 2026 for the GL&E Contract for remaining expenses of FY26 we are recommending a Change Order No. 2 in the not to exceed amount of \$2,500,000 for a total of 10,000,000.00.** Included in this amount are the Savannah Rd Sewer Repairs and Jungle Jims Force Main Project. Funding will cover \$2.2M needed to cover known project expenses and cover costs for emergency repairs that are unanticipated.

George & Lynch’s contract expires June 30, 2026. **Therefore, the Engineering Department recommends Council also approve the second one-year extension in the budgeted amount of \$7,000,000.00, contingent upon approval of the FY 27 budget.**



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **FY 2025 G&L General Labor & Equipment Contract**
2. Sussex County Project No. 25-01
3. Change Order No. FY 26 - 2
4. Date Change Order Initiated - 5/6/25
5.
 - a. Original Contract Sum \$5,000,000.00
 - b. Net Change by Previous Change Orders \$2,500,000.00
 - c. Contract Sum Prior to Change Order \$7,500,000.00
 - d. Requested Change \$2,500,000.00
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$10,000,000.00
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Funds for completion of current work and future emergency repairs to cover the remainder of FY 26.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. George & Lynch, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Paramedic Station 101, Project C21-15***
A. Recommendation to Award

DATE: May 12, 2026

The new Paramedic Station 101 was programmed to replace the current EMS station which is co-located with the Lincoln Community Center on East Washington Street in Lincoln, and to support the new station a 2.5-acre parcel of land was subdivided from a larger parcel owned by the Lincoln City Fire Department and acquired by the County in February 2022. An Agreement was subsequently executed with the Fire Department to allow shared-use of existing on-site utilities as needed to support functionality of the new EMS facility.

In coordination with the EMS Team, our Design Consultant George, Miles and Buhr, Inc. (GMB) spearheaded the development of a Building Prototype for new EMS stations, in part based on the building layout that was implemented for the Seaford Station (Medic 200) completed in 2022 and subsequently refined based on the Millsboro Station (Medic 103) completed in 2025. The Building Prototype was adapted to fit the Lincoln site which has several unique site constraints, and the detailed design phase was initiated in Fall 2025.

Final bidding documents were subsequently developed and the project was advertised for public bid on March 24, 2026, and on April 24, 2026 a total of six (6) bids were received. The lowest bid price was submitted by Infinity Construction & Development, however based on full bid evaluation, it was determined that the lowest responsive and responsible bid was submitted by The Whayland Company. As a result, **the Engineering Department recommends award of the project to The Whayland Company in the Base Bid amount of \$2,208,000.00.**





Sussex County

BID TABULATION SHEET

Project: Lincoln Paramedic Station 101

Project No.: C21-15

Award Date: scheduled for 5/12/26

Awarded Bidder: TBD

| Bidder | Total Base Bid |
|-------------------------------------|-----------------------|
| Infinity Construction & Development | \$2,094,222.00 |
| Whayland Company | \$2,208,000.00 |
| Richard Y. Johnson | \$2,330,000.00 |
| Harkins Contracting | \$2,474,700.00 |
| Bancroft Construction | \$2,574,000.00 |
| Kent Construction | \$2,962,774.00 |

ENGINEERING DEPARTMENT

PAUL B. MAUSER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 854-5028 T
Paul.Mauser@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Paul B. Mauser, P.E., Assistant County Engineer

DATE: May 12, 2026

RE: G25-08, Sussex County Pole Buildings
A. Recommendation to Award

Project Background Information (Planning, Design, & Permitting): In September 2024, Sussex County Engineering Admin. Staff met with Environmental Services Staff to review the need for a storage building at the South Coastal Regional Wastewater Facility (SCRWF) and to review potential locations at this Wastewater Treatment Plant (WWTP) site. Environmental Services Staff also expressed the need for a similar storage building at the Inland Bays Regional Wastewater Facility (IBRWF) site. Furthermore, in December 2024, Engineering Admin. Staff met with Utility Construction Staff to review the need for the Utility Construction Vac Truck operators to store their Vac Truck at a more strategic location in the County rather than the existing building which is located in Seaford, granted that most of their work is near the coast and they have to drive from Seaford to the coast and then back to Seaford every day. Finally, Facilities Management Staff had already planned to construct a storage building and granted that several other pole buildings were being planned for construction, Sussex County Admin. Staff saw the opportunity for economies of scale and coordinated to publicly bid all of the pole buildings as one large project.

From May 2025 through March 2026, Engineering Admin. Staff completed a significant amount of planning and design work with the end goal of constructing basic but high-quality structures to accommodate the needs of all of the End Users noted above. Davis, Bowen & Friedel, Inc. (DBF) was selected as the engineering consultant for this project granted that they were familiar with and had some existing survey data of the project sites. Engineering Admin. Staff coordinated numerous meetings with DBF and the noted End Users to ensure that the completed design would satisfy the needs of the County. Additionally, seven (7) permits/ approvals are required by this project: Office of the State Fire Marshal, DNREC Notice of Intent (NOI), Sussex Conservation District (SCD), Department of Health & Social Services (DHSS)



Office of Drinking Water (ODW), DNREC Drainage Section, Tidewater Utilities, and Army Corps of Engineers (ACE).

The results of the Planning, Design, and Permitting efforts are to construct two (2) standalone structures at the separate WWTP sites as well as one (1) combined structure at Rudder Lane as summarized below:

| Pole Building Location: | End User(s): | Building Size: | Purpose/ Notes: |
|--|---|---------------------------|---|
| Rudder Lane (between Joint Services Complex and DTCC building) | Facilities Maintenance (FM) & Utility Construction (UC) | 60' x 160' (9,600 Sq.Ft.) | Storage building for FM maintenance equipment and supplies. Storage for UC vac truck and UC office space. |
| South Coastal Regional Wastewater Facility (SCRWF) | Environmental Services (ES) | 60' x 80' (4,800 Sq.Ft.) | Storage building for ES vac trucks, tanker trucks, and equipment. |
| Inland Bays Regional Wastewater Facility (IBRWF) | Environmental Services (ES) | 60' x 80' (4,800 Sq.Ft.) | Storage building for ES vac trucks, tanker trucks, and equipment. |

*All of the structures include insulation, minimal gas heating, 16' tall ceilings, garage bay doors, yard hydrants, fire hydrants, and concrete apron.

Public Bidding of Construction Contract: The completed Design was advertised for public bid on March 18, 2026 with the ensuing public Bid Opening being held on April 29th, 2026 at 1:00PM in the Sussex County Council Chambers. A total of two (2) bids were received for the project and are notated below:

| Bidder: | Total Base Bid: |
|---------------------|------------------------|
| Delmarva Buildings | \$1,871,668.00 |
| Harper & Sons, Inc. | \$3,487,744.00 |

Engineering Admin. Staff has reviewed the bids for accuracy and completeness per the public Bid Documents specific to this project and determined Delmarva Buildings to be the lowest responsive, responsible bidder (Instructions to Bidders, 00 21 13).

Granted that there are three (3) individual End Users for this project, there are also three (3) separate sources of funding noted below:

| End User: | Account: | Budgeted Amount: |
|-----------------------------|-----------------|--|
| Facilities Maintenance (FM) | CIP Project | \$635,000 |
| Utility Construction (UC) | 6290300-573004 | \$425,000 |
| Environmental Services (ES) | 6290300-573004 | \$1,100,000 (Buildings at IB & SCRWF) |
| Total Budgeted Amount: | | \$2,160,000.00 |

Sussex County Engineering Recommendation of Construction Award: The Engineering Department recommends award of the G25-08 Sussex County Pole Buildings project to Delmarva Buildings in the bid amount of \$1,871,668.00.

KAREN BREWINGTON
DIRECTOR OF HUMAN RESOURCES

(302) 855-7711 T
(302) 855-7715 F
kbrewington@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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 Steve C. McCarron

FROM: Karen Brewington
Director Human Resources

DATE: April 30, 2026

SUBJECT: Stop Loss Insurance

On Tuesday, May 12, 2026, I will be presenting the renewal proposal for Stop Loss insurance, also known as *excess insurance*. It provides protection for self-insured employers by serving as a reimbursement mechanism for catastrophic claims exceeding pre-determined levels. Our current annual specific deductible is \$295k with an aggregate specific deductible of \$100k.

Insurance Buyers Council (IBC) recently completed the RFP. The detailed analysis is included in your packets and shows that IBC received two proposals for consideration. It is IBC's recommendation to accept Highmark's proposal and increase the specific deductible to \$305,000 per covered participant.

Sussex County Government
2026 RFP Results Summary
4/23/2026



Presented by:
Steve Fallon
Insurance Buyers' Council, Inc.

**Sussex County Government
RFP Results Summary**

| Stop Loss Benefits | Lives | HM Life | | | | | | | Rockport Benefits | | | |
|---|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-------------------|-----------------|-----------------|-----------------|
| | | Current | Renewal | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 1 | Option 2 | Option 3 | |
| Specific | Lives | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card | Medical/Rx Card |
| Covered Benefits | | 48/12 | 60/12 | 60/12 | 60/12 | 60/12 | 60/12 | 60/12 | 60/12 | 24/12 | 24/12 | 24/12 |
| Contract Basis | | 295,000 | 295,000 | 305,000 | 315,000 | 295,000 | 305,000 | 315,000 | 295,000 | 300,000 | 310,000 | |
| Annual Specific Deductible | | N/A | Included | Included | Included | Included | Included | Included | Included | Included | Included* | |
| Exceptions (No New Lasers) | | N/A | None | None | None | 650,000 | 650,000 | 650,000 | 675,000 | 675,000 | 675,000 | |
| Individual Lasered Claim Liability (1)* | | N/A | None | None | None | None | None | None | 450,000 | 450,000 | 450,000 | |
| Individual Lasered Claim Liability (2)* | | | 50% | 50% | 50% | 50% | 50% | 50% | 60% | 60% | 60% | |
| Second Year Rate Cap | | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | |
| Aggregate Specific Deductible | | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | |
| Maximum Annual Reimbursement | | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | |
| Maximum Lifetime Reimbursement | | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | |
| Additional Features/Options | | | Bill Credit | Bill Credit | Bill Credit | Bill Credit | Bill Credit | Bill Credit | | | | |
| Specific Rate per Month | | | | | | | | | | | | |
| Single | 241 | \$34.94 | \$69.81 | \$66.16 | \$64.08 | \$51.57 | \$48.88 | \$47.36 | \$47.71 | \$46.68 | \$44.83 | |
| Family | 333 | \$99.79 | \$198.39 | \$189.31 | \$184.71 | \$146.56 | \$139.87 | \$136.51 | \$115.37 | \$112.52 | \$107.41 | |
| Estimated Annual Specific Premium | | \$499,807 | \$994,657 | \$947,817 | \$923,421 | \$734,794 | \$700,281 | \$682,459 | \$598,996 | \$584,628 | \$558,859 | |
| Aggregate | | | | | | | | | | | | |
| Covered Benefits | | Medical | Medical | Medical | Medical | Medical | Medical | Medical | Medical | Medical | Medical | |
| Contract Basis | | 48/12 | 60/12 | 60/12 | 60/12 | 60/12 | 60/12 | 60/12 | 24/12 | 24/12 | 24/12 | |
| Maximum Annual Reimbursement | | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 | |
| Aggregate Rate per Month | | | | | | | | | | | | |
| Composite Rate | 574 | \$5.85 | \$6.49 | \$6.57 | \$6.62 | \$6.49 | \$6.57 | \$6.62 | \$10.57 | \$10.63 | \$10.74 | |
| Estimated Annual Aggregate Premium | | \$40,295 | \$44,703 | \$45,254 | \$45,599 | \$44,703 | \$45,254 | \$45,599 | \$72,806 | \$73,219 | \$73,977 | |
| Highmark Stop Loss Reporting Fee PCPM | \$4.00 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | \$27,552 | \$27,552 | \$27,552 | |
| Maximum Laser Liability | | \$0 | \$0 | \$0 | \$0 | \$355,000 | \$345,000 | \$335,000 | \$830,000 | \$825,000 | \$815,000 | |
| Total Combined Estimated Contract Premium | | \$540,102 | \$1,039,360 | \$993,072 | \$969,019 | \$1,134,497 | \$1,090,536 | \$1,063,058 | \$1,529,354 | \$1,510,400 | \$1,475,388 | |
| \$ Difference to Current Premium | | | \$499,258 | \$452,970 | \$428,917 | \$594,395 | \$550,434 | \$522,956 | \$989,252 | \$970,298 | \$935,286 | |
| % Difference to Current Premium | | | 92.4% | 83.9% | 79.4% | 110.1% | 101.9% | 96.8% | 183.2% | 179.7% | 173.2% | |
| \$ Difference to Renewal Premium | | | | -\$46,288 | -\$70,341 | \$95,137 | \$51,176 | \$23,698 | \$489,994 | \$471,040 | \$436,028 | |
| % Difference to Renewal Premium | | | | -9.3% | -14.1% | 19.1% | 10.3% | 4.7% | 98.1% | 94.3% | 87.3% | |
| Aggregate Monthly Factors | | | | | | | | | | | | |
| Rate per Month | | | | | | | | | | | | |
| Single (Medical) | 241 | \$1,011.26 | \$1,130.35 | \$1,134.88 | \$1,138.28 | \$1,130.35 | \$1,134.88 | \$1,138.28 | \$1,567.74 | \$1,568.94 | \$1,571.19 | |
| Family (Medical) | 333 | \$2,427.03 | \$2,712.85 | \$2,723.70 | \$2,731.87 | \$2,712.85 | \$2,723.70 | \$2,731.87 | \$4,501.85 | \$4,505.31 | \$4,511.76 | |
| Annual Aggregate Deductible (Attachment Point) | | \$12,622,976 | \$14,109,521 | \$14,165,978 | \$14,208,458 | \$14,109,521 | \$14,165,978 | \$14,208,458 | \$22,523,297 | \$22,540,593 | \$22,572,874 | |
| Aggregate Corridor | | 125% | 125% | 125% | 125% | 125% | 125% | 125% | 125% | 125% | 125% | |
| Run-In Limitation | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$4,021,200 | \$4,024,300 | \$4,030,100 | |
| \$ Difference to Current Aggregate Deductible | | | \$1,486,545 | \$1,543,002 | \$1,585,482 | \$1,486,545 | \$1,543,002 | \$1,585,482 | \$9,900,321 | \$9,917,617 | \$9,949,899 | |
| % Difference to Current Aggregate Deductible | | | 11.78% | 12.22% | 12.56% | 11.78% | 12.22% | 0.00% | 78.43% | 78.57% | 78.82% | |
| \$ Difference to Renewal Aggregate Deductible | | | | \$56,457 | \$98,937 | \$0 | \$56,457 | \$98,937 | \$8,413,776 | \$8,431,072 | \$8,463,354 | |
| % Difference to Renewal Aggregate Deductible | | | | 0.40% | 0.70% | 0.00% | 0.40% | 0.70% | 59.63% | 59.75% | 59.98% | |
| Overall Cost Summary | | | | | | | | | | | | |
| Total Annual Fixed Costs | | \$540,102.12 | \$1,039,360 | \$993,072 | \$969,019 | \$1,134,497 | \$1,090,536 | \$1,063,058 | \$1,529,354 | \$1,510,400 | \$1,475,388 | |
| Variable Costs | | \$12,622,976 | \$14,109,521 | \$14,165,978 | \$14,208,458 | \$14,109,521 | \$14,165,978 | \$14,208,458 | \$22,523,297 | \$22,540,593 | \$22,572,874 | |
| Maximum Annual Liability | | \$13,163,077.92 | \$15,148,881 | \$15,159,050 | \$15,177,477 | \$15,244,018 | \$15,256,514 | \$15,271,516 | \$24,052,651 | \$24,050,993 | \$24,048,262 | |

* See Laser Summary

Sussex County Government Stop Loss Lasers

HM Life Insurance

* Individual Special Requirements

DEP of EMP with SSN xxx-xx-xxxx, will have an Individual Specific Deductible of \$650,000. Only amounts up to the group Specific Deductible will apply towards the satisfaction of the Annual Aggregate Attachment Point.

Rockport Benefits Proposal

***CLAIMANT CONTINGENCIES:

is approved at a higher specific deductible of \$675,000 assuming continuation of Immunotherapy and Revlimid treatment plan. If he should receive a stem cell transplant his specific deductible will increase to \$825,000. If he should receive any CAR-T treatment his specific deductible will increase to \$1,325,000.

is approved at a higher specific deductible of \$450,000.

HM LIFE INSURANCE COMPANY
Assumptions & Conditions

BASIS OF OFFER

Assumptions

- Aggregate coverage is only available when purchased with Specific coverage.
- This proposal is subject to revision if there is a change in Proposed Effective or Renewal Dates or a change in the Covered Underlying Plan.
- This proposal is based on the utilization of the Provider Network(s) and the Utilization Review Vendor(s) listed in this proposal.
- This proposal assumes a minimum participation level of 50%.
- This proposal is based on a description of the current plan of benefits provided by Highmark and approved by HM; employee and dependent census data; and relevant information needed to evaluate the plan risk. If any of the information changes, the rates and factors may be modified.
- Surcharges (including the bad debt and charity surcharge portion of the New York Reform Act applicable to services are rendered in New York State), pool charges, and/or covered lives assessments may be covered under the Stop Loss Policy if such charges are considered a claim cost. HM is not responsible for the filing and/or payment of any assessment for which HM is not directly liable including, but not limited to, the New Hampshire Vaccine Assessment as modified by NH HB 664.
- All standard policy provisions apply. The laws of the state where the policy is issued will apply. Certain exclusions and limitations may apply.
- The terms of this proposal are subject to revision by HM if there is a change in any state law or regulation between the date of this proposal and the effective date of the proposed Stop Loss coverage if HM deems such change to have a material effect on the risk being assumed. Such a revision can be made even if the proposal has already been accepted.
- This proposal will expire on the Proposed Effective Date.
- The dollar value of the minimum deductible shown above is representative. The actual value of the minimum deductible will be calculated according to the terms of the Stop Loss Policy.
- Unless otherwise limited or excluded by the Stop Loss Policy or under the Individual Special Requirements, Eligible Claim expenses under the Stop Loss Policy will follow the Covered Underlying Plan, up to the proposed Maximum Specific Benefit.
- The Agent is properly licensed and appointed by HM.
- The initial rates are guaranteed for the proposed Policy Term unless otherwise noted.
- There are no more than 15% COBRA participants.

Qualifications

- Any Stop Loss insurance requested and the Proposed Effective Date of that coverage must be approved by HM under Our current rules and practices.
- Both the premium rates and the Aggregate factors are subject to change should the number of Covered Units change by 10% or more, either in total and/or by single/family mix.
- If the descriptions of the benefits or plan provisions differ from what was initially utilized to underwrite the risk, an updated Summary Plan Document or other acceptable plan description is required within 60 days of the Effective Date, and the premium rates and Aggregate factors may be subject to re-rating, retro-active to the Effective Date.
- HIPAA Privacy rules permit the release of Protected Health Information (PHI) for the purpose of evaluating and accepting risk associated with the Plan Sponsor as part of "Health Care Operations." HM will use this information solely for the purpose of evaluating and accepting the risk and will not disclose any PHI collected except to perform this risk evaluation.
- The rates and factors in this proposal are based on the Disclosure of all individuals considered a special enrollee due to having previously satisfied the plan's lifetime maximum. Written acceptance by HM must be acknowledged before terms of coverage for such individuals are included under HM's Stop Loss Policy.
- Any Stop Loss Policy issued by HM may be rescinded or re-underwritten if any information requested in connection with this proposal was intentionally concealed or misrepresented by or on behalf of the Policyholder and/or the Policyholder's Agent, or if the Policyholder and/or the Policyholder's Agent commits fraud.

ROCKPORT BENEFITS Assumptions & Conditions

Quote has been formulated based upon the information contained in the Request for Proposal. Pertinent departures from any of the original data submitted may prompt a change to the quoted Rates, Terms and/or Factors or the retraction of the proposal.

Quoted terms and Conditions are subject to caveats shown herewithin.

Plan Sponsor Disclosure Supplement will be required on all new written business. Proper Disclosure shall include the following items. All employees currently on COBRA or Disabled. Individual claimants with claims dollars incurred at, or in excess of, the specific deductible. Pended, denied or processed and unpaid claims. Regardless of claim dollar amount, any information that reasonably suggests significant medical and/or disability claims may be imminent for any illness, injury, diagnosis, disease (please refer to ICD9 & ICD10 lists contained on website www.rockportbenefits.com). All known claimants currently in Case Management. Any individual who has exceeded \$500,000 under a lifetime plan benefit.

Census containing all eligible Active, Retiree and Cobra participants to be covered. Only those included in the census will be assumed covered under the Plan.

Minimum plan participation required is 75% unless otherwise approved.

Designated TPA is subject to approval of Rockport Benefits.

Quote assumes that underlying Plan Document is compliant with the Mental Health Parity Act. As such, covered expenses under the Act will be covered the Same as Any Other Illness.

Final Rates and Factors assume actual enrollment provided on census as of the Effective Date. Should enrollment fluctuate in total and/or within individual enrollment tiers by greater than 10%, between the original census data submitted and the final enrollment figures, rates and factors may be re-evaluated.

Reimbursement under this Policy for eligible claims incurred in the state of NY shall be limited to the applicable claim surcharge for those that have elected into the Pool.

Quote assumes the use of following primary and secondary/wrap (if applicable) PPO Networks: **Highmark BCBS**

Should assumption be incorrect, please notify immediately as change may impact proposal.

Quote assumes the use of the following Utilization Review vendor: Should assumption be incorrect, please notify immediately as change may impact proposal.

This quote includes No New Laser provision. Maximum rate increase upon renewal is 60%.

Quote lock has been offered in good faith and requires quote confirmation within **10 business days of receipt of this agreement. Untimely response may prompt agreement withdrawal. Aggregate factors assume that the final months' of claims will not increase the net claims cost per head by more than 10%. Should claims increase greater than 10%, factors

*****CLAIMANT CONTINGENCIES:**

, is approved at a higher specific deductible of \$675,000 assuming continuation of Immunotherapy and Revlimid treatment plan. If he should receive a stem cell transplant his specific deductible will increase to \$825,000. If he should receive any CAR-T treatment his specific deductible will increase to \$1,325,000.

is approved at a higher specific deductible of \$450,000.



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: May 6, 2026

RE: County Council Report for C/Z 2033 filed on behalf of Springpoint at Lewes, Inc.

The Planning and Zoning Department received an application (C/Z 2033 filed on behalf of Springpoint at Lewes, Inc.) for a Change of Zone from a Medium Density Residential – Residential Planned Community District to a Medium Density Residential – Residential Planned Community District to amend the conditions of approval for Change of Zone No. 1528 and Change of Zone No. 1753 at Tax Parcel 335-8.00-43.01. The property is lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9).. The parcel size is 37.97 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 10, 2025. At the meeting of January 21, 2026, the Planning & Zoning Commission recommended approval of the application for the 11 reasons of approval and subject to the 7 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on February 10, 2026. At the conclusion of the meeting, action on the application was deferred, leaving the record open for five business days for the applicant to submit additional information. Additional materials and exhibits were received from the Applicant on February 17, 2026. Receipt of this information was reported to the County Council at the meeting on February 24, 2026. After announcing the receipt of the additional information, action on the application was deferred for further consideration.

Below is a link to the minutes of the County Council meeting of February 10, 2026.

[Link to the Minutes of the February 10, 2026 County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on December 10, 2025, and January 21, 2026.

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

C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS. The property is and lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9). 911 Address: N/A. Tax Map Parcel: 335-8.00-43.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibits, the Applicant's Master Plan & Revised Master Plan, the Preliminary Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response letter. Mr. Whitehouse advised the Commission that three public comment letters had been received and were included within the paperless packet.

The Commission found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Springpoint at Lewes, Inc.; that also present were Mr. Garrett Midgett, Senior Vice President, Treasurer and Chief Financial Officer of Springpoint at Lewes Inc., Mr. Michael Locurrcio, Corporate Director of Project Planning & Facilities Management, Mr. James (Jimmy) Tavormina, Vice President of Operations, and Mr. Steven Fortunato, P.E. with Bohler. Ms. Peet stated that the Applicant proposes an amendment to the Comprehensive Zoning Map of Sussex County, Delaware, for the property located on the northern side of Gills Neck Road, the southern side of East Cadbury Circle, and east of Kings Highway; that property is identified as Tax Map Parcel No. 335-8.00-43.01; that specifically, the Applicant seeks to change the designation from an MR-RPC (Medium Density Residential – Residential Planned Community) to an MR-RPC (Medium Density Residential – Residential Planned Community), with the objective of increasing the total number of units to 273 for a net gain of 56 units, adding new amenities, expanding the community center, and permitting the total number of units within the healthcare center as 85 units; that there is a discrepancy in some of the land use history, which she would later discuss, relating to the number of units located within the healthcare center; that additionally, in connection with the request, the Applicant's proposing amendments to the Conditions of Approval for C/Z 1528, which was approved under Ordinance No. 1679 and C/Z 1753, which was approved under Ordinance No. 2361; that the need for improvements and facilities is evident; that the demand for senior living and care facilities in the County is on the rise, which is driven by demographic trends and the increasing need for specialized care options for an aging population; that several key indicators illustrate the growing demand in the area, and specifically at The Moorings at Lewes; that an example of this is that prospective residents currently

wait 12 to 18 months for units, and currently there are 61 households that are waitlisted for existing apartments, and 24 households waitlisted for new cottages and/or apartment; that the Applicant submitted their application materials 10 days in advance of the hearing; that the application was filed last year in 2024; that the submitted Exhibit Booklet included 20 exhibits; that the much of the land has currently been developed; that previously the property had existed within the AR-1 (Agricultural Residential) Zoning District, in relation to the two prior MR-RPC approval requests; that historically, the lands had been agricultural lands; that as part of the approval of C/Z 1528, there was a MR-RPC approval for a total of 95.2 acres, with Parcel A, for the retirement community, which was previously known as Cadbury; that the retirement community is now referred to as The Moorings at Lewes; that Parcel B was approved for a residential development, now known as Breakwater; that the prior Ordinances were included within the submitted record; that on April 5, 2014, the Sussex County Council approved C/Z 1753 by the adoption of Ordinance No. 2361, which expanded Cadbury at Lewes by five acres, to allow for an additional 32 units, bringing the total number of units to 215; that currently there are 217 units, being two units in excess of what was actually permitted; that when Springpoint acquired Cadbury at Lewes, they inherited one additional unit in the healthcare center; that there was one unit thereafter, which was split in two, as the existing resident wanted a smaller accommodation; that there are currently two units in excess of the 215 number; that ultimately, if the application were approved, the number of excess units would be part of the requested approval; that The Moorings at Lewes, previously known as Cadbury at Lewes, is a life plan community in Sussex County, located near the City of Lewes; that it is a continuing care retirement community (known as CCRC), which offers independent living, assisted living, memory care, skilled nursing, and rehabilitation services; that The Moorings at Lewes is owned and operated by the Applicant; that surrounding uses include area such as Henlopen Gardens, The Lodge, which was recently approved for senior living, Showfield, Jefferson Apartments, Hawkseye, Mitchell's Corner, Governors, and Senators, which are all residential; that there are nearby commercial uses consisting of Lane Builders, Big Oyster Brewery, and across the street from Cape Henlopen High School; that the project consists of approximately 37.97 acres; that the site is zoned MR (Medium Density Residential) with an RPC (Residential Planned Community) overlay; that surrounding properties are zoned similarly, being AR-1 (Agricultural Residential), CR-1 (Commercial Residential), C-1 (General Commercial), C-2 (Medium Commercial), C-3 (Heavy Commercial) and B-1 (Neighborhood Business); that the site is located within the Coastal Area according to the Future Land Use Map; that the Coastal Area is a designated Growth Area; that the site is located within Investment Level 1, and therefore the development is considered consistent with the State Strategies for State Policies and Spending Map; that water is currently provided by Tidewater; that sanitary sewer is currently provided by Sussex County; that electric is provided by Delaware Electric Cooperative; that DelDOT reviewed and completed their Service Level Evaluation, which confirmed the traffic impact of the proposed 56 unit increase, as having a negligible impact, and therefore no TIS (Traffic Impact Study) was required; that the existing entrance and right of way improvements along Gills Neck Road will continue to serve the community; that there is a requirement for a new left turn lane with a shared use path as well; that the project is not located within a Wellhead Protection Area; that there are no wetlands or resources located on the site; that overall, the total increase would be for 273 units; that four single cottages would be removed; that two duplexes, consisting of four units would be removed; that 21 single unit cottages are proposed, as well as 43 apartment units; that the proposed additional units would result in a net increase of 56 units; that the revised total would be 40 duplex units, 21 single cottage units, and 127

multi-family units, along with the 85 healthcare center rooms; that there is no phasing planned for the project, however, there are some residents required to be relocated; that some of those residents were present for the current hearing; that a total of eight families are required to be relocated; that six of the eight families had their relocation finalized and accommodations have been set up; that ongoing discussions continue with the other two families, regarding where they will be relocated, if at all within the community; that her client is currently working through that issue; that one of the cottages will specifically be started first to accommodate a relocation of an existing resident to that space; that the intent is for her client to start with cottage construction in the back of the community, and then continue simultaneously, with the rest of the development being the cottages, apartments units and other amenity improvements; that proposed amenities will include pickleball courts, bocci courts, dog park, and pool area; that regarding the healthcare center, there is not an increase in bed capacity, but there will be an improvement to the assisted living dining room, activity room, along with a skilled therapy gymnasium; that existing stormwater infrastructure will continue to serve the community, however, there is a required improvement for an infiltration basin; that otherwise, the existing infrastructure will serve the community; that Ms. Peet provided a sample presentation and renderings, which had previously been provided to the current residents; that the purpose of the MR (Medium Density Residential) District is to provide for medium density residential development, in areas that are or are expected to become generally urban in character, where sanitary sewer and public water supplies will be available at the time of construction; that the application is consistent with the stated purpose; that the proposed density complies with the underlying MR (Medium Density Residential) density; that the RPC (Residential Planned Community) District overlay, encourages large scale developments to create a superior living environment through unified development, while protecting existing and future developments, while achieving the goals of the Comprehensive Plan; that the application is consistent with that stated purpose; that the development is located within the Coastal Area on the Future Land Use Map, which is designed as a Growth Area; that the Comprehensive Plan states that the Coastal Area can accommodate development, provided special environmental concerns are addressed; that a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that retail and office uses are also considered appropriate, but larger shopping centers should be located with access on arterial roads; that appropriate mixed-use development should be allowed; that medium and higher densities of four to 12 units per acre can be suitable at locations with central water and sewer, when located near employment centers, when in character with the area, and located along main roads; that both central public water and sewer are provided to the site, currently serving, and will continue to serve the community; that the location is in an area with more urban than rural characteristics, surrounded by numerous existing residential developments; that Mitchell's Corner is located adjacent to the site, and currently under construction; that small and large businesses and public uses are located within close proximity to site; that the property is located in close proximity to Beebe Hospital, and other medical services; that the site fronts along Gills Neck Road, and is near Kings Highway, being within close proximity to Route 1, Five Points, and the City of Lewes; that for these reasons, the proposed amendments to the MR-RPC meet the purpose of the Zoning Ordinance, and the Comprehensive Plan by promoting the orderly growth of the County, in an appropriate location; that the Applicant met and complies with the PLUS requirements, the Staff Review Response requirements, the Chapter 99-9C requirements, as well as the Coastal Area Environmental Assessment and Public Facilities (EAPFR); that the report was included within the presentation packet; that the Applicant also proposed Conditions of Approval and

Findings of Fact, which can be found within the submitted exhibit book; that the Applicant is primarily looking to increase the number of units to 273, which is reflected on the submitted Site Plan, consisting of 21 single-family detached dwellings, 20 single-family attached duplexes, 127 multi-family apartment units, and 85 healthcare center rooms; that they proposed updated construction site work and delivery hours, to become more consistent with what Sussex County would require currently; that there is currently a requirement for a 30 foot buffer to run between the site and the Breakwater development; that the Applicant seeks to reduce the buffer to 20 feet, regarding two separate locations specifically; that with respect to the buffer between the site and Mitchell's Corner, the buffer had been set at 30 feet; that this was when Mitchell's Corner existed as an agricultural parcel, and also at the time it was within agricultural preservation; that the Applicant is seeing to reduce the buffer to 20 feet, which would be consistent with the current Mitchell's Corner buffer of 20 feet; that a nearby resident, Mr. Joseph Pika, submitted a letter requesting additional screening; that after discussions with her client, they are proposing the reduced buffer from 30 feet to 20 feet, but also a single row of evergreens, to provide additional screening; that the proposal was not included within the drafted conditions, but is something the Applicant is willing to agree to and something they would reflected on the updated plan before County Council; that she was aware that Mr. Paul Enterline, Esq. was present on behalf of the owners of Cottage No. 31; that she wanted to be transparent about the fact that the announcement of the redevelopment plans did not align with the Applicant's intentions; that they genuinely meant to inform residents about the plans, before filing their PLUS application; that her client did not receive good advice about the public nature of the PLUS comments; that her Applicant filed the PLUS comments, in an attempt to gain information about what issues may exist, before formally filing an application; that ultimately, the information was publicized, which led to an article in the Cape Gazette, which unfortunately, became the method the residents first became informed; that recognizing his missteps, the Applicant promptly organized a meeting with the community, and has since prioritized transparency and public engagement; that it is worth mentioning, in 2022, there were surveys and general discussions with residents about what might be of interest to residents, regarding improving the common area spaces, but not specific to the units; that the Applicant has made substantial efforts to include all residents in the process; that an official announcement was made following the Cape Gazette article, with initial notifications sent to residents about plans for expansion; that the initial meeting was January 2024; that four town hall meetings have been held since, with the most recent meeting being held in April 2025; that meetings were attended by either the Director of Development Services, the Vice President of Operations or the Chief Financial Officer for Springpoint at Lewes, Inc.; that informative materials, including Q&A materials have been shared in-person and electronically, with residents and a dedicated website had been established as well; that additionally, there is an ad hoc committee of residents that meet more regularly regarding specifics to the discussion of renovation and expansion, which Mr. Michael Locurrcio, Corporate Director of Project Planning & Facilities Management, actively attends and participates in those meetings; that these initiatives reflect the Applicant's commitment to open communication and collaboration throughout the process; that she had spoken Mr. Paul Enterline, Esq., who represents the owners of Cottage No. 31, regarding the his client's concerns; that she was hopeful that they could come up with a constructive resolution, and they had 87 individuals, including residents and staff of The Moorings, who have signed a petition in support, which was submitted and included within the record

Madam Chair Wingate questioned how the number of units was increased with the number of building permits, and how the unit was simply split.

Ms. Peet stated that they split internally, that they caught the issue as part of the current application's review, and would need to be corrected.

Mr. Robertson stated he questioned if, when the unit was split, a building permit was pulled, since it was performed internally; that if the application were to get approved, it would remedy the issue; however, if the application were denied, the number of units would be required to return to 215 units.

Mr. Collins stated that despite the letter from DelDOT, there is always concern regarding traffic when adding residential units, even in an area that is within a Developing Area, and expected to grow, especially as folks struggle to see DelDOT complete projects which have long been anticipated; that he questioned if there was any phasing that could be introduced in the plan, to require some part of the plan to be contingent on DelDOT completing some of the work they are expected to complete in the area.

Ms. Peet stated that phasing was not a topic they had explored or considered, as the application only proposes an addition of 56 units; that they would certainly consider the idea, and try to work through with discussions with their traffic engineer, who was not currently present, but to answer the question directly, no, it had not been considered.

Madam Chair Wingate stated she was unsure how phasing would work with the placement of multi-family; that she questioned if the Applicant was still continuing to work with the two residents that had not been relocated, if the developer's plan was to place the residents into newer places, or the places they had agreed to move to as first priority, while attempting to accommodate the residents according to their needs.

Ms. Peet stated that four of the eight residents had already been relocated.

The Commission found that Mr. Garrett Midgett, Chief Financial Officer, spoke on behalf of the application. Mr. Garrett stated that of the eight individuals or families, four of them had already been relocated into places that they had selected; that they had moved them recently; that they have another family moving this week, and another moving in January 2026, resulting in six of the eight currently being relocated; that they are in current discussions with another family, who have picked a relocation area in the cul-de-sac area, but they had not signed the agreement; that there was an additional family who they have been in conversations with, however, they are not as far along as they would like to be; that he is doing his best to accommodate them and their needs; that he had spoke to the family two years ago when the Cape Gazette article first came out; that it was it was his fault for not realizing that the information coming out was regarding upgrades to the campus, but not specifically to the cottage units required to be removed in order to build the new apartment buildings; that this was very unfortunate; that they have been moving along with all the residents; that they have provided them with paid costs of moving, provided upgrades to the apartments they are relocating to; that the residents were told that they would get similar accommodation or better than what they have now,

and they have stood by that statement; that the idea is to build those new cottages; that they would start at the cul-de-sac first, build it, and then they could relocate the residents, then move over to the apartment buildings, then the common space, and then continue the build out of the cottages from there.

Mr. Allen questioned whether the units were resident-owned or rentals.

Mr. Midgett stated that they are renters, and they have a Resident of Care Agreement, but they pay a monthly service fee and an entrance fee.

Ms. Peet stated for clarification that the units are not governed by Landlord Tenant Codes specifically.

Mr. Robertson requested clarification regarding the proposed row of trees, and stated that if the Application were approved, the proposed Evergreen trees would need to be shown on a Landscape Plan.

Ms. Peet stated they are proposing Evergreen trees, specifically something that could provide screening; that they would gather more information regarding that proposal between the current hearing and the future public hearing before the County Council, and the proposed row of Evergreen trees would be reflected on an updated Site Plan.

Mr. Robertson stated that the Commission had previously dealt with pickleball courts with previous applications; that he anticipated the proposed pickleball courts being an issue in the future, as their proposed location is located adjacent to the Breakwater development; that he suspected that the noise could become an issue operationally for the Applicant's group, which would lead to complaints to Sussex County; that he fully supported recreational amenities; that the amenities proposed appeared appropriate for the proposed development, and questioned if any thought had been given to the placement of the amenities elsewhere, possibly closer to Gills Neck Road.

Ms. Peet stated that she and the Applicant would look into Mr. Robertson's suggestion before their public hearing before the County Council.

Mr. Midgett stated that they had previous conversations regarding pickleball courts that offer a different ball type and a quieter paddle.

The Commission found that one person was present to speak in support of the application, one person was present in opposition, and one person was present to provide a neutral comment to the application.

Mr. Donald Smith, resident of The Moorings, spoke in support of the application. Mr. Smith stated that he currently served on The Moorings ad hoc expansion committee; that he understood the need to keep up with competition within the marketplace, and he supported the expansion and the proposed use of the greenspace, and he felt Mr. Michael Locurrcio for being very transparent with the residents, while working with them on things that they wanted to see within The Moorings.

The Commission found that Mr. Paul Enterline, Esq. spoke in opposition to the application, on behalf of the occupants of Cottage No. 31. Mr. Enterline stated Cottage No. 31 is one of the cottages proposed to be demolished, requiring the residents to be relocated; that the proposal had been exceptionally stressful for his clients, as they are 90 and 85 years old; that his clients were concerned about an incremental approach in an attempt to not be completely transparent; that his clients have concern about a corporate culture or style that may be manifesting; that his clients felt they were victims of a bait and switch, as what was advertised is now being changed; that the agreement his clients signed does not mention any provision for destroying the unit; that his clients had concerns regarding the increase in density which would impact roads, infrastructure and the environment; that when increasing the elder population, there needs to be an increase in the population who can service their needs; that his clients did not feel that the public notice provided by Sussex County was transparent; that there was a letter, written by the Planning & Zoning staff, dated October 30, 2024, which specified exactly what was proposed, however, the legal notices sent out to the public did not contain that level of detail, and requested that the Commission take into consideration his clients concerns.

Mr. Whitehouse advised the Commission that the application was noticed in accordance with the Delaware Code; that there is no duty on the staff to provide the public with physical copies of text and maps, which would create a very large bundle to provide to every member of the public; that rather, staff send a postcard detailing the hearing dates, times, and location, as well as the short title, as introduced by the Sussex County Council, along with very specific words, text and maps relating to the application; that the large property posting sign contained this information, along with an aerial map, and a QR Code to provide direct access to the application's online website, containing all application documents, and that staff do not provide all application documents by mail as part of the noticing process, as the public is required to make their own inquires beyond that.

Mr. Enterline stated that the staff letter, dated October 30, 2024, contains a brief description of what was being proposed, and he asked why that description could not be included within the public notice documents.

Ms. Peet stated that she believed Mr. Enterline was referring to the Staff Review Letter prepared on October 30, 2024.

Mr. Whitehouse stated that the technical review document, known as the Staff Analysis or Staff Review Letter, lives within the application file and does not go out to residents; that the analysis is not a legal notice; that academically, the Planning staff could place that level of detail into a notice, however that level of detail is not provided within any jurisdiction in Delaware, and had not been provided within Sussex County's jurisdiction in the past; that the requested level of detail to be placed within a legal advertisement would create an advertisement that is colossal in terms of the number of words and letters within the advertisement, and therefore it is not Sussex County's standard practice.

Mr. Mears questioned Mr. Robertson if how a corporation operates or how a corporation staffs its facilities would be relevant to the current application.

Mr. Robertson stated no, but stated that he wanted to acknowledge the importance of it to the members of the public, as well as the Commission; that essentially, it is not relevant to the application in the terms of land use; that the Commission may only consider what is appropriate for land use in terms of property, compliance with the Zoning Code, while protecting the adjacent properties around the subject parcel; that the Commission is not permitted to engage in contractual disputes or negotiations either; that he did appreciate that the topic is an important consideration of the folks in the audience; that he hoped that the Applicant and the residents of The Moorings would be able to work something out, separate and apart from what the Commission must decide on from a land use perspective.

The Commission found that Ms. Vicki Littell, resident of Cottage No. 42 within The Moorings, provided a neutral comment on the application. Ms. Littell stated she had more of a clarification statement; that Mr. Midgett had previously stated that she was to be relocated to the cul-de-sac, however, that is not the location they had planned to relocate to, and she questioned the number of cottages, as there are 21 proposed new cottages, along with 40 existing cottages.

Mr. Midgett stated that the cul-de-sac location was his impression and understanding, and he apologized for any misunderstanding.

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 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

Minutes of the January 21, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since December 10, 2025.

Mr. Collins stated for the record that his motion, and the action taken on it is a land use decision and has no impact on any ongoing litigation between the Applicant and any other party.

Mr. Robertson stated that the Commission heard a lot of testimony from concerned residents of Springpoint; that depending on Mr. Collins' motion, and how the Commission votes, he did not want anyone to think that the Commission did not take their concerns seriously; that the Commission has certain guardrails of which they are required to stay within regarding what is relevant under the Sussex County Zoning Code; that although the proposal may be important to the residents, who may or may not have an issue with the operator of the facility, it is considered a separate issue from what the Commission is in charge of reviewing.

Mr. Collins moved that the Commission recommend approval of C/Z 2033 for Springpoint at Lewes, Inc. amend conditions of approval for C/Z 1528 (Ordinance No. 1679) and C/Z 1753 (Ordinance No. 2361) based upon the record made during the public hearing and for the following reasons:

1. This is an application seeking to amend an existing MR-RPC Medium Density Residential Planned Community known as The Moorings at Lewes and formerly known as Cadbury at Lewes to increase the number of units to 273, add amenities, and expand the healthcare center and community center. This is an amendment to the conditions of approval imposed by C/Z 1528 (Ordinance No. 1679) and for C/Z 1753 (Ordinance No. 2361).
2. The site is bounded by Gills Neck Road to the South and East, the Breakwater Subdivision to the North, and Mitchell's Corner to the West. Nearby developments include Bay Breeze Estates, Showfield, Senators, Hawkseye, and Governors. A similar project known as the Lodge at Lewes is located across Kings Highway, along with the Cape Henlopen High School. There are also several commercial uses, including medical offices, contractors' offices, retail, and restaurants in the immediate vicinity. This expansion of the existing MR-RPC is appropriate in this location.
3. On April 6, 2004, Ordinance No. 1679 (C/Z 1528) permitted 48 single and duplex units, 84 apartment units, and an 80-unit Healthcare Center, totaling 212 units. The residential portion was approved for 80 single-family lots and 105 townhome and duplex units. On April 5, 2014, Ordinance No. 2361 expanded the Cadbury at Lewes project by five (5) acres to permit an additional 32 units, bringing the approved total to 215 units. This is a reasonable, limited expansion of this existing MR-RPC.
4. The purpose of the MR Zoning District and RPC overlay is satisfied by this expansion of the development because both central public water and sewer are provided; the area is more urban than rural character with numerous existing residential developments surrounding the site; there are a variety of small and large business, commercial and public uses nearby; and it is in close proximity to Beebe Hospital and other medical services.
5. The development is located within "Coastal Area" on the Future Land Use Map of the Comprehensive Plan. The "Coastal Area" is a designated Growth Area that permits development such as this.
6. DelDOT has determined that the traffic impact of this limited expansion will be "negligible." The existing entrance and roadway improvements along Gills Neck Road will continue to serve the community. In addition, DelDOT is requiring a new left-turn lane at the existing entrance and a shared-use path to be installed.
7. There are no wetlands on the Property, and the site does not lie within a wellhead protection area.
8. The MR-RPC will continue to have active and passive open space areas. The proposed Open Space accounts for 56% of the Property.
9. There will be a landscape buffer of at least 20 feet in width established between the Site and Sussex County Tax Parcel Numbers: 335-8.00-37.00 and 335-8.00-322.00 through 325.00. The proposed 20-foot buffer aligns with the buffer distance already established between Mitchell's Corner and the Site.
10. The Applicant, through its engineers, submitted its Coastal Area Environmental Assessment and Public Facilities Evaluation Report in accordance with Section 115-194.3 of the Code, in support of the Application.
11. With the recommended conditions of approval, there will be no adverse impact on the neighborhood or neighboring property values. The expansion is consistent with the character and trend of development in the immediate area.

12. This recommendation is subject to the following conditions:

- A. With the exception of the following, the conditions imposed by Ordinance No. 1679 and Ordinance No. 2361 shall apply to this approval and remain in full force and effect.
- B. The maximum number of units in the MR-RPC shall not exceed 274 units as shown on the Applicant's site plan, and consisting of:
 - i. 21 Single Family Detached Dwelling Units
 - ii. 20 Single Family Attached Dwelling Duplexes (40 units)
 - iii. 130 Multi-Family Apartment Units
 - iv. 83 Healthcare Center Rooms
- C. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- D. There shall be a vegetated or forested buffer that is at least 20 feet wide installed between the Site and Sussex County Tax Parcel Nos. 335-8.00-37.00 and 335-8.00-322.00 through 325.00 as more fully shown on the Preliminary Site Plan. As proffered during the public hearing, the buffer area adjacent to Parcels 322.00 through 325.00 shall include an additional row of evergreen plantings to screen the view of the MR-RPC from these neighboring properties. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in the buffer areas. The Landscape Plan shall also identify all "Limits of Disturbance."
- E. There are pickleball courts shown along Gills Neck Road at the eastern corner of this site, adjacent to the development known as Breakwater. These pickleball courts shall either be relocated to a more centralized location or eliminated from the site plan.
- F. A Revised Master Plan, either depicting or noting these conditions, must be submitted to the Office of Planning & Zoning. This Master Plan shall include the entire Springpoint at Lewes MR-RPC.
- G. The Master Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 10, 2025

County Council Public Hearing Date: February 10, 2026

Application: C/Z 2033 Springpoint at Lewes, Inc.

Applicant: Springpoint at Lewes, Inc. c/o Garrett T. Midgett
4814 Outlook Drive, Suite 201
Wall Township, New Jersey 07753

Owner: Springpoint at Lewes, Inc. (f/k/a Cadbury at Lewes, Inc.) c/o Garrett T. Midgett
4814 Outlook Drive, Suite 201
Wall Township, New Jersey 07753

Site Location: The property is lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9). 911 Address: N/A.

Current Zoning: MR-RPC
(Medium Density Residential – Residential Planned Community)

Proposed Zoning: MR-RPC
(Medium Density Residential – Residential Planned Community)
Requesting to amend the Conditions of Approval for C/Z 1528 (Ordinance No. 1679), and for C/Z 1753 (Ordinance No. 2361) to increase the number of units from the existing 215 units to 274 units, to add amenities, and expand the healthcare and community centers.

FLUM Reference: Coastal Area

Councilmanic District: District 3 – Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 37.97 acres +/-

Tax Map ID: 335-8.00-43.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: November 7th, 2025
RE: Staff Analysis for C/Z 2033 Springpoint at Lewes, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Change of Zone 2033 Springpoint at Lewes, Inc. to be reviewed during the Wednesday, December 10th, 2025, Planning 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.

Parcel Application History

The property was previously the subject of two (2) Change of Zone Applications. The first Application was Change of Zone 1528 for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District for a 95.20-acre Parcel of land.

The Residential Planned Community was formerly known as “Cadbury at Lewes” and is proposed to be renamed to “Springpoint at Lewes.”

Parcel “A” consists of the Retirement Community, and Parcel “B” consists of the Residential component of the Subdivision. The Application was approved by the Sussex County Council at their meeting of Tuesday, April 6th, 2004, through Ordinance No. 1679.

The second Application was Change of Zone No. 1753 for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) for a 5-acre addition of a 95.20-acre Parcel of land (for a total acreage of 100.20 acres.) The Application was approved by the Sussex County Council at their meeting of Tuesday, August 5th, 2014, through Ordinance No. 2361. This addition included 32 units total (29 new units in the rezoning area and three (3) units within the existing Cadbury project).

Tax Parcel ID(s): 335-8.00-43.01

Proposal: The Applicant seeks a Zoning Map Amendment for a 37.97-acre Parcel of land to change the current MR-RPC Medium Density Residential Planned Community to a MR-RPC Medium Density Residential Planned Community by amending Condition #1 of Change of Zone No. 1528 (Ordinance No. 1679) to increase the number of units from 215 to 274 (an overall




increase of 59 units), to add amenities, to expand the healthcare center and community center, modifying Ordinance No. 1679 (approved 01/13/2004) and Ordinance No. 2361 (approved 08/05/2014).

Zoning Information: The subject property is zoned Medium Residential, Residential Planned Community (MR-RPC) District.

The properties to the east and west of the subject property are also zoned Medium Density Residential (MR) District. The property to the south of the property on the opposite side of Gills Neck Road (S.C.R. 267) which comprises the Governors Condominium Community is zoned Agricultural Residential (AR-1) District.

The Parcels to the north of the subject property are located within the incorporated Town limits of the City of Lewes.

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed Medium Density Residential (MR) District is an applicable Zoning District within the “Coastal Area” Future Land Use Map Designation.

| Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories | |
|---|--|
| FUTURE LAND USE PLAN CATEGORY | APPLICABLE ZONING DISTRICT |
| Coastal Area |  <ul style="list-style-type: none"> Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts |

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** The proposal provides 56% Open Space from the former/original Plan open space proposal of 64%. This still meets the 30% Open Space
- **Agricultural Areas:** N/A
- **Interconnectivity:** The project proposes to utilize existing internal streets.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).

- **Forested Areas:** Staff note that the proposal includes a 20-ft landscaped buffer along the western boundary of the property, adjacent to the Mitchell's Corner project. The Mitchell's Corner project also requires a 20-ft landscaped buffer for a total width of 40-ft between the projects. The original approval for former Change of Zone Ordinance (Ordinance No. 2361) required under Condition "C" that the existing 30-ft landscaped buffer be relocated, but it is thought that this was due to the Mitchell's Property Parcel currently being actively farmed at that time.
- **Wetlands Buffers/Waterways:** The County's Online Mapping System does not indicate the presence of any regulatory non-tidal or tidal wetlands on the subject property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Wellhead Protection Areas, Groundwater Recharge Potential, etc.):** The property is not located within any Wellhead Protection Areas.

Additionally, there are no Tax Ditches or associated Tax Ditch Rights-Of-Way (ROW) on the property.

Of particular note, is that the eastern side of the property is located within an "Excellent" Groundwater Recharge Area, with the western side of the property being located within a "Good" Groundwater Recharge Area. Any development within the Excellent Groundwater Recharge Area shall be subject to the provisions of Chapter 89 "Source Water Protection" Section 7 of the Sussex County Code relating to areas of "excellent" groundwater recharge. Details regarding these areas have been included as part of Exhibit "A" below.

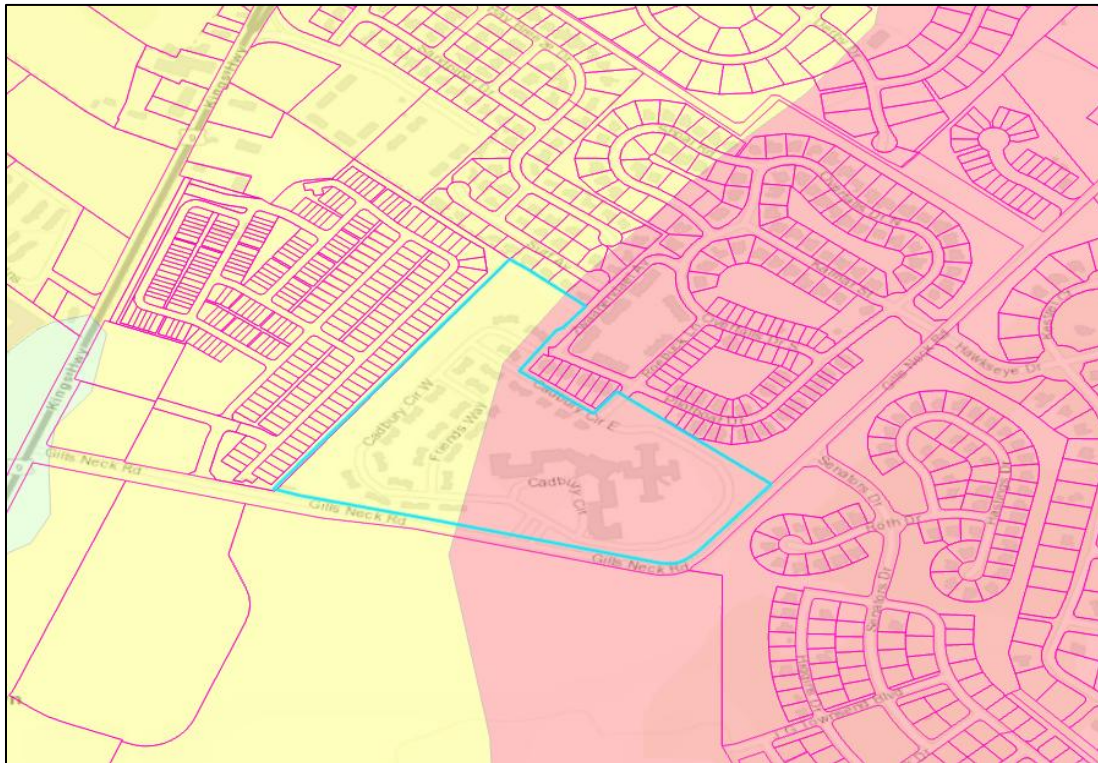


Exhibit "A" - "Good" (Yellow) vs. "Excellent" Groundwater Recharge Map

Future Land Use Map Designation w/in Comprehensive Plan: Coastal 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 Growth Area and has a land use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, “Coastal Areas” are areas where “the County encourages only appropriate forms of new development, especially when environmental features are in play” (2018 Sussex County Comprehensive Plan, Page 4-9).

Furthermore, the Plan notes that this specific designation is intended to recognize two (2) characteristics, in that, it is “among the most desirable locations in Sussex County for new housing,” but that this region also “contains ecologically important and sensitive characteristics” (2018 Sussex County Comprehensive Plan, Page 4-15).

The properties to the east and west on the north and west sides of Gills Neck Road (S.C.R. 267) also have a Future Land Use Map (FLUM) designation of “Coastal Area.” The properties to the south on the opposite side of Gills Neck Road (S.C.D. 267) also lie within the “Coastal Area,” with the Parcel to the north of this Parcel being within the incorporated Town limits of the City of Lewes.

There is one Parcel of 66.22 acres on the west side of Kings Highway that contains a Future Land Use Map (FLUM) designation of “Commercial Area” which currently houses the Cape Henlopen High School campus.

Existing Changes of Zone within the Vicinity of the Subject Site: A Supplemental Map (Exhibit “B”) has been supplied which provides further background regarding the approval status of Applications in the area including the location of all other Changes of Zone Applications that are within a 0.50-mile distance from the subject site.

- **Change of Zone 1968** – Agricultural Residential (AR-1) District to Medium Commercial (C-2) District. Approved by Sussex County Council on 7/26/2022 (Ordinance No. 2875).
- **Change of Zone 1967** – Agricultural Residential (AR-1) District to Medium Density Residential (MR) District. Approved by Sussex County Council on 7/26/2022 (Ordinance No. 2874).
- **Change of Zone 1802** – Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District. Approved by Sussex County Council on 8/30/2016 (Ordinance No. 2460).
- **Change of Zone 1851** – Agricultural Residential to Medium Density Residential (MR) District. Approved by Sussex County Council on 8/14/2018 (Ordinance No. 2594).

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for an amendment to Condition #1 of Change of Zone No. 1528 (Ordinance No. 1679) to increase the number of units from 215 to 274, to add amenities, to expand the healthcare center and community center, modifying Ordinance No. 1679 (approved 01/13/2004) and Ordinance No.

2361 (approved 08/05/2014), subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

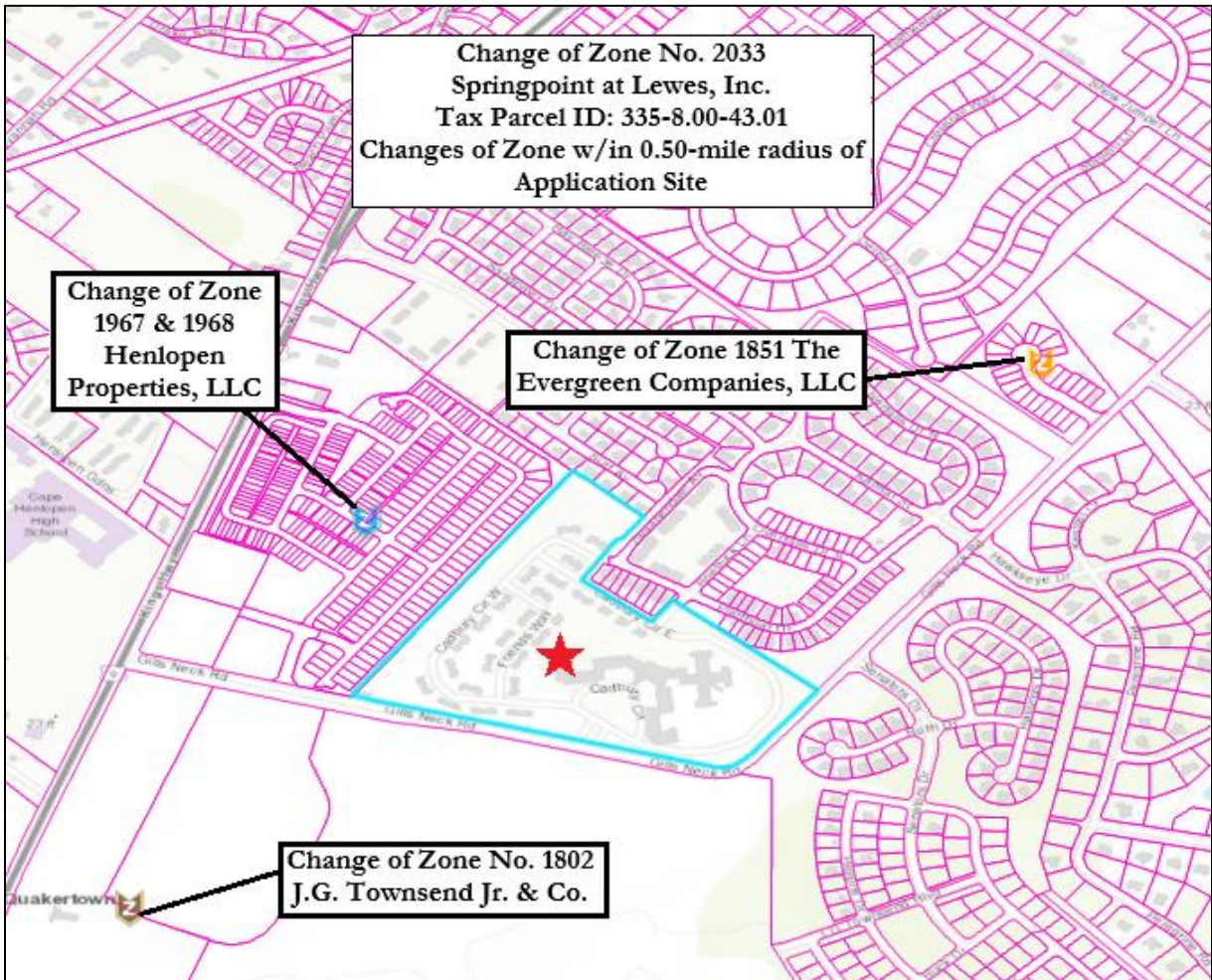



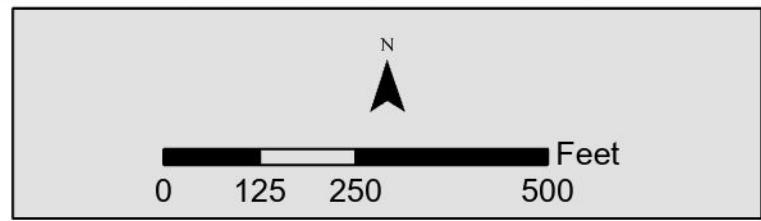
Exhibit “B” – Change of Zone Applications w/in a 0.50 mile radius of Application Site

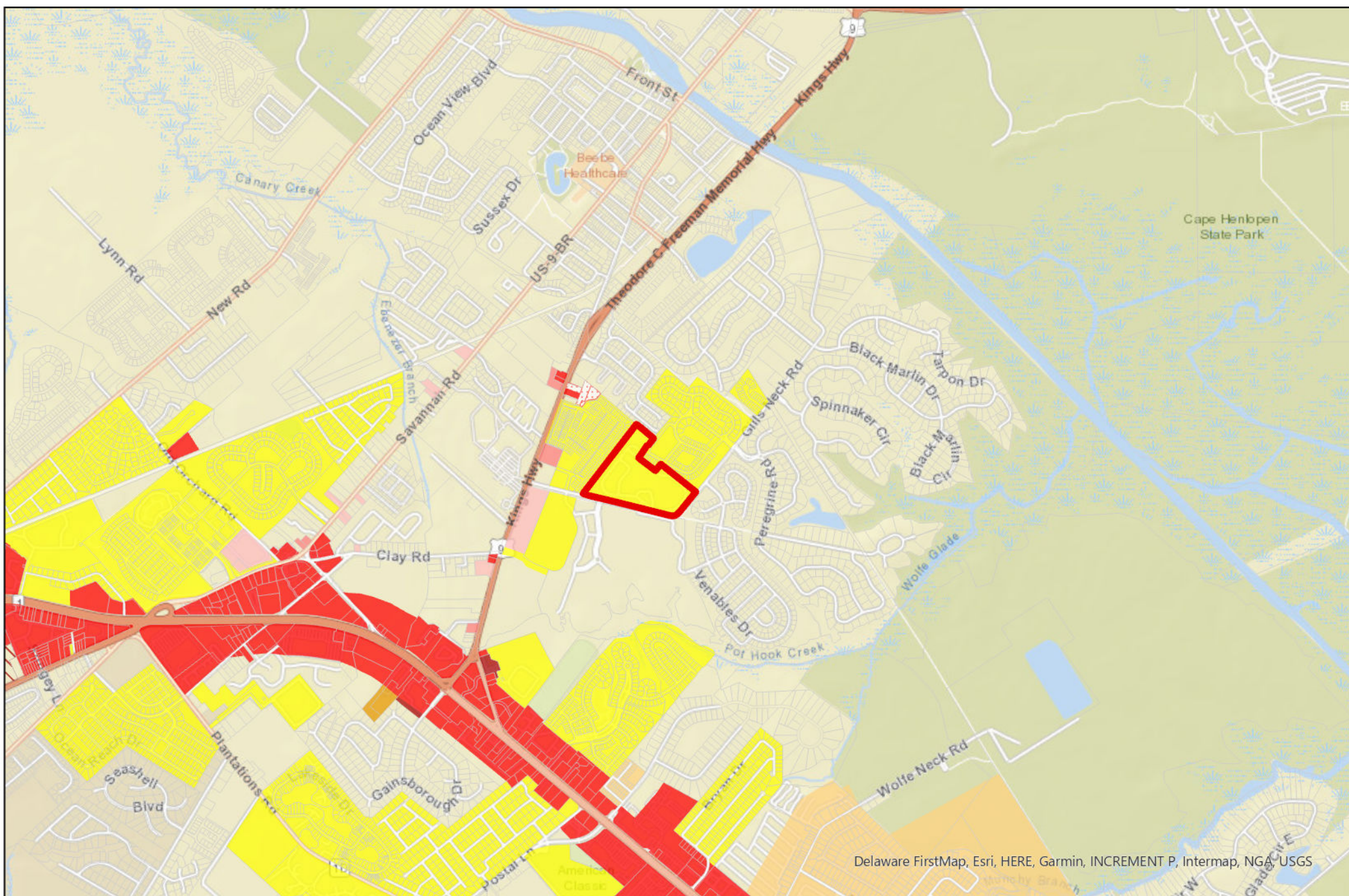


Microsoft, Vantor, Esri, HERE, Garmin, IBC

**CZ 2033 Springpoint at Lewes
Aerial Map
TM#s: 335-8.00-43.01**

 CZ 2033 Springpoint at
Lewes






Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

**CZ 2033 Springpoint at Lewes
Street Map
TM#s: 335-8.00-43.01**

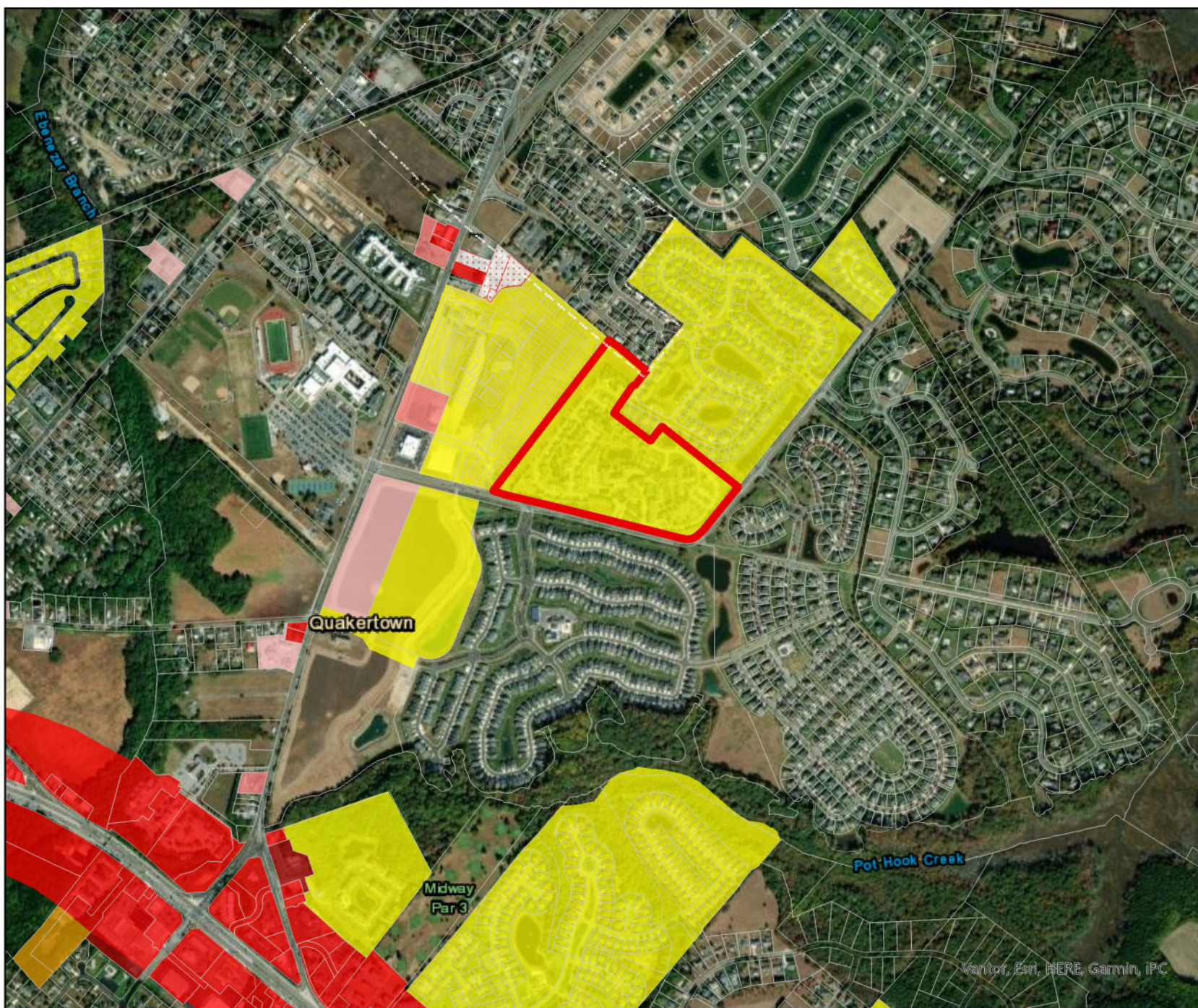
 CZ 2033 Springpoint at
Lewes

N



0 0.25 0.5 1 Miles

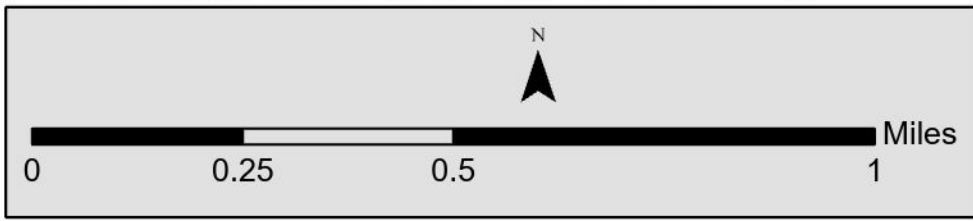




- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 - 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 2033 Springpoint at Lewes: Zoning Map
TM#s: 335-8.00-43.01

CZ 2033 Springpoint at Lewes



Introduced: 11/18/25

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 335-8.00-43.01

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS

WHEREAS, on the 16th Day of July, a zoning application, denominated Change of Zone No. 2033 was filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett; 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. 2033 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 [Medium Density Residential – Residential Planned Community District] and adding in lieu thereof the designation Medium Density Residential – Residential Planned Community 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 northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9) and being more particularly described in the attached legal description provided by Bohler Engineering, said parcel containing 37.97 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: May 6, 2026

RE: County Council Report for C/U 2622 filed on behalf of Tharros Village

The Planning and Zoning Department received an application (C/U 2622 filed on behalf of Tharros Village) for a Conditional Use to amend Condition K of Conditional Use No. 2583 (Ordinance No. 4003) to allow for year-round outdoor storage to remain on the property as part of a campground for the unhoused, within a C-1 General Commercial District. The Tax Parcel ID is 334-6.00-526.01. The property is located at 17996 Coastal Highway, Lewes. The parcel size is 7.16 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 4 reasons of approval and subject to the recommended revisions to the conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the Application at the meeting on April 21, 2026. At the conclusion of the meeting, the Council closed the Public Record and deferred action for further consideration. Below is a link to the minutes of the April 21, 2026, County Council Meeting.

[Link to the Minutes of the April 21, 2026, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on January 21, 2026, and February 4, 2026.

[Minutes of the January 21, 2026, Planning & Zoning Commission Meeting](#)

C/U 2622 Tharros Village (c/o Code Purple at the Cape)

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS. The property is lying on the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9). 911 Address: 17996 Coastal Highway, Lewes. Tax Map Parcel: 334-6.00-526.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Request to Amend Conditions letter, the Applicant's Preliminary Conditional Use Site Plan, the property deed, and the Applicant's Exhibits. Mr. Whitehouse advised the Commission that no public comments have been received regarding the application.

The Commission found that Mr. Frank Arena, a volunteer at Tharros Village, spoke on behalf of the Applicant, Tharros Village (c/o Code Purple at the Cape). Mr. Arena stated the request was regarding Ordinance No. 4003 for Conditional Use No. 2583, which granted approval for a campground for the unhoused individuals of Sussex County; that he thanked the Commission for their previous support and approval of Tharros Village; that the previous Conditional Use No. 2583 carried 15 separate Conditions of Approval; that he was happy to announce, that since the opening of the campground on July 7, 2025, which ran through November 30, 2025, they had fully complied with all of the imposed Conditions of Approval; that the guidance of the imposed Conditions, really helped guide them through the course of their operations; that their intent is to maintain full transparency, as well as safety, and the establishment of trust; that the amendment request was for Condition K, which refers to the retention and removal of structures and elements of the campground during the off-season; that on November 30, 2025, Tharros Village and the State OMB met to discuss the matter; that it has previously been discussed on multiple occasions, reaching an agreement on which structures, and which components of the campground would be removed upon closure, and which elements could remain stored on the site; that OMB and Tharros Village are in full agreement, regarding the maintenance of those materials, and the removal of those materials; that it is their belief, now that a separate agreement was reached on December 8th, 2025, which, in a way, supersedes or replaces the need for Condition K; that due to this, they request the elimination of Condition K, based on the separate agreement with the State OMB and Tharros Village regarding the maintenance of the property during the off-season components, which would be December through February of a calendar year; that they believed there were a number of added benefits that would go along with moving in the request direction; that it would simplify; that by approving their request, it would bring a reduction of administrative time, and burden for both Tharros Village and Sussex County, by avoiding repeated filings and reviews; that they believed their was a benefit by eliminating the need for calendaring, meeting and hearings, regarding the off-season property arrangements and storage, which had already been agreed upon with the State; that lastly, they felt there was a benefit of cost savings, as there are always costs associated with the requested kind of adjustment; that they believed their request would work as a benefit for both sides, and again requested the amendment of the Conditions of Approval, to removed Condition K, in light of the new agreements reached with the State on how to manage the campground during off seasons.

Madam Chair Wingate thanked Mr. Arena for his volunteer work, providing an opportunity for people in need, and questioned Mr. Whitehouse whether the Applicant's agreement with the State was submitted into the record.

Mr. Whitehouse stated that he believed the Applicant had submitted the agreement as an exhibit, and that it was an email provided by Ms. Jennifer Coverdale.

Mr. Collins questioned whether, rather than eliminating Condition K, he contemplated if there was a modification to the Condition that would allow items, which were agreed upon with the State, to be reasonably stored on site in a way that is tidy and out of view of the public; that he believed that the Commission could come up with some language that would replace Condition K, but would prohibit elements to be left exactly as they were, or by creating additional conditions, and that he suggested this for the sake of protecting the interests of the County and the residents.

Mr. Arena stated that he understood Mr. Collins' concerns; that they closed the village on November 30, 2025, at which time all of their guests were relocated; that many of their guests went to Code Purple men and women shelters that opened on December 1, 2025; that with approximately 72 hours, they had completely cleared the property as per the agreement with the State; that the clean up included sanitation facilities, trash containers, tents, pallets underneath tents; that currently it is a completely barren field; that they had an agreement with the State OMB and DelDOT to neatly store reusable components for the campsite behind the salt barns; that they are wrapped in tarp, and do not create an eyesore, and that this was agreed upon by DelDOT and the State OMB.

Mr. Collins questioned if that is effectively what the Applicant was requesting Condition K to be amended to allow.

Mr. Arena stated that, in an effort to be completely transparent, they felt and believed the State would agree that once they have this conversation on an annual basis with the State, it does not seem productive to come back to the Planning Commission and the County Council to have the same conversation that the State would have already agreed to, and therefore was their reasoning in requesting the elimination of Condition K.

Mr. Wingate stated she believed Mr. Collins' point was to ensure that at the end of each season, residents would not ride by seeing trash, tents, and other items still sitting on the site; that she did not believe that was the Applicant's intention, and that the request was only for storing materials needed for reopening.

Mr. Collins stated that the people currently running the project have good faith and good intent, and that his point is that, should the project change in the next five to 10 years, what Sussex County has put in place would ensure there are enforceable conditions.

Mr. Robertson stated that he agreed with Mr. Collins; that had Tharros Village requested this their first time through, it would have been totally fine, and the Planning Commission would have made that condition at the point, requesting the location to be shown on the site plan, and noting whether

it is to be encased or enclosed; that this would provide clarity to everyone by an adopted Ordinance, should anyone have question to how items are being stored on the site; that it would give the Applicant an Ordinance to state that they are entitled to store the items in the way it was approved and would provide protection for everyone.

Mr. Allen stated that the application requested a modification of the existing condition.

Mr. Arena stated that it may have been bold of him to request the elimination of Condition K; that he wanted the Commission to understand their perspective in anticipation of the public hearing conversation, and he requested to submit proposed language for the Commission to consider regarding the requested amendment change.

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 2622 Tharros Village (c/o Code Purple at the Cape). Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Passwaters stated that he was absent at the January 7, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2622 for Tharros Village (c/o Code Purple at the Cape) for an amendment to Condition K of Conditional Use No. 2583 and Ordinance No. 4003 based on the record made during the public hearing and for the following reasons:

1. Tharros Village received approval for a campground for the unhoused on June 17, 2025, as part of Conditional Use No. 2583 that was approved by County Council as Ordinance No. 4003.
2. Tharros Village has satisfied the requirements of Condition O of Ordinance No. 4003 that required a report to be sent to the Commission and County Council in early 2026. That report has been received by the County.
3. As part of that prior approval, and based upon information available at that time, the site used by Tharros Village was to be seasonal, with all items associated with the Conditional Use removed from the property in the colder months so that the State of Delaware could utilize the property for its DelDOT equipment and material storage.

4. Tharros Village has now advised the County that it has reached an agreement with the State of Delaware to allow certain items to remain on the site year-round, even while the camping area is unoccupied. This will enable the more efficient and convenient use of the site by Tharros Village, its volunteers, and the people who utilize the site.
5. For these reasons, it is appropriate to amend Condition K of Conditional Use No. 2583 and Ordinance No. 4003 so that it now states as follows:

“The entire facility may open no earlier than March 1st of each year, and it shall close no later than November 30th of each year. However, during the time that the site is unoccupied, the operators of the facility may store items or materials associated with the use as permitted by the State of Delaware. Any such items or materials shall be securely stored and screened from the view of neighboring properties and roadways. The applicant shall provide The Office of Planning & Zoning with an updated site plan showing where any items or materials associated with the use will be stored.”

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/U 2622 Tharros Village (c/o Code Purple at the Cape), for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIRMAN
J. BRUCE MEARS, VICE-CHAIRMAN
SCOTT COLLINS
JEFF ALLEN
JOHN PASSWATERS



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 21, 2026

Application: CU 2622 Tharros Village

Applicant: St. Jude the Apostle Church D/B/S Code Purple
152 Tulip Drive
Lewes, DE 19958

Owner: State of Delaware
122 Martin Luther King Jr. Blvd. S
Dover, DE 19901

Site Location: Located on the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9).

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Request to Amend Condition K of Conditional Use No. 2583 to allow for year-round outdoor storage.

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 7.16-acre(s) +/-

Tax Map ID.: 334-6.00-526.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 3, 2025
RE: Staff Analysis for C/U 2622 Tharros Village

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2622 Tharros Village to be reviewed during the January 21, 2026, Planning 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: 334-6.00-526.01

Proposal: The request is to Amend Condition K of Conditional Use No. 2583 for Tax Parcel 334-6.00-526.01 to allow for year-round outdoor storage on a parcel lying on the south side of Coastal Highway (Route 1), approximately 0.2 -mile northwest of the intersection of Coastal Highway (Route 1) and Dartmouth Drive in Lewes. The property is comprised of 7.16 acres +/-.

Zoning: The Parcel is zoned General Commercial (C-1) District. The surrounding parcels of the subject property are all General Commercial (C-1) District with parcels to the south, east and west being zoned High Density (HR-1) Residential District, Agricultural (AR-1) Residential District and Medium (MR) Residential District.

Future Land Use Map Designation w/in Comprehensive Plan: Commercial

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 has land use designation of "Commercial Area." All surrounding properties to the north, south, east, and west of the subject site contain a Growth Area Future Land Use Map designation of "Commercial Area" as well as "Coastal Area".

Recommendations/Guidelines for land categorized as *Commercial Area* per the Future land Use Classification in the Comprehensive Plan – Page 4-17

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are



often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (Sussex County Comprehensive Plan, 4-17).

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are “areas that can accommodate development provided that special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15.) The Plan further notes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” and that “appropriate mixed-use development should all be allowed” (2018 Sussex County Comprehensive Plan, 4-15).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural areas to the north.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** There are potential wetlands located on the property per the Sussex County on-line mapping site, and the property is not adjacent to any waterways.
- **Other Site Considerations (ie: Flood Zones, Tax Ditch, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Good” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a campground for the unhoused, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

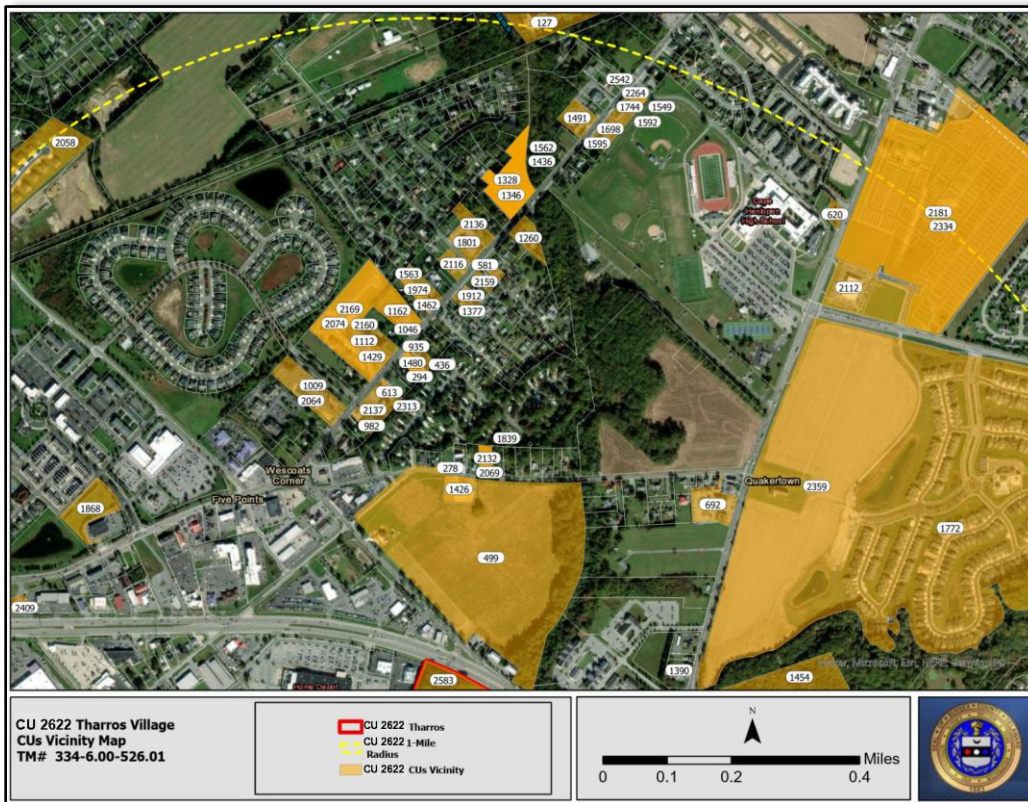
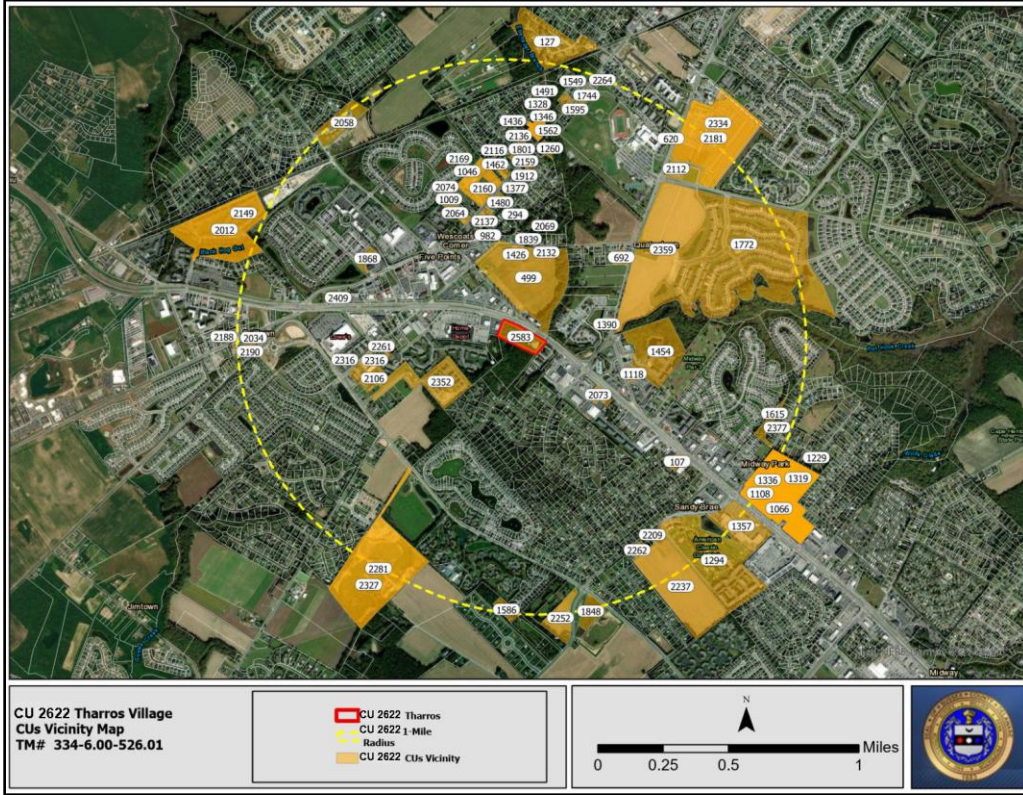
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

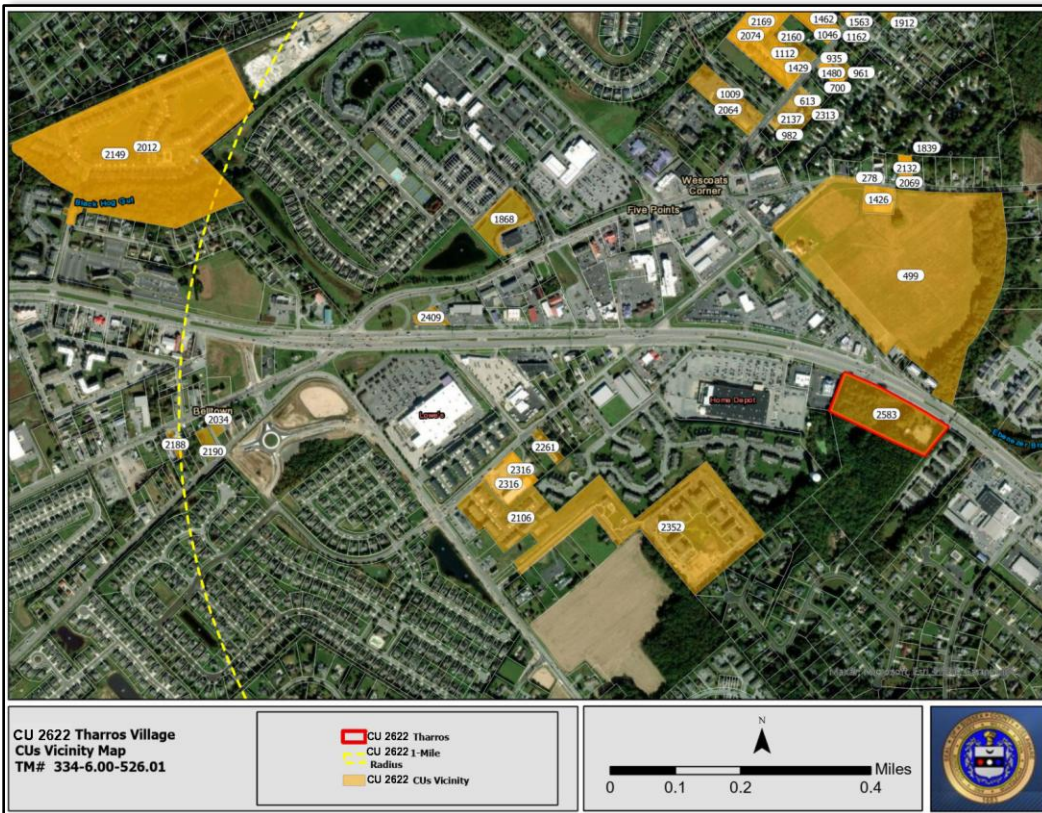
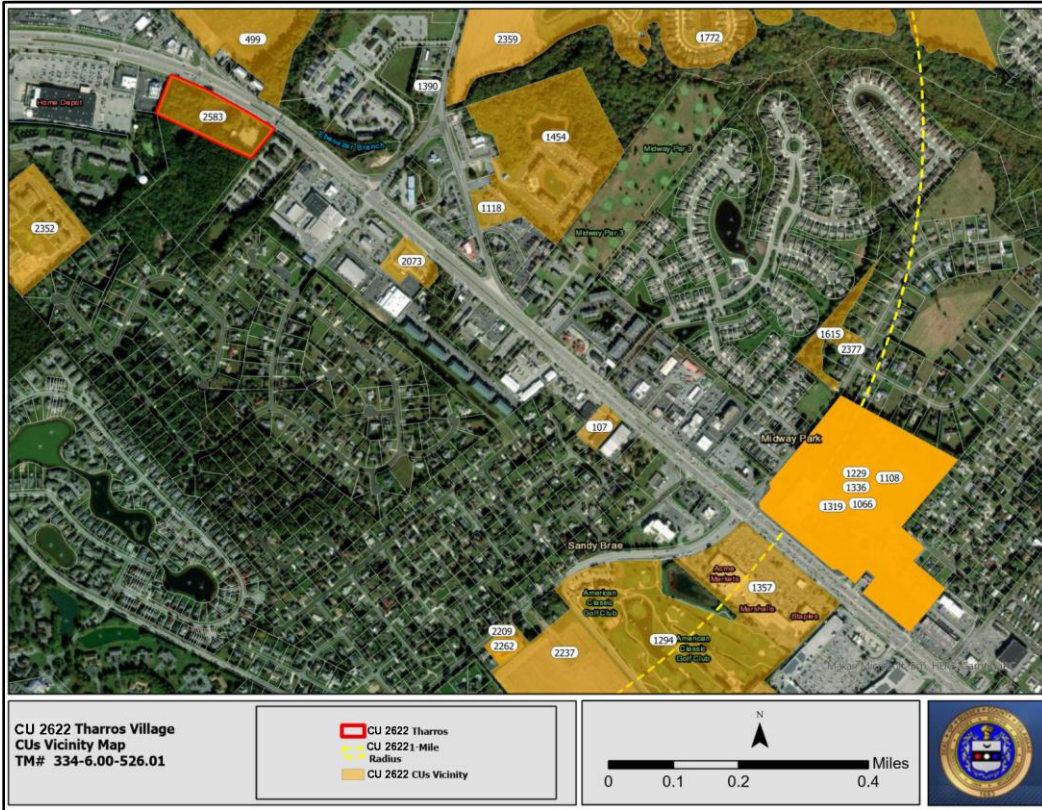
| Conditional Use Applications | | | | | | |
|--|--|----------------------------|--|------------------------|-----------------------------|-----------------------------|
| (Within a 1-mile radius of the subject site) (Since 2010) | | | | | | |
| Application CU Number | Application Name | Zoning District | Proposed Use | CC Decision | CC Decision Date | Ordinance Number |
| 1848 | Todd Bariglio | B-1 | Business/Office Complex | Approved | 3/16/2010 | 2108 |
| 1868 | Old Towne Pointe, L.L.C. | AR-1 | Pharmacy/Community Service | Approved | 5/24/2011 | 2196 |
| 1912 | Wm. A. Bell & Kathleen M. Sperl-Bell | AR-1 | Professional Office | Approved | 11/8/2011 | 2226 |
| 1974 | Sara Kay I. Phillips | AR-1 | Hair Salon | Approved | 1/14/2014 | 2334 |
| 2012 | Ocean Atlantic Communities (Covered Bridge Trails) | MR | Multi-Family - Townhouses and Condo Units | Approved | 12/15/2015 | 2430 |
| 2034 | Beachfire Brewery Co., LLC | AR-1 | Restaurant And Brewery | Approved | 3/8/2016 | 2438 |
| 2058 | Old Orchard Ventures - Oyster Cove | MR | Multi-Family (Duplex) Dwelling Structures (24 Units) | Approved | 10/25/2016 | 2472 |
| 2064 | R & K Partners | AR-1 | Medical Offices | Approved | 3/7/2017 | 2484 |

| | | | | | | |
|------|--|------|--|----------|------------|------|
| 2069 | Rudolph Joseph Johnson | AR-1 | Workout Studio | Approved | 4/25/2017 | 2494 |
| 2073 | Delmarva Power & Light Co. | C-1 | Expansion To an Existing Electrical Station | Approved | 3/7/2017 | 2486 |
| 2074 | Quail Valley 1525, LLC (Midway Fitness) | AR-1 | Commercial Use as A Therapy and Fitness Center | Denied | 8/8/2017 | N/A |
| 2106 | MDI Investment Group, LLC (C/O Doug Compher) | MR | Multi-Family (52 Townhouses) | Approved | 3/20/2018 | 2566 |
| 2112 | Mitchell Family Limited Partnership | AR-1 | Medical Office and Ancillary Medical Uses | Approved | 3/20/2018 | 2567 |
| 2116 | William and Stacey Smith | AR-1 | Professional Offices | Approved | 3/20/2018 | 2569 |
| 2132 | Dorothy Darley | AR-1 | Hair Studio | Approved | 7/31/2018 | 2590 |
| 2136 | Christine Degnon | AR-1 | Medical Offices | Approved | 10/23/2018 | 2608 |
| 2137 | John W. Ford | AR-1 | Professional Offices | Approved | 7/31/2018 | 2592 |
| 2149 | Covered Bridge Trails, LLC | MR | Amended Condition of Approval of CU 2012 | Approved | 7/24/2018 | 2588 |
| 2074 | Elisabeth Ann Burkhardt | AR-1 | Professional Office | Approved | 1/15/2019 | 2628 |
| 2106 | Procino, Wells, and | AR-1 | Professional Office | Approved | 3/19/2019 | 2638 |

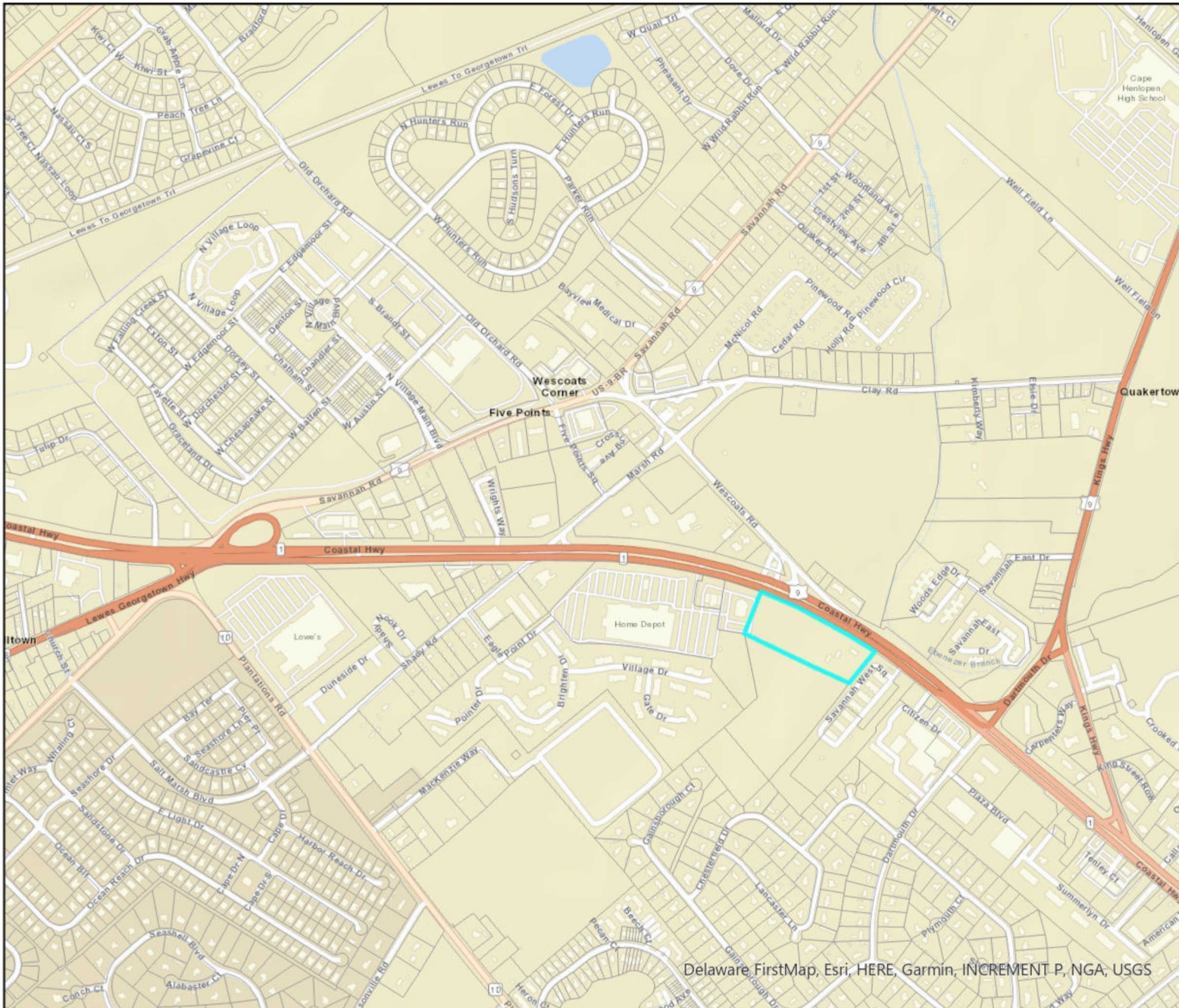
| | | | | | | |
|------|---|------|--|-----------|------------|------|
| | Woodland, P.A. | | | | | |
| 2169 | Robert & Debora Reed | AR-1 | Multi-Family | Approved | 6/18/2019 | 2663 |
| 2181 | Mitchell Family, LLC | MR | Multi-Family (209) | Withdrawn | Withdrawn | N/A |
| 2188 | Donovan's Painting and Drywall, LLC | AR-1 | Contractor's Office with Storage | Approved | 10/29/2019 | 2686 |
| 2190 | Steven & Helene Falcone | AR-1 | Office | Approved | 1/7/2020 | 2699 |
| 2209 | Matthew C. Hete | MR | Multi-Family (14 Units) | Denied | 7/28/2020 | N/A |
| 2237 | Sam Warrington II | AR-1 | Outside Boat & Rv Storage | Approved | 12/1/2020 | 2756 |
| 2252 | Delaware Electric Co- Op | MR | Substation | Approved | 7/13/2021 | 2788 |
| 2169 | What Is Your Voice, Inc. | AR-1 | Use Existing Garage for Office Uses and One-Story Pole Building for Rental Storage Facilities (4 Units) In Connection W/ Applicant's Non-Profit Corporation | Approved | 9/14/2021 | 2800 |
| 2181 | Matthew Hete | AR-1 | Multi-Family (4-Units) | Approved | 11/16/2021 | 2812 |
| 2188 | Laudan Investments, LLC | AR-1 | General Office Use | Approved | 11/16/2021 | 2813 |
| 2281 | Susan Riter | AR-1 | Borrow Pit | Withdrawn | 6/8/2021 | N/A |
| 2313 | John Ford | AR-1 | Realty Office | Approved | 9/20/2022 | 2885 |

| | | | | | | |
|------|----------------------------------|------|--|-----------|------------|------|
| 2316 | Lighthouse Construction, Inc. | AR-1 | Office Building | Approved | 9/27/2022 | 2888 |
| 2316 | Southern Delaware Medical Center | AR-1 | Medical Office Building | Approved | 9/27/2022 | 2888 |
| 2327 | Howard L. Ritter & Sons, Inc. | AR-1 | Expansion of a Non-Conforming Borrow Pit | Approved | 1/24/2023 | 2901 |
| 2334 | Henlopen Properties, LLC | MR | Multi-Family | Approved | 7/26/2022 | 2876 |
| 2352 | CB Lewes, LLC | MR | Multi-Family (30 Units) | Approved | 6/14/2022 | 2866 |
| 2359 | JG Townsend Jr. & Co. | Ar-1 | Multi-Family (102 Units) | Approved | 12/5/2023 | 2964 |
| 2377 | John W. Hocker, IV | AR-1 | Amendment of Subdivision Plan | Withdrawn | Withdrawn | N/A |
| 2409 | Bryan Stewart | C-1 | Crab Shack Vendor | Approved | 2/24/2024 | 2991 |
| 2542 | Lauden Investments, LLC | AR-1 | Professional Office | Approved | 12/17/2024 | 3067 |



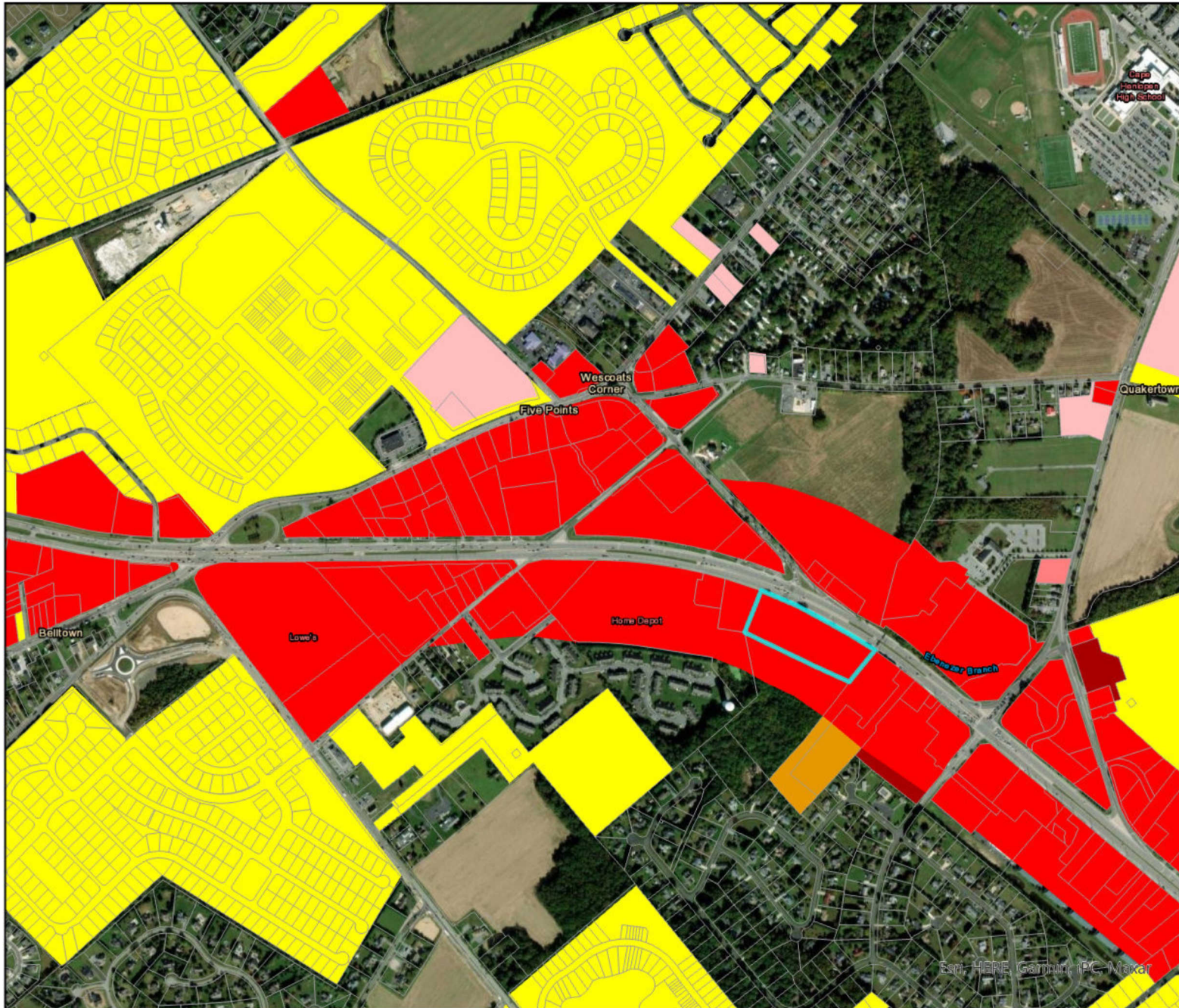






CU 2622 Tharros Village
Street Map
TM# 334-6.00-526.01

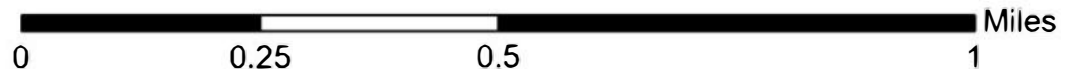


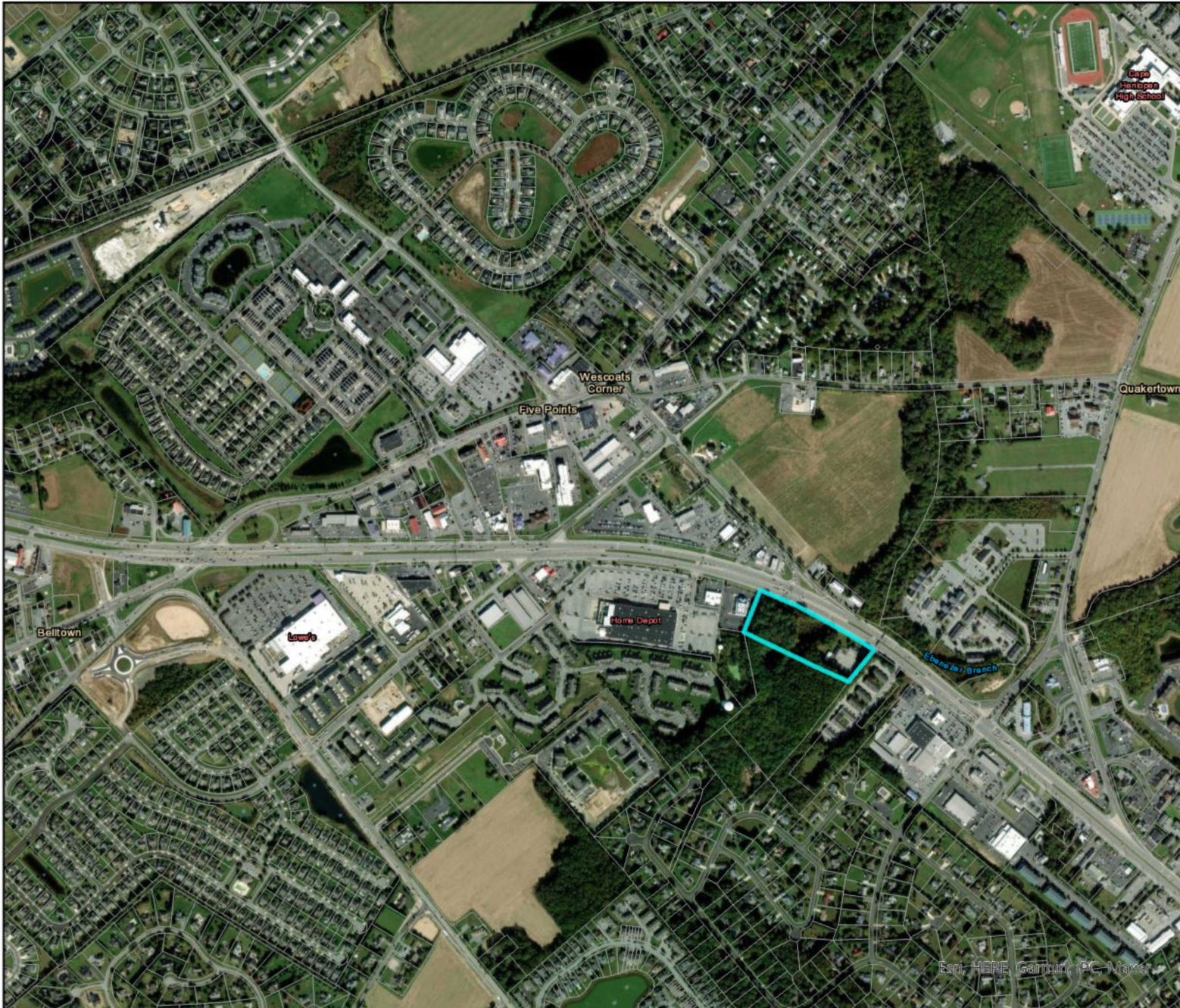


Zoning

-  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 2622 Tharros Village
 Zoning Map
 TM# 334-6.00-526.01





CU 2622 Tharros Village
Aerial Map
TM# 334-6.00-526.01



Introduced: 12/16/25

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-6.00-526.01
911 Address: 17996 Coastal Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS

WHEREAS, on the 21st day of November 2025, a Conditional Use application, denominated Conditional Use No. 2622, was filed on behalf of Tharros Village (c/o Code Purple at the Cape); 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. 2622 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 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2622 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 the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9), and being more particularly described in the attached legal description prepared by St. Jude the Apostle Church D/B/A Code Purple said parcel containing 7.16 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.

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, April 24, 2026 8:48 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

| | |
|---|---|
| Legal Name of Agency/Organization | Children's Beach House, Inc. |
| Project Name | Youth Development Program |
| Federal Tax ID | 51-0070966 |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | The mission of Children's Beach House is to improve the lives of children, youth, families, and communities by helping them to identify, understand, and utilize their own strengths, talents, and resources. |
| Address | 1800 Bay Ave |
| City | Lewes |
| State | DE |
| Zip Code | 19958 |

| | |
|---|--|
| Contact Person | Barry Goodinson |
| Contact Phone Number | 7036064948 |
| Contact Email Address | bgoodinson@cbhinc.org |
| Total Funding Request | \$5,000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 5000 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | .2 |
| Program Category (choose all that apply) | Health and Human Services |
| Primary Beneficiary Category | Youth |

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

490

Scope

Funds are being requested to support Children's Beach House's Youth Development Program (YDP). The YDP consists of four elements:

1) WEEKEND & SUMMER CAMP: Every summer, YDP participants visit the Beach House for two or three weeks of residential camp, where activities include swimming, boating, drama, art, cooking, and horseback riding. During the school year, they return about once a month for weekend camps to rekindle their friendships and continue building their developmental skill sets. Activities are designed to be appropriately challenging for each age cohort, and a 1:4 staffing ratio ensures that each child is known and valued individually. Regular field trips include Freeman Arts performances, Blue Rocks baseball games, community theater performances, and more.

2) FAMILY ENGAGEMENT: CBH knows that families are the most influential force in young people's development. Our Family Engagement Coordinators (FECs) partner with parents, caregivers, and educators to identify the child's and their family's unique strengths and goals, as well as their needs and circumstances. FECs meet with families monthly — at birthday parties, graduations, IEP meetings and more — to celebrate milestones, identify resources, and strategize goals that meet a child's personal, interpersonal, and academic needs. FECs are the lifeline between home, school, and camp, creating a continuity of consistent care that makes children feel seen and secure.

3) COMMUNITY ENGAGEMENT: Strong families feel connected to their community and have access to resources, services, and opportunities. CBH works closely with nonprofits, agencies, and civic organizations to build a

network of support and foster a sense of value and belonging within the community. Schools, medical centers, and government agencies know CBH and see us as family advocates.

4) MILTON OUT-OF-SCHOOL PROGRAMS: The Youth Development Program offers out-of-school-time care and support for children in grades 1-5 at H. O. Brittingham Elementary School and Milton Elementary School. The program will consist of after-school programming from 4PM to 6PM, five days/week during the school year and summer day camp from 8AM to 3:00PM, five days/week for five weeks during the summer. Both schools are Title I schools. Title I schools are schools that receive federal funds to help students from low-income families meet challenging academic standards. Title I schools are eligible if at least 40% of their students come from low-income families.

| | |
|--|------------------------------|
| Religious Components | N/A |
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | 2,573,290.00 |
| Description | Staff Salaries & Benefits |
| Amount | 1,791,312.00 |
| Description | Professional Fees |
| Amount | 232,240.00 |
| Description | Supplies, Telephone, Postage |
| Amount | 101,763.00 |

| | |
|--|------------------------------|
| Description | Program Food & Bev. |
| Amount | 131,350.00 |
| Description | Program Transportation |
| Amount | 175,790.00 |
| Description | Financial Assistance |
| Amount | 7,500.00 |
| Description | Occupancy |
| Amount | 131,962.00 |
| Description | PrintingPublications |
| Amount | 12,650.00 |
| TOTAL EXPENDITURES | 2,584,567.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -11,277.00 |
| Name of Organization | Children's Beach House, Inc. |
| Applicant/Authorized Official | Barry Goodinson |
| Date | 04/24/2026 |
| Affidavit Acknowledgement | Yes |

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email clientservices@d3corp.com with any questions.

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Thursday, April 23, 2026 1:27 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

Legal Name of Agency/Organization History Book Festival at Lewes Inc.

Project Name HBF Authors in Schools and Community Outreach

Federal Tax ID 93-1988427

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The History Book Festival brings authors and readers of all ages together to explore and celebrate history and story. We believe in the power of history, literature, and civil dialog to change the future for the better.

Address P.O. Box 512

City Lewes

State DE

Zip Code 19958

| | |
|---|--|
| Contact Person | Jen Mason |
| Contact Title | Board President |
| Contact Phone Number | 302-228-7488 |
| Contact Email Address | jmason@historybookfestival.org |
| Total Funding Request | \$2,500 |
| Has your organization received other grant funds from Sussex County Government in the last year? | No |
| If YES, how much was received in the last 12 months? | N/A |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 7 |
| Program Category (choose all that apply) | Cultural Educational |
| Primary Beneficiary Category | Youth |

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

3000

Scope

HBF is seeking \$2,500 from Sussex County Council to aid in the expansion of our authors in schools program (we are not currently able to reach the Laurel, Seaford, or Delmar School Districts – and we would appreciate any help/connections for that!) and to pilot our first community-based programming for adults in western Sussex (currently working with members of the Laurel community to implement this program, with an eye toward gradually expanding to other under-served communities/libraries/museums after that successful pilot). Our project budget anticipates producing 27 school events and a minimum of one community event.

While our school visits are driven by the work of two dozen dedicated volunteers, there are additional expenses that HBF must bear in order to do this.

And with your help, we can.

Most people know the History Book Festival from the three-day, public event in September, 94% of which is free and open to all, drawing over 30,000 attendees to Sussex County from 30 states and abroad over the past nine years. But the real heart of HBF happens outside of the public eye in southern Delaware schools, where HBF authors have been visiting classrooms/schools since 2016.

Because of our relatively remote location in southern Delaware (farther from major airports or train stations than most publishers are willing to send their authors), HBF's author visits are a rare and inspiring experience for Sussex County students. HBF leverages the reputation we've gained in the publishing industry over the past decade to avoid the usual high appearance fees, allowing us to share HBF

authors and their books more broadly, working with educators to shape each visit to their students' needs.

We've heard back from educators since 2016 that the authors that we bring to their kids leave positive/meaningful/lasting impressions. Programs have included:

- readings;
 - writing, poetry, and drama workshops;
 - student media interviews;
 - open discussions; and
 - presentations.
- All encourage open Q&A with the authors, and HBF provides books for classrooms/libraries/students in keeping with each school's preference.
- Audiences vary from a classroom to an entire grade or school.

With the depth of poverty and need here in Sussex County, why bother with an emphasis on history and the literary arts?

Stories are among the most personal and readily accessible of art forms. We read them in the solitude of our own minds, connecting them to the very core of who we are. And like most art forms, the written story is new and different for each person who encounters it, as each person's own story shapes the terrain where they and the story meet.

Literary art provides the spark of inspiration that ignites the true power of HBF: building broad historical literacy. In 2017, we used a quote from Kipling to open the first festival: "If history were taught in the form of stories, it would never be forgotten." We believe that knowing and engaging with our history is vital. Our past directs us, providing signposts on our path to the future.

HBF never tells people what to take from history or literature. Our goal is to make a broad range of well-researched, well-written, compelling stories come alive for people of all ages, giving them an opportunity to slow down

and talk about them with others. We see engaging literary works and author events as ways to “till the soil” of our minds – opening us to seeds of new ideas through story in a relaxed and fun setting. Which seeds take root and how they grow for each person is unique and deeply personal.

By moving our experience of history beyond memorizing a dry set of names and dates about remote figures, stories allow us to experience what we have in common with people from history and to use that experience to make sense of the present and beyond. Gaining this kind of understanding has the power to break down the silos that seem to separate us, filling the space with empathy and agency rather than enmity and passivity.

The outcome that we seek is to increase peoples’ understanding of themselves and others – igniting their curiosity and giving them ways to explore and deepen that understanding and to build personal and civic ties. We believe that reading history can change the world.

| | |
|--|---|
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | 26,950.00 |
| Description | Travel and lodging expenses for authors |
| Amount | 10,450.00 |
| Description | Discounted book purchases |
| Amount | 14,000.00 |
| Description | Operating costs |
| Amount | 500.00 |

| | |
|--|-------------------------------------|
| Description | Personnel |
| Amount | 12,005.00 |
| TOTAL EXPENDITURES | 36,955.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -10,005.00 |
| Name of Organization | History Book Festival at Lewes Inc. |
| Applicant/Authorized Official | Jen Mason |
| Date | 04/23/2026 |
| Affidavit Acknowledgement | Yes |

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, April 20, 2026 4:29 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

| | |
|---|---|
| Legal Name of Agency/Organization | American Legion Post 8 Inc. Sussex Post No. 8 The American Legion Inc. |
| Project Name | Emergency Aid to Veterans and Families in Sussex County |
| Federal Tax ID | 51-6018018 |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | Sussex Post Number 8 The American Legion Inc. is a local non-profit veteran's organization that has operated out of Georgetown since 1931. Our mission is to play a critical role in ensuring the well-being of the community, demonstrating our commitment to veterans and local residents by providing support for emergency and medical needs. |
| Address | 12 Swain Avenue |
| City | Georgetown |
| State | DE |

| | |
|---|--|
| Zip Code | 19947 |
| Contact Person | Mary Lou Tietz |
| Contact Title | Development Consultant |
| Contact Phone Number | 302-539-0793 |
| Contact Email Address | delawaregrants@gmail.com |
| Total Funding Request | 2500 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 1450 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 5 |
| Program Category (choose all that apply) | Health and Human Services |

| | |
|---|--|
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | Veterans |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 100 |
| Scope | <p>Sussex Post Number 8 The American Legion Inc. is a local non-profit veteran's organization that has operated out of Georgetown since 1931. Our mission is to play a critical role in ensuring the well-being of the community, demonstrating our commitment to veterans and local residents by providing support for emergency and medical needs.</p> <p>Sussex Post No. 8 The American Legion Inc. supports two crucial community programs that support community residents and veterans. We operate one of the most active emergency medical services in Sussex County, running about 2,200 emergency calls per year in the Georgetown/Millsboro area. The ambulance service provides transportation to area hospitals for veterans and community residents who need immediate medical help.</p> <p>In addition to the ambulance service, Sussex Post No. 8 The American Legion provides assistance for veterans and their family members who are facing financial crises. Veterans and family members can come to the Legion and receive support for housing costs (rental and mortgage payments) as well as utility costs, food, and clothing assistance through our Emergency Services Fund. Our staff often work with the widows of veterans who are having difficult times with their finances and who request support from the Legion.</p> <p>In recent years, as members have aged and more and more</p> |

resources have gone into providing medical support services through our ambulance services, the Legion has struggled to raise enough funds to support our Emergency Services Fund. We have recently launched a new effort to support the Fund by holding special fundraising events and soliciting grants from foundations and business partners in the community.

Sussex Post No. 8 The American Legion is requesting a grant of \$2,500 from the County Council to support our Emergency Services Fund for Veterans. We ask that the Council partner with the Legion to honor Sussex County veterans, their families, and the community as a whole by assisting them in times of need. Grant funds will go directly toward the line items detailed in the program budget.

Our target population is any veteran or family member in Sussex County in need of assistance. Many of those who approach us are seniors or widows of veterans who have fallen on hard times. Rising food and housing costs are putting extra pressure on families of veterans to try to make ends meet. Many veterans and their families are on fixed incomes.

A few examples of Sussex County veterans assisted by Sussex Post No. 8 in 2025:

- 1) A 76-year-old veteran, retired coast guard, who had moved to the area with his wife and adult handicapped child. They were struggling to get on their feet. We were able to assist them with some gift cards for food for the family and gas money.
- 2) An ex-wife of a veteran struggling because the veteran left her with two children. She is struggling with cancer. We gave her gift cards for food.
- 3) An 80-year-old veteran with an 83-year-old wife. We paid to have her brought home from the hospital with a private ambulance, and provided them with a gift card for food. We are continuing to work with them because he isn't used to cooking.
- 4) A 60-year-old veteran with low income, a wife fighting cancer, and they have three children. We provided them with a gift card for food.

**Religious
Components**

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 44,200.00

Description Housing Assistance for Veterans

Amount 13,900.00

Description Food and Clothing Assistance

Amount 4,800.00

Description Utility Support

Amount 7,000.00

Description Transportation

Amount 8,000.00

Description Auto Expenses

Amount 4,500.00

Description Educational Expenses

Amount 2,500.00

Description Miscellaneous

Amount 6,000.00

| | |
|--|---|
| TOTAL EXPENDITURES | 46,700.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -2,500.00 |
| Name of Organization | Sussex Post No.8 The American Legion Inc. |
| Applicant/Authorized Official | Mary Lou Tietz |
| Date | 04/20/2026 |
| Affidavit Acknowledgement | Yes |

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Millsboro Historical Society

PROJECT NAME: Jacob Godwin School

FEDERAL TAX ID: 51-0313038 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To provide and educational and historical setting for community individuals to visit for multiple purposes. This requires maintaining the grounds and building for needed maintenance and repairs.

ADDRESS: 23235 Godwin School Road

Millsboro DE 1996
(CITY) (STATE) (ZIP)

CONTACT PERSON: John G. Mitchell

TITLE: President

PHONE: 302-381-9934 EMAIL: sadpearl@mediacombb.net

TOTAL FUNDING REQUEST: \$5,000.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? (unk)

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other Historical | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other All | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
250

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Godwin School is a historic landmark and serves as an example for the way students learned through 1936 and with the continued support of the Sussex County Council will be able to maintain and make a portion of the improvements as necessary.

In the past two years the expenses for maintaining Godwin School have exceeded the income by \$3,756.76. County Council donated \$2200.00 in 2025.

Accordingly, we are requesting \$5,000.00.

Mr. Arthur E. Cathell, Secretary/Treasurer
23344 Godwin School Road
Millsboro, DE 19966

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

| REVENUE | |
|--|------------------------|
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | |
| TOTAL REVENUES | 0.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| Insurance | - 955.00 \$ 0.00 |
| Security | - 261.00 \$ 0.00 |
| Lawn Care | - 1430.00 \$ 0.00 |
| Electric | - 650.00 \$ 0.00 |
| Miscellaneous | - 200.06 \$ 0.00 |
| | |
| | |
| | |
| TOTAL EXPENDITURES | \$ 0.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | \$ 0.00 |


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Millsboro Historical Society agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature

04/15/2026

Date



Witness Signature

04/15/2026

Date

Completed application can be submitted by:

Email: barbara.albright@sussexcountyde.gov

Mail: Sussex County Government Attention:
 Bobbi Albright
 PO Box 589
 Georgetown, DE 19947

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

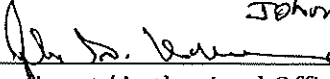
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

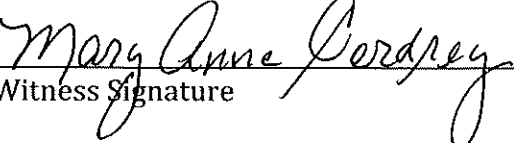
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.


Applicant/Authorized Official Signature

President


Witness Signature

Title
04/15/2026

Date

Form submission from: Council Grant Form

From notifications=d3forms.com@mg.d3forms.com <notifications=d3forms.com@mg.d3forms.com>
on behalf of
Sussex County DE <notifications@d3forms.com>
Date Tue 4/28/2026 4:50 PM
To Morgan C. Stokes <morgan.stokes@sussexcountyde.gov>

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form

| | |
|---|--|
| Legal Name of Agency/Organization | Speak Out Against Hate |
| Project Name | Speak Out Against Hate Student Ambassador Internship Program |
| Federal Tax ID | 99-1066302 |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | Speak Out Against Hate is a non-profit initiated in 2023 in Sussex County, Delaware, to confront the rising tide of hatred that is becoming normalized in our communities and nationwide in a direct, focused manner. SOAH seeks to engage in this effort with all people of good faith; community leaders, businesses, elected officials, clergy, law enforcement personnel, young and old, regardless of color, creed, sexual orientation, national origin or religion |
| Address | P.O. Box 1102 |

| | |
|---|--|
| City | Rehoboth Beach |
| State | DE |
| Zip Code | 19971 |
| Contact Person | Mary Lou Tietz |
| Contact Title | Development Consultant |
| Contact Phone Number | 302-539-0793 |
| Contact Email Address | bftietz@gmail.com |
| Total Funding Request | 3000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 1200 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 30 |
| Program Category (choose all that apply) | Educational |
| Primary Beneficiary Category | Youth |

**Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program**

100

Scope

Speak Out Against Hate (SOAH) was launched in 2023 by members of the Seaside Jewish Community in Rehoboth Beach and Southern Delaware Alliance for Racial Justice. It was created to confront the rising tide of hatred that has become more normalized in our communities and nation. Our members are committed to confronting and countering hate, wherever and whenever it exists in a direct, focused manner.

SOAH seeks to engage in this effort with all people of good faith; community leaders, businesses, elected officials, clergy, law enforcement personnel, young and old, regardless of color, creed, sexual orientation, national origin or religion. We intend to speak out early and often and follow up on the rising number incidents and expressions of hate, joining forces with all similarly motivated individuals and organizations. Our goal is to make “No hate here” a reality in Delaware. We welcome all who stand against hate to join SOAH. Our programs are carried out through 5 Action Groups, including Youth and School Officials; Faith Leaders; Business Leaders; Elected Officials; and First Responders.

SOAH hosted several successful community events in Sussex County since our inception, including a Sabbath of Peace and Unity at the Epworth UMC in Rehoboth during Delaware Peace Week 2024, in which 11 houses of worship and over 200 people participated in a multi-faith event. In February 2025, we held a Town Hall meeting in which 220+ people registered. Events in the summer of 2025 featured Delaware State and Federal officials as guest speakers, including Senator Lisa Blunt Rochester and Representative Sarah McBride. We held a workshop at Delaware Peace Week in October 2025, joined the Food Bank of Delaware for the unveiling of its new peace pole in the Veterans Memorial Garden, followed by tours of the Food Bank’s facility in Milford, and then participated in a Peace Circle that evening at Lewes Library.

Many clergy from area churches and synagogues have provided their support, including Epworth Methodist and St Peter's Episcopal in Lewes. SOAH works closely with our founding organizations, the Seaside Jewish Community in Rehoboth Beach and the Southern Delaware Alliance for Racial Justice, with many of our board members representing all three organizations.

The Youth and School Officials Action Group empowers young people in Sussex County to get involved in action against

hateful behavior. In designing the program, the Board wanted to work with both young women and men to find ways that were especially designed to their gender in fighting back against hateful behavior that especially impacts them. The program is designed to have each gender represented as ambassador leaders so that specific issues that affect their gender would be addressed. Some topics that are being addressed in upcoming sessions include high rates of gender-based violence, systemic discrimination and limited leadership opportunities.

SOAH requests a grant from the County Council to support our Student Ambassador Internship Program in the 2026-27 school year to help meet our goal to increase the number of youth from our community who are involved in our Youth and School Officials Action Group, encouraging them to engage in activities that support SOAH's mission, so they learn how to speak out against hate and bullying in schools and communities. Following our first successful events for teens in 2025, SOAH has formed a Teen Advisory Board to design our programs to reach out to high school students in Sussex County. Our goal is to hold one meeting per month and invite speakers to address topics that focus on anti-hate measures that affect middle and high-school age youth.

Grant funds will be used to help SOAH increase the number of youth attendees at our anti-hate events in 2026, and to provide scholarships to increase the number of participants in our Student Ambassador Internship Program.

SOAH intends to host monthly events in Sussex County in 2026 that educate community members specifically in reference to anti-hate, and anti-bullying measures that effect women and girls. Our goals for the project are the following:

- 1) To increase the number of student attendees at SOAH events by 10% during the 2026-27 school year. Up to 100 youth have attended SOAH youth workshops through the end of 2025.
- 2) To increase the number of Student Ambassador Leaders from two to four, bringing on an additional young female ambassador during the 2026-27 school year.
- 3) To sponsor speakers and leaders at Sussex County high schools to encourage student participation in SOAH's mission to end hate and bullying.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 6,400.00

Description Action Groups

Amount 300.00

Description IT Expense

Amount 1,000.00

Description Event Participation

Amount 300.00

Description Printing

Amount 200.00

Description Youth Stipends

Amount 250.00

Description Scholarships

Amount 5,000.00

Description Training

Amount 1,000.00

Description Administrative Costs

Amount 1,350.00

TOTAL EXPENDITURES 9,400.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -3,000.00

Name of Organization Speak Out Against Hate

**Applicant/Authorized
Official** Patty Maloney

Date 04/28/2026

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature



Witness Signature

President

Title

04/29/2026

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Bridgeville Apple-Scrapple Festival, Inc

PROJECT NAME: 34th Annual Apple Scrapple Festival

FEDERAL TAX ID: 51-0399198 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?
 YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To promote Western Sussex County agri-business tourism and to provide fundraising opportunities to local non-profits, youth groups, and civic organizations.

ADDRESS: P.O. Box 206
600 S. Cannon Street
Bridgeville Delaware 19933
(CITY) (STATE) (ZIP)

CONTACT PERSON: Karen Johnson

TITLE: President

PHONE: 302-245-2038 EMAIL: kjohnsonasf@yahoo.com

TOTAL FUNDING REQUEST: \$1,500.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? 3000.00

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 13%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fair Housing | <input checked="" type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Community Event</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>festival attendees</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

10-15,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Between 15-20,000 attendees to the Town of Bridgeville during the Apple Scapple Festival, the complexity of traffic and safety is the most important factor that our committee handles. This includes municipal officers that assist with traffic control and festival safety, and fire police officers that direct traffic and assist with safety at bus stops and intersections. Parking lot and traffic signage is updated yearly, if necessary, to improve traffic flow. Parking lot improvements including entrance and exit stability, and grading when needed. If \$1,500.00 is received, it would directly benefit our traffic and safety needs.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

| REVENUE | |
|--|----------------------|
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | |
| TOTAL REVENUES | 10,000.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| Additional municipal police coverage | -\$ 6,500.00 |
| Fire Police coverage | -\$ 2,300.00 |
| Parking Lot Attendants Fee | -\$ 2,000.00 |
| Parking Signage | -\$ 450.00 |
| RACES donation and misc expenses | -\$ 360.00 |
| | |
| | |
| | |
| | |
| TOTAL EXPENDITURES | -\$ 11,610.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -\$ 1,610.00 |

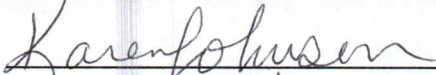
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Bridgeville Apple-Scrapple Festival, Inc. agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

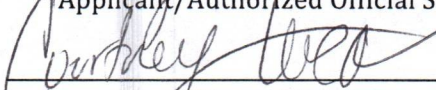
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature

04/29/2026

Date



Witness Signature

04/29/2026

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

To Be Introduced: 5/12/26

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-220.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.57 ACRES, MORE OR LESS

WHEREAS, on the 26th day of November 2024, a Conditional Use application, denominated Conditional Use No. 2569 was filed on behalf of Pivot Energy DEL045, 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 Conditional Use No. 2569 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 VI, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2569 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 east and west sides of Norwood Lane, approximately 950 feet southwest of Oak Orchard Road (Route 5), being more particularly described in the attached legal description prepared by Moore & Rutt, P.A. said parcel containing 45.57 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.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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 Steve C. McCarron

FROM: Paul B. Mauser, P.E., Assistant County Engineer

RE: Joy Beach Sewer Expansion Phase I, Project S20-12
A. Public Hearing for Supplemental Funding Debt Ordinance

DATE: May 12, 2026

Project Background Information: In August of 2017, County Council authorized the posting of notices for an October 20th public hearing regarding the expansion of the Sussex County Unified Sewer District for the Joy Beach Community and properties along Bookhammer and Waterview Roads. As part of the public hearing process, the Happy go Lucky campground on Camp Arrowhead Road was added and County Council approved the expansion on November 7, 2017, by Resolution R 030 17.

In late 2019 sewer service requests along Arrowhead Road were received causing the Department to distribute polling letters. Based on the results County Council held another public hearing on February 18, 2020 for an expansion boundary which included the Cherry Creek Valley mobile home park. The latter has multiple mobile homes connected to common septic system. County Council approved this area expansion on the same day, by Resolution R 003 20

Subsequently a number of properties along Cherry Walk, Pierce and David Drives, all located off Camp Arrowhead Road, expressed interest resulting in a third round of polling letters. Based on these results another public hearing was held on July 30, 2020 and County Council approved this area expansion on August 11, 2020, by Resolution R 009 20 hereby creating the Joy Beach Phase II project together with the previously approved Cherry Creek Valley mobile home park.

The entire sewer expansion area is located directly adjacent to the tidally influenced Cherry Walk Creek. Under the State of Delaware's promulgated Pollution Control Strategy for the Inlands Bays the areas within 1,000 feet of water's edge were to be connected to central sewer under priority I in 2008, making this a high priority expansion.



During the August 13, 2019 Council meeting, the Department explained the terms of State Revolving Fund financing offer associated with the Joy Beach Phase I Sewer Expansion Project. Following the public hearing County Council adopted Ordinance No. 2671 providing for issuance of Sussex County General Obligation Bonds of up to \$5,691,821 to finance or reimburse the County for a portion of costs for design and construction, with an expectation of principal forgiveness up to \$3,396,000 to reduce the principal amount to \$2,295,821 upon project completion.

On June 10, 2025 County Council approved the balancing change order of the Joy Beach Phase I construction contract and granted substantial project completion. This allowed for the compilation of all expenses, including the Phase II, design revealing a shortfall of \$239,058.97. The Finance and Engineering Departments have requested supplemental State Revolving Fund financing in that amount which can be approved administratively by DNREC but will still trigger a subsequent separate Sussex County debt service ordinance. Because the County is interested in closing out Phase I, we cannot seek reimbursement for the bond counsel expenses associated with the supplemental funding.

The Joy Beach II expansion area is comprised of older modest homes part of 1960s subdivisions with dirt roads as well as the Cherry Creek Valley mobile homes park. This is a low-income area, with the non-transient population well below the 2019 county wide Median Household Income of \$57,901 which was used in the original State Revolving Fund application.

At the public hearings for Joy Beach Phase II, the Engineering Department presented an estimated annual cost of \$832, which subsequent user charge increases would bring it to \$900 today. The design and bid are bare bones w/o any paving upgrades and there is no further cost cutting opportunities.

The on-site systems are quite old and compromised, located in a sensitive area of the Rehoboth Bay drainage area similar to the recent Love Creek mobile home park expansion where the University of Maryland, Environmental Finance Center conducted an income survey revealing a Median Household Income of \$44,400.00 well below the 2025 county-wide one of \$85,258.00. As such, the Engineering Department provided a recommendation to County Council at the January 6, 2026 meeting to submit a standalone application package to the State Revolving Loan Fund supported by a third-party county assisted income survey to document a lower median household income.

Under the 5-year RFP 19-22, for Miscellaneous Engineering Services County Council selected, among others KCI Technologies, Inc. KCI submitted Amendment No. 1 to their Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Joy Beach Phase I Sewer Expansion Project which Council awarded at a not-to-exceed value of \$340,300.00.

Based on the design the Joy Beach Phase I project was advertised and on February 22, 2023, six (6) bids were received. The lowest bidder was Chesapeake Turf, LLC at \$4,758,640.00. During the Department's pre-award debriefing with Chesapeake Turf, the contractor proposed two cost saving means & methods changes and on April 18, 2023, Council approved award to

Chesapeake Turf in the amount of \$4,758,640.00 and Change Order No. 1 in the overall reduction amount of \$63,250.00.

Chesapeake Turf, LLC reached substantial completion for the pressurized system on June 12, 2024, and connection letters were sent to those residences in September 2024. The remainder of the project included installation of gravity sewer within Joy Beach. Because of construction delays, the gravity sewer was planned for installation during the summer of 2024. This was problematic recognizing that Joy Beach has many seasonal residents and construction during this timeframe would create unnecessary hardships. Chesapeake Turf, LLC requested an overall non-compensatory time extension of 226 calendar days and a non-compensatory 90 calendar day contract suspension to cover the summer months. Council approved the request via Change Order No. 2 on April 30, 2024.

After the non-compensatory 90 calendar day suspension, the installation of the gravity sewer and base paving of the roads within the Joy Beach community were completed by December 21, 2024. Chesapeake Turf, LLC requested a non-compensatory time extension of 115 calendar days to the Substantial Completion and Final Payment dates to permit the paving work to be completed which Council approved via Change Order No. 3 on January 7, 2025.

On June 10, 2025 County Council approved balancing Change Order No. 4 for the Joy Beach Phase I Septic Elimination project, decreasing the contract by \$133,687.60 for a final value of \$4,561,702.40 as well as granting of substantial completion.

The Engineering Department advertised the public bid for the Joy Beach Phase II Septic Elimination project on October 6, 2025. At the time of Bid Opening on November 5, 2025 a total of eight (8) bids were received with the lowest bid submitted by Pact One, LLC in the amount of \$2,929,600.00. Although the bids were competitive, the County was unable to obtain State Revolving Funds under favorable terms without a supporting median household income survey. In accordance with the Specifications manual of the Bid Documents (Section 00200 Instructions to Bidders, Article 19, 19.01), County Council can exercise the right to reject all bids and on January 6, 2026, County Council rejected all bids for the Joy Beach Sewer Expansion Phase II, S25-03, as recommended by the Engineering Department.

DNREC Supplemental Funding: On January 7, 2026, the Engineering Department requested DNREC Clean Water State Revolving Fund (CWSRF) supplemental funding in the amount of \$239,059.00 to cover the additional engineering services and Phase 1 construction budget shortfall. DNREC responded by providing a Binding Commitment Offer Letter on February 17, 2026 in the amount of \$239,059.00 and Sussex County staff acknowledged and accepted the Binding Commitment Offer Letter that same day.

On April 14, 2026, the Engineering Department recommended introduction of the associated debt ordinance, authorizing \$239,059.00 of general obligation bonds of Sussex County to cover the additional engineering services and Phase 1 construction budget shortfall.

Sussex County Engineering Recommendation for County Council: Based on a favorable Public Hearing at the May 12, 2026 Council Meeting, the Engineering Department recommends approval of \$239,059.00 of general obligation bonds of Sussex County to cover the additional engineering services and Phase 1 construction budget shortfall.

ORDINANCE NO. [____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$239,059 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE JOY BEACH PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its Bond and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9;

WHEREAS, pursuant to Ordinance No. 2671 adopted on August 13, 2019, the County authorized the issuance of its General Obligation Bond in the maximum principal amount of up to \$5,691,821 for the Project;

WHEREAS, the County previously issued its General Obligation Bond (Joy Beach Sewer Annexation Project), Series 2019B-SRF in the maximum aggregate principal amount of up to \$5,691,821 (the “2019B Bond”) on September 6, 2019 to secure a loan from the Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources & Environmental Control) (“DNREC”) to fund the Project;

WHEREAS, the County requires additional funding due to increased costs for the Project and desires to accept a supplemental loan in the amount of \$239,059 from DNREC to fund the increased costs of the Project; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of a general obligation of the County to finance the increased costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bond. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligation bond in the maximum aggregate principal amount not to exceed \$239,059 (the “Bond”) to finance or reimburse the County for additional engineering services, construction costs and connection fees associated with the Joy Beach Sewer Annexation Project to be amortized over the remaining term of the original loan until September 1, 2051, such date being the final maturity date of the original loan being supplemented.

The monies raised from the sale of the Bond (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bond and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bond and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bond. The principal, interest and premium, if any, on the Bond may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code, Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bond shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of its validity and of the regularity of its issuance. While the Bond is backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bond. The Bond shall be sold at such price and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bond shall bear interest at such rate and shall mature in such amount and at such times but not exceeding September 1, 2051, such date being the final maturity date of the original loan being supplemented, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bond. The Bond may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bond will be sold to DNREC (or any successor agency).

Section 5. Details of the Bond. The County Administrator is authorized to determine the details of the Bond including the following: the date or dates of the Bond; provisions for either serial or term Bond; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bond; the denomination and designation of the Bond; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bond; provisions for the replacement of lost, stolen, mutilated or destroyed Bond; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bond shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bond.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bond is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bond and to provide for its security and to carry out the

intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

SYNOPSIS: This Ordinance provides for the issuance of up to \$239,059 of the Sussex County General Obligation Bond (Supplemental Joy Beach Sewer Annexation Project), Series 2026C-WPCRF to finance or reimburse the County for the additional engineering services, construction costs, and connection fees associated with the Joy Beach Sewer Annexation Project (collectively, the “Project”).

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. [] ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 12th DAY OF MAY, 2026.

Tracy N. Torbert
Clerk of the Council

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: May 7, 2026

RE: County Council Report for C/U 2594 filed on behalf of Anthony DeGirolano

The Planning and Zoning Department received an application (C/U 2594 filed on behalf of Anthony DeGirolano) for a Conditional Use for an auto repair and vehicle storage business within an AR-1 Agricultural District. The Tax Parcel ID is 234-24.00-39.05. The property is located at 32909 Long Neck Road, Millsboro. The parcel size is 3.07 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 13 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

C/U 2594 Anthony DeGirolano

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR AND VEHICLE STORAGE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS. The property is lying on the north side of Long Neck Road (Rt. 23), approximately 800 feet west of Pot Nets Road (S.C.R. 22C). 911 Address: 32909 Long Neck Road, Millsboro. Tax Parcel: 234-24.00-39.05.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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

The Commission found that Mr. Anthony DeGirolano spoke on behalf of application; that also present was Mr. DeGirolano's son, Mr. Victor DeGirolano, the current business owner of Long Neck Auto. Mr. Anthony DeGirolano stated they are working on trying to beautify the site, and intend to place a fence to screen the site from other; that currently, it is his son's business; that the property had been in his family for 150 years, and that they own a lot of the nearby land.

Madam Chair Wingate requested additional information regarding the operation and what was being requested.

Mr. Victor DeGirolano stated that he employs seven full-time employees, all with families; that he helps everyone in the community; that he donates to various charities; that he helps a lot of elderly people, especially when their significant others pass; that he will pick them up and drop them off when needed; that he really enjoys helping people; that he tries to make sure his employees and his customers are taken care of, many of which were present for the hearing; that his dad had been a diesel mechanic is entire life; that his business services cars, light duty diesel, some bigger trucks, and tractors; that the hours of operation would be Monday through Friday from 7:00 am until 5:00 pm, and that no Saturday or Sunday hours are proposed, however, he is usually there making sure everyone's vehicles are fixed correctly

Mr. Collins stated that even if the site would not be open to customers on Saturday or Sunday, but work will be performed on a Saturday or Sunday, it should be requested to operate on those days so that the Commission does not place a condition prohibiting that.

Mr. Victor DeGirolano stated that he would request permission to work on Saturdays, but Sundays they would be off, and they would work on Saturdays from 8:00 am until 3:00 pm.

Mr. Collins questioned whether the business was contracted with any company to dispose of and manage waste and oil products, and questioned whether there were any other activities happening on the parcel other than the auto business.

Mr. Victor DeGirolano stated that they burn the waste oil for heat, and Lorco handles all his antifreeze and oil filters; that everything is disposed of properly; that everything is stored properly; that tires are removed by a company out of Virginia, and that the automotive business was the only operation being performed on the site.

Mr. Pettyjohn questioned who lived in the house on the property, and stated that the site is surrounded by other residential dwellings of season or full-time use; that he understood that within that line of work, sometimes one can get behind, where 6:00 pm turns into 10:00 pm or even midnight; that he

knows air tools and vehicle testing can be tempting and even required at times, and because of this he felt it was important to discuss the site perimeter.

Mr. Victor DeGirolano stated that he lived in the house on the property; that his cousin and mom live next door to the site; that the Pot Nets community was located on the other side of the site; that he stays on his employees about that type of stuff; that it is very quiet after 5:00 pm to 6:00 pm., and during the day the operations are not that loud.

Madam Chair Wingate requested confirmation on the proposed hours of operation.

Mr. Collins stated that the proposed hours of operation stated were until 3:00 pm on Saturdays, and from 8:00 am until 5:00 pm on Monday through Friday.

Madam Chair Wingate stated that if noise is created beyond 5:00 pm, and the neighbors complain, there would be an issue.

Mr. Victor DeGirolano stated the hours of operation would be 7:00 am until 5:00 pm, however to play it safe he would request until 7:00 pm as that was probably the latest he had ever stayed there, to ensure customers are taken care of, and to ensure everyone got their car back when needed.

Mr. Passwaters stated that from the satellite view, it appeared that several vehicles were located at the rear of the property; that there are seven employees and questioned the number of vehicles staged on the site per week.

Mr. Victor DeGirolano stated that his average turnover, dependent on parts, is approximately three days; that certain cars, who may be getting engines, transmissions, or if he has to deal with aftermarket warranty companies, could take up to weeks to a month; that this happens often when someone else is trying to pay for the work; that it can become time consuming; that currently his biggest problem is obtaining parts; that the dealerships are on back order for months; that he would estimate approximately 30 vehicles, maximum, would be stored on the site in the backyard, and that most of those vehicles would not stay on the site any longer than a month.

Mr. Allen questioned whether the proposed use was for mechanical work only, or was autobody work performed on the site as well, whether there was a dumpster on the site, and whether the dumpster site was fenced in or not.

Mr. Victor DeGirolano stated no; that no autobody work was performed on the site; that there was a dumpster on the site; that the dumpster is not currently fenced in, however, they are working on getting the area fenced in; that they had scrap metal company out of New Jersey, who come down to haul the scrap metal away and rotors, and that they company comes to the site once per month.

Mr. Anthony DeGirolano stated that any material that would not get hauled away, he personally takes to Donovan Salvage Works.

Madam Chair Wingate questioned whether there would be any vehicles stored on the site that would not be tagged, and if so, the number of untagged vehicles that would remain on the site.

Mr. Anthony DeGirolano stated yes; that were untagged and unregistered vehicles on the site; that some of those vehicles were his personal vehicles that he owns, and those vehicles were hobby projects.

Mr. Anthony DeGirolano stated currently there is a row of four to five vehicles on the site.

Mr. Robertson questioned whether the application proposed renting space for vehicle, boat or RV storage, and requested information regarding the surrounding area, and any other businesses located within the area.

Mr. Anthony DeGirolano stated that they were not proposing to rent space for vehicles storage; that there had been times where their customers run into issues; that previously they had a customer who's husband had passed away; that they ended up having her car for a year after they had fixed it, and they ended up helping her get rid of the vehicle.

Mr. Anthony DeGirolano stated that there was a golf cart business across the street, a strip mall, Poppy's Produce Market, and Paradise restaurant.

Mr. Victor DeGirolano requested to submit into the record a petition of support, which included 369 signatures.

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

Ms. Janet Corliss, resident along Long Neck Road, Millsboro, spoke in support of the application. Ms. Corliss stated that the residents of Pot Nets, White House Beach and numerous other areas all were in need of auto repair services; that her whole family used Long Neck Auto, and that it was nice to have a auto repair place close by.

Ms. Nancy Clansey, local resident, spoke in support of the application. Ms. Clansey stated that she loved the shop, as she is able to walk to it; that she could trust the applicant, and it was nice to have someone that could be trusted, as many of the locals are senior citizens, with many having females as the head of household.

Mr. John Dill, resident of Long Neck for 16 years, spoke in support of the application. Mr. Dill stated that he is the President of the Townhomes of Bayshore Condominium Association, located about 0.75 mile from the site; that within the condominium, there were about 146 owners; that of those, he has about 40 owners who are always looking for a good business to take their automobile to; that they are always looking for a place that is reasonable, trustworthy and guarantee their work; that he had never heard a complaint, and the applicant runs a very professional, family-oriented business, which he would highly recommend to anyone.

Mr. Steven Boyd, resident of White House Beach, spoke in support of the application. Mr. Boyd stated that he felt it was a great local small business, which he found to be very convenient.

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 2594 Anthony DeGirolano. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 1, 2026.

Mr. Collins moved that the Commission recommend approval of C/U 2594 for Anthony P. DiGirolano for an automobile repair and vehicle storage business based upon the record made at the public hearing and for the following reasons:

1. The automobile repair facility is a family operation on family land that has been in existence for years. It has grown from a home occupation to the point where this conditional use application was required. With the conditions and stipulations placed upon it, this use will not have an adverse impact on the neighboring properties and community or area roadways.
2. There are many other small businesses in this area of Long Neck Road, and this use is consistent with those existing businesses.
3. The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area. Many nearby residents testified that the use is very convenient to people in the Long Neck community in particular.
4. All repairs will occur indoors, and the Applicant resides on the property along with other family on the adjacent properties.
5. No parties appeared in opposition to this Application, and several community members spoke in strong favor of it.
6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to an automobile repair business with associated vehicle storage.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. All repairs shall be performed indoors. No automobile parts shall be stored outside.
 - F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site other than vehicles owned by the Applicant's family. These vehicles shall be located in the rear of the site.

- G. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- H. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.
- I. No cars shall be sold on the property.
- J. The site shall be subject to all DeIDOT entrance and roadway requirements.
- K. The hours of operation shall be from 7:00 a.m. through 7:00 p.m., Monday through Saturday.
- L. Any violation of these conditions may be grounds for the termination of this Conditional Use.
- M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/U 2594 Anthony DeGirolano for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 1, 2026

Sussex County Council Public Hearing Date: May 12, 2026

Application: CU 2594 Anthony P. DeGirolano

Applicant: Anthony P. DeGirolano
32909 Long Neck Road
Millsboro, DE 19966

Owner: Anthony P. DeGirolano
32909 Long Neck Road
Millsboro, DE 19966

Site Location: 32909 Long Neck Road, Millsboro

Site Location: Located on the north side of Long Neck Road (Rt. 23), approximately 800 feet west of Pot Nets Road (S.C.R. 22C).

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

Proposed Use: Auto Repair and Vehicle Storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Indian River School District

Fire District: Indian River Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 3.07-acre(s) +/-

Tax Map ID.: 234-24.00-39.05





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 25, 2026
RE: Staff Analysis for CU 2594 Anthony P. DiGirolano

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2594 Anthony P. DiGirolano to be reviewed during the April 1, 2026, 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: 234-24.00-39.05

Proposal: The request is for a Conditional Use for Tax Parcel: 234-24.00-39.05 to allow for an Auto Repair Business within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the north side of Long Neck Road (Rt. 23), one mile east of School Lane (S.C.R. 298). The property contains 3.07 acres more or less and is located at 32909 Long Neck Road in Millsboro, Delaware.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal 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 and thoughtful development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of “Coastal Area.” All surrounding Parcels to the north, east and west contain a Growth Area Future Land Use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Coastal Areas” are “areas that can accommodate development provided that special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that “retail and office uses are appropriate” within this Future Land Use Map designation, that “appropriate mixed-use development should be allowed” and that “in doing so, careful mixtures of homes with light



commercial, office and institutional uses can be appropriate to provide for convenient services and allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, Staff note that the parcels to the south of the property across Long Neck Road have a Future Land Use Map designation of “Commercial Area.” The 2018 Sussex County Comprehensive Plan states that “Commercial areas include concentrations of retail and service uses that are mainly located along arterials, and highways” and “include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic” (2018 Sussex County Comprehensive Plan, 4-17).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The parcel is in a Fair Groundwater Recharge Area

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been 33 Conditional Use Applications within a 1-mile radius of the Application Site.

Staff Analysis
 CU 2594 Anthony DiGirolano
 Planning and Zoning Commission

| CU No. | APPLICANT | Tax Parcel # | Zoning | Proposed Use | CC Decision Date | CC Decision | Ord. No. |
|--------|---|------------------|--------|--|------------------|-------------|----------|
| 104 | Sam H. Howell, Jr. | 234-24.00-45.00 | AR-1 | Manufactured Home Park | 2/6/1973 | Approved | |
| 134 | Nanticoke Shores Inc | 234-24.00-35.00 | AR-1 | Extend Manufactured Home Park | 6/26/1973 | Denied | |
| 197 | Nanticoke Shores Inc | 234-24.00-35.00 | AR-1 | Extend Manufactured Home Park | 3/26/1974 | Approved | |
| 256 | Pot Nets Inc | 234-24.00-50.00 | AR-1 | Borrow pit | 3/4/1975 | Approved | |
| 262 | Indian River Volunteer Fire Co | 234-23.00-287.00 | GR | Fire department substation | 4/1/1975 | Approved | |
| 282 | Adolph & Jean Corp | 234-23.00-311.00 | AR-1 | Shopping center/motel/restaurant complex | 6/17/1975 | Approved | |
| 465 | Earl Lingo | 234-23.00-307.00 | AR-1 | Extension of existing manufactured home park | 4/11/1978 | Approved | |
| 537 | Tunnell Properties | 234-29.00-254.00 | AR-1 | Borrow pit | 7/3/1979 | Approved | |
| 594 | Pot Nets, Inc | 234-24.00-37.00 | AR-1 | Manufactured Home Park | | Approved | |
| 688 | Charles Zonko | 234-23.00-307.00 | AR-1 | Manufactured home park | 10/5/1982 | Approved | |
| 690 | George Harrison Jr | 234-24.00-40.00 | AR-1 | Manufactured home park | 7/13/1982 | Approved | |
| 754 | Tunnell Companies, L.P. | 234-24.00-37.00 | AR-1 | Office Building | 9/27/1983 | Approved | |
| 824 | Tunnell Companies, L.P. | 234-30.00-2.00 | AR-1 | Manufactured home park addition | 6/4/1985 | Approved | 261 |
| 838 | Inland Bays Preservation Company | 234-24.00-37.00 | AR-1 | Public utility for public water system | 11/12/1985 | Approved | 319 |
| 1022 | Mid-Atlantic Realty Mgmt. | 234-24.00-35.00 | AR-1 | Manufactured Home for Sales and Display | 12/8/1992 | Approved | 868 |
| 1034 | Tunnell Companies, L.P. | 234-23.00-273.00 | AR-1 | Manufactured Home Community/Golf Course | 2/8/1994 | Approved | 954 |
| 1103 | Pine Acres, Inc. | 234-24.00-42.00 | AR-1 | Multi-family | 2/28/1995 | Approved | 1013 |
| 1179 | Destination Development | 234-23.00-307.01 | AR-1 | 3 lot addition to MHP | 5/13/1997 | Approved | 1135 |
| 1302 | Rick A. Willman | 234-23.00-311.03 | AR-1 | Bait & tackle shop | 8/31/1999 | Approved | 1340 |
| 1362 | Timothy S. Johnson Oak Forest Park | 234-24.00-45.00 | AR-1 | Add lot to MHP | 10/31/2000 | Approved | 1410 |
| 1476 | Elizabeth Little / Ed. Grimm TA Beach Fries | 234-23.00-311.02 | C-1 | Food vending trailer | 1/28/2003 | Approved | 1581 |
| 1505 | David Ritter | 234-23.00-311.01 | AR-1 | Boat storage | 12/9/2003 | Approved | 1644 |
| 1554 | Fulmer Enterprises Inc. | 234-23.00-311.08 | C-1 | Miniature golf | 9/28/2004 | Approved | 1720 |
| 1581 | Leon L. Burton | 234-24.00-48.00 | AR-1 | Boat storage | 2/8/2005 | Approved | 1752 |
| 1742 | Pine Acres, Inc. | 234-24.00-39.02 | AR-1 | Expansion of Existing MHP/Campground | 12/2/2008 | Approved | 2011 |
| 1761 | Sharp Energy, Inc. | 234-30.00-1.00 | MR | Propane Storage Facility | 10/2/2007 | Approved | 1937 |
| 1862 | Nanticoke Shores Assoc. | 234-24.00-35.00 | AR-1 | Campground/367 seasonal rv/camper sites & 260 manufact | 6/21/2011 | Approved | 2204 |
| 1910 | Charles Boehm | 234-23.00-311.03 | AR-1 | Hot Dog Vendor | 9/20/2011 | Approved | 2221 |
| 1926 | Nanticoke Shores Assoc., LLC | 234-24.00-35.00 | AR-1 | Ordinance to amend Condition No. 8 of Ordinance No. 2204 | 4/17/2012 | Approved | 2251 |
| 2201 | Pine Acres Inc. | 234-24.00-39.02 | AR-1 | Expansion of Campground | 3/16/2021 | Approved | 2766 |
| 2326 | Sun Leisure Point Resort, LLC | 234-24.00-39.02 | AR-1 | Amend Condition of Approval Ord. No. 2766 from CU 2201 | 12/6/2022 | Approved | 2896 |
| 2449 | Rudder Road, LLC | 234-23.00-276.00 | AR-1 | Multi-family | | Pending | |
| 2594 | Anthony P. DeGirolano | 234-24.00-39.05 | AR-1 | Auto Repair Business | | Pending | |



CU 2594 Anthony DiGirolano
Conditional Uses within 1 mile
TM#234-24.00-39.05

- CU 2594 Anthony DiGirolano
- CU 2594 DiGirolano 1-mile Buffer
- CU 2594 DiGirolano CU Vicinity Map

N

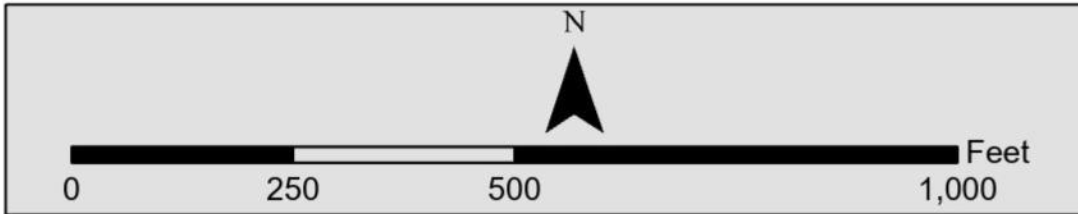
0 0.25 0.5 1 Miles

Based on the analysis provided, the Conditional Use to allow for an Auto Repair Business could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

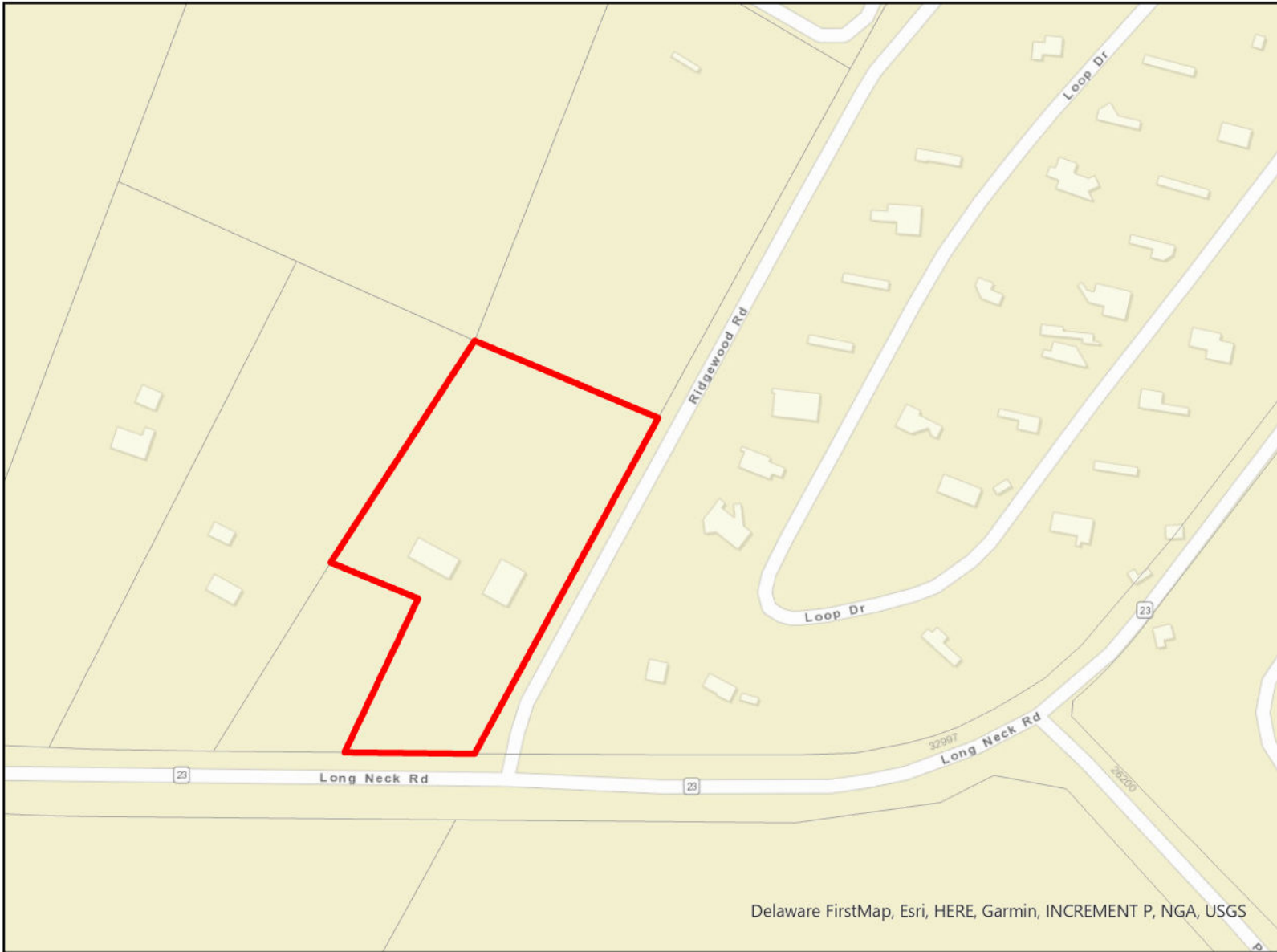


 CU 2594 Anthony DeGirolano

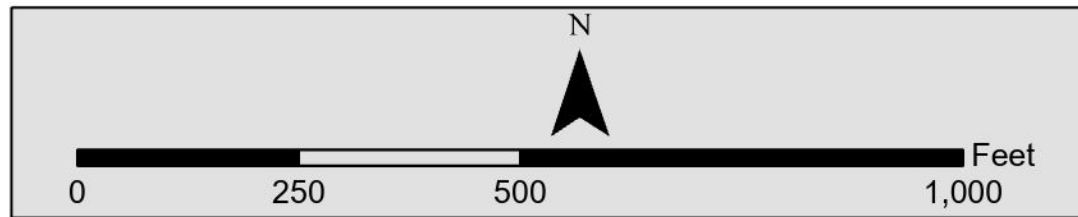
CU 2594 Anthony DiGirolano
Aerial Map
TM# 234-24.00-39.05

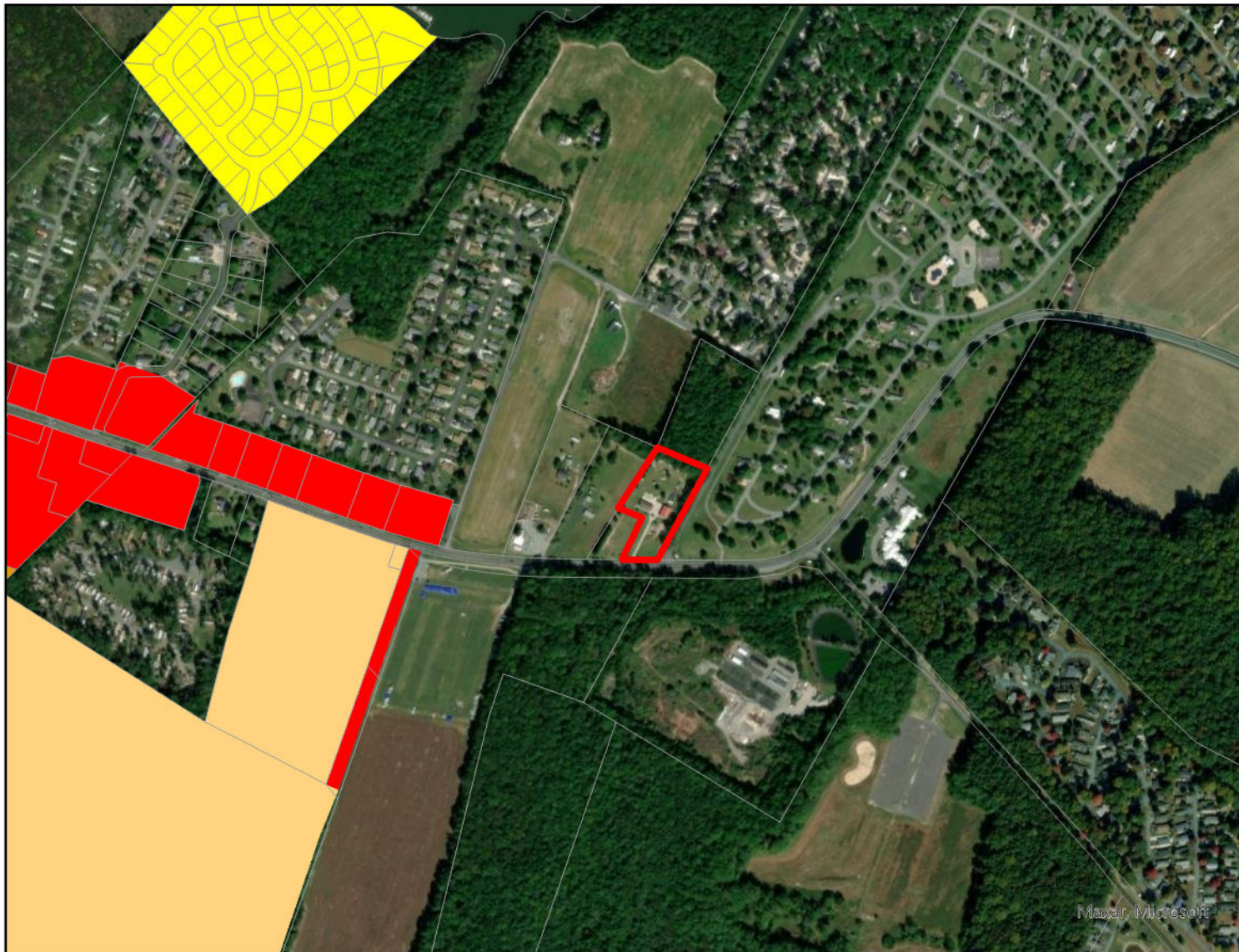


 CU 2594 Anthony DeGirolano



CU 2594 Anthony DiGirolano
Street Map
TM# 234-24.00-39.05

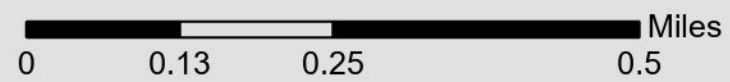




- CU 2594 Anthony DiGirolano

- 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 2594 Anthony DiGirolano
Zoning Map
TM# 234-24.00-39.05



Introduced: 3/10/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 234-24.00-39.05
911 Address: 32909 Long Neck Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR AND VEHICLE STORAGE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.07 ACRES, MORE OR LESS

WHEREAS, on the 8th day of May 2025, a Conditional Use application, denominated Conditional Use No. 2594, was filed on behalf of Anthony DeGirolano; 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 Conditional Use No. 2594 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. 2594 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 north side of Long Neck Road (Rt. 23), approximately 800 feet west of Pot Nets Road (S.C.R. 22C) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr. said parcel containing 3.07 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: May 7, 2026

RE: County Council Report for C/U 2636 filed on behalf of Antulio Joel Chavez Lopez

The Planning and Zoning Department received an application (C/U 2636 filed on behalf of Antulio Joel Chavez Lopez) for a Conditional Use for a mechanical trailer maintenance business and storage in an AR-1 Agricultural District. The Tax Parcel ID is 135-17.00-25.00. The property is located at 21032 Doddtown Road, Harbeson. The parcel size is 5.0 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended **denial** of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

C/U 2636 Antulio Joel Chavez Lopez

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MECHANICAL TRAILER MAINTENANCE BUSINESS AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS. The property is lying on the west side of Doddtown Road (S.C.R. 293), approximately 0.36 mile north of Anderson Corner Road (S.C.R. 292). 911 Address: 21032 Doddtown Road, Harbeson. Tax Parcel: 135-17.00-25.00.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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

Mr. Whitehouse advised the Commission that the application did follow the service of a Sussex County Notice of Violation letter, which had been served in September 2025, and the current Conditional Use application was the Applicant response to the issued violation.

The Commission found that Mr. Antulio Joel Chavez Lopez spoke on behalf of this application. Mr. Lopez stated that he operates a six-tractor trailer business; that they do make a lot of noise, as they run on different hours, leaving the site, returning, and going back out again; that that it is not a mechanical trailer maintenance business; that it is only tractor trailers coming and going; that he works for Allen's doing livestock, and that is why he had different hours for different trucks.

Madam Chair Wingate questioned what the hours of operation would be.

Mr. Lopez stated that they begin operations at midnight, at which time the trucks leave and return to the property the next day anytime between 10:00 am until 1:00 pm.

Madam Chair Wingate stated she was confused and questioned exactly what was being performed on the site other than tractor trailers coming and going from the site.

Mr. Lopez stated that he uses his property as a parking lot for the tractor trailers, and that the mechanic work was mentioned because he works on his own trucks on the property; that he is not a public mechanic; that he is a private mechanic for himself; that he owns all six tractor trailers and performs mechanic maintenance on them himself.

Madam Chair Wingate questioned whether there were any other businesses within the surrounding area.

Mr. Lopez stated that he was unsure, but that there were a lot of neighbors who ran their own businesses from their properties, and that he is requesting to use his land as a parking lot and nothing more.

Mr. Pettyjohn questioned whether Mr. Lopez's trucks were kept on the site currently, or whether they were kept elsewhere, whether there were any other businesses being operated from the property, and mentioned it appeared that firewood was being burned to the rear of the property.

Mr. Lopez stated that all the trucks are stored on his property; that no other businesses were being operated from the site other than his trucking business; that he had began cleaning the rear and side of the property when he moved there, because there was no space, only a driveway, and so he cleaned up the property to make the parking lot.

Mr. Pettyjohn stated that the application had mentioned a bobtail truck and questioned why that had been mentioned.

Mr. Lopez stated that before he moved to the site, he asked a State trooper, and DelDOT if it was okay for him to have his truck there, and they stated that it was okay as long as they were bobtail, not with a trailer.

Mr. Pettyjohn stated that Mr. Lopez has six trucks; that he questioned whether Mr. Lopez operated one of the trucks himself, whether the other five drivers were family, friends or employees, whether Mr. Lopez performed his own tire changes, whether fuel was kept on the site, or purchased on the road, whether there are any inoperable or unregistered vehicles located on the site, and whether Mr. Lopez planned to build on the property in the future.

Mr. Lopez stated that he had five employees, and that he does live haul and haul mulch for different states; that the live haul trailers belong to the chicken plant, but the tractor itself is owned by him; that he does not change his own tires all the time; that he does not perform big mechanical work, only small jobs; that if a bigger mechanical job is required he would take the trailer somewhere else; that they purchase fuel on the road, or it is provided through Alliance; that all vehicles are running; that he had one small car, which he planned to move out soon; that he planned to place a building to the back of the house to fix his trucks; that the house sits horizontally with the septic located beside it; that he did not have a lot of space to make a driveway in the back, and was the reasoning for additional driveway.

Mr. Allen stated that the Site Plan reflected an area which stated, “existing tree line to be trimmed back only as necessary” and questioned whether this was something the Commission would allow.

Mr. Robertson stated that it would be shown on the Final Site Plan, that there is no prohibition regarding someone taking down trees on a Conditional Use, and he would think that one would want to show the trees as part of the Final Site Plan, as they create a buffer and non-disturbance area, by insulating the use from the neighbors.

Madam Chair Wingate questioned what is done for disposal of the oil, hydraulic fluids and tires.

Mr. Lopez stated that he disposed of all oil and hydraulic fluids on Route 5, going through Long Neck/Millsboro; that he did not perform tire changes on the site, and that wherever he would go for the tire change, they would dispose of the old tire.

Mr. Robertson questioned whether Mr. Lopez lived on the property or not.

Mr. Lopez stated that yes, he currently lived on the property; that neighbors may see trucks running back and forth, and that is because he had different hours for different drivers.

Mr. Pettyjohn stated that the operation is difficult within a residential area, because it appeared that Mr. Lopez's operations mostly happen when most people would be sleeping.

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

Mr. James Harbin, adjacent resident to the site, spoke in opposition to the application. Mr. Harmon requested to submit photographs, in relation to his opposition, to be submitted into the record. Mr. Harmon stated that he was 81 years old and had been diagnosed with COPD; that he resided next to the commercial trucking company; that he felt Mr. Lopez was deliberately deceiving the Commission in terms of his application, as he had not fully described what he is doing on the site; that he had lived with this for over a year; that the Sussex County Code's AR-1 (Agricultural Residential) Zoning District was intended for agricultural uses, single-family, residential homes, and the preservation of rural character; that commercial and industrial uses are not intended for the AR-1 District; that permitted uses consist of single-family dwellings, manufactured homes, farms, agricultural activities, accessory structures, such as sheds, barns, and garages; that additional permitted uses could be churches and places of worship, schools, daycare centers, utilities, and certain home-based businesses; that permitted Special Use Exceptions could be professional offices, kennels, animal hospitals, and temporary or seasonal stands; that the AR-1 District does not permit for commercial trucking companies, storage of tractor trailers, commercial trucks, diesel repair, industrial businesses, commercial storage yards, or any business causing noise, fumes, and heavy traffic; that there is constant noise and diesel exhaust odors all hours of the day and night; that the business runs 24/7; that six trucks go out in a day, and return to the site; that six drivers come to the site, and leave their vehicles there; that there is mechanical work being performed on the trucks during the evening hours, late nights and weekends; that there had been disturbances from individuals drinking alcohol, while working on the vehicles; that ATVs are being driven on the property, into the nearby woods and onto the country road; that illegal burning had taken place, in violation of burn ban hours and duration limits; that huge pine trees were cut down, and were being burned 24/7; that DNREC had visited the site a few times; that there had been frequent trespassing of poultry, chickens, ducks, and turkeys from the Lopez's property; that he owns five dogs that have occasionally killed their chickens; that he had spoken to the Applicant many times; that there had been late night activity, involving flashlights behind his property, which had created additional concerns and discomfort; that there had been storage of waste materials related to the truck maintenance and repairs on the property, which creates raising potential environmental and health concerns; that they had made numerous, polite attempts to communicate with Mr. Lopez, but have felt disrespected and disregarded in terms of their needs and concerns; that Mr. Lopez would make promises to address the issues and never would; that it is nearing summertime; that when he walks outside he can smell wood smoke, diesel, hear trucks idling; that he was told that they needed time for blow the soot from the trucks; that he questioned where the soot was going; that he questioned whether he was breathing the soot in; that they are located within an agricultural area, and that the trucks have no right to be there; that DNREC had been to the property many times; that the State Fire Marshal has been to the property twice; that he submitted a photo of a fire that took place in the back of the woods; that the wind was gusting at 15 to 20 mph that day; that no one was out there; that the fire company had to bring out a pumper truck to put out the fire;

that there needs to be some resolution as he has had to deal with these issues for over a year; and that they have the right to protect their property, their property values and their safety.

Ms. Pam Harbin, an adjacent resident to the site, spoke in opposition to the application. Ms. Harmon stated that it was very upsetting when Mr. Lopez and his wife moved in; that there used to be many more trees which ran the length of the property line; that Mr. Lopez had cut down a significant portion of those trees, to where they can now see each other; that the noise has become greater because of that; that now they can see all kinds of tires and accumulation of debris when they are working on the vehicles; that they had originally moved to their property because it was private; that they want Mr. Lopez and his family to be able to make a living, and that they cared about them, however the feeling did not seem reciprocated; that having six tractor trailers coming and going was very concerning; that it is upsetting for them, as well as their dogs; that they do have a fence, but occasionally a dog will slip out, which had led to the killing of the chickens, and that their main concern is the environment and the quality of life that they had lost.

Mr. Brian Boyer, a neighbor, spoke in opposition to the application. Mr. Boyer stated that there was a sign located at each end of Doddtown Road, as well as other roads there stating that no more than two axle vehicles are to utilize the roadway; that the State Police do not want trucks on using the road; that they placed a billboard two years ago, stating that no trucks are to use the road; that he was unsure who the Applicant hauls chickens for, but Allen's in Harbeson, allows parking of tractors on their site, if someone is hauling for them; that he believed once they began parking on the site, they also began parking along Gravel Hill Road (Rt. 30) and Rt. 9; that six trucks go out at night, and six trucks return; that there are at least three trucks that will leave at 9:00 am, 10:00 am and 11:00 am and come back again; that the back end of the tractor trailers will jerk and rip up the road; that they weight anywhere from 17,000 to 19,000 pounds; that it was only a matter of time until the road is ripped up; that he built his home in the residential area nine years ago, and now had to put up with the business use; that he was unsure if tire changing took place on the site; that he stated there was a trailer which held eight tires; that he was unsure whether the tires were new or not, and there also was an air compressor outside which runs and creates noise.

Mr. Lopez stated that it was loud when he is working; that he would see what he could do with it; that he only goes to a mechanic in the daytime, not in the nighttime; that the ambulance and firefighters previously mentioned, were not called for his property; that he was aware there was a sign stating no trucks; that he had see dump trucks use the road, which he felt was heavier than a bobtail tractor trailer, because the tractor trailer is empty; that he had more than two, but they are not heavy like dump trucks; that he had been working on his property; that he is attempting to place a fence on both sides to help him and his neighbors, and that he was working on it, just had a lack of time.

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 2636 Antulio Joel Chavez Lopez. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 1, 2026.

Mr. Pettyjohn moved that the Commission recommend denial of C/U 2636 for Antonio Joel Chavez Lopez for a mechanical trailer maintenance business with storage based upon the record made during the public hearing and for the following reasons:

1. The Planning and Zoning Commission is generally supportive of small businesses when they are occurring in appropriate locations. Unfortunately, in this case, this Applicant established its business contrary to the existing zoning and without proper approvals, in an area where homes and residents already exist. While the Commission wants to be supportive of small business owners like this Applicant, it is unable to do so under these circumstances for the reasons stated in this motion.
2. During the public hearing it became apparent that in addition to the stated maintenance business the Applicant actively operates a trucking company from this site with six (6) large tractor trailers operating daily from the site and coming and going throughout the night and early morning hours as well as the rest of the day. This is a much more intensive use than what was described in the Application.
3. The Applicant did not make an adequate record to support this Application. He did not address the factors that the Commission must consider when acting upon a conditional use such as this. The Applicant has also not presented sufficient evidence to show that this conditional use Application is consistent with the AR-1 (Agricultural Residential) Zoning of this property, the Zoning Code or the County's Comprehensive Land Use Plan.
4. This Application is for an intensive use on a five (5) acre residential property in a rural area that includes homes and undeveloped land but no other businesses like this one. This is not an appropriate location for the Applicant's intensive use, with large truck traffic and the noise and other impacts of the use.
5. There was opposition to the Application from a neighboring property owner with evidence showing and describing the current condition of the property, the noise associated with the use and other adverse impacts from the use.
6. The current use of the property and the proposed conditional use does not promote the health, safety and welfare of Sussex County and its residents.
7. The proposed use in this location does not satisfy the purpose of a conditional use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents and businesses.
8. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use. However, the type of business proposed by the Applicant is needed in Sussex County, in an appropriate location. For this reason, County Staff should be directed to cooperate with the Applicants if they find a different, more suitable location for their business.

Motion by Mr. Pettyjohn, seconded by Mr. Collins and carried unanimously to deny C/U 2636 Antulio Joel Chavez Lopez for the reasons stated in the motion. Motion carried 5-0.

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



Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 25, 2026
RE: Staff Analysis for C/U 2636 Antulio Joel Chavez Lopez

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2636 Antulio Joel Chavez Lopez to be reviewed during the April 1, 2026, Planning 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: 135-17.00-25.00

Proposal: The request is for a Conditional Use for Tax Parcel 135-17.00-25.00 to allow for storage and light mechanical maintenance of bobtail trailers on a parcel lying on the west side of Doddtown Road (S.C.R. 293), approximately 0.38 mile north of Anderson Corner Road (S.C.R. 292). The parcel is comprised of 5.01 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west are also zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density 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 Area." All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density:** N/A

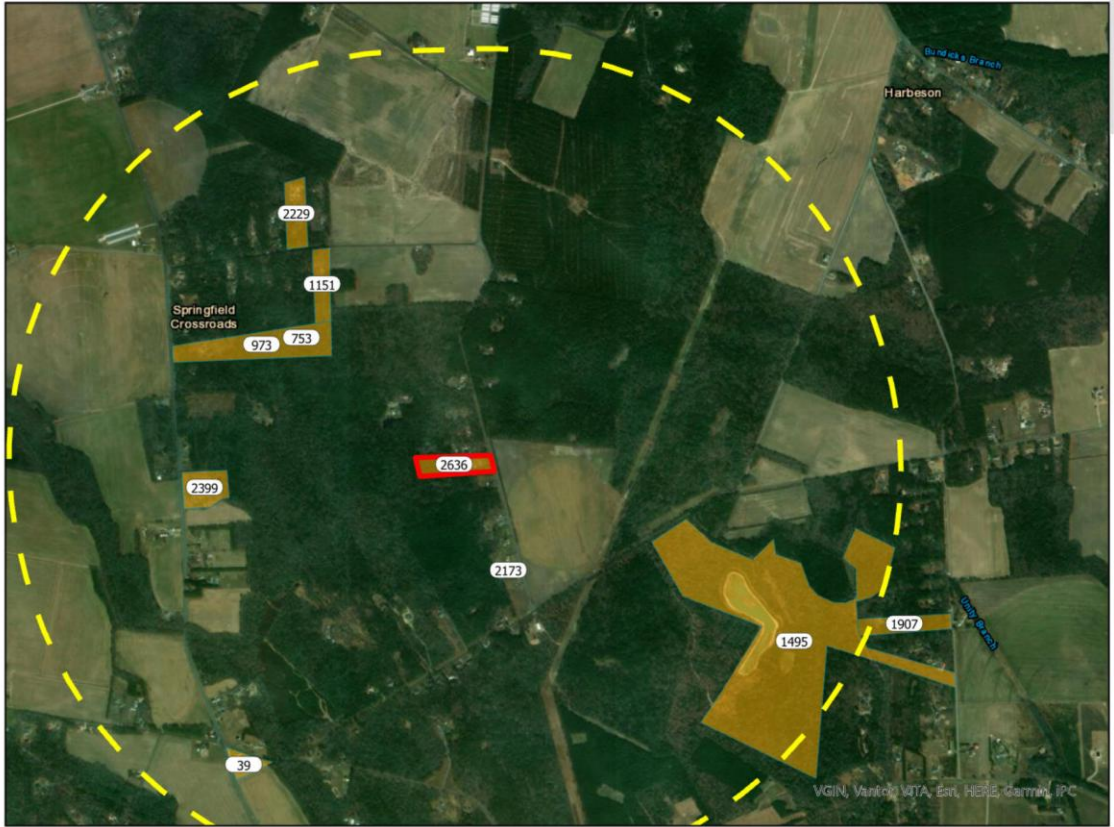


- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

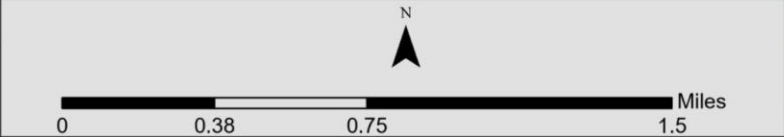
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for storage and light mechanical maintenance of bobtail trailers, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: Since 2011, there has been ten (10) Conditional Use applications within a 1-mile radius of the application site.

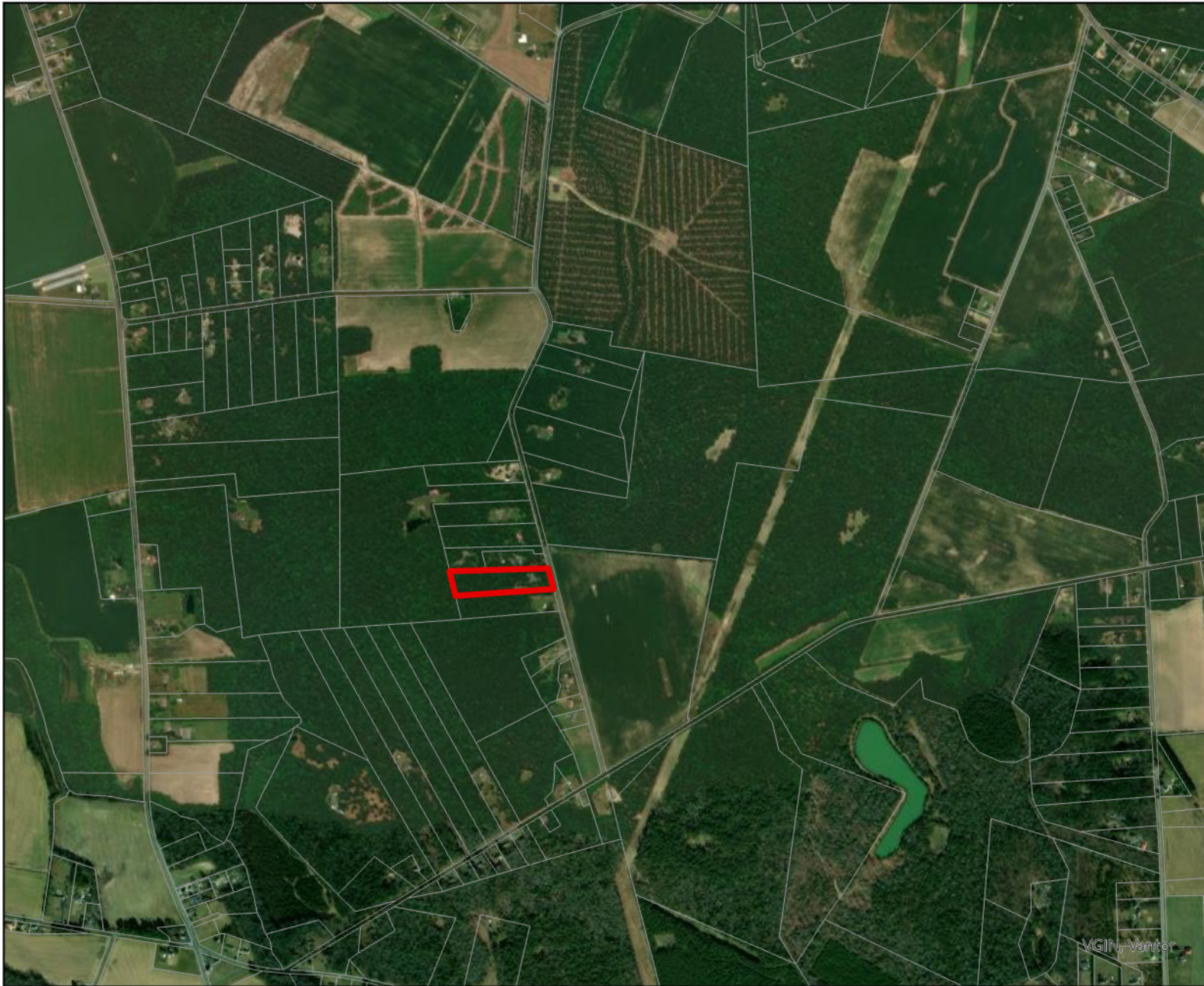
| CU No. | APPLICANT | Tax Parcel # | Zoning | Proposed Use | CC Date | CC Decision |
|--------|---|-----------------|--------|---|-----------|-------------|
| 39 | St. John's Cemetary | 234-8.00-52.00 | AR-1 | Extension to cemetary | 1/25/1972 | Approved |
| 753 | David M. Tranberg, Janice A Russell | 135-16.00-43.05 | AR-1 | Private Air Strip | | Withdrawn |
| 973 | Harbor Properties, Inc. | 135-16.00-43.05 | AR-1 | Campground | 8/13/1991 | Denied |
| 1151 | William Blatt | 135-16.00-43.04 | AR-1 | Used car storage | 4/16/1996 | Withdrawn |
| 1495 | J. Everett Moore Jr. & Deborah | 234-9.00-11.00 | AR-1 | Borrow pit/pond reclamation | 7/15/2003 | Approved |
| 1907 | Jacob Kabino/ 5-J's Sanitation | 234-9.00-57.02 | AR-1 | Porta-Toilet Storage/Service | 9/13/2011 | Approved |
| 2173 | Ray Richardson | 234-9.00-6.02 | AR-1 | Catering business | 6/25/2019 | Approved |
| 2229 | D.R.'s LAWN MAINTENANCE, LLC | 135-16.00-43.09 | AR-1 | Landscaping & Lawn Maintenance | 9/29/2020 | Approved |
| 2399 | St. Vincent House of Transformation, Inc. | 135-16.00-42.01 | AR-1 | Holistic Therapy Center | | Withdrawn |
| 2636 | Antulio Joel Chavez Lopez | 135-17.00-25.00 | AR-1 | Storage & Light Mchanical Maintenance of Bobtail Trailers | | Pending |



CU 2636 Antonio Joel Chavez Lopez
Conditional Uses within 1 mile
TM# 135-17.00-25.00



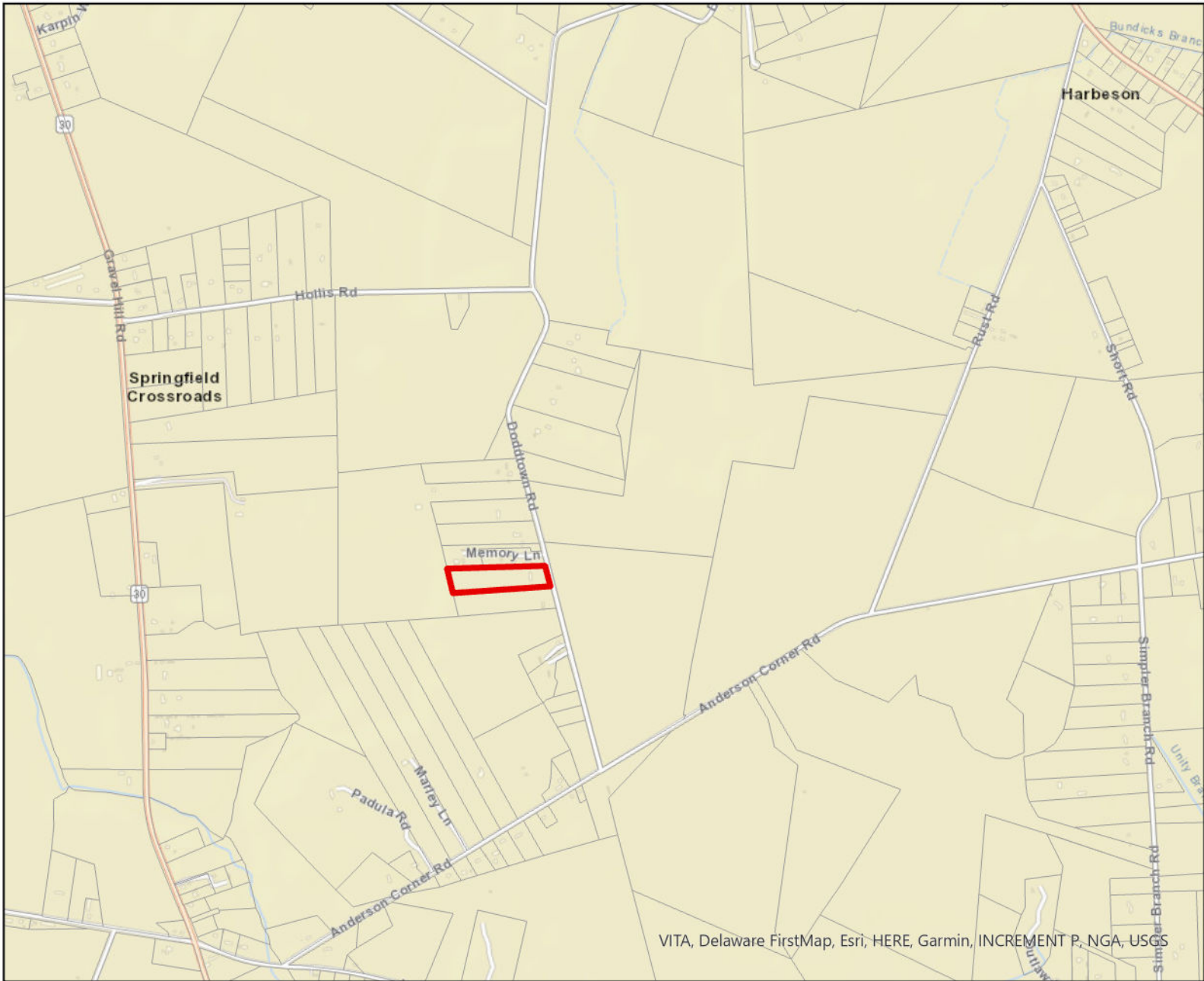
 CU 2636



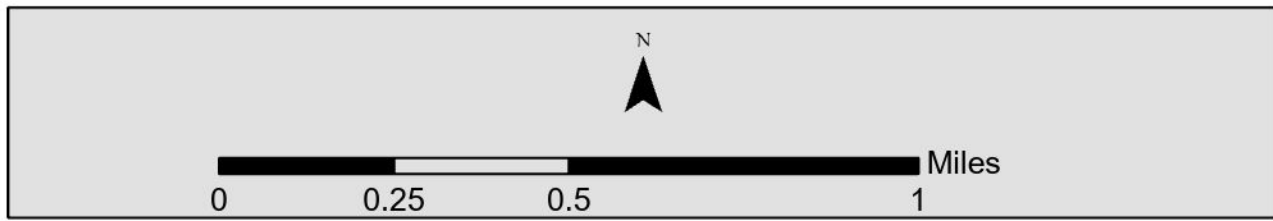
CU 2636 Antulio Joel Chavez Lopez
Aerial Map
Tax Map No. 135-17.00-25.00

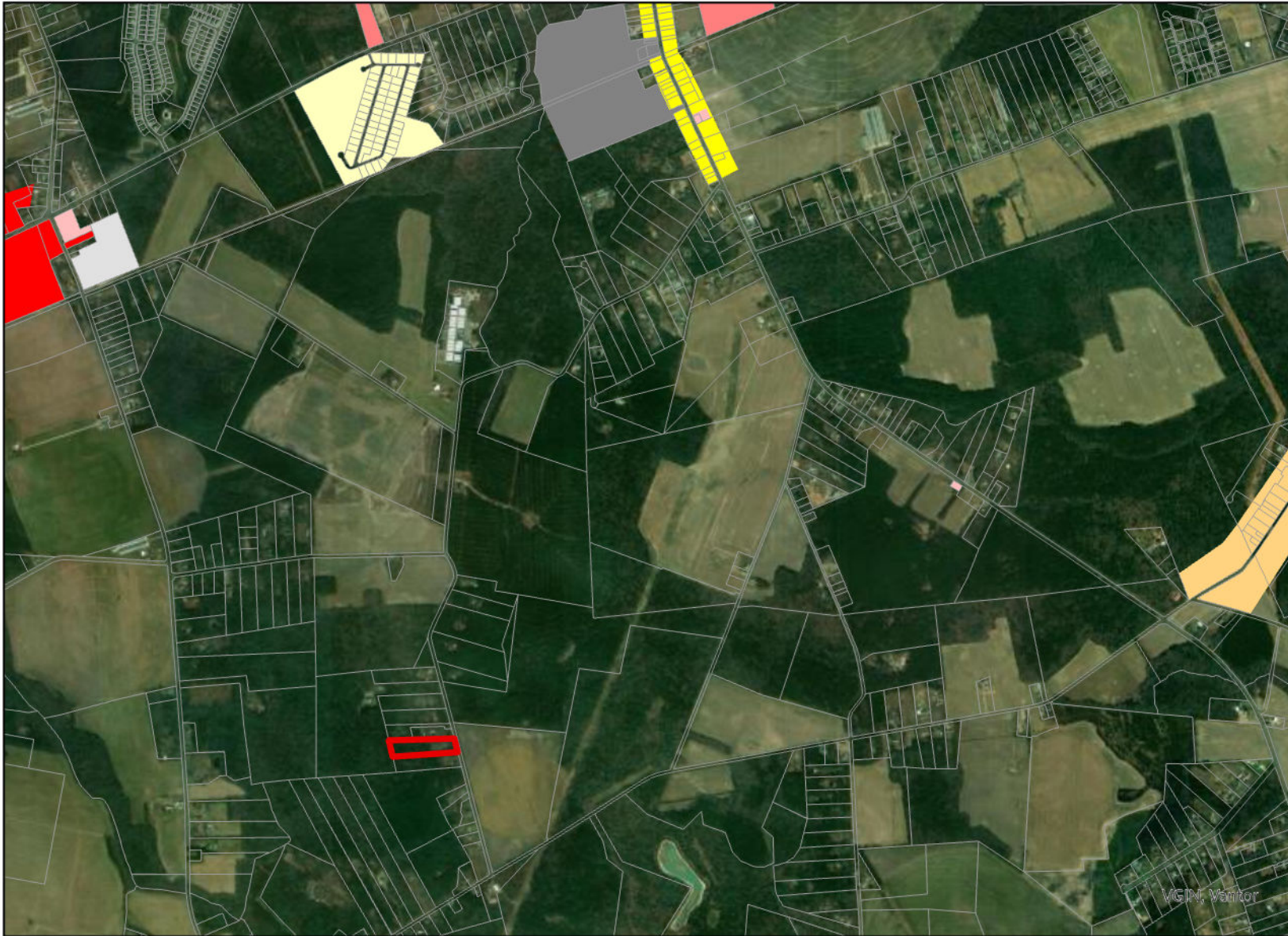


 CU 2636



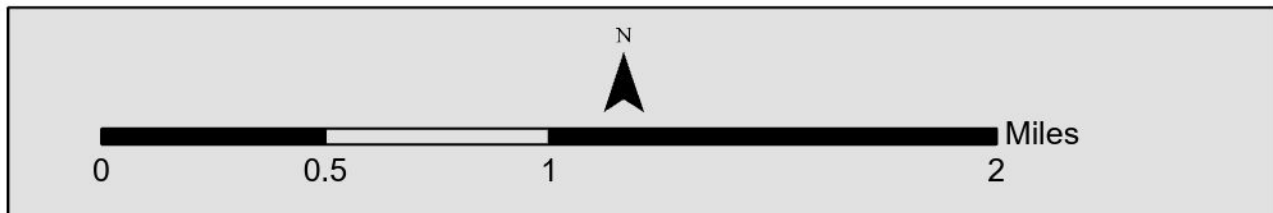
**CU 2636 Antulio Joel Chavez Lopez
Street Map
Tax Map No. 135-17.00-25.00**





- CU 2636**
- 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 2636 Antulio Joel Chavez Lopez
Zoning Map
Tax Map No. 135-17.00-25.00**



Introduced: 3/10/26

Council District 5: Mr. Rieley
Tax I.D. No.: 135-17.00-25.00
911 Address: 21032 Doddtown Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MECHANICAL TRAILER A MAINTENANCE BUSINESS AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 12th day of February 2026, a Conditional Use application, denominated Conditional Use No. 2636 was filed on behalf of Antulio Joel Chavez Lopez; 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 Conditional Use No. 2636 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. 2636 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 west side of Doddtown Road (S.C.R. 293), approximately 0.36 mile north of Anderson Corner Road (S.C.R. 292), and being more particularly described in the attached legal description prepared by Aleman & Associates Attorneys at Law said parcel containing 5.008 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: May 7, 2026

RE: County Council Report for C/U 2541 filed on behalf of Hudson Pond, LLC

The Planning and Zoning Department received an application (C/U 2541 filed on behalf of Hudson Pond, LLC) for a Conditional Use for mini-storage with outdoor boat and RV storage in an AR-1 Agricultural District. The Tax Parcel ID is 230-19.00-23.03. The property is located at on the north and west sides of West Hudson Road Rd, 234 feet west of DuPont Boulevard (Rt. 113). The parcel size is 4.485 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 14 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

C/U 2541 Hudson Pond, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS. The properties are lying on the north and south sides of West Hudson Pond Road (S.C.R. 623), approximately 234-feet west of DuPont Boulevard (Rt. 113). 911 Address: N/A. Tax Parcel: 230-19.00-23.03 & 23.00 (P/O).



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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

The Commission found that Mr. Tim Willard, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Hudson Pond, LLC; that also present were Mr. Mark Pirrizzi, resident of Lewes, and the principal of the Delaware moving company known as, Hopkins Brothers, and Mr. Ken Christenbury, Professional Engineer with Axiom Engineering. Mr. Willard stated that the property is located along Rt. 113, being just north of Ellendale, and just south of Milford; that the site is located between Milford and Georgetown, just north of Rt 16, along the west side of Rt. 113; that the application was for two separate parcels; that the larger parcel, located to the north, is divided by West Hudson Pond Road; that the application is for Parcel No. 23.03, and a portion of Parcel No. 23.00, which is intended to be combined into one parcel; that the remaining part of Parcel No. 23.00, located north of West Hudson Pond Road, is not intended to be part of the Conditional Use application; that the total of the two intended parcel areas equals to about 4.58 acres; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that there are several conditional uses located across the street; that the area is located within the Low Density area according to the Future Land Use Map; that by the nature of the area, being along a major, north and south, highway, there are a lot of things going on along the highway; that this is one of the reasons they believed the site made sense to shoehorn the proposed mini storage facility use; that the storage facility is going to be designed for RVs, as well as boats, which is in high demand in the area; that there is commercial zoning nearby, which is located within Ellendale; that within the nearby area are Wilson's Auction, with an approved Conditional Use for the other lands of Dave Wilson, located just south of the auction; that there was a Sussex County Special Use Exception (Case No. 11712), granted for a nearby property for the temporary approval to do concrete; that this was approved to help DelDOT when they are building the roads; that the approval for Special Use Exception Case No. 11712 had since expired; that the site is now use more for storage and things of that nature; that on the other side of that site, is a heavy industrial site; that above that area is the location of a preschool, which is located just up the road from the proposed site for the storage facility; that Mr. Willard presented the Commission with photographs of the surrounding area, and businesses within the area; that Sussex County Planning Staff had provided a memorandum indicating that there were multiple properties, on the opposite side of DuPont Boulevard, that were designated Developing Areas; that within the third page of that memorandum, it stated that the proposed use was consistent with the area because of the activity; that the memorandum also provided a list of various activities that are going on around there, that are not simply agricultural or residential; that within the area is a farmer's market, a model homes sale office, the auction, and a fence construction business; that the proposed site is located at least one mile out from those businesses; that the Site Plan proposes buildings which are 50' x 50'; that they chose this size to avoid the unnecessary expense of a sprinkler system; that it also provides flexibility; that any area that is not utilized for storage buildings, or the proposed office, would be designated for RV or boat storage; that this provides more flexibility; that stormwater management is proposed to be located near the front of the site; that the plan provides a 30 foot forested buffer around the property, which

will not be removed; that in the bottom, left-hand corner of the plan, they are proposing to plant in that area; that the Site Plan did reflect proposed parking; that the entrance would be located off West Hudson Pond Road, which is a positive feature for the Conditional Use, as it avoids emptying onto Rt. 113; that he requested to submit into the record, proposed Findings and Conditions for the application; that the proposed conditions stated that the use shall be limited to a mini storage center with outdoor boats and RVs; that there shall be no more than 50,000 square feet of mini storage building space in 50' x 50' buildings, and one office building; that no building shall be constructed above a height of 20 feet; that there was one letter submitted in opposition, which expressed concern regarding the height of the proposed buildings; that the entire site would be fenced in, with a secured gate located at the front; that no hazardous materials or fuels would be storage on the site; that the proposed lighting shall be downward screened, so that it does not shine on neighboring properties and roadways; that one lighted sign was requested to be located along the road frontage, and one sign to be located at the entrance; that there was a letter of opposition submitted by Mr. Fred Clark, expressing concern regarding people coming and going from the site; that they are proposing a condition the hours of operation run from 6:00 am until 8:00 pm; that the Applicant will be required to comply with any imposed DelDOT requirements, which would be reflected on the Final Site Plan; that the DelDOT Service Level Response letter concluded that the traffic impact for the proposed use would be negligible; that a Conditional Use allows for uses that are convenient for the people within the area, including Milford, Georgetown, and Ellendale; that the proposed storage facility would serve homeowners and residential uses in the area; that the proposed use is generally considered a public or semi-public character; that the application was consistent with the purpose and goals of the Comprehensive Plan, specifically Chapter 6, which encourages recreational activities, such as boating, fishing and camping; that there is a whole chapter of the Comprehensive Plan designated to this because of the areas ponds, rivers, lakes, and the proximity to the bay and the ocean; that such recreation requires storage options for boats and RVs; that most homeowners associations (HOAs) prohibit storage of recreational vehicles on residential property, located within the Low Density Area; that stated within the Comprehensive Plan, Chapter 4.2, areas of Low Density, business development should be largely confined to businesses addressing the needs of the homes nearby; that the application was also consistent with the goals of the Comprehensive Plan, because the property is located on a major arterial between Milford and Georgetown; that the Staff Memorandum stated that there are developing areas nearby, where homes are expanding; that the demand for many storage facilities is growing and desirable, and that the proposed use is not out of character with the location.

Mr. Pettyjohn stated 50' x 50' buildings are fairly substantial sized buildings; that he questioned whether the buildings would have a restroom, as he had noticed a septic area reflected on the Site Plan, whether each building would be broken down into smaller storage units, and requested confirmation that the Applicant's intention was not to rent an empty shell, allowing customers to do with it what they wanted.

Mr. Christenbury, P.E. stated that the only building proposed to have plumbing would be the proposed office on the site; that they had constructed similar buildings to the ones proposed; that there often is an interior hallway, where there is a heavier demand for climate control storage; that there would probably be a mix; that some of the buildings would probably be overhead doors, without climate control; that he felt the majority of the units would be climate controlled, because that is what

the demand appears to be, and the building shell would not be rented out, and the entire building would be broken into a dozen to two dozen units, providing a range of sizes.

Mr. Passwaters stated that, behind the proposed boat and RV storage area, there currently was existing forest; that he questioned whether the Applicant was proposing to remove the existing forest, and replace the area with a new buffer, and if so, he questioned what the reasoning was behind that proposal.

Mr. Christenbury stated that the State of Delaware owned all the trees located to the front of the site; that within a certain area, the State of Delaware had little to no trees standing; that the Applicant desired to have some highway visibility; that the plan proposes to clear, plant and place a sign along Rt. 113; that in another area, the State of Delaware owned quite a bit of forest; that within that area, they are proposing to pull back the disturbance to the setback line; that they propose to leave 40 foot undisturbed; that there are probably 20 or 30 foot of State-owned land; that the area will have a pretty good chunk of forest that does not get removed; that they only requested to remove forest in the one area to allow for visibility from the highway, and for the placement of a sign; that the area would be attractively landscaped; that landscaping is required by Code, as this site is located within the Combined Highway Corridor Overlay Zone (CHCOZ); that the Code states that existing coverage may be maintained, or it can be planted, and the remainder of the perimeter would be a 20 foot buffer, where the existing forest would be maintained.

Mr. Allen questioned whether any type of vegetated buffer was proposed to be placed along Hudson Road, and whether there were any future plans for the remaining parcel, located on the other side of West Hudson Pond Road.

Mr. Christenbury stated that there was no thought given to placing a buffer along the Hudson Road frontage; that one of the reasons being that they own the land on the other side of the property; that currently, it is considered the same parcel, but was proposed to be subdivided out; that the stormwater area would likely be a wet pond, based on his prior experience; that the adjacent properties would have that buffer, but the property originally across from West Hudson Pond Road is part of their same parcel; that they had performed subdivisions before, where frontage does not always have a perimeter buffer; that they elected not to show it on the Site Plan; that the Planning Commission and County Council have the authority to mandate that; that there are no specific plans for the remainder of the parcel across West Hudson Pond Road; that they are proposing to subdivide that portion off, and it would not be part of the proposed Conditional Use application.

Mr. Collins questioned what the benefits would be for Sussex County, the citizens, and local community receive from the dividing of the proposed buildings to evade the design requirements for fire protection systems, and questioned whether the proposed outdoor storage area would be visible from the highway.

Mr. Christenbury stated that the site is not located anywhere near central water; that there are no fire hydrants; that the State Fire Marshal allows for 2,500 square foot buildings, without sprinkler systems; that if they site had central water service, it could be one, much larger building of 30,000 square feet,

which would all happen under one roof with sprinklers, however, that would not be a good option for the proposed site, as they would have to build a water system to start the project.

Mr. Willard stated that one reason would be cost; that another reason would be flexibility, and flexibility as far as development stages is really a good thing, and that the outdoor storage area should not be visible from the highway due to the proposed buffer.

Madam Chair Wingate requested clarification on the entrance gate; that it appeared to be located in the proximity of the proposed office, and she questioned the footage distance from the gate to the entrance, as she was concerned it may cause vehicles to stack up and out along the roadway.

Mr. Christenbury stated that each building is about 50 square feet; that the gate would be located on the backside of the office, and that from the back of the office, where the gate is located, to the road is approximately 150 feet.

Mr. Pettyjohn questioned whether the office was designed specifically for the storage area, or whether there could be potential retail from the office area, and stated that he felt the proposed hours of operation from 6:00 am until 8:00 pm were good, as the gate system could be locked, making the site non-accessible outside of the hours of operation.

Mr. Willard stated that the office was designed for servicing customers, and if necessary staff; that some storage facilities are so efficient, once customers receive their card, staff is not needed; that the office facility is proposed to service customers, allowing restrooms for customers, and the office may sell boxes, but would not be used for any other type of retail, and should the Conditional Use receive approval, it would be required to proceed through Final Site Plan review and approval, at which time more detail and any imposed conditions would be added to the Site Plan.

Mr. Pitrizzi stated that he agreed that the representation provided by Mr. Willard and Mr. Christenberry were true and correct to the best of his knowledge; that his intent was to make the project feasible for the community, and to make the site look nice; that had been running his main business for 80 years; that he was a fourth generation Delawarean, and he did not want the site to look unnatural, but rather appropriate for the area.

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

Mr. James Grant, resident of Milford, spoke in support of the application. Mr. Grant stated he felt the application would be beneficial to the community; that many Homeowners Association will not allow for outdoor storage or parking on the street; that he felt the application was a benefit from a fire protection stance, by keeping roads clear, allowing emergency vehicles to respond in a timely manner.

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 2541 Hudson Pond, LLC. Motion by Mr. Passwaters to defer for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 1, 2026.

Mr. Passwaters moved that the Commission recommend approval of C/U 2541 for Hudson Pond, LLC to operate a mini-storage facility with outdoor boat and RV storage based upon the record made at the public hearing and for the following reasons:

1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The use is to be located along Route 113, and it is in an area along the Route 113 corridor where several businesses exist. This is an appropriate location for this type of low-intensity use.
3. The use will be a storage facility with an office. No manufacturing, assembling, fabrication, or similar activities will be permitted.
4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use compliments the residential development that is occurring in Sussex County and the newer residential developments that do not allow sheds or long-term parking of boats and RVs on lots.
5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The use shall be limited to ministorage buildings and outside storage. The buildings on the site shall be no larger than 50 feet by 50 feet in size and 20 feet in height. Other than the central office, none of the buildings shall have water or sewer connections.
 - B. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.
 - C. The perimeter of the Storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.
 - D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site and the buildings shall not be used for contractor units or other business uses conducted within them.
 - E. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on West Hudson Road and the other on Route 113.
 - F. Stormwater management shall be maintained on site, using Best Management Practices.

- G. The hours of operation and access to the facility will be as follows: gate access will be available daily from 6:00 A.M. to 8:00 P.M., seven days per week.
- H. A perimeter landscape buffer shall be established along the entire perimeter of the site at varying widths, consisting of existing trees to the greatest extent possible. The Final Site Plan shall also include details of the perimeter landscape buffer including specifically the area along Route 113 that shall be planted to screen the storage area.
- I. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- J. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself. In addition, the boat and RV storage area shall not be located along the perimeter adjacent to Route 113 or West Hudson Road.
- K. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- L. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
- M. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- N. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2541 Hudson Pond, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

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



Memorandum

To: Sussex County Planning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2026
RE: Staff Analysis for C/U 2541 Hudson Pond, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2541 Hudson Pond, LLC to be reviewed during the April 1, 2026, Planning 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: 230-19.00-23.03 & 23.00 (p/o)

Proposal: The request is for a Conditional Use for Tax Parcels 230-19.00-23.03 & 23.00 (p/o) to allow for Mini Storage with Outdoor Boat and RV Storage. The property is lying on the north and south sides of West Hudson Pond Road (S.C.R. 623), approximately 234 feet +/- west of DuPont Boulevard (Route 113). The Parcel consists of 4.485 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, west and east are also zoned Agricultural Residential (AR-1) District. There are also multiple Parcels on the opposite side of DuPont Boulevard (Route 113) that are zoned General Residential (GR) District.

Future Land Use Map Designation w/in Comprehensive Plan: Low Density 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 (FLUM) in the Plan indicates that the subject property is designated as a Rural Area designation of “Low Density Area.” The adjacent properties to the north, south, east and west of the subject property also have a Future Land Use Map designation of Low Density Area. There are multiple properties on the opposite side of DuPont Boulevard (Route 113) that are designated as a “Developing Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, “Low Density Areas” are areas in which “the primary uses envisioned” are “agricultural activities and homes.” Therefore, the Plan furthers that, “business development should be largely confined to businesses addressing the needs

of these two uses” and that, “Commercial uses in these residential areas should be limited in their location, size and hours of operation” (2018 Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that a review of the Sussex County Online Mapping Application confirmed that the Property is within the vicinity of lands which appear to be actively farmed. Additionally, Staff note that the Parcel is within the vicinity of the “Cedar Branch District” Agricultural Easement immediately to the west of the subject property.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff notes that the Parcels appear to have existing forest/vegetation cover on a majority of the subject Property.
- **Wetlands Buffers/Waterways:** Staff note that there do not appear to be any wetlands encroaching the Property based on Delaware’s FirstMap data system in GIS.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “A, AE & AE, Floodway”. The Parcel is not located within any Wellhead Protection Area. The subject property is located within an area of “Good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for mini storage with outdoor boat and RV storage, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Maps have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Since 1975, there have been 13 Conditional Use Applications within a 1-mile radius of the Application Site.

| CU No. | APPLICANT | Tax Parcel # | Proposed Use | CC Decision Date | CC Decision |
|--------|----------------------------------|-----------------|--|------------------|-------------|
| 158 | Delaware Pulpwood | 230-12.00-17.00 | Farm Equipment Sales | | Withdrawn |
| 296 | Wilson's Auction Sales & Service | 230-12.00-17.00 | Enlarge Auction Barn | 10/14/1975 | Approved |
| 517 | David Wilson | 230-12.00-17.00 | Enlarge existing auction barn | 1/30/1979 | Approved |
| 541 | Mary L Emory | 230-26.00-24.00 | Model home & sales office | 7/31/1979 | Approved |
| 682 | Flossie Jefferson | 230-12.00-14.00 | Flea market | 6/1/1982 | Approved |
| 687 | David Wilson | 230-12.00-16.00 | Farmers Market/Auction | 6/29/1982 | Approved |
| 1075 | David L. Wilson | 230-19.00-14.00 | Withdrawn | 4/28/1994 | Withdrawn |
| 1087 | David L. Wilson | 230-19.00-14.00 | Indoor/outdoor auction | 12/20/1994 | Approved |
| 1133 | David L & Carolyn Wilson | 230-12.00-16.00 | Expand CU 687 sale of carriages/etc | 10/17/1995 | Approved |
| 1225 | David L. Wilson | 230-19.00-14.00 | Indoor/Outdoor Auction | 6/10/1998 | Approved |
| 1419 | V. Eugene Watkins Sr. & Carolyn | 230-19.00-34.01 | Retail sales (flea market) | 10/30/2001 | Approved |
| 2220 | Sussex Land Company | 230-20.00-9.09 | Fence construction business, outdoor storage of construction materials | 9/29/2020 | Approved |
| 2267 | Cynthia B Gibbs | 230-20.00-9.10 | Catering Business | 11/9/2021 | Approved |
| 2541 | Hudson Pond, LLC | 230-19.00-23.03 | Mini-Storage with Outdoor RV/Boat storage | | Pending |



CU 2541 Hudson Pond, LLC
Conditional Uses within 1 mile
TM# 230-19.00-23.00 & 23.03

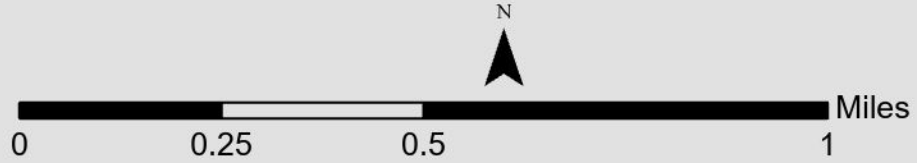
N

0 0.5 1 2 Miles



 CU 2541 Hudson Pond, LLC

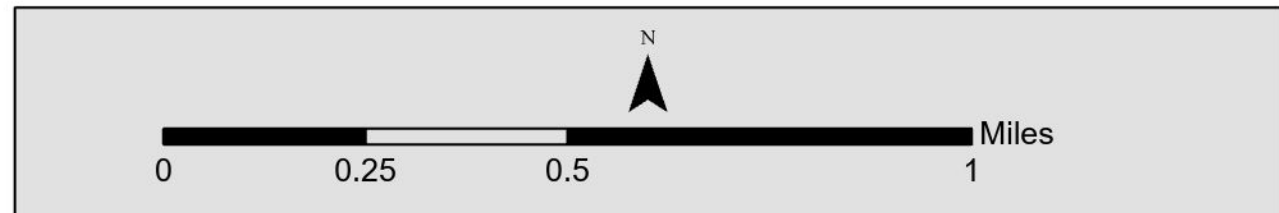
CU 2541 Hudson Pond, LLC
Aerial Map
Tax Map Nos. 230-19.00-23.00 & 23.03

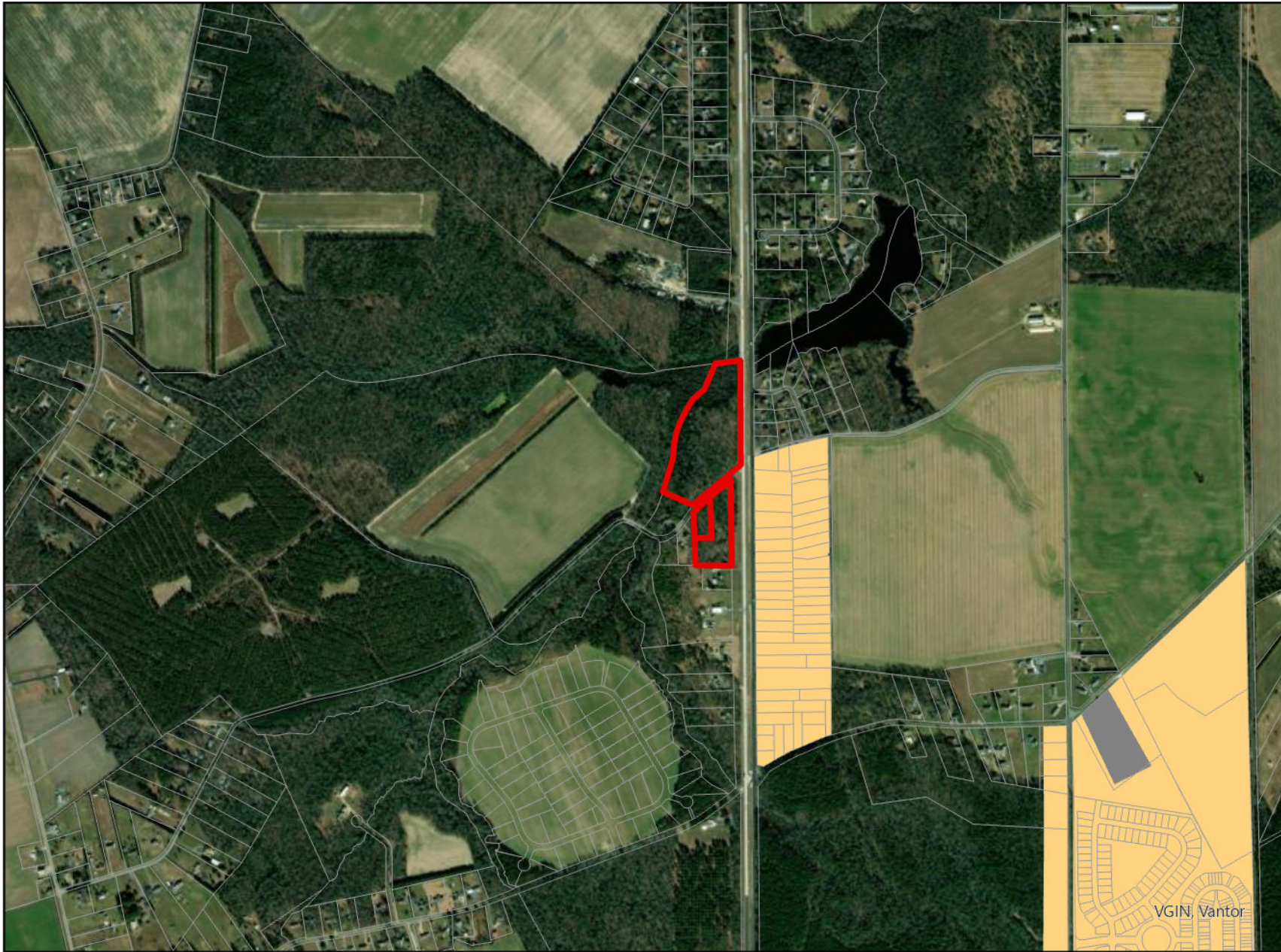




 CU 2541 Hudson Pond, LLC

CU 2541 Hudson Pond, LLC
Street Map
Tax Map Nos. 230-19.00-23.00 & 23.03



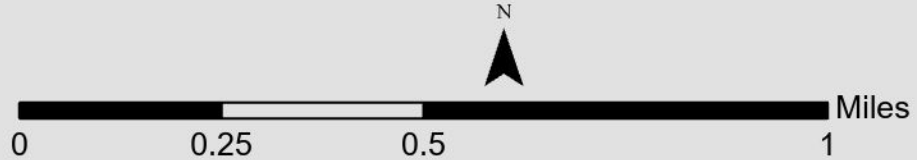


 CU 2541 Hudson Pond, LLC

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 2541 Hudson Pond, LLC
Zoning Map
Tax Map Nos. 230-19.00-23.00 & 23.03



Introduced: 4/29/25

Council District: Mr. McCarron
Tax I.D. No.: 230-19.00-23.03 & 23.00 (p/o)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS

WHEREAS, on the 15th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2541 was filed on behalf of Hudson Pond, 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 Conditional Use No. 2541 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. 2541 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the north and south sides of West Hudson Pond Road (S.C.R. 623), approximately 234-feet west of DuPont Boulevard (Rt. 113), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, P.A. said parcel containing 4.485 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: May 7, 2026

RE: County Council Report for C/U 2602 filed on behalf of Sunset Bridge Corporation

The Planning and Zoning Department received an application (C/U 2602 filed on behalf of Sunset Bridge Corporation) for a Conditional Use for a non-profit public charity providing respite care facility in an MR Medium Density Residential District. The Tax Parcel ID is 134-13.00-84.00. The property is located at 31613 Charleys Run, Bethany Beach. The parcel size is 3.64 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 9 reasons and subject to the 10 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

C/U 2602 Sunset Bridge Corporation

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS. The property is lying on the east side of Charleys Run, approximately, 0.22 mile south of Fred Hudson Road (S.C.R. 360). 911 Address: 31613 Charleys Run, Bethany Beach. Tax Parcel: 134-13.00-84.00.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

The Commission found that submitted into the record were the Applicant's Conditional Use Site Plan, the DelDOT Service Level Evaluation Response Letter, the property deed, the Applicant's exhibits and presentation materials, the Applicant's renderings for the proposed structures on the property, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the Staff Analysis Report. Mr. Whitehouse advised the Commission that 63 written public comments had been received regarding the application.

The Commission found that Mr. John Paradee, Esq. with Baird Mandalas Brockstedt & Federico LLC, spoke on behalf of the Applicant, Sunset Bridge Corporation; that also present were Ms. Terri Sarisky, Founder and Administrator of Sunset Bridge Corporation, Mr. Steve Marsh, Professional Engineer and Vice President of Community Development at Carl M. Freeman Companies and Ms. Katja Kaliski with George, Miles & Buhr, LLC (GMB).

Ms. Sarisky stated that she was a caregiver and the founder of Sunset Bridge Corporation, located within Bethany Beach, Delaware, where she is also a resident. Ms. Sarisky stated that when there is a terminal diagnosis made for an individual, there typically is a lot of challenge and pandemonium that comes along with it; that often the end of life preparations have not been made in any way, until this challenge in time hits; that it is a topic that is seldom discussed; that about 20% of the population have this discussion before they receive a terminal diagnosis of how to plan for end of life; that the challenge intensifies when there are no longer medical treatment options available; that she personally had been on the receiving end of a bad message for five immediate family members, regarding malignant brain cancer, esophageal cancer, ovarian cancer, kidney failure and most recently, pulmonary fibrosis diagnosis; that when doors are slammed in your face from the people that were helping you, saying that there is nothing else they can do for you, it is an extremely challenging time; it can seem without hope for everyone involved; that their commitment stemmed from their own love and experience; that their mission and goal is to build a retreat home, to be a home where end-of-life guests, and their family can come together to receive help, to enjoy the beauty of a sunrise, and a sunset, and to have time together, free of charge, for one to two weeks, as a transitional stay; that this will allow them to go through the options for end-of-life care; that this will allow caretakers a moment to breathe and give them a chance to navigate the gap from when traditional medical support is no longer available; that they also want to ensure that they minimize the disparity in treatment options for the underserved population; that if one does not know who to turn to, or what questions to ask, it is often very difficult to find what services are available; that Sunset Bridge was incorporated in Delaware on November 15, 2022; that they applied for their 501C3 Public Charity application on March 24, 2023; that within five days of submitting the application, they received endorsement on March 29, 2023; that she received a personal call from the IRS endorsing what they were doing, and acknowledging the need for the organization, and the services it will provide; that they were grateful for the comments and opinions posted through the Online Application Docket, as they will only make Sunset Bridge a much stronger and better for the community; that from an operations perspective, it was important to note that Sunset Bridge Corporation had already helped 100 people virtually; that their goal was to now build the proposed retreat home, where families can come together, under one roof in a facilitated retreat; that they are proposing a working session, not a vacation; that the project will not be a rental property, allowing keys to be turned over to individuals to enjoy, and have a great time; that they are proposing a facilitated working retreat session; that their goal is to provide people with comfort, peace, renewed

strength and reassurance that no one is alone on the journey; that they had found that many folks they had served were along, or it may be only them and their loved one; that specifically for those who will stay at the retreat home, there would be a very rigorous screening process; that they want to ensure that they are not just receiving a referral from a friend; that the referral must come from a medical professional, and from a professional organization; that they had spent a significant amount of time in discussions with those who, like the Ronald McDonald House, do similar help for the under age 18 population; that their population will be 18 and over; that no one will come to the home that is not 18 years of age as defined by Delaware Code Title 1, Section 302.1; that this is to enable folks to be part of the discussion, planning, and decision-making process; that she previously had discussions with Ms. Pamela Cornforth, the President/CEO of Ronald McDonald House Charities of Greater Delaware; that there are a lot of services available for the under 18 year old population; that when someone is released from the Ronald McDonald House, they do not have any other medical interventions for them, and often services run dry; that many times, people's only option is to enroll in hospice, but many people are not ready to there; that their goal is to help work with folks along the way; that they want to ensure their folks are not undergoing treatment; that they are not a medical facility in any way; that they will not be providing IV chemotherapy, or routine medical care; that when folks have declined or discontinued all treatment options, they will have a formal intake process, as they recognize that no person or journey is exactly the same; that no action plan they place will be the same; that through the intake process, they want to learn about the individual and their family, before that person comes to them; that there will be very thorough background checks; that they do not want someone coming to stay at the property, unless they know who they are, and the folks that are coming with them, for the purpose of their staff and the community; that as part of the day-to-day operations, families come to Sunset Bridge and will work through their framework; that they have a very rigorous framework that walks through all the different facets of anyone's life; that again, they are proposing a facilitated retreat, not a vacation with back and forth beach trips; that their residents may go out for a walk, or desire to spend an afternoon at the beach; that they will operate all year long; that their work and activities will take place inside the house; that the house will operate 24/7, with at least two staff members present at all times; that meals will be provided; that they have a cook on staff; that food will be brought in once a week; that one of the greatest attributes she remembered at a retreat home was that they provided a cup of tomato soup, and a copy of coffee, which made her feel she had won the lottery; that they want to help nourish people's body and soul; that families are permitted to bring some food; that they will have one kitchen, and one dining area; that they will have a meditation/spiritual room, and one family room; that United Way had done a phenomenal job with their 211 program, however, it does not come with recommendations, past experiences, or what is best for where you live and are; that their program will help folks navigate through what options are available; that their program will provide estate planning by virtually meeting with an estate planner, both an attorney, as well as someone in the banking industry; that they will provide legacy planning, which will include establishing documents that have their loved ones passports, accounts, their loved ones affairs and housing information; that this helps organize their loved ones' digital footprint; that they will identify the resident's wish list or bucket list; that they will meet with social workers and counselors all through a virtual setting; that she is a hospice volunteer; that it is very important that folks are educated on the difference between palliative and hospice care, and the options that are available to them; that they would like for their residents to be assessed or evaluated for hospice or palliative care, so that they can leave their facility with that being part of their action plan ; that it is

important to note that they are not a hospice facility; that they complement hospice, but to not provide hospice care; that overall, they engage in active listening, discuss various service options, endeavor to assist in identifying support for everyone involved; that there is a lot of support available in the State of Delaware for caregivers, however, folks may not know about it; that they expect their residents to leave Sunset Bridge Retreat Home with an action plan; that each action plan will look different; that their intake process, at the beginning, will help them in developing those action plans; that prior to them purchasing the property in early 2023, there was an existing home on the property; that the property was mostly trees with nothing else around, which made the property very conducive for them, as they wanted to create a peaceful, serene, and calm environment; that they learned that the existing house had a very large crack in the foundation, in addition to an issue with mold; that because of this, they were unable to use the existing home for their purpose; that when they shared their proposed use during a community meeting, held at the South Coastal Library in October 2025, they originally showed a bigger structure of 12 bedrooms; that because they would be serving residents who would be staying in the home, they felt a bigger space would be preferred, in the case someone would come with two loved ones; that they would have an area for time together, but also separate when needed; that they recognized their folks would be engaged in working sessions and spending time together within the home; that their Board of Directors felt it would be fiscally responsible for them, as a public charity, to have a larger scope to help for families, since they are paying for staff, and allowing them to provide a greater opportunity to those they serve; that based on their experience of helping over 100 people over the past couple years, many of them being one or two who were helping their family, it did not make sense to have 12 bedrooms; that they heard everyone's feedback, and decided to reduce the scope and the size; that they came up with eight Board resolutions; that they will ensure the character of the home fits the style of the surrounding communities, which had always been there intent; that their home footprint includes screened-in patios; that the area, being on the water, has a lot of mosquitoes; that outdoor time will be spent in a screened-in patio; that they want to be able to use those porches throughout the year; that they were intentionally designing the house were one cannot see the front door, and so people cannot see the families come or go; that one family may be there for one week, while another family may be there for two weeks; that they want to respect people's privacy; that there will be no sign posted outside; that all parking will take place on the 3.6 acre, Sunset Bridge Corporation, property; that the majority of parking will be located under the home, as the first floor will be raised on pilings; that there will be no parking in the Bethany Woods cul-de-sac; that all parking, including the two staff members and all residents of the retreat home will be located on their property; that there will be rules placed, which will govern participation; that residents must be 18 years of age or older, no visitors are permitted during the stay, unless it is an extreme exception; that they anticipate eight to 10 people in the house at one time in total, including staff; that there is a limit on the length of stay, the number of people who can come, and a limit on the number of vehicles folks can bring; that they can bring a maximum of two cars if needed; that they agree to have no more than three, simultaneous families present at any given time, as they recognize that a family could be one person; that if they are paying two staff members, but only having two families, one each, that ratio does not quite work out; that they want to be able to have three families, in the case they happen to have three families each of one; that final details for the home are not completely ironed out yet, they are committed to ensuring that the footprint of the home is no more than 3,000 square feet; that they are also committed to ensuring that the Sunset Bridge Corporation Retreat Home has no more than six bedrooms; that they are working with a couple different pro bono architects, for

designing two floors; that above the area where the vehicles would be parked, would be two living spaces; that the second floor would be the living space, with the optimal view, the family room, and the kitchen; that they will not request future expansion of the retreat home; that she would love to have a little gazebo, located closer to the wetlands and the water in the future; that they will not expand the size of the home, and will not expand beyond the proposed six bedrooms; that it is their hope that with success, others will embrace their model and replicate it elsewhere; that they do not want to deter or detract in anyway from the beauty of the community which already exists; that it is their desire to ensure the proposed retreat home adds to the beauty, the opportunity, and the overall value of the community; that as a Bethany Beach resident, the best of Sussex County, and Bethany Beach is in her own best interest as well; that she thanked everyone for their opinions and perspectives; that they continue to ask the community for their involvement and support; that they have a member of the Bethany Woods community, who graciously accepted their offer to be on their Transportation Committee; that they genuinely would like for the project to be a win for not only the people they serve, but also their collective community at large, and she requested to submit into the record, a letter of endorsement from State Representative, Mr. Ronald E. Gray.

Mr. Paradee submitted a written letter of support from Mr. Ronald E. Gray, State Representative of the 38th District.

Mr. Paradee stated it had been unfortunate that there had been a certain amount of misinformation and misunderstanding about what the facility is; that there was a letter of opposition submitted from Mr. William Stout that cited a number of Code provisions and case law; that everything cited in the letter was incorrect; that Mr. Stout cited Section 115-210 a number of times, which is a provision that deals with special exceptions that can be granted by the Board of Adjustment; that these had nothing to do with a Conditional Use request before the Planning & Zoning Commission; that he cited Section 115-194, which talks about Conservation Zones, and really had no application to the proposed application; that he cited Section 115-48, which is Special Use Exceptions within the HR-1 and HR-2 (High Density Residential) Districts, which had nothing to do with the application; that he cited Section 115-20, which are the permitted uses within the AR-1 and AR-2 (Agricultural Residential) Zoning Districts, again having no application to the proposed project; that he cited many cases, including the Kwik-Check Case, which is a landmark Delaware Supreme Court decision, however, had nothing to do with the application; that the Kwik-Check Case, would be a Board of Adjustment decision, and it talked about the standard for area variances; that Mr. Stout cited another Board of Adjustment case in his letter, which he called Miller vs. Board of Adjustment of Sussex County; that there is no such case; that he believed Mr. Stout was citing to Miller vs. Board of Adjustment of the Town of Dewey Beach; that again, it was a Board of Adjustment decision that was actually affirmed on appeal, and had nothing to do with the application; that he cited Tate vs. Miles, which was a Delaware Supreme Court case that basically stated that bodies, such as the Planning Commission, must give reasons for their decisions, but had zero application to the current circumstance; that he cited the Council of Civic Organizations of Brandywine 100, which dealt with a motion to dismiss, that was granted for failure to name an indispensable party, again, not applicable to the application; that he felt there was misinformation presented, as well as some misunderstandings; that one of the opposition comments referenced Conditional Use No. 1244 from 1998, stating that it was a similar application for Conditional Use for the property; that it was not; that it was a Conditional Use for the

a nearby property called Slat Pond, and it was approved by Sussex County; that he found it interesting that Conditional Use No. 1244 was for an elderly community in Salt Pond, and it was approved; that because of this, there is some precedent; that they are not proposing a commercial structure; that they are proposing a multi-family residential home; that multi-family uses are permitted as residential uses within the district; that they are proposing something a little different than what is typically seen; that a typical multi-family conditional use might be apartment buildings, and their application is somewhat similar to that use; that he felt no one really disagrees with the merits of what they were proposing or the need for the services they are offering; that he believed the concerns seem to be from the neighbors regarding the size of the home and the amount of traffic the use would generate; that in 2023, the Bethany Woods Homeowners Association granted an easement to Sunset Bridge Corporation, to allow them to use the subdivision roads; that what is important about the easement agreement is it requires Sunset Bridge to contribute to the maintenance of the road, such that if their traffic caused damage to the roadways, Sunset Bridge would have to pay for it; that DelDOT had indicated that the traffic impact for the proposed use would be diminutive, and they found no problem with the roads being adequate to serve the property; that the Applicant had made a number of concessions to accommodate the concerns which had been expressed by the neighborhood regarding the size and the traffic, by agreeing to limit the size of the facility to 3,000 square foot footprint, while limiting the number of bedrooms down 12 bedrooms to six bedrooms; that the Applicant had spoken to limiting the number of families, limiting parking and so on in an effort to address concerns; that the size and the impact of the facility had been greatly diminished from what was originally proposed; that per Sussex County Code, Section 115-171, the purpose of the article is to provide for certain uses, which cannot be well adjusted to their environment in particular locations, with full protection offered to surrounding properties by rigid application of the District regulations; that the uses are generally of a public or semi public character, and are essential, and desirable for the general convenience of and welfare; that because of the nature of the use, the importance of the relationship to the Comprehensive Plan and the possible impact, not only on neighboring properties, but on a large section of the County, the application requires the exercise of planning judgement on location and site plan; that the Planning Department, in its report, concluded, based on the analysis provided, the Conditional Use to allow for a non-profit public charity for providing respite care, associated parking, and other related site improvements to be constructed on the site location, could be consistent with the surrounding land uses, zoning and general environment given considerations of scale and impact; that he would have Mr. Steve Marsh, P.E. speak to the scale and impact, and how the application is being reduced; that the application satisfied the standard, and they therefore would respectfully request the Planning Commission's favorable consideration.

Mr. Steve Marsh, P.E. stated that the big point was that there was a lot of concern about the size of the project; that they made a commitment to limit the footprint of the building and the number of bedrooms; that he and Ms. Kaliski spent a lot of time developing and designing communities when he was at George, Miles & Buhr, LLC (GMB); that they looked at a few samples of projects in not particularly large homes; that the average was about 2,800 to 3,200 square feet for a footprint, and that those were consistent with homes being built now.

Mr. Collins stated that there were some concerns expressed around what would happen if years down the road, the organization was not found to be successful financially, and he questioned whether the Conditional Use would expire at that time.

Mr. Robertson stated that expiration was not necessarily the case; that the Conditional Use would expire for abandonment or the lack of use; that if the organization were able to transfer it to another similar organization, the use would be able to continue; that the Conditional Use, even under new ownership, would still be subject to all the imposed conditions, and if the conditions were not followed the Conditional Use approval could be revoked.

Mr. Pettyjohn stated that he understood the application was for a respite type of situation, not necessarily ideal for someone to be brought in or taken away by ambulance; that he understood emergencies can happen anywhere at anytime, but questioned whether ambulance transportation was the intent or not.

Mr. Marsh, P.E. stated that the proposed use was not for a nursing facility; that he felt there was no more likelihood of that need more than there would be at any other home; that their residents will not be receiving treatment; that they will not be right at the end of life; that their facility is more a retreat for end of life planning, and there will not be medication driven to the site, or a higher probability of needing emergency medical vehicles.

Ms. Sarisky stated that residents coming to them cannot be bedridden, and that is one of their requirements upon intake; that some people may be in a wheelchair; that their residents will not need to have declined medical treatment; that as part of their Transportation Committee, they will be reviewing the number of times that people are coming and going; that they will not tell people they are not allowed to leave the house, but they are not going to encourage them ; that they will be busy during the day while there; that they will ensure there is not a lot of back and forth because they want to be respectful the community, and no ambulances are anticipated unless there is some unexpected accident that would happen, just like at anyone else's home.

Mr. Collins stated that the property could be sold to a developer, should the Conditional Use not receive a favorable decision from the County Council, and the property potentially could be developed into a beach vacation house or rental units.

Mr. Robertson stated that any of the permitted uses could take place on the property, and as Mr. Marsh had testified, one could build a fairly large home on the site, which could be used for daily or weekly rentals.

Madam Chair Wingate stated there were much larger beach homes already built in the area.

Mr. Allen questioned what the limit of the stay was, and what would happen if the resident declined during their stay and required hospice.

Mr. Sarisky stated that a stay would be limited to one to two weeks; that the stay would depend upon the individual, their situation, and the pre-screening that they would perform; that if someone was

closer to potentially end of life, or if they were bedridden, they would not be coming to the retreat; that those people should already be on hospice, and hospice would be their recommendation for them; that they will have palliative care and hospice nurses working with them; that one of them is a member of their Board; that she cannot predict the future, and any one of us could be healthy today, and gone tomorrow, but that is not their intent, and their intent is to help people earlier in their process, when they really need the help to get their life sorted and together.

Mr. Paradee stated for clarification that the application is not for a hospice facility.

Madam Chair Wingate stated that she felt the proposed use is wonderful, and a wonderful opportunity to help our neighbors; that everyone knows someone with cancer, or have gone through any other medical need; that to have a facility, like the one proposed, could help people push through to get to the end because too many times there are no plans made, and because of this, she felt the proposed use was a wonderful opportunity for the community.

Mr. Robertson stated that Ms. Sarisky mentioned resolutions made by the Board; that he had questions regarding a few of the resolutions, regarding the requirement of no visitors, and he questioned what the distinction was between visitors and families.

Ms. Sarisky stated that as part of the intake process, they evaluate the individual with the terminal diagnosis, and determine how many of their loved ones will be coming with them; that for most people it is one or two people; that there may be occasions where a person has four sisters that they are very close to, and would really like all four sisters to be there; that those elected members are not considered visitors; that those members are part of their intake; that they are the caregiver, or also known as the caregiving unit, which consists of the individual with the terminal diagnosis and their loved ones; that it may only be the individual, as many people are alone; that it could be a friend, as they will not require the caregiver to only be a family member; that all members of the caregiving unit will be pre-screened and evaluated before they arrive on the property; that an example of a visitor, would be the individual's mother-in-law, who happened to be down from Baltimore, and decides she wants to drive over; that they would not allow her; that they would be happy to get the mother-in-law on the phone, or to set something up virtually; that they do not want visitors coming in and out of the property; that they want the caregiving unit to be there, focused in a working retreat; that there will be individuals who will not want to come to them, because they will rather have a week at the beach; that there are other resources to help the individual embrace those opportunities as well, and they want to help people and their caregiving unit, collectively, in a facilitate retreat.

Mr. Pettyjohn questioned the maximum number of beds for people to stay.

Ms. Sarisky stated that they would have a maximum of six bedrooms, with approximately eight to 10 people total within the house, and that this maximum would count the staff.

The Commission found that there were six people present in support of the application, and four people spoke in opposition to the application.

Mr. Pettyjohn questioned whether there was any chance the facility could make a mistake, be overcrowded, and possibly have people residing within tents outside.

Ms. Sarisky stated no, that residing in tents outside the home was not option, and that was the reasoning for their upfront, due diligence through the pre-screening process.

The Commission found that there were six people present who wished to speak in support and four people present who wished to speak in opposition to the application.

Ms. Faye Iudicello, resident of Bethany for 46 years, spoke in support of the application. Ms. Iudicello stated that she had often used the area for refuge; that many people enjoy the coastal area, and locals often forget it is a luxury; that one of the greatest things she learned from the Wounded Warrior Project was that they had gained more from it than they had been impacted; that the noise is no more than hearing kids on the beach, jumping in the waves for the first time, and just as love does not exist until it is given away, community does not exist until you let people in.

Ms. Kathy Dickman, year-round resident of Bethany Beach, spoke in support of the application. Ms. Dickman stated that she had owned her home for 40 years, which she rented in the beginning; that rentals are noisy, as people are coming there to have fun; that the proposed application is a six-bedroom, non-profit retreat, that would fill a need in the county and surrounding areas; that there is a gap in the care of a family that is dealing with end-of-life issues; that she spoke as a retired nurse, nurse practitioner who had hospice patients, and an oncology background; that she had personal experience through her mother's death at age 54 from lung cancer; that the retreat will be quiet; that people will not be having big parties; that she spoke highly of Ms. Terri Sarisky's character, as she was her neighbor and good friend; that Ms. Sarisky could be counted on; that she was reliable, good person, and that she 110% supported her on this project.

Ms. Beth Wong, RN, resident of Milton, spoke in support of the application. Ms. Wong stated that she is currently a nurse for a Sussex County based non-profit, called Nurses & Neighbors; that Nurses & Neighbors is a community partner with Sunset Bridge; that she, and all of their members support the application; that the organization's Board of Directors were in favor of the application; that she was currently a volunteer nurse, that people can contact her 24/7; that many of the local residents live here, with their children living at least two hours away; that a lot of people live alone; that she is a person someone can call regarding those decisions on what to do, or with questions regarding hospice; that by training she was an operating room nurse; that this is the right time for what is being proposed, and it is the right thing to do; that she wanted to give Ms. Terri Sarisky credit on her new model of care; that it would be great to have this new model of care begin in Delaware, specifically Sussex County, and go nationwide; that the application did not propose a bunch of kids; that it is targeting the woman in a crochet group, and to help those types of people make their end-of-life decisions.

Mr. Val Curran, resident of Bethany Beach, spoke in support of the application. Mr. Curran stated that he agreed with all the things the others before him stated; that Ms. Sarisky and her husband were dear friends; that when Ms. Sarisky explained her idea, he thought it was righteous; that everyone has lost someone; that many do not get the family interaction the application would provide; that when

Wounded Warrior began 13 years ago, with Operation Seize the Day, it was only for families of the wounded warriors; that to see them interacting on the beach was emotional and unique; that he wished that service was around many years ago, and he is thankful now that the service has been put together.

Mr. Andreas Gresser, resident of Bethany Beach spoke in support of the application. Mr. stated that he resided in close proximity to the site; that 45 years ago, when he began his career, he worked as a nurse; that he appreciated the effort; that his main concern in the beginning was the potential for parking in the cul-de-sac, and the creation of additional traffic; that based on what was presented at the public hearing, the Applicant listened to the concerns, by slimming down the size of the home, which will limit the number of cars and traffic; that he had purchased his home because it was on a cul-de-sac; that there was now six other additions to the south, and the street had become more like a through street, and often used as a parking lot, and if those things could be managed, he would retract his formerly expressed objection to the application.

Mr. Rob Sarisky, husband of Ms. Terri Sarisky, spoke in support of the application. Mr. Sarisky stated that to Ms. Sarisky, every voice matters; that she listens and takes constructive action; that her entire career had been spent in compliance, and she is rule follower; that they heard a lot from the neighbors that their mission had merit; that it takes courage to stand up and voice opposing opinions; that he hoped that people in opposition could come around, and gather a better perspective on what the mission was really about; that Ms. Sarisky is driven by data and facts; that she makes all decisions collectively as a group based on those two things; that opinions are important to her, but facts and data must underpin all the decisions that she makes; that as a testament to her character, he did not know anyone else like her; that she is a positive individual, who respects every voice, even those that may be opposing; that she spends hours attempting to address issues, while remaining consistent with the mission; that this is the type of person the area will be receiving as a neighbor, and she is a community steward, not just for those she is serving through the retreat, but a community steward for everyone else as well.

Mr. William Stout, resident of Charleys Run (Bethany Woods), Bethany, spoke in opposition to application. Mr. Stout stated that he is not an attorney; that he believed everyone in the community admired the passion, vision and mission that Ms. Sarisky had put forth; that however, they had serious concerns regarding the proposal; that Bethany Woods subdivision was approved in 2008 for 19 lots; that 18 of those lots are located along Jay Bird Street and Charleys Run; that Lot 19 is located within the woods, past the Sunset Bridge property; that the Sunset Bridge property is not considered part of Bethany Woods; that at the end of the cul-de-sac, a driveway was placed to access Lot 19, and also to service the Sunset Bridge property; that it is a 12 foot driveway, which was placed to serve two homes; that beyond the Sunset Bridge property, there is Osprey Watch, which consists of five homes, but is not considered a subdivision; it was approved as two lots, one lot consisting of two homes, and the other lot consisting of three homes; that now the 12 foot driveway will serve Osprey Watch's five homes, Sunset Bridge's respite facility, plus the home on Lot 19, which is part of Bethany Woods; that the 12 foot driveway provides only one ingress and one egress; that the only way out is off of McCoy's Way, which they all had easements agreements with Salt Pond in order to use McCoy's Way; that the bridge is major concern; that if the bridge goes out, there will be no way for 26 homes, plus a respite care facility to have ingress or egress; that in 2023, Bethany Woods did enter into an easement

agreement with Sunset Bridge, at which time their mission was shared with the community; that at that time, their vision was to use the existing home on the property, with potentially adding one or two bedrooms, and instead what was filed, was a Conditional Use application for a four unit, three bedroom, massive facility, which became the reason for their concerns.

Madam Chair Wingate questioned whether the Bethany Woods Homeowners Association had a maximum allowable square footage for buildings.

Mr. Stout stated that the Bethany Woods Homeowners Association did not have a maximum but rather had a minimum.

Madam Chair Wingate questioned whether it would be better if Ms. Sarisky chose to build and rent an 8,000 square foot home, with additional traffic, rather than the proposed respite facility.

Mr. Stout stated that he did not know whether the 8,000 square foot home for rent would be better or worse than the proposed respite facility.

Madam Chair Wingate stated that she felt the proposed application is reasonable with what is permitted and wanted to confirm on the record that the square footage being proposed is permissible.

Mr. Stout stated that some of the nearby residents' concerns consisted of a failure to demonstrate compatibility with the surrounding area; that as of the current public hearing they had received new information regarding the size of the facility; that they felt the rendering shared with them demonstrated compatibility as it did not look like a house; that another concern was adverse impact on traffic and public safety; that they are still not clear on how much more traffic will be crossing the bridge or the 12 foot driveway; that only one car can fit on it; that in the event two cars are trying to access it, someone will have to get out of the way or back up; that the safety and welfare of the community are also a concern, especially with residents trying to get out on a 12 foot driveway; that he questioned whether fire and ambulances had gone back there to see how they would service the give homes built within Osprey Watch, and he could not see how those vehicles would operate in and out of the 12 foot driveway.

Madam Chair Wingate stated that the plan would require State Fire Marshal approval, before the Final Site Plan would be permitted to be approved.

Mr. Robertson stated that Charleys Run appeared to be an approximate 30 to 40 foot right of way; that the pavement width may only be 12 feet in width, but the right of way was wider; that the Bethany Woods Property Owners Association granted an easement, which is in the record, to Sunset Bridge Corporation, and it now appears that Mr. Stout was asking the Commission to ignore the easement agreement because he no longer wanted Sunset Bridge to use the roadway.

Mr. Stout stated that was not his intention, and that the intention of his concern was regarding the safety of using a 12-foot-wide driveway.

Mr. Robertson questioned why the easement was granted in the first place; that he felt the safety discussion would have been appropriate to have back when the easement was granted, not at the current public hearing, and he assumed that the Property Association would have to be involved in increasing the roadway as well.

Mr. Stout stated that he did not know how the developer originally negotiated in 2008; that there was no easement agreement with the owners of Sunset Bridge, prior to Sunset Bridge, and he believed the previous owners were the Eastburn's, at which time they were allowed to come through the community without paying any compensation to Bethany Woods.

Madam Chair Wingate stated that was not the case with Sunset Bridge, and therefore was irrelevant to the current application.

Mr. Robertson stated that the easement agreement was established with Sunset Bridge in 2023, providing them the right to use the road; that he felt the safety conversation should have been had when the easement agreement was being negotiated, and he believed the pavement is a 12 foot width, however the right of way appears to be 30 to 40 feet in width.

Mr. Robert (Bob) Bailey, resident of Charleys Run in Bethany Beach, spoke in opposition to the application. Mr. Bailey stated that all the residents of the community are full-time residents; that he recently had to deal with the planning and passing of a loved one, Mr. Ed Riggan, owner of Ed's Chicken and Crabs, in Dewey Beach; that he questioned who would be against a respite center; that he was against a respite super center; that they had received new information, which maybe had helped some of his fears; that at its origin three years ago, the community was asked to support a noble cause, being the respite center; that the request was easy to support, as it was a charitable initiative, which has great cause and merit; that however, the current plan got bigger; that when the easement agreement was granted three years ago, it was granted for the existing dwelling on the property, which was proposed to become the respite center; that at that time, the intention was to grant an easement, which would become a respite center, but would not substantially be changing; that things had changed; that the rendering looked nice, but it looked more like a small Motel 6; that it was inconsistent with the existing houses in the community; that the existing residents are looking for consistency; that he understood they would be using a similar builder, and that was good news; that to secure support, Bethany Woods community was promised by Sunset Bridge Corporation that they would use the original single-family home that existed on the property; that the existing home had since been torn down; that he understood the facility is not proposed to be a hospice center, which was great, as he did not feel the site was an appropriate place for a hospice center; that he was also concerned about the previously mentioned medical and emergency safety; that he was concerned about the number of cars are traffic the facility would create; that he did not feel the 12 foot wide road could handle the increased traffic; that as Ms. Sarisky stated, this proposed use had never been done before; that the group managing this profoundly needed services, had never managed this service before; that there could be a law of unintended consequences; that they wanted to plan for the worse, not for the best; that they want to work together to get the best; that he felt due consideration had not been given to the transient scale that would be present, including the number of family members, counselors, social workers, palliative nurses, advisors, medical professionals, planners, estate and legacy planners, the full

time, on-premises staff and cooks, and that the separate families would be using different sets of counselors and planners, and they would not all be using the same one; that he was advised that two weeks, following the passing of the family member, the family can come back for a re-visit; that this was written within the document that was presented to them; that he appreciated the reduction of the building; that he still had concern regarding serving more than one family at a time; that the organization had shared their concerns regarding parking and traffic; that Sunset Bridge had dialogue with Hocker's Grocery Store regarding overflow parking at the local grocery store, which was reflective of the law of unintended consequence; and he requested that the information presented at the hearing be memorialized in writing, as he wanted to make it a success, not a failure.

Mr. Collins stated that should the application be approved, there would be conditions placed upon the use, which would be memorialized within an adopted Ordinance; that the application would have a second public hearing before the Sussex County Council, who may place additional conditions, and questioned what size maximum could be developed on the property.

Mr. Robertson stated that the property is located outside of the Bethany Woods Homeowners Association; that he did not believe there were any restrictive covenants, and it would mostly come down to compliance with the building setbacks, and the maximum height of 42 feet.

Madam Chair Wingate stated that the property is approximately three acres, permitting two dwellings per acre.

Mr. Whitehouse stated that theoretically, borrowing no issues of wetlands, setbacks or any other building hardship, the maximum density of the zoning district would permit a maximum of 43 dwellings units.

Mr. Collins stated that he wanted that information to be placed on record, and that 43 dwelling units could be placed on the property, should it be found that the property was not a suitable place for the proposed respite center to be built.

Mr. Robertson stated that he appreciated the information; that however, there would be some guardrails on that, as 43 dwelling units would require a certain number of parking spaces and stormwater management, and there are wetlands on the property which would create additional building setbacks.

Ms. Leslie Knapp, resident of Bethany Woods, spoke in opposition to the application. Ms. Knapp stated that she would like the property to only be used for the proposed purpose, and could not be rented if it were not used for the proposed use, and requested the right for the Bethany Woods property owners to renegotiate the easement agreement, based on the increased usage of the roadway, as the original agreement was based on the three bedroom home which was existing at that time.

Mr. Robertson stated that the easement agreement is a contractual issue; that Sussex County did not have any authority to require folks to renegotiate contracts; that he looked into the easement agreement to see if it spoke on any limitations of the easement being used for residential versus

commercial uses; that the contract was silent in that regard, and that Sussex County cannot enforce restrictive covenants, as they are private contractual obligations for the property owners, homeowners associations et cetera.

Mr. Collins stated that should the Commission place a condition prohibiting the rental of units, the condition would apply to the Conditional Use itself and would not apply should they convert the property or if the property were sold to another party.

Madam Chair Wingate stated that she did not find it fair to the rest of the community; that if someone else wanted to, at some point, rent their property, they would be permitted to do so, and that residents within Bethany Beach rent their properties all the time.

Ms. Knapp stated that Bethany Woods had restrictions within their homeowners' documents that rentals are only allowed under certain circumstances.

Mr. Collins stated that the subject property is not located under the Bethany Woods Homeowners Association.

Mr. Ward Gaisor, resident of Salt Pond, spoke in opposition to the application. Mr. Gaisor stated that in May of 1998, Conditional Use No. 1244 was approved by the Sussex County Council, however, that happened only after the Planning & Zoning Commission had recommended against it, as they did not feel it was an appropriate location for mixed-use density, previous C and that the Conditional Use was abandoned, as no development took place after three years.

Mr. Robertson stated that there had been a lot of discussion of what could be done on the site, should the application not get approved or were to get abandoned; that the MR (Medium Density Residential) Zoning District does not permit multi-family by right; that should the application not be approved, it would only permit for one single-family home; that the single-family could be a large one, as had been seen in North Bethany; that should the current or any future applicant propose a multi-family dwelling, they would be required to come back before the Planning Commission and the County Council through another Conditional Use, and would automatically convert to those suggested types of uses.

Mr. Collins stated that there are examples of similar uses located nearby, which would be favorable to any future application, which was a concern he had.

Mr. Robertson stated that Spinnaker Village was made up of townhomes, and there appeared to be another development off Fred Hudson Road, which had townhomes as well.

Madam Chair Wingate stated there was also Salt Pond, Inland Bays, and several others which were also rented by many of those residents as well.

Mr. Collins stated that he currently has a landscape business located behind his home; that he would rather that business be there than many townhomes; that even though the business may at times create noise, dust, and unpleasant smells, he would rather deal with those than an additional 30 neighbors;

that he asked these questions because it is good to know the trade-offs; that if this site is not appropriate for the proposed use of a respite facility, the land will be used for something else, as it is valuable; that he would assume if the Applicant wanted to pursue the mission, they would not hold onto the property, and that they would likely sell it.

Mr. Pettyjohn questioned whether Bethany Woods was granted entrance approval from Salt Pond, with Sunset Bridge trying to gain access through Bethany Woods.

Madam Chair Wingate stated that Mr. Pettyjohn was correct, and Bethany Woods was granted entrance approval from Salt Pond.

Mr. Robertson stated that Sunset Bridge already had obtained approval from Bethany Woods through the easement agreement; that those entrances exist; that the DelDOT entrance was from Fred Hudson Road, and he was unsure where the DelDOT maintenance stopped.

Mr. Whitehouse stated that when the parcels to the south were previously subdivided it went through the review process, which required review by the Commission, and at that time the Commission and staff had looked at Charleys Run, where it connects, and the location of the easements.

Ms. Sarisky stated that they had agreed that initially there services would be gradual; that they intended to start off with one family in one year; that within year two, they would expand to two families in one year, and then maybe increase to three families; that with having a Bethany Woods representative on their Transportation Committee, it will help with monitoring; that she intended to monitor incoming and outgoing traffic; that if there were to be a recommendation made that the traffic is too much, they will address that; that they had proactively approached the Bethany Woods Homeowners Association before they purchased the property to discuss the use of the bridge; that her daughter, who is a structural civil engineer, who previously worked for DelDOT and bridges, attended the meeting; that at that time they stated that they would evaluate the existing home, and that they wanted to be good neighbors; that their most important discussion was the bridge and its protection, as it had received a significant amount of love since the development of all the houses to the east of the site; that Sunset Bridge paid more money that year to place into reserve funds; that they were contributing to the bridge and the roadways; that if the Transportation Committee stated there was more traffic, than they would contribute more money; that they are respectful; that they love the quiet privacy of the existing 12 foot wide road, and she suspected the people who live down that road would say the same thing; that when you reach the end of the cul-de-sac, which they will not be parking in, there is a little enclave of trees with a beautiful 12 foot roadway, with their property located on the left; that she did not feel it was any different than any other cul-de-sac, with there being one way in and one way out; that they recognize and respect that it is not a wide road, but they had heard people who live there state that they would wait in their driveway for a car to go by; that there are six homes and the Sunset Bridge property; that it is not like 40 homes are trying to exist on a one way road; that they would evaluate and consider that there be a time, either twice a year, one time a year or once a quarter, if they got up to that, where the family would come back for bereavement and counseling; that this time would not be for vacationing; that all consulting and services are virtual, as they currently work in a virtual setting; that they have a banker and a State attorney lawyer who provide all work virtually; that there will be

no influx of people coming and going, and there may be staff who come and go after their eight or twelve hour shift ends; that they will have a coordinator on site to help pull stuff together, and keep people focused on outcomes; that residents will have an agenda, and a schedule for the facilitated workshop; that they have a framework that the residents would work through; that the residents will be leaving with an action plan and results after spending their one to two weeks at Sunset Bridge; that after year two, they family will be invited back, if they choose to, for bereavement and counseling; that at that time, the family member will only be there for that specific reason, and there will not be any other families at retreat during that same time; that the family member may stay overnight; that the specific intent is to allow the caregiver to close out the journey where they started; that not everyone will want to come back to them; that they do not have this set in stone yet, but were offering it as a consideration; that they will need to get all their ducks in a row for their opening on year one and year two; that an example would be, if she attended the retreat with her spouse, and he spouse passed away, she would be invited to come back for bereavement and counseling; that this would be subject to the same maximum house limit stated previously; that it would not be open to other friends or family members, and that they have very strict rules and guidelines around how they operate.

Mr. Robertson questioned how Sunset Bridge would schedule or plan for people's passings.

Ms. Sarisky stated that it would be offered once or twice a year, where one week would be blocked off for anyone who had a loved one pass in the past 12 months, they would be invited to come back; that if they find this week is not being used, they will open that week for others; that they find it is a great use for people to be able to come back once a year, and it would be specifically intended for those who had loved ones who passed within the past 12 months.

Ms. Robertson stated he was a bit concerned that this consideration was not presented during the initial part of the public hearing presentation; that the way it was presented initially, Sunset Bridge probably would not have been allowed to have caregivers return to the retreat, as there would have been conditions imposed that would not have allowed folks to come back for bereavement later on; that it would have only been approved for the respite care facility, where people could reside while performing their end-of-life planning; that it would have precluded what is now being described, and he believed the community was concerned as they were told one thing, and heard something different than the public hearing.

Ms. Sarisky apologized for not mentioning the consideration earlier, however, it is part of their submitted application; that she hoped the community did hear something different at the hearing, as they made changes based on their heard voices; that they would agree to eliminate the caregiver bereavement if it was going to cause contention; that there are other ways for people to receive that service, and that their primary goal is to help people as they go through trauma.

Mr. Collins stated that he suspected that Sunset Bridge could offer that service virtually to those who would like to take advantage of the service.

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 2602 Sunset Bridge Corporation. Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 1, 2026.

Mr. Collins moved that the Commission recommend approval of C/U 2602 for Sunset Bridge Corporation for a Non-Profit Public Charity Providing a Respite Care Facility and Use based upon the record made during the public hearing and for the following reasons:

1. This application seeks approval to allow a non-profit charity to provide a respite care facility for individuals with their close family members.
2. The Applicant has stated that this facility will not be a nursing home. Instead, it will provide a safe and honorable structured environment for individuals nearing the end of their life with their immediate family members. This will include counseling and guidance for the family group.
3. There will be no more than three terminal individuals needing respite care with their immediate families at the facility at any one time.
4. Representatives of the Applicant testified that this program will be structured, with programming and 24-hour on-site supervision at all times.
5. This site is a large lot, and the new structure will be residential in character. It will comply with all residential height and setback requirements, and it will not appear materially different in design and size from a permitted residential home that could be placed on the property. As a result, this structured use will result in potentially less traffic and impact on the nearby community than if a large vacation home is constructed on the property for large family weekly rental use.
6. This use fills an important need and service to Sussex County residents and their families. Although there are nursing homes and assisted living facilities throughout the county, there are few, if any, for terminal patients to spend quality time with family in a dignified, comfortable manner while receiving respite care and counseling about the circumstances.
7. There is no compelling evidence in the record that the use will have a negative effect on area roadways or nearby properties. The use is limited and the concerns raised by neighboring property owners will also be mitigated by the conditions imposed upon this conditional use.
8. The property will be served by central water and Sussex County Sewer.
9. This use satisfies the purpose of a conditional use under our Sussex County Zoning Code. The services that will be provided here have a charitable public or semipublic character that is essential and desirable for the general convenience and welfare of Sussex County and its residents.
10. This recommendation is subject to the following conditions:

- A. The property shall be operated as a non-profit residential care facility for respite care. There shall be no more than three respite care individuals along with their immediate family members staying in the home at any one time. In addition, there shall be no more than six (6) staff members on site at any one time.
- B. The property shall not be operated as a nursing home or assisted living facility for indefinite admissions by infirm individuals.
- C. The home shall be staffed by qualified supervisors at all times.
- D. The home shall maintain its residential appearance at all times and there shall not be any signage on the property. In furtherance of this and as proffered by the Applicant: (a) the first floor footprint of the structure shall not exceed 3,000 square feet (excluding any exterior ramp, outdoor gazebo, garden areas, or walkways), (b) the structure shall not exceed two stories in height, not including its roof, and (c) there shall be no more than six bedrooms within the structure. These architectural requirements shall be included on the Final Site Plan.
- E. The use of the home shall comply with all of the standard State agency requirements that may apply, including, but not limited to those mandated by DelDOT, DNREC, the Sussex Conservation District and the State Fire Marshal's Office.
- F. To ensure that there is sufficient parking on the site for the use, no parking by residents, staff or visitors shall be permitted on the roadways of the adjacent Bethany Woods Subdivision or within the cul-de-sac at the end of Charleys Run. The on-site parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself.
- G. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. No dumpsters shall be utilized on the site. Instead, only residential-type trash receptacles shall be used. The Applicant is encouraged to use the same service as the surrounding properties to avoid additional trash pickups on area roadways.
- I. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use. In addition, should this Conditional Use lapse or be terminated for any reason, the property shall automatically revert to use as a single-family residence.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/U 2602 Sunset Bridge Corporation for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
DAVID PETTYJOHN
JOHN PASSWATERS



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 1st, 2026

Sussex County Council Hearing Date: May 12th, 2026

Application: C/U 2602 Sunset Bridge Corporation

Applicant: Sunset Bridge Corporation (c/o Terri Sarisky)
P.O. Box 792
Bethany Beach, DE 19930

Owner: Terri Sarisky
P.O. Box 792
Bethany Beach, DE 19930

Site Location: The property is lying on the east side of Charley’s Run, 0.22-mile south of Fred Hudson Road at 31613 Charleys Run in Bethany Beach, Delaware.

Current Zoning: MR (Medium Density Residential District)

Proposed Zoning: MR (Medium Density Residential District)

Proposed Use: Public or governmental buildings and uses, per Section §115-31.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 - Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Sussex County (Public Sewer)

Water: Tidewater Utilities (Public Water)

Site Area: 3.64 acres +/-

Tax Map ID.: 134-13.00-84.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 26th, 2026
RE: Staff Analysis for C/U 2602 Sunset Bridge Corporation

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2602 Sunset Bridge Corporation to be reviewed during the April 1st, 2026, 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: 134-13.00-84.00

Proposal: The request is for a Conditional Use for Tax Parcel ID: 134-13.00-84.00 for a non-profit public charity providing respite care facility, associated parking and other related site improvements to be located on a 3.64-acre Parcel of land lying on the east side of Charleys Run, approximately 0.22 mile south of Fred Hudson Road (S.C.R. 360) at 31613 Charleys Run in Bethany Beach, Delaware.

Zoning: The Parcel is zoned Medium Density Residential (MR) District and is located just one Parcel south of the Bethany Woods Subdivision. Bethany Woods is an existing Subdivision consisting of 17 single-family lots and Open Space. The subject Parcel has access via the Charleys Run private access road which also runs through this Subdivision.

There are six (6) strip lots to the south of the Property which are also zoned Medium Density Residential (MR) District that also have access off of Charleys Run.

All of these Parcels are part of a large swath of land that is zoned Medium Density Residential (MR) District, which stretches from the Assawoman Canal to the west and from the north side of Fred Hudson Road (S.C.R. 360) to Indian River Bay.

Background Information: Staff note that the Parcel is subject to an Easement Agreement with the Bethany Woods Property Owners Association, dated May 12, 2023. The Easement Agreement (recorded at DB 5906, PG 111) was granted for direct vehicular and pedestrian access to the subject Property and stipulates the terms and conditions for the use of the roads within the Bethany Woods Subdivision. A copy of the Easement Agreement has been included in the Commission's Packet of Application materials for clarity and completeness.



Staff note that the closest corollary to the proposed use is “*Public or governmental buildings and uses*” which is considered a Conditional Use within the Medium Density Residential (MR) District (§115-31). The use is of a public nature in that also fits the “*Services, Personal*” definition, which notes that *Personal Service are “Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel”* (§115-4).

Future Land Use Map Designation w/in Comprehensive Plan: Coastal 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 (FLUM) in the Plan indicates that the subject property has a Growth Area Future Land Use Map (FLUM) designation of “Coastal Area.” All adjacent and surrounding Parcels, to include the Parcels to the north within the Bethany Woods Subdivision and the six (6) strip lot Parcels to the south of the proposal having access off of Charleys Run have a Future Land Use Map (FLUM) designation of “Coastal Area.”

The Coastal Area is one of the County’s seven (7) Growth Areas. According to the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas where, “*the County encourages only appropriate forms of concentrated new development*” and “*especially when environmental features are in play*” (2018 Sussex County Comprehensive Plan, 4-9).

Furthermore, the Coastal Area designation recognizes two characteristics: 1.) “*This region is among the most desirable locations in Sussex County for new housing*” and 2.) “*This region contains ecologically important and sensitive characteristics*” and that, “*these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy*” (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that medium and higher density (4-12 units per acre) can be appropriate in certain locations where:

- *There is central water and sewer;*
- *Near sufficient commercial uses and employment centers;*
- *Where it is in keeping with the character of the area;*
- *Where is along a main road or at/or near a major intersection;*
- *Where there is an adequate Level of Service;*
- *Or where other considerations exist that are relevant to the requested project and density”* (2018 Sussex County Comprehensive Plan, 4-16).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that there are no Agricultural Areas within proximity to the subject Parcel.

- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs). The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” in the context of the County’s Memorandum of Understanding (MOU) with DelDOT and that the land use would generate fewer than 50 vehicle trips per day.
- **Forested Areas:** Staff notes that the Applicant seeks to maintain as many existing mature, healthy trees as possible for the proposal.
- **Wetlands Buffers/Waterways:** Staff note that there is an area of Estuarine and Lentic (ie: Wetlands that are adjacent to or in the active floodplain of a stream or river) have been indicated on the Property on the County’s Online Mapping Application. An image of the associated wetlands has been included in the image below as Exhibit “A.”



Exhibit “A” – Terrene Wetlands Indicated on the Parcel

Staff further note that an area of Federally regulated wetlands governed under Section 404(B) of the Clean Water Act have been identified to the rear of the Property as shown on Exhibit “B” below. The Applicant has opted to engage in Buffer Averaging as outlined in §115-192(G) of the Code by removing a portion (235 square feet) of Buffer Zone “B” to add (332 square feet) to Buffer Zone “B” to offset the project’s impact. Buffer Zone Averaging is available for “*perennial nontidal rivers and streams, nontidal wetlands and intermittent streams.*”

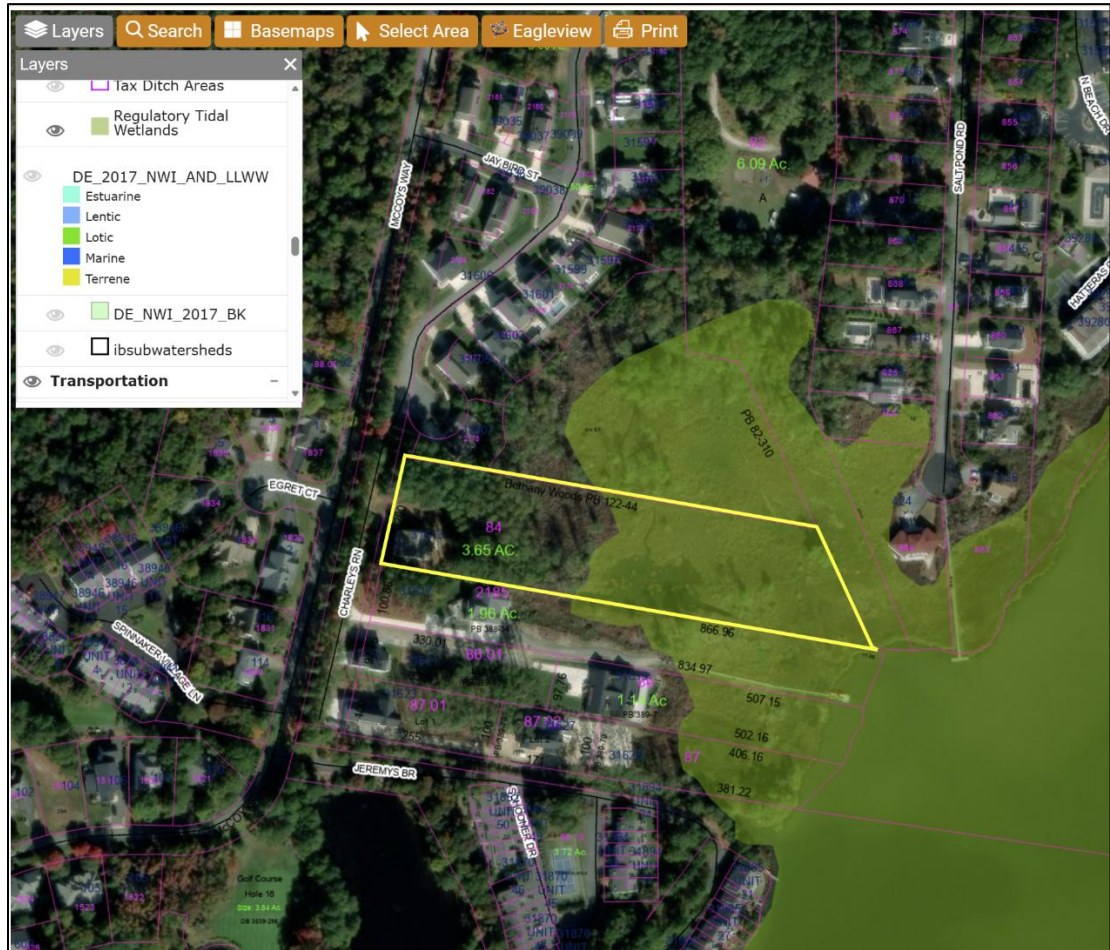


Exhibit “B” – Federally-Regulated Section 404(B) Wetlands on the Parcel

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The subject Property is not located within any Tax Ditch Areas and does not contain any Tax Ditches or Tax Ditch Rights-Of-Way (ROW). There are also no Wellhead Protection Areas on the subject Property. The Property is entirely located within the “AE” Flood Zone - Special flood hazard areas subject to inundation by the one-percent annual chance flood; base flood. The project will have to adhere to FEMA requirements regarding flood-proofing and building within flood prone areas/within the floodplain. An image has been included below showing the Flood Zone on the Property. The Parcel is primarily located within an area of “Fair” Groundwater Recharge Potential.

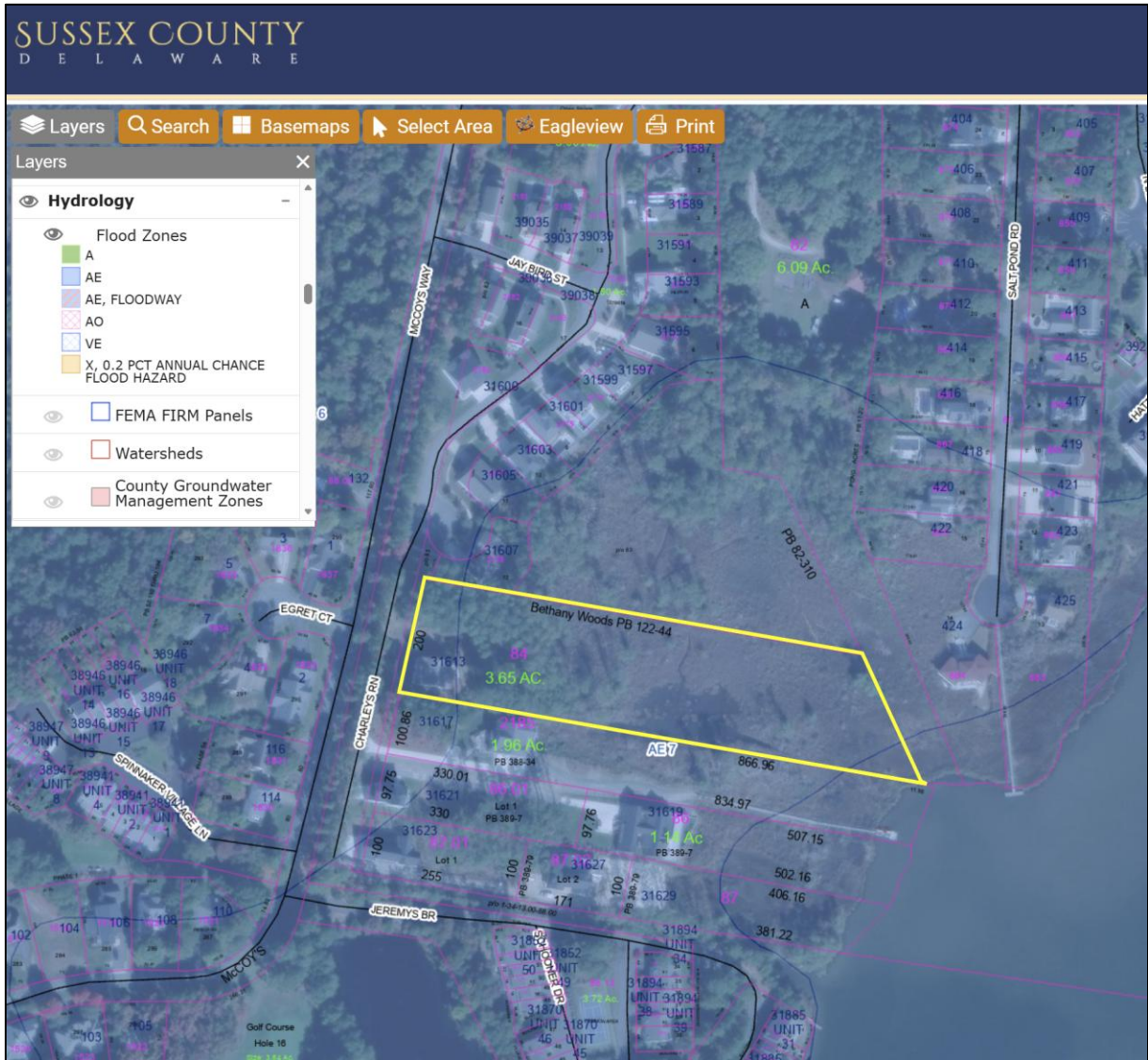


Exhibit “C” – Flood Zone “X” – Areas within 0.2 percent annual chance flood hazard

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been three (3) Conditional Use Applications within a 0.5-mile radius of the Application site. A Supplemental Table has been provided showing the approval status of all Conditional Use Applications within a 0.5-mile radius of the Application Site.

| Conditional Uses w/in a 0.5 Mile Radius of the Application Site | | | | | | | | | |
|---|------------------------------|------------------|----------------|---------------------------------|----------------------|-------------------|------------------|-------------|------------------|
| Conditional Use Number | Applicant Name | Tax Parcel # | Current Zoning | Proposed Use | P&Z Decision | P&Z Decision Date | CC Decision Date | CC Decision | Ordinance Number |
| 2259 | The Evergreen Companies, LLC | 134-13.00-72.02 | MR | 30 single family conomium units | Recommended Approval | 7/22/2021 | 12/7/2021 | Approved | 2817 |
| 1123 | North Bethany Seafood Market | 134-13.00-133.00 | AR-1 | expand to include restaurant | Withdrawn | N/A | N/A | Withdrawn | B/A |
| 1306 | DMV Partnership | 134-13.00-78.00 | MR | multi-family | Recommended Approval | 9/23/1999 | 10/12/1999 | Approved | 1344 |

Exhibit “D” – Conditional Use Applications w/in a 0.5-Mile Radius of the Application Site

Based on the analysis provided, the Conditional Use to allow for a non-profit public charity providing respite care facility, associated parking and other related site improvements to be constructed on the Site in this location could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

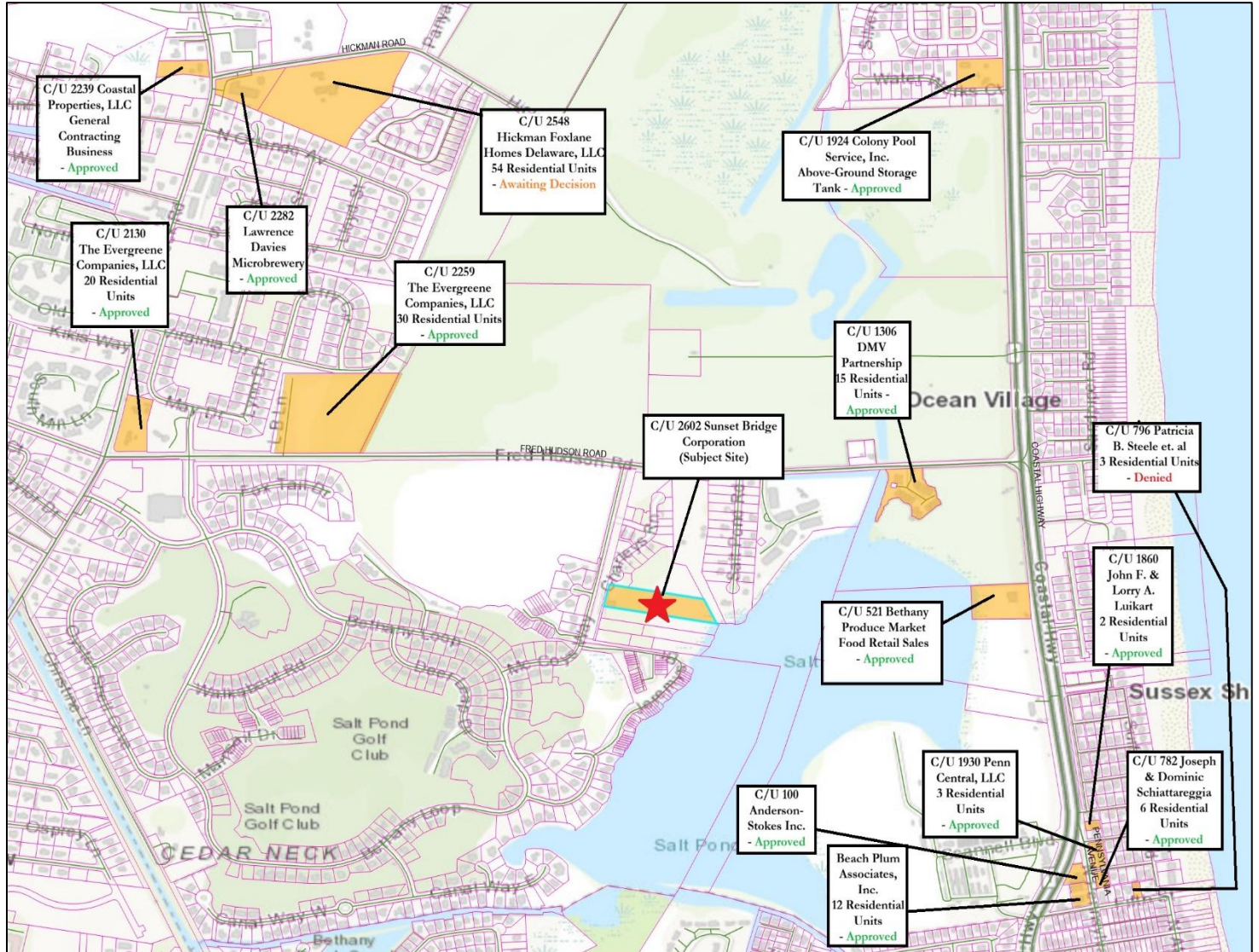


Exhibit "E" – Conditional Use Applications w/in Vicinity of Subject Site & Decisions Rendered

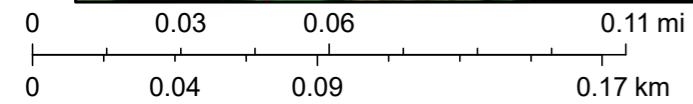


A3 Landscape Parcel Details



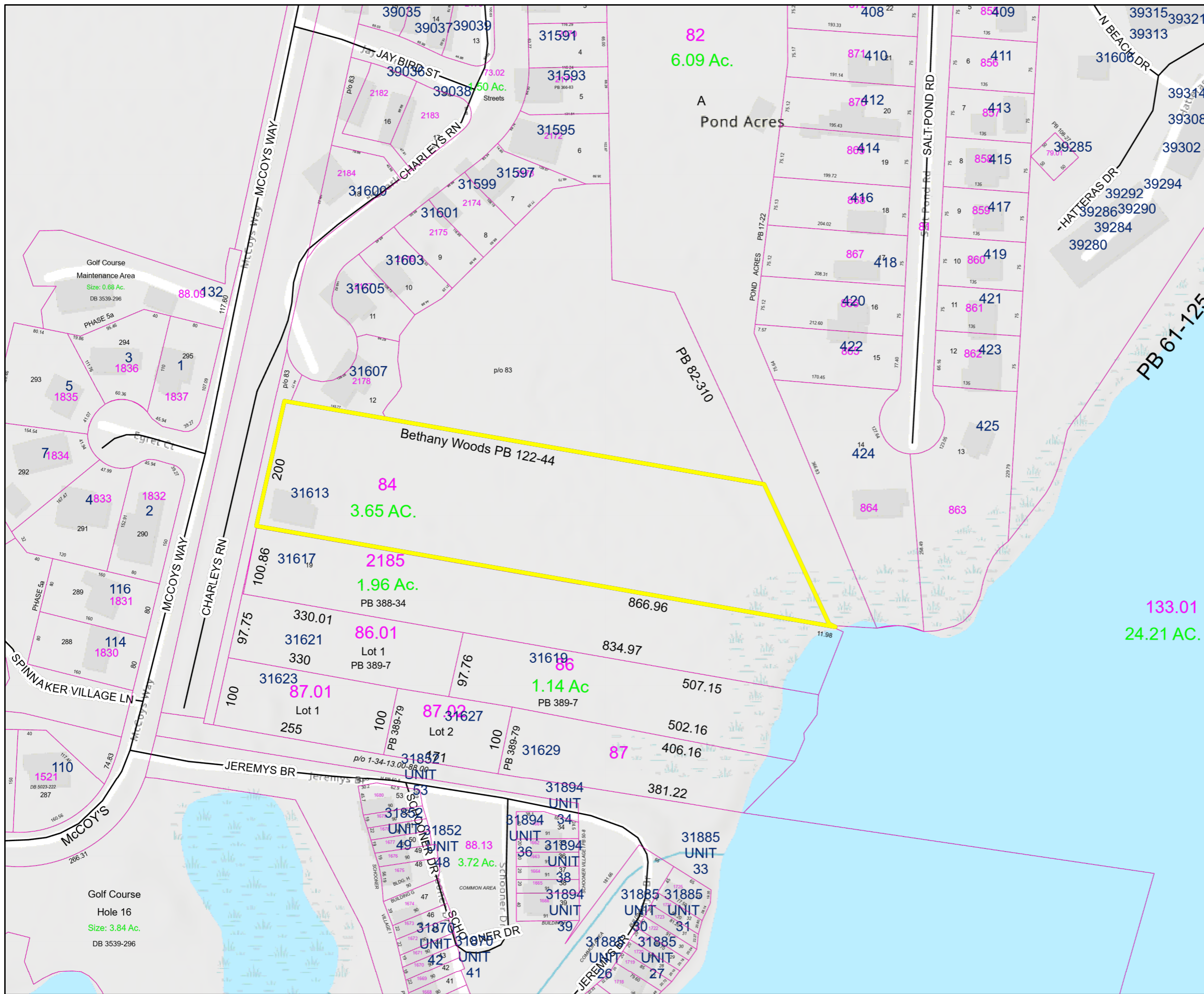
| | | |
|------------------------|-----------------|--------------------|
| PIN: | 134-13.00-84.00 | |
| Owner Name | SUNSET | BRIDGE CORPORATION |
| Book | 5906 | |
| Mailing Address | PO BOX 792 | |
| City | BETHANY BEACH | |
| State | DE | |
| Description | | |
| Description 2 | | |
| Description 3 | | |
| Land Code | | |

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



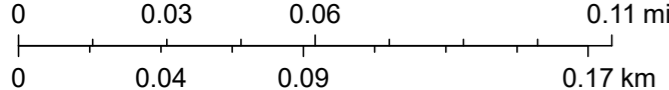


A3 Landscape Parcel Details



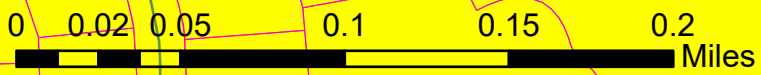
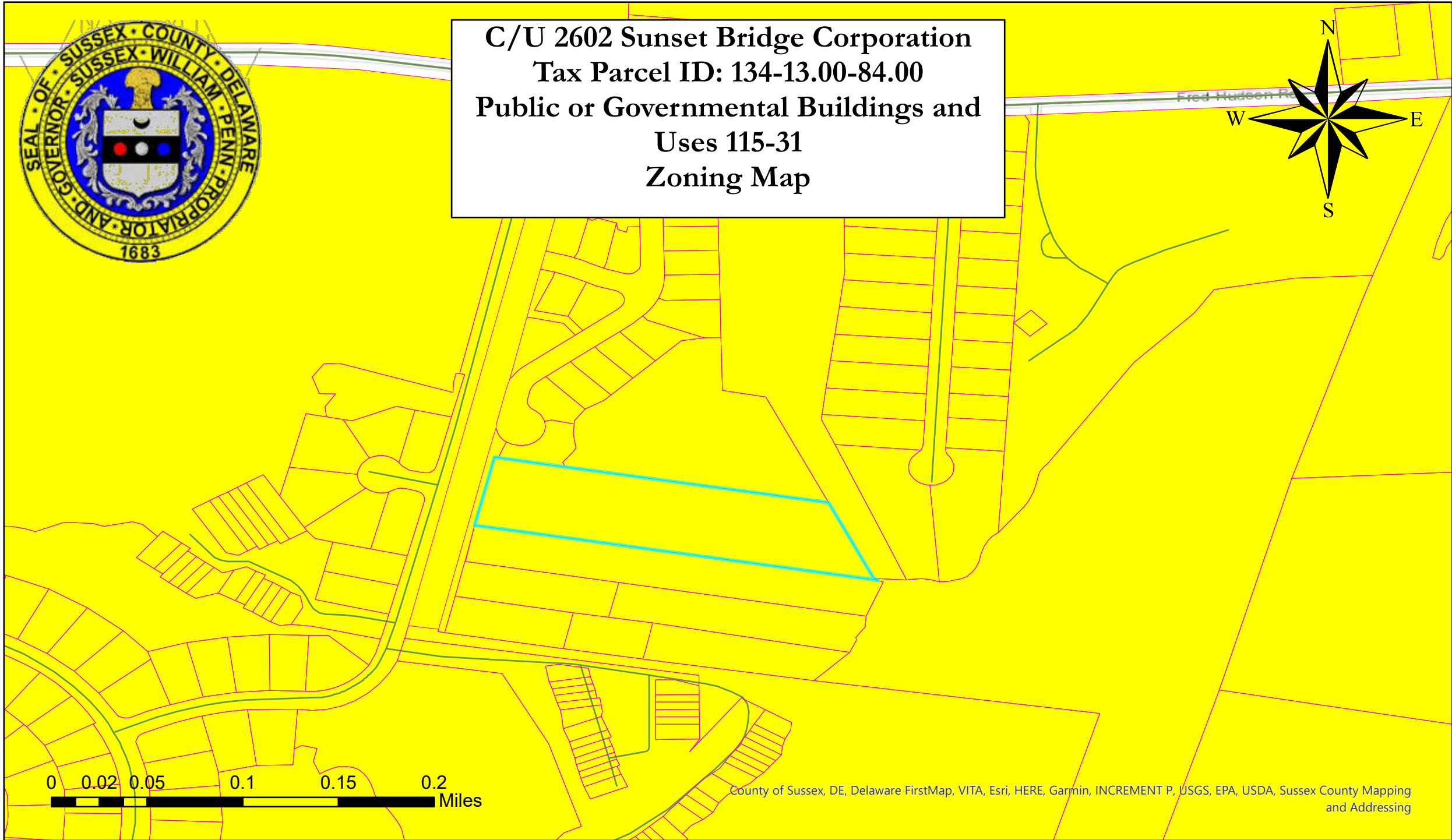
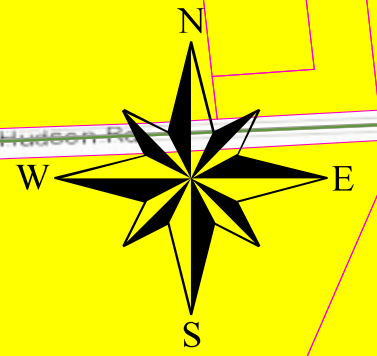
| | | |
|------------------------|---------------------------|--|
| PIN: | 134-13.00-84.00 | |
| Owner Name | SUNSET BRIDGE CORPORATION | |
| Book | 5906 | |
| Mailing Address | PO BOX 792 | |
| City | BETHANY BEACH | |
| State | DE | |
| Description | | |
| Description 2 | | |
| Description 3 | | |
| Land Code | | |

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World_Hillshade





C/U 2602 Sunset Bridge Corporation
Tax Parcel ID: 134-13.00-84.00
Public or Governmental Buildings and
Uses 115-31
Zoning Map



Introduced: 3/10/26

**Council District 4: Mr. Hudson
Tax I.D. No.: 134-13.00-84.00
911 Address: 31613 Charleys Run, Bethany Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A NON-PROFIT PUBLIC CHARITY PROVIDING RESPITE CARE FACILITY AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.64 ACRES, MORE OR LESS

WHEREAS, on the 30th day of June 2025, a Conditional Use Application, denominated Conditional Use No. 2602, was filed on behalf of Sunset Bridge Corporation; 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 Conditional Use No. 2602 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 V, Subsections 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2602 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 east side of Charleys Run, approximately, 0.22 mile south of Fred Hudson Road (S.C.R. 360) and being more particularly described in the attached legal description prepared by George, Miles & Buhr, LLC., said parcel containing 3.64 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.