

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

September 29, 2026

1:15 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - September 22, 2026

[Draft Minutes 09 22 26](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement, IUA 1233
Heritage Shores Phase 6A (Phase 1), Western Sussex Area
[Consent Agenda Heritage Shores](#)

Todd Lawson, County Administrator

1. Library Advisory Board Appointment
2. Administrator's Report



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare & Post Notices for the Briarstone Annexation into the Sussex County Unified Sanitary Sewer District, Western Sussex (Greenwood Area)**

[Briarstone Permission to Prepare and Post Notices](#)

Grant Request

1. **Milford Museum and Landmarks Commission Inc. for museum supplies**

[Milford Museum and Landmarks Commission Inc.](#)

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

1. [Conditional Use No. 2560 filed on behalf of Zachary Pulcinella](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS” (property is lying on the south side of Portsville Road [S.C.R. 492], approximately 1.04 miles east of South Shell Bridge Road [S.C.R. 492A]) (911 Address: 8504 Portsville Road, Laurel) (Tax Map Parcel: 432-7.00-13.00)

[Public Hearing CU 2560](#)

2. [Conditional Use No. 2585 filed on behalf of Cody Collins](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS” (property is lying on the north and south sides of Dots Road [S.C.R. 415B], the east and west sides of Firemans Road [S.C.R. 413], and the north side of Parker Road [S.C.R. 415], approximately 0.426 mile south of Cypress Road [Rt. 54]) (911 Address: 22009 & 37472 Dots Road, Millsboro) (Tax Map Parcel: 333-15.00-7.00 [P/O])

[Public Hearing CU 2585](#)

3. [Conditional Use No. 2629 filed on behalf of Age Well, LLC](#)

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

[Public Hearing CU 2629](#)

4. [Change of Zone No. 2036 filed on behalf of Nickolaos Halkopoulos](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS” (properties are lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway [Rt. 24], east of Warrington Road [Rt. 1D]) (911 Addresses: 20007 & 20008 Hitchens Lane, 19025 John J. Williams Hwy, Rehoboth Beach, and N/A) (Tax Map Parcels: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00)

[Public Hearing CZ 2036](#)

5. [Change of Zone No. 2038 filed on behalf of Randall Hall](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS” (property is lying on the east side of Old Mill Bridge Road [S.C.R. 381], approximately 0.11-mile north of Lighthouse Road [Route 54]) (911 Address: 37011 Old Mill Bridge Road, Selbyville) (Tax Map Parcel: 533-12.00-74.00)

[Public Hearing CZ 2038](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 22, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountysde.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://sussexcountysde.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@sussexcountysde.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, SEPTEMBER 22, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 22, 2026, at 10:00 a.m., in Council Chambers, with the following present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Jane Gruenebaum	Councilwoman
Matt Lloyd	Councilman
Steve C. McCarron	Councilman
Todd F. Lawson	County Administrator
Gina 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 416 26 Approve Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the Agenda, as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from September 1, 2026, were approved by consensus.
Corre- Spondence	There was no correspondence. There were no public comments.
Public Comments	A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to approve the following item under the Consent Agenda:
M 417 26 Approve Consent Agenda	Use of Existing Wastewater Infrastructure Agreement, IUA 1264 Sycamore Chase Expansion, Miller Creek Area Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Presentation	John Wellons, President of the Boys & Girls Club of Delaware provided a

presentation outlining their work at the Georgetown location and plans to relocate.

Recognition **Kelly Kruger was recognized for her retirement.**

Appointment **Mr. Lawson reported that an appointment is needed for the Delaware Opioid Commission.**

M 418 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd be it moved that the Sussex County Council approves the appointment of Mr. Todd F. Lawson to the Delaware Opioid Settlement Commission for the two year term and effective immediately.**

Motion Adopted: 5 Yeas

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

DelDOT Workshop **Mr. Lawson provided an update related to the upcoming Delaware Department of Transportation workshop.**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Vines Creek Crossing (Section 1 Plan Review) and (Section 1 - Phase 1 Construction Record) received Substantial Completion effective September 15th.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for August 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of August.

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

SCLT Resolution **Gina Jennings, Finance Director, presented a grant resolution for Nanticoke Crossing Park with the Sussex County Land Trust.**

M 419 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to Adopt**

Adopt Resolution R 006 26/ SCLT Nanticoke Crossing **Resolution No. R 006 26 entitled “TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIORNMENTAL CONTROL’S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE DESIGN AND INSTALLATION OF A BOARDWALK AND OBSERVATION DECK AT NANTICOKE CROSSING PARK”.**

Motion Adopted: 5 Yeas

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

Lease/ Cooper Bearings **Andrew Harton, Director of Economic Development, presented a lease assignment for the Delaware Coastal Business Park for Cooper Bearings, Inc. for Council’s consideration.**

M 420 26 Approve Lease Assignment/ Cooper Bearings **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved that the Sussex County Council approves the request of Cooper Bearings, Inc., tenant of lot 25A located at 21629 Baltimore Avenue in the Delaware Coastal Business Park to assign their lease to PRD Realty Holdings, LLC.**

Motion Adopted: 5 Yeas

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

Medic Station 109 **John Wright, Deputy Director of EMS presented a lease agreement for Roxana Medic Station 109 for Council’s consideration.**

M 421 26 Approve Medic Station 109 Lease **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that the Sussex County Council terminates the current lease with Hale Trailers, and enters into a new lease for the property located at 36731 Breakwater Run, Selbyville, DE 19975 for paramedic station 109 effective October 1.**

Motion Adopted: 5 Yeas

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

Briarwood Estates CO **Paul Mauser, Assistant County Engineer, presented change order no. 1 for Briarwood Estates septic elimination for Council’s consideration.**

M 422 26 Approve CO **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Council**

**No. 1/
Briarwood
Estates** **Engineering Department that change order no. 1 for contract S23-11, Briarwood Estates septic elimination project be approved increasing the contract by \$70,587.42 contingent upon DNREC approval.**

Motion Adopted: 5 Yeas

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

**Bethany
Forest** **Paul Mauser, Assistant County Engineer, presented amendment no. 5 for Bethany Forest septic elimination for Council's consideration.**

**M 423 26
Approve
Bethany
Forest
Amend No.
5** **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Council Engineering Department that amendment no. 5 from GMB for contract S26-16, Bethany Forest septic elimination project be approved at the not-to-exceed amount of \$395,000.**

Motion Adopted: 5 Yeas

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

**Taxiway B
Completion** **Bob Bryant, Airport Manager, presented a substantial completion request for taxiway B for Council's consideration.**

**M 424 26
Approve
Substation
Completion/
Taxiway B** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department on behalf of the Delaware Coastal Airport that project closeout be granted with substantial completion occurring retroactive to October 3, 2025 with any held retainage released in accordance with contract documents for Taxiway Bravo bid package 1, Sussex County project A24-15.**

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 425 26
Encore
Creativity
Corporation** **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account) to Encore Creativity Corporation for their creative aging through song 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 426 26 **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$3,000**
Greater **(\$3,000 from Mr. Rieley's Councilmanic Grant Account) to Greater**
Millsboro **Millsboro Chamber of Commerce Inc. for their greater area Millsboro**
Chamber of **visitor's guide.**
Commerce

Inc. **Motion Adopted: 5 Yeas**

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

M 427 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give**
Chamber of **\$1,500 (\$1,500 from Mr. McCarron's Councilmanic Grant Account) to**
Commerce **Chamber of Commerce for Greater Milford, Inc. for their Riverwalk**
for Greater **Freedom festival.**
Milford, Inc.

Motion Adopted: 5 Yeas

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

M 428 26 **A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give \$750**
People's **(\$750 from Mr. McCarron's Councilmanic Grant Account) to People's**
Place II, Inc. **Place II, Inc. for their little comforts, growing connections program.**

Motion Adopted: 5 Yeas

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

Proposed **Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE**
Ordinance **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1**
Introduction **AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIALTY**
 TRADE CONTRACTOR BUSINESS TO BE LOCATED ON A CERTAIN
 PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY,
 CONTAINING 3.0 ACRES, MORE OR LESS" filed on behalf of Robert S.
 Norwood, Jr.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE
TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1

Proposed Ordinance Introduction (continued) **AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.5 ACRES, MORE OR LESS” filed on behalf of Walter Gonzalez Diaz.**

Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PREPARATION, PROCESSING AND STORAGE OF MATERIALS IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A 4-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 158.75 ACRES, MORE OR LESS” filed on behalf of ML Joseph Sand & Gravel Co., Inc.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR AUTOMOTIVE AND MECHANICAL MACHINE REPAIR AND STORAGE FOR A CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.247 ACRES, MORE OR LESS” filed on behalf of Keller Camarco.

CM Comments **Mr. McCarron commented about potential affordable housing applications that have been introduction since the recent passage of two bills.**

M 429 26 Go Into Executive Session **At 10:49 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum 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 10:55 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session ended at 11:13 a.m.**

M 430 26 Reconvene **At 11:16 a.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of Executive Session and back into Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent

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

Mr. Hudson, Yea

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

**M 431 26 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to
Recess recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 3 Yeas, 2 Absent

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

**M 432 26 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to
Reconvene reconvene.**

Motion Adopted: 5 Yeas

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

**Public A Public Hearing was held for the Belmead Farm, LLC annexation into the
Hearing/
Belmead Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
Farm John Ashman, Director of Utility Planning & Design Review provided an
Annexation overview of the proposed annexation.**

Public comments were heard.

**Ms. Judy Rose Siebert commented that the Route 24 Alliance group feels
that this request should be deferred while the application is in litigation.**

**Mr. Mike Rieman commented that this project is in the growth zone and
spoke on behalf of the applicant in favor of the application.**

The Public Hearing and public record were closed.

**M 433 26 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt
Adopt Resolution No. R 007 26 entitled "A RESOLUTION TO EXTEND THE
Resolution BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER
No. R 007 DISTRICT (SCUSSD), TO INCLUDE BELLE MEADE, TWO PARCELS,
26/ ON THE SOUTH SIDE OF JOHN J. WILLIAMS HIGHWAY ROAD.
Belmead THE PARCELS IS LOCATED IN THE LEWES & REHOBOTH
Farm HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE
Annexation OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX
into COUNTY, DELAWARE".
SCUSSD**

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/
Cedar Creek
Station**

A Public Hearing was held for the Cedar Creek Station annexation into the Sussex County Unified Sanitary Sewer District (Ellendale Area).

John Ashman, Director of Utility Planning & Design Review provided an overview of the proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 434 26
Adopt
Resolution
No. R 008
26/
Cedar Creek
Station
Annexation
into
SCUSSD**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Resolution No. R 008 26 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ELLENDALE AREA, TO INCLUDE ONE PARCEL ON THE WEST SIDE OF DUPONT BOULEVARD LOCATED IN THE CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas

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

Rules

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

**Public
Hearing/
CU2561**

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 COMMERCIAL DOG KENNEL AND VETERINARY CLINIC TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (property is lying on the north side of Lighthouse Road [Rt. 54], approximately 0.22 mile west of Dickerson Road [S.C.R. 389]) (911 Address: 33049 & 33053 Lighthouse Road, Selbyville) (Tax Map Parcel: 533-18.00-12.00) filed on behalf of Frank Miranda.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On August 19, 2026, the Commission

**Public
Hearing/
CU2561
(continued)**

recommended approval of the application for the 5 reasons of approval and subject to the 5 recommended conditions as outlined.

The Council found that Mr. Frank Miranda, applicant and property owner, spoke on behalf of his application. Mr. Miranda stated that the Heavenly Hound Hotel has been in operation for over 40 years, under a Special Use Exception approval, which required renewal every five years; that Coastal veterinary clinic has been in operation under the same Special Use Exception for the last ten years; that he was trying to avoid the requirement to come back every five years; that they have a lot of employees and clients that benefit from these businesses.

There were no public comments.

The Public Hearing and public record were closed.

**M 435 26
Adopt
Ordinance
No. 4086/
CU2561**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4086 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL DOG KENNEL AND VETERINARY CLINIC TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The Applicant testified that the veterinary clinic and kennel has been in operation for decades on this site. It was previously the subject of multiple Special Use Exception approvals for this use, with the most recent granted on September 9, 2019, by the Sussex County Board of Adjustment. By Code, each of those prior approvals is only valid for a period of five years. This Conditional Use application is being sought for the same existing use so that the approval will become permanent.**
- 2. The clinic and dog kennel will continue to be located within the existing buildings on the property, including the existing 18 dog runs.**
- 3. The use is consistent with other uses that exist on nearby properties, including an industrial park, retail stores, restaurants and other businesses. Sussex County owns a large undeveloped tract of land adjacent to the property, as well. The conditional use as a veterinary clinic and kennel is also consistent with the underlying AR-1 zoning.**
- 4. No parties appeared in opposition to the Application and one party testified in favor of the Application, stating that there is a real need for veterinary services in this area of Sussex County and the existing clinics typically have waiting lists for new patients.**
- 5. Given the longstanding use of the property, there is no evidence that the use will have an adverse effect on the neighboring or adjacent properties. Again, this Conditional Use just reaffirms the multiple**

**M 435 26
Adopt
Ordinance
No. 4086/
CU2561
(continued)**

- prior Special Use Exception approvals for this use on this property.
6. Consistent with the prior Special Use Exception approvals issued by the Sussex County Board of Adjustment, this recommendation is subject to the following conditions:
- a. The use shall be limited to a veterinary clinic and commercial dog kennel.
 - b. The dogs using the kennel shall be enclosed indoors after 6:00 pm each night, except for being taken outdoors once before bedding down for the night.
 - c. The facility may be open between the hours of 7:00 a.m. and until 9:00 p.m., each day with the exception of emergencies.
 - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the site.
 - e. In the event one is not currently on file following the prior Special Use Exception approvals, the Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

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/
CZ2042**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 ACRES, MORE OR LESS” (properties are lying on the north side of Old Mill Bridge Road [S.C.R. 381], the south and east sides of Bayard Road [Route 54/S.C.R. 384], and the south side of Lantern Lane, approximately 0.19-mile south of the intersection of Bayard Road [Route 54/S.C.R. 384] and Double Bridges Road [Route 54/S.C.R. 363]) (911 Addresses: 35987 & 36159 Daniel Way, 35379 Bayard Road, 35400 Lantern Lane, Frankford) (Tax Map Parcels: 134-19.00-108.00, 110.04, 110.05 & 110.00 [P/O] and 134-21.00-3.00 & 4.00 [P/O]) filed on behalf of NVR (Lantern Cove).

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On September 2, 2026, the Commission recommended denial of the application for the 10 reasons as outlined.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, ELU DeLuca Mid-Atlantic, LLC; that

**Public
Hearing/
CZ2042
(continued)**

also present were Mr. Joe DeLuca, representative of ELU DeLuca Mid Atlantic, LLC, Mr. Matthew Jeanette, Vice President with Geo Technology Associates, and Mr. Jason Palkowitz, Professional Engineer with Solutions IPEM.

Mr. Hutt stated that the application requested a Change of Zone for parts of four tax parcels, and all of two tax parcels, being an assemblage of various parts of six pieces of property; that the total acreage of the parcel assemblage was 57.21 acres; that the application requested to change the zoning classification of those properties from AR-1 (Agricultural Residential) District to the MR (Medium Density Residential) Zoning District with an RPC (Residential Planned Community) overlay; that the Commission recommended denial of the application during their meeting on September 2, 2026; that this is a strong application; that the Commission's recommendation it appears that several items need to be clarified; that there has to be substantial evidence on the record; that there is a weighting of evidence that the Council considers; that there are several professionals that have contributed to this application; that the site was located on the east side of Bayard Road; that the site's eastern boundary line was shared with the western boundary line of the Estuary community; that the property currently had a single-family home on it, some wooded areas, some timbered areas, and other areas used for agricultural purposes; that the RPC application proposed 179 units, which included a mixture of housing styles, consisting of 59 detached single-family homes, and two types of multi-family homes; that six duplexes and 114 townhomes were proposed for the site; that Old Mill Bridge Road was located to the south of the site; that the entrance to Lantern Cove was located at the same location as the intersection of Daisey Road and Byard Road; that at the northwest intersection was the location of the Bayard Business Park, being the location of Custom Mechanical, Storage 302, True North Land Surveying, Keller Williams, and Canine Training Facility; that northward was the location of a church; that at the intersection of Bayard Road and Double Bridges Road, was the location of commercially zoned properties, and business activities; that per the 2020 State Strategies Map, the property was primarily located within an Investment Level 3 area, as was almost the entire surrounding area; that a few area where designated as Level 2; that the 2020 State Strategies Map was used when this project was reviewed by the Office of State Planning Coordination; that being shown in Investment Level 3, the PLUS Report, stated that the property may be consistent with the 2020 Strategies for State Policies and Spending; that it stated that the Investment Level designated an area where growth was anticipated by local, County, and State plans; that in 2025, when the Office of State Planning Coordination updated the State Strategies Map, the colors on the map changed significantly, as there were only little areas of Level 2 that were previously shown; that the entire area was now shown as being primarily in an Investment Level 2 Area, with some areas being within the Level 3 sprinkled in; that if one were to compare the two maps, the areas of change were likely the locations of ecological features; that even

**Public
Hearing/
CZ2042
(continued)**

when the site was reviewed under the 2020 State Strategies Map, it was noted that the plan may be consistent with the County's plans for the area and its State Strategies; that the Office of State Planning Coordination described Investment Level 2 areas as being like Investment Level 1 areas, State investments and Policies should support and encourage a wide range of uses and densities; that it went on to say that investments should encourage departure from the typical single-family dwelling developments and promote a broader mix of housing types; that within that same section, the Office of State Planning Coordination stated, overall, the State's intent was to use its spending and management tools to promote well designed development in these areas; that such development provides for a variety of housing types; that the 2025 report from the Office of State Planning Coordination talks about Level 2 areas, having a broader mix of housing options; that it talked about efficient use of public and private investments; that it talked about maintaining and enhancing existing infrastructure in Level 2 areas, and then newer, higher density developments where applicable; that Investment Level 2 area were areas where the State expected and encouraged growth, and more specifically a departure from typical single-family dwelling developments, which was one of the reasons why the application proposed a mixture of housing types; that the policy that the Office of State Planning Coordination was consistent with the discussions that the Land Use Reform Working Group had earlier in the year, where it was confirmed the emphasis on locating new growth and new development in Investment Level 1 and Investment Level 2 area that are shown on the State Strategies Map; that the 2045 Future Land Use Map contained within the 2018 Comprehensive Plan, reflected the property and everything surrounding the property was identified as being within the Coastal Area, being one of Sussex County's seven Growth Areas; that the description of the Coastal Area within the Comprehensive Plan states that the Coastal Area was an area where a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that Lantern Cove proposed two of those types of units, being multifamily townhomes and duplexes, and detached single-family home; that the County's Future Land Use Map further reflected that the this was a Growth Area within the County; that the site was currently located within the AR-1 (Agricultural Residential) Zoning District; that at the intersection of Bayard Road and Daisey Road, was the location of properties designated as C-1 (General Commercial) Zoning District, being the location of all the previously mentioned business; that at the intersection of Bayard Road and Double Bridges Road was the location of C-1 (Business Commercial) Zoning District; that within that area was also that GR (General Residential) and the MR (Medium Density Residential) Zoning District; that the request to rezone to MR (Medium Density Residential) was consistent with the surrounding area, as there were other properties zoned MR; that also the density of the application was consistent with the overall area; that the gross density of the application was 3.13 units to the acre; that pursuant to §115-126 of the Code, there was a net density or an

**Public
Hearing/
CZ2042
(continued)**

RPC density that would be calculated by deducting the land use for things like churches, schools, State Tidal Wetlands, or commercial uses, and then either 25% of the area for streets or the actual area of the streets; that for the application, it resulted in a reduction of 6.951 acres for the actual area of the streets and the right of way dedications resulting in a net, or PRC density, of 3.56 units to the acre; that this was consistent with, and less than, the density of other residential projects within the two mile radius; that within a two mile radius of the site, was the Wilson Community at 4.1 units to the acre, Seashore Villas at 6.7 units to the acre, Ascend by the Sea at 7.3 units to the acre, Swann Keys at 5.7 units to the acre, Millville by the Sea at 4.2 units to the acre, and Ashley Manor at 3.1 units to the acre; that the application requested a rezoning to the MR (Medium Density Residential) Zoning District; that in §115-28 of the Sussex County Code, it defined the purpose of the MR District as a district to provide for medium density residential development in areas which are expected to become generally urban in character, where sanitary sewers and public water supplies may or may not be available at the time of construction, together with churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings; that the district was located to protect existing development of the character and contains vacant land considered appropriate for such development in the future; that there was a mixture of residential and commercial zoning classifications within the area, including medium density zoning districts; that there was central or public water and sewer available to the site; that the Office of State Planning Coordination now identified the site as Investment Level 2 where growth was anticipated in the near term; that the site was identified within the Coastal Area; that Table 4.5-2 of the Comprehensive Plan described the MR District as a zoning district applicable to the Coastal Area designation on the Future Land Use Map; that the subject properties were chosen for the MR-RPC application because of all those characteristics from the various land planning tools and guidance provided from the State, as well as the County; that once that determination was made that it was an appropriate location from a project similar to Lantern Cove, then the property itself was studied; that the application requested a Residential Planned Community; that the purpose of the RPC District was to encourage large-scale developments as a means of creating a superior living environment through unified development and to provide for the application of designed ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan; that in order to create what the Zoning Code calls a superior living environment, the property was studied to determine its primary ecological features; that this is a similar process to the Cluster Subdivision process set forth in the Code; that in addition to being consistent, the RPC process being similar or consistent with the Cluster Subdivision process, it was similar to the Office of State Planning Coordination process, where it described in the PLUS letter that if a parcel were to contain environmental features or have environmental concerns or constraints, the State always requested that the Applicant work

**Public
Hearing/
CZ2042
(continued)**

with the State agencies to identify those resources to help create a more sustainable development by buffering those appropriately and avoid the construction of the course of homes or infrastructure within those areas; that the site then is placed through a Topographical Analysis; that with that process, a Wetland Delineation was performed by GTA (Geo-Technology Associates, Inc.), which showed the existence of 0.62 acres of Non-Tidal or Federal Jurisdictional Wetlands along the property; that the United States Army Corps of Engineers did issue an approved Jurisdictional Determination on April 2, 2025 confirming the delineation that Geotechnology Associates had prepared; that this identified the limits of wetlands on the site; that as the project moved forward, a Drainage Assessment and Forest Assessment were performed; that there was a Resource Buffer Management Plan developed for the property; that woods were located on the property; that in addition to the woods, there were some timbered area, and other areas available for agricultural use; that all these various features were identified on the property in seeking to come up with a superior design; that the next step was to prioritize each of those ecological features, being the prongs for the tax ditch that existed at some of the boundaries of the property, as well as the wetlands that were delineated by GTA, as being the highest priority category; that the next highest priority category was the wooded areas, located immediately adjacent to those water features; that the next level of priorities were the agricultural area, the residential area, and then the timbered areas on the site; that after the delineation of the wetlands, identifying the water features, the wooded areas and prioritizing all of those features, the next step was to lay out the network of streets, and then place the various types of units on those homes, again placing the highest priority of protection on those areas identified; that as a result of that, a purposeful design allowed for the wetlands, wooded areas, and the buffers that surround them to not be disturbed; that because of this, 5.22 acres (68%) of the existing woods would remain on the site; that once the residential homes is removed, the Applicant proposed to reforest 1.1 acres in that area; that the overall designed resulted in 32.8 acres (57%) of open space; that the site entrance will form a four way intersection at where Daisey Road currently intersects with Bayard Road; that that road would enter the community and the road would lead to the loop road for the balance of the community; that at the end of the entrance road, was the location of the proposed primary amenity area for the residents, which would include a pool house, pool and sports courts; that within the community there would be a walking trail; that the walking trail would go through the open space, and end at a gazebo; that the same walking trail would connect at a couple of locations to the sidewalk network of the community; that a sidewalk was proposed to be located on one side of the streets throughout the community; that the community would have a 30 foot landscape perimeter buffer; that there would be existing trees and greenery within the area; that there would a 20 foot perimeter buffer protection area; that another one of the superior design features was to treat the 50 foot area that the Zoning Code referred to as a separation distance where structures that require a Certificate of

**Public
Hearing/
CZ2042
(continued)**

Occupancy were not permitted, but rather than treat it in that fashion, it was proposed that there would not be any structures at all within that 50 foot area, being treated as a true setback on the plans, rather than just a separation distance; that the FEMA Maps show that the area was located within Flood Zone X, which is an area located outside of the 500 Year Floodplain; that central or public utilities are available to the site; that the project materials contained a letter from Artesian Water Company indicating their willingness and ability to provide central water to the site; that in addition the Sussex County Engineering Department provided its report to the Planning Commission, which indicated that the central sewer is available and there was capacity for the proposed community; that there are no Source Water Protection Areas, as they are described in Chapter 89 of the Zoning Code, therefore meaning, there was not a Wellhead Protection Area located within the property nor was there any Excellent Groundwater Recharge areas located within the property; that a Property Owners Association would be created to manage and govern the common areas within the community; that there were proposed covenants presented, which were ultimately reviewed by Mr. Robertson's office; that the property was located within the Indian River School District; that the Applicant would coordinate with the school district on the location of a bus stop, should the school district require one; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT's response indicated that the traffic impact was considered minor as that term is defined in Sussex County's Memorandum of Understanding with DelDOT; that when that occurs, the developer may pay an Area Wide Study Fee (AWSF) in lieu of doing a Traffic Impact Study; that as part of the process of creating the entrance for Lantern Cove, the Applicant would be creating a right-hand turn lane from Bayard Road into the community; that there would also be a left-hand turn lane for someone coming from the other direction; that in addition, there would be a left-hand turn land for someone making the turn from Bayard Road onto Daisey Road, but did not presently exist on the site; that the plan was consistent with the proposed Roxanna TID (Transportation Improvement District); that currently there was not a Roxanna Transportation Improvement District, but because DelDOT's response to the Service Level Evaluation Request specifically stated that the proposed development would be consistent with the land use and transportation plan developed for the TID; that as the plan was being developed there were assumptions with respect to the amount of residential units or commercial square footage that would be on undeveloped properties, for properties to be located within a Transportation Improvement District; that the assumption for the property fell within the proposed Lantern Cove community plans; that within DelDOT's Functional Classification of roads, there were local roads, collector roads, and both major and minor collector roads, and arterial roadways; that per Functional Classification System, Bayard Road was identified as being a major collector road; that DelDOT described major collectors as roads that serve the critical roles of gathering traffic from local roads and funneling vehicles into the arterial network;

Public
Hearing/
CZ2042
(continued)

that in this application case, it helped to get cars and people to Route 26 as one heads north and to Route 54 as one would head south; that within the Coastal Area, the Comprehensive Plan states that a range of housing types should be permitted, including single-family homes, townhouses, and multi-family units; that in addition, the same section talks about when medium and higher density, described as being four to 12 units to the acre, can be appropriate; that it talked about areas where there is central water and sewer, where it is near sufficient commercial uses and employment centers, where it was in keeping with the character of the area, where it was along a main road or at, or near, a major intersection, where there was adequate level of service, or where other considerations exist that are relevant to the requested project and density; that the description of the Coastal Area, and when medium or high density is appropriate matches the description of the MR (Medium Density Residential) Zoning District; that under the Comprehensive Plan, medium density is four to 12 units to the acre; that the proposed density of 3.56 units to the acre would not qualify as medium density; that the project was still consistent with the standard for medium density communities; that two of those factors are central water and sewer; that there was an existing water main along Bayard Road; that there was also an existing sanitary sewer main; that the both were located right of the entrance to the community, and readily available for connection; that another factor was where it was near sufficient commercial uses and employment centers; that within two to three miles there is Giant Foods, Harris Teeter, CVS, M&T Bank, Beebe Healthcare; that there are other businesses, employment centers and commercial areas within that area; that Bayard Road was a major collector as referred to by DelDOT's Road Classification System; that within the project book there was a response to the PLUS report; that there was an Environmental Assessment and Public Facilities Evaluation Report; that there was a summary of the project's compliance with Chapter 99-9C; that the project was consistent with Chapter 4 of the Comprehensive Plan, as well as Chapter 5 for Conservation, Chapter 6 for Recreation and Open Space, Chapter 7 for Utilities, Chapter 8 for Housing, and Chapter 12 for Community Design; that the proposed project creates a superior living environment as required for Residential Planned Community District through a design that has a number of features to meet that; that the plan exceeded the Resource Buffer Protection requirements; that the plan preserved 68% of the existing woods on the property; that in addition to that preservation, there was an additional 1.1 acres of woods to be planted through afforestation of what would be the former residential home site on the property; that the plan greatly exceeds the open space requirements found in the Zoning Code as it provided 57% open space; that existing and future developments are protected through the increased perimeter buffers; that all of the limited common elements are at least 40 feet from the perimeter of the property; that there would be no homes closer than 50 feet to the property; that treating the agricultural separation distance as a setback was proposed; that the project would include walking trails and sidewalks

**Public
Hearing/
CZ2042
(continued)**

on one side of the street; that there are recreational amenities; that the stormwater management design was dual purpose in that it managed the stormwater and also acted as an amenity for the community; that the project was carefully planned to match the State Strategies Map Designation, the Comprehensive Plan description as a Coastal Area or Growth Area and to create the superior living environment through the features described; that not only will the ecological features on the site be protected greater than the buffering requirements that are found within the Code, but an additional 1.1 acres of wooded areas will be created as part of the plan; that Objective 4.1.1 of the Comprehensive Plan, being in Chapter 4, the Future Land Use Chapter, the stated objective is to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth; that one of the first strategies within that Objective 4.1.1.2 is to prioritize new development in designated growth areas to better preserve other areas; that it mentioned where infrastructure was already available and adequate; that infrastructure runs along the front of the property, and that there was demonstration provided that there was capacity for the proposed community from the water and sewer providers. Mr. Hutt stated that proposed Findings of Fact and Conditions were submitted into the record. Mr. Hutt stated that proposed Condition B talked about the separation distance between the multifamily units and also the single family detached units; that Condition J was proffered by the Applicant, being that 1.1 acres of reforestation would be placed in the area of the current residential home section of the property; that proposed Condition M related to the minimum size of square footages were proposed for the amenities, such as the pool house and the water surface area of the pool; that proposed Condition T related to contributions that the Applicant proffered as part of the application; that the first contribution was a \$2,000.00 contribution at the time each building permit was obtained; that this contribution would be made to either the Sussex County Housing Trust Fund, Habitat for Humanity, or a similar organization, resulting in \$358,000; that the second contribution was proposed to the Roxanna Volunteer Fire Company, which was the fire district for the site's location; that Condition T proposed \$500.00 with each building permit, resulting in \$89,500.00 contribution made over time, and within the governing documents for the community there would be an \$8.00 per month contribution required for each unit, which would result in an annual contribution when the community would be fully built out of \$17,184.00 to the Roxanna Volunteer Fire Company; that Mr. Hutt then reviewed the Planning Commission's recommendation; that no. 1 states that the rezoning to an MR-RPC is not appropriate at this location; that the FLUM in the 2018 Comprehensive Plan identifies this area as a growth area; that there are central water and sewer available at the property's frontage; that the MR-RPC zoning district already exist 937' away from this property; that recommendation no. 2 states that the MR zoning would allow an increase in permitted density on this site along Bayard Road which cannot support the increased density that will result from rezoning this property to MR; that

**Public
Hearing/
CZ2042
(continued)**

there is no evidence that Bayard Road cannot support the increased density; that that increased density leads to a peak hour traffic that is nearly identical to a cluster subdivision on this property; that DelDOT's response was that an area wide study fee is appropriate and the proposed project is within the density assumptions within the Roxana TID; that HB450 would allow 4 units to the acre; that the third recommendation although the current Sussex County Comprehensive Plan indicates that this property is in the Coastal Area, it does not mandate that the property be rezoned to MR. The Plan states that Sussex County's density of two units per acre and the existing AR-1 zoning is appropriate in the Coastal Area. That statement supports the continuation of the existing AR-1 zoning and the two units per acre that are permitted under that district; that he then reviewed Chapter 4 of the Comprehensive Plan; that no. 4 of the recommendation states the Comprehensive Plan suggests that zoning classifications that permit densities greater than two (2) units per acre can be justified under certain circumstances. However, several of those conditions mentioned in the Plan do not exist here. For example, MR Zoning is not in keeping with the area. The site is not on a main road at/or near a major intersection – even though Bayard Road is considered a Major Collector, it is currently a two-lane road. There is no other MR zoning in the immediate area, and the proposed multi-family and townhouse dwellings are not in keeping with the character of the immediate area. Although there is a commercially zoned property across Bayard Road, that property is not used as a retail or employment center that would support this rezoning to MR. For these reasons, the Comprehensive Plan does not justify the upzoning to the MR District and the increased density that can occur there; that Mr. Hutt stated that the Comprehensive Plan defines “medium and higher density (4-12 units per acres); that the proposed project is 3.56 units per acre; that there are several components that are missing if this were medium or high density such as DelDOT classifies Bayard Road as a major collector, major collector is a 2-lane road, several townhouse and multi-family project exist in the area and there are service such as Giant Foods and M&T Bank within 2-3 miles; that according to HB450, TID is only required if more than 500 peak hours trips; that the fifth recommendation was The purpose of the RPC District is not satisfied by this Application. According to the Zoning Code, an RPC is supposed to “encourage large-scale developments as a means of creating a superior living environment through unified developments and to provide for design ingenuity while protecting existing and future developments....” These goals are not satisfied by this project for reasons including the following:

- a. This is not a large-scale development. Instead, the applicant is seeking to shoehorn a higher density multi-family and townhouse development into a relatively small irregularly shaped parcel that is surrounded by lower-density single-family and agricultural AR-1 properties.

Mr. Hutt stated that this meets the minimum requirement for an RPC in the Zoning Code; that this project provides multiple products with different

Public
Hearing/
CZ2042
(continued)

price points within the Coastal Area; that there are other units in the area with the same number of units; that b of that recommendation reads There is nothing in the record to indicate that this is a “superior living environment” or that it represents “design ingenuity”. Instead, it appears to merely seek a higher density than what is possible under the existing AR-1 zoning without a design that is superior to a standard subdivision or multi-family development design. There is nothing unique, superior or ingenious in this design, and the Applicant has failed to satisfy its burden in this regard; that he referenced Ordinance No. 2990 for Sycamore Chase which is the nearest community; that recommendation 5 c read the development is not unified with its surrounding developments. There is a complete lack of unity with the surroundings. For example, its point of access is along a roadway that serves agricultural uses, homes on large lots and AR-1 low-density single-family developments. There is no multi-family or townhouse development surrounding this site; that there is no interconnectivity between Estuary because that is a development community and did not provide for interconnectivity; that there is future interconnection with property to the south; that there are other multi-family and townhomes in the area as shown previously; that recommendation 5d read The proposed RPC does not protect the existing or future developments in the area. Instead, there was evidence in the record that this RPC would adversely affect the existing developments through the substantial increase in traffic, among other factors; that there is no evidence of a substantial increase in traffic, in fact, the traffic analysis shows minimal peak-hour increase; that recommendation no. 6 read Several neighbors appeared in opposition to this application, citing concerns about traffic along Bayard Road at the intersection with Daisey Road if this project were to be approved. While improvements are proposed, they do not, in my view, overcome the harmful impacts of the application described above. They also raised concerns about the inconsistency of creating MR zoning in this area where none currently exists. In general, there was testimony that the change in zone and the impacts of it would adversely affect the area, its roadways, its character and nearby properties. I found these reasons to be compelling; that there is no evidence from DelDOT or traffic professionals to supports the neighbors’ concerns; that MR currently exists in this area; that no. 7 of the recommendation reads There is a need for affordable housing in Sussex County, and Sussex County promotes affordable housing initiatives and development as reflected in the Comprehensive Plan. This development does not include any affordable housing opportunities within it; that if this were an affordable housing application it would have greater density than 3.56 units per acre; that without ready access to public transportation, an affordable housing route was not chosen; that there is no requirement in the Sussex County Code that a CZ application have an affordable component; that support for affordable housing was proffered by the applicant; that recommendation no. 8 stated The proposed rezoning does not promote the overall health, safety, convenience and general welfare of this neighborhood or the County; that counterintuitive that something that has the following criteria, i.e. matches all the land-planning guidance available for the

**Public
Hearing/
CZ2042
(continued)**

property does not promote the health, safety, convenience and general welfare: Comprehensive Plan (coastal area), strategies and polices for state spending (level 2), utility available: water and sewer along road frontage and similar to other projects in the area such as Sycamore Chase; that there is no evidence in the record that it does not promote the health, safety, convenience and general welfare; that recommendation no. 9 states In summary, there is nothing in the record to suggest that the proposed MR-RPC is more appropriate than the existing AR-1 zoning that currently exists on this property; that this application a lines with the Comprehensive Plan, Strategies and Policies for State Spending, utilities are available and there are similar projects in the area such as Sycamore Chase; that recommendation no. 9 states For all of these reasons, it is my recommendation that C/Z 2042 be denied; that planning tools and the record do support the rezoning; that he referenced Ordinance No. 2990 which describes the area surrounding this property; that he then discussed the comparison to Sycamore Chase and the Land Use Reform Working Group recommendation; that this project establishes clear standards for rezoning.

Ms. Gruenebaum asked questions about the wetlands and questioned the importance of the zoning for the applicant.

Public comments were heard.

Mr. Matt Shevano spoke in favor of the application.

Mr. Brent Archut spoke in favor of the application.

Mr. Daniel Rose spoke in favor of the application.

Ms. Shelia Rose spoke in favor of the application.

Mr. Andy Batian spoke regarding the application.

The Public Hearing and public record were closed.

**M 436 26
Defer
Action/
CZ2042**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL-RESIDENTIAL PLANNED COMMUNITY DISTRICT (179 UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 57.10 ACRES, MORE OR LESS”.

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/
CU2536**

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 WELDING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.56 ACRES, MORE OR LESS” (property is lying on the east side of Diamond Farm Road [S.C.R. 257] and approximately 774.64 ft. north of Walker Road [S.C.R. 260]) (911 Address: 16423 Diamond Farm Road, Milton) (Tax Map Parcel: 235-21.00-180.01) filed on behalf of John Whitby, Jr.

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

The Planning & Zoning Commission held a Public Hearing on the application on August 5, 2026. On August 19, 2026, the Commission recommended approval of the application for the 6 reasons of approval and subject to the 8 recommended conditions as outlined.

The Council found that Mr. John Whitby, Jr. property owner, and owner of Shore Mechanical Services, spoke on behalf of his application. Mr. Whitby stated that he resides on the property; that he began his business in 2009; that it is a small business; that most of their work was performed at poultry plants; that they support the local poultry industry businesses around Mountaire Farms, Perdue and Allens; that they also performed welding for farmers irrigations and was not performed within his shop onsite.

There were no public comments.

The Public Hearing and public record were closed.

**M 437 26
Adopt
Ordinance
No. 4087/
CU2536**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4087 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.56 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed welding business is small, and it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.**
- 2. The use began as a small business on the Applicant’s property almost like a home occupation. Most of the Applicant’s work is done off-site. As the business has grown, the need for conditional use**

M 437 26
Adopt
Ordinance
No. 4087/
CU2536
(continued)

- arose.
3. The location is mostly surrounded by farms and other large tracts of land.
 4. The Applicant lives on the site, and the Applicant intends to keep the residential appearance of the property.
 5. The Applicant operates a welding company that serves the Delmarva Poultry Industry. Most of the Applicant's work is done offsite in the poultry processing facilities and very little is done on this site. No truck, trailers or vehicle repairs occur on the site.
 6. No parties appeared in opposition to this application.
 7. This recommendation for approval is subject to the following conditions and stipulations:
 - a. The use shall be limited to a welding business as shown on the Applicant's site plan.
 - b. The Applicant does not want any signage other than a sign on or near the shop located on the property for deliveries to differentiate between deliveries to the Applicant's name and business.
 - c. Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.
 - d. Any dumpsters or similar containers shall be screened from view of neighbors and roadways. The locations of these containers shall be shown on the Final Site Plan.
 - e. The parking areas for the conditional use shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers associated with the conditional use shall only be parked and worked on within these designated areas. There shall not be any parking in the front yard setback.
 - f. The site shall be subject to any DelDOT entrance and roadway requirements.
 - g. Any violation of these conditions may be grounds for termination of this conditional use.
 - h. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

M 438 26
Adjourn

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to adjourn at 4:25 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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Sussex County

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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*
Heritage Shores Phase 6A (Phase I) IUA 1233
Western Sussex Area
File: OM 9.01

DATE: September 29 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 **RLS (Heritage I), LLC** for **Heritage Shores Phase 6A (Phase I)** 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, **Heritage Shores Phase 6A (Phase I)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **RLS (Heritage I), LLC** will contribute **\$29,752.00** for the financial catch-up contribution of the existing infrastructure to serve **26.00** Equivalent Dwelling Units. Payment is required prior to receiving beneficial acceptance of the projects on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Heritage Shores Phase 6A (Phase 1) – IUA 1233

THIS AGREEMENT (“Agreement”), made this 4th day of September 2026, by and between:

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

RLS (HERITAGE I), LLC a Limited Liability Company and developer of a project known as **Heritage Shores Phase 6A (Phase 1)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 131-14.00-44.00 to be known as **Heritage Shores Phase 6A** (“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 **26.00** 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 **\$29,752.00** 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 beneficial acceptance of the on-site collection system.**

- (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 **12110 Sunset Hills Road, Suite 310, Reston, Virginia 20190.**

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 RLS (HERITAGE I), LLC

By:  (Seal)
Neil Patel - Authorized Signatory

September 4, 2026 (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

Proposed Briarstone Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area)
- The Engineering Department has received a request from Pennoni Associates on behalf of their client Greenwood Developers, LLC the owners/developers of a project known as Briarstone for parcel 530-10.00-45.00.
- The project submitted a letter of no objection from the town Greenwood for the parcel to be annexed into the sewer district.
- The project will be responsible for System Connection Charges based on the rate at the time of connection.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.
- A tentative Public Hearing is currently scheduled for October 27, 2026 at the regular County Council meeting.



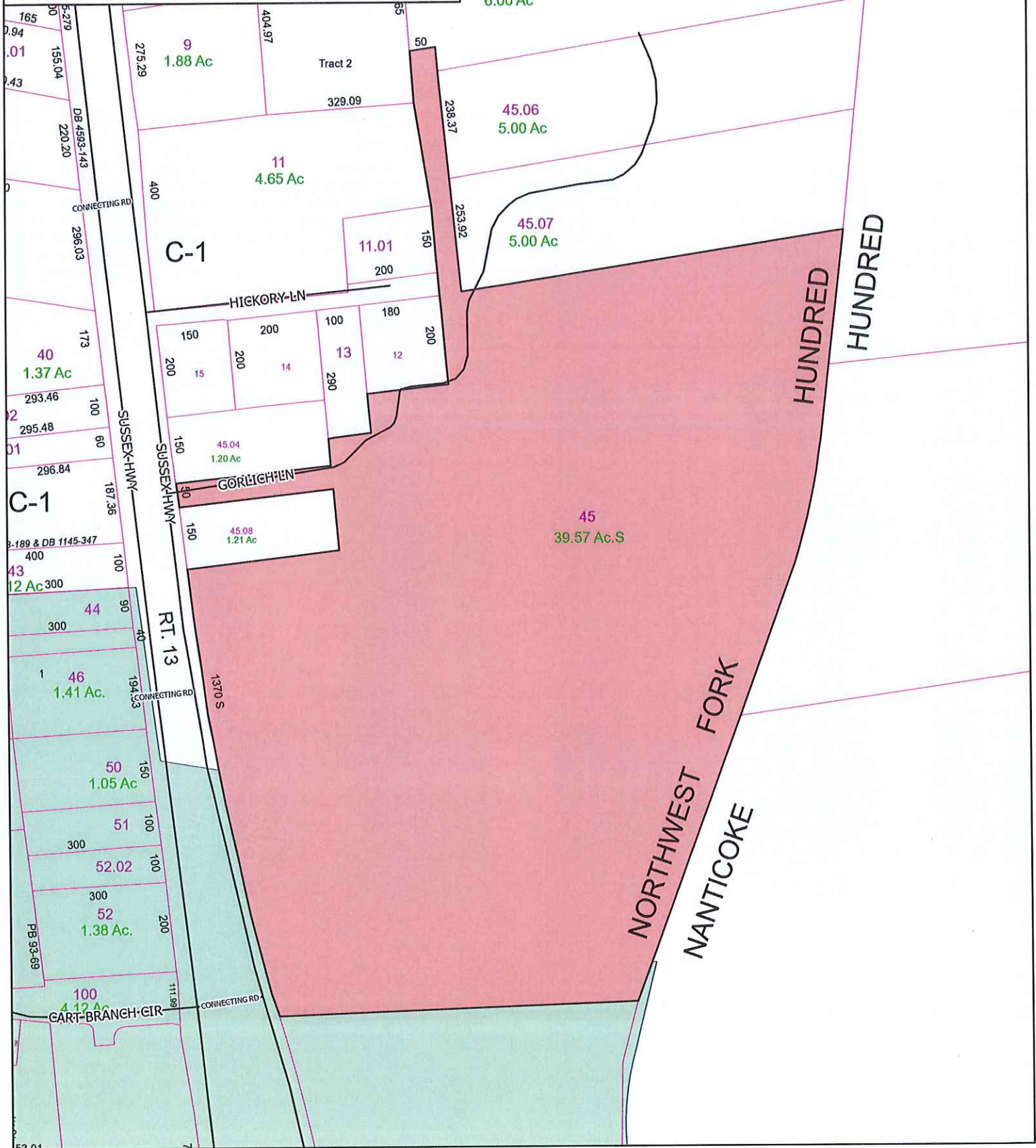
PERMISSION TO PREPARE AND POST NOTICES
Briarstone

Existing SSD TMP 530-10.00-45.00



0 80 160 320
Feet

Map created: 9/10/2026





Town of Greenwood
100 W. Market St
Greenwood, De 19950
(302)349-4534

September 2, 2026

Re: Parcel 530-10.00-45.00

To Whom It May Concern:

The Town of Greenwood has no objection to the remainder of the above mentioned property being annexed into the Tier 1 sewer district for Sussex County.

Please feel free to reach out with any questions.

Respectfully,

Rhiannon Slater

Town Manager

May 15, 2026

APCRL24001

Mr. Mike Harmer
Sussex County Engineer
2 The Circle
Georgetown, DE 19947

RE: Briarstone Condominiums – Annexation
Tax Map No: 530-10.00-45.00
Sussex Highway (Rt. 13)
Town of Greenwood
SCED Agreement # 1322

Dear Mr. Harmer:

On behalf of Greenwood Developers, LLC, Pennoni Associates, Inc. is submitting a request for annexation into the Tier 1 Sussex County Unified Sanitary Sewer District for the proposed project located on subject parcel measuring 40.33+/- acres which is required to be serviced by public central sewer. The property current is split between Teir 1 and 2 and this request is to change the portion of the property in Teir 2 to Teir 1. The project consists of 242 proposed residential units. The adjacent properties to the south are within Tier 1 while properties to the north are in Teir 2 with the Nanticoke River acting as the boundary with Teir 3 properties to the east. We are working through the process with the Town of Greenwood. We received the SSCE response on May 4, 2026, which noted the requirement for annexation.

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

PENNONI ASSOCIATES INC.

A handwritten signature in blue ink, appearing to read "Alan Decktor".

Alan Decktor, PE, ENV SP
Senior Engineer

U:\Accounts\APCRL\APCRL24001 - Mixed Use Development\DELIVERABLES\SCED\2026-05-15 Annexation\1 American Storage - Rt 24 County Annex Request.docx

Morgan C. Stokes

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, September 16, 2026 11:54 AM
To: Morgan C. Stokes
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	Milford Museum and Landmarks Commission Inc.
Project Name	Milford Museum Move
Federal Tax ID	222453957
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 the Milford Museum and Landmarks Commission is to increase knowledge and appreciation of Milford's history by sharing research and collecting, preserving, and exhibiting artifacts that relate to our rich heritage
Address	400A NE Front Street
City	Milford
State	DE

Zip Code	19963
Contact Person	Larry Josefowski
Contact Title	Executive Director
Contact Phone Number	(302) 424-1080
Contact Email Address	director@milforddemuseum.org
Total Funding Request	1500
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?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Cultural Educational

Primary Beneficiary Category	Other
Beneficiary Category Other	Students, Researchers, and community
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	400
Scope	The Milford Museum recently moved locations, and through fund raising efforts, has made over 1.2M improvements in our new location. These improvements have been in the structural area, such as HVAC, roofing, floors, and painting, as well as some funds to move collections from our old location to the new one. This move, which more than doubled our space, will allow us to reach even more of our community through expanded displays, and new outreach possibilities. This funding request is to help provide museum supplies for exhibits, artifacts, documents, and other parts of our collection that will allow us to more display and store these items, as well as, depending on the funding level, redoing of some of the photographic posters that have become "shop worn" over the years. Our audience is all of Kent and Sussex County - from our senior citizens, who may have participated in some of our more recent historical exhibits, to our youngest members, who can learn of the history of the Milford area, and through a new biographical program we hope to add, to share the history of their area ancestors for people to see.
Religious Components	No religious affiliation.

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

3,000.00

Description

Museum quality poster photographs/Picture molding for display

Amount

1,000.00

Description

Acid Free Storage Containers and cushioning

Amount

1,000.00

Description

Exhibit Display material

Amount

1,000.00

Description

Mounting Mat Boards and related material

Amount

300.00

Description

Conservation and Repair Tools

Amount

350.00

Description

Textile/Clothing Storage and display

Amount

200.00

Description

Artifact Cleaning Supplies

Amount

400.00

Description

General office supplies

Amount	250.00
TOTAL EXPENDITURES	4,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,500.00
Name of Organization	Milford Museum
Applicant/Authorized Official	Larry Josefowski
Date	09/15/2026
I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding	Yes
I understand that, if awarded grant funding, I will be required to provide receipts and/or supporting documentation showing how the funds were spent. Failure to provide the required documentation may result in ineligibility for future grant funding from Sussex County.	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.



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: September 24, 2026

RE: County Council Report for C/U 2560 filed on behalf of Zachary Pulcinella

The Planning and Zoning Department received an application (C/U 2560 filed on behalf of Zachary Pulcinella) for a Conditional Use a landscaping business with equipment storage and parking within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 432-7.00-13.00. The property is located at 8504 Portsville Road, Laurel. The parcel size is 13.18 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 10 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 19, 2026.

Minutes of the August 19, 2026, Planning & Zoning Commission Meeting

C/U 2560 Zachary Pulcinella

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS. The property is lying on the south side of Portsville Road (S.C.R. 492), approximately 1.04 miles east of South Shell Bridge Road (S.C.R. 492A). 911 Address: 8504 Portsville Road, Laurel. Tax Map Parcel: 432-7.00-13.00.

Mr. Passwaters recused himself and left Council Chambers.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the property's legal description, the Applicant's exhibit materials, 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 no public comments had been received in relation to the application.

The Commission found that Mr. Zachary Pulchinella spoke on behalf of his application. Mr. Pulchinella stated that he had a landscape construction company; that they currently use the property for storage and as a meeting place; that he stored his trucks, loaders, and bucket truck on the site; that depending on the season, he had an average of five to 10 employees, that the employees normally arrived at 6:45 a.m., returning to the site to leave around 5:30 p.m.; that the work they offer was not performed on the site; that they leave the site and perform work at their customer's properties; that they are only at the site in the morning and in the afternoon, and he wanted to know what was required to continue his business on the site.

Madam Chair Wingate questioned whether the application was submitted in relation to an issued violation.

Mr. Pulchinella stated that the application was submitted in relation to an issued violation in 2024; that he had letters from all the surrounding neighbors stating that his business did not impact them, and he provided those letters to Mr. Whitehouse to be submitted into the record; that the residence on the property was torn down, because it was dilapidated; that they continued to use the property; that since the violation he had obtained a permit; that he had gated in both sides of the driveway, with a privacy fence running down the roadside; that on the other side of the privacy fence was the location of the dumpster and the toilet, which was hidden from site; that on the back side of the driveway was the location where all of the equipment was stored, and he had clean the property up tremendously since 2024.

Mr. Allen questioned whether office buildings are anticipated to be placed on the site.

Mr. Pulchinella stated that he had no plans to place an office on the site within the next few years; that the site consisted of almost 14 acres; that his future plan was to place his residence on the site; that he would like to move his residence to the rear of the property, with the location he is now using, becoming beautiful grass; that currently, his office was within his home; that his business does not require customers to come and go, and it was strictly his employees coming to the site in the morning and leaving in the evening.

Mr. Allen questioned whether signage was proposed for the site.

Mr. Pulchinella stated that the site was under camera surveillance, along with no trespassing signs; that he currently had a small two-foot by three-foot yard sign located at the front; that he currently did not have signage for the business, and he would like a sign if it was permitted.

Mr. Allen questioned whether there would be any rentals or storage rentals from the site and questioned a red truck he had seen on the site with its hood up.

Mr. Pulchinella stated that he would not have rentals from the site; that he did have roll-offs that he used for his personal projects; that there was no trash being transferred from dumpster to dumpster;

that there was a red truck on the site whose battery had died, and he was willing to install privacy trees, but he figured that the cattle fence would have been sufficient.

Mr. Allen stated that the Site Plan had reflected trees along the edge.

Mr. Pulchinella stated that the original Site Plan did reflect trees along the edge; that he was then required to retain Mr. Alan Keny, Surveyor, to perform an actual survey, reflecting his new fencing; that the revised Site Plan had been submitted; that he could not place a privacy fence along the edge of the road due to the setbacks, and he did provide privacy fencing to hide the dumpster and the portable toilet.

Mr. Pettyjohn suggested that Mr. Pulchinella plan out what his intentions were for the site and apply for them now rather than later and questioned whether repair work would be performed on the site.

Mr. Pulchinella stated that he did not anticipate repair work to be performed on the site; that should a piece of equipment or vehicle break down, he would repair it; that he did not anticipate having 30 inoperable trucks on the site; that he currently had two, shipping container, storage units and a shed; that he did not have a commercial shop; that the site was a location for his employees to park in the morning, leaving with the equipment, then returning to the site in the afternoon, getting into their personal vehicles and leaving; that very minimal work was performed on the site, and as business increases he hoped to eventually build a building two to three years down the road.

Mr. Collins questioned whether there were other businesses or similar activities located within the surrounding area of the site.

Mr. Pulchinella stated that there were not many other businesses located within the surrounding area; that when entering the Town of Laurel, there was a location of a gas station, car wash, repair shop and small restaurants, and the remainder of the area was mostly farmland and woods.

Mr. Collins questioned whether there would be any storing of chemicals, fuel, oil, pesticides or herbicides on the site.

Mr. Pulchinella stated that he did not store anything of that sort on the site.

Madam Chair Wingate questioned the hours and days of operation at the site, and whether snow removal services were provided.

Mr. Pulchinella stated that on a general day his employees clock in between 6:45 a.m. to 7:00 a.m.; that they normally would return between 5:00 p.m. to 5:30 p.m., Monday through Saturday; that in the event of an emergency service, they may be on the site at other hours, as they did perform snow removal services, and he would be comfortable with 6:30 a.m. to 7:00 p.m., except for emergency operations.

Madam Chair Wingate questioned whether there would be any grinding performed on the site, and whether any free materials and products would be stored on the site.

Mr. Pulchinella stated that he was not performing any grinding or storing any free products, and that he did not plan to.

Mr. Robertson questioned whether any retail sales would take place from the site.

Mr. Pulchinella stated that no retail sales would take place from the site.

Mr. Whitehouse questioned whether the ditch on the site was a tax ditch or a drainage ditch.

Mr. Pulchinella stated that it was a drainage ditch.

The Commission found that no one was 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.

Mr. Robertson read Mr. Collin's motion at the request of Mr. Collins.

Mr. Collins move that the Commission recommend approval of Conditional Use No. 2560 for Zachary Pulcinella, for a landscaping business with equipment storage and parking based on the record made during the public hearing and for the following reasons:

1. The property is a 13.18-acre parcel of land. This is an appropriate size and location for this Conditional Use.
2. The site will generally be used for vehicle storage, a location to meet and depart for off-site work. No landscaping work occurs on the site.
3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
4. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be "diminutive".
6. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. There was no opposition to this application, and the Applicant has provided letters in support of the application from the surrounding landowners.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted. Ultimately, the Applicant shall be entitled to construct an office, and the Applicant has also stated that he may be ultimately build his personal residence on this site.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. As stated by the Applicant, there shall not be any retail sales occurring from the site.
 - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

- E. The hours of operation shall be limited to 6:30 a.m. through 7:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
- F. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- G. The Final Site Plan shall clearly show the area where this landscaping business will be located on the property, including the location of any material storage areas or bins.
- H. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers, or equipment shall be stored on the site.
- I. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen and carried unanimously to recommend approval of C/U 2560 Zachary Pulchinella for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Passwaters abstained.

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

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
SCOTT COLLINS, VICE CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

sussexcountyde.gov
pandz@sussexcountyde.gov

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 19, 2026

Application: C/U 2560 Zachary Pulcinella

Applicant: Zachary Pulcinella

Owner: Karen Schreiber

Site Location: 8504 Portsville Road, Laurel
The property is lying on the south side of Portsville Road (S.C.R. 492), approximately 1.04 miles east of South Shell Bridge Road (S.C.R. 492A)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Landscaping Business with Equipment Storage and Parking

Comprehensive Land Use Plan Reference: Low Density & Developing Area

Councilmanic District: District 1 – Mr. Matt Lloyd

School District: Laurel School District

Fire District: (81) Laurel Fire Company

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 13.18 acres +/-

Tax Map ID.: 432-7.00-13.00



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



Memorandum

To: Sussex County Planning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 3, 2026
RE: Staff Analysis for C/U 2560 Zachary Pulcinella

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2560 Zachary Pulcinella to be reviewed during the August 19, 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: 433-7.00-13.00

Proposal: The request is for Conditional Use for Tax Parcel 433-7.00-1300 to allow for a landscaping business with equipment storage and parking. The property is lying on the south side of Portsville Road (S.C.R. 492), approximately 1.04 miles east of South Schell Bridge Road (S.C.R. 492A). The Parcel consists of 13.18 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.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (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 and west of the subject property also have a Future Land Use Map designation of Low Density Area with the parcels opposite on the north and east side of Portsville Road is within the "Developing Area" classification.

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).

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 “Developing Area.” All adjacent parcels on the south and east side of Park Avenue also have the “Developing Area” designation with the parcels opposite on the north and west side of Portsville Road is within the “Low Density Area” classification.

As outlined within the 2018 Sussex County Comprehensive Plan, *Developing Areas* are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers” (2018 Sussex County Comprehensive Plan, 4-14).

In terms of non-residential development, the Plan also provides guidelines for *Developing Areas* as follows:

In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. (2018 Sussex County Comprehensive Plan, 4-14).

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 “Penuel Farm Expansion” Agricultural Easement immediately to the south 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 most of the subject Property.
- **Wetlands Buffers/Waterways:** N/A

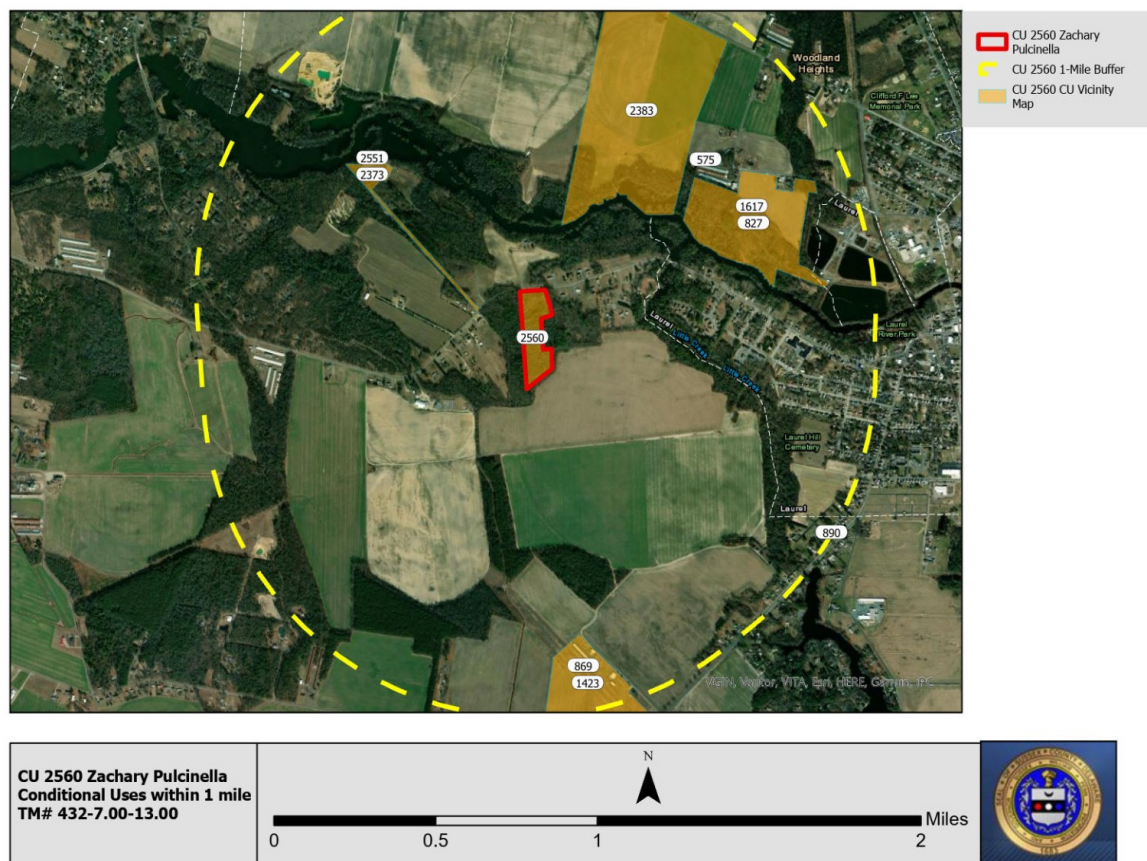
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”. The Parcel is not located within any Wellhead Protection Area. The subject property is located within an “Good” Groundwater Recharge Area.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for landscaping business with equipment storage and parking, 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.

There have been 9 Conditional Use Applications within a 1-mile radius of the Application Site.

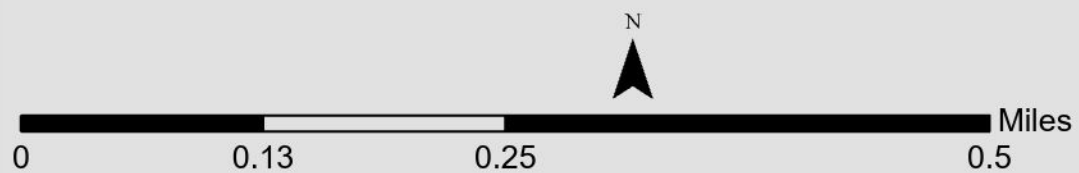
CU No.	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Date	CC Decision
575	Charles K. Kennedy	232-12.00-6.00	AR-1	Sales and Service of Used Appliances		Approved
827	Glen R. Jones & Sally A. S. Jones	232-12.00-13.00	AR-1	Campground	7/30/1985	Approved
869	H.P. Cannon & Son, Inc	432-7.00-19.00	AR-1	Expand Existing Airport Facilities	7/28/1987	Approved
890	Okey H. Vannoy	432-8.10-104.00	AR-1	Multi-family	11/1/1988	Approved
1423	Skydive Delmarva, Inc.	432-7.00-19.00	AR-1	Expand CU 869 for 10 campers/rv	12/4/2001	Approved
1617	Glen R. Jones (Annexed)	232-12.00-13.00	AR-1	Expand campground/CU 827	10/10/2006	Withdrawn
2373	Sarah Peterson	432-3.00-41.06	AR-1	Events Venue		WITHDRAWN
2383	Consolidated Edison Development, Inc.	232-12.00-4.00	AR-1	Solar Farm	2/6/2026	Approved
2551	Sarah Peterson	432-3.00-41.06	AR-1	Events Venue	6/2/2026	Approved
2560	Zachary Puclinella	432-7.00-13.00	AR-1	Construction Equipment Storage & Landscaping Business		Pending

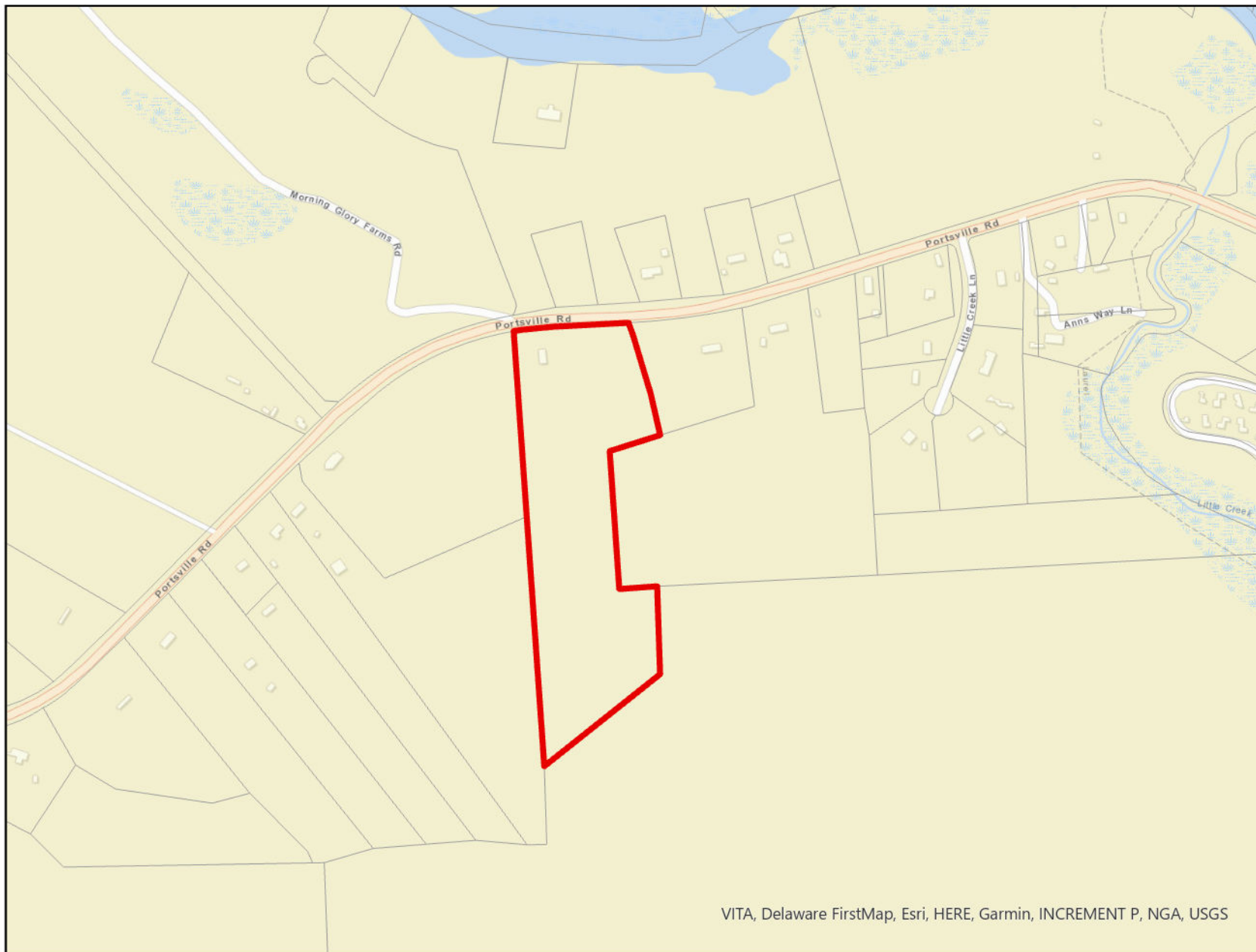




 CU 2560 Zachary
Pulcinella

CU 2560 Zachary Pulcinella
Aerial Map
Tax Map No. 432-7.00-13.00





 CU 2560 Zachary Pulcinella

CU 2560 Zachary Pulcinella
Street Map
Tax Map No. 432-7.00-13.00

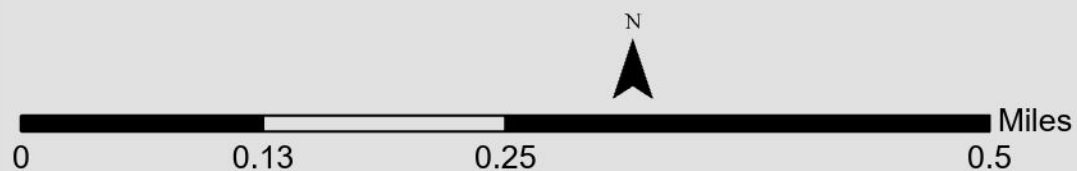




-  CU 2560 Zachary Pulcinella
- Zoning**
-  Agricultural Residential - AR-1
 -  Agricultural Residential - AR-2
 -  Medium Residential - MR
 -  General Residential - GR
 -  High Density Residential - HR-1
 -  High Density Residential - HR-2
 -  Vacation, Retire, Resident - VRP
 -  Commercial Residential - 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

Microsoft, Vantor

CU 2560 Zachary Pulcinella
Street Map
Tax Map No. 432-7.00-13.00



Introduced: 7/28/26

Council District 1: Mr. Lloyd

Tax I.D. No.: 432-7.00-13.00

911 Address: 8504 Portsville Road, Laurel

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.18 ACRES, MORE OR LESS

WHEREAS, on the 18th day of October 2024, a Conditional Use application, denominated Conditional Use No. 2560 was filed on behalf of Zachary Pulcinella; 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. 2560 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. 2560 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 Portsville Road (S.C.R. 492), approximately 1.04 miles east of South Shell Bridge Road (S.C.R. 492A) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC said parcel containing 13.18 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 24, 2026

RE: County Council Report for C/U 2585 filed on behalf of Cody Collins

The Planning and Zoning Department received an application (C/U 2585 filed on behalf of Cody Collins) for a Conditional Use a landscape and hardscape business within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 333-15.00-7.00. The property is located at 22009 and 37472 Dots Road, Millsboro. The parcel size is 48.11 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 7 reasons of approval and subject to the 9 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 19, 2026.

Minutes of the August 19, 2026, Planning & Zoning Commission Meeting

C/U 2585 Cody Collins

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS. The property is lying on the north and south sides of Dots Road (S.C.R. 415B), the east and west sides of Firemans Road (S.C.R. 413), and the north side of Parker Road (S.C.R. 415), approximately 0.426 mile south of Cypress Road (Rt. 54). 911 Address: 22009 & 37472 Dots Road, Millsboro. Tax Map Parcel: 333-15.00-7.00 (P/O).

Madam Chair Wingate advised the Commission that Mr. Passwaters had recused himself and would remain outside of Council Chambers.



Mr. Allen recused himself and left Council Chambers.

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

The Commission found that Mr. Cody Collins, owner of Shore Outdoor Living, spoke on behalf of his application. Mr. Collins stated that he used the property for the same reason Mr. Zachary Pulchinella did; that he used the property for his employees to show up and go to work; that his employees take their vehicles home; that he tries not to store as much as possible on the property; that there may be three vehicles on the site during the day; that there were no vehicles on the site during the night; that he grew up on the road; that it is part of his family's farm; that he wanted to use the front part of the 48 acres to conduct his business and to make it look nice; that he ran a hardscape landscape company; that they provide a full design build, and that no retail was proposed from the site.

Mr. Collins questioned whether any chemicals, such as fuel, would be stored on the site and whether any chemicals were anticipated to be stored on the site within the next couple of years.

Mr. Cody Collins stated that currently, there were no chemicals stored on the site, and potentially fuel would be stored on the site in the future.

Mr. Collins questioned whether any vehicle maintenance was carried out on the site.

Mr. Cody Collins stated that no vehicle maintenance was performed on the site, and that all vehicle maintenance was performed by Pittsville Ford.

Mr. Collins questioned the proposed hours of operation for the business.

Mr. Cody Collins requested permission to work from 6:00 a.m. to 6:00 p.m., and they do not begin work until 7:00 a.m., and at the latest work until 6:00 p.m.

Madam Chair Wingate questioned whether snow removal services were proposed.

Mr. Cody Collins stated that his business did provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Cody Collins currently lived on the site or planned to live on the site in the future.

Mr. Cody Collins stated that he did not currently reside on the site; that his parents lived down the street from the site; that the site was part of his family's farm; that he had grown up there, and the site was strictly a location for his business.

Mr. Pettyjohn questioned whether there was any intention of having a showroom for the hardscaping, and whether customers would be visiting the site.

Mr. Cody Collins stated that he would like to provide displays; that mostly they are a design builder; that they bring customers in, and provide them with a visual 3D walkthrough of everything to limit change orders; that he had no intention of selling pavers or any other material from the site; that he did not intend to have displays similar to Parker Block; that they had actually built Parker Block's displays; that he requested the ability to display, allowing clients to select everything, in an effort to avoid his clients needing to make the journey everywhere, then referring them to distributors to be able to purchase it, or they can take care of it through the distributor; that they only wanted to limit the client's process of being required to go to multiple places, and that all clients would visit the site by appointment only to view the visual displays.

Mr. Collins questioned whether a business sign was requested.

Mr. Cody Collins stated that yes, he would like to have sign for the business.

Madam Chair Wingate questioned whether there were any other businesses located within the surrounding area or any other similar businesses within the area.

Mr. Cody Collins stated that there were no other similar businesses within the nearby area; that there was a service station located down the street, and a general store.

Mr. Robertson questioned whether any grinding or mulching would take place on the site.

Mr. Cody Collins stated that no grinding or mulching would take place on the site.

The Commission found that no one was 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.

Mr. Robertson read Mr. Collins' motion at the request of Mr. Collins.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2585 for Cody Collins for a landscaping and hardscaping business based on the record made during the public hearing and for the following reasons:

1. The property is a 48.11-acre parcel of land. The conditional use area will be located on a much smaller area of the larger parcel.
2. The use will generally be used for vehicle storage and a location for employees to meet and depart for offsite work. No landscaping or hardscaping work shall occur on site. There will be an office building with client meeting areas on the property.
3. The site is located within the Low-Density Area according to the Sussex County Comprehensive Plan. This type of use is appropriate within this Area.
4. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping and hardscaping business is consistent with the underlying zoning of agricultural residential.

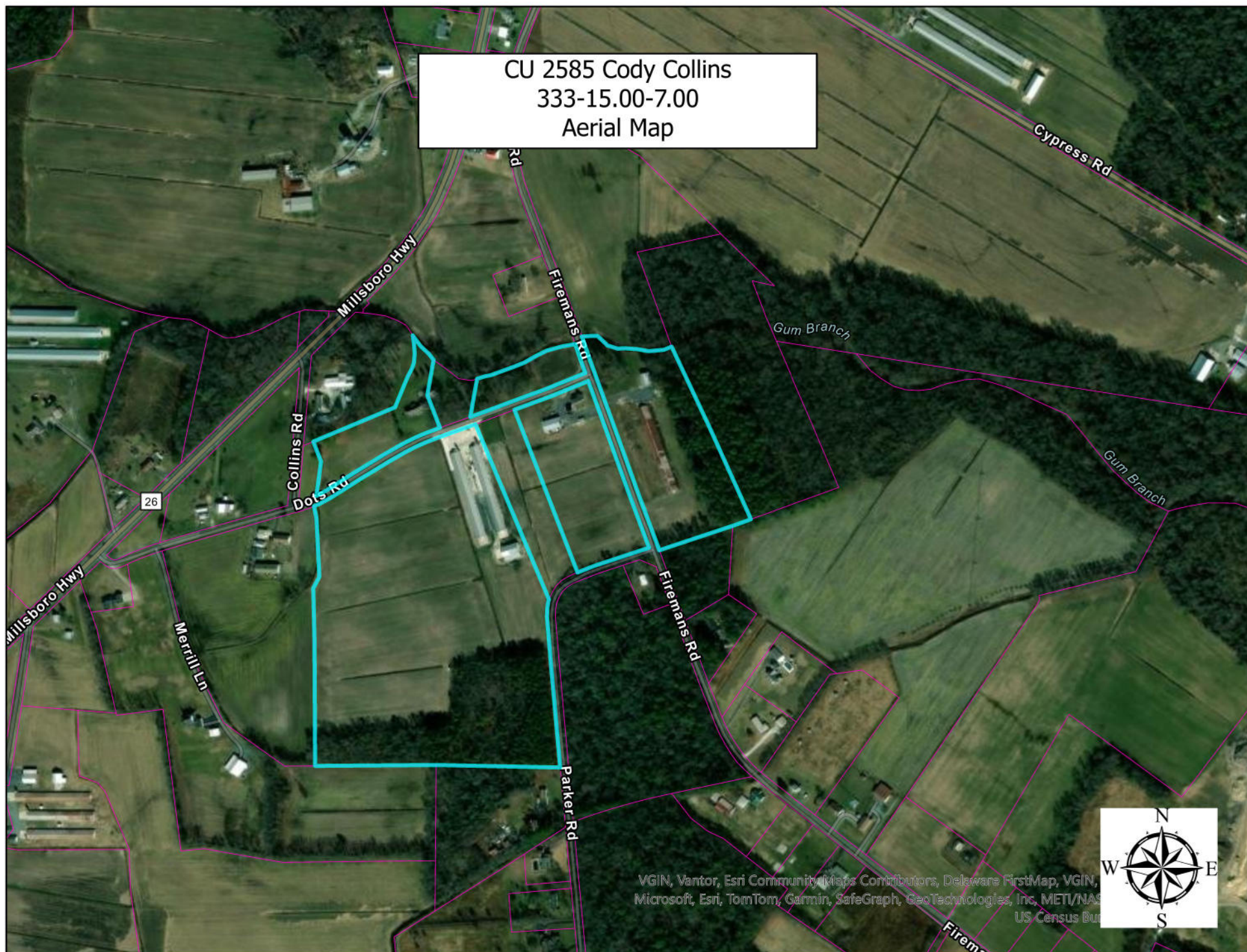
5. The use will not adversely affect area roadways or neighboring properties. DelDOT has stated that the traffic generated by this use will be “diminutive”.
6. A landscaping and hardscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. There was no opposition to this application.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping and hardscaping business that performs off-site landscaping work. Equipment storage and parking related to that use shall be permitted, along with an office and storage building that has space for client meetings.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - D. The hours of operation shall be limited to 6:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup and similar events.
 - E. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - F. The Final Site Plan shall clearly show the area where this business will be located on the property, including the location of any material storage areas, bins or display areas.
 - G. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks. No permanently disabled, untitled or unregistered vehicles, trucks, trailers or equipment shall be stored on site.
 - H. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Pettyjohn to recommend approval of C/U 2585 Cody Collins for the reasons and the conditions stated motion. Motion carried 3-0. Mr. Passwaters and Mr. Allen abstained.

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

Mr. Passwaters and Mr. Allen returned to Council Chambers.

CU 2585 Cody Collins
333-15.00-7.00
Aerial Map



0 0.05 0.1 0.19 0.29 0.38
Miles

VGIN, Vantor, Esri Community Maps Contributors, Delaware FirstMap, VGIN,
Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NAS
US Census Bureau

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
SCOTT COLLINS, VICE CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

sussexcountyde.gov
pandz@sussexcountyde.gov

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 19, 2026

Application: C/U 2585 Cody Collins

Applicant: Cody Collins
5535 Morris Road
Pittsville, MD 21851

Owner: Donny F. & Laurie C. Collins
22009 Dots Road
Millsboro, DE 19966

Site Location: 22009 Dots Road, Millsboro
The property is lying on the north and south sides of Dots Road (S.C.R. 415B), the east and west sides of Firemans Road (S.C.R. 413), and north side of Parker Road (S.C.R. 415), approximately 0.426 mile south of Cypress Road (Rt.54)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Landscaping & Hardscaping Business

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 1 – Mr. Matt Lloyd

School District: Indian River School District

Fire District: (79) Gumboro Fire Company

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 48.11 acres +/-



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



Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 12, 2026
RE: Staff Analysis for C/U 2585 Cody Collins

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2585 Cody Collins to be reviewed during the August 19, 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: 333-15.00-7.00 (p/o)

Proposal: The request is for a Conditional Use for Tax Parcel 333-15.00-7.00 to allow for a landscape and hardscape business. The property is lying on the north and south side of Dots Road (S.C.R. 415B), the east and west side of Fireman's Road (S.C.R. 413, and the north side of Parker Road (S.C.R. 415), and is to be located on an 8.26 acre +/- portion of the parcel that consists of 48.11 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 with a parcel north of Millsboro Highway being zoned LI-2 Light Industrial 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.

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 that are actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that a review of the Sussex County Online Mapping Application confirmed that the Property is within the vicinity of lands that contain mature forests.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”. The Parcel is not located within any Wellhead Protection Area. A Tax Ditch Right-of-Way is located on the north side of the property north of Dot’s Road, based on Delaware’s FirstMap data system in GIS. The subject property is located within an “Fair” Groundwater Recharge Area.

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

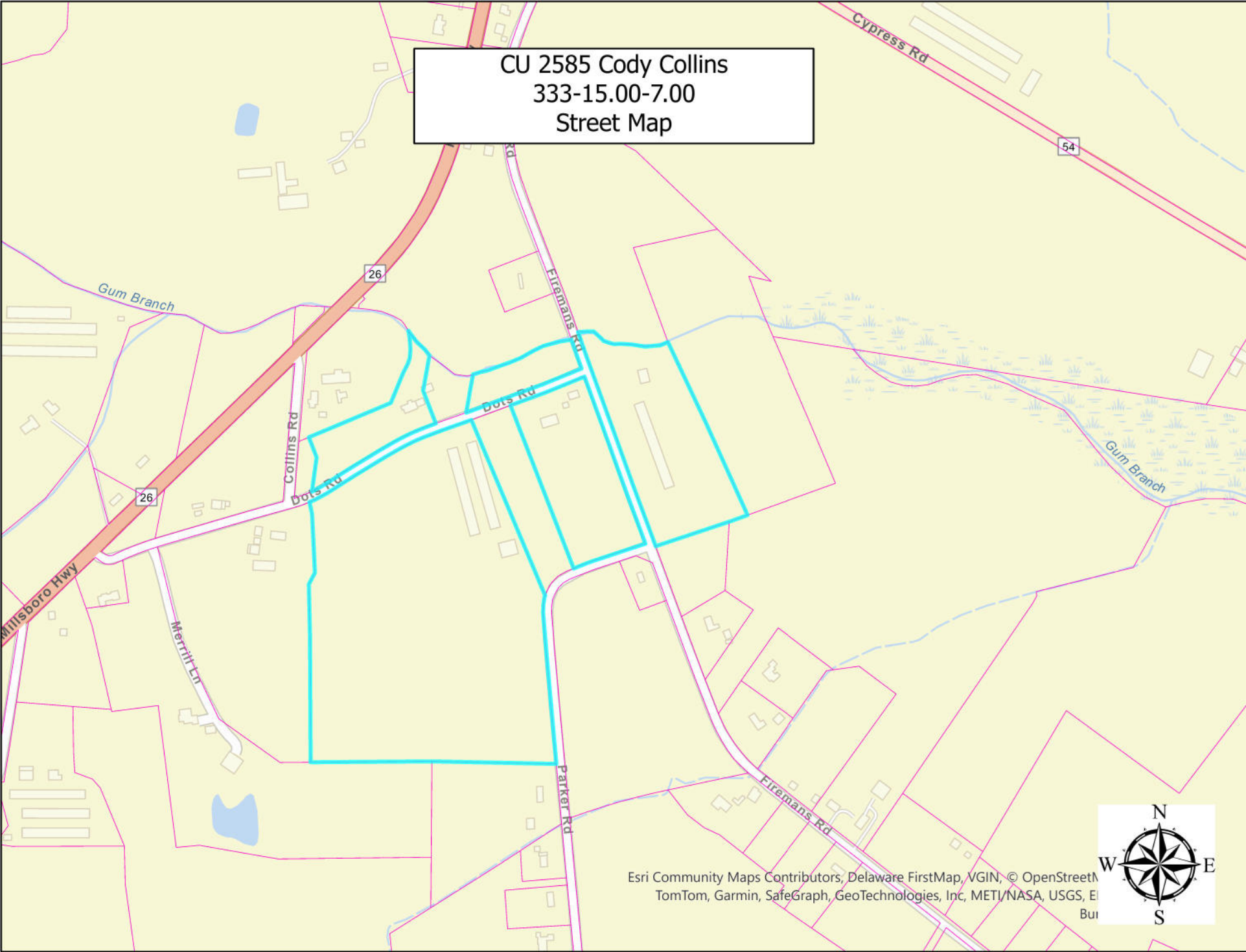
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Maps have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile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

There have been 23 Conditional Use Applications within a 1-mile radius of the Application Site.

CU No.	APPLICANT	Tax Parcel #	Zoning	Proposed Use	CC Date	CC Decision
43	Eben Collins	333-15.00-18.00	AR-1	manufactured home park		Approved
204	Vaughn E Lacurts	333-15.00-35.00	AR-1	Poultry House on Less than 5 Acres	5/7/1974	Approved
209	Charles Young	333-15.00-14.00	AR-1	flea market		Denied
214	Donald E Oliphant	333-11.00-93.00	AR-1	poultry house on less than 5-acres		Approved
493	Vaughn Lacurts	333-15.00-35.00	AR-1	poultry house on less than 5-acres		Approved

519	Jerry Mercadante	333-15.00-36.00	AR-1	poultry house on less than 5-acres		Withdrawn
652	Roland Collins	333-15.00-8.02	AR-1	manufactured home plant		Approved
802	S & J Villari Livestock	333-15.00-21.01	AR-1	livestock market		Withdrawn
806	S & J Villari Livestock	333-15.00-21.02	AR-1	livestock market	10/9/1984	Approved
1063	United Soils Inc.	333-15.00-21.00	AR-1			
1210	Virgil F. & Marguerite Davis	333-15.00-1.01	AR-1	Used Car Sales Lot & Garage	12/2/1997	Denied
1311	S&J Villari Livestock	333-15.00-20.00	AR-1	stockyard/slaughter house/processing	11/2/1999	Approved
1404	Dwayne Snyder	333-15.00-18.01	AR-1	auto repair shop	6/19/2001	Approved
1479	Jeremy & Anastasia M. Day	333-15.00-40.00	AR-1	restore/resale of motorcycles & parts	4/15/2003	Denied
1508	Ray Lewis	333-15.00-33.00	AR-1	borrow pit	1/20/2004	Approved
1670	Phillip D. Murray	333-15.00-8.00	AR-1	auto repair/parts	12/12/2006	Approved
1700	Steve & Wendy Mitchell	333-11.00-16.02	AR-1	Deli/Store	1/9/2007	Approved
1925	Piedmont Leasing	333-15.00-20.00	AR-1	Office and Trucking Company for Truck Storage	4/3/2012	Approved
2416	Over The Hill Holdings, LLC	333-15.00-20.00	AR-1	Outdoor & Indoor Shooting Range		Approved

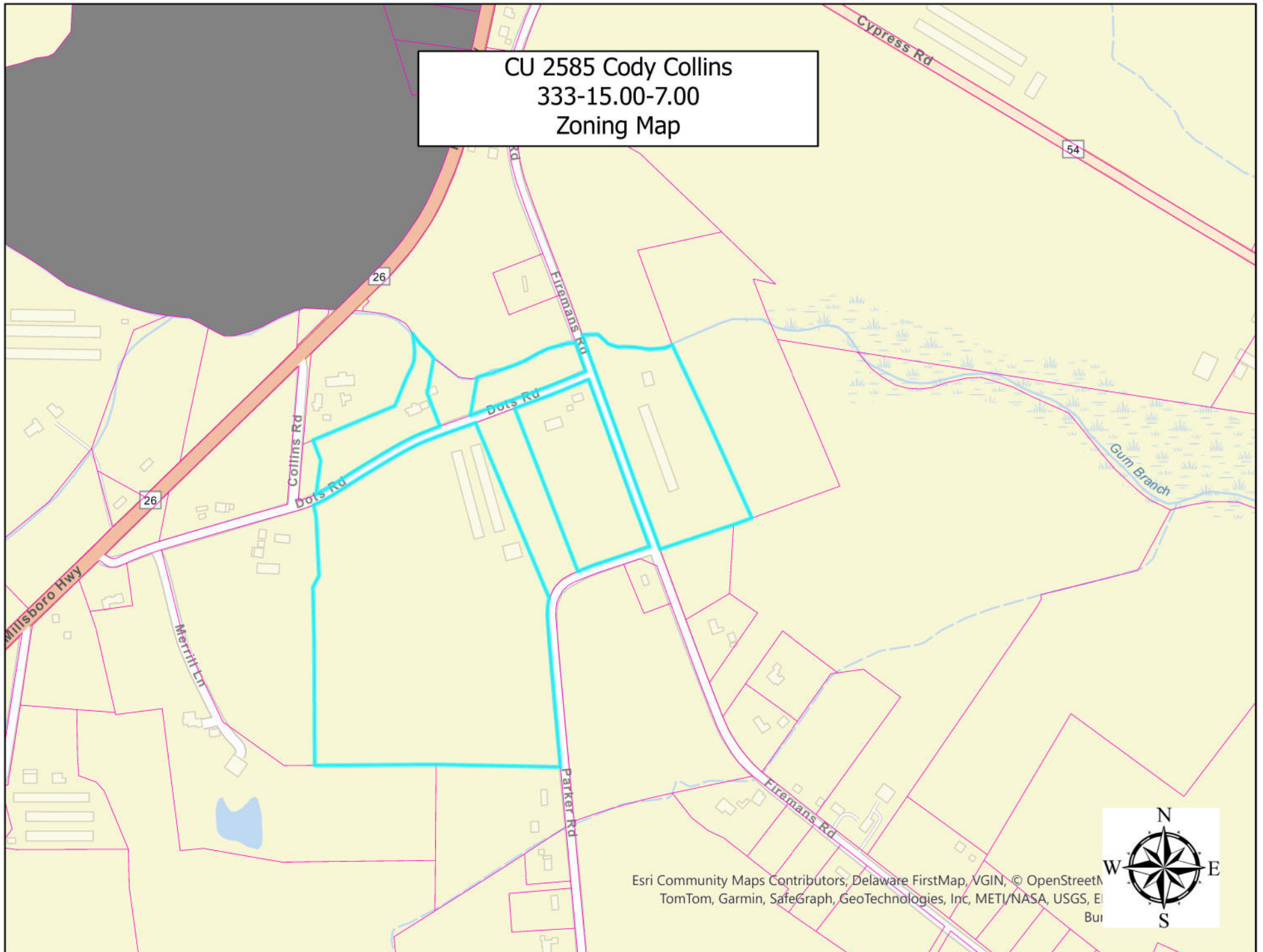
CU 2585 Cody Collins
333-15.00-7.00
Street Map



0 0.05 0.1 0.19 0.29 0.38 Miles

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TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, E
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CU 2585 Cody Collins
333-15.00-7.00
Zoning Map



Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap contributors, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Esri Building



0 0.05 0.1 0.19 0.29 0.38
Miles

Introduced: 7/28/26

**Council District 1: Mr. Lloyd
Tax I.D. No.: 333-15.00-7.00 (P/O)
911 Address: 22009 & 37472 Dots Road, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE AND HARDSCAPE BUSINESS TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 48.11 ACRES, MORE OR LESS

WHEREAS, on the 7th day of April 2025, a Conditional Use application, denominated Conditional Use No. 2585, was filed on behalf of Cody Collins; 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. 2585 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. 2585 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 and south sides of Dots Road (S.C.R. 415B), the east and west sides of Firemans Road (S.C.R. 413), and the north side of Parker Road (S.C.R. 415), approximately 0.426 mile south of Cypress Road (Rt. 54) and being more particularly described in the attached legal description prepared by Moore & Rutt, PA said parcel containing 48.11 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 24, 2026

RE: County Council Report for C/U 2629 filed on behalf of Age Well, LLC

The Planning and Zoning Department received an application (C/U 2629 filed on behalf of Age Well, LLC) for a Conditional Use for an assisted living facility for up to sixteen (16) residents within an AR-1 Agricultural Residential Zoning District. The Tax Parcel ID is 134-15.00-139.00. The property is located at 34188 Roxana Road, Frankford. The parcel size is 8.0 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On September 2, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 10 recommended conditions as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 19, 2026, and September 2, 2026

Minutes of the August 19, 2026, Planning & Zoning Commission Meeting

C/U 2629 Age Well, LLC

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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's exhibits, 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 no public comments had been received for the application.

The Commission found that Ms. Leslie Lockard, Nurse and Co-Founder of Age Well, LLC, spoke on behalf of the Application. Ms. Lockard stated that the application requested a Conditional Use for the existing residential home, to become a residential assisted living facility, subject to conversions of life safety upgrades; that it was just like one of the big box facilities, except that it would be within a home, providing more personalized care; that it was not proposed to be a large, 125 bed assisted living facility; that the plan was to provide up to 16 residents within the footprint of what currently exists; that they would like to do a five to one ratio with staffing; that there could be up to three caregivers taking care of the residents as they move in; that the State also required that they have a licensed Nursing Home Administrator and a Director of Nursing; that they would be part-time, essentially sharing one full-time position; that they would have a chef who would cook for them, being on site for limited hours to cook breakfast, lunch and prep dinner for the caregivers to serve later that evening; that the facility would be mainly like a house one would live in; that most of the residents do not drive; that there would not be a lot of vehicles, and their clients would be people who need help with assisting activities of daily living, such as getting dressed, eating, showering, toileting, and other things of that nature.

Mr. Collins stated that he believed the proposed facility was needed based on his own observations, as he found those types of institutional facilities to be lacking, and had no questions at that time.

Mr. Pettyjohn questioned the anticipated number of staff members for the facility.

Ms. Lockard stated that the caregivers would help out with a lot of the housekeeping, basically doing everything; that the caregivers would do laundry and housekeeping; that the chef would be part-time; that the facility would operate 24 hours per day; that per Delaware law, there must be someone awake and alert to take care of their residents at all times; that night shift may provide a little less, however, they still planned to staff the facility way above how most of the nursing home assisted living facilities are currently staffed; that she anticipated a maximum of three caregivers in the daytime; that they may have five staff members there, during a time when the administrator or Director of Nursing were there at the same time as the chef; that depending on how housekeeping goes, they may have people come in to provide deep cleaning services and things of that nature, and in the event the residents have home health, hospice or physical therapy services ordered, those vendors would still be allowed to visit the home.

Mr. Pettyjohn questioned whether there would be family visitation hours, whether parking had been planned out, and any other potential concerns that adjacent neighbors may have.

Ms. Lockard stated that they had not yet set that up; that they want it to be set up like a home; that should someone want to go visit their mother at 9:00 p.m., and the resident wanted them to come over, they would be fine with that visitation, especially when residents are getting older, potentially experiencing a recent discharge from the hospital, a potential infection, or mental status change; that sometimes families might wish to come later at night; that they did not plan to prohibit such a request; that the site was located pretty far from neighbors, and that their current neighbors were flipping their property to a commercial use.

Mr. Collins stated that it appeared that some additional parking, beyond what was provided on the Site Plan, may be needed.

Ms. Lockard stated that they were unsure of the parking requirements at the time they submitted the Site Plan.

Madam Chair Wingate stated that it appeared that the site provided plenty of room to add additional parking; that she felt it was a good suggestion with the proposal of 16 residents, potentially all having family members who wished to visit at the same time.

Ms. Lockard stated that they had also considered the need for additional ADA handicap parking spots, for visitors who may not be able to walk across a parking lot.

Mr. Passwaters stated that he did not have any questions, but felt the proposed use was needed in Sussex County.

Ms. Lockard stated that she hoped the site would be a flagship location for many more.

Mr. Allen questioned whether there was a cover location for EMS or resident drop-off.

Ms. Lockard stated that the front porch was covered; that the back would be covered, being the location where the main ramp was going to be placed; that since the submission of the Site Plan, they had decided they wanted to place a ramp on the front as well, however it would not be covered, but she felt that a cover was a good suggestion.

Madam Chair Wingate stated that she felt the proposed use was a much-needed service in Sussex County and that it was great for the community.

Mr. Robertson requested additional information regarding the neighborhood and surrounding area.

Ms. Lockard stated that the site was located approximately 0.5 mile up from the Beebe Healthcare South Coastal Emergency Room and Roxanna Road; that the area was residential with farmland; that there was approximately 50 to 100 acres behind the site that had not yet been developed, and there was a Conditional Use approved for a storage facility adjacent to the site.

Mr. Robertson questioned whether the existing dwelling would maintain its current residential appearance.

Ms. Lockard stated yes, absolutely, that the existing dwelling would maintain its current residential appearance.

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 2629 Age Well, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Pettyjohn, and carried unanimously. Motion carried 5-0.

Minutes of the September 2, 2026, Planning & Zoning Commission Meeting

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

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

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

- H. Any dumpsters or trash receptacles shall be screened from view of the neighboring properties and roadways. The location of these items shall be shown on the Final Site Plan.
- I. The failure to comply with any of these conditions may be grounds for the termination of this Conditional Use.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

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

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

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

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

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

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

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

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
SCOTT COLLINS, VICE CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 19, 2026

Application: C/U 2629 Age Well, LLC

Applicant: Age Well, LLC – Leslie Morin Lockard & Marcy Poe

Owner: Barry and Lynn Morin

Site Location: 34188 Roxana Road
The property is lying on the west side of Roxana Road (Rt. 17), approximately 0.48 miles south of Powell Farm Road (S.C.R. 365)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Assisted Living Facility for up to sixteen (16) residents

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Doug Hudson

School District: Indian River School District

Fire District: (90) Roxana Fire Company

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 8.0 acres +/-

Tax Map ID.: 134-15.00-139.00



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



Memorandum

To: Sussex County Planning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 1, 2026
RE: Staff Analysis for C/U 2629 Age Well, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2629 Age Well, LLC to be reviewed during the August 19, 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: 134-15.00-139.00

Proposal: The request is for a Conditional Use for Tax Parcel 134-15.00-139.00 to allow for an assisted living facility for up to sixteen (16) residents. The property is lying on the west side of Roxana Road (Route 17), approximately 0.48 miles south of Powell Farm Road (S.C.R. 365). The Parcel consists of 8.00 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 with adjacent parcel to the north being zoned B-2 Business Community 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 development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated has a Growth Area designation of "Coastal Area." The adjacent properties to the north, south, east and on the opposite side of Omar Road (Route 54) and west of the subject property also have a Future Land Use Map 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 concentrated new development – especially when environmental features are at play*" (2018 Sussex County Comprehensive Plan, 4-9).



Additionally, the Plans notes that, *“This region is among the most desirable location in Sussex County for new housing”* but also *“contains ecologically important and sensitive characteristics”* (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, *“Medium and higher density (4-12 unit per acre” can be appropriate in areas:*

- *Where there is central water and sewer;*
- *Near sufficient commercial uses and employment centers;*
- *Where it is in keeping with the character of the area;*
- *Where it is along a main road or at/or near a major intersection;*
- *Where there is adequate Level of Service”* (2018 Sussex County Comprehensive Plan, 4-16).

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.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** Staff note there appears to be lotic 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 “X”. The Parcel is not located within any Wellhead Protection Area. A Tax Ditch Right-of-Way is located on the north side and rear of the property based on Delaware’s FirstMap data system in GIS. The subject property is located within an “Fair” Groundwater Recharge Area.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for and assisted living facility for up to twelve (12) residents, 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.

There have been 14 Conditional Use Applications within a 1-mile radius of the Application Site.

CU No.	APPLICANT	Tax Parcel #	Zoning	Proposed Use	CC Date	CC Decision
94	C S Holder	533-5.00-67.00	AR-1	Manufactured home park	12/12/1972	Approved
163	Dogwood Inc	134-15.00-20.00	AR-1	Fish pond	11/6/1973	Approved
1343	Frederick J. Winward	134-15.00-20.10	AR-1	Landscape w/related storage	8/8/2000	Denied
1355	Barry Morin	134-15.00-139.00	AR-1	Cabinet shop & storage	9/26/2000	Approved
1432	Frederick J. Winward	134-15.00-20.10	AR-1	Landscaping business/equipment storage	1/29/2002	Approved
1735	Richard & Sonya West	134-15.00-142.00	AR-1	Airport/Heliport	6/24/2008	Approved
1896	Timothy S. Miller	134-15.00-125.02	AR-1	Mulch & boat/RV storage	8/2/2011	Approved
1985	Eugenia Athan	134-15.00-118.00	AR-1/MR	Storage Facility	5/20/2014	Approved
2095	Sposato Investment, LLC	134-18.00-31.01	AR-1	Request to amend conditions of approval for landscape business	9/19/2017	Denied
2293	Ronald E. & Candice M. Gray	134-15.00-20.06	AR-1	Indoor/Outdoor Storage Facility	6/14/2022	Approved
2301	Jason Tedesco	134-15.00-20.04	AR-1	Landscaping Business	8/23/2022	Approved
2305	Barnhill Preserve of DE, LLC	134-15.00-124.00	AR-1	Wildlife Preserve & Education Center	3/22/2022	Approved
2338	Lora Collins	134-15.00-135.00	AR-1	After-school program		WITHDRAWN
2437	James R. Powell	134-15.00-19.02	AR-1	RV & Boat Storage	7/18/2023	Approved
2629	Age Well, LLC	134-15.00-139.00	AR-1	Assisted Living Facility/Home		Pending

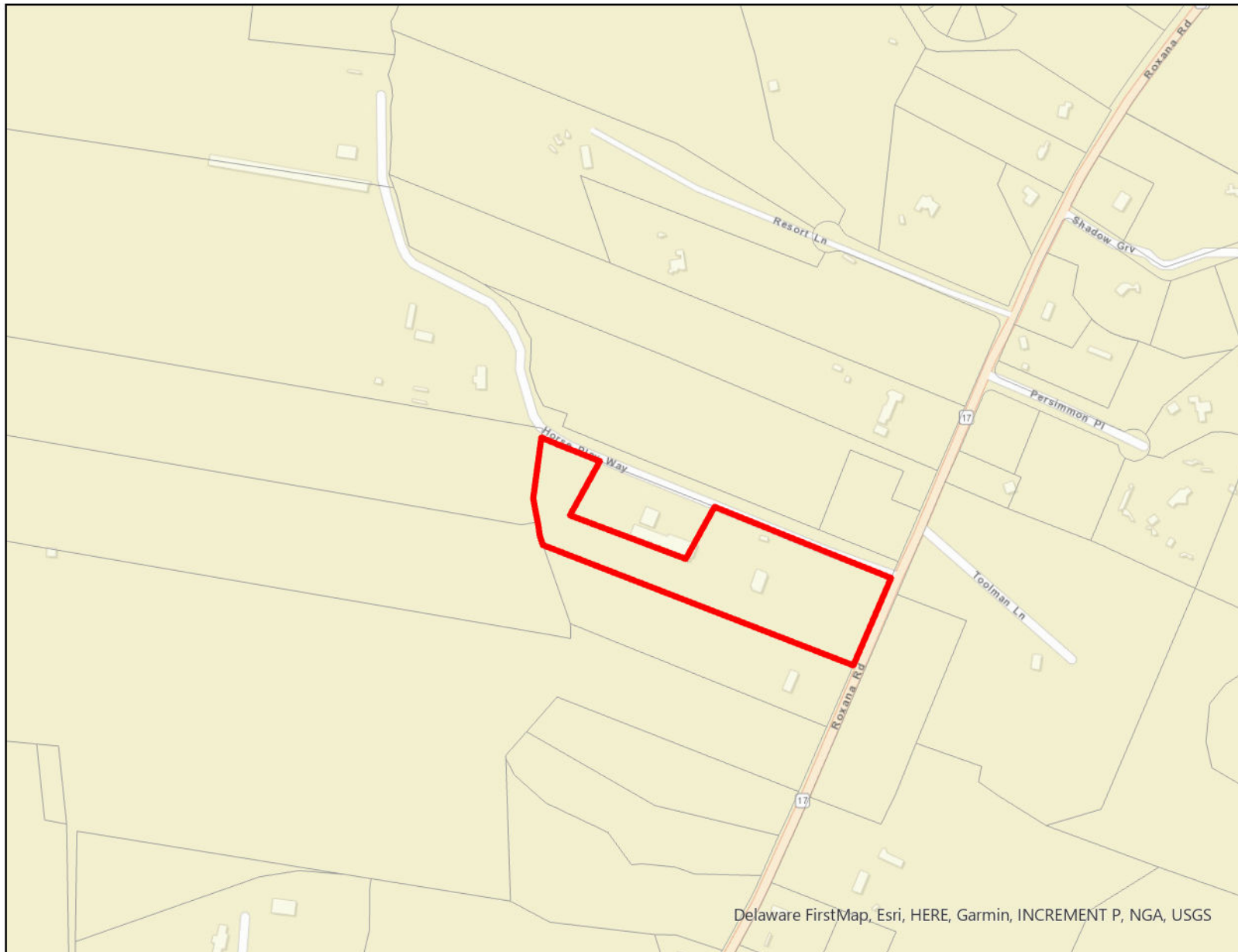




 CU 2629 Age Well, LLC

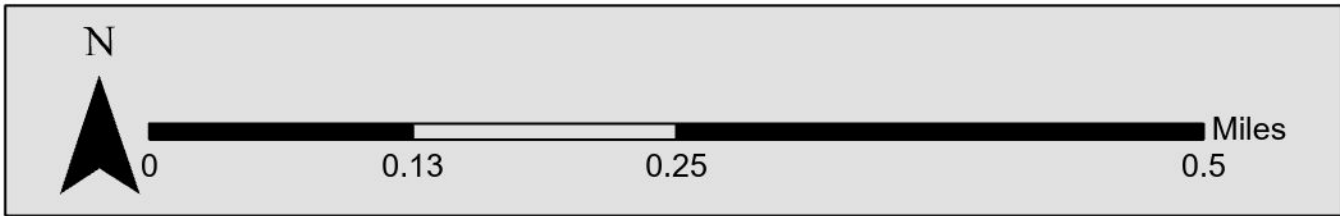
CU 2629 Age Well, LLC
Aerial Map
TM# 134-15.00-139.00





 CU 2629 Age Well, LLC

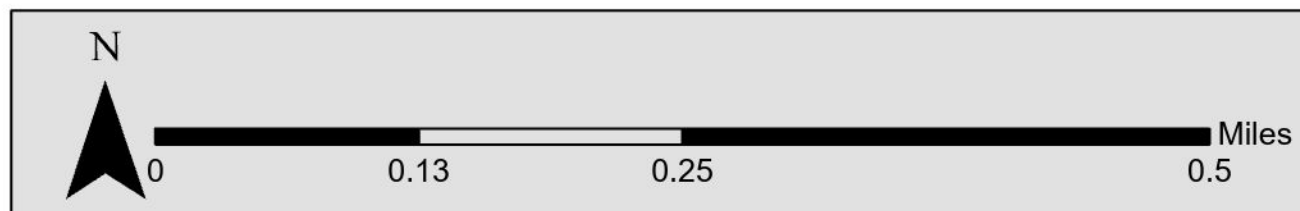
CU 2629 Age Well, LLC
Street Map
TM# 134-15.00-139.00





- CU 2629 Age Well, 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 2629 Age Well, LLC
Zoning Map
TM# 134-15.00-139.00



Introduced: 7/28/26

**Council District 4: Mr. Hudson
Tax I.D. No.: 134-15.00-139.00
911 Address: 34188 Roxana Road, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ASSISTED LIVING FACILITY FOR UP TO SIXTEEN (16) RESIDENTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of December 2025, a Conditional Use application, denominated Conditional Use No. 2629, was filed on behalf of Age Well, 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. 2629 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. 2629 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 west of Roxana Road (Rt. 17), approximately 0.48 mile south of Powell Farm Road (S.C.R. 365), and being more particularly described in the attached legal description prepared by Stephen Parsons, P.A. said parcel containing 8.0 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 24, 2026

RE: County Council Report for C/Z 2036 filed on behalf of Nickoloas Halkopoulos

The Planning and Zoning Department received an application (C/Z 2036 filed on behalf of Nickoloas Halkopoulos) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District. The Tax Parcel ID is 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 and 188.00. The property is located at 20007 and 20008 Hitchens Lane, Rehoboth Beach. The parcel size is 2.9 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 11 reasons of approval as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 19, 2026.

Minutes of the August 19, 2026, Planning & Zoning Commission Meeting

C/Z 2036 Nickolaos Halkopoulos

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS. The properties are lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt. 1D). 911 Addresses: 20007 & 20008 Hitchens Lane, 19025 John J. Williams Hwy, Rehoboth Beach, and N/A. Tax Map Parcels: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, 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 no public comment had been received regarding the application.

The Commission found that Mr. Harold (Hal) Dukes, Jr., Senior Partner with Tunnell & Raysor, P.A., spoke on behalf of the Applicant, Mr. Nickolaos Halkopoulos. Mr. Dukes stated that Mr. Halkopoulos came to the country in 1977; that he arrived in Dewey Beach in 1980; that Mr. Dukes had performed his legal work for over 46 years; that Mr. Halkopoulos owned Nick's Philly Cheesesteaks, located across from the Bottle & Cork in Dewey Beach; that he and his family have been extremely hard workers for years and have relied on his advice; that upon opening the sandwich shop, when he acquired extra money, Mr. Dukes directed Mr. Halkopoulos to purchase lots in the little development that is now completely surrounded by commercial; that Mr. Halkopoulos' goal was to acquire the property, and he had done a good job; that Mr. Halkopoulos had paid for all of the property; that there were no mortgages on the property; that Mr. Halkopoulos was now in a position to where he could provide a building for medical support; that the site was located near the Beebe Medical Center; that a couple doors down was the location of a new car wash; that down the street was all commercial area, containing a car dealership and McDonalds; that when the Comprehensive Plan was redone, the properties apparently got left out; that the site was kind of an island of property; that he filed the application over two years ago; that Mr. Halkopoulos was requesting for a change of zone to commercial; that Mr. Halkopoulos had three generations of family in the area, and they planned to remain in the area for a while; that everything was in good order on the property; that there had been no complaints from the neighbors; that the neighborhood was basically commercial, and therefore the requested rezoning would be a infill zoning.

The Commission stated that they had no questions, as the site was currently surrounded by commercial and institutional zoning designations.

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.

Mr. Robertson read Mr. Collins' motion as requested by Mr. Collins.

Mr. Collins moved that the Commission recommend approval of Change in Zone No. 2036 for Nickolaos Halkopoulos for a change in zone from AR-1 (Agricultural-Residential) zoning district to a C-2 (Medium Commercial) zoning district based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 2.938 acres and is located along Route 24 between the intersections of Route One and Warrington Road. This is an appropriate location for C-2 Zoning.

3. This property is currently developed as a single-family residence. However, that is becoming decreasingly viable given the expansion of Route 24 and the higher intensity medical uses, including Beebe Hospital, commercial retail, office, and hotel uses in the immediate vicinity. The C-2 zoning is the appropriate district based on the location of this property, and the C-2 zoning will allow uses to occur on this site that compliment these existing uses.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that zone that are consistent with the existing development trends of the area.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Collins, seconded by Mr. Pettyjohn, and carried unanimously to recommend approval of C/Z 2036 Nickolaos Halkopoulos for the reasons stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

HOLLY WINGATE, CHAIR
SCOTT COLLINS, VICE CHAIR
JEFF ALLEN
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

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pandz@sussexcountyde.gov

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 19, 2026

Application: C/Z 2036 Nickolaos Halkopoulos

Applicant: Nickolaos Halkopoulos
20008 Hitchens Lane
Rehoboth Beach, DE 19971

Owner: Nickolaos Halkopoulos
20008 Hitchens Lane
Rehoboth Beach, DE 19971

Site Location: 20007 & 20008 Hitchens Lane, 19025 John J. Williams Highway
The properties are lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt. 1D).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial (C-2)

Comprehensive Land Use Plan Reference: Coastal Area & Commercial Area

Councilmanic District: District 3 – Ms. Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: (86) Rehoboth Beach Fire Company

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 2.938 acres +/-

Tax Map ID.: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00, 188.00



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



Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 12th, 2026
RE: Staff Analysis for C/Z 2036 Nickolaos Halkopoulos

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/Z 2036 Nickolaos Halkopoulos to be reviewed during the Wednesday, August 19th, 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: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00, 188.00

Proposal: The proposal is for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District for 2.938-acres of land lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt.1D) in Rehoboth Beach, Delaware. The proposal is to install a billboard.

Zoning: The subject property is currently zoned Agricultural Residential (AR-1) District. The Parcel adjacent to the south of the project site is the Beebe Medical Center and zoned Institutional. Properties within the nearby vicinity are zoned General Commercial (C-1), Medium Density Residential (MR), and Neighborhood Business (B-1).

There are also a variety of other Zoning Districts within the immediate vicinity of the subject property.

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The project does not appear to be in proximity to any existing Agricultural Preservation Districts or Agricultural Preservation Easements or lands not within these designations appearing to be actively farmed.
- **Interconnectivity:** N/A



- **Transportation Improvement District (TID):** The subject property is located within the Henlopen Transportation Improvement District (TID).
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Staff note that the Property is located within Flood Zone “X” - Areas Determined to be outside of the 100-year flood. Staff further note that there are no Tax Ditches or related Tax Ditch Rights-Of-Way (ROW) on the property. Staff note that there is a Wellhead Protection Area on a portion of the Property on parcel 183.00 and that any new improvements will have to comply with the provisions of §89-6 (Ordinance No. 1979) the “Source Water Protection” Ordinance relating to proposed impervious cover percentage maximums. The Site is also located within an area of mostly “Good” with a small portion of Fair” Groundwater Recharge Potential per available FirstMap Data from the Delaware Geological Survey (DGS).

Future Land Use Map Designation w/in Comprehensive Plan: The Property is located within and has a Future Land Use Map (FLUM) designation of “Coastal Area.” The “Coastal Area” is one of the County’s seven (7) designated Growth Areas and, *“this region is among the most desirable locations in Sussex County for new housing”* as well as *“contains ecologically important and sensitive characteristics”* (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, *“Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed”* and *“a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units”* (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Plan notes, *“Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home”* (2018 Sussex County Comprehensive Plan, 4-15).

Applicability to Comprehensive Plan: Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the Plan notes that the Medium Commercial (C-2) District is an applicable Zoning District within the “Coastal Area” (2018 Sussex County Comprehensive Plan, 4-25).

Existing Change of Zones within the Vicinity of the Subject Site: A Data Table and has been supplied which provide further background regarding the approval status of Applications in the area including the location of all other Change of Zone Applications that are within a 1-mile distance from the subject site.

Of those Change of Zone Applications w/in a 1.0-mile radius of the Application Site, the following decisions were previously made by the Sussex County Council:

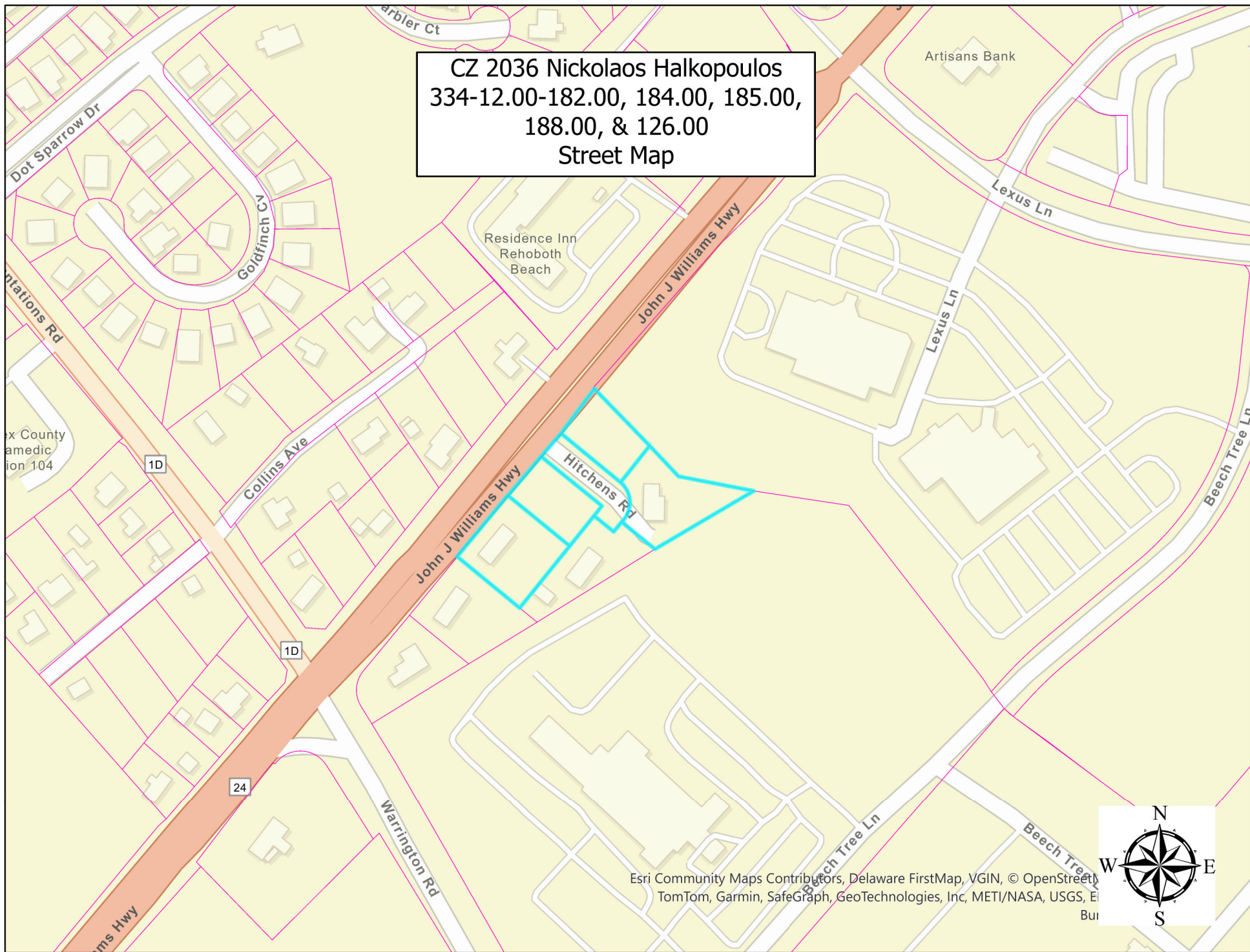
- **There were eight (6) Applications within a 1-mile radius of the Application Site.**

- **Of those eight (8) Applications:**
 - **Three (3) Applications** were approved by the Sussex County Council.
 - **Two (2) Applications** were withdrawn by the Applicant.
 - **One (1) Application** was Denied by the Sussex County Council.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) to allow for a billboard, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

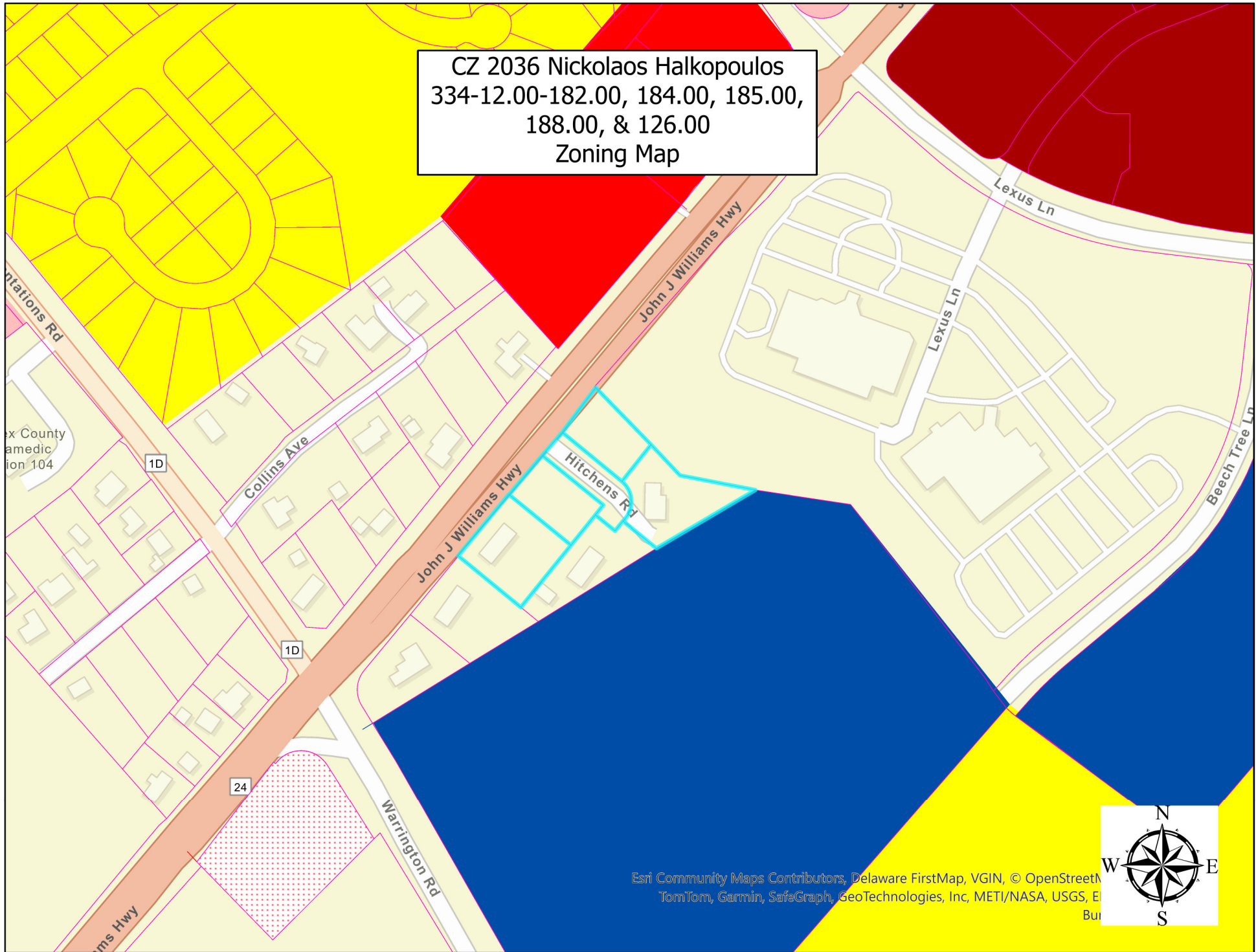
CZ No.	APPLICANT	Tax Parcel #	Proposed Zoning	CC Date	CC Decision
1717	William N. Hein	334-13.00-185.01	CR-1	6/26/2012	Approved
1732	Herola Family, LLC and Artisan's Bank	334-12.00-127.01	CR-1	9/24/2013	Approved
1737	Robert & Julie Norwood	334-12.00-25.00	CR-1	Withdrawn	Withdrawn
1780	Lockwood Design & Construction, Inc.	334-12.00-127.02	HR-1-RPV	Withdrawn	Withdrawn
1796	Lockwood Design and Construction, Inc.	334-12.00-127.02	MR	9/20/2016	Approved
1949	J.G. Townsend Jr. & Co.	334-12.00-16.04	MR	5/16/2023	Denied

CZ 2036 Nickolaos Halkopoulos
334-12.00-182.00, 184.00, 185.00,
188.00, & 126.00
Street Map



0 0.020.04 0.08 0.12 0.16
Miles

CZ 2036 Nickolaos Halkopoulos
334-12.00-182.00, 184.00, 185.00,
188.00, & 126.00
Zoning Map



Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap contributors, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NOAA, Butte County

CZ 2036 Nickolaos Halkopoulos
334-12.00-182.00, 184.00, 185.00,
188.00, & 126.00
Aerial Map



0 0.020.04 0.08 0.12 0.16
Miles

Microsoft, Vantor, Esri, Community Maps Contributors, Delaware
OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnology
USGS, EPA, NPS, US Census Bureau



Introduced: 4/29/25

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00

**911 Address: N/A, 20007 & 20008 Hitchens Lane, N/A, 19025 John J. Williams Hwy,
Rehoboth Beach, and N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS

WHEREAS, on the 29th day of August 2024, a zoning application, denominated Change of Zone No. 2036 was filed on behalf of Nickolaos Halkopoulos; 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. 2036 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt. 1D); and being more particularly described in the attached legal descriptions prepared by Tunnell & Raysor, P.A., and Berl & Jones P.A., said parcels containing 2.938 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 24, 2026

RE: County Council Report for C/Z 2038 filed on behalf of Randall Hall

The Planning and Zoning Department received an application (C/Z 2038 filed on behalf of Randall Hall) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District. The Tax Parcel ID is 533-12.00-74.00. The property is located at 37011 Old Mill Bridge Road, Selbyville. The parcel size is 0.39 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 19, 2026. On August 19, 2026, the Commission recommended approval of the application for the 10 reasons of approval as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 19, 2026.

Minutes of the August 19, 2026, Planning & Zoning Commission Meeting

C/Z 2038 Randall Hall

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS. The property is lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile north of Lighthouse Road (Route 54). 911 Address: 37011 Old Mill Bridge Road, Selbyville. Tax Map Parcel: 533-12.00-74.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Applicant's presentation materials and exhibit booklets, 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 five public comment responses had been received and had been included within the Commission's Paperless Packet.

The Commission found that Mr. Mark Davidson, Vice President and Principal Land Planner with Pennoni Associates, Inc., spoke on behalf of the Applicant, Mr. Randall Hall. Mr. Davidson stated that Mr. Randall Hall was the owner of Bicycle Connection, being an existing bicycle sales and service business located immediately next door in the Dirickson Creek Center; that he was requesting a zoning map amendment for Tax Map Parcel No. 533-12.00-74.00, located at 37011 Old Mill Bridge Road, from AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that Mr. Hall's objective was practical and straightforward; that he sought to relocate Bicycle Connection from its current leased space within the Dirickson Creek Center, to his own parcel immediately next door; that the request would allow an established, local business to remain in the same commercial area, continue serving the same customer base, and invest in property under the owner's direct control; that the request was a modest infill and redevelopment request for a small parcel, located within Coastal Area, and predominantly within the State Investment Level 1 area; that the site was served by public water and sewer; that the site was located within an area where commercial, residential, utility, and public infrastructure uses already existed; that the submitted exhibit booklet provided the supporting basis for approval, including the application materials, Environmental Assessment, Public Facility Evaluation, Comprehensive Planning State Strategies Analysis, DelDOT correspondence, mapping and proposed Findings of Fact; that the property contained approximately 0.39 acres on the east side of Old Mill Bridge Road, being about 650 feet north of Route 54; that the site was currently improved with an existing dwelling, driveway, gravel parking area, and maintained lawn; that importantly, the parcel was already served by Artesian Water Company and Sussex County Sanitary Sewer, allowing the proposed modest commercial redevelopment to effectively use existing public infrastructure, without extending services in an undeveloped or agricultural area; that the surrounding context includes residential communities, commercial zoning and activity, the Dirickson Creek Center commercial complex, Delaware Electric Cooperative facilities, Sussex County utility infrastructure, and other nearby services uses; that the Delaware Electric Cooperative had a large transfer station located north of the site; that the Dirickson Creek Center was located to the south; that Mr. Hall's Bicycle Connection was located to the right of the site, and the Sussex County Regional Pump Station facility being located to the left of the site; that there are rural farms located out front of the site; that Seashore Village was located behind the site; that the parcel was not part of an isolated agricultural area; that the site was located within an established growth corridor, where the requested C-2 (Medium Commercial) classification was a reasonable and orderly land use transition; that the Sussex County Comprehensive Plan designated the area as a Coastal Area, where growth, commercial services, employment opportunities and public investment are intended to be directed when supported by infrastructure and compatibility; that those factors being public water, public sewer, roadway access, existing electric service, public safety coverage and a surrounding development pattern that already include commercial and services uses are present; that these characteristics are the very factors cited throughout the Comprehensive Plan when determining where commercial rezoning should occur; that the proposed rezoning therefore implements, not conflicts with, the adopted Comprehensive Plan; that the State Strategies Map identifies the property as lying predominantly within an Investment Level 1, and marginally within an Investment Level 2 areas; that Investment Level 1 areas represent Delaware's highest priority for public investment, redevelopment, economic development, business growth, and infrastructure utilization; that Investment Level 2, likewise, supports continued growth where development patterns and infrastructure supports expansion; that the proposed rezoning is consistent with the State Planning's philosophy because infrastructure already exists, public sewer and

public water already exists; that the parcel is located within an established growth corridor; that the request represents infill and redevelopment; that the request supports an existing local business and no extension of infrastructure into agricultural areas would be required; that the application, therefore, aligned with the purposes of the State Strategies Map by directing a modest commercial redevelopment opportunity to a location within the Coastal Area, served by public utilities, adjacent to existing commercial uses, and predominantly situated within an Investment Level 1 area; that the present AR-1 (Agricultural Residential) classification is intended for agricultural and low density, residential purposes; that while AR-1 Zoning remained appropriate in rural and agricultural areas, the subject parcel's location, infrastructure availability, and surrounding development patterns, support a transition to a Medium Commercial (C-2) Zoning classification; that the C-2 (Medium Commercial) district provides a controlled commercial classification that supports retail, service, office and neighborhood serving business uses, while preserving County authority over Site Plan review, buffering setbacks, lighting, signage, access, drainage and agency coordination; that the question before the Commission was not whether commercial activity should exist at the site; that commercial activity already exists next door; that the question was whether commercial zoning was appropriate for the parcel; that based upon the surrounding development pattern, infrastructure availability, Comprehensive Plan designation, and State Investment Policies, the answer was clearly , yes; that the requested C-1 District implements the Comprehensive Plan, reflects existing development patterns, compatible with adjacent zoning, is served by public water and sewer, is located along a collector roadway, allows neighborhood serving commercial uses, and maintains full County oversight through Site Plan review; that unlike Heavy Commercial or Industrial Zoning, the C-2 District remained a moderate commercial classification, intended to serve surrounding communities, while remaining compatible with nearby residential development; that a question may be raised as to whether a Conditional Use would be more appropriate than C-2 Zoning, because Mr. Hall's immediate intent is to relocate Bicycle Connection from Dirickson Creek Center to his own parcel adjacent to the site; that this fact supports the reasonableness and compatibility of the propose use, but it did not limit the planning analysis to one operator; that the broader question was to whether the parcel itself appropriately classified for Medium Commercial Zoning, based on its location, infrastructure, surrounding commercial context, and then adopted land use policies; that the property is within the Coastal Area within State's Investments Level 1 and 2, adjacent to commercial zoning, and served by public infrastructure; that these characteristics support a permanent C-2 Zoning classification, rather than a site specific Conditional Use; that a Conditional Use would regulate one particular business operation, while C-2 properly recognizes the commercial character, infrastructure, and planning context of the parcel itself; that permanent zoning encourages business development, improves financing opportunities, encourage redevelopment, provides long-term predictability, and reduces future amendment proceedings; that it also increases property value stability; that Conditional Use was generally more appropriate where a use may be acceptable, only under special site-specific limits, because of intensity, compatibility, or unusual impacts; that this application is different; that it involved a known local business, already located next door, within the same commercial setting, and on a parcel that independently meets the planning criteria for C-2 consideration; that C-2 also provides better long-term certainty for property investment, financing, redevelopment, and continuity of business operations, while still preserving County authority over access; that the relocation of Bicycle Connection explains the immediate purpose, the Comprehensive Plan, State Strategies, public utilities, surrounding commercial pattern, and DelDOT review explain why C-2 is appropriate for the property; that for those reasons, C-2 was the stronger, more appropriate planning tool, because it recognizes the land use character of the parcel itself, not merely the Applicant's current business plan; that the Environmental Assessment had been organized to follow Sussex County Code §115-194.3(B)(2)(A) through (I); that the evaluation addresses drainage, stormwater quality and quantity, potable water,

wastewater, traffic, threatened and endangered species, wetlands, open space, infrastructure, public benefits, historic resources, Comprehensive Plan consistency, and mitigation; that the Pennoni, June 2024 field review and wetland evaluation documented no Federal wetlands, no regulated wetlands, no wetland hydrology, no hydric soils, no wetland vegetation communities on the subject property; that the site is located within the Little Assawoman Bay watershed; that it was identified in the record materials as having good to fair groundwater recharge potential; that it is not located within a Wellhead Protection Area, and lies within the FEMA Flood Zone X shaded, based on the plans and the mapping; that future site design will be required to comply with the Delaware stormwater regulations, Sussex Conservation District's requirements, DNREC's requirements and engineering review; that Old Mill Bridge Road was identified as a Minor Collector roadway; that DelDOT completed a Service Level Evaluation for the proposed land use application; that determined, based on their IT Trip Manual 11th Edition, that the proposed use was expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 trips; that no Traffic Impact Study was required and DelDOT viewed the traffic impact to be negligible; that the property is served by public water by Artesian Water Company and public sanitary sewer through Sussex County; that the planned use therefore avoids reliance on private wells and on-site septic systems; that future development would be subject to the Office of Drinking Water, Delaware State Fire Marshal's fire prevention regulations, including requirements for emergency access, fire lanes, hydrant flow, fire flow coordination, and Building Code compliance; that the use of existing utilities and public facilities supports the Comprehensive Plan goal of concentrating growth where public investment already exists; that the rezoning supports the relocation and continued operation of Bicycle Connection, and existing local bicycle sales and service businesses from its current location in the adjacent Dirickson Creek Center; that it will be located on Mr. Hall's own parcel, located next door; that this is not a speculative commercial proposal; that it was a request to support a known, operating business already located within the same commercial setting; that the C-2 designation promotes local services closer to surrounding residential communities, supporting shorter trips and more efficient access to retail and service uses; that the request supports economic development, preserves agency oversight through future Site Plan review, and represents a practical infill use as a small parcel already surrounded by existing development infrastructure; that in summary, the requested rezoning from AR-1 to C-2, supported by the County's Comprehensive Plan, the Coastal Area's Future Land Use Designation, the Delaware State Strategies for Policies and Spending, the existing zoning and land pattern along Old Mill Bridge Road, available public utilities, DelDOT Service Level Evaluation, and the Environmental Assessment and Public Facilities Evaluation, prepared pursuant to the Sussex County Code; that the request was an infill and redevelopment zoning application for a small parcel that is located predominantly within State Investment Level 1; that the proposed Findings of Fact could be located within Tab 6, which demonstrated that the property does lie within the Coastal Area; that the property was served by both water and sewer; that the evidence submitted into the record supports approval of the requested rezoning from AR-(Agricultural Residential) to C-2 (Medium Commercial); that for all these reasons, the Applicant believed the requested rezoning to be consistent with sound land use planning principles, advance the goals of the Comprehensive Plan and State Strategies, supports reasonable economic development, and represents an appropriate zoning classification for the property, and respectfully requested that the Planning Commission recommend approval of the requested rezoning.

Madam Chair Wingate questioned whether the cars, appearing toward the rear of the property, were on the subject property or on the Dirickson Creek Center property.

The Commission found that Mr. Randall (Randy) Hall spoke on behalf of his application. Mr. Hall stated that the cars located toward the rear of the property were his employees' vehicles.

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.

Mr. Robertson read Mr. Pettyjohn's motion per Mr. Pettyjohn's request.

Mr. Pettyjohn moved that the Commission recommend approval of Change in Zone No. 2038 for Randall Hall for a change in zone from AR-1 Agricultural-Residential zoning to a C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 0.39 acres and is currently zoned AR-1 along Old Mill Bridge Road near the intersection with Route 54. This is an appropriate location for C-2 Zoning.
3. The property is next to property that is zoned C-1 General Commercial extending to Route 54 and the various retail and commercial uses along that roadway, including the Dirickson Creek Center next door, and a Delaware Electric Co-Op facility to the north of the site. The Applicant intends to relocate his existing bicycle business from the adjacent property to this site. This is an appropriate minor extension of the existing commercial zoning.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval C/Z 2038 Randall Hall, for the reasons stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

HOLLY WNGATE, CHAIR
JEFF ALLEN
SCOTT COLLINS, VICE CHAIR
JOHN PASSWATERS
DAVID PETTYJOHN



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 19th, 2026

Sussex County Council Public Hearing Date: September 29th, 2026

Application: C/Z 2038 Randall Hall

Applicant: Mr. Randall Hall
506 Fairway Drive
Bethany Beach, DE 19930

Owner: Mr. Randall Hall
506 Fairway Drive
Bethany Beach, DE 19930

Site Location: The property is lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile north of Lighthouse Road (Route 54) at 37011 Old Mill Bridge Road in Selbyville, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Medium Commercial (C-2) District – to facilitate a proposed Bicycle Shop & other related Retail.

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Volunteer Fire Department

Sewer: Sussex County (Central Sewer)

Water: Artesian (Central Water)

TID: N/A

Site Area: 0.39 acres +/-

Tax Map ID: 533-12.00-74.00





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: August 4th, 2026
RE: Staff Analysis for C/Z 2038 Randall Hall

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Change of Zone No. 2038 Randall Hall to be reviewed during the Wednesday, August 19th, 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: 533-12.00-74.00

Proposal: The proposal is for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District for a 0.39 acre Parcel of land lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile north of Lighthouse Road (Route 54) at 37011 Old Mill Bridge Road in Selbyville, Delaware. The proposal is to facilitate a bicycle shop & other related Retail on the property.

Zoning: The subject property is currently zoned Agricultural Residential (AR-1) District. There is a 7.88-acre Parcel to the north of the project site which is also zoned Agricultural Residential (AR-1) District, is owned by Delaware Electric Cooperative, Inc. and contains an existing substation facility which was approved through Conditional Use No. 839.

There are also a variety of other Zoning Districts within the immediate vicinity of the subject property.

The property to the south of the project site is zoned General Commercial (C-1) and currently houses the Luca's Pizza and The Hair Studio businesses. The Parcel to the south of this Parcel contains the Sussex County EMS Paramedic Station #109, which is zoned Agricultural Residential (AR-1) District. The Parcel to the east of the project site is zoned High Density Residential (HR-1) District and includes the Seashore Villas Condominiums residential development. The property to the west on the opposite side of Old Mill Bridge Road (S.C.R. 381) is zoned Medium Density Residential (MR) District and is a 3.85-acre Parcel comprised of existing forest cover.

The properties to the north of the 3.85-acre Parcel which is zoned Medium Density Residential (MR) District are also zoned Agricultural Residential (AR-1) District and include existing single-family homes with frontage along Old Mill Bridge Road (S.C.R. 381). The Parcel to the south of



the Parcel zoned Medium Density Residential (MR) District contains High's Convenience Store and is zoned Neighborhood Business (B-1) District.

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The project does not appear to be in proximity to any existing Agricultural Preservation Districts or Agricultural Preservation Easements or lands not within these designations appearing to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that there is an existing buffer on the south side of project Site and along the adjacent Parcel (Tax Parcel ID: 334-12.00-6.04).
- **Wetlands Buffers/Waterways:** Staff note that there do not appear to be any wetlands present on the Parcel and the areas on the County's Online Mapping system containing FirstMap Data noting "Terrene Wetlands," are indicating the location of existing stormwater management ponds on either side of Pennsylvania Avenue.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Staff note that the Property is located within Flood Zone "X" - Areas Determined to be outside of the 100-year flood. Staff further note that there are no Tax Ditches or related Tax Ditch Rights-Of-Way (ROW) on the property. Staff note that there is a Wellhead Protection Area on the Property and that any new improvements will have to comply with the provisions of §89-6 (Ordinance No. 1979) the "Source Water Protection" Ordinance relating to proposed impervious cover percentage maximums. The Site is also located within an area of mostly "Good" with a small portion of Fair" Groundwater Recharge Potential per available FirstMap Data from the Delaware Geological Survey (DGS). Exhibit "A" below shows the nature of the Wellhead Protection Area on the Property.

Future Land Use Map Designation w/in Comprehensive Plan: The Property is located within and has a Future Land Use Map (FLUM) designation of "Coastal Area." The "Coastal Area" is one of the County's seven (7) designated Growth Areas and, *"this region is among the most desirable locations in Sussex County for new housing"* as well as *"contains ecologically important and sensitive characteristics"* (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, *"Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed"* and *"a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units"* (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, the Plan notes, “*Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home*” (2018 Sussex County Comprehensive Plan, 4-15).

Applicability to Comprehensive Plan: Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the Plan notes that the Medium Commercial (C-2) District is an applicable Zoning District within the “Coastal Area” (2018 Sussex County Comprehensive Plan, 4-25).

Existing Change of Zones within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area including the location of all other Change of Zone Applications that are within a 1-mile distance from the subject site. This information has been included as part of Exhibits “A” and “B” below.

Of those Change of Zone Applications w/in a 1.0-mile radius of the Application Site, the following decisions were previously made by the Sussex County Council:

- **There were eight (8) Applications within a 1-mile radius of the Application Site.**
- **Of those eight (8) Applications:**
 - **All six (6) Applications were approved by the Sussex County Council.**
 - **Two (2) Applications were withdrawn by the Applicant.**

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a Change of Zone from a Agricultural Residential (AR-1) District to a Medium Commercial (C-2) to allow for a bicycle shop and related retail, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Change of Zone Applications w/in a 1.0-Mile Radius of the Application Site (Since 2022)							
Change of Zone No.	Applicant	Tax Parcel ID	Zoning	Proposed Zoning	Sussex County Council Decision	CC Decision Date	Ordinance No.
1216	Clarence George Murray	533-12.00-77.00	AR-1	B-1	Approved	1/4/1994	946
1471	Swann Cove	533-12.00-80.00	AR-1	B-1 & MR-RPC	Approved	7/23/2002	1555
1535	Fenwick Commons, LLC	533-19.00-52.00	AR-1	MR	Withdrawn	5/11/2004	N/A
1575	Edward J. Chissom	533-19.00-15.00	AR-1	C-1	Withdrawn	6/27/2005	N/A
1731	CMF Bayside, LLC	533-19.00-16.00	AR-1	MR	Approved	7/16/2013	2314
1748	CMF Bayside, LLC	533-19.00-287.00	AR-1	MR-RPC	Approved	7/15/2014	2355
1803	CMF Bayside, LLC	533-19.00-50.00	AR-1	MR-RPC	Approved	8/30/2016	2460
1951	Shiloh Investments, LLC	235-30.00-50.01	AR-1	C-2	Approved	4/5/2022	2847

Exhibit “A” – Change of Zone Applications w/in a 1-Mile Radius of the Application Site Data Table

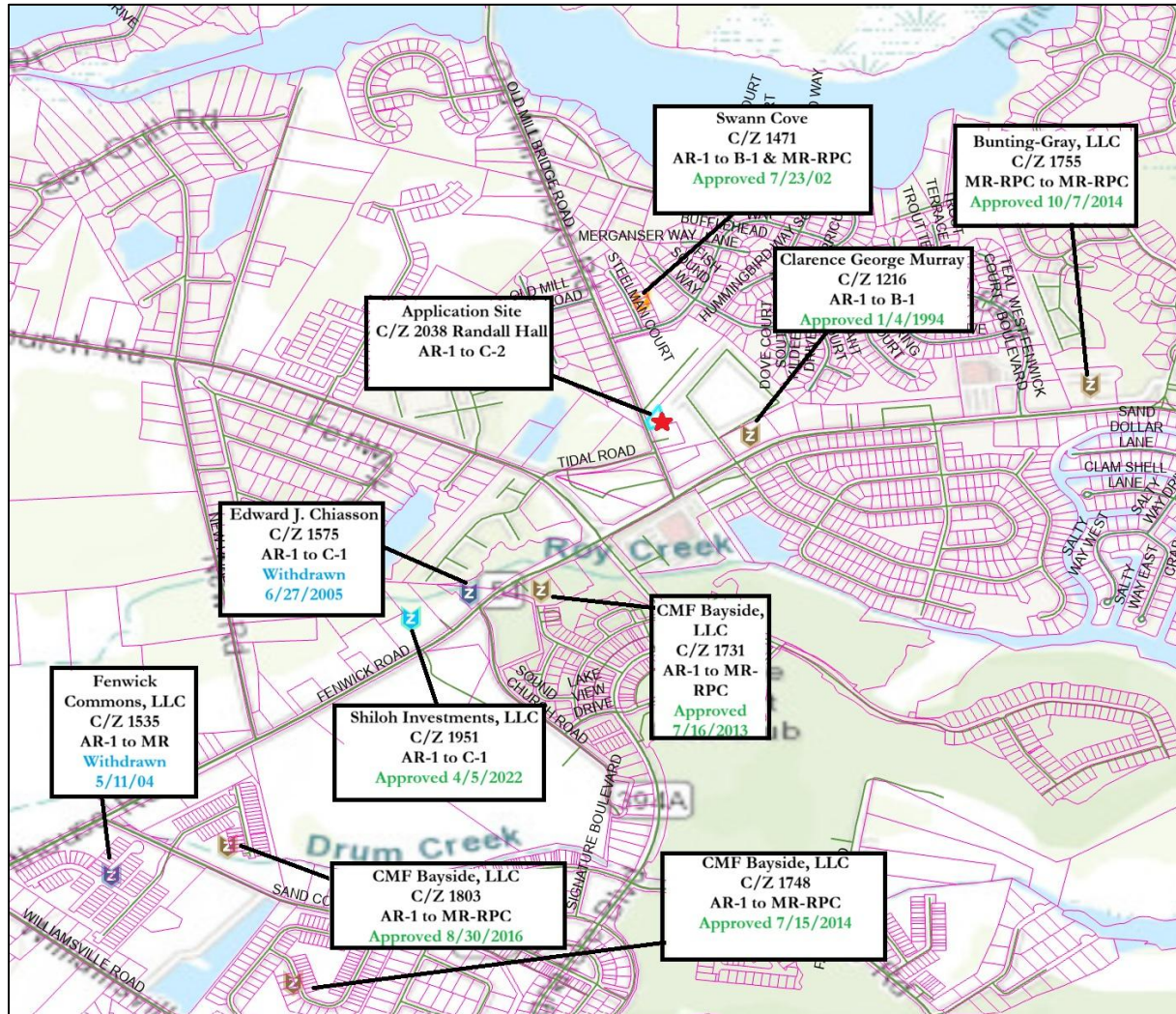
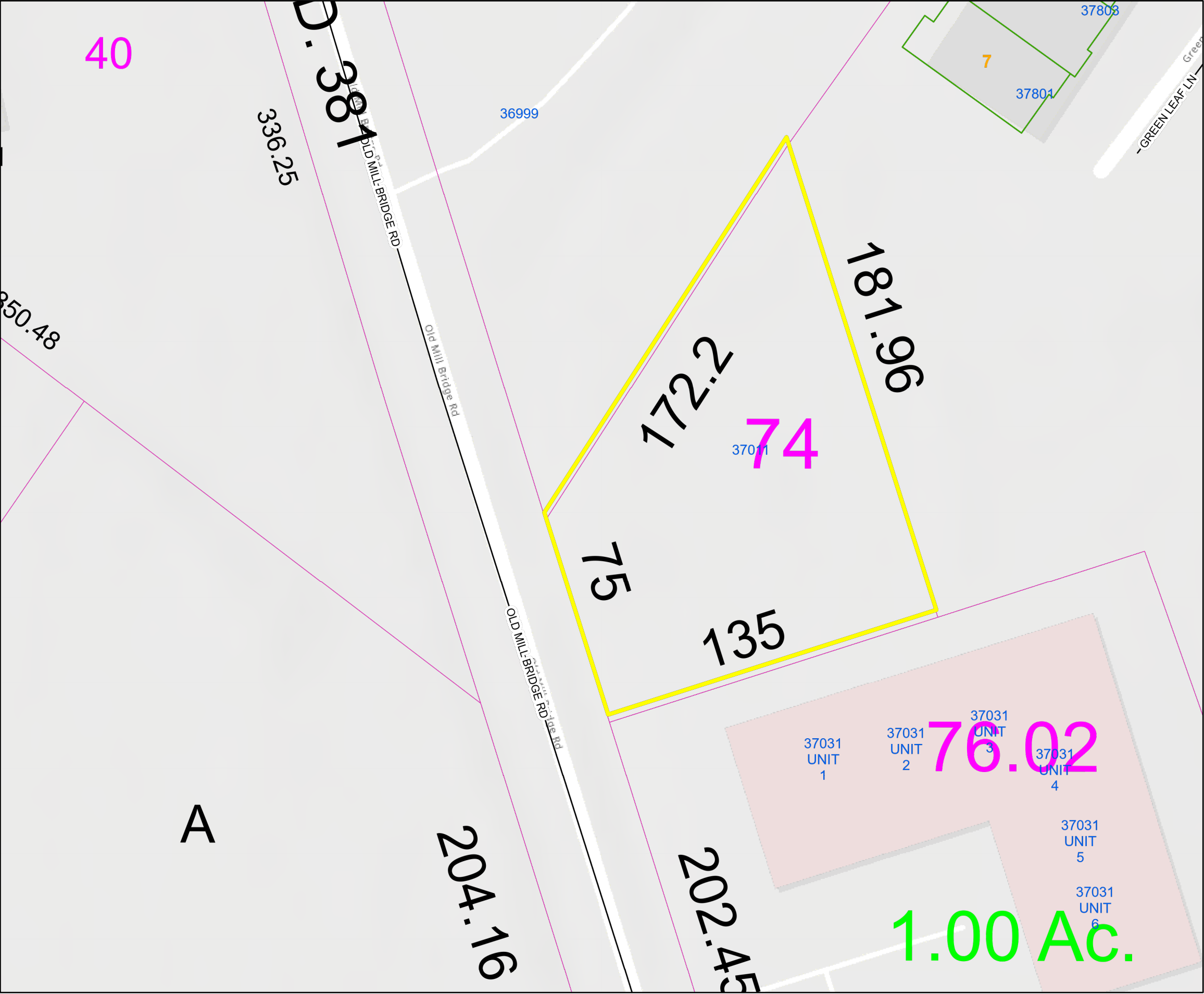


Exhibit "B" – Change of Zone Applications w/in a Vicinity of the Project Site



A3 Landscape Parcel Details

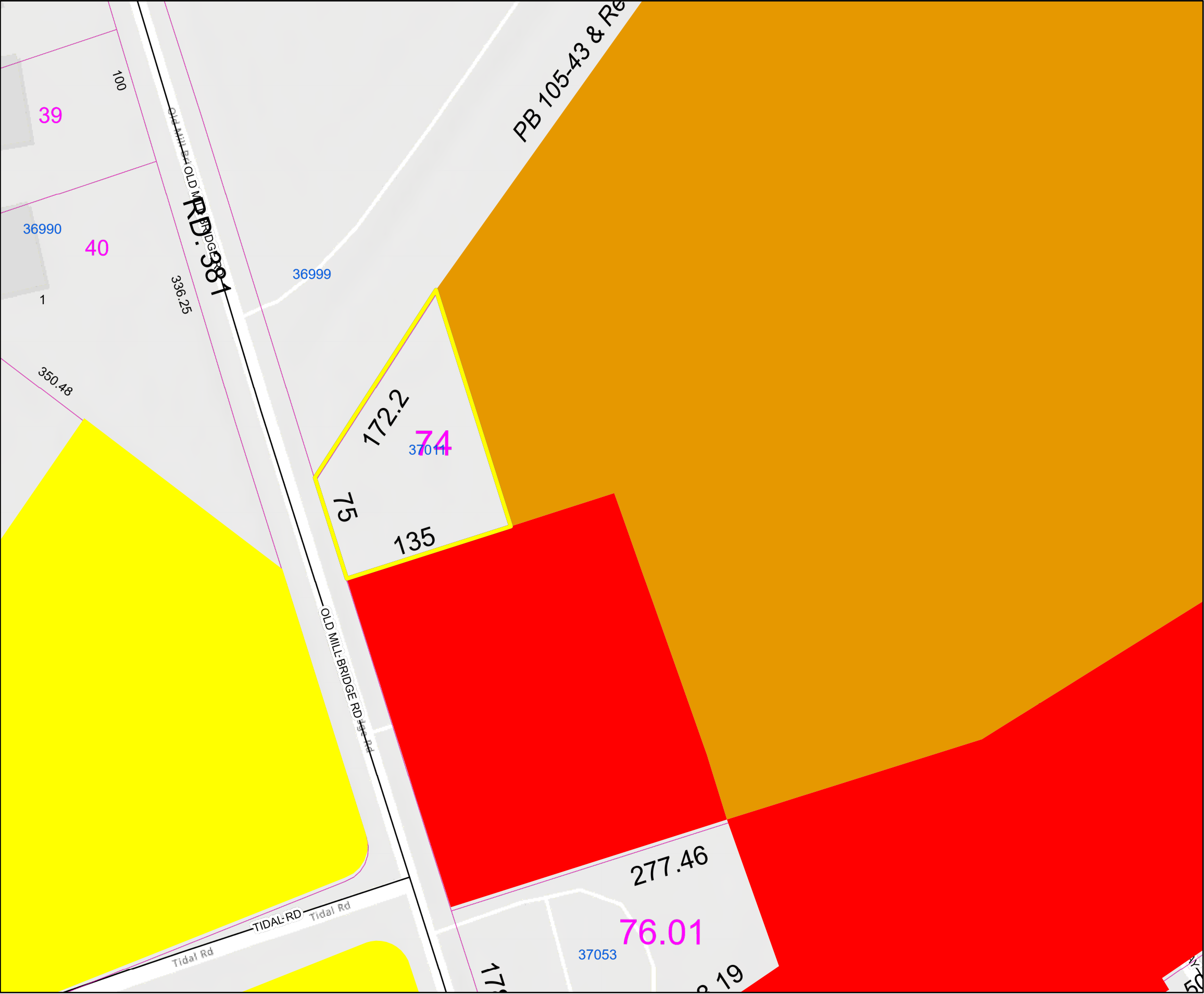


PIN:	533-12.00-74.00
Owner Name	HALL RANDALL
Book	6028
Mailing Address	506 FAIRWAY DR
City	BETHANY BEACH
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- DOE School Districts
- GIOLandRecords.PARCELFABRIC.Condo
- World_Hillshade



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- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- DOE School Districts
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 15cm Resolution Metadata

Introduced: 5/13/25

Council District 4: Mr. Hudson

Tax I.D. No.: 533-12.00-74.00

911 Address: 37011 Old Mill Bridge Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.39 ACRES, MORE OR LESS

WHEREAS, on the 12th day of September 2024, a zoning application, denominated Change of Zone No. 2038 was filed on behalf of Randall Hall; 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. 2038 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Old Mill Bridge Road (S.C.R. 381), approximately 0.11-mile north of Lighthouse Road (Route 54), and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 0.39 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.