

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

September 23, 2025

12:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - September 16, 2025

[Draft Minutes 091625](#)

Reading of Correspondence

Public Comments

Vince Robertson, Assistant County Attorney

1. Discussion and Possible Introduction of an Ordinance Related to Marijuana Establishments
[Marijuana Ordinance](#)

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. Sussex County Land Trust Forest on the Broadkill OPRT Grant Resolution
[SCLT - Forest on Broadkill OPRT Grant Resolution](#)



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

Andrea Wall, Accounting Manager

1. **Federal Payment in Lieu of Taxes**
[Federal Payment in Lieu of Taxes](#)

Hans Medlarz, Project Manager

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

A. Change Order IB-009

B. Change Order IB-005 Modification

C. Purchase Order Issuance – South Coastal Grit Removal
[Ronca IB Expansion CO 9 10 POs CP](#)

Old Business

1. [Conditional Use No. 2503 filed on behalf of Hastings Community Energy Initiative, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS” (property is lying on the east side of Normandy Lane, a private lane accessed off E. Seventh Street) (911 Address: N/A) (Tax Map Parcel: Tax I.D. No.: 132-1.00-11.00)
[CU 2503](#)

Grant Requests

1. **Town of Delmar for their Lincoln Ave Stormwater replacement project**
[Town of Delmar](#)
2. **Delaware Manufacturing Homeowners Association for their website redesign**
[Delaware Manufactured Homeowners Association](#)
3. **Laurel Lions Club Foundation, Inc. for Phase 2 of the Laurel Lions Club Recreation Complex**
[Laurel Lions Club Foundation Inc.](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2045 CZ2046 CZ2051](#)

Council Members' Comments

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. Waterside Road Improvements, Project T25-04

A. Proposed Assessment Roll

[Waterside Hearing-Assessment Roll \(ch 96\)](#)

2. [Conditional Use No. 2476 filed on behalf of Richard & Brandi Gentner, Jr](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.37 ACRES, MORE OR LESS” (property is lying on the north side of Hardscrabble Road [Rt. 20], approximately 1.25 miles southeast of E. Trap Pond Road [S.C.R. 62]) (911 Address: 18353 Hardscrabble Road, Georgetown) (Tax Map Parcel: 133-13.00-2.05 [p/o])

[CU 2476](#)

3. [Conditional Use No. 2479 filed on behalf of The Crossings at Oak Orchard, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 677 TO ALLOW FOR TWO (2) ADDITIONAL LOTS INTO THE RIVERWINDS (F.K.A. OAK ORCHARD WEST) MANUFACTURED HOME PARK TO BE LOCATED ON A 0.37 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35 ACRES MORE OR LESS” (property is lying on the south side of Devon Drive within the Riverwinds [F.K.A. Oak Orchard West] Manufactured Home Park, located on the south side of Oak Orchard Road [Rt. 5]) (911 Address: N/A) (Tax Map Parcel: 234-29.00-222.03 [p/o])

[CU 2479](#)

4. [Conditional Use No. 2527 filed on behalf of LIC Housing, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDEPENDENT CARE FACILITY, RESTAURANT AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.833 ACRES, MORE OR LESS” (property is lying on the west side of Kings Highway [Route 9], approximately 0.17 mile southwest of Clay Road [S.C.R. 269]) (911 Address: 16770 Kings Highway, Lewes) (Tax Map Parcel: 334-6.00-56.00)

[CU 2527](#)

5. [Conditional Use No. 2475 filed on behalf of S&J Growers](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 30 ACRES, MORE OR LESS” (property is lying on the north and south sides of Bald Branch Road [S.C.R. 61] and on the east and west sides of Millsboro Highway [Rt. 30/26]) (911 Addresses: 22311, 22327 & 34943 Bald Branch Road and 36597 Millsboro Highway, Frankford) (Tax Map Parcel: 333-7.00-23.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 16, 2025 at 5:00 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://sussexcountye.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://sussexcountye.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 16, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 16, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 411 25 Approve Agenda	A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from September 9, 2025, were approved by consensus.
Correspon- dence	There was no correspondence. There were no public comments.
Public Comments	A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, to approve the following items under the Consent Agenda:
M 412 25 Approve Consent Agenda	Use of Existing Wastewater Infrastructure Agreement – IUA – 1199-1 Lightkeeper’s Village, West Rehoboth Area Proclamation Request – Literacy Month Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea

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

1. David Gross

It is with great sadness that we inform you that pensioner, David Gross, passed away on Wednesday, September 3, 2025. Mr. Gross began his career with Sussex County in June 2004 where he worked until December 2016 for a total of 12 years of service. His last position with the County was Maintenance Worker IV in Environmental Services. We would like to extend our condolences to the Gross family.

2. Elizabeth "Betty" Foxwell

It is with great sadness that we inform you that pensioner, Elizabeth "Betty" Foxwell, passed away on Saturday, September 6, 2025. Mrs. Foxwell began her career with Sussex County in August 1977 where she worked until October 2005 for a total of 28 years of service. Her last position with the County was Clerk IV in Engineering. We would like to extend our condolences to the Foxwell family.

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

**Presentation
DelDOT** A presentation was given by Shante Hastings, DelDOT Secretary, providing project & TID updates.

**Time
Extension
Request** Jamie Whitehouse, Planning & Zoning Director, presented a request for an extension for CU2313 filed on behalf of John Ford for Council's consideration.

**M 413 25
Approve
Time
Extension
Request** A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that the Sussex County Council grants a 6 month time extension for CU2313 filed on behalf of John Ford.

Motion Adopted: 5 Yeas

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

**Permission
to Prepare
& Post
Notices/** John Ashman, Director of Utility Planning & Design Review presented a request for permission to prepare and post notices for Lands of Ghulam Dastgir, LLC expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area). The parcel is located on the westbound side

Ghulam Dastgir of State Route 13 at Commercial Centre Drive and located in State Planning Level 1 area. The project received approval from the Town of Bridgeville on April 16, 2024, for a 2,700 sq ft retail building, and the owner would like to connect to the central sewer system. The project will be responsible for system connection charges in place at the time of connection.

M 414 25 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Engineering Department is authorized to prepare & post notices for the Lands of Ghulam Dastgir, LLC expansion of the Sussex County Sanitary Sewer District to include parcel 131-15.00-14.00 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

Asset Management Mike Harmer, County Engineer, presented amendment no. 1 for asset management initiation for Council's consideration.

M 415 25 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based upon the recommendation of the Sussex County Engineering Department that Amendment No. 1 to the 2024 Miscellaneous Engineering base agreement with Arcadis, Inc., be approved in the amount not to exceed \$348,000 for services associated with the Asset Management program initiation.

Motion Adopted: 5 Yeas

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

New Marydels Rd., Tanglewood & Oak Acres Mark Parker, Assistant County Engineer, presented a project closeout and supplemental funding request and amendment for New Marydels Road, Tanglewood & Oak Acres Sewer Extension projects for Council's consideration.

M 416 25 A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that change order no. 2 in the deduct amount of \$28,005.18 and close-out for projects S19-19 & S22-24 be approved, and that a request for supplemental funding be made from the Clean Water State Revolving Fund.

Motion Adopted: 5 Yeas

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

M 417 25 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it
Approve moved based on the recommendation of the Sussex County Engineering
Amendment Department that Amendment No. 2 to the base contract for George, Miles
No. 2 & Buhr be approved in the not to exceed amount of \$12,500.00.

Motion Adopted: 5 Yeas

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

King's Hwy Hans Medlarz, Project Manager, presented change order no. 1 Gills Neck
Utility Road MOT for King's Highway from SR-1 to Freeman Highway advanced
Relocation utility relocation for Council's consideration.

M 418 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that be
Approve CO it moved based on the recommendation of the Sussex County Engineering
No. 1 Department that change order no. 1 to the King's Highway advanced utility
relocation be approved, increasing the contract by \$33,480.00, contingent
upon DelDOT concurrence.

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 419 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to
Mispiration give \$500 (\$500 from Ms. Gruenebaum's Councilmanic Grant Account) to
Perfor- Mispiration Performance Series for their 2025-26 season – Honorarium for
mance musical artists.
Series

Motion Adopted: 5 Yeas

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

M 420 25 A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, to give \$2,000
Francois (\$2,000 from Mr. Lloyd's Councilmanic Grant Account) to Francois
Foundation Foundation for Autism for their sensory art and craft 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 421 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to give**
Bridgeville **\$3,000 (\$2,000 from Mr. McCarron's Councilmanic Grant Account and**
Apple **\$1,000 from Mr. Lloyd's Councilmanic Grant Account) to Bridgeville Apple**
Scrapple **Scrapple Festival Inc. for their 33rd annual apple scrapple festival.**
Festival

Motion Adopted: 5 Yeas

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

M 422 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give**
Trinty **\$1,500 (\$1,000 from Mr. Lloyd's Councilmanic Grant Account and \$500**
Foundation **from Mr. McCarron's Councilmanic Grant Account) to Trinty Foundation**
 for their 2025 golf tournament.

Motion Adopted: 5 Yeas

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

Proposed **Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN**
Ordinances **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1**
Introduct- **GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND**
ions **OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30**
 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND
 BEING IN SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR
 LESS" filed on behalf of NGR Sports, LLC.

Mr. McCarron introduced a Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR
GENERAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF
BUSINESS VEHICLES ASSOCIATED WITH A LIMOUSINE BUSINESS
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR
LESS" on behalf of Howard L. Repass.

CM **The Proposed Ordinances will be advertised for a Public Hearing.**
 Ms. Gruenebaum commented on the Land Use Reform Working Group and

Comments **their recommendations.**

Mr. McCarron commented on capital construction to help with funding for the schools.

Mr. Lloyd commented that his commitment of stopping overdevelopment has not changed.

Mr. Rieley commented that the Volunteer Fire Association has been reaching out for funding and there will be meetings ahead with them.

M 423 25 **At 11:19 a.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Go Into **McCarron, to enter into an Executive Session for the purpose of discussing**
Executive **matters related to land acquisition.**
Session

Motion Adopted: 5 Yeas

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

Executive **At 11:25 a.m., an Executive Session was held in the Basement Caucus Room**
Session **to discuss matters related to land acquisition. The Executive Session**
concluded at 11:41 a.m.

M 424 25 **At 11:43 a.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Reconvene **McCarron to come out of the Executive Session and go back into the**
Regular Session.

Motion Adopted: 5 Yeas

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

M 425 25 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**
E/S Action/ **authorize the County Administrator to negotiate, enter into a contract and**
Parcel 2025- **go to closing on a parcel identified as 2025-Q.**
Q

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 25 **At 11:44 a.m., a Motion was made by Mr. McCarron, seconded by Mr.**
Recess **Lloyd to recess until 1:30 p.m. Public Hearings.**

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 25 **At 1:30 p.m., a Motion was made by Mr. McCarron, seconded by Mr.**
Reconvene **Rieley to reconvene.**

Motion Adopted: 4 Yeas, 1 Absent

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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2568 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES**
 ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS” (property lying
 on the south side of Lewes Georgetown Highway [Route 9], approximately
 0.53 mile east of Dairy Farm Road [S.C.R. 261]) (911 Address: 30486 Lewes
 Georgetown Highway, Lewes) (Tax Map Parcel: 334-5.00-171.00) filed on
 behalf of Unitarian Universalist Society of Southern Delaware.

The Planning & Zoning Commission held a Public Hearing on the
application on August 6, 2025. At the meeting of August 20, 2025, the
Planning & Zoning Commission recommended approval of the application
for the 7 reasons of approval as outlined.

The Council found that Mr. Mark Davidson, of Pennoni, was present on
behalf of the Applicant, Unitarian Universalist Society of Southern
Delaware. Mr. Davidson stated that also present were Ms. Linda DeFeo
and Ms. Ellen Lytton, members of the executive committee of the
church; that the application is a request to grant a conditional use of land
in an agricultural residential district (AR-1) for an on- premise electronic
message center sign per section 115-161.1 A. (3) on a 5.91 parcel of land
located on the southern side of the Lewes Georgetown Highway; that
the highway classification is as a principal arterial road and it is
approximately 2,800 ft. east of Dairy Farm Road; that the property is
adjacent to other properties owned by the applicant and surrounded by
AR-1 zoning and is adjacent to a large existing pond; that the applicants
have owned this property since 2014; that the property is located in the

**Public
Hearing/
CU2568
(continued)**

Coastal Area on the 2045 Future Land Use Map and the property is located in the State Investment Level 3 on the 2020 Delaware State Strategies Map; that the property is improved with an existing church, parking area, stormwater management; that the building sits back approximately 300 feet from US Route 9; that the property is connected to an on-site sanitary septic system and uses an existing well for domestic water; that Conditional Uses are subject to provisions of Articles 2 through 24 in section 115-22 of the Zoning Code; that the purpose of the conditional use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by the rigid application of the district regulations; that the Unitarian Universalist Society of Southern Delaware is dedicated to being an inclusive spiritual hub for the region that responds to the needs of the changing world; that they are requesting a 32 square foot on-premise electronic messaging sign sitting below a 16 foot square foot illuminated on premise sign; that this sign is going to take place of two signs they currently have on the property; that the sign will meet all setbacks and be placed further back on the property than the existing sign; that the electronic message center will follow the regulations that apply to all electronic message centers; that the sign will remain fixed for the required minimum 10 seconds and will change in one second or less with an illumination changing simultaneously and in unison; that the sign will have the safety features necessary for any malfunctions that should occur; that the sign will adjust to all ambient lighting levels and will have automatic dimming controls; that the sign will not emit any audio, verbal announcements or noise of any kind; that the electronic messaging science offers a multitude of benefits that traditional signage simply can't match, making them a popular choice for businesses, organizations, and institutions looking to enhance communication, marketing and safety initiatives; that electronic signs can be updated instantly and remotely, allowing places of worship to adapt to the changing needs, promote services and announce upcoming events without the cost and delay of traditional print; that churches can tailor messaging to specific audiences or just content based on factors like the time of day, the weather, or events; that this flexibility ensures that messaging is always relevant and impactful; that the proposed EMC sign will not alter the character of the surrounding area in any manner, and that substantially limits and pairs or precludes the use of surrounding properties; that the sign will be located approximately 150 feet from adjacent dwellings on properties of other ownership; and that the proposed conditional use meets the general purpose of the zoning ordinance being located in an appropriate location, meeting the purpose of the district and the comprehensive plan by aligning with the underlying goals and intent of the zoning classification, serving the community and its residents, which is essential, desirable for the general convenience, growth, prosperity and welfare of the County.

**Public
Hearing/
CU2568
(continued)**

Public comments were heard.

Ms. Alison White spoke in opposition of the application; that there are houses that have sight from the sign from their back windows; that there is a solid fence between Route 9 and the houses; that people can see the church property from their back windows; that there are houses that have windows that face the sign head on; that they have concerns about the lighted sign; that the Village of Red Mill Pond request that the sign be turned off overnight.

Ms. Alison Schneller spoke in opposition of the application; that her house will be affected by the sign; that she can see the church property outside of her house; that she believes that it will shine light into her window; that she requests that the church plant trees along the side of their fence to block out the light.

The Public Hearing and public record were closed.

**M 428 25
Defer
Action/
CU2568**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CZ2001**

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 A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” (property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20033 John J. Williams Highway, Lewes) (Tax Parcel Nos.: 334-18.00-40.01 & 40.06) filed on behalf of Belmead Farm, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on March 19, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 16 reasons and subject to the 19 recommended conditions of

**Public
Hearing/
CZ2001
(continued)**

approval as outlined.

The Council found that Mr. Mike Riemannn, from Becker Morgan Group, spoke on behalf of the Applicant; that the presentation will show that they are meeting the requirements for a C-4 Zoning District by the land area shall have access to an existing or planned arterial road (Route 24), the land shall be served by adequate existing or planned infrastructure, the minimum area is three (3) acres, the land will be under single ownership and the district may have a maximum of 40% developable area as duplexes, townhomes and multifamily dwellings; that the Code outlines a criteria to meet the intent for the C-4 zoning district; that the site is located along Route 24 next to Beacon Middle School, with Love Creek Elementary School across the street and the new State Police Troop 7 facility around the corner on Mulberry Knoll Rd.; that location is key for this project and it provides services to residents West of Route 1; that the project is within the Henlopen TID and the site includes an area where growth is targeted and planned along with transportation infrastructure; that the site is located within the Level 2 of the State Strategies, which reflects areas where growth is anticipated; that this location is good for this type of application, given the existing uses in the area; that the site is located within a Coastal Developing Area and the Future Land Use Map identifies the site as Commercial; that according to the Comprehensive Plan Commercial areas include Commercial corridors, shopping centers and other medium and large commercial vicinities geared toward vehicular traffic; that there is a shortage of housing; that this will provide a need for affordable housing; that they have no objection to interconnectivity; that they do not want to do a connection to the South; that there is a dead end road; that if they are coming out to get to services, Mulberry Knoll Road and Route 24 were recently upgraded; that they are able to handle the anticipated traffic; that the site has utilities available, with sanitary sewer, electric, gas and water directly in front of the property and available to the site; that a letter from Tidewater has been provided as an ability to serve; that the Master Plan consists of three (3) predominant areas, the multifamily area in the rear of the property, with 724 unit multifamily garden style apartments, mixed-use buildings with the mixture of commercial spaces on the ground level and residential spaces above and five (5) commercial pads along the front of the property with a service road running along the front tying all of those parcels together; that there will be adequate parking for the commercial areas and the residential; that there are a number of garages throughout the property, a place for a clubhouse and pool, sidewalks and interconnectivity and outdoor seating areas and patios; that there are landscape buffers, buffers from the wetlands and floodplain and they will have at least 5% of the multifamily parking as electric vehicle capable; that the main entrance is a boulevard style entrance with angled parking for the commercial area and sidewalks and pedestrian pathways to create an environment that is integrated design for the commercial and residential aspects, which is

**Public
Hearing/
CZ2001
(continued)**

the intent of the C-4 Master Plan; that there are Non Tidal Wetlands in the lower left corner of the site, which would require a minimum of a 30 foot resource buffer and the Applicant is offering to put in a 100 foot resource buffer around that area; that the Applicant is clearing about 50% of the trees on the property, being approximately eleven (11) out of the forty (40) acres are tree coverage; that the property is located within the Henlopen TID, which means that DelDOT has determined this area to be where growth is planned and identified with transportation improvements; that DelDOT completes a long term traffic study and determines the appropriate improvements needed to accommodate growth and assess a fee that developments are required to pay; that with a TID there is normally no need for a traffic study to be completed, but the Applicant chose to do one because the density that was allocated for this AR-1 property was forty-seven (47) single family units, which does not equate with the idea of forty (40) acres and possibly up to eighty (80) units as a cluster subdivision; that the TID did not follow the Comprehensive Plan; that the commercial future land use allows up to twelve (12) units per acre; that DelDOT has a process that if a project is within a TID and the density exceeds what was projected then they would require a traffic study to be done by the developer; that the Applicant went through that process already to provide updated data for this area; that this study concluded that this project, at a higher density than what was proposed in the original TID, can still be accommodated within the TID improvements that are proposed; that based on the TIS within the proposed densities will have a fee of about \$2 million; that DelDOT has done a significant amount of improvements along Route 24 from 2021 through current, including seven (7) major projects spanning from Route 1 going West on Route 24; that some of those improvements include widening the road from one lane in each direction to two lanes in certain areas along Route 24, improving pedestrian improvements and signalization improvements; that right in front of the site there are four (4) lanes that go to the middle of the site and DelDOT wants to put an intersection in at our entrance directly across from Saddle Ridge, to create a four (4) way intersection as well as extend the two (2) lanes to our westerly frontage limits; that this project sits along the public transit route and the Applicant plans to add a bus stop; that a key issue is that housing is located away from where people work; that this project works to help put people closer to where they work; that the Commission requested a one-time fee to support fire and EMS; that the applicant has no objection; that this project will also contribute to the local school district with additional fees; that multi-family projects do not generate the same number of children in school as single-family dwellings; that there has been many studies done to prove this matter; that in terms of the design, there are minimal aesthetics with natural elements to promote the coastal living approach; that there will be outdoor spaces, seating, patio spaces and bike racks and areas; that the apartments in the rear will be garden style with three stories due to the height restriction as the Applicant would like to propose some rooftop elements, but cannot due to that restriction; that

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(continued)**

the affordable housing is giving a multifamily product at a lesser cost than that of the \$800,000 single family homes that are being built all over the County in the new subdivisions; that this is the perfect location for this type of development as there are schools, medical facilities and the state police all within a close proximity, and the need for affordable housing is needed amongst these workers; that the Applicant is committed to pricing at least 10% of the units below the 120% AMI; that Sussex County's 120% AMI to deem housing affordable is about \$2,136 a month and the market rate rents are between \$1,695-\$2,295; that the Applicant will work with the County to develop a rate structure that brings the rents down below the 120% for those 10% of units; that the project is supported by the Office of State Planning with no objections from them and the Delaware State Housing Authority has sent positive recommendations for support of this project; that in order for this project to work the density needs to be essentially 60% commercial with no more than 40% being residential; that this is the right project in the area that meets all of the requirements; that there are many benefits to mixed use.

Ms. Gruenebaum questioned if the traffic study includes the people that will be pulled into the area for the businesses and residences that are planned; that Mr. Riemann stated that it does.

Ms. Gruenebaum commented about the Comprehensive Plan and her doubts about how this project fits in with the quality of life and existing development in the area. Mr. Riemann replied that the study looks at the future as well as the projects that are coming and the traffic signal will improve the ability to make a left out of Saddle Ridge.

A discussion was held about interconnectivity and the recommendation from the Planning & Zoning Commission.

Mrs. Brandy Nauman, Director of Community Development and Housing stated that this is not a Sussex County Rental project; this is a proposed workforce set aside by the applicant. She added that the applicant has proffered that they will submit information annually and the set aside will be in the appropriate range. Mrs. Nauman reviewed the income requirements and estimated rent amounts.

Public comments were heard.

Ms. Susan Davis spoke in favor of the application; that Sussex Housing Group supports this project; that the affordable housing is needed in this area; that they are needed for people to live near where they work.

Sarah Coakley, DelDOT Principal Planner provided information regarding traffic. It was discussed that the Atlantic Fields application came in after this application.

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(continued)**

Mr. Riemannn stated that his client is now willing to do 15% of the units below the 120% AMI.

Ms. Tish Gaulo spoke in favor of the application; that this is a start for affordable housing; that there are many people trying to find affordable places to live near where they work.

Ms. Lynne Betts spoke in favor of the application; that she is a member of St. Vincent De Paul; that the infrastructure has been worked on the last two years with improvements; that the jobs are located on this side of the County; that trying to get people back and forth for work is not sustainable; that this allows people to live where they work.

Ms. Sonja Star spoke in favor of the application; that she represents Delaware Housing Coalition and Housing Alliance Delaware; that there is not enough housing; that families, children and employers lose with the lack of housing for people that need affordable housing; that this project will produce multi-family units with affordable housing; that all affordable housing units are welcomed.

Ms. Judy Rose Siebert spoke in opposition of the application; that she presented a power point presentation discussing concerns related to transportation, TID/TIS reports and major impact of the traffic on Route 24, clearing forested land and water pollution, infrastructure and impact on the local school district; that Route 24 Alliance did an opposition to the application.

Ms. Rosalind Mailander spoke in opposition of the application; that she discussed the traffic hazards and dangers; that she discussed the TID and the project projections.

Mr. John Niemkiewicz spoke in opposition of the application; that he does not want commercial property located next to his residence; that he is opposed to the rezoning request; that he does not believe that it provides a lot to the surrounding community; that the affordable housing is limited; that he discussed goals of the Comprehensive Plan and traffic concerns.

Mr. Michael Rollins spoke in opposition of the application; he spoke about the ecological impacts of the proposed development.

Ms. Doreen Rushton spoke in opposition of the application; that affordable housing is often priced higher than what the workers it claims to support can afford; that many of these workers cannot afford to live in the community where they work.

Mr. Ken Delmar spoke about the application; that we do not need anymore mini development style projects; that he does not believe that this

**Public
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(continued)**

development is needed.

Mr. Bill Mailander spoke about the application; that he discussed interconnectivity and infrastructure; that he submitted documents into the record.

Ms. Alison Antisz spoke about the application; that she spoke about sustainability; that she discussed the water and quality; that her quality of life will be affected by this project.

Ms. Pat Fowler spoke about the application; that the area floods regularly; that she expressed concerns about getting in and out of this area in the event of an emergency.

Mr. Terry Bartley spoke about the application; that he believes that the application does not meet the Zoning Code and discussed his reasons why he believes that to be true.

Ms. Janet Le Digabel spoke about the application; that she hopes there is a 6-foot-high privacy fence if this is approved; that the population in Lewes and Rehoboth has increased; that all of the people that spoke in favor do not live in the area.

Ms. Wendy Taylor spoke about the application; that she spoke on ways to have developers do more; that she requested that the outpacing of infrastructure be stopped.

Mr. William Sack spoke about the application; that he spoke about traffic in the area; that this is a new zoning which is precedent setting.

Ms. Karen Soto spoke about the application; that she spoke about the traffic impact in the area.

Ms. Drenna Edelman spoke about the application; that it is very challenging to get in and out of her residence; that she discussed the increased drainage.

Dr. Scott Weber spoke about the application; that removing forest will increase the flooding risks.

Ms. Susan Petze-Rosenblum spoke about the application; that she requested the County to purchase the property for conservation.

Ms. Christy Singer spoke about the application; that she spoke about drainage that would come from the property if it were developed; that she spoke about noise pollution; that she discussed security for the nearby properties.

**Public Hearing/
CZ2001
(continued)** **A remote caller spoke about the application; that he suggests that this become a County park; that traffic is an issue in the area.**
The Public Hearing was closed.

Many of the public comment speakers presented comments and presentations that can be found here: [Sussex - Land Use Application Docket](#).

**M 429 25
Defer
Action/
CZ2001** **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley 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 A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” and for a two week period, the Council will have the opportunity to formally submit questions to DelDOT and DNREC. Those questions will be submitted to Mr. Whitehouse who will forward them to the agencies. Then, two weeks for the agencies to respond to those questions to Mr. Whitehouse. Then, there will be two weeks for the record to be left open to allow anyone to respond to those responses; there will be no new evidence presented.**

Motion Adopted: 5 Yeas

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

**Public Hearing/
CZ2024** **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 FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS” (properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road [S.C.R. 373], and the west side of Horse Play Way, accessed from the west side of Roxanna Road [Rt. 17], approximately 0.48 mile south of Peppers Corner Road [S.C.R. 365]) (911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945) (Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18) filed on behalf of The Christopher Companies.**

The Planning & Zoning Commission held a Public Hearing on the application on August 6, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended denial of the application for the 7 reasons as outlined.

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CZ2024
(continued)**

The Council found that Mr. David Hutt, Esq., was present on behalf of the Applicant, The Christopher Companies; that also present were John Regan and Carmen Marinelli, representatives of the Christopher Companies, Jason Palowski, professional engineer with Solutions IPeM and Troy Brestel with the Traffic Group. Mr. Hutt stated that this public hearing is for a change of zone application that encompasses 6 tax parcels totaling 94.7 acres of land; that the Commission recommended denial of the application; that the applicant considered the recommendation and it is felt that this is a strong application; that the Commission's recommendation appeared that some items needed to be changed; that the Commission provided seven reasons for their recommendation to deny; that 6 and 7 repeat the previous reasons so there are really 5 reasons; that the applicant could have moved forward with a subdivision application; that the application seeks to change the zoning classification of those properties from their current agricultural residential district classification (AR-1) to an MR-RPC designation, which is the county's medium density residential district with a residential plan community overlay; that this MR-RPC application proposes 320 units with a mixture of two styles of single family homes, with some within a condominium ownership regime and conventional lot ownership regime; that the other type of housing that would be provided is townhomes; that this property was carefully selected based upon the land planning tools that were promulgated by the State of Delaware, specifically the Office of State Planning Coordination and by Sussex County through the Comprehensive Plan and the zoning code; that the site plan was carefully tailored when it was designed to match the physical characteristics of this property as well as the surrounding property which is within the Town of Millville; that the property is located just off of Burtons Farm Road; that if you were to travel on Burton Farm Road, on the western side of that road is Jones Road, on the eastern side of that road is Powell Farm Road, and if you turn on the Powell Farm Road that would take you to Route 17 (Roxana Road); that the community of Millville by the Sea is adjacent to this property and is within the town limits of Millville, and is currently still being developed; that the property to the south is within the 10-year Agricultural Preservation District and is known as Hudson's Heritage Expansion; that this property is located in Levels 2 and 3 of the State Investment Levels; that the state describes Investment Level 2 should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments and enhanced community identity and integrity; that investments should encourage departure from typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable that the State's intent is to use its spending and management tools to promote well designed development in these areas so that development provides for a variety of housing types, user-friendly transportation systems, essential open spaces and recreational facilities, other public facilities and services to promote a sense of community; that this is where

**Public
Hearing/
CZ2024
(continued)**

the state anticipates and encourages growth, and encourages a departure from single family dwelling developments; that this application is a mixture of housing types that are being provided for and is a well-designed Community; that the property is within the Coastal Area on the 2045 Sussex County Future Land Use Map which is one of the County's growth areas where a range of housing types should be permitted; that medium residential district is one of the applicable zoning classifications within the coastal area; that the property is adjacent to other properties within the coastal area and municipal areas; that as this development is adjacent to the municipal boundaries of Millville, however, it will not be annexed into the town as Millville would have to change their Comprehensive Plan to make that change; that the purpose of this district is to provide for medium density residential development in areas which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that this application is for the 320 units with that mixture of specifically is 87 single-family homes, 72 condominium ownership single-family detached homes and 161 townhomes; that the gross density for this application is 3.88 units to the acre; that this is consistent with the density of other residential projects in the area and less than some; that Millville by the Sea has a density of 4.2; that section 115-118 of the Sussex County Code states that the purpose of the RPC overlay, is to encourage large scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the comprehensive plan; that in order to create that superior living environment, or as it was referred to in the description, for level 2 in the Office of State Planning Coordination, State Strategies Manual, a well-designed community, the property was studied to determine its primary ecological factors which is consistent with good planning; that the wetlands were delineated and show an existence of 4.3 acres of non-tidal wetlands on the property; that there are two tax ditches on the property; that there are resource buffers A and B with some averaging to be included in the development; that all the resource buffers are the appropriate distances away a required by code and exceeding it in many places; that the area where the wetlands is located and which is the primary wooded area on the property, is left undisturbed; that the open space with area A that is along this side of the property is a 19.6 acre area which is 20% of the property which will also serve as a habitat area for wildlife; that the entrance to this development will be off of Burton Farm Road and is a full entrance with a right hand turn lane and a left hand turn lane; that as you enter the community you would go along the western boundary into a primary amenity area with a proposed clubhouse, pool and some sports courts; that this would be an ideal location for a school bus stop as parents could use the parking lot and the bus would not have to do any backup maneuvers; that in addition to the 19 acres of open space on the western side of the property there are additional open space including stormwater

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(continued)**

management areas; that the total area of open space is 43.2 acres or 45.6% of the site; that there will be a pocket park and a walking path throughout the community; that there will be sidewalks on both sides of the streets; that the property will have a minimum 20-foot landscape buffer but in areas next to Agricultural lands that have a 50-foot setback that is shown on the plans; that the FEMA maps show this property as being located within Zone X, which is an area outside of the 500 year floodplain; that public utilities are available for the site and Artesian Water Company has provided a letter stating they can provide central water and Artesian Wastewater Management can provide central sewer to the property; that the property is not located within a wellhead protection area, and the property is located in a fair groundwater recharge area; that a Property Owners Association will be created to manage and govern the common areas within the community, which would include the resource buffers, the amenities, and all of the other typical common ownership matters; that the property is located within the Indian River School District and the applicant will coordinate with the district on the location of a bus stop; that a Service Level Evaluation Request was filed with DelDOT and they indicated that the traffic impact for this proposed community is a major impact; that a Traffic Impact Study (TIS) was prepared by Betty Tustin with The Traffic Group.

Mr. Troy Brestel, P.E. from The Traffic Group spoke on behalf of the application; that DelDOT has provided a review of the TIS stating that the intersections show no deficiencies; that although there are no deficiencies in the intersections but there are still requirements to include a full access entrance to the community including right hand and left hand turn lanes and making a contribution toward the future construction of a roundabout at Powell Farm Road, Peppers Road, and Roxanna Road.

A discussion was held about the traffic and roadways; that the applicant is willing to topcoat the road further than previously discussed to address the concerns raised.

Mr. Hutt stated that the Applicant recognizes that there is a need for Affordable Housing in Sussex County and is proffering a contribution of \$2,250 per building permit to be contributed to either the Sussex County Housing Trust Fund or Habitat for Humanity and the result is a contribution of \$720,000 towards affordable housing from the Flyaway Farms community; that with respect to emergency services, the applicant is proffering a contribution of \$250 be made with each building permit to the Roxana Volunteer Fire Department totaling \$80,000; that in addition the applicant is proffering that the governing documents of the future Property Owners Association for the community will require, on average, each unit to contribute \$10 per month to the Roxanna Volunteer Fire for an annual contribution of approximately \$38,000; that the features of the site create a superior design to integrate the existing features of the

**Public
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CZ2024
(continued)**

property and then maintain the character of the area as Millville by the Sea expands West to meet this property; that the Comprehensive Plan states that the Coastal Area can accommodate development provided special environmental concerns are addressed; that it goes on to state that medium and higher densities, and it refers to medium and higher densities as something between 4 to 12 units per acre can be appropriate in certain locations, and has a series of factors that the Planning Commission and County Council would consider that those factors include where there is central water and sewer available, where the property is near sufficient commercial uses and employment centers where it's in keeping with the character of the area, where there is adequate level of service and then other or other considerations may exist; and that this property has central water and sewer available and that it is near commercial uses and employment centers; that there are five reasons that the Commission recommended denial; that for the first reason deals with the purpose of the MR District; that the definition of a purpose is something is expected to become urban in character; that the description fits Millville by the Sea which is next to this property; that it is where growth is intended to be; that the Code also states that in MR you may or may not have central water and sewer; that the second reason given discusses access to local roads and town center; that it is close to the Hocker Super Center, 84 Lumber and is near employment opportunities that the Town of Millville provides; that the third item stated that this was not an appropriate density; that the agricultural preservation district is not a permanent area; that the property owner can opt out; that the fourth factor states that the Comprehensive Plan does not support this application; that the Commission then quotes directly from the Comprehensive Plan; that the density for this application is more than two, however less than four; that those six considerations are all met with this application; that there will be central water and sewer; that the property is three miles from local shopping center and employment centers; that within two miles of the site is the Bebee South Coastal Emergency Center; that the RPC tool allows Council to apply conditions; that the TIS letter states that all intersections have adequate level of service as well as the roadway; that Millville by the Sea is located near the property with higher density; that Burton Farm Road will be improved more than 80 feet as referenced in the Commission's recommendation; that the applicant has agreed to top coat a larger portion of the road; that the recommendation ignored the RPC due to the reasons stated; that there are proffered contributions; that conditions of approval were distributed; that condition J was added to include the installation of a fence as requested by a neighboring property owner; that there was no opposition during the PZ hearing; that there are now three letters of support; that this application was carefully planned.

Public comments were heard.

Mr. Paul Skbicki spoke in opposition of the application; that he discussed

**Public Hearing/
CZ2024
(continued)** **the wetlands, road conditions and increased traffic; that if this project is approved, he would request a large vegetative buffer.**

Mr. John Subity spoke in opposition of the application; that he requested that the Commission's recommendation be followed; that Millville by the Sea has many amenities that this community does not have proposed; that he does not believe Burton Farm Road can handle the traffic.

The Public Hearing and public record were closed.

**M 430 25
Defer
Action/
C2024** **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum 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 FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS".**

Motion Adopted: 5 Yeas

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

**M 431 25
Adjourn** **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to adjourn at 7:57 p.m.**

Motion Adopted: 5 Yeas

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

TO: Sussex County Council

FROM: Vince Robertson, Esq
Assistant County Attorney

RE: Marijuana Ordinance Amendment

DATE: September 22, 2025

Attached is an Ordinance to amend the Zoning Code of Sussex County regarding retail marijuana stores. The Code currently allows this use as a conditional use and only in the C-3 Zoning District. This amendment proposes to make this use a “Permitted Use” in the C-2 and C-3 Districts, while eliminating the current conditional use requirement. This is covered in Sections 1, 2 and 3 of the Ordinance.

In addition, the Ordinance reduces the distance requirements between these uses and municipal boundaries from three miles down to one-half of a mile (Section 4 of the Ordinance, regarding Section 115-194.7 of the Zoning Code). For the purposes of introduction, we have not adjusted the three-mile separation requirement between retail marijuana stores (which is the same separation distance for liquor stores) and from churches, schools, colleges or substance abuse treatment facilities. An adjustment of these distances can be considered and implemented during the required public hearings before the Planning & Zoning Commission and County Council.

The ordinance follows the required format of including deletions in [brackets] with additions in *italics and underlined*. For example, you will see that in Section 3 of the Ordinance, the entire Section 115-83.19A is in [brackets], reflecting that this entire section requiring a conditional use in the C-3 District is being deleted.

I will be available to answer any questions during introduction and during the subsequent public hearings.

VGR

CC: Todd Lawson, County Administrator
J. Everett Moore, Esq. County Attorney
Jamie Whitehouse, Director of Planning & Zoning

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES XIA, XIC, XXV, SECTIONS 115-83.11 115-83.18, 115-83.19A AND 115-194.7 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV PERMITTED USES COMMERCIAL” TO AMEND THE REQUIREMENTS FOR RETAIL MARIJUANA STORES IN SUSSEX COUNTY.

WHEREAS, Ordinance No. 3016 was adopted by Sussex County on May 14, 2024; and

WHEREAS, as it did with Ordinance No. 3016, Sussex County acknowledges that many municipalities have prohibited Marijuana Establishments and as a result thereof Ordinance No. 3016 created distance separation requirements from any municipal boundary so that municipalities that have prohibited Marijuana Establishments are not circumvented by having them immediately adjacent to their municipal boundaries; and

WHEREAS, Sussex County desires to amend and reduce the existing three-mile separation distance between such establishments and municipalities to one-half of a mile; and

WHEREAS, it remains the intention of Sussex County to permit Marijuana Establishments in appropriate zoning districts, with reasonable requirements concerning the proximity to schools, churches, substance abuse treatment facilities and other Marijuana Establishments; and

WHEREAS, Sussex County has determined that it can be appropriate for Retail Marijuana Stores to operate in the C-2 Medium Commercial District and C-3 Heavy Commercial District as a Permitted Use; and

WHEREAS, it has been determined that this Ordinance promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XIA, § 115-83.11 is hereby amended by inserting the italicized and underlined language therein as follows:

§ 115-83.11. Permitted Uses.

A. A building or land shall on be used for the following purposes:

...

- (1) Agriculture-related uses.
 - (a) Wholesale, retail nurseries for sale of products produced on site.
 - (b) *Retail Marijuana Store, subject to the requirements of §115-194.7.*

Section 2. The Code of Sussex County, Chapter 115, Article XIC, § 115-83.18 is hereby amended by inserting the italicized and underlined language therein as follows:

§ 115-83.18. Permitted Uses.

B. A building or land shall on be used for the following purposes:

...

- (1) Agriculture-related uses.
 - (a) Greenhouse, commercial
 - (b) Wholesale, retail nurseries for sale of products produced on site.

- (c) Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities or Marijuana Testing Facilities.
- (d) Retail Marijuana Store, subject to the requirements of §115-194.7.

Section 3. The Code of Sussex County, Chapter 115, Article XIC, is hereby amended by deleting § 115-83.19A “Conditional Uses” in its entirety by deleting the language in brackets as follows:

[§ 115-83.19A. Conditional Uses.

The following uses may be permitted as conditional uses when approved in accordance with Article XXIV of this Chapter:

Retail Marijuana Store, subject to the requirements of §115-194.6.]

Section 4. The Code of Sussex County, Chapter 115, Article XXV § 115-194.7 “Marijuana Establishments”, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language therein as follows:

§ 115-194.7. Marijuana Establishments.

All Marijuana Establishments shall be subject to the following requirements:

- A. No Retail Marijuana Store shall be located within [three miles] one-half of a mile of any municipal boundary.
- B. No Retail Marijuana Store shall be located within three miles of any other Retail Marijuana Store.

- C. No Retail Marijuana Store shall be located within three miles of any church, school, college, or substance abuse treatment facility as defined under §2203 of Title 16 of the Delaware Code.
- D. Retail Marijuana Stores may only operate between the hours established for them by Title 4 of the Delaware Code.
- E. Any approved and licensed Marijuana Establishment in existence as of the date of adoption of this Ordinance shall be considered a legal, nonconforming use. Any licensed and approved pre-existing, legally nonconforming Retail Marijuana Store shall be subject to the hours of operation set forth in subsection D. herein.

Section 5. The Code of Sussex County, “115 Attachment 4, Sussex County, Table IV Permitted Uses, Commercial”, is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language therein as follows:

Blank = Not Permitted P = Permitted Use SUE =Special Use Exception CU = <i>Conditional Use</i> A = Permitted Accessory Use, see section D =Definition, see section	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Agriculture-Related Uses							
<i>Marijuana Cultivation Facilities</i>				<i>P</i>			
<i>Marijuana Product Manufacturing Facilities</i>				<i>P</i>			
<i>Marijuana Testing Facilities</i>				<i>P</i>			
Sales and Rental of Goods, Merchandise, and Equipment							
<i>Retail Marijuana Store</i>			<u><i>P</i></u> ^s	[CU] <u><i>P</i></u> ^s			

⁵ *Subject to the requirements of §115-194.7.*

Section 6. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its adoption by Sussex County Council.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Forest of the Broadkill Preserve OPRT Grant Submission**

DATE: September 17, 2025

Sussex County Land Trust (SCLT) would like the County to sponsor a \$100,000 Outdoor, Recreation, Parks and Trails Grant (OPRT Grant) through DNREC for the implementation of the master plan for the Forest of the Broadkill Preserve. The Forest of the Broadkill Preserve is 294 acres the County bought in 2023 on Gravel Hill Road for open space.

In order for SCLT to apply for the OPRT grant, the County Council must adopt a resolution that supports the project and the submission of the grant application. The resolution must also assign a project manager to the project, which will be the SCLT Executive Director. The application is for State funds will flow through the County to the Land Trust. The match to the State grant is \$100,000 the County has budgeted for the SCLT.

Sara Bluhm, the SCLT Executive Director, will be present on Tuesday to give you an overview of the project. After her brief presentation, I will read the short title of the resolution for your consideration. Attached is the resolution for your review.

If you have any questions, please feel free to contact me.

RESOLUTION

TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE IMPLEMENTATION OF THE FOREST OF THE BROADKILL PRESERVE MASTER PLAN THAT INCLUDES TRAIL-BASED RECREATION AND EDUCATIONAL OPPORTUNITIES AT THE HEADWATERS OF THE BROADKILL RIVER

WHEREAS, in 2023, Sussex County purchased 294 acres to preserve open space for public use; and

WHEREAS, Sussex County has set funds aside for stewardship of Sussex County Land Trust managed open space; and

WHEREAS, the funding is essential to establish infrastructure that supports long-term public use and conservation goals; and

WHEREAS, the Sussex County Land Trust will be the project manager of the project and will later be responsible for maintaining the property; and

WHEREAS, Sussex County has been asked to submit an ORPT Grant request in a not-to-exceed amount of \$100,000.00 to further support the project at the Forest of the Broadkill Preserve; and

NOW, THEREFORE, BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby acknowledges its support of the Forest of the Broadkill Preserve; approves and acknowledges the OPRT application and submission on behalf of the Sussex County Land Trust for a 2025 DNREC ORPT Grant in the amount of \$100,000.00; and furthermore designates the Sussex County Land Trust's Executive Director to serve as the ORPT Grant's Project Manager if an ORPT Grant is awarded.

FINANCE DEPARTMENT
ACCOUNTING DIVISION

ANDREA M. WALL
MANAGER
awall@sussexcountye.gov



Sussex County

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MEMORANDUM

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

FROM: Andrea Wall, Manager of Accounting

DATE: September 18, 2025

RE: Federal Payments in Lieu of Taxes

A check in the amount of \$38,898 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2024.

The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose.

The County does not collect property taxes from the Federal Government for the Prime Hook National Wildlife Refuge. In return, the Federal Government gives the County this payment in lieu of taxes. In the past, these funds have been allocated in the same percentage as the other County tax collections. The attached spreadsheet shows the recommended allocation of these funds based on assessed value of the Prime Hook Refuge. I will be presenting this allocation for Council's authorization on September 23, 2025.

Please feel free to contact me with any questions.

TAXING AUTHORITY	TAX RATE	% OF TOTAL	GRANT AMOUNT	
MILFORD SCHOOL DISTRICT				
Sussex County	0.0191%	6.2276%	\$560.54	\$9,001.00
Library	0.0023%	0.7499%	\$67.51	
Sussex Tech	0.0219%	7.1405%	\$642.72	
Milford School	0.2634%	85.8820%	\$7,730.23	
	0.3067%	100.0000%	\$9,001.00	
CAPE HENLOPEN DISTRICT				
Sussex County	0.0191%	9.0436%	\$2,703.75	\$29,897.00
Library	0.0023%	1.0890%	\$325.58	
Sussex Tech	0.0219%	10.3693%	\$3,100.12	
Cape School District	0.1679%	79.4981%	\$23,767.55	
	0.2112%	100.0000%	\$29,897.00	\$38,898.00
SUMMARY				
Sussex County	\$3,264.29			
Library	\$393.09			
Vocational School	\$3,742.84			
Milford School	\$7,730.23			
Cape School District	\$23,767.55			
	\$38,898.00			

NOTE:

Per Chris Keeler, Director of Assessment, 23.14% of the Primehook National Wildlife Refuge land assessed value in Sussex County is within the Milford School District and 76.86% is within the Cape Henlopen School District. Appropriate shares have been determined based on these percentages

A deposit from US Dept of Interior for \$38,898 was deposited to the general fund 08/08/2025

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
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Sussex County
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Memorandum

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

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

RE: ***SCWRF Treatment Process Upgrade No.3 – Inland Bays Extension***
A. M.F. Ronca Change Order No. IB-009 – Effluent PS No.1 Upgrades
B. Change Order No. IB-005 – True up of Sludge Removal Allowance
C. Purchase Order Issuance for SCWRF Grit Removal System Upgrades
D. Direct Equipment Purchase Order for Inland Bays Blower Package

DATE: September 23, 2025

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

In the original South Coastal project Environmental Services initiated RFP-039 addressing modifications to two influent slide gates and tray rehabilitation work in the two existing grit tanks. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16. Environmental Services now brought to the Department's attention the compromised state of the entire GritSnail compaction and auger system originally installed in 2008. Therefore, M.F. Ronca was asked to submit a replacement proposal taking into account the modifications made previously. The Engineering Department reviewed the two-tier proposal and recommends complete full replacement with factory warranty via issuance of a direct purchase order to M.F. Ronca & Sons in the amount of \$559,500.00 based on condition encountered.



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

DNREC issued the associated construction and operations permits on June 17, 2024 after a seven (7) years process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional information necessitated significant design modifications. In combination, these circumstances require an innovative project implementation approach to establish the critical implementation path and construct individual components out of sequence to assure the best possible permit compliance. Therefore, Council concurred on July 16, 2024 with a staged construction implementation process under a series of change orders based on critical path implementation.

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

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

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

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

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

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

Subsequently GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the conversion of lagoons 3 & 4 to aeration basins utilizing the equipment package furnished by Bioworks under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. On May 13, 2025, County Council approved Change Order IB-004 in the amount of \$1,405,000.00, Change Order IB-005 in the amount of \$1,448,000.00 and Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

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

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

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

The next component of the project ready for pricing are the upgrades to the effluent pump station no.1 under RFP IB-009. It comprises the complete rehabilitation of the mechanical components of the station including the temporary pump rentals. M.F. Ronca & Sons offered to complete the scope for \$841,000.00. The Engineering Department concurs with the pricing and recommends issuance of Change Order No. IB-009 in the amount of \$841,000.00 to M.F. Ronca & Sons.

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

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

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

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

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

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

The 100,000 gallons treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

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

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

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

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

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

In summary, the Engineering Department recommends issuing a direct equipment purchase order in the amount of \$ 298,000.00 to Riordan Materials Corporation, the exclusive area representative of Kaeser.

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

- *Activated sludge recycle and waste pump station no. 2*
- *Disinfection tank conversion to tertiary treatment & UV disinfection*
- *Chemical feed systems incl. equipment*
- *Effluent storage lagoon hydraulic influent/effluent modifications,*
- *Irrigation PS No. 2 compliance monitoring*
- *Sludge pump station using ext. pumps*
- *Dewatering building remodeling*
- *Administration building remodeling under temp. facilities*
- *Modifications to aeration piping via modifications to RFP-004 or RFP-006*
- *Power distribution equipment and motor control center upgrades.*
- *Loop system fiber control components*
- *Second belt filter press procurement*
- *Storage Lagoon no. 1 cover with vendor installed option & possible liner replacement upon inspection*



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-11A
3. Change Order No. IB-009
4. Date Change Order Initiated - 09/23/25
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$14,911,297.47
 - c. Contract Sum Prior to Change Order \$14,911,297.47
 - d. Requested Change \$ 841,000.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$15,752,297.47
 - g. Total Munis Contract \$60,292,179.49
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change

- ☐ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Complete mechanical rehabilitation of effluent pump station no. 1.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. M.F. Ronca & Sons, Inc., Contractor

Signature Date

Representative's Name in Block Letters


2. Sussex County Project Engineer

Signature Date

3. Sussex County Council President

Signature Date

Request for Proposal

Project	Sussex County-IBRWF Expansion		
Owner	Sussex County		
Contract No.	C19-11: General Construction	GHD Project no.	12645844
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	IB-009-GC		
RFP Subject	Irrigation Pump Station No. 1		
Issued By	S. Clark		Date Sep. 3, 2025

Description of Proposed Changes

General Construction of the Irrigation Pump Station No. 1 modifications including the following:

1. General notes:
 - a. The work is intended to be completed while bypass pumps are utilized to convey water from Storage Lagoon No. 1 to the north and south spray fields.
 - b. Documents for the expansion project and record drawings for recent projects at IBRWF were prepared in reference to NAD83 and NVGD88. Note that the record drawings for Irrigation Pump Station No. 1 dated 1992 were prepared in reference to NVGD29. The NVGD88 datum is 0.774' higher than the NVGD29 datum. Accordingly, top of wall elevation for the exterior walls at the disinfection channels in reference to NVGD88 is understood to be EL 42.75 +/- . Contractor is requested to field verify structure elevations during the course of construction.
 - c. Refer to the enclosed figures for additional information.
2. Provide two diesel bypass pumps for the duration of the work. Pump suction piping shall take water from the storage lagoon and discharge into tees added to the below grade piping identified herein. Contractor shall also provide plates or alternative isolation means to prevent water from the storage lagoon from entering the wet well or disinfection channels through the existing piping.
3. Demolish the following elements from the existing structure:
 - a. Nine slide gates
 - b. Two weir plates
 - c. Two scum baffles
 - d. One rapid mixer, support framing and adjacent grating (replacement to be specified in a separate RFP)
 - e. Injector pump accessories, including guiderail and piping. Close abandoned wall penetration.
 - f. Composite sampler, sample collection piping and all accessories. Close abandoned wall penetration.
 - g. Chemical feed piping in the rapid mix box.
 - h. All pipe, fittings and valves between the first flanges inside the valve vault on each pump discharge header and the east and west walls. County may salvage existing instrumentation.
4. Close guardrail at any location where demolition results in an opening requiring closure.

5. Complete crack repair along the tops of walls in accordance with SC-S0011 and the associated specification sections. Install backer rod to control uniform sealant depth. Use polyurethane sealant. Verify total length of repair with GHD RPR and include repairs in lump sum proposal.
6. Complete a light pressure wash (less than 2,000 psi) of the interior walls in rapid mixer chamber, disinfection channels, bypass channel, algae screen chambers, lagoon effluent chambers and wet well. Inspect concrete condition on completion of pressure wash with GHD RPR. Any concrete repair deemed necessary would be included in a separate RFP.
7. Rod/jet clean the drains in the valve vault and algae screen wash pit.
8. Install a two 4" Schedule 80 PVC gooseneck vents on the concrete deck of the valve vault with deck penetrations in accordance with Detail 4 on SC-M6004. General arrangement of the vents is still to be finalized. Contractor to price based on one vent extending to the bottom of the vault, the other terminating at ceiling.
9. Abrasive blast and recoat the lifting frame in accordance with the M-1 system specified in Section 09900. Remove and dispose of the hoist/trolley.
10. Replace valve vault piping, with scope inclusive of all pipe, fittings and valves between the first flanges inside the valve vault on each pump discharge header and the east and west walls. This includes:
 - a. Pressure gauges on inline annular seals: 3
 - b. Horizontal swing check valves: 3
 - c. Isolation gate valves: 3 (substitute for butterfly type is lay length not available)
 - d. Sewage air release valves: 2
 - e. One base tee for the center of the discharge header, to provide for bracing against the south wall.
 - f. Flanged piping to complete the system. Use flange adapters (EBAA Iron "Series 2100 Megaflange" or equal, refer Section 15060) to close runs on the pump discharge piping due to lack of space. Contractors option for pipe closures on the header (flange adapter, flange coupling adapter, restrained dismantling joint). Header does not require regular dismantling.
 - g. Concrete pipe supports and thrust restraint to match existing and generally in accordance with the South Coastal documents. Inspect and reuse existing supports and restraint where viable.
 - h. Paint existing and replacement pipe in the valve vault, including preparation and repainting the existing wall pipes and flanges being retained in accordance with Section 09900.
 - i. Prepare and repaint the existing pipe inside the wet well that connects to the pump discharge flanges in accordance with Section 09900.
11. Inspect the condition of the piping that connects to the pump discharge flange and passes through the walls of the wet well and valve vault (including the first flanges inside the valve vault referenced above). Advise if relining or replacement is warranted. Costs would be included as a separate change order.
12. Install buried tee assemblies outside of and on the east and west sides of the valve vault, including 4 buried gate valves (one each on the vault side of the tees, and one each on the branches to allow for bypass pumping), restrained mechanical joints, and solid sleeves to close the pipe runs. Tees and valves to be abandoned in place after completion of bypass pumping.
13. Provide two Type B weirs in accordance with Section 11287 and SC-M6003 at the end of the disinfection channels. Weir plate shall be 3/8" thick (in lieu of 3/16") and an additional two anchors shall be provided 9" above the end anchors shown in the detail.
 - a. Opening width: 4'-0" +/-
 - b. Width of mounting surface either side of opening: 0'-6" +/-
 - c. Top of weir wall: EL 38.00 +/- (equivalent to EL 38.75 +/- on record drawings, prepared to NVGD29)
 - d. Nominal weir elevation: EL 39.50 +/- (equivalent to EL 40.25 +/- on record drawings, prepared to NVGD29)
14. Provide two slide gates on the inside faces of the rapid mix box in accordance with Section 11291 and as follows (identified as IPS1-1 on the enclosed figures):

- a. Equipment Schedule (Section 11291, adding to the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Irrigation PS No. 1 Rapid Mix Box
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of wall in Rapid Mix Box (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in disinfection channels
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at top of wall in disinfection channels (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in Rapid Mix Box
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Yoke-mounted
 - x. Additional Notes: Field verify existing structural dimensions and elevations
 - b. Dimensional Information:
 - i. Opening width: 2'-0" +/-
 - ii. Bottom of opening elevation: EL 36.25 +/- (equivalent to EL 37.00 +/- on record drawings, prepared to NVGD29)
 - iii. Opening height: 4'-0" +/-
 - iv. Operating floor elevation: EL 42.75 +/- (equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29)
 - v. Top of gate fully raised elevation: EL 44.25 +/- (equivalent to EL 45.00 +/- on record drawings, prepared to NVGD29)
 - vi. Top of gate fully lowered elevation: EL 40.25 +/- (equivalent to EL 41.00 +/- on record drawings, prepared to NVGD29)
 - c. Actuator manufacturer: Auma
15. Provide two slide gates in the chamber to the east of the algae screen chamber in accordance with Section 11291 and as follows (identified as IPS1-2 on the enclosed figures):
- a. Equipment Schedule (Section 11291, adding to the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Chamber to the east of the algae screen chamber
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of wall in chamber receiving slide gate (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in algae screen chamber
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at top of wall in algae screen chamber (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in chamber receiving slide gate
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on support brackets
 - x. Additional Notes: Field verify existing structural dimensions and elevations
 - b. Dimensional Information:

- i. Opening width: 2'-0" +/-
 - ii. Bottom of opening elevation: EL 21.75 +/- (equivalent to EL 22.50 +/- on record drawings, prepared to NVGD29)
 - iii. Opening height: 2'-0" +/-
 - iv. Operating floor elevation: EL 42.75 +/- (equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29)
 - v. Top of gate fully raised elevation: EL 25.75 +/- (equivalent to EL 26.50 +/- on record drawings, prepared to NVGD29)
 - vi. Top of gate fully lowered elevation: EL 23.75 +/- (equivalent to EL 24.50 +/- on record drawings, prepared to NVGD29)
 - c. Actuator manufacturer: Auma
16. Provide two slide gates in the wet well opposite the algae screen chamber in accordance with Section 11291 and as follows (identified as IPS1-3 on the enclosed figures):
- a. Equipment Schedule (Section 11291, adding to the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Wet well adjacent to algae screen chamber
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of wall in algae screen chamber (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in wet well
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at EL 42.75 +/- (equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) in wet well and no water in algae screen chamber
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestals on concrete surface
 - x. Additional Notes: Field verify existing structural dimensions and elevations
 - b. Dimensional Information:
 - i. Opening width: 2'-0" +/-
 - ii. Bottom of opening elevation: EL 21.75 +/- (equivalent to EL 22.50 +/- on record drawings, prepared to NVGD29)
 - iii. Opening height: 5'-0" +/-
 - iv. Operating floor elevation: EL 44.92 +/- (equivalent to EL 45.67 +/- on record drawings, prepared to NVGD29)
 - v. Top of gate fully raised elevation: EL 31.75 +/- (equivalent to EL 32.50 +/- on record drawings, prepared to NVGD29)
 - vi. Top of gate fully lowered elevation: EL 26.75 +/- (equivalent to EL 27.50 +/- on record drawings, prepared to NVGD29)
 - c. Actuator manufacturer: Auma
17. Provide one slide gate at the entry to the wet well in accordance with Section 11291 and as follows (identified as IPS1-4 on the enclosed figures):
- a. Equipment Schedule (Section 11291, adding to the Fabricated Stainless Steel Slide Gate Schedule):
 - i. Gate Nos: To be advised
 - ii. Location: Disinfected effluent collection box, at entry to wet well

- iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of wall in disinfected effluent collection box (EL 43.50 +/-) and no water in wet well.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at EL 43.50 +/- in wet well and no water in disinfected effluent collection box
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestal on support bracket
 - x. Additional Notes: Field verify existing structural dimensions and elevations
- b. Dimensional Information:
- i. Opening width: 2'-0" +/-
 - ii. Bottom of opening elevation: EL 37.25 +/- (equivalent to EL 38.00 +/- on record drawings, prepared to NVGD29)
 - iii. Opening height: 2'-0" +/-
 - iv. Operating floor elevation: EL 44.92 +/- (equivalent to EL 45.67 +/- on record drawings, prepared to NVGD29)
 - v. Top of gate fully raised elevation: EL 41.25 +/- (equivalent to EL 42.00 +/- on record drawings, prepared to NVGD29)
 - vi. Top of gate fully lowered elevation: EL 39.25 +/- (equivalent to EL 40.00 +/- on record drawings, prepared to NVGD29)
- c. Actuator manufacturer: Auma
18. Provide two slide gates at the entry to the wet well in accordance with Section 11291 and as follows (identified as IPS1-5 on the enclosed figures):
- a. Equipment Schedule (Section 11291, adding to the Fabricated Stainless Steel Slide Gate Schedule):
- i. Gate Nos: To be advised
 - ii. Location: Disinfected effluent collection box, at entry to wet well
 - iii. Type: Upward opening slide gate
 - iv. Material: 316/316L
 - v. Mounting type: Type B
 - vi. Head (ft to gate invert) – Seating: Base on water surface at top of wall in disinfected effluent collection box (EL 42.75 +/-, equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) and no water in wet well.
 - vii. Head (ft to gate invert) – Unseating: Base on water surface at EL 42.75 +/- (equivalent to EL 43.50 +/- on record drawings, prepared to NVGD29) in wet well and no water in disinfected effluent collection box
 - viii. Actuator/Use: Electric Actuator (Open-Close)
 - ix. Actuator Mounting: Pedestal on support bracket
 - x. Additional Notes: Field verify existing structural dimensions and elevations
- b. Dimensional Information:
- i. Opening width: 6" +/-
 - ii. Bottom of opening elevation: EL 28.90 +/- (equivalent to EL 29.65 +/- on record drawings, prepared to NVGD29)
 - iii. Opening height: 6" +/-

- iv. Operating floor elevation: EL 44.92 +/- (equivalent to EL 45.67 +/- on record drawings, prepared to NVGD29)
 - v. Top of gate fully raised elevation: EL 29.90 +/- (equivalent to EL 30.65 +/- on record drawings, prepared to NVGD29)
 - vi. Top of gate fully lowered elevation: EL 29.40 +/- (equivalent to EL 30.15 +/- on record drawings, prepared to NVGD29)
 - c. Actuator manufacturer: Auma
19. Clean frame for stop plate PG-8 and provide replacement plate to match existing dimensions.

Exclusions:

- 1. Chemical delivery piping, chemical mixer, chemical mixer support frame and grating over the rapid mix chamber will be included in a separate RFP.

PROPOSED SCHEDULE OF VALUES
SUSSEX COUNTY, DE
INLAND BAYS RWF PHASE 2 EXPANSION
RFP-IB-009-GC (Irrigation PS No. 1)

Bid Item

No.	Description	U/M	Qty	Unit Price	Amount
RFP-IB-009-GC (Irrigation PS No. 1)					
010	Bonds	LS	1.00	\$10,550.00	\$10,550.00
020	Temp Pumping System w/Buried Tee Assemblies	LS	1.00	\$266,000.00	\$266,000.00
030	Demolition	LS	1.00	\$65,000.00	\$65,000.00
040	Slide Gates, Weirs and Replacement Stop Plate	LS	1.00	\$293,450.00	\$293,450.00
050	Replace Process Piping and New Vents	LS	1.00	\$167,000.00	\$167,000.00
060	Power Washing, Painting and Crack Repairs	LS	1.00	\$34,000.00	\$34,000.00
070	Handrail Closures	LS	1.00	\$5,000.00	\$5,000.00
					\$841,000.00

The Schedule of Values is for billing purposes only. Accordingly, the Quantities, Unit Cost and Lump Sum Cost Amounts provided herein shall not be considered in development of Contract Change Orders, additions, credits, withholdings or other adjustments thereof.

Total **\$841,000.00**



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

September 19, 2025

Mr. Steven Clark, P.E.
GHD
16701 Melford Boulevard, Suite 330
Bowie, MD 20715

Re: Sussex County
Inland Bays RWF Expansion
Proposed Change Order Request No. 554-01-009
Irrigation PS No. 1

Dear Mr. Clark:

Pursuant to GHD's RFP-IB-009-GC, Michael F. Ronca & Sons, Inc. hereby proposes to furnish all necessary labor, materials and equipment for installation of the Site Utilities as identified in the RFP, for the Lump Sum Price of Eight Hundred Forty One Thousand Dollars and 00 Cents.....\$841,000.00.

This proposal is based on all information identified in GHD's RFP IB-009-GC, dated September 3, 2025, marked up historical Long neck Sanitary Sewer District Drawings M-3, M-4, M-5 and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below.

Scope of Work:

- Set up and maintain temporary bypass pumping system for duration of rehabilitation of the Irrigation Pump Station. System to utilize diesel pumps to convey irrigation water from Storage Lagoon No. 1 to North and South Spray Fields via temporary tee and valve assemblies installed on either side of the valve vault. Buried tee assemblies outside the valve vault to include 4 buried gate valves (one each on the vault side of the tees, and one each on the branches to allow for bypass pumping), restrained mechanical joints, and solid sleeves to close the pipe runs. Tees and valves to be abandoned in place after completion of bypass pumping.
- Temporarily isolate influent piping to the wet well and disinfection channels.
- Perform select demo in existing structure to include:
 - Nine slide gates
 - Two weir plates
 - Two scum baffles
 - One rapid mixer, support framing and adjacent grating (replacement to be specified in a separate RFP)
 - Injector pump accessories, including guiderail and piping. Close abandoned wall penetration.
 - Composite sampler, sample collection piping and all accessories. Close abandoned wall penetration.
 - Chemical feed piping in the rapid mix box.
 - All pipe, fittings and valves between the first flanges inside the valve vault on each pump discharge header and the east and west walls. County may salvage existing instrumentation.
- Complete 150 LF of crack repairs along top of walls per Dwg. SC-S0011 and as reviewed in the field.

Scope of Work (cont):

- Complete a light pressure wash of the interior walls in rapid mixer chamber, disinfection channels, bypass channel, algae screen chambers, lagoon effluent chambers and wet well for assessment of ex. concrete condition. Any concrete repairs deemed necessary to be handled under a separate RFP.
- Rod/jet clean the drains in the valve vault and algae screen wash pit.
- Install a two 4" Schedule 80 PVC gooseneck vents on the concrete deck of the valve vault with deck penetrations in accordance with Detail 4 on SC-M6004. Proposal assumes one vent extending to the bottom of the vault, the other terminating at ceiling. Final arrangements to be determined.
- Abrasive blast and recoat the lifting frame in accordance with the M-1 system specified in Section 09900. Remove and dispose of the hoist/trolley.
- Replace valve vault piping, with scope inclusive of all pipe, fittings and valves between the first flanges inside the valve vault on each pump discharge header and the east and west walls. This includes:
 - Pressure gauges on inline annular seals: 3
 - Horizontal swing check valves: 3
 - Isolation gate valves: 3 (substitute for butterfly type is lay length not available)
 - Sewage air release valves: 2
 - One base tee for the center of the discharge header, to provide for bracing against the south wall.
 - Flanged piping to complete the system. Use flange adapters (EBAA Iron "Series 2100 Megaflange" or equal, refer Section 15060) to close runs on the pump discharge piping due to lack of space. Contractors option for pipe closures on the header (flange adapter, flange coupling adapter, restrained dismantling joint). Header does not require regular dismantling.
 - Concrete pipe supports and thrust restraint to match existing and generally in accordance with the South Coastal documents. Inspect and reuse existing supports and restraint where viable.
 - Paint existing and replacement pipe in the valve vault, including preparation and repainting the existing wall pipes and flanges being retained in accordance with Section 09900.
 - Prepare and repaint the existing pipe inside the wet well that connects to the pump discharge flanges in accordance with Section 09900.
- Inspect the condition of the piping that connects to the pump discharge flange and passes through the walls of the wet well and valve vault (including the first flanges inside the valve vault referenced above). If condition of pipes through the wall are in poor condition and require replacing, this work to be handled under a separate proposal.
- Furnish and install two (2) Ea new Type B Weirs in accordance with item 13 of RFP IB-009-GC.
- Furnish and install nine (9) Ea new EMO SS Slide Gates in accordance with items 14, 15, 16,17 & 18 of RFP IB-009-GC
- Clean frame for stop plate PG-8 and provide replacement plate to match existing dimensions.

Listing of Qualifications/Exclusions:

- Any work associated with chemical delivery piping, chemical mixer, chemical mixer support frame and grating over the rapid mix chamber are excluded and as denoted in the RFP.
- Temporary irrigation pumping system to include the following per GHD 09.12.25 email:
 - 1 primary and 1 backup diesel pump for each system included (east and west)
 - Pumps to provide 800-1000 gpm at 66-70 psig
 - Each pumping system to include high pressure and/or low flow interlock protection.
 - Each system assumed to operate between 12 – 16 hr per day, 7 days per week with an assumed average run of 13.5 hours per day.
 - Fuel costs for temporary pumping systems included based on average run times noted for an anticipated duration of 8 weeks.
 - System will be equipped with remote start/stop and monitoring capabilities including auto dialer.

September 19, 2025
Mr. Steven Clark, PE
Page three

Listing of Qualifications/Exclusions (cont):

- Electrical equipment, power & control wiring, conduit, disconnection of power control feeds, new electrical connections are specifically excluded.
- Offsite disposal of excess excavated materials is specifically excluded.
- Proposal includes bond costs for work identified in this proposal.
- Permit fees are specifically excluded.
- Rock removal is specifically excluded, however, not anticipated based on the Geotechnical Report.
- Prevailing wage rates are excluded.
- Domestic steel requirements are specifically excluded.
- Construction testing for compaction, concrete, reinforcing steel, structural steel, etc. is assumed to be by Owner and is specifically excluded.

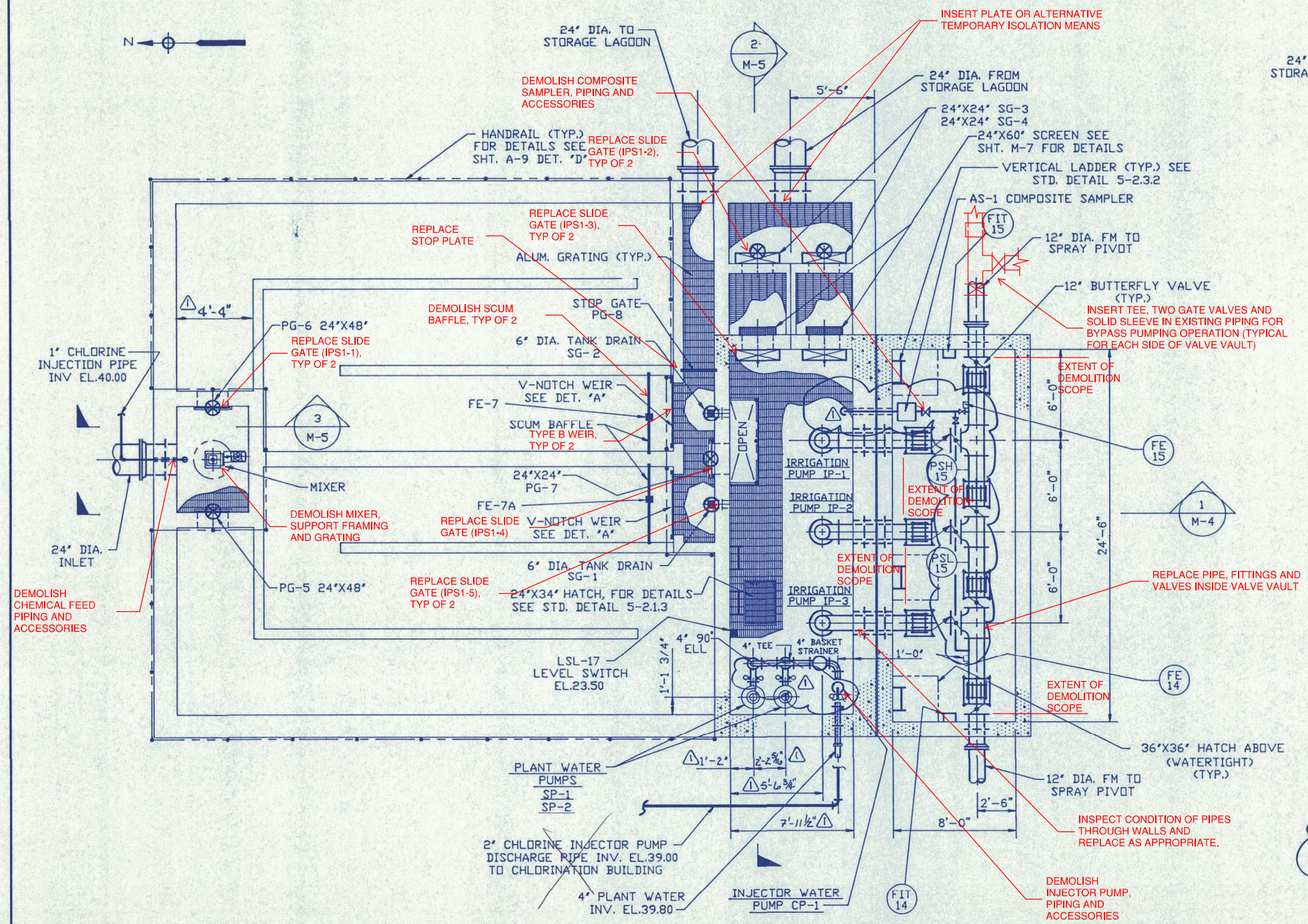
Thank you for the opportunity to provide this proposal. Should you have any questions concerning the same, or require additional information, please do not hesitate to contact me.

Regards,

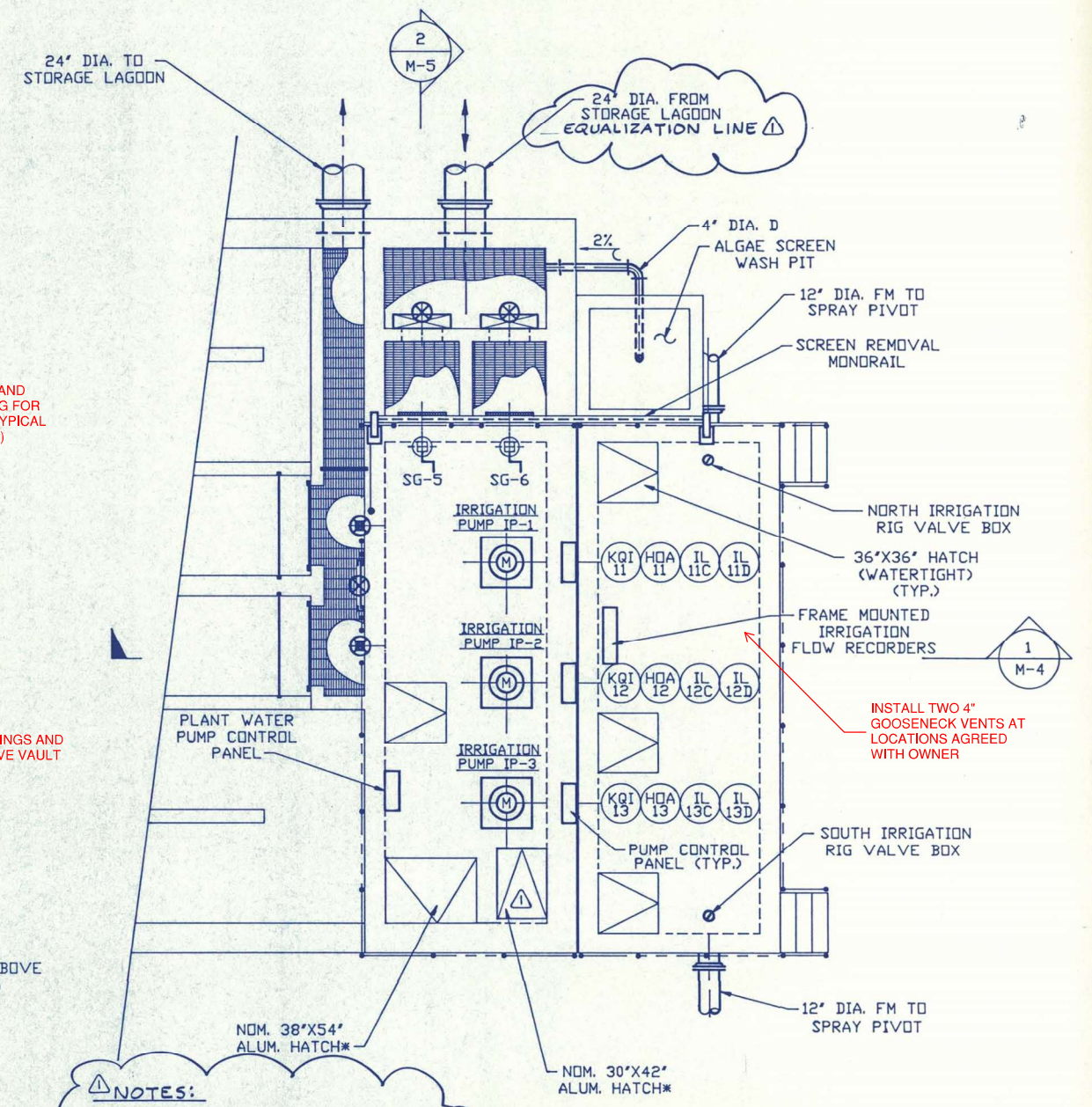
Scott Wachinski

Project Manager

cc: HO File 554-01
Hans M. Medlarz, P.E. – Sussex Co.
David A. Ronca – M.F. Ronca



PLAN @ EL.43.50
SCALE: 1/4" = 1'-0"

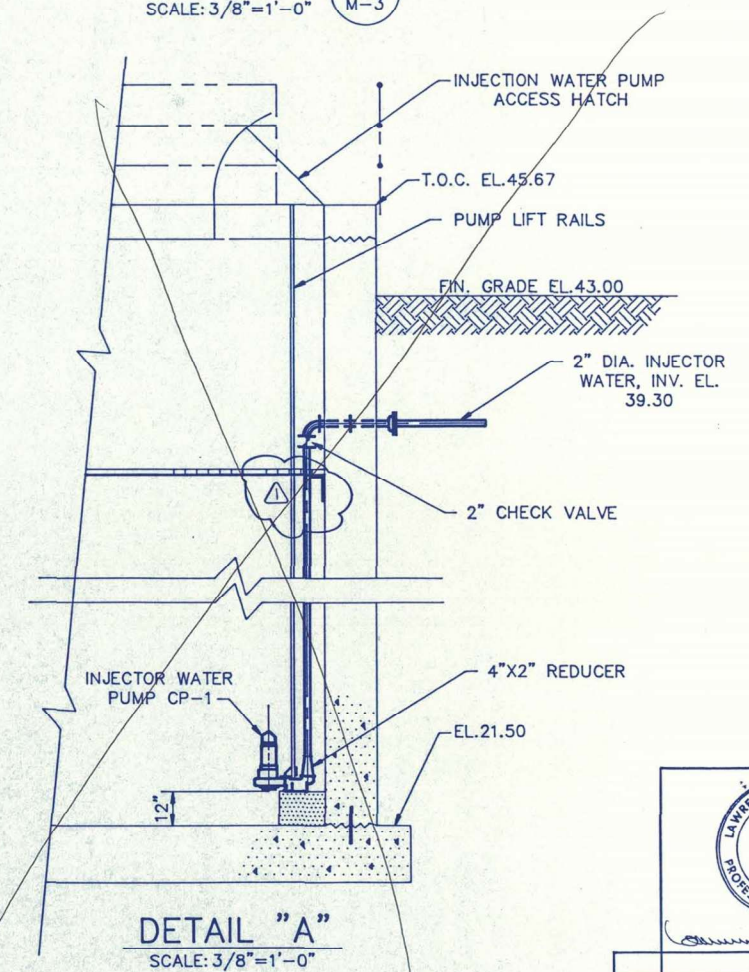
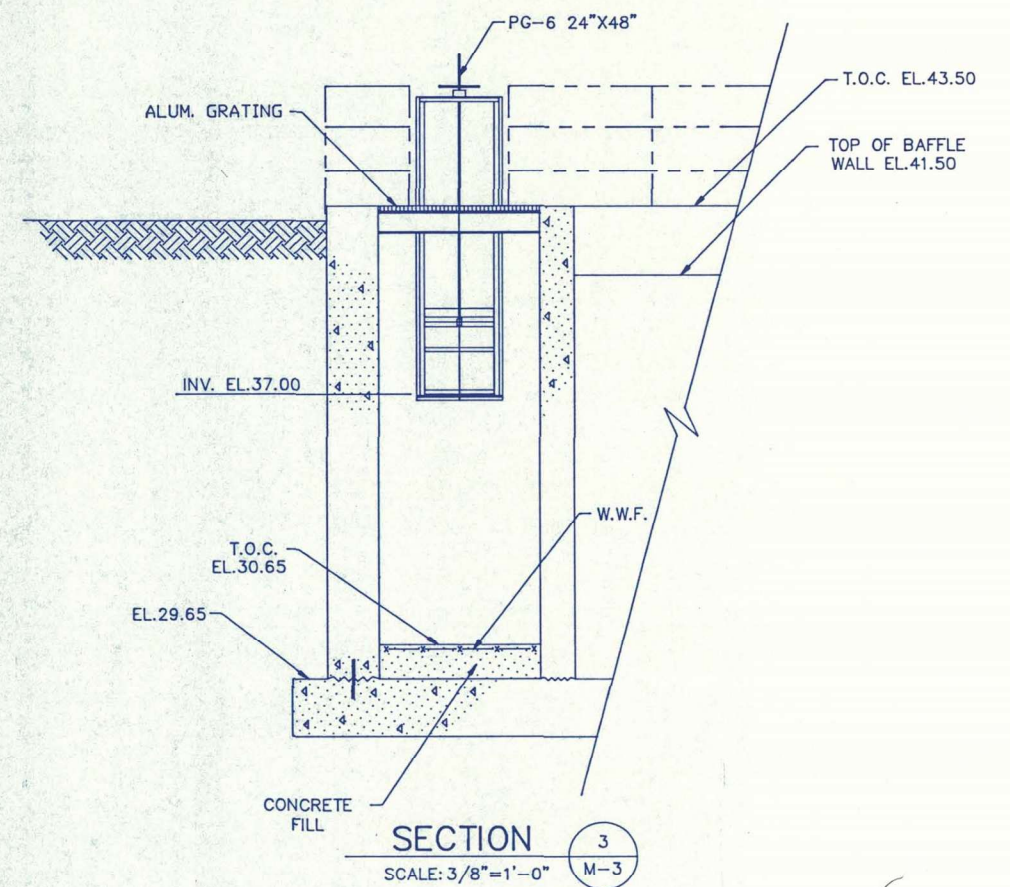
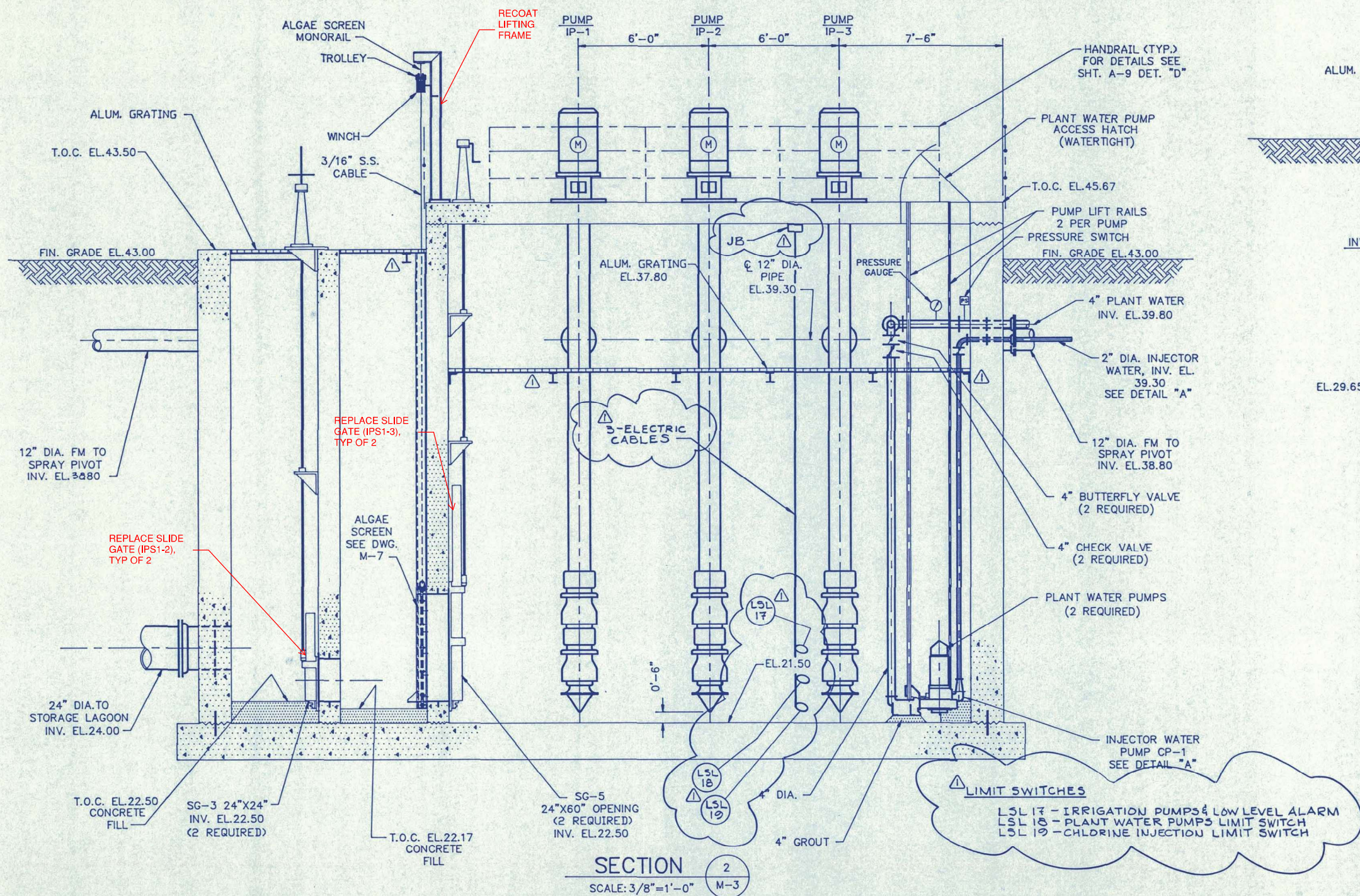


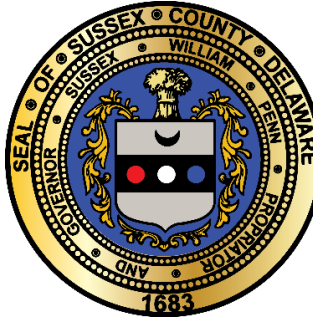
NOTES:

1. ALGAE SCREEN WASH PIT SHOWN IN ATTACHMENT No.4 TO THIS ADDENDUM.
2. GRATING OPENING AROUND SG OPERATORS ARE SIZED FOR SHAFT DIAMETERS.

PARTIAL PLAN @ EL.45.67
SCALE: 1/4" = 1'-0"

* SIZE AND LOCATION TO BE FINALIZED UPON APPROVAL OF PUMPS





***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-11A
3. Change Order No. IB-10 (Modification of 5)
4. Date Change Order Initiated - 9/23/25
5.
 - a. Original Contract Sum \$ 0
 - b. Net Change by Previous Change Orders \$15,752,297.47
 - c. Contract Sum Prior to Change Order \$15,752,297.47
 - d. Requested Change \$ 100,000.00
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$15,852,297.47
 - g. Total Munis Contract \$60,392,179.49
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7370

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change

- ☐ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Increase of lagoon sludge disposal allowance.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. M.F. Ronca & Sons, Inc., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Project Engineer

Signature Date

3. Sussex County Council President

Signature Date



TELEPHONE 610/759-5100
FACSIMILE 610/746-0974

CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

September 19, 2025

Mr. Hans M. Medlarz, P.E.
Sussex County, Delaware
2 The Circle
Georgetown, DE 19947

Re: Sussex County
SCRWF – Grit Removal Equipment
Rehabilitation or Replacement Equipment

Dear Mr. Medlarz:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal "**Option 1**" proposal to replace the SCRWF ex. Grit Equipment Hydraulic Valve, Hydraulic System Components and conveyor internal components in the amount of One Hundred Ninety Thousand Dollars and 00 Cents.....(\$190,000.00).

This proposal is based on installation of the replacement components identified in the attached Hydro International Quotes SQU-002601 & SQU-002601A and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below:

Option 1 Scope of Work:

- Thoroughly clean all existing equipment.
- Installation of New Hydraulic Valve and associated hydraulic system components identified in Hydro Internation Quote SQU-002601
- Installation of conveyor internal components identified in Hydro Internation Quote SQU-002601A
- Freight for replacement components to jobsite.
- Proposal includes new small diameter piping

Option 1 Listing of Qualifications/Exclusions:

- Proposal is limited to installation of replacement components identified in Hydro International's proposals and associated small diameter piping only.
- Replacement of the existing ductile iron pipe and fittings is specifically excluded. These existing material do appear to be in poor condition and an add alternate to replace these is provided below.
- The overall condition of existing Grit Removal equipment is in poor condition. Ronca while exercise care during disassembly/reassembly for installation of the replacement components however cannot accept responsibility for potential damage to the existing equipment slated to remain during the work resulting from existing condition of the equipment.
- Any electrical work for disconnecting/reconnecting power and control wiring is specifically excluded.
- Prevailing wage rates are specifically excluded.
- Permit fees are specifically excluded.
- Bonds are specifically excluded.

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal **"Option 2"** proposal to fully replace the SCRWF ex. Grit Classifying, Washing and Dewatering Equipment in the amount of Five Hundred Thirty Five Thousand Dollars and 00 Cents.....(\$535,000.00).

This proposal is based on full Grit Clasifying, Washing and Dewatering Equipment system identified in the attached Hydro International Proposal (Project Number 25412311 A Dated 09.03.25) and as further clarified in the "Scope of Work" and "Listing of Qualifications/Exclusions" below:

Option 2 Scope of Work:

- Demo and lawful offsite disposal of existing equipment.
- Installation of new Hydro Internation Grit Classifying and Washing Replacement consisting of 32" SlurryCup™ : 304 Stainless Steel, w/ Hydraulic Valve including Valves, gauges, plumbing, and single-point water connection, fit for a C1D1 Environment
- Installation of new Hydro Internation Grit Dewatering Replacement consisting of GS1260 Grit Snail®: 304 Stainless Steel, up to 2.0 yd3/hr, 12" Belt, 60" Clarifier Complete with drive unit, valves, fit for a C1D1 Environment
- Freight for equipment to jobsite.
- Factory representative startup services for two trips and five total days onsite.

Option 2 Listing of Qualifications/Exclusions:

- Proposal is limited to installation of new Grit Classifying, Washing and Dewatering equipment identified in Hydro International's attached proposal.
- Proposal excludes replacing the existing 7 Tray Headcells which appear to be in good working condition.
- Replacement of the existing ductile iron pipe and fittings is specifically excluded. These existing materials do appear to be in poor condition and an add alternate to replace these is provided below.
- Any electrical work for disconnecting/reconnecting power and control wiring is specifically excluded.
- Prevailing wage rates are specifically excluded.
- Permit fees are specifically excluded.
- Bonds are specifically excluded.

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal **"Add Alternate"** proposal to replace the SCRWF ex. above grade ductile iron pipe and fittings connecting to the ex. grit equipment in the amount of Five Hundred Twenty Four Thousand Five Hundred Dollars and 00 Cents.....(\$24,500.00).

This proposal is based on replacing the existing grit equipment influent/effluent above grade ductile iron pipe and fittings as further clarified in the "Scope of Work" below.

Add/Alternate Scope of Work:

- Remove ex. influent/effluent ductile iron pipe and lawfully off-site dispose.
- Effluent Piping to be from connecting to existing 8" FLG 90 recently replaced (90 to remain)
- Influent to be from ex. 6" flange in floor pipe (floor pipe to remain)
- Replacement Effluent to consist of:
 - 2 EA 8"x4" FLG Wyes
 - 2 EA 8" FLG 90 Bends
 - 1 EA 8"x6" FLG Wye
 - 1 EA 6" 45 Bend
 - 1 EA 8" x 18" OAL FLG Spool
 - 2 EA 4" Blind Flanges
 - New Flange Hardware and Gaskets

September 19, 2025
Hans M. Medlarz, P.E.
Page Three

Add/Alternate Scope of Work:

- Replacement Influent to Consist of
 - 1 EA 6" x 4'-0" OAL FLG Spool
 - 1 EA 6" FLG 90 Bend
 - 1 EA 6" x 12'-0" FLG Spool
 - New Flange Hardware and Gaskets
- New DIP Pipe and Fittings to be Finish Painted

Should portions of this proposal be acceptable as provided, please prepare the appropriate order documentation, and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

Scott Wachinski

Project Manger

cc: HO file 554
David A. Ronca – M.F. Ronca

SALES QUOTE



Hydro Ref. 25_11_0805
Quote Date 08/05/25

Sell To:

Bob Moore, (302)855-7730
Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Ship To:

Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Account No. CUS-000165

Quote No. SQU-002601

Quote Description 25_11_0805 Frankford, DE SC Parts

No	Item No.	Description	Qty	Unit Price	Amount
1		Hydraulic Valve Assembly: Includes	1		
2	A02303-650	SC, 6.5" Baffle, 0.5", UHMW Poly	1	195.00	195.00
3	A02304-650	SC, 6.5" Baffle Ring Assembly, 316SS/UHMW Poly	1	1,999.00	1,999.00
4	2-391N-70	O-Ring; 22" ID x 3/16" Sec 70 Durometer Nitrile	2	24.99	49.98
5	A02301-001	SC, Spin Chamber, 32-56", CW, 304 SS	1	11,022.00	11,022.00
6	A02302-001	SC, Hyd. Vlv. Collector CW, 304SS	1	5,608.00	5,608.00
7	2-262N-70	O-Ring; 7" ID x 1/8" Section; Buna-N	1	1.98	1.98
8	718-257	Washer; Rbber Seal 3/8" AOPTech. Part 600-0000-38	8	0.84	6.72
9	PQL1220.2040	SlurryCup Shim Kit	1	76.28	76.28
10	A02306-003	Gasket, Hyd. Valve Flange, O-Ring Sealed, 16 Bolt S	1	165.00	165.00
11	A02305-002	O-Ring Flange	1	5,062.40	5,062.40
12	2-388N-70	O-Ring; 19" ID X 3/16" Section; Buna-N	1	10.29	10.29
13		All Material in 304 SS			
14		Any Additional Components:			
15	77-107-01	VLV, Ball, 1.5" NPTF, FP, Bronze, Apollo	1	325.00	325.00
16	1.5" 7TF	VLV, Globe, 1.5" NPTF, Bronze, Crane	1	718.82	718.82
17	A00002-003	SC, Flow Controller Assembly, CW, 1.5", 316 SS	1	3,192.00	3,192.00
18	EF8221G11	VLV, Solenoid, 1.5" NPTF, 120VAC, N7, Brass, ASCO	2	2,160.00	4,320.00
19	7711210724	Flow Meter; 1.5" King Inst. 3.5-35GPM-EPR O Ring	1	3,420.00	3,420.00
20	251009AW02L-30	PRESSURE GAUGE 30# 2.5" AW GLYCERIN FILLED ASHCRO	2	2,520.00	5,040.00
21	251009AW02L-100	PRESSURE GAUGE 100# 2.5" AW GLYCERIN FILLED ASHCR	1	2,487.00	2,487.00
22	77-101-01	VLV, Ball, 0.25" NPTF, FP, Bronze, Apollo	3	63.00	189.00
23	77-105-01	VLV, Ball, 1" NPTF, FP, Bronze, Apollo	2	151.20	302.40
24	77-104-01	VLV, Ball, 0.75" NPTF, FP, Bronze, Apollo	1	108.00	108.00
25	1" 7TF	VLV, Globe, 1" NPTF, Bronze, Crane	1	310.12	310.12
26	EF8221G7	VLV, Solenoid, 1" NPTF, 120VAC, N7, Brass, ASCO	1	1,290.11	1,290.11

SALES QUOTE



Hydro Ref. 25_11_0805
Quote Date 08/05/25

Sell To:

Bob Moore, (302)855-7730
Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Ship To:

Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Account No. CUS-000165

Quote No. SQU-002601

Quote Description 25_11_0805 Frankford, DE SC Parts

No	Item No.	Description	Qty	Unit Price	Amount
	27	Hardware	1	30.00	30.00

Total USD Excl. Tax 46,534.36

Tax Amount 0.00

Total USD Incl. Tax 46,534.36

Quote valid for 30 days

Freight will be added at the time of final invoicing.

SALES QUOTE



Hydro Ref. 25_11_0805
Quote Date 08/05/25

Sell To:

Bob Moore, (302)855-7730
Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Ship To:

Frankford, DE - South Coastal WRF
33711 South Coastal Lane
FRANKFORD, DE 19945
USA

Account No. CUS-000165

Quote No. SQU-002601A

Quote Description 25_11_0805 Frankford, DE GS Parts

No	Item No.	Description	Qty	Unit Price	Amount
1	A03420-200	GS, 12" Headroll Retainer Liner, 0.25", HDPE	1	355.84	355.84
2	40A70	Sprocket 70 Tooth Bored & Fcd for TTA-50	1	149.00	149.00
3	#40-CHAIN10FT	Chain; 40# w/ Connection Link;	1	27.52	27.52
4	96019	Dodge Torque Tamer; #50 x 1 1/4"	1	449.00	449.00
5	96063	Bushing, GS Torque Tamer, #50 x 0.25", Dodge	1	18.30	18.30
6	40B151.25	Sprocket; Martin 15 Tth 1 1/4" Bore; 1/4" KW SS	1	30.61	30.61
7	A03202-001	Gasket; Belt Supp Bar Flange Side	3	3.38	10.14
8	A03203-001	Gasket; Belt Support Bar Nut Side	3	8.40	25.20
9	A03411-200	GS, 12" Headroll Scraper, 0.25", HDPE	1	62.10	62.10
10	A03241-200	GS, 12" Internal Scraper, 0.25", HDPE	1	99.56	99.56
11	A03215-001	GS, Filler Skirt, 0.25" HDPE	2	111.38	222.76
12	A03214-001	GS, Drip Skirt, Drive Side, 0.25", HDPE	1	99.56	99.56
13	A03216-001	GS, Drip Skirt, Non Drive Side, 0.25", HDPE	1	99.56	99.56
14	A03416-001	Side Skirt Headroll Drive Side	2	126.79	253.58
15	A03223-200	GS, 12" Tailroll Retainer Liner, 0.25", HDPE	1	355.84	355.84
16	GS1260BELTK	Belt, 12", 2cy GS with 60"/72" Clarifier	1	10,502.20	10,502.20
17	A03413-200	GS, 12" Headroll Lagged, 304SS	1	5,773.00	5,773.00
18	A03414-200	GS, 12" Headroll Shaft, 304SS	1	557.20	557.20
19	A03232-200	GS, 12" Tailroll, 304SS	1	4,592.00	4,592.00
20	A03233-200	GS, 12" Tailroll Shaft, 304SS	1	414.00	414.00
21	A03219-200	GS, 12" Belt Support Bar, 304 SS	3	401.00	1203.00

Total USD Excl. Tax 25,299.97

Tax Amount 0.00

Total USD Incl. Tax 25,299.97

Quote valid for 30 days

Freight will be added at the time of final invoicing.



Budget Pricing

Project Name: Frankford, DE South Coastal WWTF Date Prepared: September 3, 2025

Project Number: 25412311 A Validity: 30 days from issue

Equipment

Quantity

Price

Grit Classifying and Washing Replacement

32" SlurryCup™ : 304 Stainless Steel, w/ Hydraulic Valve	1	Included Below
Valves, gauges, plumbing, and single-point water connection, fit for a C1D1 Environment	1	

Grit Dewatering Replacement

GS1260 Grit Snail®: 304 Stainless Steel, up to 2.0 yd ³ /hr, 12" Belt, 60" Clarifier	1	
Complete with drive unit, valves, fit for a C1D1 Environment	1	
Anchor Bolts	1	\$ 399,000.00

Freight

Freight to Jobsite	1	Included Above
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Start-up

One (1) factory representative for two (2) trips for a total of five (5) days*	1	Included Above
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*Pricing Includes a pre-submittal site visit (1 Trip/3 Days). A Hydro service technician shall visit the site after receipt of purchase order to assess the condition of the existing equipment. Photos and measurements shall be obtained by Hydro to define the project scope prior to preparation of submittal or placing equipment into fabrication

Terms & Conditions: As defined by Hydro International standard Terms & Conditions.

After expiration of validity, Hydro reserves the right to adjust pricing to account for any significant increase in material cost.



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 17, 2025

RE: County Council Report for C/U 2503 filed on behalf of Hastings Community Energy Initiative, LLC

The Planning and Zoning Department received an application (C/U 2503 filed on behalf of Hastings Community Energy Initiative, LLC) for a Conditional Use for a solar energy facility, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 132-1.00-11.00. The property is located on the east side of Normandy Lane, a private lane accessed off of E. Seventh Street. The parcel size is 5.371 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 10 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on June 17, 2025. At the conclusion of the Public Hearing, the Council deferred action on the application for further consideration. Below is a link to the minutes of the June 17, 2025, County Council meeting.

[Link to the Minutes of the June 17, 2025, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on April 16, 2025, and May 21, 2025.

[Minutes of the April 16, 2025, Planning & Zoning Commission Meeting](#)

C/U 2503 Hastings Community Energy Initiative, LLC



AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS.

The property is lying on the east side of Normandy Lane, a private lane accessed off E. Seventh Street. 911 Address: N/A. Tax Map Parcel: Tax I.D. No.: 132-1.00-11.00.

Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's conceptual site plan, the Applicants exhibit booklet and exhibits, the Applicant's presentation, the Staff Analysis report, the DelDOT service level evaluation response letter, a letter received from the Sussex County Engineering Department Utility Planning division, and four comments which are included in your paperless packet.

The Commission found that Mr. David Hutt, Esq. was present on behalf of the Applicant, Hasting Community Energy Initiative, LLC.; that also in attendance are Todd Fryult, C.E.O. and founder of EC Solar which is the affiliate of the Applicant, Michael Redding, Director of Civil Engineering, John Falkowski, P.E. with Becker Morgan, and Whitney Pogwist who is a representative of the family ownership group of this property.

Mr. Hutt stated that this application deals with renewable energy, which is a primary focus of national, local, and state governments; that in 2021 Governor Carney signed a law requiring Delaware's renewable standards to increase to 40% by 2035, which basically means that's the percentage of Delaware's energy that must come from renewable energy sources such as solar energy; that as part of the laws that were enacted in 2021 as part of that renewable portfolio standard, a process was established in Delaware for what is designated in that statute as Community owned energy facilities; that this Planning Commission is familiar with these application as there have been many of them over the past year or two; that in addition to the governmental mandates, businesses are making similar pledges and promises; that many Fortune 500 companies have promised to their shareholders and consumers that they're going to decrease their environmental footprint by becoming carbon free energy users by year 2035; that in order for governments, businesses and even individuals to accomplish these goals to convert renewable energy sources like sunlight into energy, applications like this are necessary; that this afternoon's application is for a 3.75 MW facility on approximately 15 1/2 acres of a property that's a little more than 33 acres just south of the town of Blades; and that this application is a Community Energy facility of the kind of the nature I just described from Title 26, Chapter 10 of the Delaware Code.

Mr. Hutt introduced Mr. John Falkowski to provide an overview of the project.

Mr. Falkowski stated that Normandy Lane will not be used for either construction or permanent maintenance access and nothing will be disturbed on that road; that all access will be taken off the highway, through the existing entrance; that it is a paved access that eventually quits and will be extending that road into the site for both construction and permanent access with a 16 foot wide gravel road; that the road will continue down the 40 foot easement to where the property starts; that the property is mostly wooded; that the fenced array area will be fenced and planted with a pollinator Meadow mix to help reduce stormwater runoff; that it will be a typical agricultural fence with four inch openings and it would have the mesh screening, although in this property we would propose that that mesh screening be on the north side and the west side, where it is in close proximity to the neighbors; that the Applicant requests that the south side not receive that mesh screening as it's

directly adjacent to wooded property in Morgan's branch; that the woods would be cleared with the area of the array and an area outside the array which will be left stumped and with vegetation to grow back; that there will be a vegetated buffer along the north side approximately 60 foot in width on that north side; that there is 150-foot buffer that is between the subject property and the adjacent neighborhood, so that will remain in place as well, although we do not control it as it is a connective easement; that the Applicant is working with Sussex Conservation District on the proposed stormwater management; that there is no increase in traffic with these types of facilities, typically one to two vehicles a month just to maintain the property; that it is a renewable energy source that does not produce odors, dust, gas, smoke or fumes; that any inverters will be centrally located and very low to no noise coming from those that equipment; that runoff reduction that will be required of the project, whether that's through a pond and a combination of the Meadow grass will be provided; that at the gated access to the facility, there will be a Knox box provided with a turnaround for the fire department for those emergency provisions to the facility; that there will be decommissioning plan provided for the project; that about 3 weeks ago we had a community meeting with residents from the community and we answered questions for them; and that because there will be clearing of 15 plus acres of woods, ECA and the Applicant is committed to providing a conservation easement on another parcel within the Nanticoke watershed.

Ms. Whitney Hastings Pogwist stated that she is one of the property owners; that the property has been in her family for a long time; that her grandfather planted the trees before 1964; that the considered storage or townhomes; that she was interested in the concept of solar as the property will stay in their ownership and eventually their children would inherit it; and that there are 30 acres but only 15-17 acres will be disturbed; that the solar farm will be contributing to sustainable use in the Community and offering the town of Blades the opportunity for energy credits for their bills; that because of the proposed buffer, the solar farm will not be visible from Little Meadows; and that this is the least invasive way to develop the property.

Mr. Hutt stated that these Community energy solar facilities are a of a public or semi-public character that are desirable for the general convenience and welfare of Sussex County and meets the conditional use standard set forth in section 115-171; that this is consistent with goals 7.3 of the county's comprehensive plan, which encourages the use of renewable energy options like solar arrays and facilities; that because this proposal that is a bit unique proposed findings of fact and conditions are being submitted by the Applicant; that there are the two conditions that are unique to this application; that proposed condition C is that mesh covered screening be on the northern side and the western side which is the closest sides of the solar facility to the residential uses and not on the other sides where there's a larger expanse of woods next to the solar facility; that the Applicant will create a landscape buffer along those areas; that the second condition that I wanted to focus on is condition I and condition I is regarding a conservation easement and the details are there, but the conservation easement that the Applicant would be required to be placed under this proposed condition is an easement for at least 25 year, the projected lifespan of this facility; that this easement be placed on a minimum of 30 acres within the Nanticoke River watershed; that the goal is to have a positive impact on the environment; that condition I states that the final site plan shall identify the property subjected to the conservation easement.

Mr. Michael Redding stated that a few universities have completed studies to try to quantify the carbon release into the atmosphere; that when you compare to shutting down a coal plant, it is roughly for every one acre of solar would be equivalent to planting 10,000 trees and shutting down a natural gas plant it would be equivalent to planting 1,000 trees; that there are no issues with nuclear as far as

greenhouse gases; and that the inverters are centrally located to maximize the efficiency of the electricity; and that it is approximately 200 feet away from the nearest dwelling; that studies show that inverters beyond 50 feet are similar to a whisper; and that they sound like a commercial air conditioner.

The Commission found that Mr. Bill Andrew spoke in support of the Application.

Mr. Andrew stated that he is the retired CEO of Delaware Electric Cooperative, where we built several of these type of facilities to serve the COOP members; that he is concerned that people feel that solar energy cost and renewable energy cost so much more, and that is causing electric bills to go up; that is false; that problem that we have is that we live on Peninsula and do not have any local generation support the load we have here; that we import it all in on transmission system from other power plants out of state or in the northern part of New Castle County; that Community Solar offers a 10% reduction in the cost of the energy for those subscribers, but that's not the only benefit that we receive here with respect to the local generation and is going to stay on Delmarva Power customers; that another benefit that we have is you reduce the loads that we have on our system and it gives us the advantage of being able to add additional loads and some growth in the area, but in the same time we reduce the losses associated with that and it precludes the any premature upgrades of these lines because it reduces the transmission; that it also has a positive benefit for congestion when the lines load up; that as a summer peaking area, the solar energy works the best during the summer time because the sun's out longer; and that this is a benefit for the entire community.

The Commission found that Mr. Keith Redmond spoke in support of the Application.

Mr. Redmond stated that he represents the Little Meadow community adjacent to the subject property; that the Community is in favor of this project; and that they are away of the closing of the coal plan and are to get benefit from this project to lower electric bills.

The Commission found that no one appeared in opposition to the application.

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

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

In relation to C/U 2503 Hastings Community Energy Initiative, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

Minutes of the May 21, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 16, 2025.

Mr. Butler requested that Mr. Roberston read the motion on his behalf.

Mr. Butler moved the Commission to recommend the approval of C/U #2503 HASTINGS COMMUNITY ENERGY INITIATIVE, LLC, for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 15.46 acres of a larger 33.69-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is surrounded on two sides by land used for agricultural purposes, including poultry houses. Although there are residential properties to the north of this site, the arrays are at least 200 feet from the closest dwelling and the nearby properties will also be protected by the conditions set forth in the Code and in this recommendation. None of the residents along the northern boundary of the site objected to the proposed use.
5. The land is designated as being within the “Developing Area” according to Sussex County’s Future Land Use Map. The Developing Area is considered a “Growth Area” and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be “Diminutive”. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.
8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:
 - A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
 - B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
 - C. The entire area of the solar array shall be surrounded by an 8-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. There shall be a landscaped buffer that is at least 50 feet wide along the common boundary with the residential properties along the northern boundary of the site. The landscaped buffer shall be achieved by keeping the existing wooded area and not disturbing these areas. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.
 - D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

- E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar array and shall provide contact information in case of emergency.
- F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan. In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties.
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- I. As proffered by the Applicant, a recorded conservation easement for at least twenty-five years shall be placed on a minimum of 30-acres within the Nanticoke River Watershed. This easement area shall consist of existing wooded acreage or, if the easement acreage is not wooded, the property shall be re-forested by the Applicant with a mixture of native species. The Final Site Plan shall identify and show the property subjected to the conservation easement and the details and terms of the easement.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend APPROVAL of C/U 2503 Hastings Community Energy Initiative, LLC, for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 16, 2025

Application: CU 2503 Hastings Community Energy Initiative, LLC

Applicant: Hastings Community Energy Initiative, LLC
c/o Michael Redding, P.E.
203 Crescent Street, Suite 106
Waltham, MA 02453

Owner: Thomas E. Pettyjohn & Debora A. Siebert Co-Trustees
26126 Sussex Highway
Seaford, DE 19973

Site Location: Located on the east side of Normandy Lane, a private lane accessed off
of E. Seventh Street

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

Proposed Use: Solar Facility

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 1 - Mr. Lloyd

School District: Seaford School District

Fire District: Blades Volunteer Fire Company

Sewer: N/A

Water: N/A

Site Area: 33.69-acre(s) +/-

Tax Map ID.: 132-1.00-11.00



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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 7, 2025
RE: Staff Analysis for C/U 2503 Hastings Community Energy Initiative, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2503 Hastings Community Energy Initiative, LLC to be reviewed during the April 16, 2025, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 132-1.00-11.00

Proposal: The request is for a Conditional Use for Tax Parcel 132-1.00-11.00 to allow for solar energy facility on a parcel lying on the east side of Normandy Lane, a private lane accessed off of E. Seventh Street in Seaford. The portion of the Parcel subject of this application is 17.15 +/- acres of the Parcel comprised of a total of 35.84 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The parcels immediately adjacent to the south subject property are all Agricultural Residential (AR-1) District and parcels to the east along the Route 13 corridor zoned General Commercial (C-1) District. Adjacent Parcels to the north of the subject Parcel are within the municipal boundary of the Town of Blades.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has land use designations of "Developing Area" and "Low Density Area." The properties to the north and west of the subject Parcel are categorized as "Municipalities" (Town of Blades), with the parcels to the east categorized "Commercial Area" along the Route 13 corridor, and parcels to the south within the "Low Density" category.

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are areas which 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” (Sussex County Comprehensive Plan, 4-18). Additionally, the Comprehensive Plan notes that in Developing Areas “selected areas and at appropriate intersections, commercial uses should be allowed,” also noting that “a variety of office uses would be appropriate in many areas” and “portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks (Sussex County Comprehensive Plan, 4-14).

In terms of Low Density Areas, the Plan notes that “Sussex County hopes to retain the rural environment and set aside significant open space” and where the County “supports State and local land use policies that will preserve the value of farmland” (Sussex County Comprehensive Plan, 4-18). Additionally, the Comprehensive Plan notes landscaped buffer requirements as a policy to be emphasized in Low Density areas when new development occur, and Staff note that the Site Plan includes buffers for the solar improvements (Sussex County Comprehensive Plan, 4-18).

Further Site Considerations:

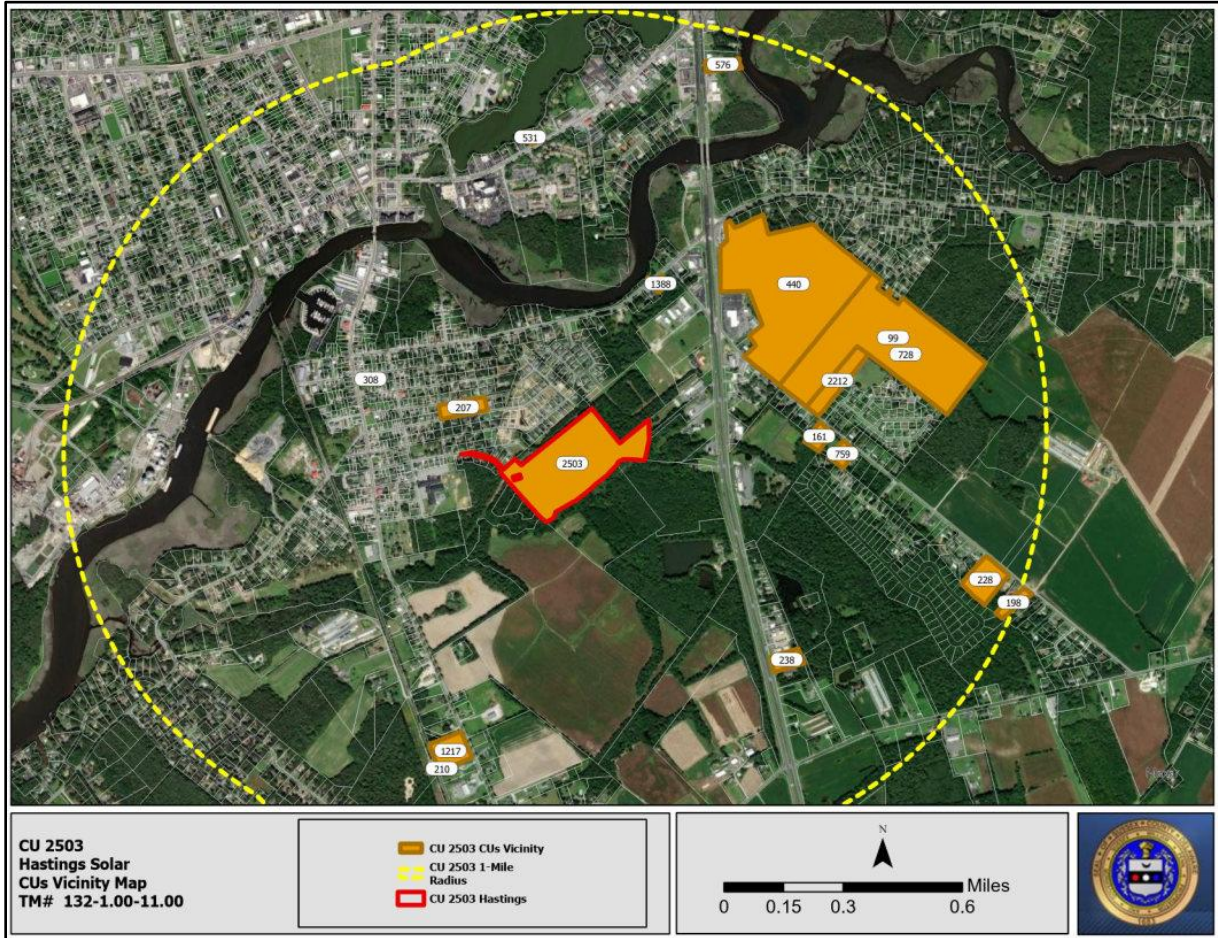
- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditch, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”, within an area of “Good” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a solar energy facility, 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 Map 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.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
99	Mobile Gardens Trailer Park	AR-1	Manufactured Home Park	Approved	1/23/1973	N/A
161	Clayton Hamilton	GR	Travel Trailer Repair Shop	Approved	9/25/1973	N/A
198	Jack Meloney	GR	Beauty Shop	Approved	3/26/1974	N/A
207	Blades Volunteer Fire Co	UR	Fire House	Approved	5/21/1974	N/A
210	US Plywood Division	AR-1	Warehouse & Wholesale of Wood Products	Approved	5/21/1974	N/A
228	Lester C Newton Trucking Co	GR	Addition To Truck Freight Company Office & Service Facilities	Approved	8/27/1974	N/A
238	Betty Walmsley	AR-1	Ceramic Shop	Approved	10/15/1974	N/A
308	Elwood Waldridge	UR	Convert Fire House into Auto Body Shop & 2 Apartments	Approved	12/9/1975	N/A
440	Colonial Development	AR-1	Manufactured Home Park	Withdrawn	Withdrawn	N/A
531	Dr. Roberto Villasenor	AR-1	Medical Office Building	Approved	6/12/1979	N/A
576	Cargill, Inc.	C-1	Poultry Health Laboratory	Approved	N/A	N/A

728	Mobile Gardens Trailer Park	AR-1	Amend CU 99 For Mobile Home Park	Withdrawn	Withdrawn	N/A
759	Clayton Hammond	GR	Wrecker Service & Storage of Vehicles	Approved	11/1/1983	N/A
1217	Trinity Land Company	AR-1	Warehousing, Light Manufacturing, Welding, Prefab & Metal Duct	Approved	1/6/1998	1202
1388	Advanced Motorsports Inc.	AR-1	Retail & Wholesale Racing Parts	Approved	3/27/2001	1439
2212	Brickyard Apartments, LLC	GR	Multi-Family (48 Units)	Denied	12/5/2023	N/A

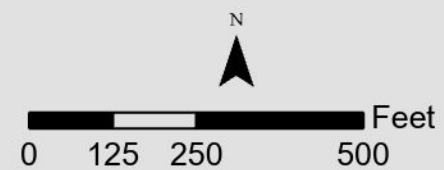


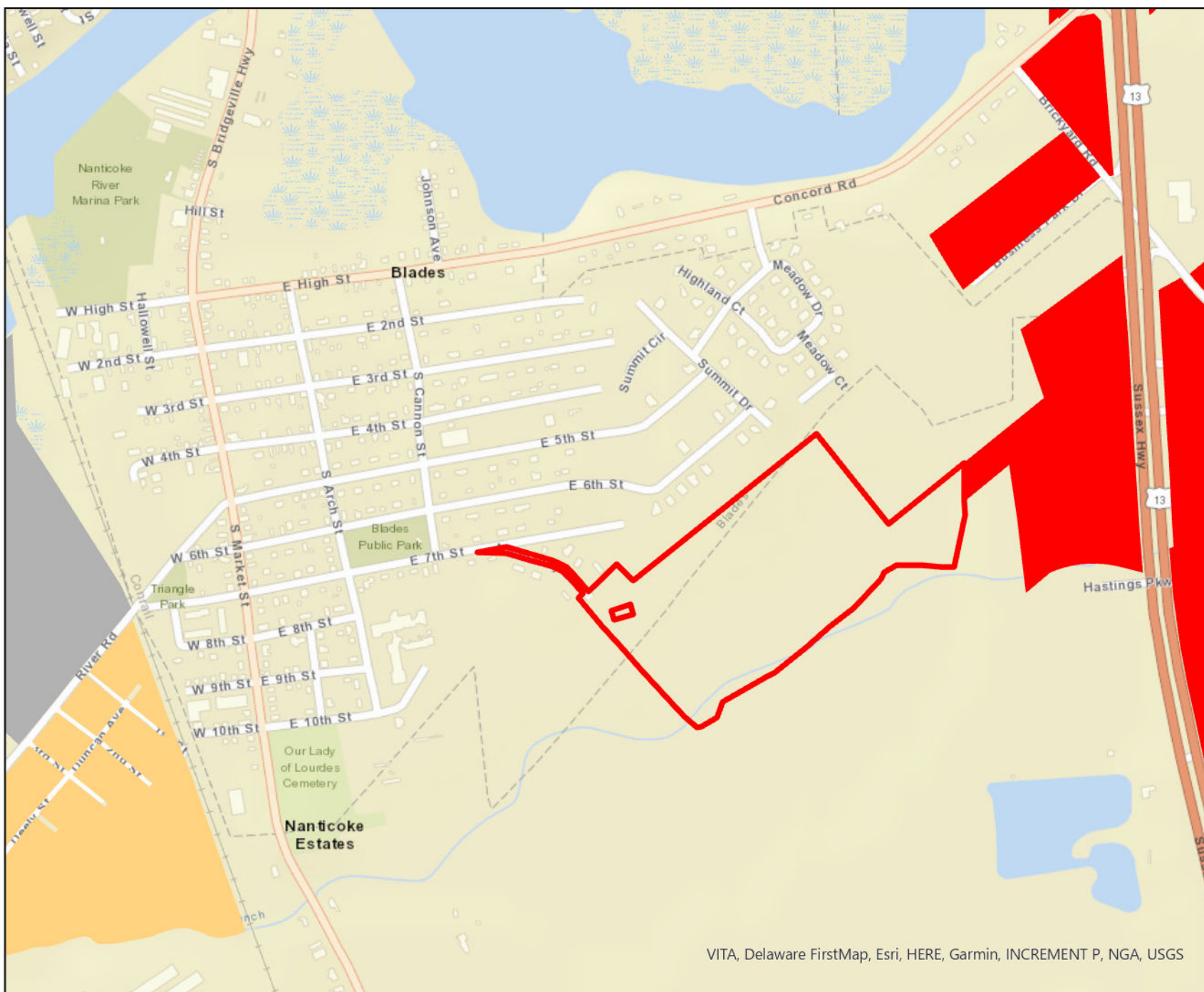


VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**CU 2503 Hastings Community Energy
Street Map
TM# 132-1.00-11.00**

 CU 2503 - Hastings





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
- Neighborhood Business - B-1
- Business Research - B-3
- General Commercial - C-1
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Medium Commercial District-C-2
- Heavy Commercial District-C-3
- Planned Commercial District-C-4
- Service/Limited Manufacturing District-C-5
- Business Community District-B-2
- Vacation-Retirement-Residential Park District - VRP

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

**CU 5203 Hastings Community
Zoning Map
TM# 132-1.00-11.00**

CU 5203 - Hastings



0 500 1,000 2,000 Feet

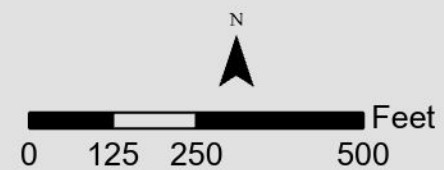




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**CU 2503 Hastings Community Energy
Street Map
TM# 132-1.00-11.00**

 CU 2503 - Hastings

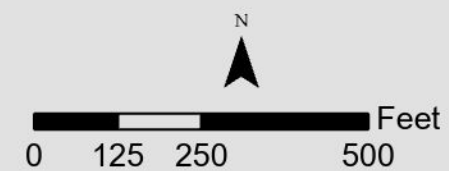




Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

CU 2503 Hastings Community Energy
Aerial Map
TM# 132-1.00-11.00

 CU 2503 - Hastings



Introduced: 3/25/25

**Council District 1: Mr. Lloyd
Tax I.D. No.: 132-1.00-11.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2023, a Conditional Use application, denominated Conditional Use No. 2503 was filed on behalf of Hastings Community Energy Initiative, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2503 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2503 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying on the east side of Normandy Lane, a private lane accessed off of E. Seventh Street, and being more particularly described in the attached legal description prepared by Tunnell & Raysor said parcel containing 33.69 acres, more or less.

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, September 10, 2025 6:56 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Town of Delmar
Project Name	Lincoln Ave Stormwater
Federal Tax ID	52-6002077
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Municipal government
Address	100 S Pennsylviana Ave
City	Delmar
State	MD
Zip Code	21875
Contact Person	Jeff Fleetwood

Contact Title	Town Manager
Contact Phone Number	4108962777
Contact Email Address	jfleetwood@townofdelmar.us
Total Funding Request	5,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	5
Program Category (choose all that apply)	Infrastructure
Primary Beneficiary Category	Other

Beneficiary Category Other	Citizens
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	3000
Scope	The Town of Delmar needs to replace failed stormwater piping on the DE side of Delmar on Lincoln Ave. Once this is completed the surface needs repaved
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	100,000.00
Description	Stormwater replacement
Amount	100,000.00
Description	Repave
Amount	60,000.00
TOTAL EXPENDITURES	160,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-60,000.00
Name of Organization	Town of Delmar

Applicant/Authorized Official	Jeff Fleetwood
--	----------------

Date	09/10/2025
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Affidavit Acknowledgement	Yes
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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.

Casey Hall

Rieley

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, July 29, 2025 12:25 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

**Legal Name of
Agency/Organization**

Delaware Manufactured Homeowners Association ✓

Project Name

Website redesign

Federal Tax ID

341975388 ✓

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 Delaware Manufactured Homeowners Association (DMHOA) is to educate and inform our members, our public servants, and the public regarding Title 25, Chapter 70 of Delaware Law and any issues affecting homeowners on leased land. We work for legislative and legal remedies to protect and strengthen the rights of homeowners who live in manufactured housing on leased land in communities with two lots or more in Delaware. Additionally, we strive to provide assistance and support to homeowners, helping them access the resources, guidance, and advocacy they need to navigate challenges and secure their rights.

Address 24832 John J. Williams Highway, Unit 1, PMB #5

City Millsboro

State DE

Zip Code 19966

Contact Person Stacy Shelton

Contact Title Executive Director

Contact Phone Number 302-945-2122

Contact Email Address stacy.shelton@dmhoa.org

Total Funding Request

\$2613

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

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding 100

**does the Council
grant represent?**

**Program Category
(choose all that
apply)**

Educational
Fair Housing

**Primary Beneficiary
Category**

Elderly Persons (62 +)

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

10000

Scope

Manufactured homeowners who live on leased land often lack awareness of their legal rights and protections, making them vulnerable to exploitation by landowners. These homeowners invest significantly in the home they own but remain at risk due to limited access to reliable information and support. This project aims to address that problem by redesigning our website using an improved web design platform. The new platform will enhance our ability to communicate, provide training, and share vital information to educate homeowners about their rights. If funded, the project will also cover website hosting costs and the continual cost to provide email services for board members to communicate with residents, advocate on their behalf, and raise funds to support DMHOA's mission.

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

0.00

Description	Design of website
Amount	1,800.00
Description	Cost to host, emails and domain
Amount	813.00
TOTAL EXPENDITURES	2,613.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,613.00
Name of Organization	Delaware Manufactured Homeowners Association (DMHOA)
Applicant/Authorized Official	Stacy Shelton
Date	07/29/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, September 11, 2025 8:39 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Laurel Lions Club Foundation Inc.
Project Name	Laurel Lions Club Recreation Complex - Phase 2
Federal Tax ID	51-0371085 P
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To empower volunteers to serve their communities, meet humanitarian needs, encourage peace and promote international understanding through Lions clubs.
Address	411 N. Central Avenue
City	Laurel
State	DE
Zip Code	19956

Contact Person	INGRID CATHELL
Contact Phone Number	301-633-3161
Contact Email Address	cicathell@gmail.com
Total Funding Request	\$25,000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	5500.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	25
Program Category (choose all that apply)	Other
Program Category Other	Recreation

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	250
Scope	Phase 2 of Lions Club Recreation Complex will be to construct/install one tennis court and two pickleball courts. Location planned next to Phase 1 (basketball courts), on grounds near North Laurel Learning Academy. As is the case, of Phase 1, Phase 2 will provide a designated site for area youth to learn how to play pickleball and tennis. Intent is to eventually be able to offer tennis instruction to area youth.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	37,000.00
Description	Concrete
Amount	67,000.00
Description	Court Installations (paint, nets, fencing)
Amount	48,000.00
TOTAL EXPENDITURES	115,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-78,000.00
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Name of Organization	Laurel Lions Club
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Applicant/Authorized Official	Ingrid D. Cathell
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Date	09/11/2025
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Affidavit Acknowledgement	Yes
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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.

To Be Introduced: 9/23/25

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 334-12.00-1.00

911 Address: 19671 & 19673 Plantations Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2025, a zoning application, denominated Change of Zone No. 2045 was filed on behalf of Charles Pollard; 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. 2045 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 [MR Medium Density Residential District] and adding in lieu thereof the designation B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Plantations Road (S.C.R. 275/ Route 1D), approximately 50 feet west of the intersection of Cedar Grove Road (S.C.R. 283) and Postal Lane (S.C.R. 283) and being more particularly described in the attached legal description prepared by Wilson Halbrook & Bayard, said parcel containing 5.00 acres, more or less.

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

To Be Introduced: 9/23/25

Council District 1: Mr. Lloyd

Tax I.D. No.: 332-1.00-88.00

911 Address: 11117 Laurel Road, Laurel

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 1.75 ACRES, MORE OR LESS

WHEREAS, on the 7th day of February 2025, a zoning application, denominated Change of Zone No. 2046 was filed on behalf of Angela Sipple; 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. 2046 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 Sussex County, Delaware, and lying on the north side of Laurel Road (Rt. 24), approximately 120 feet east of Sussex Highway (Rt. 13), and being more particularly described in the attached legal description prepared by Susan Pittard Weidman, P.A., said parcels containing 1.75 acres, more or less.

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

To Be Introduced: 9/23/25

Council District 2: Mr. McCarron

Tax I.D. No.: 530-17.00-9.00 & 10.00

911 Address: 14890, 14906, & 14910 Sussex Highway, Bridgeville

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 CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS

WHEREAS, on the 17th day of March 2025, a zoning application, denominated Change of Zone No. 2051 was filed on behalf of Arctec Properties, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2051 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 parcels of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Sussex Highway (Rt. 13), approximately 1.10 miles south of Adams Road (S.C.R. 583) and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcels containing 8.99 acres, more or less.

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

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Patrick Brown, P.E., Project Engineer

RE: ***WATERSIDE ROAD IMPROVEMENTS, PROJECT T25-04***
A. PROPOSED ASSESSMENT ROLL (PUBLIC HEARING)

DATE: September 23, 2025

Waterside is a subdivision of eighty (80) residential units with private streets and cul-de-sacs owned and maintained by the community Homeowners Association (HOA). The community is located near Ocean View, DE and accessed from Muddy Neck Road, a DelDOT roadway, via a short shared-use easement. The subdivision contains approximately 2,700 LF of paved roadway and parking in fair condition.

The community by letter dated July 16, 2023, requested Sussex County's assistance to repair and resurface existing roads and failed concrete gutters and swales, through the Sussex Community Improvement (SCI) Program defined in Chapter 96 of County Code. Following provisions of the Code, the Engineering Department performed the following actions:

- Determined the community met the eligibility criteria defined in the Code.
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program.
- Provided a preliminary cost estimate for a hot-mix pavement overlay project.
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options.
- Provided notification and conducted a community meeting to discuss the SCI Program and receive comments regarding estimated project costs and subsequent election process necessary for project implementation.

The results of the Petition and Community Meeting were presented to Council on April 9, 2024. Council accepted the community into the Chapter 96 program by Resolution # 007 24, which established the date, time, place, and judge of an Election for property owners to vote on whether or not they favored the proposed SCI Project for Waterside.

The Election was advertised in accordance with Chapter 96 Code and held on Thursday, May 16, 2024, at the Engineering Administration Office. A total of fifty-one (51) votes were cast



in-person and by absentee ballot. Forty-nine (49) YES votes and two (2) NO votes were cast, indicating property owners were in favor of the project. The voting total indicated a 64% owner participation in the Election.

Based on the affirmative results of the Election and with recommendation by the Engineering Department, Council approved Resolution R012 24 on June 18, 2024, authorizing the County Engineer to proceed with implementation of the project. The Engineering Department subsequently developed a set of Bidding Documents for proposed road improvements and publicly advertised the project on January 17, 2025.

On February 3, 2025, a total of ten (10) bids were received, opened publicly, and read aloud in Council Chambers. On February 11, 2025, with recommendation of the Engineering Department, County Council authorized award of a contract to the low bidder, Mike Houck Construction, LLC of Salisbury, MD in the amount of \$202,500.00. Notice to Proceed was acknowledged by the contractor, effective March 24, 2025, and construction activities ensued with the Engineering Department providing administration and general oversight. Substantial Completion was recommended on May 9, 2025.

A Balancing Change Order of final quantities used was crafted and reflected a contract value increase of \$10,672.19, for a final contract total of \$213,172.19. On June 10, 2025, Council accepted Project Closeout and approved the final Balancing Change Order.

The Engineering Department has developed an Assessment Roll in coordination with the Finance Director based on all final project costs including construction costs and the County Administration Fee. The tabulation indicates a final project balance owed of **\$235,106.34**. The Assessment Roll identifies an equal sharing of the balance by the eighty (80) units included in the Project and allows for a 10-year repayment option with 6.75% fixed interest rate. Proposed assessments are **\$2,938.83** and **\$413.60**, respectively, for lump sum and annual financed amounts.

In accordance with Chapter 96 Code, a Public Hearing is scheduled for September 23, 2025, at 1:30 PM to receive comments on the proposed Assessment Roll. This Hearing was properly advertised in a general circulation newspaper during each of the two weeks preceding the week of the Hearing, and a direct mailing to each affected parcel was made to distribute the Public Hearing Advertisement and proposed Assessment Roll with summary letter.

Upon conclusion of the Public Hearing, the Engineering Department will offer Council a Resolution to adopt the Assessment Roll with authorization for the Finance Director to proceed with billing each affected parcel.

Attachments: Notice of Public Hearing
Proposed Assessment Roll
Proposed Resolution



NOTICE OF PUBLIC HEARING

WATERSIDE PAVING IMPROVEMENTS

CHAPTER 96 - SUSSEX COMMUNITY IMPROVEMENT (SCI) PROJECT T25-04

NOTICE IS HEREBY GIVEN a Public Hearing will be held at 1:30 p.m. on Tuesday, September 23 in Sussex County Council Chambers, at 2 The Circle, Georgetown, Delaware, as per Chapter 96 of Sussex County Code.

An Assessment Roll providing the Annual Assessment for every assessable property within the Project boundary was completed, based on final costs of the **Waterside Paving Improvements Project T25-04**. The Assessment Roll will be mailed to every assessable property and may be examined by interested parties at the Sussex County Engineering Department, 2 The Circle, Georgetown, Delaware, during regular business hours and days until the published date and time of the Public Hearing.

The Public Hearing is held to provide an opportunity for real property owners of the community to make comments on the rates determined for the Assessment Roll. Affected property owners in the Waterside project boundary are represented on Sussex County Tax Map and Parcel 134-17.00-14.00, Units 1 – 80. Sussex County Council will hear and consider any comments or objections to the Assessment Roll. Following the hearing, Sussex County Council will make the final decision on adoption of the Assessment Roll.

For questions or further information on the Project, Public Hearing or Assessment Roll, please contact the Sussex County Engineering Department, Patrick Brown, P.E., Project Engineer at (302) 855-7815.

BY: Patrick Brown, P.E.
Project Engineer

EXHIBIT A

Waterside - Notice of Special Community Lien Assessment Sussex County Code Chapter 96, Sussex Community Improvements

TAX MAP PARCEL ID	UNIT NO.	10-YEAR ANNUAL ASSESSMENT
134-17.00-14.00	1	\$413.60
134-17.00-14.00	2	\$413.60
134-17.00-14.00	3	\$413.60
134-17.00-14.00	4	\$413.60
134-17.00-14.00	5	\$413.60
134-17.00-14.00	6	\$413.60
134-17.00-14.00	7	\$413.60
134-17.00-14.00	8	\$413.60
134-17.00-14.00	9	\$413.60
134-17.00-14.00	10	\$413.60
134-17.00-14.00	11	\$413.60
134-17.00-14.00	12	\$413.60
134-17.00-14.00	13	\$413.60
134-17.00-14.00	14	\$413.60
134-17.00-14.00	15	\$413.60
134-17.00-14.00	16	\$413.60
134-17.00-14.00	17	\$413.60
134-17.00-14.00	18	\$413.60
134-17.00-14.00	19	\$413.60
134-17.00-14.00	20	\$413.60
134-17.00-14.00	21	\$413.60
134-17.00-14.00	22	\$413.60
134-17.00-14.00	23	\$413.60
134-17.00-14.00	24	\$413.60
134-17.00-14.00	25	\$413.60
134-17.00-14.00	26	\$413.60
134-17.00-14.00	27	\$413.60
134-17.00-14.00	28	\$413.60
134-17.00-14.00	29	\$413.60
134-17.00-14.00	30	\$413.60
134-17.00-14.00	31	\$413.60
134-17.00-14.00	32	\$413.60
134-17.00-14.00	33	\$413.60
134-17.00-14.00	34	\$413.60
134-17.00-14.00	35	\$413.60
134-17.00-14.00	36	\$413.60
134-17.00-14.00	37	\$413.60
134-17.00-14.00	38	\$413.60
134-17.00-14.00	39	\$413.60
134-17.00-14.00	40	\$413.60

TAX MAP PARCEL ID	UNIT NO.	10-YEAR ANNUAL ASSESSMENT
134-17.00-14.00	41	\$413.60
134-17.00-14.00	42	\$413.60
134-17.00-14.00	43	\$413.60
134-17.00-14.00	44	\$413.60
134-17.00-14.00	45	\$413.60
134-17.00-14.00	46	\$413.60
134-17.00-14.00	47	\$413.60
134-17.00-14.00	48	\$413.60
134-17.00-14.00	49	\$413.60
134-17.00-14.00	50	\$413.60
134-17.00-14.00	51	\$413.60
134-17.00-14.00	52	\$413.60
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134-17.00-14.00	54	\$413.60
134-17.00-14.00	55	\$413.60
134-17.00-14.00	56	\$413.60
134-17.00-14.00	57	\$413.60
134-17.00-14.00	58	\$413.60
134-17.00-14.00	59	\$413.60
134-17.00-14.00	60	\$413.60
134-17.00-14.00	61	\$413.60
134-17.00-14.00	62	\$413.60
134-17.00-14.00	63	\$413.60
134-17.00-14.00	64	\$413.60
134-17.00-14.00	65	\$413.60
134-17.00-14.00	66	\$413.60
134-17.00-14.00	67	\$413.60
134-17.00-14.00	68	\$413.60
134-17.00-14.00	69	\$413.60
134-17.00-14.00	70	\$413.60
134-17.00-14.00	71	\$413.60
134-17.00-14.00	72	\$413.60
134-17.00-14.00	73	\$413.60
134-17.00-14.00	74	\$413.60
134-17.00-14.00	75	\$413.60
134-17.00-14.00	76	\$413.60
134-17.00-14.00	77	\$413.60
134-17.00-14.00	78	\$413.60
134-17.00-14.00	79	\$413.60
134-17.00-14.00	80	\$413.60

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF
BILLING FINAL COSTS OF THE WATERSIDE ROAD IMPROVEMENTS CHAPTER 96 SUSSEX
COMMUNITY IMPROVEMENT PROJECT T25-04.**

WHEREAS, Sussex County Council authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of Waterside on April 9, 2024 by Resolution No. R 007 24; and

WHEREAS, the Sussex County Engineering Department held an Election for a Waterside Chapter 96 project in accordance with Sussex County Code, Chapter 96 on May 16, 2024 and presented certified results of the Election to Council as being favorable in proceeding with the Project; and

WHEREAS, following the requirements of Sussex County Code, § 96-6(B), Sussex County Council authorized the Engineering Department to proceed with design and construction of the specified improvements for the Waterside Chapter 96 Sussex Community Improvement project on June 18, 2024 by Resolution No. 012 24, further resolving the Board of Assessment to cause the words "special community lien" to be placed beside the name of each freeholder in the suburban community of Waterside for persons such as prospective buyers of, or attorneys making title searches upon, the properties making inquiry at the office of the Board of Assessment concerning County taxes may be informed that special liens may exist against the properties, and directing the County Engineer and County Finance Director to complete the improvements and to compile final cost accounting to determine a uniform rate of assessment for each of the assessable properties within the Waterside project, upon substantial completion of the project; and

WHEREAS, Project T25-04, Waterside Road Improvements was publicly advertised, bid and awarded by Council on February 11, 2025, to Mike Houck Construction, LLC., who completed all improvements and received Substantial Completion / Project Acceptance, effective May 9, 2025, by Council motion on June 10, 2025; and

WHEREAS, an Assessment Roll based on final cost accounting was compiled by the Engineering Department and Finance Director, defining a uniform rate for the eighty (80) affected units in the amount of \$ 413.60 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$ 2,938.83, and presented at a properly advertised Public Hearing on September 23, 2025 allowing review and comment in accordance with § 96-11 of the Code; and

NOW THEREFORE, BE IT RESOLVED that Sussex County Council adopts the Assessment Roll for Waterside Road Improvements, Project T25-04 and authorizes the Finance Director to proceed with billing each of the eighty (80) affected units in the amount of \$ 413.60 annually for a ten (10) year time period, with the option to make a one-time lump sum payment of \$ 2,938.83 according to Sussex County Chapter 96 Code.

Patrick J. Brown, P.E.
Project Engineer III
Presented on: September 23, 2025



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 17, 2025

RE: County Council Report for C/U 2476 filed on behalf of Richard & Brandi Gentner, Jr.

The Planning and Zoning Department received an application (C/U 2476 filed on behalf of Richard & Brandi Gentner, Jr.) for a Conditional Use for a masonry business, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 133-13.00-2.05. The property is located 18353 Hardscrabble Road, Georgetown. The parcel size is 5.37 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 20, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 13 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 20, 2025, and September 3, 2025.

Minutes of the August 20, 2025, Planning & Zoning Commission Meeting

C/U 2476 Richard & Brandi Gentner, Jr

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.37 ACRES, MORE OR LESS. The property is lying on the north side of Hardscrabble Road (Rt. 20), approximately 1.25 miles southeast of E. Trap Pond Road (S.C.R. 62). 911 Address: 18353 Hardscrabble Road, Georgetown. Tax Map Parcel: 133-13.00-2.05 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's



Conditional Use Site Plan, the Applicant's Survey, Staff Analysis Report, a letter received from the Sussex County Engineering Department Utility Planning Division, the Applicant's Environmental Assessment, and the Applicant's Exhibits. Mr. Whitehouse advised the Commission that no comments were received for the application.

The Commission found that Mr. James Churchman, Esq., with Brockstedt Mandalas Federico on behalf of the Applicants, Mr. Richard Gentner, Jr., and Mrs. Brandi Genter who were also present. Mr. Churchman stated that the Applicant was requesting a Conditional Use approval for a masonry business; that the application was originally submitted in 2021 or 2023 for site plan review, being unaware of the Conditional Use situation; that the Applicant did speak with someone who recommended they move forward through the Conditional Use application process; that the Gentners have been operating the masonry business, R.F. Gentner and Son, Inc. since 1992; that over the last several decades their business has grown by employing 28 people; that they moved to the subject site around 2024, after purchasing the property from the previous owner in 2023; that the masonry business is a specialize work, including foundation, stonework, brickwork and general masonry; that there is some machine work, including loading and unloading the trucks; that the operations on the site are from 6:30 am to 6:30 pm; that the business has a fleet consisting of about 14 vehicles, which are used for various projects; that there is not any work performed on site beyond workers arriving, loading up the vehicles, and leaving for the job sites; that they generally perform work on the eastern side of Sussex County, however, have performed jobs all over Sussex County; that the use is contained to the storage of masonry equipment, stones and vehicles, and the loading up of trucks and vehicles; that the site may store track loaders, mini excavators, and two full size excavators; that there are currently no buildings on the site; that there is a shipping container and a few pallets, where there is storage out in the open air, located on the site; that the proposed use will provide minimal impact, as it surrounded by trees, with no residential uses nearby; that the legal standard is initially rooted in the Gibson versus Sussex County case; that the case holds that when all of the legally pertinent requirements of the Sussex County Code are fulfilled, the application has a presumption of being satisfied and presume should be granted as a masonry business, which is permitted under Sussex County Code §115-22; that §115-22 states that residential business, commercial or industrial uses, when the purpose of this Chapter are fully met by issuing a Conditional Use permit; that the proposed masonry business is consistent with that Section, as well as, consistent with the purpose of the Article 24, being the Conditional Use section, where a Conditional Use should be issued when the use itself cannot be well adjusted to the environment, and the particular locations, with full protection offered to the surrounding properties by rigid application of the District regulations; that these uses due to their nature and impact require the exercise of planning and judgement, which is the reasoning for the application; that the Applicant has fully complied with the requirements, as explained through the scope of work being performed, and the intended scope of work for the masonry business; that noted within the Staff Memorandum, the masonry business, in the proposed location, could be considered consistent with the surrounding land use, zoning, and the use is subject to the considerations of scale and impact; that the property is zoned AR-1 (Agricultural Residential), and is also surrounded by AR-1 (Agricultural Residential) lands; that according to the Future Land Use Map, this parcel is designated within the Low Density area, and is surrounded to the north and east sides as within a Low Density area; that the areas located to the south and west sides of the property, are designated as being within a Developing Area; that the scope of work is limited to 6:30 am, being the time everyone arrives to

the site, and 6:30 pm, being when everyone returns the work vehicles to the site, and head home; that none of the adjoining parcels are used for residential use; that currently there have been no complaints made against the application; that there have been no complaints regarding noise issues; that the machine work mostly consists of loading the trucks and the trucks leaving the site; that the Applicant is working with an engineer; that there are three proposed buildings reflected on the Preliminary Site Plan; that following some review, it had been determined that it will more likely be two buildings due to stormwater compliance issues; that the buildings themselves will house the masonry business; that all of the storage that is currently out in the open, will be contained within the proposed buildings in the future; that there will be some administrative work performed in the buildings as well; that the wastewater disposal and water supply will be onsite and will be subject to DNREC approval; that the Soil Septic Evaluation had already been approved; that DelDOT provided a Service Level Evaluation Response, which did not recommend a Traffic Impact Study; that according to DelDOT the proposed traffic impact will be diminutive; that the Preliminary Stormwater Management Plan was submitted and reviewed by the Sussex Conservation District; that there were a few proposed stormwater plans, which will be subject to the comments of the Sussex Conservation District; that the Applicant's engineering team was working with Sussex Conservation District to figure out the best way to address the stormwater concerns; that the Applicant will comply in any way needed; that the front entrance consists of a gravel road; that currently there are no buildings on the site, only a few pallets and one shipping container; that it appears from the record, and the evaluations put forward, that the Applicant's had met their burden, appearing in compliance with the Sussex County Code for their Conditional Use request, and therefore, they respectfully requested the Commission's recommendation of approval or their application.

Mr. Collins questioned whether the on-site storage would be fully enclosed within buildings, and not just open shelters, that a gate was located close to the roadway, and it would not allow vehicles to turn around.

Madam Chair Wingate stated she felt that if employees were coming to the site, and traffic backed up on the road, the gate should be located further in to allow more room for the vehicles to stack up.

Mr. Allen stated that Hardscrabble Road is a busy road; that he suggested there be plenty of room to see both ways before pulling out onto the roadway, and no trees should be obstructing the view of vehicles leaving the site.

Mr. Mears stated that the Site Plan stated 30 employees; that he questioned whether all 30 employees would come to the site, or if some employees would meet at the job sites; that he requested a better list of equipment proposed to be on the site, and questioned if any vehicle maintenance would be performed on the site.

Mr. Gentner stated that not all employees would arrive at the site; that currently, there are administrative staff who go to a different location, located on Rt. 5; that once the proposed buildings are constructed, the administrative staff would be working from the buildings on the site; that this would equal 30 employees on the site in the future; that he only placed the gate to keep people off of the property, and to avoid stealing of his onsite storage; that he placed the gate far enough in to allow

for one truck with a trailer attached, as to avoid blocking the street; that the gate does not get locked during the day, and remains open; that he is the first to arrive to the site every morning, generally by 5:45 am; that he currently had two large excavators, one weighing 50,000 lbs. and the other weighing 36,000 lbs.; that he had a straight truck, used to move material; that he had a knuckle boom truck, crew cab pickup trucks with trailers, which haul three to four mini excavators, and four to five track loaders; that most of the time when the equipment is at the site, they are located on trailers; that the larger excavators are rarely located on the site, and they generally get transported from job site to job site, and all vehicle maintenance will be performed within the proposed buildings with proper oil disposal.

Madam Chair Wingate questioned whether any product sales would take place from the site, if there would be any crushing of concrete, if the two proposed buildings would be for the masonry business only, and she questioned what days of the week the business would operate.

Mr. Gentner states there would be no product sales from the site; that there would be no crushing of concrete on the site; that the two proposed buildings would be used for the masonry business only, and he would like to operate Monday through Saturday, with Saturday hours being between 7:00 am to 3:00 pm.

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 2476 Richard & Brandi Gentner, Jr., Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 4-0.

Minutes of the September 3, 2025, Planning & Zoning Commission Meeting

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

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

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

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

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

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 20, 2025

Application: CU 2476 Richard Gentner

Applicant: Richard and Brandi Gentner
23339 Zoar Road
Georgetown, DE 19947

Owner: Richard and Brandi Gentner
23339 Zoar Road
Georgetown, DE 19947

Site Location: Located on the north side of Hardscrabble Road (Rt. 20), approximately 0.56-miles southeast of the intersection of Hardscrabble Road and Landfill Lane.

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

Proposed Use: Masonry Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Co.

Sewer: On-site septic

Water: On-site Well

Site Area: 5.37-acres +/-

Tax Map ID.: 133-13.00-2.05





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: October 27, 2023
RE: Staff Analysis for CU 2476 Richard Gentner

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2476 (Richard Gentner) to be reviewed at a not yet determined Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 133-13.00-2.05 to allow for a masonry business. The property is lying on the north side of Hardscrabble Road (Rt. 20), approximately 0.56-mile(s) southeast of the intersection of Hardscrabble Road (Rt. 20) and Landfill Lane. The applicant is applying for 5.37-acres +/- to be included in the Conditional Use area.

Comprehensive Plan Analysis

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 parcel has a designation of "Low Density." The adjoining parcels to the north and east also have a Future Land Use Map designation of "Low Density." The adjoining parcel to the west and south of Seashore Highway (Rt. 404) have a Future Land Use Map designation of "Developing Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, east, west, and south across Hardscrabble Road are also zoned Agricultural Residential (AR-1) District.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" in the 2018 Sussex County Comprehensive Plan notes that the Agricultural Residential District is an applicable Zoning District within the "Low Density" Future Land Use Map Designation.

Existing Conditional Uses within the Vicinity of the Subject Property

Although there have been multiple applications in this area, since 2011, there have been zero (0) Conditional Use applications within a one (1) mile radius of the Application Site.



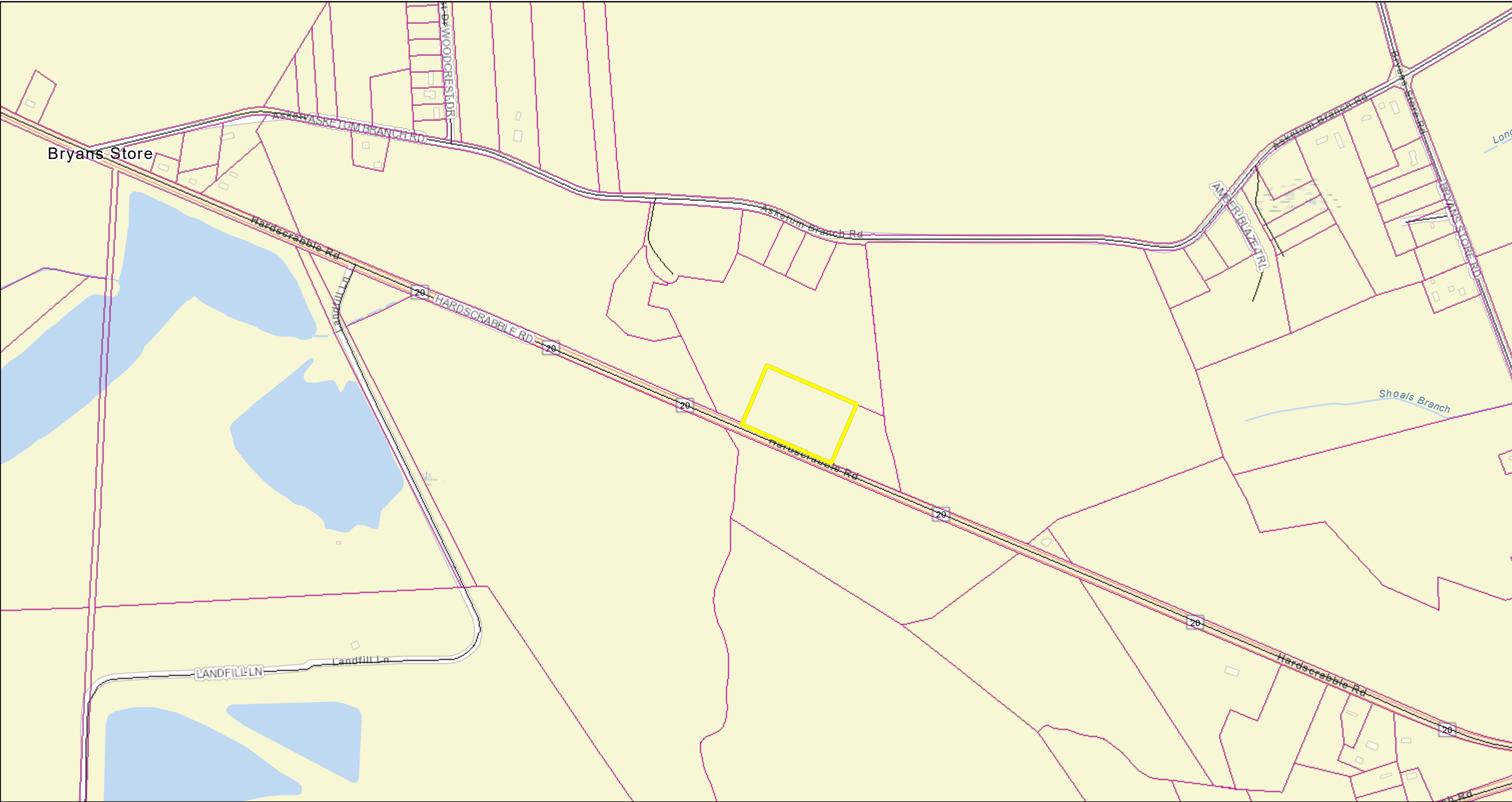
Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Entire parcel is forested. Clearings will most likely occur for any future proposed structures.






- **Wetlands Buffers/Waterways:** Approximately 0.887-acre(s) of Federally Regulated wetlands are located along the southwest corner of the subject parcel.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

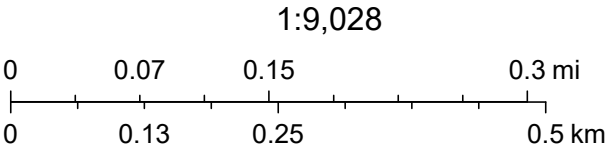
Based on the analysis provided, the Conditional Use to allow for a Masonry Business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Sussex County



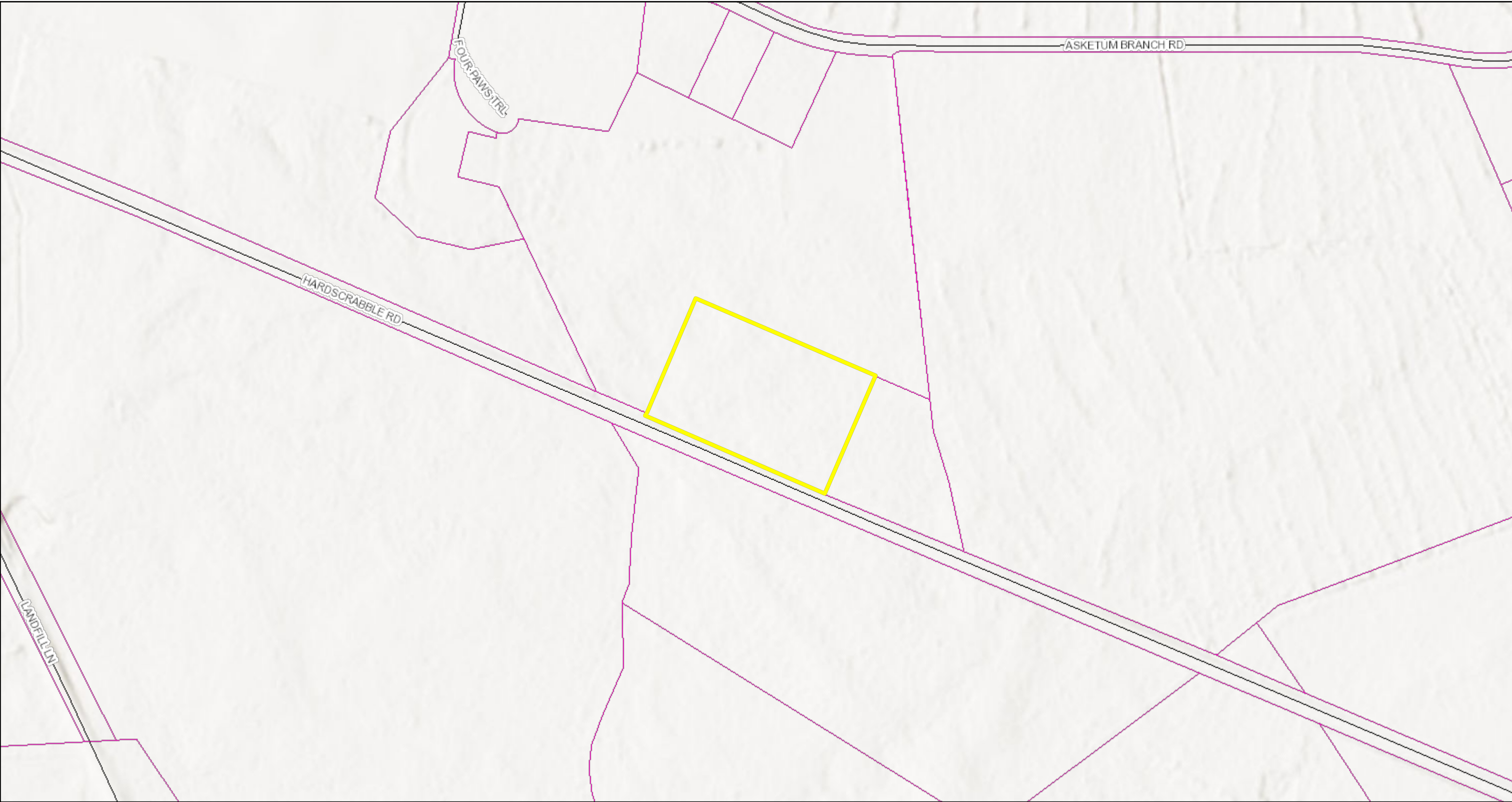
October 27, 2023

-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries



Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Sussex County



October 27, 2023

layer46

Blue: Band_3

Red: Band_1

Green: Band_2

World Hillshade

polygonLayer

Tax Parcels

Streets

County Boundaries

Override 1

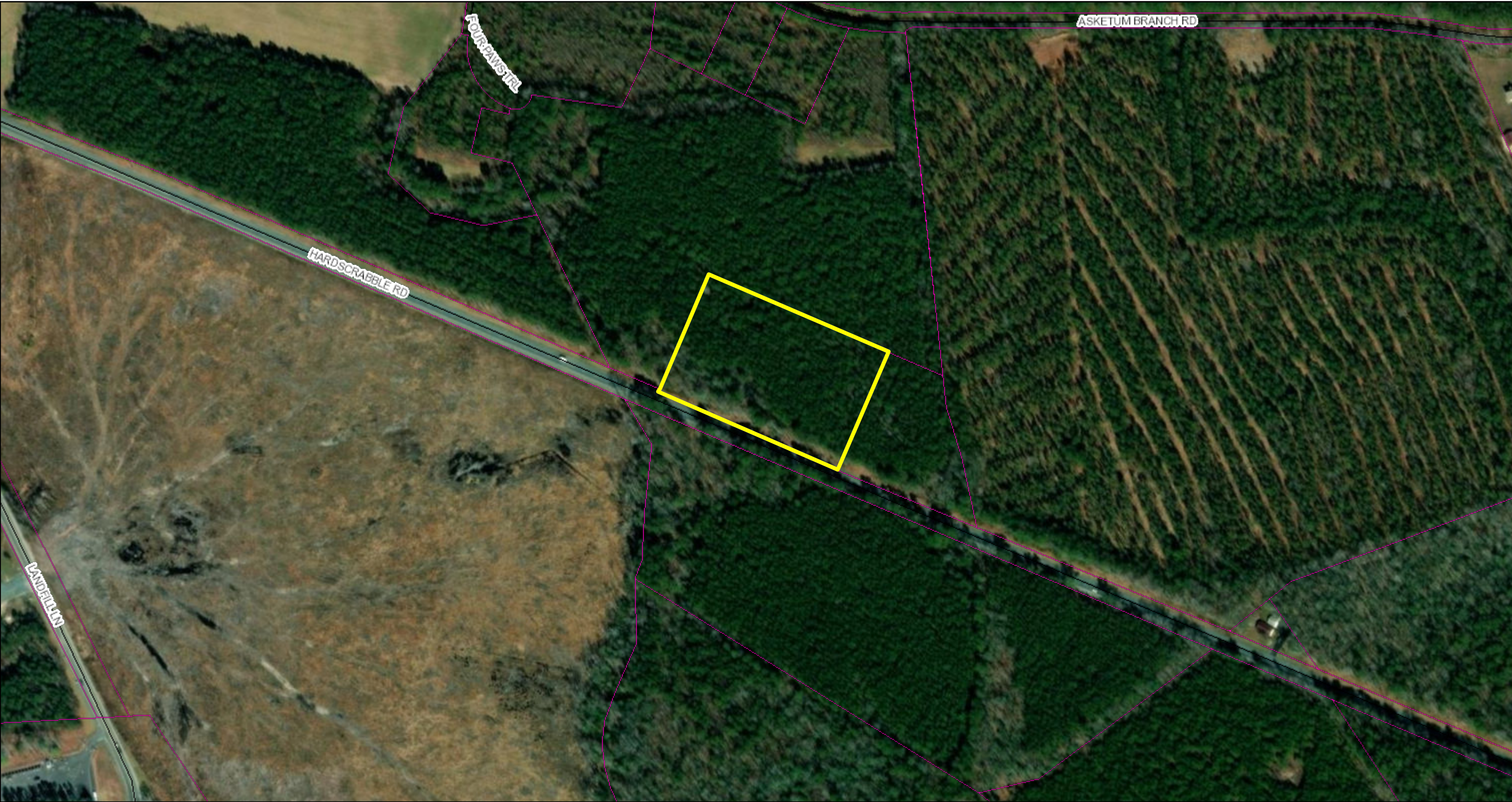
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

A scale bar showing distances in miles and kilometers. The top scale is in miles, with markings at 0, 0.04, 0.09, and 0.17. The bottom scale is in kilometers, with markings at 0, 0.05, 0.1, and 0.2.

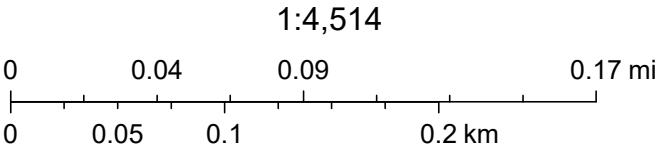
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

Sussex County



October 27, 2023

-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries



Sussex County Government, Maxar

Introduced: 7/22/25

**Council District 1: Mr. Lloyd
Tax I.D. No.: 133-13.00-2.05 (p/o)
911 Address: 18353 Hardscrabble Road, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.37 ACRES, MORE OR LESS

WHEREAS, on the 9th day of August 2023, a conditional use application, denominated Conditional Use No. 2476, was filed on behalf of Richard & Brandi Gentner, Jr.; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2476 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2476 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 north side of Hardscrabble Road (Rt. 20), approximately 1.25 miles southeast of E. Trap Pond Road (S.C.R. 62) and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC, said parcel containing 5.37 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 17, 2025

RE: County Council Report for C/U 2479 filed on behalf of The Crossings at Oak Orchard

The Planning and Zoning Department received an application (C/U 2479 filed on behalf of The Crossings at Oak Orchard) for to amend Conditional Use No. 677 to allow for two (2) additional lots into the Riverwinds (F.K.A Oak Orchard West) Manufactured Home Park, to be located in a GR General Residential Zoning District at Tax Parcel 234-29.00-222.03. The property is located at 18353 Hardscrabble Road, Georgetown. The parcel size is 35 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 20, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 4 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 20, 2025, and September 3, 2025.

Minutes of the August 20, 2025, Planning & Zoning Commission Meeting

C/U 2479 The Crossings at Oak Orchard, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 677 TO ALLOW FOR TWO (2) ADDITIONAL LOTS INTO THE RIVERWINDS (F.K.A. OAK ORCHARD WEST) MANUFACTURED HOME PARK TO BE LOCATED ON A 0.37 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35 ACRES MORE OR LESS. The property is lying on the south side of Devon Drive within the Riverwinds (F.K.A. Oak Orchard West) Manufactured Home



Park, located on the south side of Oak Orchard Road (Rt. 5). 911 Address: N/A. Tax Map Parcel: 234-29.00-222.03 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the formally approved Manufactured Home Park Site Plan, the Applicant's Preliminary Conditional Use Site Plan for the current application, the DelDOT Service Level Evaluation Response letter, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the Staff Analysis Report. Mr. Whitehouse advised the Commission that no comments were received on behalf of the Application.

The Commission found that Mr. Blake Carey, Esq., with the Smith Firm, LLC, spoke on behalf of the Applicant, Crossings at Oak Orchard, LLC. Mr. Carey stated that the property is located within the mobile home community, which was converted to a condominium of River Winds, which was previously known as Oak Orchard West and Driftwood Park; that prior to that, the property as a whole was approved a mobile home park, pursuant to C/U 677 in 1982, with a maximum number of units, not to exceed 112; that it was then converted to a condominium; that in 1996, the specific parcel for the property has been designated Tax Map Parcel No. 234-29.00-222.03; that the Applicant's acquired the property in or around November 2005, when they purchased 101 of the 112 lots within the Oak Orchard West Condominium, and the additional common elements there; that they have since acquired one more lot, such that they now own 102 lots of the 112 lots; that notably the lot, at the heart of the application is .37 acres, and situated along the rear of the property; that the property had sat vacant since the property's inception for the mobile home park; that since the Applicant's acquisition of the property, they have rented their lots, both improved and unimproved within the community, providing affordable housing options to residents of Sussex County; that the Applicant desires to convert the existing lot into two more lots, in order to provide two additional possibilities for residential rentals within River Winds; that since C/U 677 restricted lots, not to exceed 112, the Applicant is respectfully requesting Conditional Use No. 2479 to amend the Conditions of Approval for C/U 677, to permit the two additional lots, bringing the total number of lots to 114; that water for the properties are provided by Tidewater; that sewer for the properties are provided by Sussex County; that the intent is to improve each lot to be created with a mobile home, and rent those consistent with over 90% of the other lots within the community; that all pertinent setbacks would be met; that the Applicant is the owner of roughly 90% of the votes within the condominium; that the Applicant is seeking an Ordinance to grant an amendment of C/U 677, to allow the subdivision of the .37 acre parcel of land, zoned as GR (General Residential) into two lots, proposed as Lot 113 and Lot 114; that this would allow the one lot, which has sat vacant, to become two lots, to be rented out; that the proposed Conditional Use is similar in character to the surrounding area, and the properties along Oak Orchard Road; that the community itself, and its surrounding one mile radius, which include mobile home parks, zoned as GR (General Residential), located across Oak Orchard Road to the north, being Driftwood Villages; that located to the west is Oak Meadows; that the parcel located southeast of the site is zoned B-1 (Neighborhood Business), which houses Middlesex Water Company; that the proposed use will have no adverse impact on the character of the surrounding area or the property values; that DelDOT determined that a Traffic Impact Study was not necessary, and that the local environment would not be impacted; that the GR zoned parcel is located within the Coastal Area pursuant to the Sussex County Comprehensive Land Use Plan, which is considered a Growth Area, similar to the parcels located to the west, and across Oak Orchard Road from the parcel ; that in the

Coastal Area, Sussex County encourages appropriate forms of concentrated new development, and a range of housing types, including supporting medium and higher density, where they have sufficient water and sewer, and when located near sufficient commercial and employment centers, keeping in the character of the area, and along a main road; that the Applicant's proposed use is that of two mobile home lots, in an already existing mobile home community that had been made into a condominium; that the lot currently exists, and sits vacant; that the Applicant desires to subdivide the lot into two lots, in an effort to provide affordable housing and rental opportunities in Sussex County; that within the County Staff Analysis, it concluded that the request could be consistent with the surrounding land uses, zoning and the general environment, given considerations of scale and impact; that the surrounding property within the community are mobile homes; that the request is to create two additional lots within the existing mobile home park; that the proposed Conditional Use will also benefit the health, safety, and welfare of future residents of Sussex County; that the proposed subdivision of the property into two lots will create two more rentable units, therefore providing additional rental opportunities for residents of Sussex County, which the County is in dire need of; that the use will no impact neighboring properties, which are lots improved by mobile homes, which are being rented out and that the application is consistent with the Code requirements for a Conditional Use application

Mr. Collins requested clarification as to who owned the existing mobile homes, and if there was any plan in place to address the status of the existing homes, as there is a fair number of existing mobile homes in poor shape; that he questioned if two additional mobile homes in poor condition would be placed on the two proposed lots; that he stated Sussex County does have a need for affordable housing options; that the application would provide an option to pursue and he stated that just because it is affordable, it does not mean it should not look livable.

Mr. Carey stated that the Applicant owned most of the existing mobile homes; that the intent is to being in two new mobile homes; that the Applicant owns the majority, but not all of the homes; that some lots are rented out, where people place their mobile home there; that in other situations, the Applicant owns the lot and the mobile home, and there is a push to do as much as they can to work through any trouble areas.

Ms. Wingate stated for the record that Lot 113 is the former recreational area, but due to the Applicant owning the majority of the lots within the community, the recreational area is being taken off the table.

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, Chairman Wheatley closed the public hearing.

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

In relation to C/U 2479 The Crossings at Oak Orchard, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

Minutes of the September 3, 2025, Planning & Zoning Commission Meeting

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

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

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

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

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

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY WINGATE, VICE-CHAIRMAN
G. SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 20th, 2025

Sussex County Council Hearing Date: September 23rd, 2025

Application: C/U 2479 The Crossings at Oak Orchard, LLC

Applicant: The Crossings at Oak Orchard, LLC
c/o The Smith Firm, LLC, 323D Rehoboth Avenue
Rehoboth Beach, DE 19971

Owner: The Crossings at Oak Orchard, LLC
c/o The Smith Firm, LLC, 323D Rehoboth Avenue
Rehoboth Beach, DE 19971

Site Location: The property is lying on the southwest side of Devon Drive within Riverwinds (F.K.A. Oak Orchard West) Manufactured Home Park, located off Oak Orchard Road (Route 5).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: To amend Conditional Use No. 677 to allow for additional lots in the existing The Crossings at Oak Orchard Manufactured Home Park.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 0.37-acre proposal / 35 acres total +/-

Tax Map ID.: 234-29.00-222.03





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 8th, 2025
RE: Staff Analysis for C/U 2479 The Crossings at Oak Orchard, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2479 The Crossings at Oak Orchard, LLC to be reviewed during the August 20th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 234-29.00-222.03

Proposal: The request is for a Conditional Use for Tax Parcel: 234-29.00-222.03 to allow the subdivision of the 0.37 acre "Pool Area," into two (2) Lots and proposed Lots 113 and 114 to each be improved by manufactured homes to be located on a property zoned General Residential (GR) District. The Conditional Use is for a proposed Amendment to Conditional Use No. 677 which allowed for the establishment of a Manufactured Home Park. The property is lying on the southwest side of Devon Drive within Riverwinds (F.K.A. Oak Orchard West & Driftwood Park) Manufactured Home Park, located off Oak Orchard Road (Route 5). The subject Parcel contains 0.37 acres, with the total Manufactured Home Parcel being 35.00 acres +/-.

Riverwinds (F.K.A. Driftwood Park & Oak Orchard West) is a Manufactured Home Park containing one-hundred and twelve (112) units total that received approval through Conditional Use No. 677, which was approved by the Sussex County Council at their meeting of Tuesday, April 27th, 1982, through Resolution No. R 041 82.

Staff note that the layout was later converted to a Condominium regime of which the Plans were approved on May 6th, 1996, and recorded at PB 58, PG 27 on December 27th, 1996.

Documentation has been provided to include the previous Site Plan for the Manufactured Home Park, an update of the name of the Manufactured Home Park from "Driftwood Park" to "Oak Orchard West" (in February of 1985) and a request that the development have 5-ft setbacks all around, which was granted by a previous Director of Planning and Zoning in October of 1995 as the Manufactured Home Park was developed in 1984 and the new Ordinance requiring 10-ft setbacks all around was not initiated until 1989.



Zoning: The Parcel is zoned General Residential (GR) District. The adjacent parcels to the north on the opposite side of Oak Orchard Road (Route 5) (consisting of the Driftwood Village Manufactured Home Park,) to the west (consisting of the Oak Meadows Manufactured Home Park and to the south are zoned General Residential (GR) District. There is a single Parcel to the southeast that is zoned Neighborhood Business (B-1) District, which currently houses the Middlesex Water Company business.

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 as a Growth Area designation of “Coastal Area.” The adjacent properties to the west, east, south and on the opposite side of Oak Orchard Road (Route 5) also have a Future Land Use Map designation of Coastal Area.



There are three (3) Parcels on the southeast corner of John J. Williams Highway (Route 24) and Oak Orchard Road (Route 5) to the northwest of the Property which have a Future Land Use Map (FLUM) designation of “Commercial Area” and currently house the Boys and Girls Club of Oak Orchard, Riverside Apartments and Nanticoke Indian Museum.

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 in play” (2018 Sussex County Comprehensive Plan, 4-9).

The Plan further notes that “A range of housing types should be permitted in Coastal Areas, including single-family home, townhouses, and multi-family units” and that medium and higher density “could be supported in areas where:

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

Compliance with Comprehensive Plan: The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the General Residential (GR) District is listed as an Applicable Zoning District within the Coastal Area Future Land Use Map (FLUM) designation (Sussex County Comprehensive Plan, 4-25).

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
 Coastal Area	Agricultural Residential District (AR-1)
	Medium Density Residential District (MR)
	General Residential District (GR) 
	High Density Residential District (HR-1 & HR-2)
	Business Community District (B-2)
	Business Research (B-3)
	Medium Commercial District (C-2)
	Heavy Commercial District (C-3)
	Planned Commercial District (C-4)
	Service/Limited Manufacturing District (C-5)
	Institutional District (I-1)
	Marine District (M)
	New Zoning Districts

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Property appears to be within the vicinity of Parcels which appear to be actively farmed. Please ensure that the Agricultural Use Protection Notice language found in §99-6(B)(2) of the Code
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).

The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” within the context of Sussex County’s Memorandum of Understanding (MOU) with the Delaware Department of Transportation (DelDOT) in that it would generate fewer than 50 vehicle trips in any hour and/or 500 vehicle trips per day.

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is not located within any established Tax Ditch Areas or Tax Ditch Rights-Of-Way (ROW). The Property is located in Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. The property is not located within a Wellhead Protection Area.

Additionally, the Property is located within an area of “Poor” and “Fair” Groundwater Recharge Potential and is therefore not subject to the enhanced requirements of Chapter

89 “Source Water Protection”, Section 7 of the Code regarding areas of “Excellent” Groundwater Recharge Potential.

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 1970, there have been thirty-nine (39) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

- **Two (2) Applications (to include this Application) are currently Pending.**
- **Five (5) Applications were Withdrawn.**
- **Two (2) Applications were denied by the Sussex County Council.**
- **Thirty (30) Applications were approved by the Sussex County Council.**

A Supplemental Table has been provided showing the approval status of all Conditional Use Applications within a 1-mile radius of the Application Site.

Conditional Use Applications w/in a 1-Mile Radius of the Application Site							
Conditional Use Number	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
2257	Indian River Volunteer Fire Co. Inc.	234-34.08-53.00	GR	Boat Storage and Overflow Parking	9/14/2021	Approved	2799
2115	Nanticoke Indian Association, Inc.	234-29.00-53.00	AR-1	amend condition of approval	3/13/2018	Approved	2554
837	Tunnell Companies, L.P.	234-34.00-29.00	GR	manufactured home park	12/30/1985	Approved	335
1305	Short's Marine, Inc.	234-29.00-115.00	AR-1	boat storage	10/12/1999	Approved	1343
677	Lawrence Mergenthaler	234-29.00-222.00	GR	manufactured home park	4/27/1982	Approved	Resolution No. R 041 82
1417	Boys & Girls Club of Delaware, Inc.	234-29.00-69.06	AR-1	recreation facility for children	10/16/2001	Approved	1494
1393	Gull Point Trust	234-34.09-9.00	MR	multi-family/amend CU 1307	4/24/2001	Approved	1447
615	Lawrence E. Mergenthaler	234-29.00-222.03	GR	Manufactured Home Park	N/A	Denied	N/A
858	John T. Satterfield & Pauline	234-29.00-69.03	AR-1	public water utility	9/30/1986	Approved	380
2005	Indian River Vol. Fire Co., Inc.	234-34.08-43.00	GR	BOAT STORAGE FACILITY	3/10/2015	Approved	2387
1458	Indian River Vol. Fire Co., Inc.	234-34.08-41.00	GR	expand fire station	7/16/2002	Approved	1551
395	John Satterfield	234-34.08-45.00	GR	boat display, sales & services	N/A	Approved	N/A
284	John Satterfield	234-34.08-38.02	GR	water system	N/A	Approved	N/A
1631	Design Consultants	234-29.00-64.01	CR-1	multi-family	3/21/2006	Approved	1834
1188	Indian River Marina Pier	234-34.12-67.00	MR	multi-family	7/29/1997	Approved	1160
83	Manufactured Homes INC	234-29.00-70.00	AR-1	manufactured home park	N/A	Denied	N/A
636	Lawrence E. Mergenthaler	234-29.00-322.00	GR	Manufactured Home Park	N/A	Withdrawn	N/A
1035	Robert L. & Melissa S. Richardson	234-29.00-263.12	B-1	flea market w/outdoor sales	N/A	Withdrawn	N/A
1583	Tidewater Utilities, Inc.	234-29.00-248.00	MR	elevated water tank with logo	2/1/2005	Approved	1751
1575	American Legion Post 28	234-29.00-263.00	AR-1	carnival & circus events	1/4/2005	Approved	1741
2148	Sussex Farms, LLC c/o Samuel Connors	234-29.00-19.00	AR-1	Ministorage with caretaker residence and office	11/13/2018	Approved	2615
2045	Robert & Deborah Reed Remax	234-29.00-69.01	B-1	142 Townhouses (Riverview Plaza)	5/3/2016	Approved	2447
1663	Toe Tapper, L.L.C.	234-29.00-24.00	AR-1	professional offices	8/8/2006	Approved	1868
1172	Charles G. & Patricia A. Wagner	234-29.00-21.00	AR-1	retail sales & professional offices	12/10/1996	Approved	1118
2021	VIII P-Loan Portfolio Holding	234-23.00-115.00	CR-1	Multi-family - 288 units	N/A	Withdrawn	N/A
1018	Nanticoke Indian Assoc.	234-29.00-53.00	AR-1	Indian Meeting Center	10/13/1992	Approved	859
1057	Gull Point Trust	234-34.09-9.00	MR	Multi-Family	10/12/1993	Approved	929
1307	Gull Point Trust	234-34.09-9.00	MR	multi-family	10/19/1999	Approved	1347
275	John Satterfield	234-34.08-38.02	GR	Water System	N/A	Withdrawn	N/A
790	Charles Koch T/A Penguin Ice Co.	234-29.00-21.00	AR-1	Ice Plant	5/1/1984	Approved	N/A

2315	American Storage of Delaware, LLC	234-29.00-49.02	AR-1	140 Multifamily Units	6/14/2022	Approved	2861
2418	Nanticoke Indian Association	234-29.00-53.00	AR-1	Amend Conditions of Approval for Conditional Use No. 1018	7/16/2024	APPROVED	3029
2491	St. Michael the Archangel Church	234-29.00-263.06	AR-1	Electronic Message Center	1/23/2024	Approved	2976
2460	Jose M Hernandez Perez	234-29.00-57.02	GR	Workshop/Office, Outdoor & Indoor Storage	2/25/2025	Approved	3076
2543	Toney Floyd & Charletta Speaks-Floyd	234-29.00-274.02	GR	Commercial hauling, goods & materials delivery services	N/A	WITHDRAWN	N/A
2509	Juan Edward Johnson	234-29.00-45.00	AR-1	Professional Office	Pending	Pending	Pending
2484	Dick Ennis, Inc.	234-34.00-53.00	GR	Boat Repair & Storage RV and Landscape Business	6/17/2025	APPROVED	4002
2479	The Crossing at Oak Orchard, LLC	234-29.00-222.03	GR	Additional Lots in MHP	Pending	Pending	Pending

Based on the analysis provided, the Conditional Use to allow for the subdivision of the 0.37 acre “Pool Area,” into two (2) Lots and proposed Lots 113 and 114 to each be improved by manufactured homes in this location could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

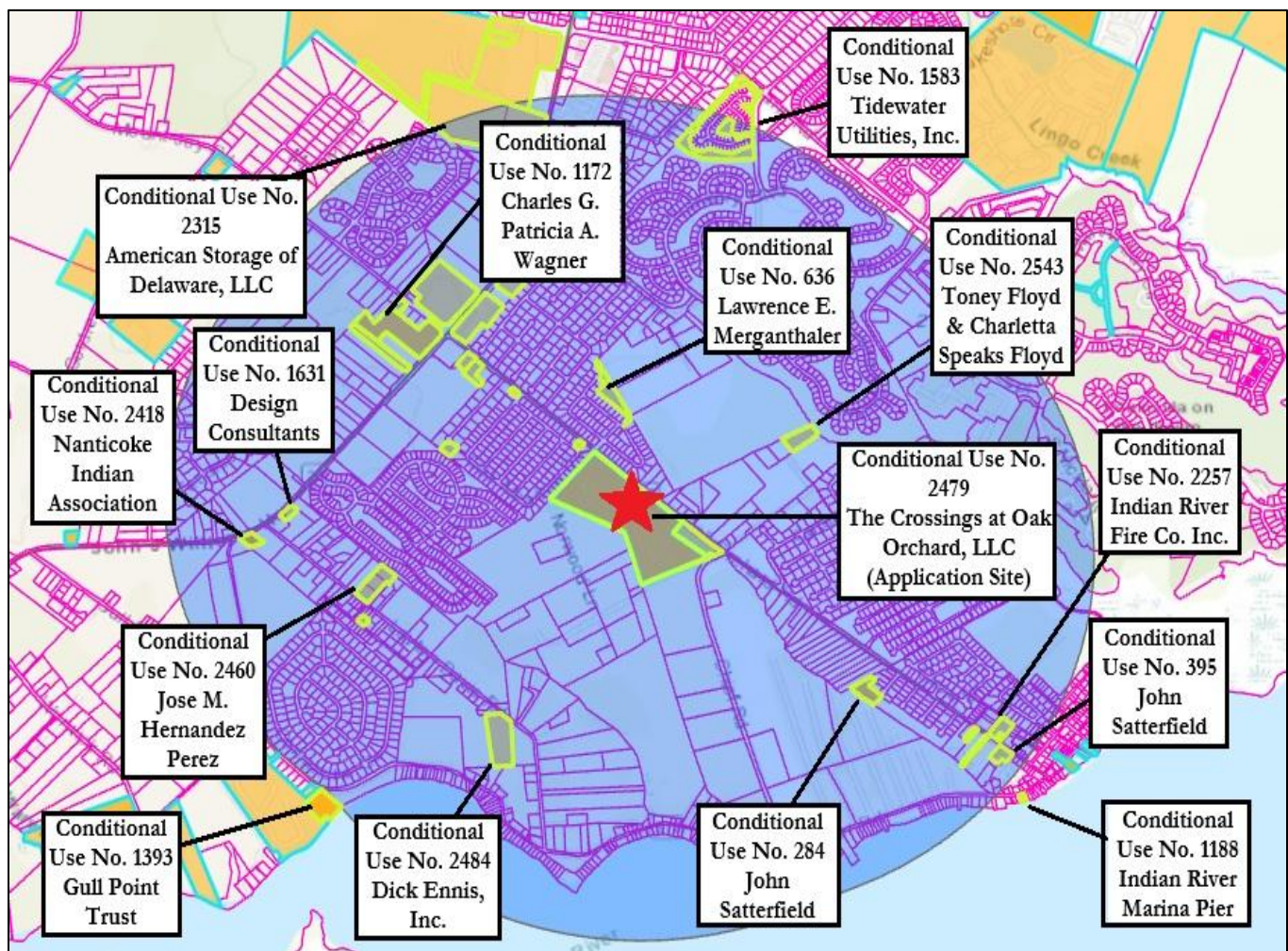
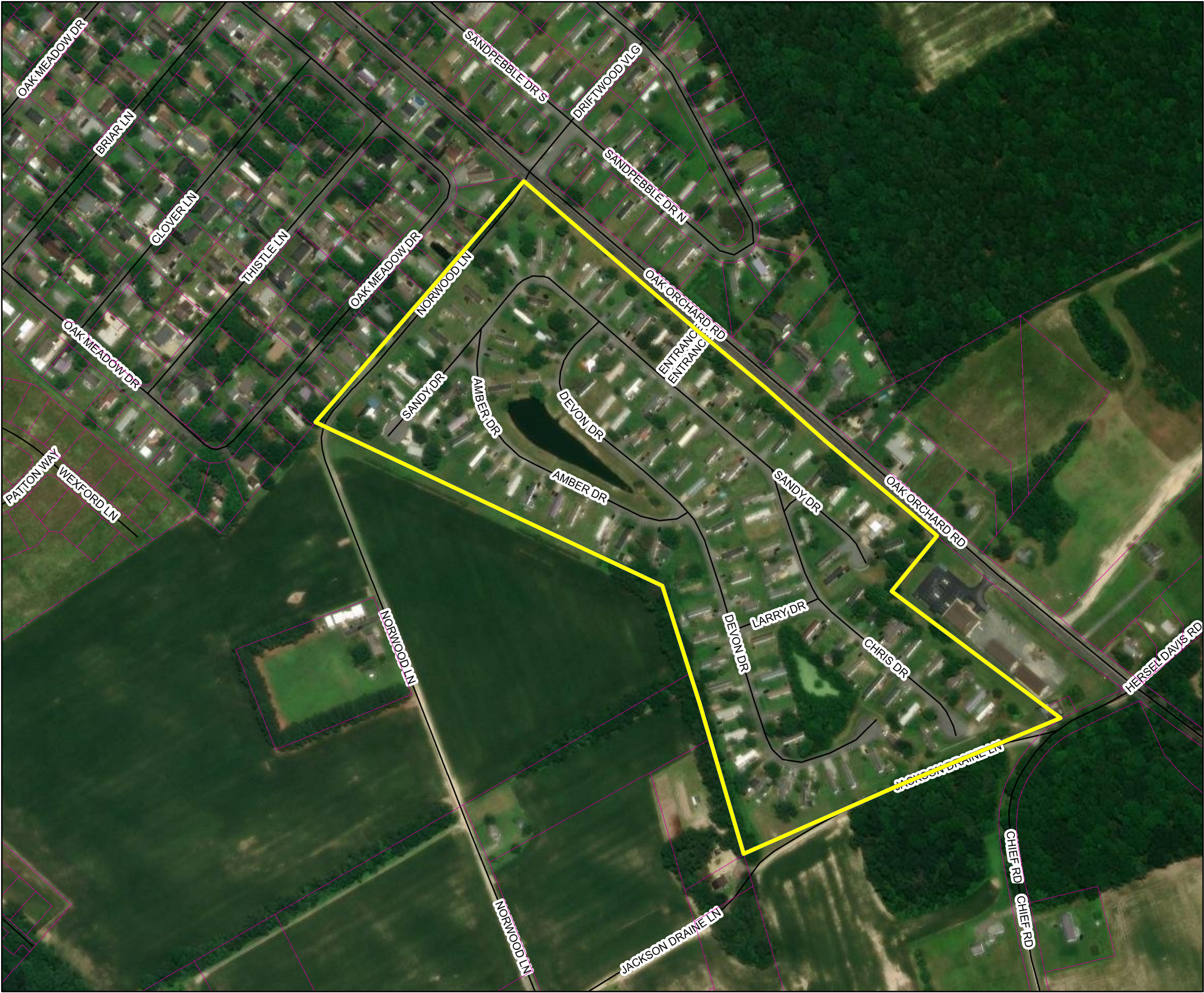


Exhibit “A” – Conditional Use Applications w/in a 1-Mile Radius of Application Site



A3 Landscape Parcel Details

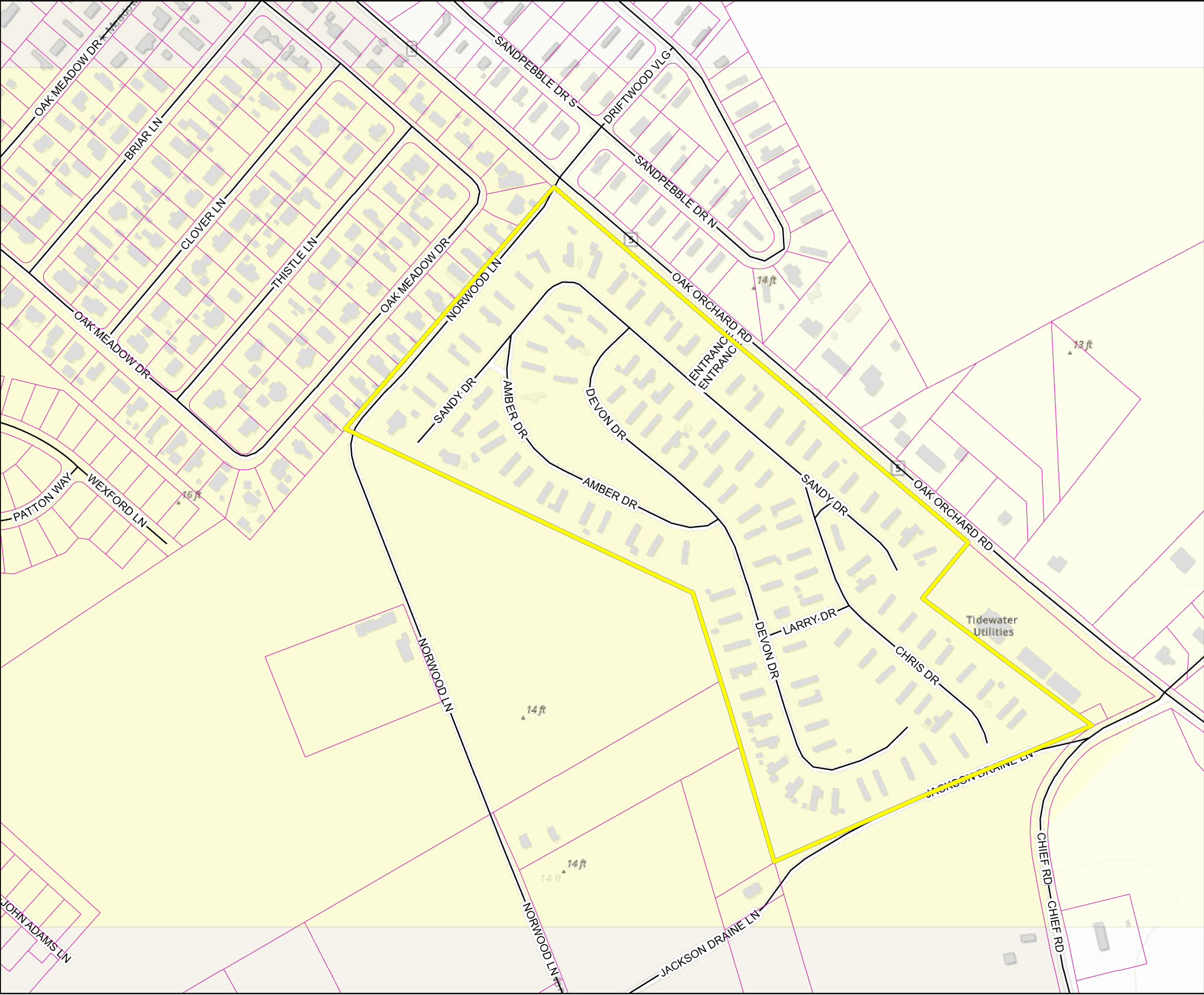


PIN:	234-29.00-222.03
Owner Name	THE CROSSINGS AT OAK ORCHARDS LLC
Book	0
Mailing Address	27825 SANDY DR
City	MILLSBORO
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata

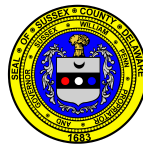


A3 Landscape Parcel Details

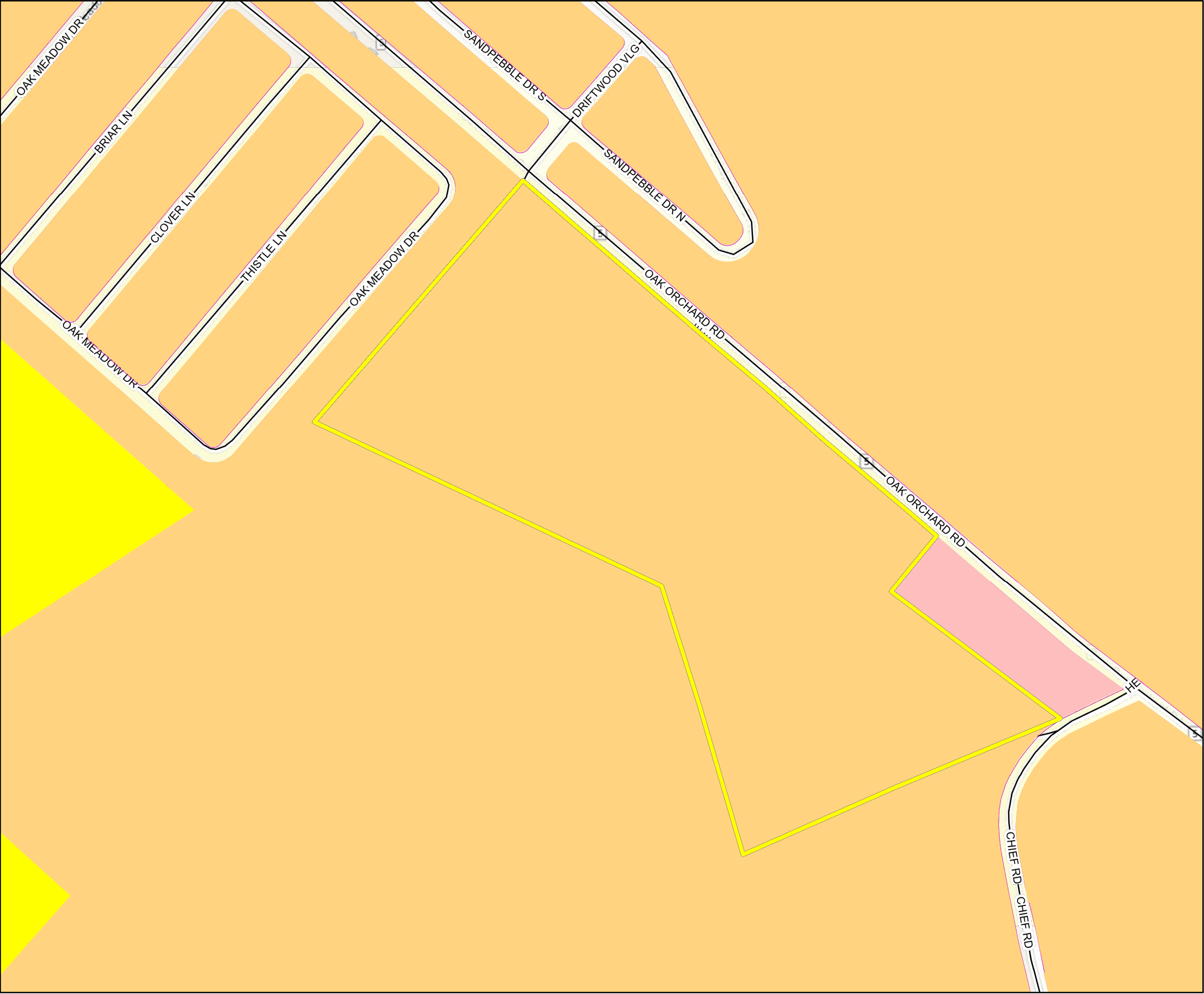


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Description 3	
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- Tax Parcels
- Streets
- County Boundaries
- Citations

Introduced: 7/22/25

**Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-222.03
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 677 TO ALLOW FOR TWO (2) ADDITIONAL LOTS INTO THE RIVERWINDS (F.K.A. OAK ORCHARD WEST) MANUFACTURED HOME PARK TO BE LOCATED ON A 0.37 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35 ACRES MORE OR LESS.

WHEREAS, on the 21st day of August 2023, a conditional use application, denominated Conditional Use No. 2479, was filed on behalf of The Crossings at Oak Orchard; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2479 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2479 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Sussex County, Delaware, and lying on the south side of Devon Drive within the Riverwinds (F.K.A. Oak Orchard West) Manufactured Home Park, located on the south side of Oak Orchard Road (Rt. 5) and being more particularly described in the attached legal description prepared by Aerenon & Aerenon, LLC said parcels containing 0.35 ac., 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 17, 2025

RE: County Council Report for C/U 2527 filed on behalf of LIC Housing, LLC

The Planning and Zoning Department received an application (C/U 2527 filed on behalf of LIC Housing, LLC) for an independent care facility, restaurant and fitness center, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 334-6.00-56.00. The property is located at 16770 Kings Highway, Lewes. The parcel size is 4.833 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 20, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons and subject to the 13 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on August 20, 2025, and September 3, 2025.

Minutes of the August 20, 2025, Planning & Zoning Commission Meeting

C/U 2527 LIC Housing, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDEPENDENT CARE FACILITY, RESTAURANT AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.833 ACRES, MORE OR LESS. The property is lying on the west side of Kings Highway (Route 9), approximately 0.17 mile southwest of Clay Road (S.C.R. 269). 911 Address: 16770 Kings Highway, Lewes. Tax Map Parcel: 334-6.00-56.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Conditional Use Site Plan, the Environmental Assessment Report, the Staff Analysis Report, the Applicant's Exhibit Booklet, and presentation, the Technical Advisory Committee comments including responses received from the State Division of Watershed Stewardship, the DelDOT Service Level Evaluation Response letter, the PLUS comments, and the Applicant's response letter to the State's PLUS comments. Mr. Whitehouse advised the Commission that two letters of comment were received for the Application and were included in the Commission's Paperless Packet.

The Commission found that Mr. Jon Horner, Esq. on behalf of the Applicant, LIC Housing, LLC; that also present were Mr. Adam Gelof, and Mrs. Kelly Gelof, with the development team, Mr. Preston Schell with Ocean Atlantic Companies, and Mr. Zac Crouch with Davis Bowen & Friedel, Inc. Mr. Horner stated that the project is located along Kings Highway in Lewes, Delaware; that the property is about 4.83 acres; that the application requested a Conditional Use for an up to 95 unit independent care facility, with compatible commercial uses, which are currently proposed to be a restaurant and a fitness center; that when evaluation a Conditional Use, the Commission should look for consistency with the County's Comprehensive Plan Future Lands Use Plan, its general promotion of the health, safety, and general welfare of Sussex County residents, and its compatibility with surrounding land uses, when served by adequate infrastructure, and when meeting the Code specific site and design guidelines; that the application check all those boxes; that as such, the Applicant would request a recommendation of approval for the Conditional Use would be the proper outcome; that AR-1 (Agricultural Residential) permitted Conditional Uses are found in Sussex County Code §115-22, which specifically allows nursing in similar care facilities; that in 2018, the Code was updates to codify a specific definition, recognizing that industry was changing, evolving and to create specific sort of stratifications of uses to recognize the current terminology in the industry; that with that definition, one of the definitions that was promulgated, included independent care facility definition, which states a residential development of detached single-family dwellings or multi-family dwelling units restricted to individuals or families in which all residents are older adults; that such development may contain compatible commercial elements; the Applicant felt the project met the definition; that the application proposes an up to 95 unit age restricted multi-family community; that currently, the building as it sits, is designed in 90 units, which include some three bedroom, but they may reduce those to two bedroom depending on what market demands and studies show; that typically they find in the elderly population, it is a two person home, with a third bedroom not necessarily being in demand; that this would be restricted to older adults, consistent with federal law an the Housing for Older Persons Act (HOPA); that the application does additionally propose the compatible commercial elements, being a public restaurant, which would have a delivery service or system with the residents; that they would have direct access within their units to have the restaurant deliver directly to them; that additionally they propose a fitness center or another compatible use, and they have had conversation around whether that be a physical therapist office, or doctor's office, or another similar amenity to the residence of the facility.

Ms. Kelly Gelof spoke about the Application on behalf of the Gelof family; that the proposed project is more than just an investment property; that this five acres with a small one-bedroom house was purchased by her husband's parents, being Doctor Malvin and Helen Gelof on May 17th, 1973, being

just over 52 years ago; that her husband, Adam, grew up spending time on this property in Lewes as well as in Rehoboth Beach; that he grew up with his parents, both serving others, giving back to their community, their state, and the Country, and having an appreciation for nature, all of which they are trying to implement within the proposed project; that over the years, Adam's parents were approached many times to sell or develop the property; that when Adam's parents passed away, she and her husband took it over; that they also have been approached numerous times about the property; that they have been busy raising their two sons, Jack and Jake, while pursuing their careers as attorneys, and taking care of her mother; that developing the land was not something they had time to dedicate to as they wanted to be proud of whatever they did on the site; that now her sons are adults, and they are a very close family; that they all love the area, and want to make a positive impact; that they, as well as her boys, share a desire to continue the Gelof legacy of giving back to the community; that Jack and Jake started their own Gelof Brothers Foundation that focuses on youth development; that they are excited to be a part of the project, as they will be owners and investors with them on the project; that this is an opportunity for them to touch the lives of the older community members, as well as, the youth of their community; that their family wants the project to be beautiful and comfortable for all that live in the area and visit; that they feel the project will give back to their community, because it offers a missing piece of a continued growing and needed affordable housing; that they have a long standing relationship with Ocean Atlantic Management through many friendships, and those that are a part of Ocean Atlantic; that they felt comfortable talking through some ideas with them, to see what might work well for us; that the concept of an active adult community came up in their discussions; that as they kept discussing it, what the project meant, and what it would look like, it began to feel right within their hearts; that it began to resonate with her, as she considered what difference it would have made to have an option similar to this project when she was taking care of her mother; that in 2013, her mother was 61, and came to live with her; that at that time her mother had COPD or emphysema; that her mother was living in Rhode Island at the time, and did not want to lose her independence; that they quickly found there were no affordable options; that they continued to keep looking, even after she moved in with them; that they found nothing affordable or manageable within the Lewes and Rehoboth Beach area; that her mother felt not only was she losing her independence, but that she was intruding in on their lives as well; that they did not have a private suite for her mother, and it was not an ideal situation, however, they did it for five years; that if they would have had a \$2,000 to \$3,000 per month option for a one or two bedroom, independent living situation, such as what the proposed project would provide, they would have jumped at the opportunity; that in 2013, their only options were very expensive homes, or assisted living, with a shared room; that at the time nothing was available, as all beds were filled; that in order to reserve a bed for the next available, they were required to show a back account of six figures, along with paying \$10,000 to \$12,000 per month for her to live there; that she and her husband are two successful attorneys, who made a comfortable living; that they were 43 and 45 at the time, and still the option was not affordable for them; that they had two children who were going to college; that it was a very difficult time, that she felt so many people go through at that age, younger and even currently; that if at that time, they had an option similar to what the proposed project would provide, it would have allowed them to let her mother keep her independence, as she would have been able to live alone; that in the event of an exacerbation, a family member or friend could have cared for her in her own space, or even spent the night; that the proposed site is also in close proximity to Beebe Hospital, that the Cheer Center and church also being close by; that if she had an elevator to go downstairs to

conversate with people her own age; that the project may offer a Wellness Coordinator, which would have been another wonderful benefit for her mother; that her mother would have had the opportunity to go to all the free, lovely amenities, located right outside the door of beautiful Lewes; that the location is incredible for people who are 55 and older, that are active, and are able to take advantage of these kinds of activities; that prior to her mother's passing, he father and step-mother moved to Delaware; that the project proposes a great option for them as well; that she and her husband are in the 55 plus community, and are looking at the project through the eyes of what would people their age want, as well as what would their parents want; that her husband drives past the property every day; that Jack and Jake have the Gelof Brothers Camp, which they provide every year at the Cape Henlopen High School, and they felt that their personal experience and desire to leave a Gelof family legacy ties in nicely with the needs of our community currently, and in the future, which would provide more affordable housing options for active adults, that are both already here and those that are moving here.

Mr. Jon Horner stated Ms. Gelof highlighted the crux of what the project is proposed to be; that within the exhibits, they highlighted the gap between a project like Beach Plum Dunes, located down the road, where two-bedroom units are available for \$2,000, to right up the road at the Lodge of Lewis, where two-bedroom, dual occupancy units are \$10,000; that there is nothing in between those in the area; that many seniors reach a point where they can no longer live in the home that they are in, and want more services; that these people are left with a decision, which may not fit their particular needs or budget; that people may be forced into a decision to accept a spot in a facility, which may take a spot from someone who may need that higher level of service more than they do; that the Applicant submitted into the record, an article from Time magazine, which spoke to the issue of the missing middle; that this is sort of a different missing middle; that this missing middle really has not been talked about when we colloquially speak of the missing middle in the workforce context, but particularly in Sussex with the graying and aging population; that this demand will increase; that currently the median population in the City of Lewes is 67.3 years of age; that when the Lodge at Lewes was undertaken, a market study was performed to look at the affordability; that given the advanced levels of services at the Lodge, it was only affordable to about 15% of people in the market; that when looking at that same study, and applying it to the proposed rents of the application, it opens an opportunity up to about 50% of the seniors in the market; that it is a dramatic increase of the market; that when one would go to Beach Plum Dunes, there are no senior focused amenities; that it consists of a clubhouse, a pool, and maybe a tot lot or dog park, being a standard amenities package related to the average consumer homeowner or renter in the community; that when visiting the Lodge, or a more advance facility, it is staffed; that there are approximately 130 people on staff at the Lodge at Lewes, which provide full time care; that there is memory care, mental care and meal services on-site; that all of these services are paid for solely by the residents; that the concept with the project is to make those services available, to a lesser degree, by allowing it to be, in some way, subsidized by the public; that an example of this would be the restaurant, which would be open to the general public; that the restaurant will also be located onsite and will offer meal services as part of their lease to the residents; that the residents are not taking on all of the cost; that this service would be performed at market rate, to the outside, and subsidizing it similarly with the other proposed use, which is proposed currently to be a fitness facility; that this service would be open to the public, with the ability for residents to use as a subsidized basis; that the Applicant requested that any condition of the use, should

the application be granted, reference the Code as a compatible commercial use, to allow them flexibility; that an example of this would be should a physical therapist want to be on the site; that they would like to have a use that would be complementary and not necessarily be locked in on a fitness center; that the plan is in compliance with the Comprehensive Plan; that the site is located within the Coastal Area, which is a designated Growth Area; that Growth Areas support a range of housing types, including multifamily and senior housing; that specifically, the Comprehensive Plan notes that within the Coastal Area, mixed use development is appropriate, and should be allowed; that commercial and institutional uses can be appropriate to provide for convenience services; that the project also meets and advances several of the objectives and strategies of the County's Comprehensive Plan; that an example of this can be found within Objective 8.2.4, to expand housing opportunities for persons with disabilities and the aging; that Strategy 8.2.4.1 encourages universal design principles in new home construction; that all of the units within the project will be constructed with universal design to allow a degree of accessibility, which is necessary for an aging senior; that the project will meet or exceed the requirements for the minimum amount of 88 units; that Strategy 8.2.4.2 requires continued coordination with Sussex County Advisory Committee on aging and adults with physical disabilities to determine barriers and opportunities for the expansion of housing opportunities for persons with disabilities and the aging; that the project is located entirely within Investment Level 2, according to the State Strategies Map; that there is a small back corner of the property which is located within Investment Level 3, however, that area would be untouched by the proposed project; that the project is supported by existing infrastructure, including public sewer, Tidewater and Delmarva Power; that the proposed project is consistent with other uses located within the immediately adjacent area; that these uses include both commercial and higher density uses; that the site is almost entirely surrounded by Investment Level 1 areas; that located immediately next door is a church; that also within the area are the Savannah East Apartments, the Harbor Town Apartments, the Crooked Hammock restaurant & brewery, Beach Bum Dunes, and Hunters Walk; that the project is consistent with the commercial and multi-family uses; that the adjacent church submitted a letter of support for the application; that they had very productive conversations with the church regarding how their services, offerings, construction and development can tie in with what is currently being performed at the church; that the Harbour lights Cheer Center is located within walking distance of the site, being a facility open to individuals aged 50 and older, who offer programs, classes and services; that while the Land Use Reform Working Group has not produced any final formal recommendations, he believed many had been following the process, where many themes have emerged; that one of the themes had been increased density in areas where density should be located, and to focus growth in those area; that in his opinion, the proposed project will provide housing for needy people, in an area where growth is happening, where improvements are planned, and are already ongoing; that Kings Highway improvements are planned, and the project aligns with many of those goals.

Mr. Crouch, P.E. with Davis, Bowen & Friedel, Inc. spoke upon the application stating that a DelDOT Service Level Evaluation Request was submitted; that DelDOT provided a response on April 15, 2025, stating the project would create a minimum impact, based on the trips that were presented; that on November 15, 2024, DelDOT submitted a letter of amendment to three things they would be required to do; that the site is located within the Area Wide Study fee location; that they will be required to participate in the Kings Highway improvements; that the entrance for the project would be a full entrance, including a left turn lane, and right turn lane into the site; that this would only be temporary

until the Kings Highway improvements are completed; that once completed, there will be a median within Kings Highway, which will limit the rights in and out; that DelDOT also requested a connection be placed to the northern property to the site; that DelDOT requested a partial connection be placed, as well as a multi-use path, which will run along the frontage of the property; that the site contains .57 acres +/- of wetlands; that the wetlands had been delineated by ERI (Environmental Resource Insights); that they are providing a 30 foot buffer; that the Stormwater Management Plan includes a pond, which will be an infiltration pond for the project; that they propose to preserve 27% of woodlands, based on the County's Code of woodlands; that the area is not entirely wooded; that there is vegetation that had grown over the past 13 years; that the trees that will be cleared are undergrowth and small trees; that the mature trees are located near the back of the property is being persevered with a 30 foot buffer; that the site is located within the Wellhead Protection Area; that per County Code, they must comply with §89.6, which is the reasoning for the infiltration pond; that they are required to treat all discharge with infiltration, as well as the placement of stormwater chambers underneath the parking lot to do the same for infiltration; that per the Code for AR-1 Zoning, the requirement is a minimum of 20,000 square feet; that they are proposing 4.833 acres; that the minimum width required is 100 feet; that they are proposing 280 feet of width; that the project will meet the required setbacks for 40 feet from the front, 15 feet from the sides and 20 feet from the rear; the maximum building height is 42 feet; that the project is required to provide 115 parking spots for the facility, the restaurant and the fitness center; that the project will provide 194 parking spaces; that there is an greater anticipated car ownership among the independent living residents versus typical assisted living residents; that sewer is provided by Sussex County; that water is provided by Tidewater; that electric is provide by Delaware Electric Co-op; that the building will be sprinklered, and fire hydrants will be required for spacing of 800 feet, as well as the fire department connection; that there will be a turnaround area and fire lane provided; that project will be compliant with the Wellhead Protection Area, Sediment and Stormwater regulations; that a small portion of the property is located within the 100 Year Floodplain area, being the area located along the ditch; that this area will not be impacted by any proposed construction; that four EV charging stations will be provided and installed; that all lighting on the site will be downward screened; that there is a letter in the record from the Byways Committee; that they have worked with the Byways before, and they were part of the PLUS process as well; that they will be required to consult with the Byways regarding any signage and/or landscaping along Kings Highway; that they have previously worked with them on the Lodge and Lewes and Dutchman's Harvest projects as well; that there is an option to place a six foot high fence along the perimeter in reference to any type of landscaping or screening, and a fence is proposed along the north and south sides of the property.

Mr. Jon Horner stated that another item that will distinguish the proposed project from Beach Plum Dunes is that the project proposes a wellness concierge, which will be a staff person who can help anyone living in the facility with their healthcare needs; that this service may include helping arrange transportation to appointments or scheduling doctor appointments; that they hope to continue their relationship with Beebe, to help leverage that and help provide those services; that the amenities will be designed and installed to support the demographic; that they are still finalizing the design of the amenities; that they had provided proposed Findings of Fact and proposed Conditions of Approval for the record; that they would request the condition provide for compatible commercial use to allow them flexibility; that in order to meet the definition of the nursing and other facilities, they are required

to have a maximum of 95 units, with 55 plus occupancy, as stated under the Housing for Older People's Act; that the project will be in compliance with all DelDOT improvements; that all central water and sewer required resource buffer, and stormwater best management practices will be followed; that construction will be limited to Monday through Saturday, with no Sundays; that light landscaping and downward shielding lighting will be provided along Kings Highway, and designed in collaboration with the Historic Lewes Byways Commission; that the proposed facility serves a much needed demographic and demand in Sussex County for aging seniors; that as the community ages, there will be a greater need for facilities such as the one proposed; that the project will help alleviate the price gap between the higher end facilities and standard apartments; that the project satisfies the elements for a conditional use, as it is consistent with the County's Comprehensive Plan's Future Land Use Map; that the project promotes the health, safety, and general welfare of Sussex County residents; that the project is compatible with the surrounding land uses; that the project is served by adequate infrastructure, and meets the Codes in site specific design requirements; that the site is located within the Coastal Area, being designated as a Growth Area within Sussex County, which promotes a range of housing options and mixed-use and industrial uses, and should the application be approved, they will comply to any and all conditions imposed on the project.

Mr. Collins thanked Mr. Horner for addressing the comment submitted by the Lewes Historic Byways Commission. Mr. Collins questioned whether the additional commercial uses would be provided on the Final Site Plan.

Mr. Jon Horner stated that they intend to have the use lined up well before they submit for Final Site Plan approval, and they would ask for a condition permitting a commercial use that is compatible with the project.

Mr. Schell stated that hair and nail salons are not their intention for the proposed project, but rather a doctor's office, associated with Beebe, where they perform outpatient services during regularly scheduled hours; that these services is provided in multiple other communities; that the Gelofs love the "Orange Theory"; that it may not be an Orange Theory, but may be a fitness center or a physical therapy center; that it will be a commercial service that adds value to the residents; that by adding a service of value, it will bring up the value of the 90 to 95 units; that it is something that is as expensive, and it is kind of forced on the residents at the Lodge at Historic Lewes; that they are trying to peel it out by offering it to the public, to allow the services to be a more a la carte service to the tenants in the building.

Mr. Allen questioned whether there were any plans to turn the restaurant into a restaurant and bar.

Mr. Schell stated no; that a bar was not their intention; that they should have added more conditions to make that clear, and they are willing to place conditions on hours of operation or whatever else to ensure they are servicing their targeted demographic.

Madam Chair Wingate stated she felt the application was a great idea; that there is a definite need for the proposed service, and she asked Mr. Robertson if there was any way for the Commission to monitor the proposed age group.

Mr. Robertson stated that there is a federal provision that allows it to be done, and he would need to conduct additional research on it.

Mr. Schell stated that at times they refer to the project as an Active Adult Plus project; that the plus means additional services, such as the wellness concierge, and at other times the project is referred to as an Independent Living Light, which is a project that is exactly the same, however, it straddles the nexus between full service, independent living, and active adult living.

Mr. Robertson stated that he believed the way the Commission would do accomplish this, when looking at the proposed conditions, they would need to state that the Applicant has proffered that they will do this that way; that this will allow what was proffered to be incorporated as a condition, but not one that the county has imposed on an Applicant, and it would be a way to memorialize it.

Mr. Horner stated that they would not have any objection to that restriction being an imposed condition.

Madam Chair Wingate stated that she wanted to ensure the project accommodates the people in greatest need; that she requested clarification regarding the 25-foot cross-access interconnectivity required by DelDOT.

Mr. Crouch stated that DelDOT required a cross-access easement to be located with the property located to the north, should it ever be developed, mostly due to the improvements being performed on Kings Highway.

Madam Chair Wingate stated she saw the submitted support from the neighboring church; however, the Applicant is proposing a six-foot privacy fence, which she felt ideally would be an area capable for walking, and would eliminate the need for people to access Kings Highway.

Mr. Schell stated that they may not provide the proposed fence, based on the church's preferences; that courtyard options were provided within the exhibits, with one of the courtyards extending beyond the property; that this courtyard option will only be considered with the church's approval, and this would allow the church to utilize the courtyard for church-based events.

Mr. Robertson questioned whether the Applicant had any further information on the timing of the improvements for Kings Highway.

Mr. Crouch stated that he had spoken with many officials regarding the improvements; that DelDOT is currently moving forward; that there is a lot involved in land acquisition for the right of ways, and the improvements are moving along.

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, Chairman Wheatley closed the public hearing.

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

In relation to C/U 2527 LIC Housing, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen, and carried unanimously. Motion carried 4-0.

Minutes of the September 3, 2025, Planning & Zoning Commission Meeting

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

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

1. The proposed Conditional Use meets the purpose of the Sussex County Zoning Code in that it promotes the orderly growth of the County. The project is in the Coastal Area according to the Sussex County Comprehensive Land Use Plan, and the location is appropriate along Kings Highway next to a church and in the vicinity of similar facilities, doctors' offices, and other institutional uses.
2. The development of this site with no more than 95 age-restricted units is consistent with the densities of similar facilities in this area around Lewes.
3. Sewer service will be provided by Sussex County as part of the County-operated sanitary sewer district.
4. The development will be served by central water.
5. The proposed development will not adversely affect neighboring properties or roadways.
6. The Applicants have stated that this project is intended to meet the demand for seniors for a facility that is designed to fill the gap between a high-end apartment complex and a full-service senior care facility. There is a need for this type of senior housing in Sussex County.
7. The proposed restaurant and fitness center will be a shared-use facility available to both the residents of this project and the public. Because these will not be exclusive to the projects' residents, the housing costs will be lower than other similar projects. The public restaurant and fitness center uses are also appropriate along Kings Highway, and they are consistent with other similar uses in the area. In addition, according to the recommendations of approval and based upon statements made during the public hearing, other types of ancillary commercial uses are appropriate instead of a restaurant or fitness center. Examples could include medical or physical therapy facilities.
8. DelDOT has stated that the impact of this project on area roadways will be minor. The Applicant will also be required to comply with all DelDOT entrance and roadway improvement requirements.
9. The proposed use promotes the services of the Goals, Objectives, and Strategies in Chapter 8 of the County Comprehensive Plan regarding "Housing" and the expansion of housing opportunities for Sussex County's aging population.
10. There was no opposition to this Application.
11. This recommendation is subject to the following conditions:
 - A. There shall be no more than 95 dwelling units constructed on the site. As proffered by the Applicant, these units shall be operated and maintained as housing intended for

occupancy by persons 55 years of age or older in compliance with the Federal Fair Housing Act and the Housing for Older Persons Act. In addition to these housing units, the project may also include a restaurant, fitness center, or other similar uses open to the public but compatible with the primary use as an age-restricted residential project. The location and type of these additional uses shall be shown on the Final Site Plan. To the extent that these uses do include a restaurant, the restaurant shall close no later than 10:00 pm and any music or entertainment shall cease by 9:00 pm.

- B. All entrances, intersections, inter-connection, roadway, and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements.
- C. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
- D. The Conditional Use shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- E. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- F. The Resources on the site as defined by the Sussex County Zoning Code shall be protected, and Resource Buffers shall be installed and maintained in accordance with the requirements of the Zoning Code.
- G. The Applicant shall submit as part of the Site Plan Review a landscape plan showing all buffers and the proposed tree and shrub landscape design, including the landscaping along Kings Highway.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- I. Construction, sitework, grading, and deliveries of construction materials, landscape materials, and fill on, off, or to the property shall only occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and in Spanish shall be prominently displayed at the site entrance during construction.
- J. All lighting on the site shall be directed downwards so that it does not shine on neighboring or adjacent properties or roadways.
- K. The site plan presented during the public hearing showed a fence between this property and the church next door. An alternative landscaping plan showed a potential shared garden/patio area between the two properties. Under either scenario, there shall be pedestrian interconnectivity between this development and the church next door.
- L. This site is located within a wetland protection area. Therefore, the site plan and the development of the site shall comply with the applicable requirements of Chapter 89 of the Sussex County Code.
- M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY WINGATE, VICE-CHAIRMAN
G. SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



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 20th, 2025

Sussex County Council Hearing Date: September 23rd, 2025

Application: C/U 2527 LIC Housing, LLC

Applicant: Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19947

Owner: LIC Housing, LLC (c/o Adam & Kelly Gelof)
P.O. Box 1553
Rehoboth Beach, DE 19971

Site Location: The property is lying on the west side of Kings Highway (Route 9), approximately 0.17 mile southwest of the intersection of Clay Road (S.C.R. 269) and Kings Highway (Route 9) and located at 16770 Kings Highway in Lewes, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Independent Care Facility, restaurant and fitness center.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 4.833 +/-

Tax Map ID.: 334-6.00-56.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 8th, 2025
RE: Staff Analysis for C/U 2527 LIC Housing, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2527 LIC Housing, LLC to be reviewed during the August 20th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 334-6.00-56.00

Proposal: The request is for a Conditional Use for Tax Parcel: 334-6.00-56.00 to allow for a proposed Independent Care Facility with 95 bedrooms and compatible commercial elements (ie: restaurant and fitness center) to be located on a property zoned Agricultural Residential (AR-1) District. The property is lying on the west side of Kings Highway (Route 9), approximately 0.17 mile southwest of the intersection of Clay Road (S.C.R. 269) and Kings Highway (Route 9) at 16770 Kings Highway in Lewes, Delaware. The Parcel consists of 4.833 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, west and east on the opposite side of Kings Highway (Route 9) are also zoned Agricultural Residential (AR-1) District. The Parcel immediately to the south consisting of the New Covenant Presbyterian Church is also zoned Agricultural Residential (AR-1) District.

There is a single Parcel on the other side of the New Covenant Presbyterian Church Parcel that is zoned Medium Commercial (C-2) District.

Multiple Parcels to the southwest along Coastal Highway (Route 1) are zoned General Commercial (C-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated as a Growth Area designation of "Coastal Area." The adjacent property to the north and east on the opposite side of Kings Highway (Route 9) also have





a Future Land Use Map designation of Coastal Area. The Parcels on the west and south side of the Property have a Growth Area Future Land Use Map (FLUM) designation of “Commercial Area.”

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

The Plan further notes that “Retail and office [type] uses are appropriate” and that “appropriate mixed-use development should also be allowed” along with “light commercial, office and institutional uses” which “can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Compliance with Comprehensive Plan: The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the Coastal Area Future Land Use Map (FLUM) designation (Sussex County Comprehensive Plan, 4-25).

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
 Coastal Area	Agricultural Residential District (AR-1)
	Medium Density Residential District (MR)
	General Residential District (GR)
	High Density Residential District (HR-1 & HR-2)
	Business Community District (B-2)
	Business Research (B-3)
	Medium Commercial District (C-2)
	Heavy Commercial District (C-3)
	Planned Commercial District (C-4)
	Service/Limited Manufacturing District (C-5)
	Institutional District (I-1)
	Marine District (M)
	New Zoning Districts
	

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Parcel does not appear to be adjacent to any lands in active Agricultural use/which are actively being farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs). The Henlopen TID is located to the south of the subject Property.

The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “Minor” within the context of Sussex County’s Memorandum of Understanding (MOU) with the Delaware Department of Transportation (DelDOT). The Letter notes, “an impact is Minor when a proposed land use would generate more than either 50 vehicle trips per peak hour and/or 500 vehicle trips per day but fewer than 200 vehicle trips in the weekly peak hour and fewer than 2,000 vehicle trips per day” (DelDOT SLER, 1).

- **Forested Areas:** Staff note that the Parcel appears to have existing forest cover on much of the Property.
- **Wetlands Buffers/Waterways:** The National Wetlands Inventory indicates that there is an approximately 8.86-acre Freshwater Forested/Shrub Wetlands forming part of a Palustrine System of non-tidal wetlands that remains “Seasonally Flooded.”

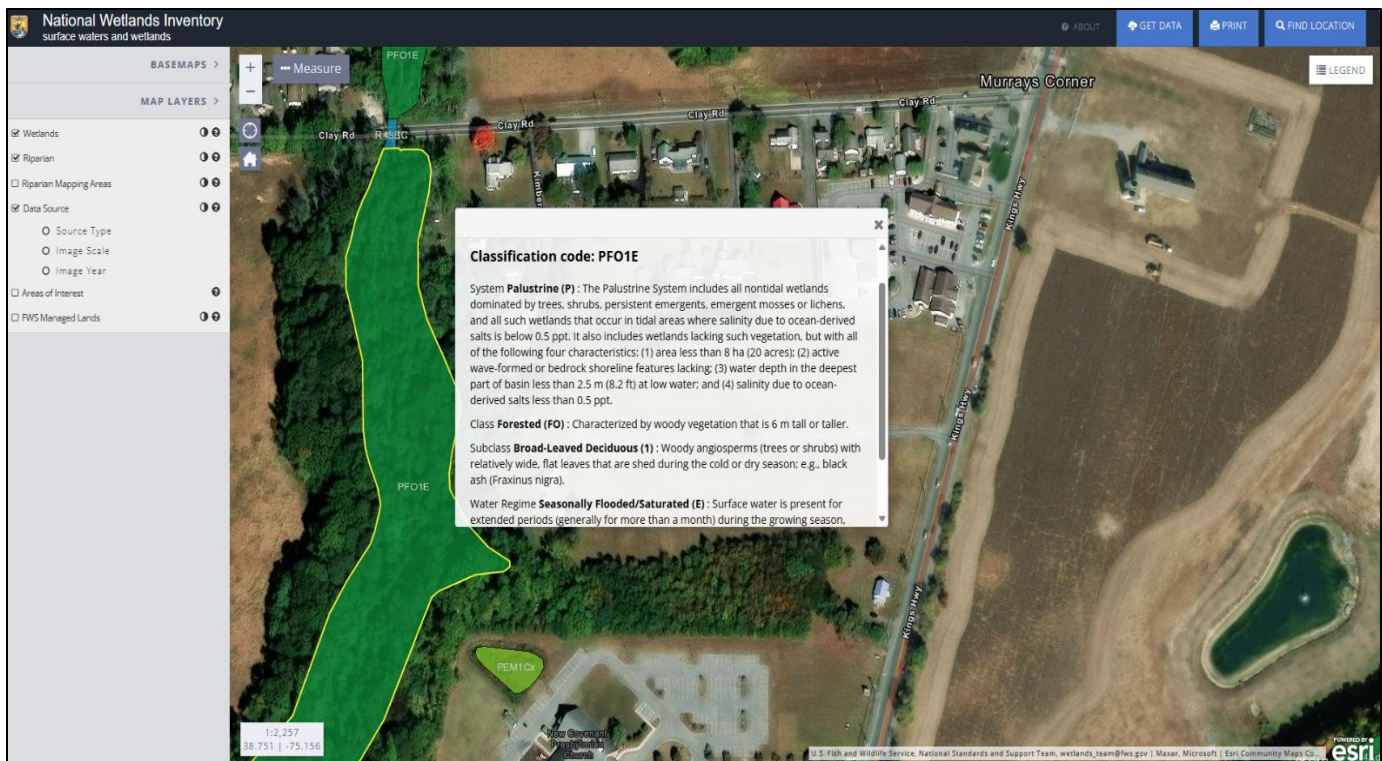


Exhibit “A” – National Wetland Inventory Wetlands Mapper data for the 8.86-acre Freshwater Forested/Shrub Wetlands.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is not located within any established Tax Ditch Areas or Tax Ditch Rights-Of-Way (ROW). The rear portion of the property is located within the “AE” Flood Zone (Areas subject to inundation by the 1% annual chance flood zone). The Parcel is located within an area of “Good” Groundwater Recharge Potential per available FirstMap Data.

Additionally, Staff note that the subject Property is located almost entirely within an existing Wellhead Protection Area. Therefore, the Applicant will have to meet the provisions of Chapter 89 “Source Water Protection, Section 6 of the Sussex County Zoning Code. The area has been shown in Exhibit “B” in the image below.

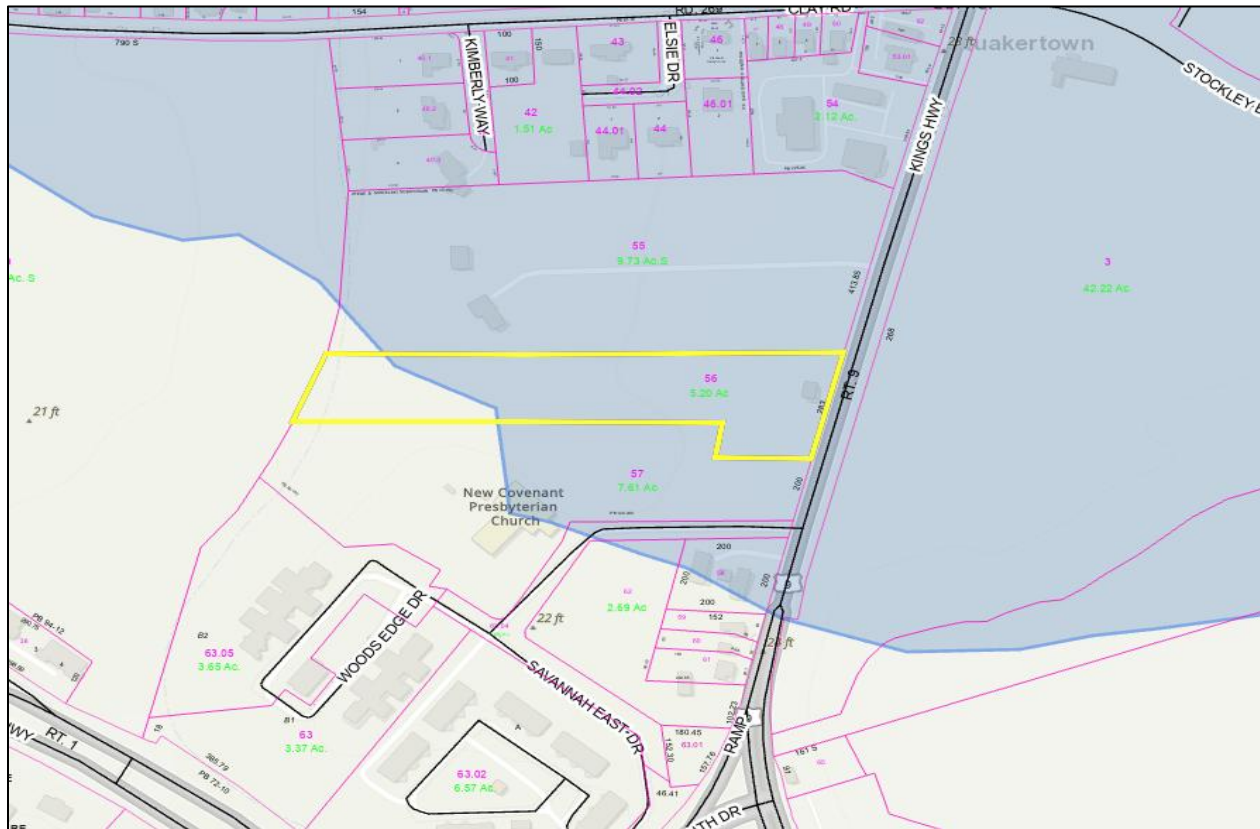


Exhibit “B” – Showing Existing Wellhead Protection Area encroaching on the Parcel.

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 1970, there have been one-hundred (100) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

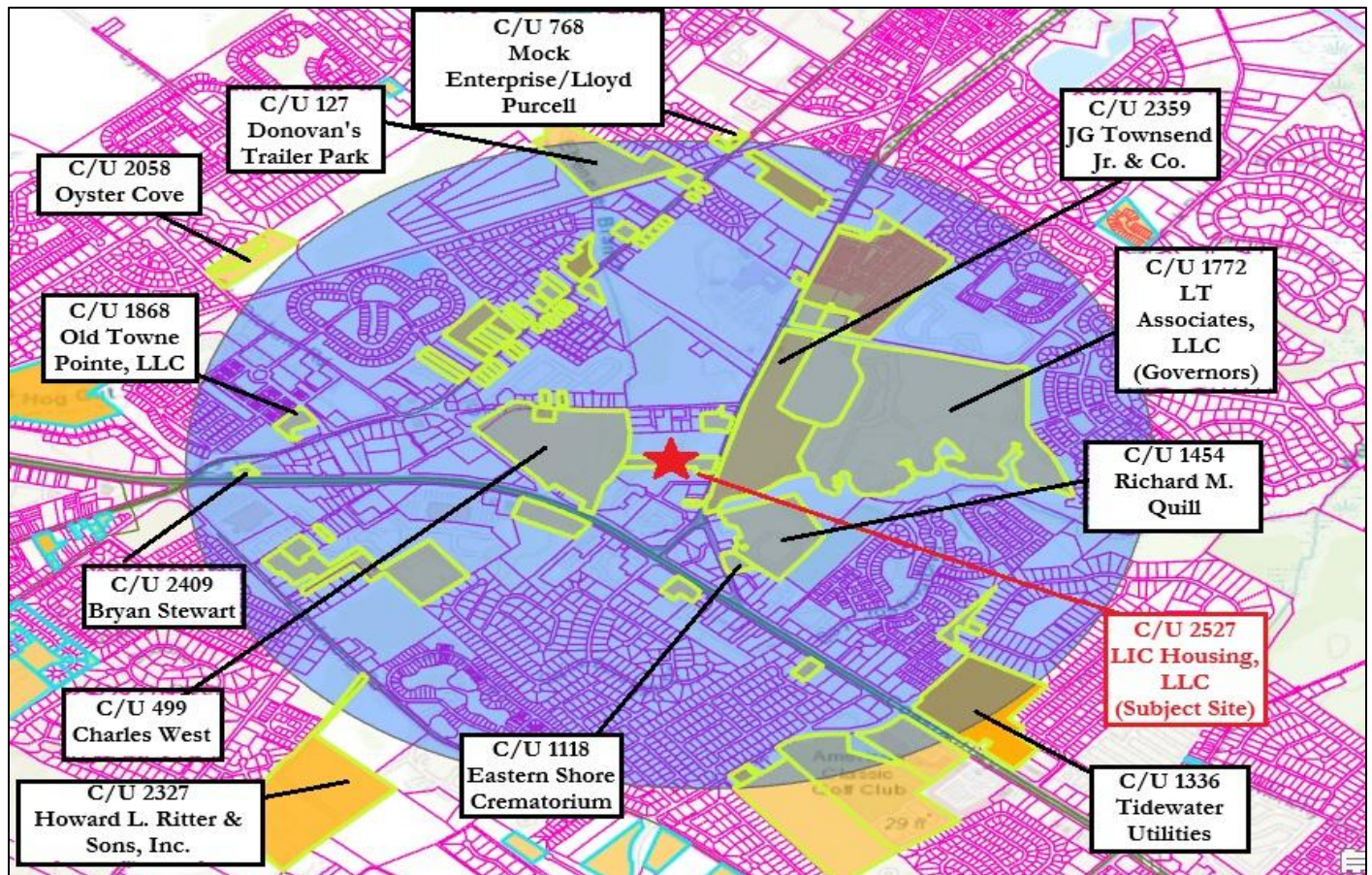
- **Three (3) Applications (to include this Application) are currently Pending.**
- **Nine (9) Applications were Withdrawn.**
- **Seven (7) Applications were denied by the Sussex County Council.**
- **Eighty-one (81) Applications were approved by the Sussex County Council.**

A Supplemental Table has been provided showing the approval status of all Conditional Use Applications within a 1-mile radius of the Application Site.

Conditional Uses w/in 1-Mile Radius of Subject Site							
Conditional Use Number	Applicant	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
2064	R & K Partners	335-12.05-4.00	AR-1	medical offices	3/7/2017	Approved	2484
982	Ronald G. Ritthaler	335-12.06-51.00	AR-1	doctors offices	10/1/1991	Approved	790
581	Dr. Ramachandra Hosmane and Kusuma	335-8.18-27.00	AR-1	Doctor's Office	N/A	Approved	N/A
2116	William and Stacey Smith	335-8.18-2.00	AR-1	professional offices	3/20/2018	Approved	2569
540	6-12 Dairy Markets	335-8.14-44.01	AR-1	convenience store	N/A	Approved	N/A
794	Charles E. Smith, Sr. & Frances A.	335-8.15-65.00	AR-1	add by for auto repair & parts store	5/15/1984	Approved	N/A
2159	Elisabeth Ann Burkhardt	335-8.18-28.00	AR-1	professional office	1/15/2019	Approved	2628
2264	Laudan Investments, LLC	335-8.18-15.00	AR-1	General Office Use	11/16/2021	Approved	2813
2160	Procino, Wells, and Woodland, P.A.	335-12.06-3.00	AR-1	Professional Office	3/19/2019	Approved	2638
1480	Wilgus Associates, Inc.	335-12.06-46.00	AR-1	office building	3/25/2003	Approved	1591
935	Dr. Pravin O. Gohel	335-12.06-45.00	AR-1	professional offices	6/12/1990	Approved	668
1429	Dreamweaver Interior LLC	335-12.06-2.00	AR-1	expand CU 2112 display & office	1/8/2002	Approved	1516
1009	Bayside Health	335-12.05-3.00	AR-1	Doctors & Professional Offices	7/14/1992	Approved	845
2137	John W. Ford	335-12.06-50.00	AR-1	professional offices	7/31/2018	Approved	2592
613	Bhaskar S. Palekar, M.D. P.A.	335-12.06-48.00	AR-1	Doctor's Office	N/A	Approved	N/A
692	M & W Corp	334-6.00-54.00	AR-1	office/model home	N/A	Approved	N/A
1260	Dr. Bruce Topol & Brenda C. Topol	335-8.18-23.00	AR-1	Doctors Office	10/27/1998	Approved	1268
1491	Quakertown Medical Group, LLC	335-8.18-9.00	AR-1	medical offices	6/24/2003	Approved	1620
389	Charles E Smith Sr	335-8.15-4.00	AR-1	auto repair and & sales of used cars	N/A	Approved	N/A
768	Mock Enterprise/Lloyd Purcell	335-8.14-68.00	AR-1	grocery store & gas pumps	N/A	Withdrawn	N/A
2109	Quakertown Wellness Center	335-8.14-49.00	AR-1	Holistic Health Center with massage, acupuncture and chiropractor	1/9/2018	Approved	2541
2133	Dr. Laima Anthoney and Dr. Michael Cahoon	335-8.14-47.00	AR-1	professional office	7/31/2018	Approved	2591
1426	Cedar Beach Enterprises	334-6.00-39.01	AR-1	bulk propane storage	11/27/2001	Approved	1509
2132	Dorothy Darley	335-12.06-58.00	AR-1	Hair Studio	7/31/2018	Approved	2590
620	Jack Lingo Realtor	335-8.00-35.01	AR-1	Office Building	N/A	Approved	N/A
127	Donovan's Trailer Park	335-8.14-43.00	AR-1	extend manufactured home park	N/A	Approved	N/A
1357	Super Fresh Food Market	334-6.00-355.04	C-1	sales of soft/hard goods off carts	5/1/2001	Approved	1452
1390	Stephen L. Wallo	334-6.00-61.00	AR-1	spa & pool retail	3/27/2001	Approved	1441
107	Robert W. Palmer	334-6.00-481.00	MR	upholstery shop	N/A	Approved	N/A
1294	Don Derrickson	334-6.00-355.00	AR-1	apartment over golf pro shop	7/27/1999	Approved	1332
2281	What Is Your Voice, Inc.	334-6.00-515.00	AR-1	Use existing Garage for Office uses and one-story pole building for rental storage facilities (4 units) in connection w/ Applicant's non-profit corporation	9/14/2021	Approved	2800
1868	Old Towne Pointe, L.L.C.	335-12.00-1.10	AR-1	pharmacy/community service	5/24/2011	Approved	2196
1744	Stephen Wagner	335-8.18-16.00	AR-1	Office	9/30/2008	Approved	1996
1595	Surya Puja LLC	335-8.18-18.01	AR-1	doctor offices	4/5/2005	Approved	1767
1592	Atlantic Eye Care	335-8.18-17.00	AR-1	medical offices	3/22/2005	Approved	1764
1698	Jeffrey & Terrie Portman	335-8.18-18.00	AR-1	Professional Office Space	10/2/2007	Approved	1935
2136	Christine Degnon	335-8.18-4.00	AR-1	medical offices	10/23/2018	Approved	2608
1801	Chase T. Brockstedt	335-8.18-3.00	AR-1	offices	2/9/2010	Denied	2197
2169	Robert & Debora Reed	335-12.06-1.00	AR-1	Multi-family	6/18/2019	Approved	2663
1563	George & Edith Wanda Canakis	335-8.18-1.00	AR-1	gift shop/art gallery	11/30/2004	Approved	1728
1974	Sara Kay I. Phillips	335-12.06-7.00	AR-1	Hair Salon	1/14/2014	Approved	2334
1162	Dr. Andrew Malinowski	335-12.06-5.00	AR-1	general offices	10/1/1996	Approved	1105
2237	Sam Warrington II	334-12.00-55.01	AR-1	Outside Boat & RV Storage	12/1/2020	Approved	2756
1118	Eastern Shore Crematorium	334-6.00-66.01	C-1	crematorium w/in funeral home	6/13/1995	Approved	1036
499	Charles West	334-6.00-39.00	AR-1	mobile home park	N/A	Withdrawn	N/A
1454	Richard M. Quill	334-6.00-66.02	AR-1	medical offices w/small warehouse	7/16/2002	Denied	N/A
1336	Tidewater Utilities	334-6.00-138.00	C-1	elevated water storage facility	12/19/2000	Denied	N/A
1615	J & M Enterprises	334-6.00-133.00	AR-1	multi-family	6/20/2005	Withdrawn	N/A
2073	Delmarva Power & Light Co.	334-6.00-496.00	C-1	Expansion to an existing electrical station	3/7/2017	Approved	2486
1912	Wm. A. Bell & Kathleen M. Sperl-Bell	335-8.18-30.00	AR-1	Professional Office	11/8/2011	Approved	2226
1377	William A. Thomas	335-12.06-8.00	AR-1	doctors office	1/16/2001	Approved	1429
2112	Mitchell Family Limited Partnership	335-8.00-37.01	AR-1	medical office and ancillary medical uses	3/20/2018	Approved	2567
1772	LT Associates, LLC (Governors)	335-12.00-3.11	AR-1	Multi-family (423 units)	12/16/2009	Approved	2020
2262	Matthew Hete	334-6.00-686.00	AR-1	Multi-family (4-units)	11/16/2021	Approved	2812
2106	MDI Investment Group, LLC (C/O Doug Compher)	334-6.00-511.00	MR	multi-family (52 townhouses)	3/20/2018	Approved	2566
1566	Lane Builders, LLC	335-8.00-38.00	AR-1	office/storage building	7/27/2004	Approved	1706
2058	Old Orchard Ventures - Oyster Cove	335-8.00-25.00	MR	Multi-family (duplex) dwelling structures (24 units)	10/25/2016	Approved	2472
2181	Mitchell Family, LLC	335-8.00-37.00	MR	Multi-family (209)	N/A	Withdrawn	N/A
1562	Patrick Swier, M.D.	335-8.18-7.00	AR-1	doctors office	11/30/2004	Approved	1727
1144	Lester Moyer	335-8.00-36.00	AR-1	<Null>	N/A	Withdrawn	N/A
1046	Dr. Andrew S. Malinowski	335-12.06-5.00	AR-1	general offices	7/13/1993	Approved	907
1066	FunSport, Inc.	334-6.00-138.00	C-1	Go-Cart Track	3/29/1994	Approved	959
1108	FunSport, Inc.	334-6.00-138.00	C-1	Go Cart Track Expansion/ Amusement Place	3/28/1995	Approved	1019
1112	David T. & Susan C. Stevenson	335-12.06-2.00	AR-1	custom sewing/workroom/showroom	5/16/1995	Approved	1025

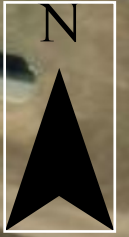
1229	FunSport, Inc.	334-6.00-138.00	C-1	Expansion of Existing Go Cart Track and Wading Pool (CU 1066 & CU 1108)	4/28/1998	Approved	1228
1319	FunSport, Inc.	334-6.00-138.00	C-1	expand waterpark & miniature golf	2/1/2000	Approved	1359
1328	Centers for Neurology Properties, LLC	335-8.18-7.00	AR-1	doctors office	3/21/2000	Withdrawn	N/A
1346	Center for Neurology Properties LLC	335-8.18-7.00	AR-1	professional/medical office	8/22/2000	Withdrawn	N/A
1436	Blair A. Jones	335-8.18-7.00	AR-1	office building	2/19/2002	Denied	N/A
1462	Michael & Judith B. Poleck	335-12.06-7.00	AR-1	doctors office	11/19/2002	Approved	1570
278	Paradee Oil Co	334-6.00-39.01	AR-1	Addition to Office & New Storage Building	7/1/1975	Approved	N/A
294	Roy F Soots & Carol	335-12.06-46.00	AR-1	TV Service & Sales	9/30/1975	Approved	N/A
436	Night & Day TV	335-12.06-46.00	AR-1	TV Service & Sales	9/12/1977	Approved	N/A
549	Oscar Warrington	335-8.00-36.00	AR-1	Retail Shop & Office	10/2/1979	Approved	N/A
700	Roy F. Soots	335-12.06-46.00	AR-1	Addition to TV Sales Shop	9/28/1982	Approved	N/A
701	Oscar Warrington	335-8.00-36.00	AR-1	Grocery Store	9/28/1982	Approved	N/A
961	Carol A. Soots	335-12.06-46.00	AR-1	Offices	4/9/1991	Approved	758
985	Michael L. Cahoon	335-8.14-47.00	AR-1	Dental Offices	10/29/1991	Approved	796
1549	Ramon A. Rosa & Lourdes S.	335-8.18-15.00	AR-1	Medical Office	10/26/2004	Approved	1723
1839	R. Joseph Johnson	335-12.06-58.00	AR-1	Shop/Office	10/19/2010	Denied	N/A
2069	Rudolph Joseph Johnson	335-12.06-58.00	AR-1	Workout Studio	4/25/2017	Approved	2494
2074	Quail Valley 1525, LLC (Midway Fitness)	335-12.06-1.00	AR-1	Commercial use as a Therapy and Fitness Center	8/8/2017	Denied	N/A
2209	Matthew C. Hete	334-6.00-686.00	MR	Multi-Family (14 Units)	7/28/2020	Denied	N/A
2281	Susan Riter	334-12.00-7.00	AR-1	Borrow Pit	6/8/2021	Withdrawn	N/A
2313	John Ford	335-12.06-49.00	AR-1	Realty Office	9/20/2022	Approved	2885
2334	Henlopen Properties, LLC	335-8.00-37.00	MR	Multi-family	7/26/2022	Approved	2876
2359	JG Townsend Jr. & Co.	335-12.00-3.00	AR-1	Multi-Family (102 units)	12/15/2023	Approved	2964
2377	John W. Hocker, IV	334-6.00-1001.00	AR-1	Amendment of Subdivision Plan	N/A	WITHDRAWN	N/A
2327	Howard L. Ritter & Sons, Inc.	334-12.00-7.00	AR-1	Expansion of a non-conforming borrow pit	1/24/2023	Approved	2901
2409	Bryan Stewart	334-6.00-2.00	C-1	Crab Shack Vendor	2/27/2024	Approved	2991
2352	CB Lewes, LLC	334-6.00-504.02	MR	Multi-family (30 units)	6/14/2022	Approved	2866
2342	Lauden Investments, LLC	335-8.18-15.00	AR-1	Professional Office	12/17/2024	Approved	N/A
2316	Southern Delaware Medical Center	334-6.00-511.02	AR-1	Medical Office Building	9/27/2022	Approved	2888
2583	St. Jude the Apostle Church D/B/A Code Purple	334-6.00-526.01	C-1	Campground	6/17/2025	APPROVED	4002
2545	J.G. Townsend Jr. & Co.	335-12.00-3.00	MR	Amend Conditions of Approval for CU 2359	12/17/2024	Approved	3065
2535	Shellace Ann James	335-12.06-4.00	AR-1	Multi-family	Pending	Pending	Pending
2527	LIC Housing, LLC	334-6.00-56.00	AR-1	Independent Care Facility (95 bedrooms)	Pending	Pending	Pending
2511	Paulina Owedyk	335-12.06-56.00	AR-1	Garage/Storage/Office/Showroom for Contractor/Construction Business	Pending	Pending	Pending
2431	Play It Safe, LLC	335-12.06-10.00	AR-1	Professional Office	7/16/2024	Approved	3034

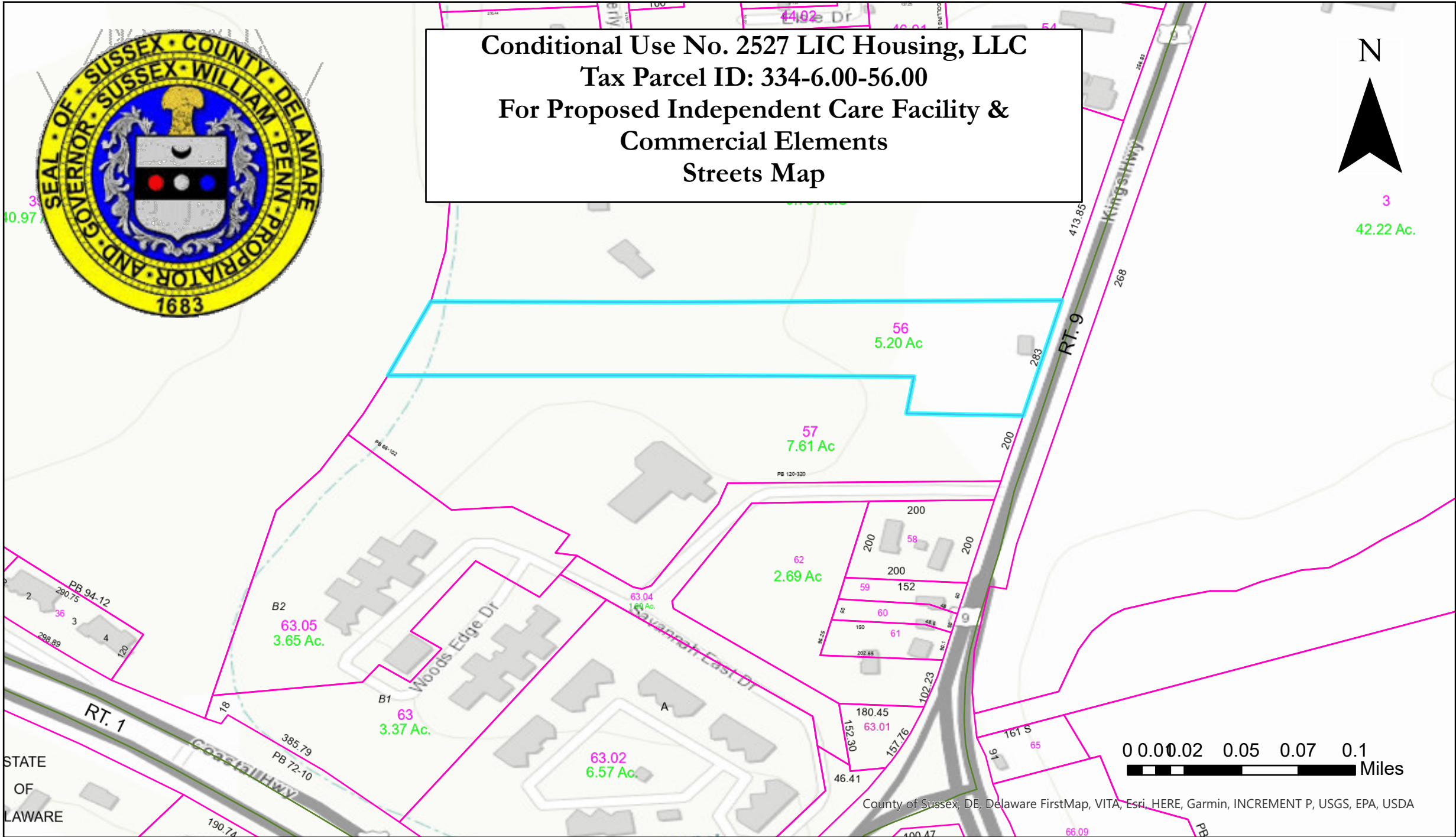
Based on the analysis provided, the Conditional Use to allow for a proposed Independent Care Facility with 95 bedrooms and compatible commercial elements (ie: restaurant and fitness center) in this location could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.





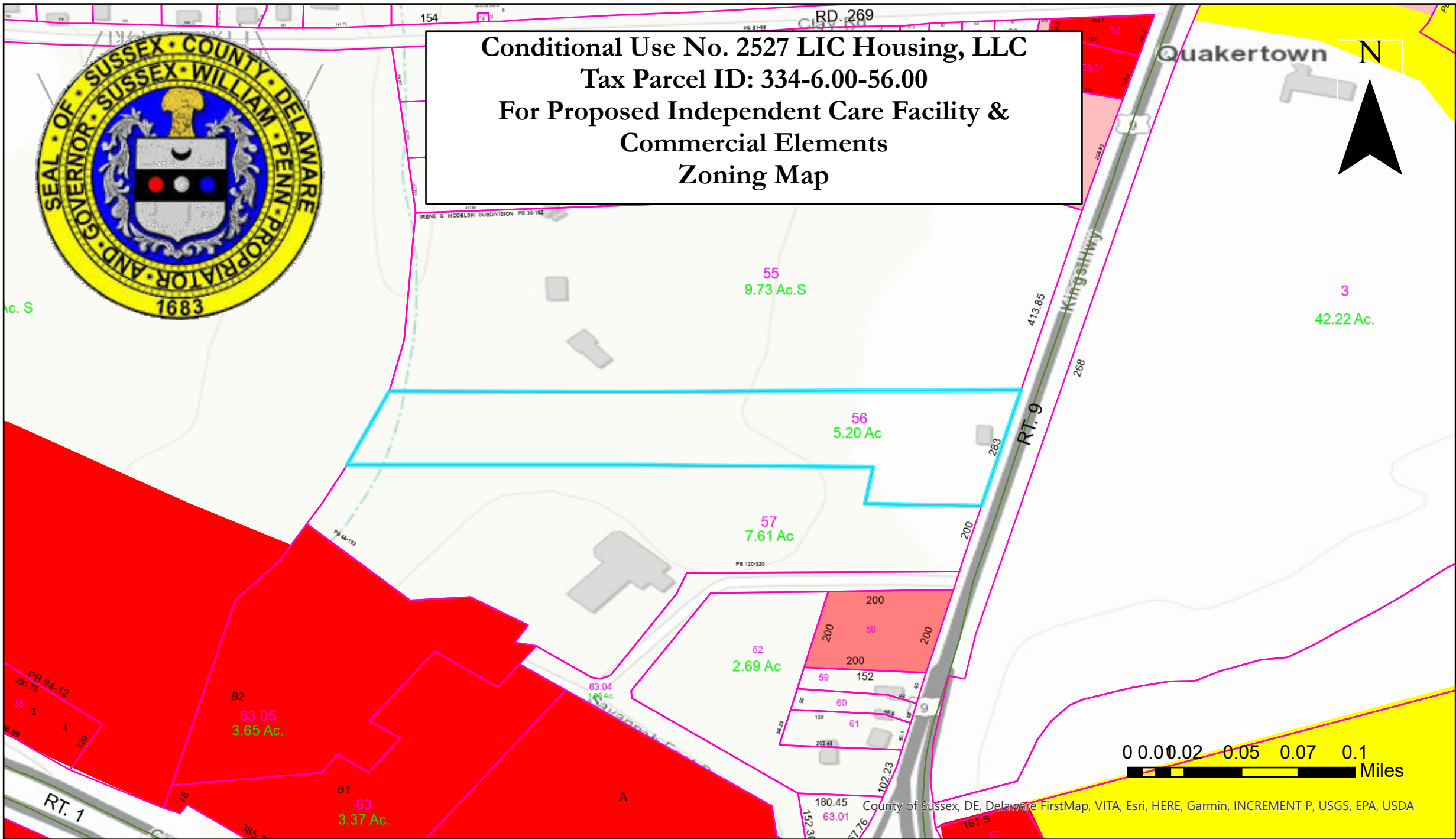
Conditional Use No. 2527 LIC Housing, LLC
Tax Parcel ID: 334-6.00-56.00
For Proposed Independent Care Facility &
Commercial Elements
Aerial Map







Conditional Use No. 2527 LIC Housing, LLC
Tax Parcel ID: 334-6.00-56.00
For Proposed Independent Care Facility &
Commercial Elements
Zoning Map



Introduced: 7/22/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-6.00-56.00
911 Address: 16770 Kings Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDEPENDENT CARE FACILITY, RESTAURANT AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.833 ACRES, MORE OR LESS

WHEREAS, on the 29th day of April 2024, a Conditional Use application, denominated Conditional Use No. 2527, was filed on behalf of LIC Housing, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2527 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2527 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 west side of Kings Highway (Route 9), approximately 0.17 mile southwest of Clay Road (S.C.R. 269), and being more particularly described in the attached legal description prepared by Schell Brothers, LLC said parcel containing 4.833 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.