

COUNTY COUNCIL

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MATT LLOYD
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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

July 22, 2025

10:00 AM

*****AMENDED on July 16, 2025 at 12:25 p.m.**

Call to Order

Approval of Agenda

Approval of Minutes - July 15, 2025

[Draft Minutes 071525](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Megan Nehrbas, Senior Manager of GIS

1. ESRI Enterprise Agreement Amendment Discussion and Possible Approval
[ESRI Agreement Addendum](#)

Hans Medlarz, Project Manager

1. Inland Bays RWF, Effluent Irrigation Farm Lease

A. M&M Farm Lease Amendment (TP234-21.00-171.00)

B. **DE Resiliency Fund Afforestation Matching Grant Approval**
[Inland Bays RWF Lease & Grant](#)



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

2. **Wolfe Neck Regional Wastewater Facility*****

A. Approval of Lagoon Solar Permitting Agreement

[Wolfe Neck Lagoon Solar](#)

Old Business

1. **Conditional Use No. 2581 filed on behalf of Zion Church Ventures, LLC**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388] and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00)

[Old Business CU2581](#)

Grant Requests

1. **Town of Bridgeville for the Police Department’s Back to School Bash**
[Town of Bridgeville \(Police Department\)](#)
2. **American Youth Football, Inc. for the Woodbridge AYF 2025 Season**
[American Youth Football, Inc.](#)
3. **Historical Village in Ocean View for roof repairs for their 1900 Woodhouse and 1800 Outhouse**
[Ocean View Historical Society](#)
4. **Delaware Botanic Gardens for their 2025 Annual Fundraising dinner**
[Delaware Botanic Gardens, Inc.](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2475 CU2476 CU2479 CU2527](#)

Council Members' Comments

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

Possible action on Executive Session Items

Adjourn

*** Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 15, 2025 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 15, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 15, 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

The Invocation and Pledge of Allegiance were led by Mr. Hudson.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 294 25
Approve
Agenda**

Mr. Lawson announced that for the 1:30 p.m. Public Hearings, CU2496 and CU2525 have requested to withdraw their applications. He explained that at the time of the public hearing, Mr. Moore will ask for a motion to withdraw those applications. A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from June 24, 2025 were approved by consensus.

**Correspon-
dence**

There was no correspondence.

Public comments were heard.

Public

Comments

Ms. Simone Reba spoke about flooding issues in the Mallard Lakes community.

Ms. Jackie Henry spoke about flooding issues in the Mallard Lakes community.

Mr. Bruce Henry spoke about flooding issues in the Mallard Lakes community.

Ms. Patty Deptula spoke about the Land Use Reform working group.

**M 295 25
Approve
Consent
Agenda**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement – IUA-1207
Estuary Phase 6 (Showell Farm), Miller Creek Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1144
Bridgeville Town Center (Commercial), Western Sussex Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1144
Bridgeville Town Center (Residential), Western Sussex Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA-1273
Route 24 Beebe Medical Center, West Rehoboth Area**

Motion Adopted: 5 Yeas

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

**Public
Interview**

A public interview was held for Planning & Zoning Commission Nominee Mr. Jeff Allen.

**M 296 25
Approve PZ
Nominee**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved that the Sussex County Council approves the appointment of Mr. Jeff Allen to the Sussex County Planning & Zoning Commission effective August 1 until such time as the term expires in June of 2028.

Motion Adopted: 5 Yeas

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

**Public
Interview**

A public interview was held for Board of Adjustment Nominee Mr. Nathan Kingree.

**M 297 25
Approve
BOA
Nominee**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that the Sussex County Council approves the appointment of Mr. Nathan Kingree to the Sussex County Board of Adjustment effective August 1 until such time as the term expires in June of 2028.

Motion Adopted: 5 Yeas

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

Task Appointment	Mr. Lawson reported that an appointment is needed for the small restaurant regulatory task force. Mr. Lawson stated that Mr. Jeff Hamer has agreed to serve.
M 298 25 Approve Small Restaurant Regulatory Task Force	<p>A Motion was made by Mr. McCarron, seconded by Mr. Rieley, that be it moved that the Sussex County Council approves the appointment of Mr. Jeff Hamer to the Task Force to reduce regulatory burdens upon small restaurants effective immediately.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Legislative Session Review	Mr. Lawson provided a review of the 2025 legislative session. Mr. Lawson provided an update on Senate Bill 176 – building permit fee, Senate Bills 159 & 199 – electrical substations, Senate Bill 86 – Delaware Volunteer Fire Service loan fund, Senate Bill 75 – Retail Marijuana stores, Senate Bill 87 – Accessory Dwelling Units and House Bill 222 – Nutrient Management. Mr. Lawson also provided updates on financial bills.
LURWG Update	Mr. Lawson provided the Council with an update on the Land Use Reform Working Group. An overview of the initiatives and schedule were discussed. Mr. Lawson explained that recommendations are currently being developed to be brought to Council.
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1. <u>Projects Receiving Substantial Completion</u></p> <p>Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Osprey Point – Phase 2A (Construction Record) and Roxana Road Extension received Substantial Completion effective June 23rd.</p> <p>2. <u>Delaware Animal Services Performance Report – First Quarter Report 2025</u></p> <p>The Delaware Animal Services Annual Performance Report for 2025 is attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,361 calls for service in the first quarter of 2025.</p> <p>[Attachments to the Administrator's Report are not attached to the minutes.]</p>
Sediment & Erosion	Hans Medlarz, Project Manager presented an update on sediment and erosion control recommendations for Council's consideration. Mr. Medlarz

Control reviewed possible County Code revisions to help with resource protection and enhance sediment control. He also provided possible Code revisions to limit the level of disturbance and enforcement options.

Coastal Business Park Hans Medlarz, Project Manager presented a memorandum and proposal from JMT for the Coastal Business Park water storage modifications for Council's consideration.

M 299 25 Approve JMT Proposal A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that the Johnson, Mirmiran & Thompson, Inc. proposal be approved in the not to exceed amount of \$56,960.00 for design phase services associated with option 1 of the Airport water tank modifications.

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

SCRWF CO No. IB-000 & Purchase Orders Hans Medlarz, Project Manager presented change order no. IB-007 and a request for approval for filtration and disinfection equipment purchase orders for South Coastal RWF treatment process upgrade – Inland Bays Extension for Council's consideration.

M 300 25 Approve Transfer of Retainage A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based on the recommendation of the Sussex County Engineering and Finance Departments, that change order no. 37 for contract C19-11, South Coastal RWF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program – general construction, be approved, decreasing the contract by \$500,000.00 for transfer of retainage to the Inland Bays phase 2C expansion project.

Motion Adopted: 5 Yeas

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

M 301 25 Approve CO No. IB-007 A Motion was made by Ms. Gruenebaum seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering and Finance Departments that change order IB-007 for Inland Bays phase 2C expansion project, be approved, increasing the contract by \$500,000.00 for transfer of retainage from the SCRWF project.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

M 302 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved based on the recommendation of the Sussex County Engineering**
Purchase **Department that County Council approve a purchase order to Nexom in the**
Orders **amount of \$798,300.00 for filtration equipment and \$415,000.00 to Glasco**
 for UV equipment associated with the Inland Bays expansion project.

Motion Adopted: 5 Yeas

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

Heronwood **Mark Parker, Assistant County Engineer presented a Resolution to hold an**
Resolution **election for Heronwood Road Improvements for Council's consideration.**

M 303 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt**
Adopt **Resolution No. R 016 25 entitled "A RESOLUTION ESTABLISHING A**
Resolution **DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD**
No. R 016 **TO CONSIDER THE HERONWOOD CHAPTER 96 SUSSEX**
25/ **COMMUNITY IMPROVEMENT PROJECT".**

Heronwood
Road
Improve-
ments

Motion Adopted: 5 Yeas

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

Stormwater **Mark Parker, Assistant County Engineer presented a final balancing**
BMP CO & **change order and project close-out for stormwater BMP O&M services on-**
Close-out **call contract for Council's consideration.**

M 304 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve CO **moved based upon the recommendation of the Sussex County Engineering**
No. 3/ **Department, that change order no. 3 for contract G24-03, stormwater**
Stormwater **management BMP O&M on-call contract be approved, decreasing the**
BMP O&M **contract by \$124,757.40, and that project close-out be granted.**
Services

Motion Adopted: 5 Yeas

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

Old **Under Old Business, Jamie Whitehouse, Planning & Zoning Director**
Business/ **presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT**
CU2557 **A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
 RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING

**Old
Business/
CU2557
(continued)**

AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” filed on behalf of Stockley Materials, LLC.

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

**M 305 25
Amend
Condition
9A/
CU2557**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to amend Condition 9A to add the following sentence “As proffered by the applicant, the installation of the berm along the property line parallel to Peterkins Road shall be completed now with the other installation requirements of this Conditional Use rather than phasing the completion of the installation of that berm to occur concurrently with the excavation of the future borrow pit expansion in that area of the property as required by Ordinance # 2045”.

Motion Adopted: 5 Yeas

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

**M 306 25
Adopt
Ordinance
No. 4005/
CU2557**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt Ordinance No. 4005 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. This property was approved under Conditional Use #1770 and Ordinance #2045 “for a 53- acre expansion of an existing borrow pit on the same property”. This application seeks to allow organic material storage and recycling operations, soil screening and similar outdoor and landscaping items to be located on the subject property.**
- 2. The property is currently used as a borrow pit. It is located just to the north of the Town of Georgetown wastewater treatment and disposal facility. This is an appropriate location for this use.**
- 3. DelDOT has indicated that this additional use of the property will result in a “Diminutive” impact upon area roadways, which means that it will create less than 50 vehicle trips per day.**
- 4. This use will occur within the borrow pit property and will use the existing borrow pit entrance on Cedar Lane.**

**M 306 25
Adopt
Ordinance
No. 4005/
CU2557
(continued)**

5. The recycling of soil and wood, including trees, shrubs, root mass and similar organics, is in furtherance of the State's "Zero Waste Principles" and keeps these organic materials out of landfills. Pursuant to Title 7, Chapter 60 of the Delaware Code, the Applicant is also required to provide an annual report of its recycling activity to DNREC.
6. During the public hearing, there were concerns stated about the applicant's compliance with the existing conditions of approval for Ordinance # 2045. As a result, the Commission requested an inspection of the site to determine whether it complies with the established conditions of approval. The inspection occurred and a report was issued on April 29, 2025, that confirms that the conditions of approval have been complied with, including the establishment of required berms and buffers and dust control measures, with the possible exception of a fully compliant berm area near the entrance to the site. Also, fuel tanks that were previously located on the site had been removed. However, as a condition of this approval, regular inspections by county staff will be required to verify compliance with the prior conditions as well as those imposed by this recommendation.
7. The County is in receipt of 26 letters of support for this Conditional Use.
8. The proposed use with the conditions imposed upon it provides a location that is part of an existing borrow pit for the storage and recycling which meets the general purpose of the Zoning Code as a public or semi-public use that is essential and desirable for the general convenience and welfare, orderly growth, prosperity and convenience of Sussex County.
9. This recommendation is subject to the following conditions:
 - a. All of the conditions of approval of Ordinance # 2045 shall remain in effect for the property that is the subject of this Conditional Use unless specifically modified by these conditions. The berm area at the entrance area to the site required by Ordinance # 2045 shall be improved to ensure compliance with that Ordinance. As proffered by the applicant, the installation of the berm along the property line parallel to Peterkins Road shall be completed now with the other installation requirements of this Conditional Use rather than phasing the completion of the installation of that berm to occur concurrently with the excavation of the future borrow pit expansion in that area of the property as required by Ordinance # 2045.
 - b. This Conditional Use shall allow the six acres depicted on the Preliminary Site Plan (as subsequently confirmed on the Final Site Plan) to be used for the storage, processing, recycling and grinding of wood including trees, shrubs, root mass and similar organics and for the screening and mixing of soil. No other materials or processing shall occur on the site. No mulch shall be dyed on the site. The area where these activities will occur shall

M 306 25
Adopt
Ordinance
No. 4005/
CU2557
(continued)

- be surrounded by a reinforced site fence.
- c. No concrete, asphalt, stone or similar materials shall be brought onto the site for storage, processing, recycling, grinding or similar purposes.
 - d. No retail sales shall occur from this site or the larger property that is the subject of Ordinance #2045.
 - e. A 30-foot-wide vegetated buffer shall of native species trees with a berm that is at least three feet in height shall be installed by the Applicant between the area of this Conditional Use and the lots along Cedar Lane. These plantings (including the size, type and location of them) shall be shown on the Final Site Plan and be subject to the approval of Sussex County Planning & Zoning Staff followed by the Planning & Zoning Commission as part of the Final Site plan review and approval process. This berm and the plantings shall be installed and verified by County staff before any storage or recycling of materials occurs on the site. There shall not be any storage of materials on or within the berms at any time.
 - f. Water or a water truck shall be available and used to control dust from the storage and processing of the permitted materials on the site.
 - g. The entrance to this Conditional Use area shall be the existing entrance to the borrow pit. No additional entrances shall be permitted. The entrance shall be secured at all times that the borrow pit operations and the processing of materials are not occurring.
 - h. Any additional roadway or entrance improvements required by DelDOT shall be completed by the Applicant.
 - i. The hours of operation for the recycling, grinding and screening activities shall be the same as the hours approved by Ordinance #2045: 6:30 a.m. until 6:00 p.m. Monday through Friday and 6:30 a.m. until noon on Saturdays. No Sunday hours shall be permitted.
 - j. The Applicant shall comply with all State and County erosion and sedimentation control requirements.
 - k. In addition to the existing five-year reporting requirements of Condition #17 of Ordinance #2045, County staff shall periodically inspect the entire site, including the borrow pit operations, for compliance with these conditions of approval as well as those imposed by Ordinance #2045 that are not modified by this approval. Staff shall provide a report describing the results of these inspections to the Planning & Zoning Commission during the first meeting of May of each year for consideration under the "Other Business" category of agenda items.
 - l. A violation of these conditions or the conditions of Ordinance #2045 may result in the termination of both Conditional Uses.
 - m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion Adopted: 5 Yeas

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

**Old
Business/
CZ2017**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” filed on behalf of Gulfstream Glen Cove.

The County Council held a Public Hearing on the application at its meeting on May 13, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 307 25
Adopt
Ordinance
No. 4006/
CZ2017**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to Adopt Ordinance No. 4006 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.**
- 2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”**
- 3. This property is surrounded by the boundaries of the town of Millville with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts already exist.**
- 4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “negligible” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study.**
- 5. The proposed MR Zoning meets the purpose of the Zoning**

**M 307 25
Adopt
Ordinance
No. 4006/
CZ2017
(continued)**

Ordinance in that it promotes the orderly growth of the County in an appropriate location.

6. For all of these reasons, MR zoning is appropriate for this site.

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2462**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” filed on behalf of Gulfstream Glen Cove.

The County Council held a Public Hearing on the application at its meeting on May 13, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

**M 308 25
Adopt
Ordinance
No. 4007/
CU2462**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4007 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.**
- 2. Both central water and central sewer will be available to this site.**
- 3. This property is surrounded by the boundaries of the town of Millville, with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts exist.**
- 4. DelDOT has reviewed the proposed project and has determined that the development’s traffic impact will be “Negligible”. When DelDOT determines that traffic impact will be “Negligible”, a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer’s obligation to construct or pay for offsite road**

**M 308 25
Adopt
Ordinance
No. 4007/
CU2462
(continued)**

- improvements that are required by DelDOT.
5. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
 6. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
 7. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) that is surrounded by the Town of Millville municipal boundaries; and (4) That is in keeping with the character of the area. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
 8. A Buffer Management Plan as required by Section 115-193 of the Sussex County Zoning Code has been supplied by the Applicant.
 9. There was no opposition to the application and no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
 10. This recommendation is subject to the following conditions:
 - a. There shall be no more than 46 Multi-Family Units within the development.
 - b. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
 - c. The developer shall form a condominium association that shall be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities, amenities, and other common areas.
 - d. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
 - e. The development shall be served by a central water system providing adequate drinking water and fire protection as required.
 - f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices when maintaining these fixtures. The Final Site Plan shall contain the approval of the Sussex

**M 308 25
Adopt
Ordinance
No. 4007/
CU2462
(continued)**

Conservation District.

- g. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on at least one side of all streets within the development.**
- h. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
- i. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.**
- j. There shall be a Resource Buffer that is an average of 30 feet wide from all Resources within this development as defined by the County Code. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited, except for activities that are permitted in Ordinance No. 2852, Table 2 (Resource Buffer Activities by Zone). All silt fencing shall be located upland of these buffer areas to avoid disturbance. The Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of these buffers and there shall be permanent signage every 100 feet identifying the Resource Buffer boundary and designating it as a "non-disturbance area."**
- k. There shall be a vegetated or forested buffer of at least 20 feet in width along the perimeter of this development. As shown on the preliminary plan, where a tax ditch right of way is present, this buffer will be located along the internal edge of that tax ditch right of way. Furthermore, and as shown on the preliminary plan, in areas where the tax ditch right of way does not apply, the buffer will be located along the perimeter of this development adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.**
- l. Approximately 8.12 acres or 66% of the site shall remain as open space.**
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.**
- n. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.**
- o. All lighting on the site shall be downward screened so that**

M 308 25
Adopt
Ordinance
No. 4007/
CU2462
(continued)

- it does not shine on neighboring properties or roadways.
- p. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
 - q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion Adopted: 5 Years

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

Grant
Request

Mrs. Jennings presented a grant request for Council's consideration.

M 309 25
Town of
Millsboro

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$7,000 (\$3,000 from Mr. Rieley's Councilmanic Grant Account, \$1,000 from Mr. Hudson's Councilmanic Grant Account, \$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$1,000 from Mr. Lloyd's Councilmanic Grant Account and \$1,000 from Mr. McCarron's Councilmanic Grant Account) to the Town of Millsboro for the acquisition of a K-9 unit for the police department.

Motion Adopted: 5 Years

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

Proposed
Ordinance
Introduct-
ions

Mr. Hudson introduced 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" filed on behalf of The Christopher Companies.

Ms. Gruenebaum introduced 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" filed on behalf of Unitarian Universalist Society of Southern Delaware.

	The Proposed Ordinances will be advertised for a Public Hearing.
Council Member Comments	Councilman Lloyd thanked Mr. Allen and Mr. Kingree for their willingness to serve and Council for their vote of confidence.
M 310 25 Go Into Executive Session	<p>At 12:20 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to enter into an Executive Session for the purpose of discussing matters related to personnel and job applicant qualifications.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
Executive Session	At 12:28 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to personnel and job applicant qualifications. The Executive Session concluded at 1:25 p.m.
M 311 25 Reconvene	<p>At 1:32 p.m., a Motion was made by Mr. Rieley seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session.</p> <p>Motion Adopted: 4 Yeas, 1 Absent</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Yea; Mr. Hudson, Yea</p>
E/S Action	There was no action related to Executive Session matters.
Rules	Mr. Moore read the rules of procedures for zoning hearings.
Public Hearing/ CU2581	<p>A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388] and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) filed on behalf of Zion Church Ventures, LLC.</p> <p>Jamie Whitehouse, Planning & Zoning Director, presented the application.</p> <p>The Planning & Zoning Commission held a Public Hearing on the</p>

**Public
Hearing/
CU2581
(continued)**

application on May 21, 2025. At the meeting of June 18, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 20 recommended conditions as outlined.

The Council found that Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the application is for a conditional use in an AR-1 (Agricultural Residential) zoning for approximately 180,500 square feet of storage, warehouse and office buildings and a 2,500 square foot car wash on approximately 24.866 acres; that the Commission recommended approval of the application subject to the conditions provided; that there are two requested changes to Condition D and Condition L and to strike Conditions N & O; that this parcel along with two other parcels were part of Conditional Use #2392, which was approved by County Council on April 9, 2024, for storage, warehouse buildings, a car wash, a clubhouse and swimming pool; that the applicant is asking for a new Conditional Use to request office space that will function as an accessory to the main indoor storage and warehouses; that the applicants are proposing a change in use and an expansion of the existing permitted use under the Conditional Use approval rather than merely amending the existing conditions different from the last application; that the purpose of this application is to establish storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that this will provide a solution for those lacking sufficient space at home to store or work on these items; that the application names to create storage and warehouse areas for businesses needing extra space for supplies, equipment and materials; that the proposal also includes a designated area for a car wash, recycling and disposal of automobile fluids and accessory office to support the primary storage workspace and warehousing functions; that the previous application included the entire parcel 23.00 along with parcels 23.03 and 23.04; that the applicants eliminated the concept of the clubhouse and pool altogether and are seeking to expand the permitted uses to include an accessory office; that the site plan features nineteen (19) buildings, each measuring 9,500 square feet, located at the back of the property, consisting of 180,500 square feet of storage, warehouse and workspace designed for individuals and businesses; that there will be a 2,500 square foot car wash, an accessory office may be included to support the primary storage, workspace and warehousing functions; that there will be recycling and disposing areas for recycling and disposing of automobile fluids to support vehicle maintenance; that each unit will feature a standard door and large garage door for convenience, ensuring that all activities take place indoors; that each unit will be capable of being fitted out with a bathroom, sink and shower; that the development will accommodate those with boats, recreational vehicles, motorcycles, cars, and collectibles, providing a convenient solution for individuals lacking adequate space for storage or maintenance; that units used for personal rather than business uses are designed to function like man caves, allowing owners to personalize their spaces; that these units will cater to hobbyists, fostering a community where individuals with shared interests can connect; that the property is located in an AR-1 (Agricultural

**Public
Hearing/
CU2581
(continued)**

Residential) zoning district and in the Coastal Area of the Comprehensive Plan, which is an area of growth; that the applicant is looking to remove Conditions N and O; that Condition N concerns the managing office requirement; that the applicant believes that there is not a need for an office management to be present on site as the entire operation will be overseen by a condominium association; that the association would be responsible to manage the use and enforce the conditions; that Condition O, the applicant prior approval contemplated units to be able to be equipped with a bathroom, sink and potential sink; that this is to accommodate individuals to rinse off after coming off a boat or working on a car; that Condition B already addresses the concerns of units being used for residential use; that a security system will be used to monitor activity; that the applicant is seeking an amendment to Condition L & D; that for Condition L, the applicant is asking for a lighted sign rather than an unlighted sign; that for Condition D, the applicant is proposing that it be amended to read “If a unit is used for business purposes, that business may only use the area for storage and accessory office to support this primary storage function. The property shall not be used by a business for manufacturing or industrial purposes. No unit shall be primarily used as an office. In addition, the property may not be used by a business solely for meeting customers, as a showroom, or a “mail-drop”; that the climate-controlled storage aspect has been eliminated; that the applicant is not offering that option; that the language regarding whether office space shall not be isolated or walled off; that this building and licenses would get involved in that aspect.

Public comments were heard.

Ms. Susan Harris spoke about the fencing and questioned where the fencing would be placed; that she also questioned what the setbacks were for this area.

Ms. Patty Deptula questioned the process for a conditional use and discussed zoning.

The Public Hearing and public record were closed.

**M 312 25
Defer
Action/
CU2581**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd 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 STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2565**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” (property is lying on the west side of Greentop Road [S.C.R. 225], approximately 0.75 mile north of Fleatown Road [S.C.R. 224]) (911 Address: N/A) (Tax Map Parcel: 230-13.00-36.00) filed on behalf of F & N Vazquez Concrete, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of July 2, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 15 recommended conditions as outlined.

The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant; that the application is for a 32.95-acre piece of land for the following operations:

- 1. Operate a concrete/masonry business;**
- 2. Storage, processing and grinding/recycling of aggregate products such as asphaltic concrete including the crushing operation;**
- 3. Handling and processing of non-metallic mineral products for private and public construction industries;**
- 4. Topsoil screening to separate particles from material delivered to the site;**
- 5. Public and private retail sales of stone, concrete, asphaltic construction products and products used for those construction materials;**
- 6. General office space and storage for the proposed uses in the areas shown on the Conditional Use site plan;**

that during discussions with the property owner with the Planning & Zoning office, it was determined that this application was needed; that there is an approved Conditional Use for this property from 1978 which is Conditional Use #492 for a borrow pit operation; that the applicant purchased the property in 2021 and after many years of an active borrow pit being run on site; that there has been a lot of dumping on the property by various users over the years preceding the Applicant’s ownership of it; that since he has owned it, there has been a lot of cleanup that has been occurring, trying to straighten out the property, trying to level some things off to make the area a little more usable and just generally sorting through

**Public
Hearing/
CU2565
(continued)**

the debris that are on the property, sending it to proper locations, if it's the landfill or wherever it needs to go; that the applicant employs between 50-60 people with about 30-40 people that start their workday at this location; that approximately 3-4 people will remain on site throughout the day to receive materials and operate the equipment; that there is storage of materials on site for the concrete/masonry business, but the concrete crushing is the most questioned aspect of the Conditional Use being applied for; that the Future Map matches the zoning characteristics of the property; that the property is located in the Level 4 area; that there are wetlands on the property extending along the Cedar Creek forming the Eastern boundary; that the wetlands and the AE Flood zone will be avoided through this Conditional Use; that there is no need for a well on site as there are water trucks if needed and water exists within the existing borrow pits and divots on the property; that DelDOT stated that the traffic would be negligible, meaning less than fifty (50) vehicle trips in any hour and less than 500 vehicle trips per day; that the entrance is located off of Green Top Road with a sixty (60) foot wide access easement; that there are several storage bins near the entrance that will be utilized for the storage of materials associated with the concrete/masonry business; that the proposed buildings on the site plan are planned to be built in phases, but with this plan to be built as needed; that there will be an area for fuel to be stored on site; that the applicant is proposing a fifty (50) foot wide buffer around the northern boundary, down the western boundary, a fifty (50) foot buffer along the wetland line and a fifty (50) foot landscape buffer that surrounds this entire use on the property; that this property sits down lower by approximately fifteen (15) feet creating an embankment along the railroad or western side of the property, which when added to the fifty (50) foot landscape buffer will address any of the typical nuisances associated with this type of operation; that the concrete crusher will be placed a minimum of 250 feet from any of the property lines, with the closest dwelling being on the other side of the railroad tracks a little more than 750 feet away; that concrete crusher itself is a Rubble Master RM- 90G0, with manufacturers specifications that state the machine, if standing right next to it while crushing will have decibels of 102; that by increasing that distance from the machine to approximately 40-45 feet the decibels will drop down to the 55 decibel range; that with the closest dwelling being no less than 250 feet away, that noise will be indistinguishable; that there is no noise ordinance in Sussex County, but the Pennoni Group completed a study on the noise and dust created by the operation and it concluded that there was no noise disturbance and the dust was suppressed by the mechanisms of the machine; that the machine is intended to address noise and dust specifically which has an internal water dust suppression system to keep the dust down; that during the Commission's recommendation, four letters of support were provided; that two neighbors to the West and the North both spoke in favor of the application at the public hearing before the Commission; that there is a request to modify two conditions; that in Condition B to add in B2 to include asphaltic concrete (asphalt) and to add in B5 related structures, e.g. scale, scale house, storage structures, etc.; that in Condition E to modify the

**Public
Hearing/
CU2565
(continued)**

hours to 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday.

Public comments were heard.

Mr. Mark Sheppard, a construction manager for ADEL Construction spoke in favor of the application; that they provide a local service that is needed for the construction business and their product is much better quality than others in the area; that this business is needed to keep construction companies from having to travel long distances to obtain the services that the applicant offers.

The Public Hearing and public record were closed.

**M 313 25
Amend
Condition
8B & 8E/
CU2565**

A Motion was made by Mr. McCarron, seconded by Mr. Rieley to amend Condition 8 B (ii) to add “and asphaltic concrete (asphalt)” after concrete, Condition 8B (v) to add “and related structures, e.g. scale, scale house, storage structures, etc.” and Condition 8E to extend the hours to 7:00 p.m. Monday through Friday and add “and 7:00 a.m. to 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday”.

Motion Adopted: 5 Yeas

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

**M 314 25
Adopt
Ordinance
No. 4008/
CU2565**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4008 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

- 1. This application seeks a conditional use approval for the operation of a concrete/masonry business that includes the following uses: (a) the recycling of aggregate products such as concrete and asphaltic concrete; (b) a crushing operation that processes nonmetallic mineral products for private and public construction industries; (c) topsoil screening to separate materials delivered to the site; (d) construction industry retail sales; (e) an office; (f) the operation of a concrete and masonry**

**M 314 25
Adopt
Ordinance
No. 4008/
CU2565
(continued)**

- business and (g) storage areas for the proposed uses and materials.
2. The property is the subject of Conditional Use No. 492 for a borrow pit. That Conditional Use remains in effect and will be supplemented by these additional uses.
 3. The adjacent property to the north and east is a large, wooded property. The adjacent properties to the south and east are wooded along Cedar Creek, with the area beyond that used for agricultural purposes. The adjacent property to the west is a railroad, and the elevation of the railroad tracks is approximately 15 feet higher than the subject property, providing a berm-like screen from the residential properties on the other side of the railroad tracks. In addition, the Applicant has proposed a 50-foot-wide vegetated buffer of native species along the northern and western boundaries of the site, along with a 50-foot-wide buffer area along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. Under these circumstances, the proposed uses in addition to those permitted under the current borrow pit approval will not adversely impact neighboring properties, roadways, or the community.
 4. The use as a recycling and crushing facility for concrete and similar materials will benefit the citizens and the environment of Sussex County. By recycling and reusing this material, there will be a reduction of materials going to the landfills.
 5. The property is currently landlocked and is accessed via a recorded easement. This current easement is utilized for the borrow pit operations and will continue to be used for these additional operations on the site.
 6. DelDOT has determined that the proposed conditional use will have a “negligible” impact on area roadways and traffic.
 7. The property is primarily located in the Low-Density Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. A small portion of the site is located within the Existing Development Area according to the Plan. This Conditional Use is consistent with these Area designations, since the use provides a location to recycle aggregate and asphaltic concrete materials with a minimal need for infrastructure or other government-related services.
 8. This recommendation is subject to the following conditions:
 - a. Conditional Use No. 492 shall remain in effect on this site unless specifically modified by these conditions.
 - b. In addition to the uses permitted under Conditional Use No. 492, this approval shall allow the following uses to occur on the site:
 - (i) Storage of aggregate products such as concrete and asphalt millings;
 - (ii) a crushing operation that processes concrete and asphaltic concrete (asphalt) for private and public construction industries ;
 - (iii) topsoil screening to separate materials delivered to the site;
 - (iv) construction industry retail sales of stone, concrete, and

**M 314 25
Adopt
Ordinance
No. 4008/
CU2565
(continued)**

- asphaltic construction products and products used for these construction materials; an office and related structures, e.g. scale, scale house, storage structures, etc.;
- (v) the operation of a concrete and masonry business; and
- (vii) storage areas for the proposed uses and materials.
- c. No wood or metal chipping or grinding shall occur on the site, and no organic waste shall be brought to or from the site. No milling activities shall occur on the site. While concrete and asphalt millings may be brought to the site, they may only be temporarily stored on the site. The location of the temporary storage area for millings brought to the site shall be shown on the Final Site Plan.
 - d. Crushing operations shall only occur between the hours of 9:00 a.m. through 4:00 p.m., Monday through Friday. No Saturday or Sunday hours shall be permitted.
 - e. Materials may only be accepted at the site or delivered from the site between the hours of 7:00 am and 7:00 pm, Monday through Friday and 7:00 a.m. until 2:00 p.m. on Saturday. No deliveries to or from the site shall occur on Sunday. In addition, no trucks, trailers, or other vehicles shall be permitted to wait or “stack” within the access easement or along area roadways outside of these permitted hours. There shall be signages confirming this prohibition installed at the site’s entrance and along the easement. The details of this signage shall be shown on the Final Site Plan.
 - f. The crushing machine shall be located no less than 250 feet from all property boundary lines. This limited area of use shall be shown on the Final Site Plan.
 - g. A 50-foot wide vegetated buffer planted with native species shall be installed along the northern and western boundaries of the site. The number and details of the vegetation to be planted shall comply with the requirements for vegetated buffers contained in Section 99-5 of Chapter 99 of the County Code. In addition, a 50-foot-wide buffer area shall be established along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. These buffer areas shall be shown on the Final Site Plan and clearly marked with signage on the site itself declaring them as non-disturbance areas. The vegetation and trees to be planted shall also be shown on the Final Site Plan.
 - h. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - i. Fuel may be stored on the site. The location of this fuel storage area shall be shown on the Final Site Plan. The fuel storage shall comply with all state and federal requirements.
 - j. Water or a water truck shall be available and used at all times to control dust within the site. The specific dust-control measures shall be identified on the Final Site Plan.
 - k. One lighted sign shall be permitted. It shall not be greater than

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Ordinance
No. 4008/
CU2565
(continued)

32 square feet per side.

- l. The only entrance to the property shall be via the existing recorded easement providing access to and from the site via Greentop Road. The entrance to the site via this easement shall be secured when the business is not in operation. The applicant shall also comply with any and all roadway and entrance improvements required by DelDOT as a result of this use or at the point where the easement intersects with Greentop Road.**
- m. The Applicant shall comply with all State and County erosion and sedimentation control regulations.**
- n. A violation of these conditions may result in the termination of this Conditional Use.**
- o. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

M 315 25
Adjourn

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 2:50 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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



March 7, 2025

Megan Nehrbas
Sussex County
2 The Circle RM 280
Georgetown, DE 19947

Dear Megan:

As a follow-up to our previous discussions regarding the Enterprise Agreement renewal for Sussex County, I am providing proposed pricing and key business terms below for consideration.

The Esri Enterprise Agreement (EA) will remain in effect for three years and grant Sussex County uncapped access to the Esri products listed below.

This Agreement includes Term Licenses that will expire at the end of the Agreement.

The Agreement will be effective on August 1, 2025, and requires a firm three-year commitment.

Sussex County has developed a significant GIS infrastructure over the past several years supporting multiple departments and enterprise business systems. The importance and value of this infrastructure have been viewed as mission-critical and will continue to grow as more County staff are exposed to new tools and technologies supporting mapping, data management, field mobility, monitoring, analytics, and constituent engagement. This will continue to provide new operational efficiencies, improve engagement with citizens, and improve collaboration with other County partners such as municipalities and the State of Delaware.

Although you have already deployed a considerable amount of Esri technology, our experience with similar customers indicates there is significant potential to apply GIS in many additional areas within your organization. For these reasons, we believe you will greatly benefit from an Enterprise Agreement. An EA offers numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Complete flexibility to deploy software products when and where needed

Proposed payment terms for the EA, developed to reflect your anticipated deployment schedule, are as follows:

	Year 1	Year 2	Year 3	Total
Annual EA Fee	\$190,000	\$190,000	\$190,000	\$570,000

Esri products and services to which Sussex County will have deployment rights during the term of this agreement include:

EA Products— Esri Flex (formerly Uncapped) *

Product – Enterprise, Extensions, and Runtime	Total
ArcGIS Enterprise: ArcGIS Enterprise (Advanced and Standard)	Esri Flex
ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, and ArcGIS Spatial Analyst	Esri Flex
ArcGIS GIS Server: Advanced, Standard, Basic	Esri Flex
ArcGIS Enterprise Additional Capability Servers: ArcGIS Image Server, ArcGIS GeoEvent Server	Esri Flex
ArcGIS Monitor	Esri Flex
ArcGIS Runtime Advanced	Esri Flex
ArcGIS Runtime Analysis Extension	Esri Flex

Product – User Types and ArcGIS Pro Extensions	Total
ArcGIS Enterprise Mobile Worker User Type Annual Subscription	Esri Flex
ArcGIS Enterprise Creator User Type Annual Subscription	Esri Flex
ArcGIS Enterprise Professional (formerly Standard) User Type Annual Subscription	Esri Flex
ArcGIS Enterprise Professional Plus (formerly Advanced) User Type Annual Subscription	Esri Flex
ArcGIS 3D Analyst for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
ArcGIS Data Reviewer for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
ArcGIS Geostatistical Analyst for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
ArcGIS Network Analyst for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
ArcGIS Publisher for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
ArcGIS Spatial Analyst for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex

ArcGIS Workflow Manager for ArcGIS Pro (Add-on App) for ArcGIS Enterprise Creator or GIS Professional User Type Annual Subscription	Esri Flex
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*Esri Flex (formerly Uncapped) provides the right to Deploy quantities as needed throughout the term of the Agreement.

The Enterprise Agreement also includes:

EA Products—Capped Quantities

Annual Subscription Products	Term 1	Term 2	Term 3
ArcGIS Desktop Standard Single Use Annual Subscription	8	8	8
ArcGIS Data Reviewer Single Use Annual Subscription	2	2	2
ArcGIS Spatial Analyst Single Use Annual Subscription	2	2	2
ArcGIS Advanced Editing User Type Extension for ArcGIS Enterprise Annual Subscription	5	5	5
ArcGIS Drone2Map Standard for ArcGIS Online Annual Subscription	1	1	1
ArcGIS Hub Premium ArcGIS Online Community Annual Subscription	1	1	1
ArcGIS Hub Premium Additional 1,000 ArcGIS Online Community Creator Annual Subscription	1	1	1
ArcGIS Location Sharing User Type Extension for ArcGIS Online Annual Subscription	10	10	10
ArcGIS Location Sharing User Type Extension for ArcGIS Enterprise Annual Subscription	10	10	10
State and Local Public Safety Named User Program ArcGIS Online Creator User Type in Surge Environment Annual Subscription with 3,000 Credits	6	6	6

User Type Products	Term 1	Term 2	Term 3
ArcGIS Online (1 Organizational Subscription)	(number of Users per Term)		
ArcGIS Online Viewer User Type Annual Subscription	6	6	6
ArcGIS Online Creator User Type Annual Subscription (500 credits per user)	65	65	65
ArcGIS Online Professional Plus (formerly Advanced) User Type Annual Subscription (500 credits per user)	1	1	1

The EA also includes the following additional components:

Additional Benefits	Quantity
Esri International User Conference Registrations	5
Back-Up Media	1
Authorized Tier-Two Standard Support Callers	5

- **Esri Training Pass:** An important component of a successful GIS implementation is continued training and staff development. This proposal includes 10 Training Pass days, which can be redeemed for] instructor-led training at either an Esri facility or client-site, conditions allowing, or instructor-led online training. An Esri training consultant will work with Sussex County to develop an organization-wide training plan that will provide recommendations based on your organization's GIS training needs. This will promote the most efficient use of the technology and the highest return on investment.
 - This Training Pass will provide Sussex County with access to Esri training according to the following schedule:
 - **Year 1:** 10 Training Pass days
 - **Year 2:** 10 Training Pass days
 - **Year 3:** 10 Training Pass days
 - Information about redeeming Training Pass days is available at <https://www.esri.com/training/training-for-organizations>.
 - Esri offers an extensive curriculum of instructor-led training courses. A complete list of courses is available in the course catalog at www.esri.com/training.

This proposal is valid for 30 days. In order to complete the agreement within this timeframe, I ask that you contact me within the next seven days to work through any questions or concerns you may have.

Esri and Sussex County have a long and rich history working together. I appreciate the opportunity to present you with this proposal, as I believe it will greatly benefit your organization. Thank you very much for your consideration.

Best Regards,

Justin Cusick (he/him/his) | Account Manager, State & Local Government
Esri | 1325 Morris Drive, Suite 201| Chesterbrook, PA 19087 | USA
 T 909 369 5919 | M 609 576 1658 | jcusick@esri.com | esri.com

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ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Hans Medlarz, Project Manager

RE: ***Inland Bays RWF, Effluent Irrigation Farm Leases***
A. M&M Farm Lease 2nd Revision (TP 234-16.00-28.00)
B. DE Resiliency Fund Afforestation Matching Grant Approval

DATE: July 22, 2025

The 5-year capital plan approved in the County's FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (IBRWF). Ultimately, treated effluent from the IBRWF will be distributed to agricultural spray partners and forested spray sites under DNREC permit no. 359141-08, as well as a rapid infiltration basin under DNREC permit review to be permitted, constructed and maintained by Artesian Wastewater Resources on leased County property.

The plans for the treatment capacity expansion include alternative disposal options which were approved by DNREC, Division of Water in lieu of requiring additional storage capacity. DNREC furthermore signaled permitting capacity increases would be in stages with the first stage not to exceed 3.0 million gallons per day (mgd). The County's Phase 2 design plans reflect this approach by keeping the location for a potential storage lagoon unencumbered while at the same time moving forward with developing the two (2) alternative outlets below:

1. Connection to Artesian's Stonewater Creek Facility:

The base agreement with Artesian Wastewater Management, Inc. was approved by Council on August 30, 2016. On January 29, 2019, Council approved Addendum No. 1, expanding the exchange to treated effluent under a 4 to 1 ratio between effluent and wastewater. On September 10, 2019, Council approved Addendum No. 2 making the County's pretested land available for a spare Artesian disposal area in exchange for utilization of Artesian full effluent



disposal quantity at the Stonewater Facility up to 450,000 gpd. This facility will be served off the effluent disposal loop.

The physical connection to Artesian's Stonewater facility was completed and tested in January of 2020. Prior to commencement of the discharge, DNREC requested Artesian to file an authorization to operate, which was submitted on February 11, 2020. In addition, DNREC required a technical memorandum of understanding between the utilities on how to share operational responsibilities which was submitted on February 22, 2020. On July 1, 2020, DNREC issued the modified operations permit.

2. Connection to Agricultural Spray Partners:

The County has three (3) agricultural spray partners, under two different agricultural distribution arrangements. The first one has the respective spray partner leasing County land while the second incentivizes the spray partner for using treated effluent application, at agronomic rates, on partner owned land. DNREC Regulations Governing the Design, Installation & Operation of On-site Wastewater Treatment & Disposal Systems Section 6.11.8 require these spray agreements. Both spray agreements have been developed by the County Attorney, in compliance with DNREC Regulations. The agreement for use with County owned land was first executed at settlement of the land purchase and is still in effect. The agreements for partner owned lands expire by the end of 2025. Given the investment the Department approached both partners to renew the leases for a ten (10) year term with automatic two (2) renewals. In addition, the rates were adjusted based on past CPI values and will also be adjusted for the duration of the lease on an annual basis.

The County's must provide effluent water quality consistent with DNREC Regulation Section 6.3.2.3.2 for unlimited public access. Therefore, all agricultural spray applications require the completion of the filtration upgrades included under the current capacity expansion project which will not be available until the fall of 2026. The effluent distribution loop will be available earlier at the beginning of the 2026 growing season and connections will be made and tested in anticipation of full utilization later that year.

The farm lease for the County owned tax parcel 234-16.00-28.00 expired at the end of 2024. M&M Farms LLC agreed to a new ten (10) year term at the current lease rate. At the end of that term the County would take possession of the tenant owned two (2) spray irrigation systems at no cost.

Furthermore, the Engineering Department applied for and received a \$157,000 afforestation grant through the Delaware Resilience Fund. It requires a 10% County match. The Department has approached M&M Farms, and they agreed, to replant the non-irrigated marginal areas along the Phillips Branch with native trees. This would reduce the leased area by 31 acres. In addition, a smaller area across Townsend Road is no longer farmed after the tenant did not renew the lease. In total about 40 acres are available for afforestation.

In summary, the Department requests Council's approval to the 2nd revision of the Farm Lease with M&M Farms, LLC and the authorization to execute the documents related to the grant from the Delaware Forest Resiliency Fund.

3. LEASED LAND.

The COUNTY leases and rents to the TENANT and the TENANT leases and rents from the COUNTY, all that certain cleared agricultural land portion of the 219 Tillable Acres +/- situated in Indian River Hundred, Sussex County, Delaware, and being further identified as Tax Map and Parcel Number 234-16.00-28.00, as outlined on the maps collectively attached hereto as Exhibit A which is incorporated herein by reference ("Leased Land"). As required by the DNREC Regulations, the Deed from MMW Investments, LLC to the COUNTY verifying ownership of the Leased Land, and the Leased Land's zoning verification are attached hereto as Exhibits B and C, respectively, and are incorporated herein by reference.

4. TERM OF AGREEMENT.

The initial term of this Agreement terminated on December 31, 2024. The new ten (10) year term shall commence with the execution of this revision and terminate on December 31, 2035. This Agreement shall automatically renew on the same terms and conditions contained herein for additional one-year terms unless either party provides the other party with written notice of its intent not to renew on or before August 31, 2035, or August 31st of any given year thereafter, if applicable, in accordance with this Agreement and 25 Del. C. § 6703.

5. RENTAL FEE.

The TENANT shall pay the COUNTY a total annual rental fee of \$20,805.00. The annual rental fee is based on a \$95.00 per acre charge for approximately 219 tillable acres. The COUNTY does not guarantee the exact total acreage of Leased Land. Each year's annual rental fee shall be paid to the COUNTY on or before January 31st for that year.

6. USE OF LEASED LAND.

The COUNTY owns and operates the Inland Bays Regional Wastewater Facility that produces treated wastewater for agricultural uses (alternatively referred to herein as "effluent", "treated wastewater" or "reclaimed water"). The TENANT, herewith, agrees to accept all such effluent as deemed necessary by the TENANT for agricultural purposes and the and the TENANT shall use the COUNTY'S effluent exclusively for all agricultural irrigation needs unless TENANT'S farm special management practices require well water or if the COUNTY'S effluent is not available. As a condition of this Agreement, the TENANT reserves the unilateral right to direct the location of the discharge upon any or all portions of the Leased Land as deemed, in the opinion of the TENANT, best servicing the interest of the TENANT'S farming operations.

The COUNTY designed and installed the effluent water loop system, including the automated connection to the TENANT's existing irrigation systems. TENANT shall grant access to its existing irrigation system to the COUNTY for the purposes of connecting the effluent water loop system. COUNTY shall make every effort to schedule and coordinate its activities so as not to affect the farming operations.

2320 SOUTH DUPONT HIGHWAY
DOVER, DE 19901
DE.GOV/FORESTRY



TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685

DELAWARE FOREST RESILIENCY FUND LANDOWNER APPLICATION

This grant opportunity is possible through funding from the Inflation Reduction Act and the U.S. Department of Agriculture's Forest Service Landowner Assistance Program.

APPLICANT INFORMATION

Name: (First, Middle, Last)		
Address:		City, State, Zip Code:
Tax Map and Parcel #:		County:
Mailing Address: (if different)		City, State, Zip Code:
Phone:		State Vendor ID:
Email:		

LANDOWNER DECLARATION

- ☐ Yes ☐ No Are you a Veteran or currently a member of the U.S. Armed Forces?
- ☐ Yes ☐ No Have you owned forested land in Delaware for less than 10 years?
- ☐ Yes ☐ No Do you meet the United States Department of Agriculture Natural Resources Conservation Service's (USDA-NRCS) of a Limited Resource Producer?

PRACTICE SELECTION (MAP SUBMISSION REQUIRED)

What practice(s) are you applying for:

- ☐ Tree Planting ☐ Invasive Species Removal ☐ Prescribed Fire

Describe your practice, including acres and current site conditions. Include a copy of the site map.

Sussex County would like to expand our afforestation efforts in areas around our existing wastewater spray field sites north and south of Inland Bays Road. The fields have been in ag production for more than 20 years. The goal is to provide additional wildlife habitat and provide a visual break adjacent to neighboring properties. Maintenance of the afforested areas will be provided by Sussex County. The total area of afforestation is 42.48 +/- acres. A map of the proposed afforestation areas is attached to this application.

Do you have a current stewardship plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Current plan covers a portion of the reforestation areas.
If yes, prepared by whom and when:	Delaware Forest Service (Sam Topper & Kyle Hoyd)
<i>If not prepared by a DFS Forester, a copy of the stewardship plan must be submitted with this application.</i>	
Please provide an estimated cost of implementation:	42.48 acres x \$3700/acre = \$157,176

ACKNOWLEDGMENTS

(PLEASE INITIAL) VAT Practices covered, including prescribed fires and invasive species removal require submission of invoices in order to be reimbursed. No work can take place until the project is approved and the applicant is notified.

(PLEASE INITIAL) VAT Applicants selected to participate in the Delaware Forest Resiliency Fund must maintain copies of all paperwork for three years as required under the federal paperwork requirements.

Applicant's Name

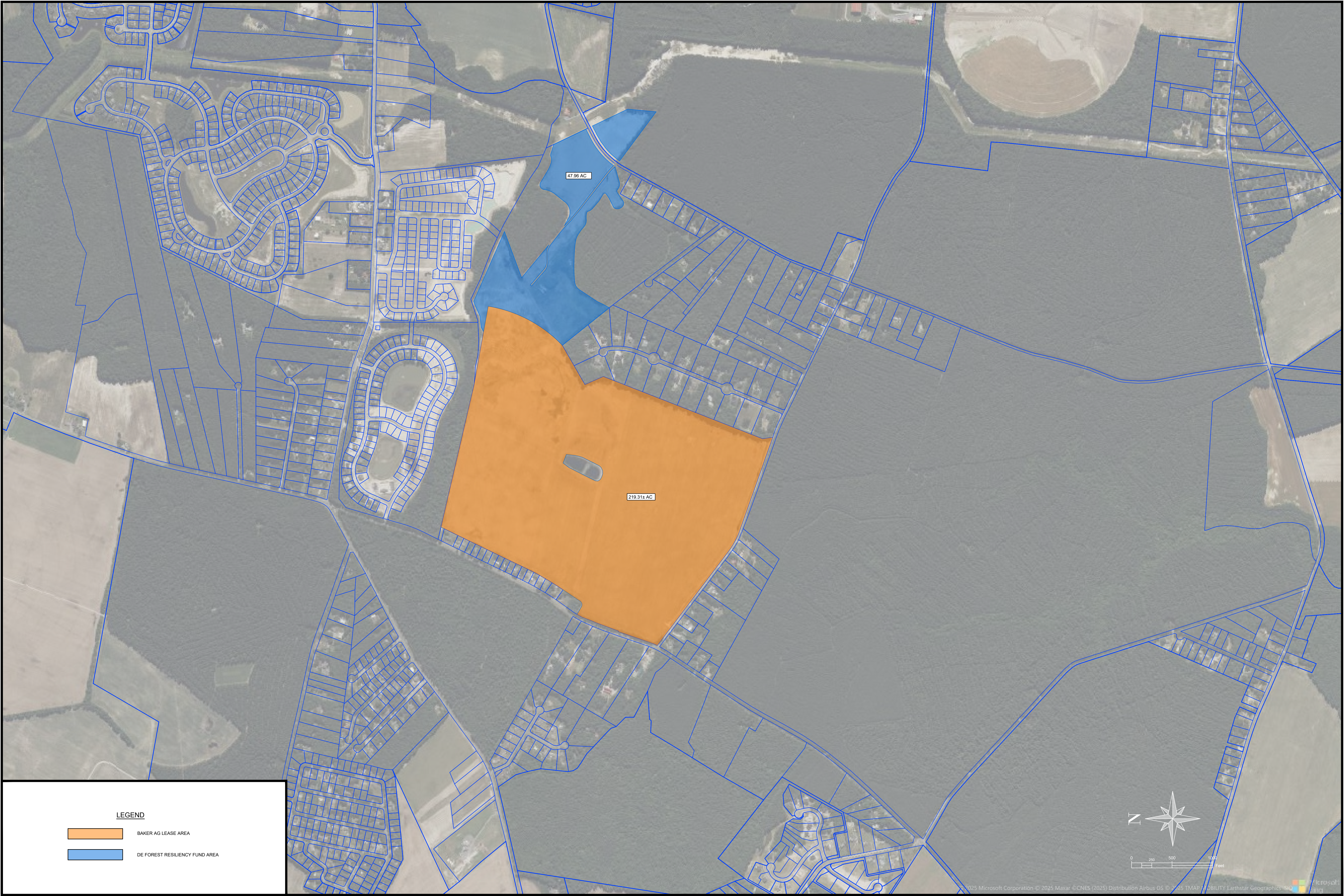
Printed: Valerie Thompson

Signature: 

Date: 04/29/2025

DFS USE ONLY

Internal Review Completed	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Received:
DFS Approving Staff Name (Printed)		Date Approved:
DFS Approving Staff Signature		Amount Estimated:
Landowner Applied to be State Vendor: <input type="checkbox"/> Yes <input type="checkbox"/> No	State Vendor ID:	Cost Share Percentage:



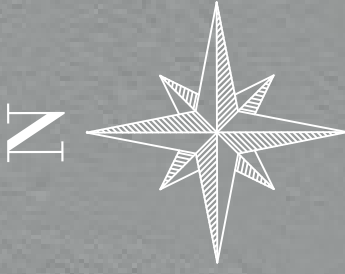
LEGEND



BAKER AG LEASE AREA



DE FOREST RESILIENCY FUND AREA



From: [Valerie Thompson](#)
To: [Kaycee Widen](#)
Subject: Fw: DE Forest Resiliency Fund application
Sent: 7/18/2025 12:10:46 PM

Original approval

Get [Outlook for iOS](#)

From: Upham, Laura (DDA) <Laura.Upham@delaware.gov>
Sent: Wednesday, April 30, 2025 1:22:35 PM
To: Valerie Thompson <valerie.thompson@sussexcountyde.gov>
Subject: RE: DE Forest Resiliency Fund application

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

Received. Everything looks good, I will be in touch when we are ready to proceed with the contracting phase of this project. I anticipate that being later this summer. Feel free to reach out with any questions in the meantime.
Laura

From: Valerie Thompson <valerie.thompson@sussexcountyde.gov>
Sent: Wednesday, April 30, 2025 10:19 AM
To: Upham, Laura (DDA) <Laura.Upham@delaware.gov>
Subject: RE: DE Forest Resiliency Fund application

Hi Laura,

Attached is our revised application. Let me know if you need any additional information.

Valerie

From: Upham, Laura (DDA) <[Laura.Upham@delaware.gov](#)>
Sent: Wednesday, April 30, 2025 7:11 AM
To: Valerie Thompson <[valerie.thompson@sussexcountyde.gov](#)>
Subject: Re: DE Forest Resiliency Fund application

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Would you be available for a phone call today or tomorrow to discuss your application further? Only your afforestation acres would be eligible for this program as the reforestation is technically supplemental planting of an existing forest. But we still can provide the technical assistance and help you out on the project if you have the funding.

Laura
Sent from my iPhone

On Apr 29, 2025, at 3:37 PM, Valerie Thompson <[valerie.thompson@sussexcountyde.gov](#)> wrote:

We would like to reforest the portions of the forested spray irrigation tracts that have been selectively timbered over the last year. The goal would be to transition these areas from a pine plantation to hardwood forests to aid in the spray irrigation application. Currently, the plan is to run irrigation spring through fall each year.

In addition, there are areas around our existing spray field that we would like to afforest. Those areas have been in ag production for more than 20 years but are no longer needed for spray irrigation.

Historically, they were wooded, and our goal would be to return them to their pre-ag condition to restore wildlife habitat at the headwaters of the Guinea Creek.

From: Upham, Laura (DDA) <Laura.Upham@delaware.gov>
Sent: Tuesday, April 29, 2025 3:25 PM
To: Valerie Thompson <valerie.thompson@sussexcountyde.gov>
Subject: Re: DE Forest Resiliency Fund application

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

I just need to know exactly what you want to pay for using this program. Then I can proceed with processing the application.

Laura

Sent from my iPhone

On Apr 29, 2025, at 3:15 PM, Valerie Thompson
<valerie.thompson@sussexcountyde.gov> wrote:

Sure! Understandable- what additional information would you need?

From: Upham, Laura (DDA) <Laura.Upham@delaware.gov>
Sent: Tuesday, April 29, 2025 3:06 PM
To: Valerie Thompson <valerie.thompson@sussexcountyde.gov>
Subject: Re: DE Forest Resiliency Fund application

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

Email is fine. I do need some clarification of exactly what you are applying for, as the total amount far exceeds the amount of money in my grant.

Laura

Sent from my iPhone

On Apr 29, 2025, at 2:59 PM, Valerie Thompson
<valerie.thompson@sussexcountyde.gov> wrote:

Good afternoon Laura,

I've attached our application for the DE Forest Resiliency Fund. Should I also send a paper copy to the address located on the application?

Valerie Thompson
Sediment and Stormwater Designer

Sussex County Engineering
2 The Circle, Georgetown DE 19947
Office: 302-855-7790
Cell: 443-783-8063
Email: valerie.thompson@sussexcountyde.gov

<image001.png>

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: ***Wolfe Neck Regional Wastewater Facility***
A. Approval of Lagoon Solar Permitting Agreement

DATE: July 22, 2025

County Council in cooperation with the Lewes Board of Public Works retained the professional engineering firm GHD to conduct a facility upgrade study for the Wolfe Neck WRF. It concluded that any treatment expansion can only occur in the location of the primary treatment lagoon requiring removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. The support of the biosolids dewatering equipment required a new electrical service and power distribution center.

On August 15, 2023, Council awarded GHD's Amendment 22 – Advanced Electrical Design for the electrical design associated with both the immediate power needs of the biosolids project as well as the future plant expansion power load. Under any discharge scenario, the treated effluent must be stored prior to final discharge. The compliance point of the future discharge permit will be at the effluent pump station. In order to maintain compliance, the algae growth in the storage lagoon must be controlled by limiting the incoming light. A costly liner is one option, but research revealed a similar outcome can be achieved with floating solar panels. A floating lagoon solar facility is completely hidden from view below the embankment while providing the facility upgrade a “green” component in addition to an annual lease payment.

On October 23, 2023 Council approved the Engineering Department to request proposals from qualified solar developers to lease the effluent lagoon surface at the Wolfe Neck RWF. subsequently, a Request for Proposals (RFP) including a draft lease agreement was advertised and on December 6, 2023, four (4) fully compliant submittals were received.

The RFP review committee ranked the proposals based on lease payment, schedule to deliver the system, as well as local experience. The recommendation was presented to County Council



on February 27, 2024, when the Engineering Department received authorization to finalize the lease terms with Noria-Chaberton JV LLC. Subsequently, all special arrangements such as the decommissioning, insurance coverage and minimum lease area were incorporated and on March 19, 2024 County Council approved the Solar Energy Lease and Easement Agreement.

In March of 2022 the Delaware Public Service Commission approved Order No. 9965 regulating community energy facilities. The County's RFP required that the respondents develop a solar system under the Commission's Community Energy Facility Program and Noria Chaberton JV LLC submitted the solar power co-location waiver to the Public Service Commission. It was heard by the Commission under Docket No. 24-0846 and approved during their August 21, 2024 meeting.

The incoming DP&L service currently does not support the simultaneous facility load in addition to the expected biosolids project load. Originally the Department envisioned a solar power contribution that could possibly eliminate electric utility upgrades. However, in discussions with DP&L it was determined that a feeder upgrade between the Wolfe Neck Facility and the DP&L substation on SR-1 would allow the project to be expanded to 10MW AC power. Noria Chaberton JV LLC agreed to expand the solar facility to three (3) phases, each one identified in a separate LLC. (Blacktail LLC I, II & III) Chaberton JV LLC will enter in an Interconnection Agreement with DP&L while the County will be responsible for the costs associated with the Interconnection Agreement. In return Noria Chaberton JV LLC offered at a minimum to maintain the Blacktail I lease rate as well as an escalation of the lease rates for Blacktail II, and III providing the following benefits:

- Eliminating the lagoon liner costs by now shading +/- 90% of light in storage lagoon no.4 reducing the County's capital costs by approximately \$1.5 million.
- Minimum lease payments of \$2,345,000 over 20-years initial service life per phase
- Escrowed sinking funds for the equipment removal for each phase
- Integration into new electrical building project via Change Order No.1

On December 17, 2024, County Council approved the amended Solar Energy Lease and Easement Agreements, Memorandum of Solar Energy Lease and Easement Agreement as well as the Decommissioning Funding Agreement with Blacktail I, II & III LLC.

The three Blacktail entities requested clarification in the form of an agreement to memorialize their obligations in connection with the permits required by the County for the development, installation, and operation of each phase. The current zoning is I-1 – Institutional District. Under this zoning the project is ancillary to the principal or permitted use of the property, namely, operation of a regional wastewater treatment facility. Accordingly, pursuant to §115-194.6.A each Blacktail phase is a permitted use subject to the review and approval by the Engineering Department.

In summary, the Engineering Department recommends approval of the Permitting Agreement with Blacktail I, II & III, LLC.

PERMITTING AGREEMENT

This Permitting Agreement (“Agreement”) is made and entered into on **July _____, 2025**, (the “Effective Date”) between Blacktail Solar Holdings LLC (the “Blacktail HoldCo”), Blacktail Solar I LLC (“Blacktail I”), Blacktail Solar II LLC (“Blacktail II”), Blacktail Solar III LLC (“Blacktail III”), and collectively with the Blacktail HoldCo, Blacktail I, Blacktail II, and Blacktail III, the “Blacktail Entities”), each a Delaware limited liability company with an address of 1700 Rockville Pike, Suite 305, Rockville, MD 20852, on the one hand, and Sussex County, Delaware, a county and political subdivision of the State of Delaware, having an office at P.O. Box 589, Georgetown, DE 19947 (“County”) on the other hand. Each of the Blacktail Entities (collectively on the one hand) and the County (on the other hand) are referred to herein individually as a “Party” and collectively as the “Parties”.

RECITALS

(a) The County is the owner of approximately 100 acres of real property constituting the Wolfe Neck Regional Wastewater Treatment Facility located at 36160 Wolfe Neck Road, Rehoboth Beach, DE 19971, the County of Sussex, State of Delaware, as more particularly described in Exhibit A attached hereto and made a part hereof (“Property”).

(b) The Blacktail HoldCo is a wholly-owned subsidiary of Noria Chaberton JV LLC (the “Company”), and each of Blacktail I, Blacktail II, and Blacktail III is a wholly-owned subsidiary of the Blacktail HoldCo.

(c) Through a competitive procurement process conducted pursuant to a request for proposal issued by the County and dated October 26, 2023 (the “RFP”), the County awarded Noria Chaberton JV LLC (the “Company”), the right to, by itself or through its wholly-owned subsidiaries, enter into one or more leases with the County, pursuant to which the Company, through one or more of its subsidiaries would obtain exclusive rights to use the surface of the lagoons on the Property (and other portions thereof) to develop, install and operate one or more solar photovoltaic projects (the “Award”).

(d) The Award is pursuant to the County’s approval dated March 19, 2024, approving the Company’s Wolfe Neck Regional Wastewater Facility Floating Community Solar Proposal dated December 14, 2023.

(e) Pursuant to the Award, the County entered into the following leases with each of the Blacktail Entities: (i) that certain Amended and Restated Solar Energy Lease and Easement Agreement dated as of December 17, 2024, between the County and Blacktail I (the “Blacktail I Lease”); (ii) that certain Solar Energy Lease and Easement Agreement dated as of December 17, 2024, between the County and Blacktail II (the “Blacktail II Lease”); and (iii) that certain Solar Energy Lease and Easement Agreement dated as of December 17, 2024, between the County and Blacktail III (the “Blacktail III Lease”, and collectively with the Blacktail I Lease and Blacktail II Lease, the “Leases”).

(f) Pursuant to the Leases, each of the applicable Blacktail Entities will be developing, installing, and operating three “community energy facilities” (as such term is defined in 26 Del. Admin Code § 3013-1.0) (each, a “Project”, and collectively, the “Projects”).

(g) The Parties desire to enter into this Agreement to memorialize their agreements, undertakings, and obligations in connection with the permits required by the County for the Blacktail Entities' development, installation, and operation of each Project.

AGREEMENT

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND THE COVENANTS AND PROMISES set forth in this Agreement and each Lease and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged and agreed by the Parties, each of the Blacktail Entities and the County, intending to be legally bound hereby, agree as follows:

1. Definitions. Capitalized terms used in this Agreement without definition have the meanings ascribed to such terms in the Zoning Ordinance for Sussex County, Delaware, under §115 of the Sussex County Code (as amended, modified, or supplemented from time to time, the "Zoning Ordinance").

2. Zoning. The current zone of the Property under the Zoning Ordinance is I-1 – Institutional District.

3. Permitting Requirements for Development.

3.1 Permitted Use. Each Project is accessory to or ancillary to the principal or permitted use of the Property, namely, operation of a wastewater treatment plant. Accordingly, pursuant to §115-194.6.A. of the Zoning Ordinance, each Project is a permitted use on the Property.

3.2 Permits. Notwithstanding any provision to the contrary in the Zoning Ordinance, and particularly, § 115-172.I. thereof, the following shall apply to the installation of each Project on the Property:

3.2.1 Prior to issuance of a notice to proceed with development of such Project, a site plan for such Project shall be submitted to the County Engineer for review. The site plan shall be prepared subject to the following provisions:

(a) The site plan shall show the following:

(i) the North point, scale, date, the title of the Project, the seal and signature of a registered Delaware land surveyor or registered professional engineer, and the name of the applicable Blacktail Entity; *provided that* all drawings shall be on sheets no larger than twenty-four by thirty-six (24 x 36) inches and at a scale of not more than 100 feet to one inch;

(ii) the geographical location, showing the existing zoning district and boundaries; the boundaries of the Property, the location of all existing easements and Property lines, existing streets, buildings or waterways and other existing physical features

in the Project; and the location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in or near the Project;

- (iii) the net development area;
- (iv) the location of proposed setback lines and easements;
- (v) the location, with respect to each other and to lot lines and height of all proposed structures, accessory or main, or major excavations; *provided that* the locations should be drawn to scale and full dimensioning is required;
- (vi) the location, height and material of all fences; *provided that* to the extent practicable for floating solar photovoltaic projects, the area of the solar array shall be secured by fencing with a gate with an emergency key box to accommodate emergency access by the local fire company or other emergency responders;
- (vii) the location, character, size, height and orientation of proposed signs; *provided that* one unlighted sign, not to exceed 32 square feet in size, shall be permitted, which sign shall identify the Blacktail Entities and shall provide contact information and instructions to first responders in case of emergency;
- (viii) a tabulation of the total number of acres in the Property and the percentage thereof to be devoted to the Project;
- (ix) the location of all wetlands (both state and federal) shall be indicated by legal description with bearings and distances with each flag point numbered. A signed and dated statement by an experienced qualified professional shall be provided verifying the accuracy of the delineation. If the Property contains no wetlands, then the plan must contain the appropriate statement from the same professional; and
- (x) the locations, dimensions and purposes of all open space areas.

(b) To the extent practicable, any transformers or similar equipment and structures shall be centrally located on the Property and shall be at least 200 feet from any dwelling on property owned or operated by a third party other than the County.

(c) The site plan shall designate: (i) the existing site conditions, including the existing topography of the site, the locations of all existing woodlands and wetlands; and (ii) the proposed area where the solar panels or solar arrays will be located.

(d) The site plan submission shall include the Decommissioning Plan (as such term is defined in Paragraph 2 of the Addendum attached to each of the Leases). No financial security shall be required in the Decommissioning Plan except for the Decommissioning Funding Agreement that is to be executed and implemented in accordance with the provision in Paragraph 2 of the Addendum attached to each of the Leases.

(e) The applicable Blacktail Entity shall, with the County's reasonable support, coordinate requirements regarding state approvals for the Project and shall ensure compliance with such requirements.

(f) The Project is not the principal use of the Property but is accessory to or ancillary to such principal use; the daily traffic entering and exiting the Property by virtue

of the Projects will not generate additional daily traffic during operations; the existing entrance or driveway on the Property does not require additional upgrades for the Projects; and therefore, the Project does not require an entrance permit or other approval from the Delaware Department of Transportation.

(g) Any approval for stormwater management and erosion and sediment control, if required in accordance with 7 Del. Admin Code § 5101-3.0 or the prevailing code at the time of submission of the plan for approval thereof, shall be coordinated with the Sussex Conservation District and obtained by the applicable Blacktail Entity.

3.2.2 Upon submission of the site plan to the County Engineer in accordance with Section 3.2.1, no public hearing shall be required, and the plan shall be returned to the applicable Blacktail Entity within twenty (20) working days following submission as approved, approved subject to conditions or disapproved. If specified conditions are met in a revised plan, the County Engineer shall within ten (10) working days following such submission approve the plan and issue the notice to proceed.

4. Commencement of Construction, Inspections and Closeout Procedures.

4.1 Commencement of Construction. Following issuance of the notice to proceed by the County Engineer for the Project, the applicable Blacktail Entity shall use good faith efforts to deliver to the County the “Construction Notice” (as defined in the applicable Lease) in a timely fashion and proceed with constructing the Project from the “Construction Commencement Date” (as defined in the applicable Lease). No building permit is required for the Project following issuance of the notice to proceed by the County Engineer.

4.2 Inspections and Closeout Procedure. Following issuance of the notice to proceed as required by Section 3.2, all construction work or improvements related to the Project shall be subject to inspection and approval by the County Engineer and/or other authorized individuals during and upon completion of such construction work. The County Engineer shall issue a certificate of completion to confirm that all work has been performed in accordance with the requirements of Section 3.2.

5. Miscellaneous Provisions.

5.1 Notices: All notices, requests, demands, waivers and other communications required or permitted to be given under this Agreement shall be in writing and may be given by any of the following methods: (a) personal delivery, (b) a writing in portable document format (“PDF”) attached to an email transmission, but only to the extent such transmission is promptly followed by overnight or certified mail, postage prepaid, return receipt requested, (c) overnight or certified mail, postage prepaid, return receipt requested, or (d) next day air courier service. Notices shall be sent to the appropriate party at its address or email address given below:

If to County: Sussex County, Delaware
Name: Mike Harmer

If to Blacktail Entities: **Blacktail Solar Holdings LLC**
Attention: Michael J. Doniger

Address: P.O. Box 589, Georgetown,
Delaware 19947, United
States
Email: [michael.harmer@sussexcou
ntyde.gov](mailto:michael.harmer@sussexcountyde.gov)
Phone No.: 302-855-7370

Address: 1700 Rockville Pike, Suite 305,
Rockville, MD 20852, United
States
Email: mike.doniger@chaberton.com
Phone No.: 443-914-4100

Any Party may change its address for purposes of this Section 5.1 by giving notice of such change to the other Party.

5.2 Entire Agreement; Amendments.

5.2.1 This Agreement constitutes the entire agreement between the County and the Blacktail Entities in connection with the permits required by the County for the Blacktail Entities' development, installation, and operation of each Project. In the event of conflict between this Agreement and the provisions of the Zoning Ordinance, the express provisions of this Agreement will prevail. Any other agreement, understanding or representation respecting permitting of the Projects, or any other matter not expressly set forth in this Agreement or a subsequent writing signed by all Parties is null and void.

5.2.2 This Agreement shall not be modified or amended except in a writing signed by the Parties, and no purported modifications or amendments, including any oral agreement (even if supported by new consideration), course of conduct or absence of a response to a unilateral communication, shall be binding on any Party. Notwithstanding any amendment, modification, repeal, or enactment of any provision of the Zoning Ordinance or any other County ordinance or any amendment to any of the Leases, the rights and obligations of the Parties under this Agreement shall remain in full force and effect and shall not be altered, impaired, or otherwise affected by any such change in law or ordinance or such amendment of the Leases. For each Project, this Agreement shall remain valid, binding, and in full force and effect with respect to such Project throughout the entire term of the applicable Lease, including any extensions or renewals thereof and any restoration or decommissioning period, notwithstanding any expiration or earlier termination of this Agreement with respect to any other Project.

5.3 Legal Matters. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Delaware. Venue shall be in the county where the Property is located, or if in Federal Court as required by subject matter or personal jurisdiction, in the U.S. District Court for the District where the Property is located. The Parties agree that any rule of construction to the effect that ambiguities are to be resolved in favor of any Party shall not be employed in the interpretation of this Agreement and is waived. The prevailing Party in any action or proceeding for the enforcement, protection, or establishment of any right or remedy under this Agreement or for the interpretation of this Agreement shall be entitled to recover its reasonable attorneys' fees and costs in connection with such action or proceeding from the non-prevailing Party.

5.4 Severability. Should any provision of this Agreement be held, in a final and unappealable decision by a court of competent jurisdiction, to be either invalid, void, or unenforceable, the remaining provisions hereof shall remain in full force and effect, unimpaired by the holding.

5.5 Counterparts. This Agreement may be executed with counterpart signature pages and in duplicate originals, each of which shall be deemed an original, and all of which together shall constitute a single instrument. This Agreement may be executed and transmitted via facsimile, PDF, or other similar electronic means complying with the U.S. federal ESIGN Act of 2000 (e.g. www.docusign.com) and a manual or electronic signature of the undersigned transmitted via such means shall have the same force and effect as a manually signed original.

5.6 Assignment. Notwithstanding anything to the contrary in this Agreement, with respect to any Project, the applicable Blacktail Entity which is counterparty to the Lease for such Project may, without the County's consent, assign this Agreement, in whole or in part or as collateral assignment to a "Financing Party" (as such term is defined in the Lease), to any third party to whom assignment is permitted without the County's consent under the terms of such Lease, and any such assignee shall have all rights and obligations of the assigning Blacktail Entity under this Agreement with respect to the assigned interest.

5.7 Certain Matters of Construction. The terms "herein", "hereof", and "hereunder" and words of similar import refer to this Agreement as a whole and not to any particular section, paragraph or subdivision. Any pronoun used shall be deemed to cover all genders. The section titles appear as a matter of convenience only and shall not affect the interpretation of this Agreement. References in this Agreement to "Sections" refer to sections of this Agreement unless otherwise specifically provided. All references in this Agreement to statutes shall include all amendments of same and implementing regulations and any successor statutes and regulations; to any instrument or agreement (including this Agreement) shall include any and all addendums, modifications and supplements thereto and any and all restatements, extensions or renewals thereof to the extent such modifications, supplements, restatements, extensions or renewals of any such documents are permitted by the terms thereof; to any person shall mean and include the successors, affiliates and permitted assigns of such person; to "including" shall be understood to mean "including, without limitation"; or to the time of day shall mean the time of day on the day in question in the State of Delaware, unless otherwise provided in this Agreement. Unless the context of this Agreement clearly requires otherwise, the term "or" has, except where otherwise indicated, the inclusive meaning represented by the phrase "and/or".

[Signature page follows]

IN WITNESS WHEREOF, THIS AGREEMENT is executed and delivered effective as of the date first written above.

Sussex County, Delaware

By: _____

Name: Michael H. Vincent

Title: President of County Council

Attest: (SEAL)

Clerk of Council

**Blacktail Solar Holdings LLC
Blacktail Solar I LLC
Blacktail Solar II LLC
Blacktail Solar III LLC**

By: _____

Name: Ron Stimmel

Title: Manager



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: July 17, 2025

RE: County Council Report for C/U 2581 filed on behalf of Zion Church Ventures, LLC

The Planning and Zoning Department received an application (C/U 2581 filed on behalf of Zion Church Ventures, LLC) for storage/warehouse/office buildings and a car wash to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-11.00-23.00. The property is located at 36054 Zion Church Rd. The parcel size is 24.87 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of June 18, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 20 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on July 15, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

Below are the minutes from the Planning & Zoning Commission meetings on May 21, 2025, and June 18, 2025.

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

C/U 2581 Zion Church Ventures, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS. The property is lying on the southwest side of Zion Church Road (Route 20),



approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibits and maps, a copy of the Applicant's Conditional Use site plan, a copy of the DelDOT SLER letter, a copy of the PLUS comments for the property, a copy of the staff analysis, a copy of the prior Conditional Use approval C/U #2392, which was approved by County Council on April 9, 2024, which is Ordinance #2999 and we have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the application is for a conditional use in an AR-1 (Agricultural Residential) zoning for approximately 180,500 square feet of storage, warehouse and office buildings and a 2,500 square foot car wash on approximately 24.866 acres; that this parcel was part of Conditional Use #2392, which was approved by County Council on April 9, 2024, for storage, warehouse buildings, a car wash, a clubhouse and swimming pool; that the Applicant is asking for a new Conditional Use to request office space that will function as an accessory to the main indoor storage and warehouses; that the Applicants are proposing a change in use and an expansion of the existing permitted use under the Conditional Use approval rather than merely amending the existing conditions different from the last application; that the purpose of this application is to establish climate controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that this will provide a solution for those lacking sufficient space at home to store or work on these items; that the application names to create climate controlled storage and warehouse areas for businesses needing extra space for supplies, equipment and materials; that the proposal also includes a designated area for a car wash, recycling and disposal of automobile fluids and accessory office to support the primary storage workspace and warehousing functions; that the applicants eliminated the concept of the clubhouse and pool altogether and are seeking to expand the permitted uses to include accessory office to support the primary uses on site; that the site plan features nineteen (19) buildings, each measuring 9,500 square feet, located at the back of the property, consisting of 180,500 square feet of indoor, climate controlled storage, warehouse and workspace designed for individuals and businesses; that there will be a 2,500 square foot car wash, an accessory office may be included to support the primary storage, workspace and warehousing functions; that there will be respite, recycling and disposing areas for recycling and disposing of automobile fluids to support vehicle maintenance; that each unit will feature a standard door and large garage door for convenience, ensuring that all activities take place indoors; that each unit will be capable of being fitted out with a bathroom; that the development will accommodate those with boats, recreational vehicles, motorcycles, cars, and collectibles, providing a convenient solution for individuals lacking adequate space for storage or maintenance; that units used for personal rather than business uses are designed to function like Man Caves, allowing owners to personalize their spaces; that these units will cater to hobbyists, fostering a community where individuals with shared interests can connect; that the facility will create designated areas for businesses needing climate controlled storage and/or warehouse for excess supplies, equipment and related materials; that the property is located in an AR-1 (Agricultural Residential) zoning district and in the Coastal Area of the Comprehensive Plan, which is an area of growth; that DelDOT has determined the traffic impact to be minor with the traffic to be generated or anticipated by this facility to be low, stable and predictable, consistent with operational nature of storage facilities; that sewer and water will be provided by Artesian and Sussex County provides sewer; that the site will be secured with a fence around the perimeter with a gated entrance, downward screened security lighting and one lighted sign not

exceeding 32 square feet; and that there are approximately 7.5 acres of wetlands on the property with all of the buildings surrounding it with a wetland buffer provided.

The Commission discussed the application and asked about the use of the storage units to operate businesses out of and the possibility of retail sales taking place.

Ms. Peet stated that the storage units will be used by businesses only to use as storage and possibly have a single desk for the owner/staff to perform administrative type work and there will be no retail sales happening on site at all.

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 2581 Zion Church Ventures, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the June 18, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application, which had been deferred since May 21, 2025.

Mr. Robertson read Mr. Mears' motion into the record per Mr. Mears' request.

Mr. Mears moved that the Commission recommend approval of C/U 2581 Zion Church Ventures, LLC for storage, warehouse, and office buildings and a car wash based upon the record made during the public hearing and for the following reasons:

1. This site was previously approved for a similar use, but without commercial or professional office space, on April 9, 2024, as Conditional Use # 2392. This is a new application for the site, keeping the main uses as indoor storage and warehouses, but adding office space as an accessory to the warehouse and storage uses. This recommendation allows the addition of office space, with limitations.
2. Like the prior Application, the purpose of this application is also to create climate-controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles including an area for a car wash to serve the many individuals in the area who do not have room within their home and property to store or work on such items. This Application eliminates the pool and clubhouse amenity that was part of the prior application. It also reduces some of the land area included in the prior application.
3. The site is in the vicinity of several areas that have developed with commercially- and -residentially-zoned properties. This includes property in the area with HR-1 (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.
4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways. DelDOT has stated that the traffic generated by this use will be "minor."

5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. The property is located in the Coastal and Developing Areas, which are both “Growth Areas” according to the Sussex County Comprehensive Plan. The conditional use is consistent with the Plan’s guidelines for these Areas, since it will provide convenient areas for businesses, homeowners, and property owners in this area of Sussex County.
7. The site will be served by central water and sewer.
8. There are wetlands that have been preliminarily delineated on the Property, and a 25-foot buffer is proposed from those wetlands except in two locations, which will be mitigated with approval from the Army Corps of Engineers.
9. With conditions and limitations required as part of this recommendation, the conditional use will not adversely affect the neighboring and adjacent properties.
10. This recommendation is subject to the following conditions:
 - A. This conditional use shall be limited to 180,500 square feet of warehouse/storage area, and a 2,500 square foot car wash area. The car wash shall be for the exclusive use of the owners and their families and guests; it shall not be operated commercially or used by persons not otherwise affiliated with the primary use of this project. No operations that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or food service.
 - B. No unit or area within the conditional use shall be used as a dwelling or for housing. No overnight accommodation shall be allowed.
 - C. There shall not be any outside storage, including boats, materials, RVs, or equipment, within the site.
 - D. If a unit is used for business purposes, that business may only use the area for climate-controlled storage. The property shall not be used by a business for manufacturing or industrial purposes, and the office space shall not be isolated or walled off from the remainder of each unit. No unit shall be primarily used as an office. In addition, the property may not be used by a business for meeting customers, as a showroom, or as a “mail-drop” or pick up or delivery location for customers.
 - E. An oil and fluid recycling, and disposal facility shall be provided, and its location shall be shown on the Final Site Plan.
 - F. An RV sewer cleanout shall be provided on the property, and its location shall be shown on the Final Site Plan.
 - G. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - H. A fence shall be installed along the perimeter of this project. The location and type of fencing shall be shown on the Final Site Plan.
 - I. Any dumpsters must be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - J. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - K. There shall be adequate parking as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property’s setbacks.
 - L. One unlighted sign, not to exceed 32 square feet per side, shall be permitted along Zion Church Road.

- M. The Applicant shall submit as part of the Final Site Plan a landscape plan showing all “Limits of Disturbance” within the Property. These “Limits of Disturbance” shall be clearly marked on the Property itself.
- N. There shall be an on-site Management Office maintaining the property and the operation of it. It shall be open during regular business hours.
- O. The units shall only have bathrooms with a sink and a toilet. No showers or bathtub-type fixtures or plumbing connections shall be permitted.
- P. Any wetlands will be delineated on the Final Site Plan, and the plan shall also show a 25-foot buffer from those wetlands or a permit from the USACOE for mitigation (fill) in specific locations shown on the Final Site Plan.
- Q. The applicant, its successors and/or assigns, shall cause a condominium association to be formed to be responsible for the maintenance of the roads, parking areas, amenities, stormwater management facilities, and other common areas, and the compliance with these conditions, which shall be incorporated into the condominium documents.
- R. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- S. Any violation of these conditions may be grounds for termination of this conditional use.
- T. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2581 Zion Church Ventures, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – 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: May 21st, 2025

Sussex County Council Public Hearing Date: July 15th, 2025

Application: C/U 2581 Zion Church Ventures, LLC

Applicant: Zion Church Ventures, LLC (c/o Bradley Absher)
35322 Bayard Road
Frankford, DE 19945

Owner: Zion Church Ventures, LLC (c/o Bradley Absher)
35322 Bayard Road
Frankford, DE 19945

Site Location: The property is located on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Storage/Warehouse/Office Buildings (180,500 square feet) and a car wash (2,500 square feet) in an AR-1 District.

Comprehensive Land
Use Plan Reference: Coastal Area, Low Density and Developing Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Company

Sewer: Sussex County

Water: Artesian

Site Area: 24.866-acre(s) +/-

Tax Map ID.: 533-11.00-23.00



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



Sussex County

DELAWARE
sussexcountype.gov

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: April 15th, 2025
RE: Staff Analysis for C/U 2581 Zion Church Ventures, 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 for C/U 2581 Zion Church Ventures, LLC. to be reviewed at the May 21st, 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: 533-11.00-23.00

Proposal: The request is for a Conditional Use for Tax Parcel: 533-11.00-23.00 to allow for storage/warehouse/Office Buildings consisting of 180,500 square feet and a car wash to consist of 2,500 square feet to be located within an Agricultural Residential (AR-1) District on a 24.87-acre parcel of land lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

Staff note that this Application is a revision to a previous Application (Conditional Use No. 2392 Zion Church Ventures, LLC) which was for 19, 9,500 square foot climate-controlled buildings (180,500 square feet), one 2,500 square foot car wash building with parking and a 6,400 square foot clubhouse with pool and patio and related parking.

Conditional Use No. 2392 Zion Church Ventures, LLC was approved by the Sussex County Council at their meeting of Tuesday, April 9th, 2024, and the change was adopted through Ordinance No. 2999 subject to seventeen (17) Conditions of Approval.

Staff further note that the changes to the originally approved Conditional Use Site Plan include the addition of an ancillary Office, removal of the clubhouse and exclusion of a portion of Tax Parcel IDs: 533-11.00-23.00, 23.03 & 23.04.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north, east and west of the subject properties on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20).



The property to the south of Deer Run Road (S.C.R. 388) consisting of the Deer Run Acres Subdivision and the Hampden Park Subdivision are zoned General Residential (GR) District. There is a single parcel to the south of Deer Run Road and Zion Church Road that is zoned Neighborhood Business (B-1 & B-2). There are also commercially zoned properties on the north side of Zion Church Road to the southwest of the subject properties.

Future Land Use Map Designation w/in Comprehensive Plan: Coastal Area, Developing Area and a small portion is Low Density Area

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 parcels have a Growth Area designation of “Coastal Area” and “Developing Area.”

The Comprehensive Plan notes that Coastal Areas are growth areas which “are areas that can accommodate development provided that special environmental concerns are addressed,” and “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes and multifamily units” (2018 Sussex County Comprehensive Plan, 4-15). The plan notes that “retail uses are appropriate” with “appropriate mixed-use development also [being] allowed” (2018 Sussex County Comprehensive Plan 4-15).

The Comprehensive Plan states that Developing Areas are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures” (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that, “a careful mixture of homes with light commercial uses can be appropriate to provide convenient services and allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-14).

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, Developing Area and Low Density Area Future Land Use Map designations (Sussex County Comprehensive Plan, 4-25).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use. This includes the Parcels to the north.
- **Interconnectivity:** Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur

on the Parcel. Please add an easement or other means of providing alternative access to the property.

Staff note that §115-221 “Final Site Plan Requirements” notes that interconnectivity be provided where proposed development of “*business and office buildings, commercial buildings or industrial buildings*” is “*occurring or may occur in the future*” (§115-221(B)(16)).

- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that there is an existing forested area on the northeast portion of the subject property. Though not Conditional Use for single-family or multi-family dwellings, Staff request that a 30-ft buffer be provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note per the County’s Online Mapping System that there appears to be a large area of lotic wetlands on the Property that also appear to exist in conjunction with the existing agricultural ditch which appears to bisect the property and run to the southeast of the property between Parcels 24.00, 23.03, 24.01 and 23.04. (This information has been included in a Supplemental Map for the Commission and Council’s review.)
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcel is classified as within an area of “Fair” Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that there are two (2) Tax Ditch Areas (the Batson Branch Tax Ditch Area and the Bear Hole Tax Ditch Area) and a related Tax Ditch Right-Of-Way (ROW) which runs along the northeast side (along Parcels 22.00 and 22.01) which is measured 80-ft from the centerline (CL) of the Tax Ditch and another Tax Ditch Right-Of-Way (ROW) which runs along the southeast side of the property which is measured 50-ft from the Top of Bank (TOB) of the Ditch which was reduced through Court Order Change No. 16. ((This information has been included in a Supplemental Map for the Commission and Council’s review.)

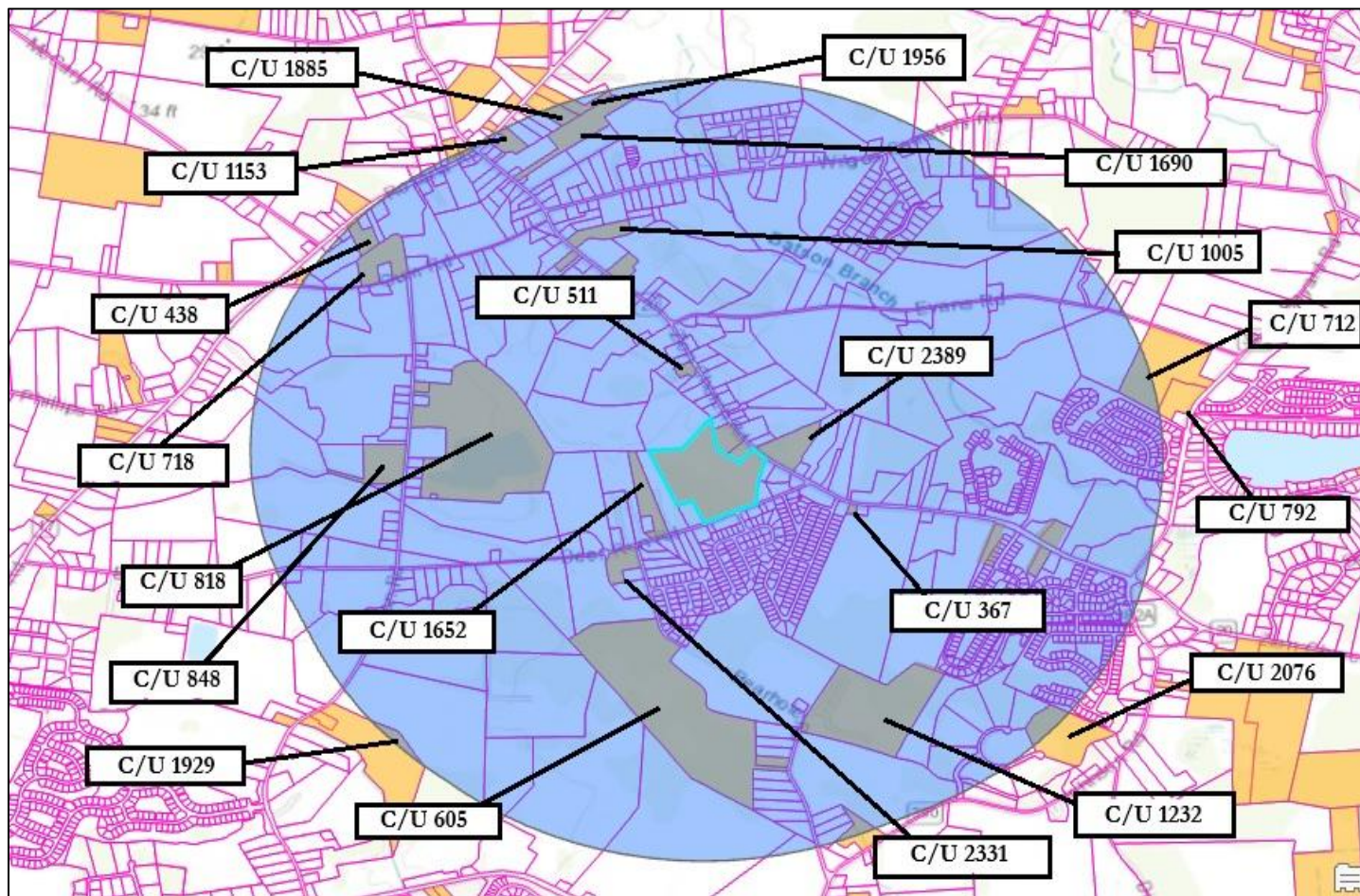
Based on the analysis provided, the Conditional Use to allow for the development of storage/warehouse/office buildings totaling 180,500 square feet and a car wash of 2,500 square feet at the site, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

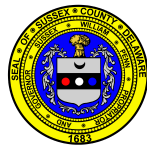
Existing Conditional Uses within the Vicinity of the Subject Site:

Staff notes there have been forty-one (41) Conditional Use Applications within a one (1) mile radius of the Application site. Four (4) Applications were denied, twenty-nine (29) were approved, six (6) were withdrawn and two (2) are Pending Public Hearings. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications

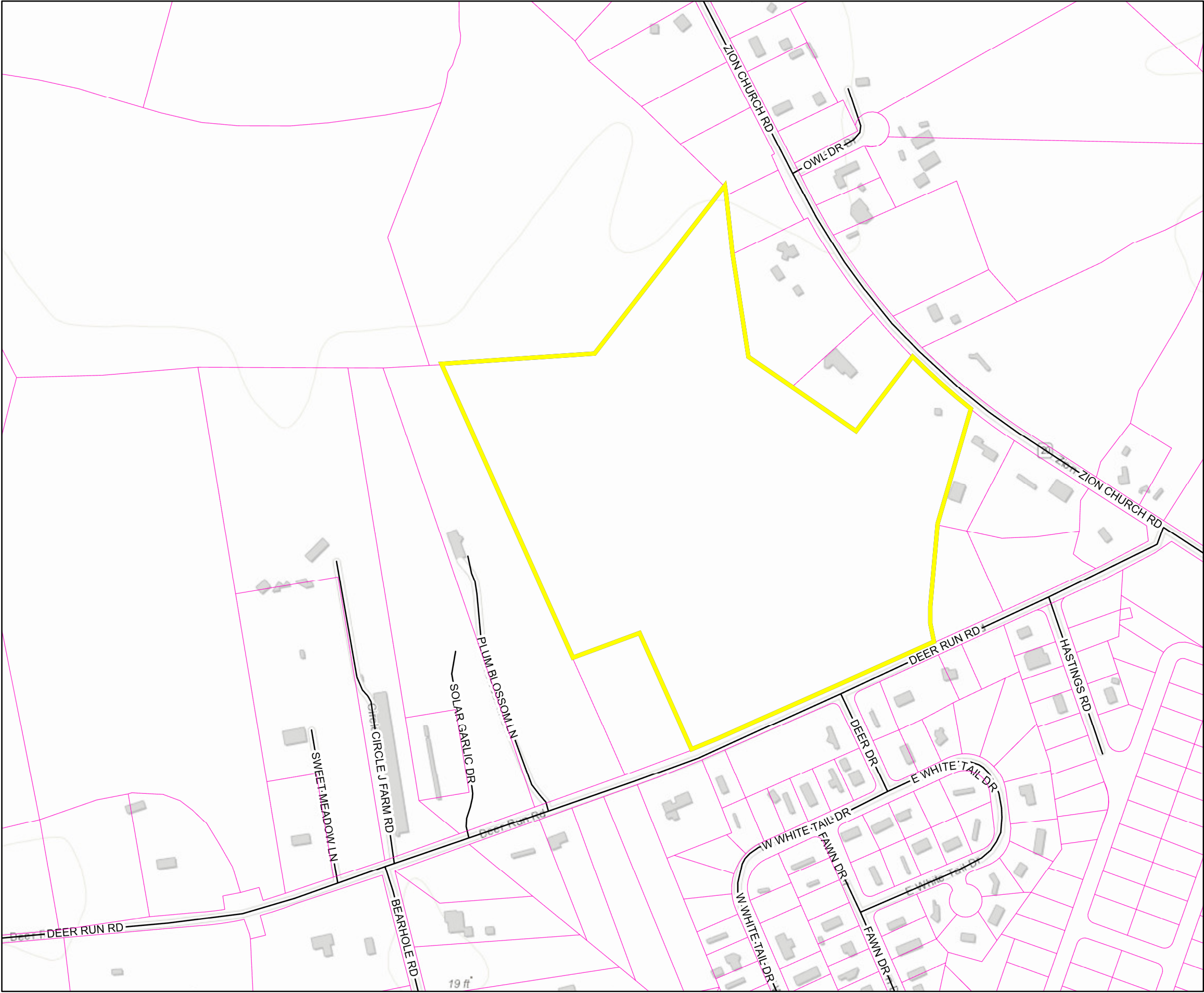
in the area to include the location of all other Conditional Use Applications since 2011 that are less than 1 mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Conditional Use Number	APPLICANT	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
12	Fenwick Properties	AR-1	manufactured home park	N/A	Approved	N/A
1929	Everett Dennis & David Harbin	AR-1	Farm Tractor and Auto Repair	6/5/2012	Approved	2258
605	Cee Bee, Inc.	AR-1	Borrow Pit	N/A	Approved	N/A
438	Jessie E Bivens	AR-1	poultry house on less than 5-acres	N/A	Approved	N/A
718	Hazel J. Lynch	AR-1	antique sales & storage shop	4/12/1983	Approved	N/A
367	George P. Fountain	GR	automobile & truck repair shop	N/A	Approved	N/A
1329	John & Mary Frey	AR-1	used car sales	4/11/2000	Denied	N/A
1232	William D. & Karen L. Simpson	AR-1	Recreational Vehicle Park/Campground & Boat Storage	3/17/1998	Approved	1222
848	Bruce G. & Mary Jane Bennett	AR-1	borrow pit	7/29/1986	Approved	372
1885	James Mershon	AR-1	Bait/tackle shop	4/12/2011	Approved	2187
1956	Mark A. Giblin	AR-1	Towing Service and Landscape Business	3/19/2013	Approved	2297
1804	Wayne Drywall	AR-1	office/warehousing	1/5/2010	Approved	2093
916	James W. Ward	AR-1	multi-family	10/9/1990	Denied	N/A
1153	Mark Beam & Keith Smith	AR-1	storage	N/A	Withdrawn	N/A
1641	Carroll & Diane Brasure	AR-1	service vehicles parking	3/28/2006	Approved	1838
1812	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	12/7/2009	Withdrawn	N/A
2088	Billy Banning Enterprises, LLC	AR-1	dance studio	N/A	Withdrawn	N/A
818	Cygnat Construction Corp	AR-1	borrow pit expansion	5/7/1985	Approved	246
1914	Steven Krebs & Barbara Krebs	AR-1	Barbeque Prep and Sales	1/17/2012	Approved	2233
1005	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	7/14/1992	Approved	843
426	Ronald Chandler & Kathleen	AR-1	repair & service all type of motor vehicles	N/A	Approved	N/A
511	Charles & Holly Carmack	AR-1	drywall contractor, building material sales & warehouse of building materials	N/A	Approved	N/A
1704	PMP Associates	GR	Health Care & Medical Offices	1/8/2008	Approved	1950
1273	Roxana Vol. Fire Company	AR-1	expansion of fire station	3/30/1999	Approved	1296
712	Harvey C. Becker, etux.	AR-1	manufactured home park	5/17/1983	Denied	N/A
1690	Delmar Plumbing, Inc.	AR-1	Plumbing	8/7/2007	Approved	1917
2087	John F. and Brenda L. Fegelein, Trustees	AR-1	Auto Repair Shop	8/22/2017	Approved	2517
1713	Keith Smith	AR-1	Commercial Storage Building	4/1/2008	Approved	1961
1652	Ken Gillam & Joan Gillam	AR-1	boat storage	6/5/2006	Withdrawn	N/A
2076	Joseph Mark Zdurienick	AR-1	event facility/center	6/13/2017	Approved	2504
156	Roxana Volunteer Fire Co	AR-1	Equipment Storage	8/21/1973	Approved	N/A
365	Gladys Swann	AR-1	Manufactured Home Park	9/7/1976	Denied	N/A
517	Cygnat Construction Corp.	AR-1	Borrow Pit	3/17/1981	Approved	N/A
808	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
816	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
1795	Steven Krebs (Kreative Garden Center)	B-1	Garden Center	11/10/2009	Approved	2087
1933	Mark A. Giblin	AR-1	Towing Service and Landscape Business	12/11/2012	Approved	2283
2331	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. overnight accommodations	1/10/2023	Approved	2899
2389	AWH Properties, LLC	AR-1	Boat/RV Storage	4/9/2024	Approved	2998
2493	Rennie Hunt	AR-1	operation of a Site Development business office w/ employees	PENDING	PENDING	PENDING
2546	James Mershon	AR-1	Boat Storage	PENDING	PENDING	PENDING



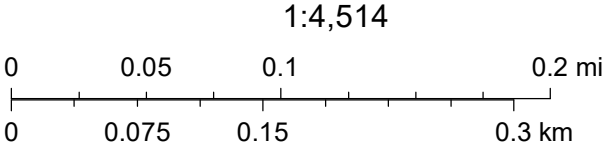


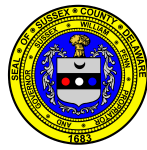
Sussex County



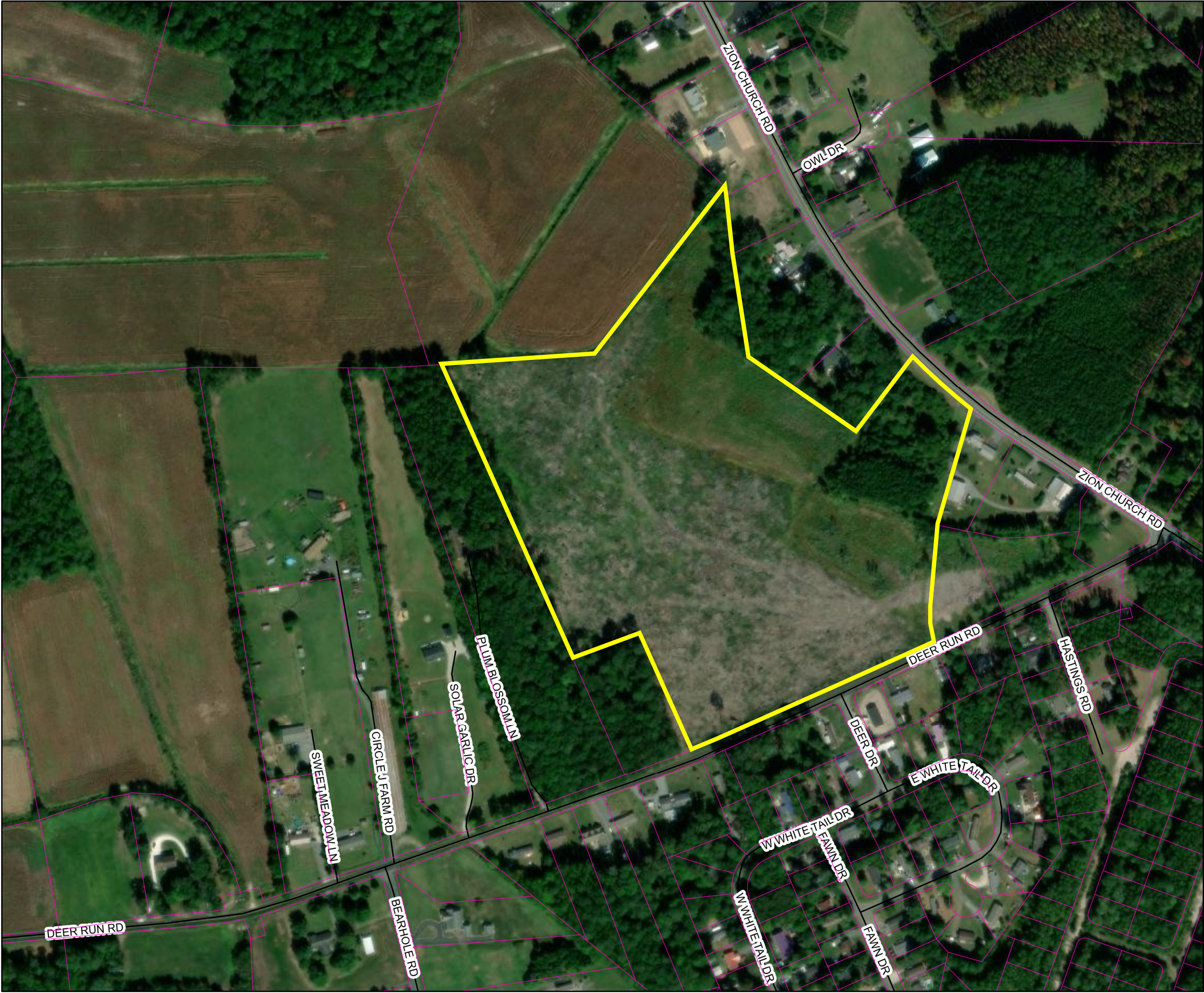
PIN:	533-11.00-23.00	
Owner Name	ZION	CHURCH VENTURES LLC
Book	5467	
Mailing Address	35322 BAYARD RD	
City	FRANKFORD	
State	DE	
Description	N/ DEER RUN RD	
Description 2	PARCEL 1	
Description 3	N/A	
Land Code		

- Tax Parcels
- Streets
- County Boundaries
- Citations





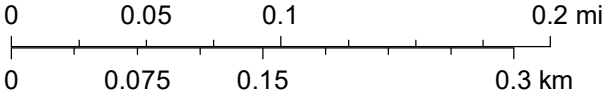
Sussex County



PIN:	533-11.00-23.00	
Owner Name	ZION	CHURCH VENTURES LLC
Book	5467	
Mailing Address	35322 BAYARD RD	
City	FRANKFORD	
State	DE	
Description	N/ DEER RUN RD	
Description 2	PARCEL 1	
Description 3	N/A	
Land Code		

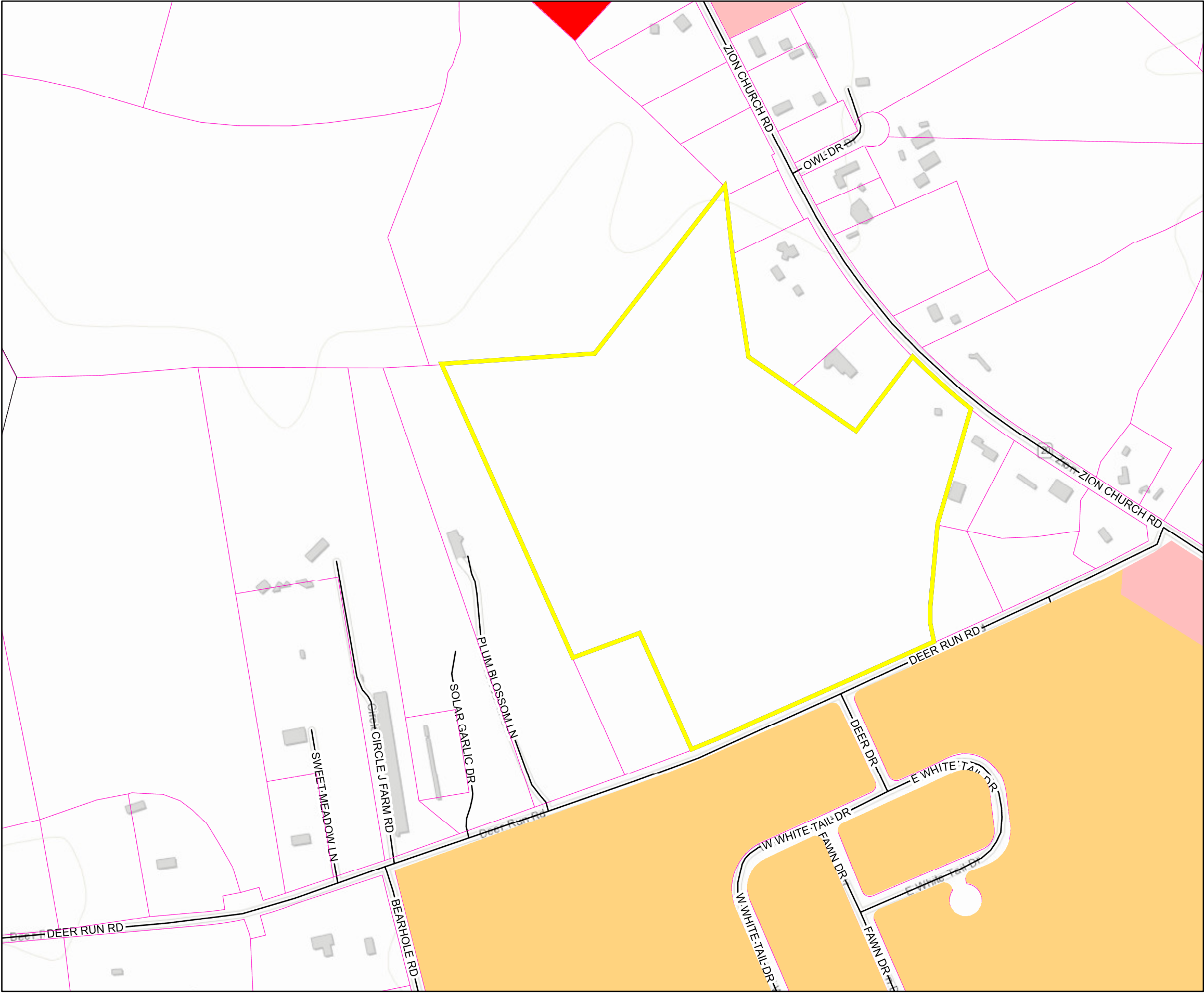
- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata

1:4,514





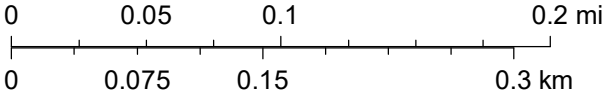
Sussex County



PIN:	533-11.00-23.00	
Owner Name	ZION	CHURCH VENTURES LLC
Book	5467	
Mailing Address	35322 BAYARD RD	
City	FRANKFORD	
State	DE	
Description	N/ DEER RUN RD	
Description 2	PARCEL 1	
Description 3	N/A	
Land Code		

- Tax Parcels
- Streets
- County Boundaries
- Citations

1:4,514



Introduced: 4/29/25

Council District 4: Mr. Hudson

Tax I.D. No. 533-11.00-23.00

911 Address: 36054 Zion Church Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS

WHEREAS, on the 5th day of March 2025, a conditional use application, denominated Conditional Use No. 2581, was filed on behalf of Zion Church Ventures, 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. 2581 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, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2581 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 24.87 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.

Casey Hall

McCaum

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, July 2, 2025 10:51 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Town of Bridgeville Police Department
Project Name	Back to School Bash
Federal Tax ID	51-6000028
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	It is the mission of the Bridgeville Police Department to proudly serve the community by protecting the life and property of its citizens, enforcing the laws of the United States of America, State of Delaware, and Town of Bridgeville.
Address	105 S. Main Street
City	Bridgeville
State	DE

Please Place on agenda

Zip Code	19933
Contact Person	Shelley Lambden
Contact Phone Number	3023378302
Contact Email Address	shelley.lambden@cj.state.de.us
Total Funding Request	\$1,000.00
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?	20
Program Category (choose all that apply)	Other
Program Category Other	Community Policing

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	300
Scope	Our Back to School Bash promotes a fun and safe environment for residents, specifically youth, to interact with local law enforcement. The event provides a free night of activities, ice cream, and a filled back pack to each child present.
Religious Components	N/A
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	4,000.00
Description	Operating Costs
Amount	5,000.00
TOTAL EXPENDITURES	5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,000.00
Name of Organization	Town of Bridgeville Police Department

**Applicant/Authorized
Official** Shelley Lambden

Date 07/02/2025

Affidavit Yes

Acknowledgement

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

McCarroll

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Council Grant Form

**Legal Name of
Agency/Organization**

Woodbridge American Youth Football Inc. ✓

Project Name

2025 Woodbridge AYF Season

Federal Tax ID

863058821 ✓

Non-Profit

Yes

**Does your
organization or its
parent organization
have a religious
affiliation? (If yes, fill
out Section 3B.)**

No

Please Place on agenda

**Organization's
Mission**

The Woodbridge American Youth Football (AYF) team competes as part of the Delmarva AYF as a Division III team, representing Sussex County, in the Atlantic Conference. Woodbridge AYF has played its home games at the Filmore Clifton Stadium in Bridgeville, Delaware since 2021.

Address

P.O. Box 871

City

Bridgeville

State	Delaware
Zip Code	19933
Contact Person	Ryan Jason Potter
Contact Title	Fundraising Coordinator
Contact Phone Number	3302400592
Contact Email Address	woodbridgeayf@gmail.com

Total Funding Request

5,000.00

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?

2000

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

No

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

N/A

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

Other

**Program Category
Other**

Sports

**Primary Beneficiary
Category**

Youth

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

150

Scope

One of the biggest problems that the Woodbridge AYF faces is that we cannot control circumstances like nighttime. All of our teams (7u, 9u, 11u, 12u, and 13u) all practice on the same field behind the Woodbridge Middle school and while it is not the most ideal, we do our best to make it work and we appreciate the opportunity to play on the field. Currently, the fixed lights around the field do not illuminate the entire field. Our past practice has been to rent a light tower and tow it in each evening and strategically place it on the field, while this practice works it does not cover the entire field leaving some uncovered areas. While the unlit areas may not seem like a big deal they really are when it comes to the safety of our players. We are seeking funds to rent two additional light towers to use during the 2025 season.

Thank you for consideration in this matter!

**Please enter the
current support your
organization receives
for this project (not
entire organization**

0.00

revenue if not
applicable to request)

Description	Light Tower (Rental for 1 unit for 1 month)
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Amount	1,180.00
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Description	Diesel Fuel
--------------------	-------------

Amount	200.00
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TOTAL EXPENDITURES	1,380.00
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TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,380.00
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Name of Organization	Woodbridge Youth Football Association
-----------------------------	---------------------------------------

Applicant/Authorized Official	Ryan Potter
--	-------------

Date	03/17/2025
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Affidavit Acknowledgement	Yes
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Please feel free to email clientservices@d3corp.com with any questions.

Casey Hall

yes 7/15
Hudson

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<notifications@d3forms.com>
Sent: Tuesday, June 10, 2025 3:22 PM
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Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Historic Village in Ocean View
Project Name	Roof repair on 1900 woodhouse and 1800's outhouse at Coastal Towns Museum in Historic Village in Ocean View
Federal Tax ID	26-1719840
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	We strive to preserve the history and integrity of the Village of Ocean View and the Coastal Towns of Bethany, South Bethany, Millville, and Fenwick Island. By doing so, our organization has saved an 1860's house from demolition, two 1800's outhouses, a copy of the original chicken house that Cecile Steele's husband built for her to raise the 500 chickens she received by mistake, thus starting the Broiler Chicken Industry, the original 1889 post office run by a local woman, Annie Betts, a replica of Hall's General Store that was the beginning of the town of Ocean View, and a 1901 house donated and featuring a museum of stories and

artifacts of the time period, as well as an original barn and Woodhouse still standing and displaying several appropriate artifacts.

Address 39 Central Avenue, PO Box 576

City Ocean View

State Delaware

Zip Code 19970

Contact Person Barbara Slavin

Contact Title President

Contact Phone Number 302-593-8814

Contact Email Address president@hvov.org

Total Funding Request

\$5000

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?

100

Program Category (choose all that apply)

Cultural
Educational

Primary Beneficiary Category

Other

Beneficiary Category Other

History advocates

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

1500

Scope

Considering that the Coastal Towns Museum in Ocean View is portraying a view of the lifestyle and history of the past 140 years in this area, we are proud to have created this monument to the Ocean View and surrounding towns. There are two buildings included in our array of displays that are in need of new roofs (currently declining and deteriorating onto the inside floors). The upkeep of the outside of both of the buildings (Woodhouse and 3-seater outhouse) were improved as an Eagle Project about 6 years ago, but time and weather have attacked the roofs of these buildings and require a replacement.

Please not: We have received monies from the Sussex County Council each year since we have been in existence, and this has helped us keep up with several projects. Last year we received \$2000, and the question in section 1 will not retain the amount, so I skipped that insertion.

**Religious
Components** N.A.

**Please enter the
current support your
organization receives
for this project (not
entire organization
revenue if not
applicable to request)** 0.00

Description New Roof on Woodhouse

Amount 3,000.00

Description New roof on 3-seater outhouse

Amount 2,000.00

TOTAL EXPENDITURES 5,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -5,000.00

Name of Organization Historic Village in Ocean View

**Applicant/Authorized
Official** Barbara Slavin

Date 06/10/2025

**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.

Casey Hall

Yes 7/15
Hudson

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
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Sent: Wednesday, July 2, 2025 5:34 PM
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Subject: Form submission from: Council Grant Form

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Council Grant Form

**Legal Name of
Agency/Organization** Delaware Botanic gardens

Project Name 2025 DBG DINNER SPONSORSHIP

Federal Tax ID 32-0371538

Non-Profit Yes

**Does your
organization or its
parent organization
have a religious
affiliation? (If yes, fill
out Section 3B.)**

No

HOW MUCH WAS THE
LAST GRANT?

**Organization's
Mission** Delaware Botanic Gardens (DBG) is to create a world-class, inspirational, educational, and sustainable public garden in southern Delaware for the benefit and enjoyment of all. Visitors will represent a diverse cross-section of our population, and to that end, the Gardens and facilities will be planned to offer opportunities for enjoyment that bridge cultural, ethnic, economic, and generational circumstances.

Address P. O. Box 1390

City Ocean View

State	DE
Zip Code	19970
Contact Person	Sheryl Swed
Contact Title	Executive Director
Contact Phone Number	202-262-9856
Contact Email Address	sherylswed@delawaregardens.org
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?	3

Program Category (choose all that apply)	Cultural Educational Other
Program Category Other	Conservation
Primary Beneficiary Category	Other
Beneficiary Category Other	All Sussex County residents
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	20000
Scope	Delaware Botanic Gardens conducts a fund-raising dinner each year to raise funds for paying our Garden staff and for other operational costs. Our Garden staff conducts all activities related to operating our 37 acre Garden including tending all the garden beds and all the trails In the 12 acre woodlands. Our team also tends the 2 acre PIET OUDOLF Meadow Garden which was designed by Mr. Oudolf, a world famous plantsman.. This work is all accomplished to provide a world class garden for the residents of Sussex County, Delaware and all visitors to our State. And the funds raised at our event will be used to to pay for our hard- working staff.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00

Description	Personnel
Amount	5,000.00
TOTAL EXPENDITURES	5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-5,000.00
Name of Organization	Delaware Botanic Gardens
Applicant/Authorized Official	Sheryl Swed
Date	07/02/2025
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.

To Be Introduced: 7/22/25

Council District 1: Mr. Lloyd

Tax I.D. No.: 333-7.00-23.00

911 Address: 22311, 22327 & 34943 Bald Branch Road and 36597 Millsboro Highway, Frankford

ORDINANCE NO. ____

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

WHEREAS, on the 7th day of August 2023, a conditional use application, denominated Conditional Use No. 2475, was filed on behalf of S&J Growers; 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. 2475 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. 2475 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 and south sides of Bald Branch Road (S.C.R. 61) and on the east and west sides of Millsboro Highway (Rt. 26/30), at the intersection of Bald Branch Road (S.C.R. 61) and Millsboro Highway (Rt. 30/26) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 30.00 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: 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.

To Be 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.

To Be 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.