

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

September 9, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - August 19, 2025

[Draft Minutes 081925](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. Proclamation Request – Emergency Preparedness Month

Todd Lawson, County Administrator

1. Personnel Board Reappointment
2. Discussion & Possible Introduction of an Ordinance amending Ordinance No. 3016 – Regulating Marijuana Establishments
3. Administrator's Report

Karen Brewington, Human Resources Director

1. Third Quarter Employee Recognition Awards



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

Mike Harmer, County Engineer

1. **South Coastal Library HVAC Replacements, Project G24-23**

A. Recommendation to Award

[South Coastal Library HVAC](#)

Mark Parker, Assistant County Engineer

1. **Sugar Maple Farms Road Improvements, Project T25-40**

A. Recommendation to Award

[Sugar Maple Farms Recommendation](#)

2. **Chesapeake Utilities Customer Advance Agreement**

A. Approval of First Amendment

[Chesapeake Gas First Amendment](#)

Hans Medlarz, Project Manager

1. **Inland Bays Loop Project, Project S24-01**

A. Change Order No. 3

[IBRWF Loop CO 3](#)

2. **Wolfe Neck Regional Wastewater Facility**

A. Denali Sludge Removal Agreement – Change Order No. 2

[Wolfe Neck Sludge Removal CO2](#)

Grant Requests

1. **Leadership Delaware Inc. for their Sussex County Leadership Development Program**
[Leadership Delaware](#)
2. **Historical Georgetown Association for their Train Station Museum and First Fire House**
[Historic Georgetown Association](#)
3. **Millsboro Little League, Inc. for their LED lighting replacement**
[Millsboro Little League](#)
4. **Bethel Historical Society, Inc. for a Community Pavilion**
[Bethel Historical Society](#)
5. **Chamber of Commerce for Greater Milford for their Riverwalk Freedom Festival**
[Chamber of Commerce for Greater Milford](#)
6. **Greater Millsboro Chamber of Commerce Inc. for safety & policing at their community events**
[Greater Millsboro Chamber of Commerce](#)

7. **New Coverdale Outreach Mission, Inc. for their back-to-school program**
[New Coverdale Outreach Mission Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2532 CU2465 CU2483 CZ2027](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. [Conditional Use No. 2517 filed on behalf of High Tide Church, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS” (property is lying on the south side of Nine Foot Road [Rt. 26], approximately 949 feet southwest of DuPont Boulevard [Rt. 113]) (911 Address: 28000 Nine Foot Road, Dagsboro) (Tax Map Parcel: 233-10.00-46.00)

[Public Hearing CU2517](#)

2. [Conditional Use No. 2493 filed on behalf of Rennie Hunt](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS” (property is lying on the northwest side of Roxana Road [Route 17], approximately 0.07-mile northeast of Pyle Center Road [Route 20]) (911 Address: 35082 Roxana Road, Frankford) (Tax Map Parcel: 533-6.00-19.00)

[Public Hearing CU2493](#)

3. [Conditional Use No. 2494 filed on behalf of Rennie Hunt](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS” (property is lying on the north side of Gum Road [S.C.R. 392], approximately 0.12 mile west of Roxana Road [Route 17]) (911 Address: 36215 & 36219 Little Creek Lane, Frankford) (Tax Map Parcel: 533-10.00-46.02)

[Public Hearing CU2494](#)

4. [Change of Zone No. 2028 filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS” (property is lying on the west side of Kings Highway [Rt. 9], approximately 0.36 mile northwest of Gills Neck Road [S.C.R. 267]) (911 Address: 1006 Kings Highway, Lewes) (Tax Map Parcel: 335-8.00-36.06)

[Public Hearing CZ2028](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 2, 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://sussexcountye.gov/council-chamber-broadcast>.

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 19, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 19, 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 |

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|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Call to Order | <p>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</p> <p>Mr. Hudson called the meeting to order.</p> |
| M 368 25 Approve Agenda | <p>A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda as presented.</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> |
| Minutes | <p>The minutes from August 12, 2025, were approved by consensus.</p> |
| Correspondence | <p>Mr. Moore reported that a letter was received from Joshua M. Freeman Foundation thanking Council for their support.</p> |
| Public Comments | <p>Public comments were heard.</p> <p>Mr. Anthony Scarpa spoke about a change of zone application for the Reed Farm property.</p> <p>Ms. Judy Rose Siebert spoke about facts that need to be considered when hearing applications.</p> |
| Retirement | <p>Donald J. Weber was recognized for his upcoming retirement.</p> |
| PZ/Public Interview | <p>A public interview was held for Planning & Zoning Commission nominee John Passwaters.</p> |
| M 369 25 Approve PZ | <p>A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it moved that the Sussex County Council approves the appointment of Mr.</p> |

Commission Nominee **John Passwaters to the Sussex County Planning & Zoning Commission effective September 1, 2025 until such time the term expires in June of 2026.**

Motion Adopted: 5 Yeas

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

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

**trator's
Report**

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for July 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 194 troopers assigned to Sussex County for the month of July.

2. Council Meeting and Holiday Schedule

Council will not meet on Tuesday, August 26th or Tuesday, September 2nd. In addition, County offices will be closed on Monday, September 1st, to observe the Labor Day holiday. The next regularly scheduled Council meeting will be held on Tuesday, September 9th.

3. Chris Harrington

It is with great sadness that we note the passing of County Employee Chris Harrington on Saturday, August 16th. Mr. Harrington started his career with Sussex County in 2017 as an Assessor I. His last position held was Assessor II. We would like to extend our condolences to the Harrington family.

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

**Reasses- Gina Jennings, Finance Director, provided an update on reassessment
sment legislation. Ms. Jennings reviewed the six legislative bills that were passed
Legislation during a Special Session last week and how they impact the County.**

**M 370 25 A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that it be
Approve moved that the Sussex County Council authorizes the Finance Department
Payment as required by HB241 to enter into payment plans as presented with owners**

Plans of primary residential properties whose property tax bill increased more than \$300.00.

Motion Adopted: 5 Yeas

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

Lease Renewal Robbie Murray, Public Safety Director presented a lease renewal for Milton Medic Station 111 for Council's consideration.

M 371 25 A Motion was made by Mr. McCarron, seconded by Mr. Rieley, that it be
Approve moved that the Sussex County Council renews the lease with Cheer,
Lease Incorporated for Medic 111 in Milton for a period of one year with two one-
Renewal year extensions.

Motion Adopted: 5 Yeas

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

DE Bus Andrew Harton, Economic Development Director presented leases for
Park Leases KTM 2 LLC d/b/a Arrow Safety Device and Delaware Coast Line Railroad Company for Council's consideration.

M 372 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley, that it be
Approve moved that the Sussex County Council approve the lease agreement with
KTM 2 LLC KTM 2 LLC d/b/a Arrow Safety Device in the Delaware Coastal Business
Lease Park to be located at 21646 Baltimore Ave, Georgetown for the purpose of
safety device manufacturing and distribution.

Motion Adopted: 5 Yeas

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

M 373 25 A Motion was made by Mr. Rieley, seconded by Mr. McCarron, that it be
Approve DE moved that the Sussex County Council approve the lease agreement with
Coast Line Delaware Coast Railroad Company in the Delaware Coastal Business Park
RR Lease to be located at 21673 Nanticoke Ave, Georgetown for the purpose of
railroad construction and repair and boat rehabilitation and repair.

Motion Adopted: 5 Yeas

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

Lease Agreement Andrew Harton, Economic Development Director presented a lease for Atlantic Contracting and Material Company, Inc. for Council's consideration.

M 374 25 Approve Lease Agreement/ Atlantic Contracting A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that it be moved that the Sussex County Council approve the lease agreement with Atlantic Contracting and Material Co., Inc. for office space located at 8 Mulberry Street Suite B, Georgetown.

Motion Adopted: 5 Yeas

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

Valve Exercising Mike Harmer, County Engineer presented Amendment No. 3 for infrastructure evaluation – valve exercising for Council's consideration.

M 375 25 Approve Valve Exercising Amendment 3 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that it be moved based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the EJCDC 2024 miscellaneous engineering base contract with Johnson, Mirmiran & Thompson, Inc., be approved in the amount not to exceed \$613,880.00 for an infrastructure evaluation and valve exercising program.

Motion Adopted: 5 Yeas

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

Emission Inventory Study Bob Bryant, Airport Manager presented an emissions inventory study for construct new taxilanes and tie downs for Council's consideration.

M 376 25 Approve Emission Inventory Study A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that it be moved based upon the recommendation of Sussex County Engineering Department on behalf of the Delaware Coastal Airport that the Sussex County Council approve Delta Airport Consultant Taskorder No. 7 in the amount not to exceed \$21,000.00.

Motion Adopted: 5 Yeas

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

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

Lochwood Sanitary Sewer **Hans Medlarz, Project Manager, presented a balancing change order and substantial completion request for Lochwood Community Area for Council's consideration.**

M 377 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that it be**
Approve **moved based on the recommendation of the Sussex County Engineering**
Lochwood **Department that final balancing change order no. 5 for contract S22-07,**
CO & **Lochwood Community area sewer expansion, be approved, decreasing the**
Substantial **contract amount by \$380,049.50, and that project closeout be granted with**
Completion **substantial completion occurring on June 10, 2025 with any held retainage**
 released in accordance with the contract documents.

Motion Adopted: 5 Yeas

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

Sediment & Erosion Update **Hans Medlarz, Project Manager presented an update on sediment and erosion control. Mr. Medlarz reviewed proposed County Code revisions relating to resource protection, enhanced sediment capture, preliminary conference, maximum limit of disturbance, regulating stormwater discharges at property lines, and enforcement.**

Old Business/ CU2584 **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTDOOR ATHLETIC FIELD AND CONCESSION TRAILER/FOOD TRUCK TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.07 ACRES, MORE OR LESS" filed on behalf of Martin Pacheco & Agustin Lee Pacheco-Quillen.**

The County Council held a Public Hearing on the application at its meeting on July 29, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

M 378 25 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to**
Amend **amend Condition 7B by deleting the last sentence and in its place add "In**
Condition **addition, the driveway should be made of a gravel or crushed stone sized to**
7B/CU2584 **a minimal of half inch stone and a minimal depth of six inches and a**
 minimal width of 10 feet or paved to control dust. The design of materials to
 be used shall be on the final site plan."

Motion Adopted: 5 Yeas

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

M 379 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to delete**
Amend **Condition 7G and replace it to read “All activities including but not limited**
Condition **to parking, soccer field, concession trailer and lighting be located on Lot**
7G/CU2584 **10B and be shown on the final site plan.”**

Motion Adopted: 4 Yeas, 1 Absent

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

M 380 25 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt**
Adopt **Ordinance No. 4013 entitled “AN ORDINANCE TO GRANT A**
Ordinance **CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**
No. 4013/ **RESIDENTIAL DISTRICT FOR AN OUTDOOR ATHLETIC FIELD**
CU2584 **AND CONCESSION TRAILER/FOOD TRUCK TO BE LOCATED ON**
 CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX
 COUNTY, CONTAINING 8.07 ACRES, MORE OR LESS” for the reasons
 and conditions given by the Planning & Zoning Commissions as follows and
 as amended by this Council:

- 1. The use will be an outdoor field used for athletic activities like soccer games. The concession trailer or food truck will be limited to providing food and beverages to the participants in the games on the field.**
- 2. The property is 8.07 acres in size. The outdoor soccer field will be located several hundred feet from Camp Road and the backs of the residential lots located on that road. It is also in an area of the property that is adjacent to land that is commercially zoned, and it is adjacent to the commercial corridor of Route 13.**
- 3. The Applicants stated that they only desire one outdoor field. With this limitation, the property will not become a large-scale sports facility.**
- 4. The Applicants have stated that there is a need in this area of Sussex County for soccer fields for use by residents of Sussex County.**
- 5. While there were concerns expressed by residents of the area, these concerns can largely be resolved through appropriate conditions imposed on the use, including hours of operation, signage, limitations on lighting, and other factors.**
- 6. With the conditions imposed as part of this recommendation, the use will not have an adverse impact upon traffic, area roadways, or the**

M 380 25
Adopt
Ordinance
No. 4013/
CU2584
(continued)

community.

7. This recommendation is subject to the following conditions:

- a. The use shall be limited to a single outdoor athletic field. One food truck or concession trailer shall also be permitted exclusively for people using the field or watching the games there. The food truck or trailer shall not be used when the field is not in use.**
- b. The Final Site Plan clearly show the location of the outdoor field, and all parking areas shall be clearly marked on the site. In addition, the driveway should be made of a gravel or crushed stone sized to a minimal of half inch stone and a minimal depth of six inches and a minimal width of 10 feet or paved to control dust. The design of materials to be used shall be on the final site plan.**
- c. The Applicants shall comply with all DelDOT entrance and roadway improvement requirements.**
- d. One unlighted sign shall be permitted to clearly designate the entrance to the field from Camp Road. It shall not exceed 32 square feet in size. The location of the sign shall take into account how it may affect neighboring properties. The location and details of the sign shall be shown on the Final Site Plan.**
- e. The hours of operation shall be limited to 8:00 a.m. through 10:00 p.m., 7 days per week. The entrance to the site shall be gated to prevent access when the field is not in use.**
- f. The outdoor field may be lighted for nighttime use. The lights shall not be mounted higher than 12 feet, and they shall not shine on neighboring properties. The lights must be turned off no later than 10:00 p.m. The location of the lights shall be shown on the Final Site Plan.**
- g. All activities including but not limited to parking, soccer field, concession trailer and lighting be located on Lot 10B and be shown on the final site plan.**
- h. Any violation of these conditions may be grounds for termination of the conditional use.**
- i. Because this case is the result of a zoning violation investigation, the Final Site Plan must be submitted to the Office of Planning & Zoning within 6 months of the date that this Conditional Use is approved by Sussex County Council. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

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| Grant Requests | Mrs. Jennings presented grant requests for Council’s consideration. |
| M 381 25 Western Sussex Chamber of Commerce | <p>A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$1,000 (\$1,000 from Mr. Lloyd’s Councilmanic Grant Account) to the Western Sussex Chamber of Commerce Inc for their Broad Creek Bash.</p> <p>Motion Adopted: 4 Yeas, 1 Absent</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea</p> |
| M 382 25 American Cancer Society | <p>A Motion was made by Mr. Hudson seconded by Mr. Rieley to give \$1,500 (\$300 from each Member’s Councilmanic Grant Account) to the American Cancer Society, Inc. for their Relay for Life event.</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> |
| Proposed Ordinances Introductions | <p>Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” filed on behalf of Breeze-A-Bella Land Group, LLC.</p> <p>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 (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” on behalf of Marlin Cove, LLC.</p> <p>Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” filed on behalf of Mulberry Knoll Associates, LLC.</p> |

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| Proposed Ordinances Introductions (continued) | <p>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 A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” filed on behalf of David Roe.</p> <p>Mr. McCarron introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS” filed on behalf of Preston & Mason Dyer.</p> <p>The Proposed Ordinances will be advertised for a Public Hearing.</p> |
| CM Comments | <p>Mr. Rieley commented that it appears that crime is down based on the report provided in the Administrator’s Report.</p> |
| M 383 25 Go Into Executive Session | <p>At 11:50 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.</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 | <p>At 11:55 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session concluded at 12:23 p.m.</p> |
| M 384 25 Reconvene | <p>At 12:25 p.m., a Motion was made by Mr. Lloyd, 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, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea</p> |
| E/S Action | <p>There was no action related to Executive Session matters.</p> |

M 385 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn**
Adjourn **at 12:26 p.m.**

Motion Adopted: 4 Yeas, 1 Absent

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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

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

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

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

RE: *South Coastal Library HVAC Replacements, Project G23-24*
A. Recommendation to Award

DATE September 9, 2025

The HVAC systems which serve the General Collections Area, Teen Center, Lobby, Office and Supply areas are at the end of their service life. Refrigerant leaks and issues with the heat exchangers have plagued both units. The Office and Supply areas have had to rely on portable cooling units since Summer of 2024 as the refrigerant leaks could not be repaired.

Because of the urgency and complexities of the design, installation, and desired features of the new HVAC equipment, the Engineering Department worked with Carrier Commercial Systems for direct procurement of the air handling units, condensing units and new Building Automation System (BAS), using the Sourcewell cooperative purchasing program. Because of the proximity to the ocean, every corrosion resistant option available on the equipment was selected to maximize the service life of the new units. Additionally, the new equipment will be more energy efficient than the existing equipment, and will have a greater ability to modulate capacity, ensuring occupancy comfort is maximized throughout the year.

A roof replacement of the Library's shingled roof will be taking place in conjunction with the HVAC Replacements, as the only way to get the new equipment into the attic is through the roof. The Engineering Department will be contracting directly with Tecta America for the roof replacement utilizing the Omnia Partners cooperative purchasing agreement.

The project was advertised for public bid on August 1, 2025 and August 8, 2025. On August 12, 2025, a pre-bid meeting was held with three(3) vendors in attendance. On August 26, 2025, one (1) bid was received.

The low bidder was Joseph T. Richardson Inc. with a total bid of \$344,000.00. The Engineering Department has reviewed the bid and recommends award of the project to Joseph T. Richardson Inc. for a total amount of \$344,000.00.



ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountyde.gov

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

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

RE: Sugar Maple Farms Road Improvements – Chapter 96 Sussex Community Improvements
A. Recommend to Award

DATE: June 24, 2025

Sugar Maple Farms is a community consisting of sixty-six (66) assessable parcels located off Coastal Highway (SR 1), just south of the Town of Milford. The community by letter dated August 7, 2023, requested assistance from the County to repair and improve their existing roads through the Sussex Community Improvements (SCI) program as defined in Chapter 96 of Sussex County Code. Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code;
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implementation

Resolution R 010 24 was subsequently presented and approved by Council on June 4, 2024. The resolution accepted the subdivision into the Chapter 96 program and outlined an Election process to determine if the proposed project and estimated cost was or was not favorable to the Sugar Maple Farms property owners. The Election was held in accordance with County Code and Resolution R 010 24 on July 11, 2024 at the Engineering Administration office, with the Election results certified shortly thereafter.



There were a total of thirty-five (35) votes cast in the Election, with a total of twenty (20) YES votes and fifteen (15) NO votes. The vote total of thirty-five (35) indicates a fifty-three (53) percent owner participation in the Election.

Based on the affirmative results of the Election and at the Engineering Department's recommendation, Council approved **Resolution R 014 25** on June 24, 2025 authorizing the Engineering Department to proceed with the next implementation step of the project. The Engineering Department subsequently developed a set of Bidding Documents for the proposed road improvements and publicly advertised the project on July 2, 2025. On August 13, 2025, a total of seven (7) bids were received and opened publicly in Council Chambers. The low bidder was Jerrys, Inc. in the amount of \$374,224.86 which include two (2) contingency items.

Based on a detailed review of all information submitted with the Bid Package, **the Engineering Department recommends award of the Contract to the lowest and most responsible bidder Jerrys, Inc.**

Enclosures: Low Bidder Bid Summary

SUGAR MAPLE FARMS ROAD IMPROVEMENTS
PROJECT T25-40

| ITEM NO. | DESCRIPTION | UNIT | QTY | UNIT PRICE | TOTAL PRICE |
|-------------------------------|---------------------------------------------|------|--------|-------------|--------------|
| Part A - Base Bid Items | | | | | |
| A.1 | Mobilization (Max 5% of Total Bid) | LS | 1 | \$14,050.00 | \$14,050.00 |
| A.2 | Pavement Milling, Variable Depth | SY | 158 | \$15.00 | \$ 2,370.00 |
| A.3 | Pavement Milling, 2" Depth | SY | 300 | \$15.00 | \$ 4,500.00 |
| A.4 | Pavement Milling, 4" Depth | SY | 12,420 | \$2.35 | \$29,187.00 |
| A.5 | Graded Aggregate Base Course, Type B | TON | 485 | \$50.00 | \$24,250.00 |
| A.6 | Superpave Type C, PG 64-22 Hot-Mix Pavement | TON | 2,100 | \$114.76 | \$240,996.00 |
| A.7 | Pavement Patch, Type 2 | CY | 120 | \$100.00 | \$12,000.00 |
| A.8 | Driveway Tie-in – Hot-Mix | EA | 51 | \$155.17 | \$7,913.67 |
| A.9 | Driveway Tie-in – Concrete | EA | 7 | \$155.17 | \$1,086.19 |
| A.10 | Drainage Pipe Repair | LS | 1 | \$2,000.00 | \$2,000.00 |
| A.11 | Topsoil, Seed & Mulch | SY | 2,150 | \$3.84 | \$8,256.00 |
| A.12 | Pavement Striping | LS | 1 | \$2,000.00 | \$2,000.00 |
| A.13 | Maintenance of Traffic | LS | 1 | \$9,616.00 | \$9,616.00 |
| Total Base Bid – Part A | | | | | \$358,224.86 |
| Part B - Contingent Bid Items | | | | | |
| B.1 | Pavement Patch, Type 1 | CY | 140 | \$100.00 | \$14,000.00 |
| B.2 | Independent Testing | HR | 20 | \$100.00 | \$2,000.00 |

| | |
|--------------------------------------------------------------------|----------------------|
| Total Contingent Bid – Part B | \$16,000.00 |
| | |
| TOTAL PROJECT BID (Part A Base Bid + Part B Contingent Bid) | \$ 374,224.86 |

5. ATTACHMENTS:

- 5.1 A copy of a current State of Delaware business license or attach evidence that an application process for such license has been initiated.
- 5.2 A copy of a current Delaware Contractor Registration Act Certificate.
- 5.3 Bid Bond / certified check as required security defined herein.
- 5.4 List of Major Products or Equipment
- 5.5 Employee Drug Testing Program Affidavit

ENGINEERING DEPARTMENT

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

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

DELAWARE
sussexcountyde.gov

TO: Sussex County Council:
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: ***Chesapeake Utilities Natural Gas Service Extension***
A. Approval of Customer Advance Agreement First Amendment

DATE: September 9, 2025

Chesapeake Utilities (CU) approached the County in 2023 with possible plans to extend natural gas lines to the Airpark portion of our Delaware Coastal Airport to service various buildings and hangars along Rudder Lane. The installation of natural gas lines in this area would be an extension of CU's existing gas utility network that was installed in our Delaware Coastal Business Park in 2019 to serve various park tenants. Having natural gas available in this area would be a benefit to the County and a number of our aeronautical tenants as older propane utility systems could be retired and converted for propane use. The derived long-term benefit is a cleaner gas source at a cheaper cost.

The installation of the natural gas lines would be done as part of a "Customer Advance Agreement" between CU and the County, the structure of which is very similar to the agreement put in place back in 2019 to facilitate the initial gas utility installation in our business park. Based on a facility survey conducted by CU in coordination with our airport personnel, a total of twelve (12) buildings were identified for initial connection to the new gas lines, including our recently completed Joint Emergency Operations Center.

Based on Capital Investment and Net Revenue forecasting by CU, the County would provide an up-front Capital Contribution that would be used for the construction of the gas utility lines. The County would then receive "Refund Payments" based on annual revenue received from actual gas delivery service to the 12 buildings over a maximum 5-year reimbursement period. The County retains the option of connecting additional buildings beyond the twelve identified which would increase gas delivery and associated Refund Payments.

The total Capital Contribution has been computed as \$313,808.00 and would be split into two payments with the initial payment representing half of the total contribution due within thirty (30) days of the date of the Agreement, and the other half due on or before July 15, 2024. Thus,



the payments are effectively spread over two fiscal years and can be programmed accordingly in County budget. Based on a joint recommendation by the Engineering and Finance Departments, County Council approved the Customer Advance Agreement on February 20, 2024. Subsequent to approval, both payments were made to CU in accordance with the agreed upon schedule.

Since this time, the project experienced some delays due to multiple design progressions needed to satisfy Engineering Department review comments, as well as some small scoping changes involving pipe routing and service connection points. As a result, build timeframe was ultimately pushed into the 2025 construction season. The CU team notified the County in June of this year that there were some cost increases that needed to be addressed before the project could move forward. The primary item contributing to the cost increase was material cost change since the original program estimate was completed in the 2022-2023 timeframe. Other contributing factors were an increase in length of piping and service laterals and additional provisions needed to satisfy airport construction safety protocol.

The total program cost increase was identified as \$186,665.00. In order to help defray the additional cost, Chesapeake Utilities agreed to include the estimated net revenue from anticipated service connections up front in the revenue test model which reduces the overall cost burden by \$87,840.00. They also agreed to defer collection of the additional cost for 12 months following completion of the project, which would push the \$98,825.00 payment due into the FY27 budget cycle.

Assuming approval of the Agreement Amendment, the CU team has stated that they have the resources available and are committed to complete the gas line extension and services in the Fall timeframe of this year. Based on the above, the **Engineering Department in coordination with the Finance Department recommends approval of the First Amendment to the Chesapeake Utilities Customer Advance Agreement.**

FIRST AMENDMENT TO CUSTOMER ADVANCE AGREEMENT

This First Amendment to the Customer Advance Agreement (“First Amendment”) is made by Chesapeake Utilities Corporation (“Company”), a Delaware corporation, and Sussex County, a political subdivision of the State of Delaware (“Applicant”). Undefined capitalized terms in this Amendment shall have the same meaning ascribed to them in the Parties’ February 20, 2024 Customer Advance Agreement.

WHEREAS, Company and Applicant are parties to the Customer Advance Agreement dated February 20, 2024 (“Agreement”), which obligated Applicant to provide a cash contribution to the Company in the amount of \$313,808.00 (“Advance”) to secure an extension to Company’s natural gas service (“Extension”); and

WHEREAS, under the Agreement, the Advance was subject to certain Refund Payments as described in Section 3 of the Agreement; and

WHEREAS, under the Agreement, the Refund Payments include a recognition of revenues from Applicant’s Twelve Buildings to which Applicant may request connection from the Extension – but did not include recognition of revenues from any third parties that may request an extension to the Extension; and

WHEREAS, in July of 2024 Applicant paid the Advance to Company; and

WHEREAS, subsequent to the effective date of the Agreement, Applicant modified the requested design of the Extension as depicted in the construction drawings dated July 15, 2025, resulting in additional construction costs estimated to be \$186,665; and

WHEREAS, Company agrees to offset the estimated \$186,665 of additional cost by \$87,840 in recognition of the anticipated revenues from Twelve Buildings listed in Appendix A of the Agreement, which results in an additional advance from Applicant in the amount of \$98,825; and

WHEREAS, in return for the offset to the additional advance based on anticipated revenues, Applicant agrees that the Refund Payments will be limited to revenues from the Twelve Buildings that exceed the anticipated revenues on an annual basis, plus any revenues from the Additional Buildings that exceed their anticipated revenues on an annual basis, as reflected in Company’s economic models; and

WHEREAS, the Parties also agree that the Refund Payments should reflect additional revenues from any third-party applicants that may request an extension of the Extension beyond Applicant’s parcel; and

WHEREAS, the Parties desire to amend the Agreement to require an additional advance and to modify the calculation of the Refund Payments as described above.

NOW, THEREFORE, in consideration of good and valuable consideration, the adequacy, receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

The resolutions are hereby amended by deleting the third WHEREAS clause in its entirety and replacing it with the following:

WHEREAS, the Applicant may request the construction of service laterals from the Extension to certain buildings in addition to the Twelve Buildings, and additional third-party applicants may request extension of the Extension to serve buildings beyond the Applicant's parcel (together, hereinafter called "Additional Buildings").

Section 2 of the Agreement is hereby amended by adding the following sentence to the end:

Applicant shall pay an additional advance for the cost of the Extension, due to a modification to the design of the Extension (as depicted in the construction drawings dated July 15, 2025), in the amount of \$98,825 ("Additional Advance") within 12 months of completion and activation of the modified Extension.

All sections of the Agreement after Section 2 are hereby amended by adding " , including the Additional Advance," after "Advance" in all instances where "Advance" is referenced.

Section 3 of the Agreement is hereby amended by deleting the first paragraph of Section 3 and Section 3(a) in their entirety and replacing them with:

3. The parties agree that within sixty (days) following each delivery year (with each delivery year constituting the twelve months ending on the anniversary of the completion of the modified Extension), the Company will return to the Applicant a portion of the Advance, including the Additional Advance, on an annual basis under the following terms:

a) The amount of the annual Refund Payment will be calculated using the following formula:

Annual Refund Payment = Excess Annual Revenue from the Twelve Buildings + Excess Annual Revenue from Additional Buildings,

Where Annual Revenue means gross revenue received for delivery service during the delivery year (i.e., revenue from fixed customer charges and volumetric distribution rates but not gas sales service rates) and Excess Annual Revenue from the Twelve Buildings means the amount of annual revenue received from the Twelve Buildings that exceeds one sixth ($1/6^{\text{th}}$) of their anticipated revenues (i.e., \$87,840), or

\$14,640; and Excess Annual Revenue from Additional Buildings means the amount of Annual Revenue received from Additional Buildings that exceeds one sixth (1/6) of the Company's actual cost to install main, service laterals, and gas meters to Additional Buildings;

If actual Annual Revenues received from the Twelve Buildings is less than 1/6th of their anticipated revenues (that is, less than \$14,640), then any Excess Annual Revenues from the Additional Buildings will be reduced by this shortfall (i.e., \$14,640 minus actual Annual Revenues) prior to the calculation of the Annual Refund Payment;

Except as modified by this First Amendment, the Agreement shall remain unchanged and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be duly executed by their duly authorized representative effective as of this ____ day of _____ [month], 2025 ("Effective Date").

Company
Chesapeake Utilities Corporation

Applicant
Sussex County

By: _____

By: _____

Name:

Name:

Title:

Title:



Delaware Division
Main Extensions
Commercial and Industrial Customers
Six Times Net Revenue Test
DE Coastal Airport
Rudder Lane / Georgetown, DE

| <i>Capital Investment</i> | |
|------------------------------------------------------|-------------|
| Estimated Land Cost | \$0 |
| Estimated M & R Station City Gate Cost | \$0 |
| Estimated Main Cost | \$436,527 |
| Estimated Service Cost | \$41,508 |
| Estimated Meter Cost | \$22,438 |
| Estimated Regulator Cost | \$0 |
| Estimated Residential / Commercial Installation Cost | \$0 |
| Estimated M & R Station Industrial Set Cost | \$0 |
| Advanced Agreement Pd in 2024 | (\$313,808) |
| Total Estimated Capital Investment Cost | \$186,665 |

| | |
|-----------------------|----------|
| Estimated Net Revenue | \$14,640 |
|-----------------------|----------|

| | |
|------------------------------------|------|
| Six Times Net Revenue Test Results | 12.8 |
|------------------------------------|------|

| <i>Calculation of Required Financial Guarantee</i> | |
|----------------------------------------------------|-----------|
| Total Financial Guarantee Required (pre-tax) | \$98,825 |
| Tax Rate | 8.707% |
| Total CIAC Including Tax Gross Up | \$108,251 |

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County
DELAWARE
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Memorandum

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

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

RE: ***Inland Bays Loop Project, S24-01***
A. Change Order No. 3

DATE: September 9, 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 partners and forested spray sites under the recently issued 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 Inland Bays Loop Project, S24-01, included over 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) locations where effluent disposal is planned. The majority of the work occurs on Sussex County owned lands, with some portions of the pipeline crossing or running with DelDOT right-of-way, including the Mount Joy Road segment applicable to the DelDOT Utility Agreement approved by Council on February 20, 2024.

The Loop Project was publicly advertised, and twelve (12) contractors attended a pre-bid meeting on February 21, 2024. On March 14, 2024, seven (7) bids were received, with Atlantic Contracting & Material Co., Inc. submitting the lowest base bid. Several alternate bids for addition or deduction of pricing were included in the Bid Form to evaluate pipeline material options, including Alternate Bid 9A which stipulated use of domestic pipe fittings. The Engineering Department reviewed all bid pricing and considered Base Bid with Alternate Bid 9A, in the amount of \$7,649,916.00, as serving the best project interests of Sussex County.



On April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00 with funding provided through the ARPA.

The Loop Project was the initial step towards constructing a treated effluent distribution system at IBRWF. Design and permitting continued for anticipated components of the Loop system, including forested spray-field header piping; forested spray-field diffuser piping; treated effluent storage; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The Engineering Department completed supplemental construction drawings for forested spray-field header piping. Change Order No. 1 provided for construction of the forested spray-field header piping using current unit pricing with new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and ACM labor associated with atypical “bullhead” pipe assemblies. These “bullhead” assemblies allowed for future connection of the individual header pipes to distribution piping for diffusing treated effluent in a spray-field.

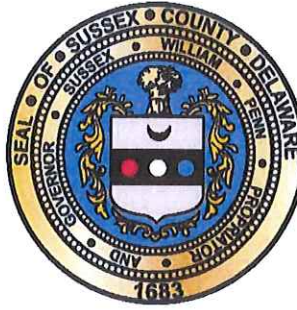
A DP&L electrical transmission right-of-way with three (3) separate overhead circuits exists on County property at the IBRWF. The Loop Project included three (3) locations where the buried effluent loop pipeline crosses the DP&L right-of-way. Coordination of construction with DP&L resulted in the shift of pipeline alignment further away from existing utility poles. The Engineering Department requested ACM develop costs for additional tree clearing and field survey associated with revisions to the Loop Project alignment. As requested, ACM presented Change Order No. 2.

Change Orders No. 1 and No. 2 were presented to and approved by County Council on October 15, 2024.

The Engineering Department coordinated a small pilot test of spray field diffuser options using polyethylene (PE) distribution piping. Additional testing to further review flow rates and performance may occur, however the initial testing effort confirmed the calculation-based distribution piping spray approach. Therefore, the Department requested ACM to develop new unit pricing associated with 4-inch PE distribution piping materials coupled with a per diem unit price for labor and equipment. This approach permits flexibility for the Engineering Department to direct field changes as needed.

In addition to the spray field distribution piping, the Engineering Department requested ACM review owner-directed changes, including modifications to the treated effluent submerged gravel wetland, revisions to Loop piping around the proposed elevated storage tank, and installation of access gates at several locations where the tree clearings associated with the treated effluent loop approach public road crossings. Gates will improve public access restrictions to County property. As requested, ACM presented Change Order No. 3 which incorporates initial spray field diffuser piping along with the owner directed changes.

The Engineering Department recommends Council approve Change Order No.3 for Project S24-01 in the amount of \$909,915.98.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **IBRWF – LOOP PROJECT**
2. Sussex County Project No. S24-01
3. Change Order No. 3
4. Date Change Order Initiated - 09/09/2025
5.
 - a. Original Contract Sum \$ 7,649,916.00
 - b. Net Change by Previous Change Orders \$ 2,316,134.00
 - c. Contract Sum Prior to Change Order \$ 9,966,050.00
 - d. Requested Change \$ 909,915.98
 - e. Net Change (No. of days) 170
 - f. New Contract Amount \$ 10,875,965.98
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- | | | |
|-------------------------------------|----|------------------------------------------------------------------|
| <input type="checkbox"/> | 1. | Differing Site Conditions |
| <input type="checkbox"/> | 2. | Errors and Omissions in Construction Drawings and Specifications |
| <input type="checkbox"/> | 3. | Changes Instituted by Regulatory Requirements |
| <input checked="" type="checkbox"/> | 4. | Design Change |
| <input type="checkbox"/> | 5. | Overrun/Underrun in Quantity |
| <input type="checkbox"/> | 6. | Factors Affecting Time of Completion |
| <input checked="" type="checkbox"/> | 7. | Other (explain below): |

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Development of new unit prices for owner-directed changes to loop design, including modifications of treated effluent submerged gravel wetland; revisions to treated effluent loop piping around proposed elevated storage tank; incorporation of treated effluent spray field piping; and gate installation at treated effluent loop road crossings (tree clearings) to improve visibility of public access restriction.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Atlantic Contracting & Materials Co., Inc., Contractor

L. M. M. 9/2/2025
Signature Date

THOMAS MADDEN
Representative's Name in Block Letters

2. Sussex County Engineer

Signature Milo Hanna Date 9/4/2025

3. Sussex County Council President

Signature _____ Date _____



9712 DORVAL AVENUE
OFFICE: (301) 868-3227

UPPER MARLBORO, MD 20772
FAX: (301) 868-8862

CHANGE ORDER #03

Owner:

Sussex County Engineering Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Date:

August 15, 2025

Original Contract Value:

\$7,649,916.00

Total Previous Change Order(s):

\$2,316,134.00

Amount This Change:

\$909,915.98

Revised Contract Amount:

\$10,875,965.98

ACM Project No.: 975

Project Name: Inland Bays Regional
Wastewater Facility
Loop Project

Description of Change Order:

Inland Bays SGW Auxiliary Irrigation per plan sheets provided. Price includes survey. Also pricing for additional gate installation owner provided. Sprayfield work along with extra tank piping included.

| | UNIT PRICE | UNITS | QTY | VALUE |
|---------------------------------------------------------------|---------------|-------|---------|--------------|
| CHANGE ORDER 3 | | | | |
| 3.1 Inland Bays SGW Auxiliary Irrigation | | | | |
| Inland Bays SGW Auxiliary Irrigation per plan sheets provided | \$59,850.00 | LS | 1 | \$59,850.00 |
| | | | | |
| 3.2 TANK PIPING | | | | |
| 16" DI CL350 PIPE | \$120.00 | LF | 18 | \$2,160.00 |
| 16" MJ GATE VALVE | \$19,600.00 | EA | 1 | \$19,600.00 |
| HYDRANT | \$10,500.00 | EA | 1 | \$10,500.00 |
| | | | | |
| 3.3 HDPE SPRAYFIELD | | | | |
| 4" DR13 HDPE Pipe IPS | \$2.77 | LF | 100,000 | \$277,000.00 |
| 4" DR11 HDPE CAP IPS | \$10.22 | EA | 744 | \$7,603.68 |
| 4" DR11 HDPE Cross IPS | \$97.42 | EA | 334 | \$32,538.28 |
| 4" DR11 HDPExMJ Adapter IPS | \$65.22 | EA | 106 | \$6,913.32 |
| 4" HDPE MJ ADPT ACC kit | \$37.10 | EA | 106 | \$3,932.60 |



9712 DORVAL AVENUE
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UPPER MARLBORO, MD 20772
FAX: (301) 868-8862

| | | | | |
|---------------------------------------------|------------|-----|-----|--------------|
| 4" DR11 150# IPS DI Epoxy Backing | \$13.85 | EA | 106 | \$1,468.10 |
| Crew for HDPE | \$4,321.00 | DAY | 100 | \$432,100.00 |
| | | | | |
| 3.4 Gate Installation | | | | |
| Installing Gates owner provided | \$2,250.00 | EA | 25 | \$56,250.00 |
| | | | | |
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| | | | | |
| **QUANTITIES TO BE MEASURED IN FIELD | | | | |
| TOTAL COST | | | | \$909,915.98 |
| | | | | |

Sussex County Engineering Department

Atlantic Contracting & Material Co., Inc.

By: _____

By: _____

Name:

Name: Thomas Madden

Title:

Title: President

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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mike.harmer@sussexcountype.gov



Sussex County

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Memorandum

TO: Sussex County Council
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The Honorable Steve C. McCarron

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

RE: ***Wolfe Neck Regional Wastewater Facility***
A. Denali Sludge Removal Agreement – Change Order No. 2

DATE: September 9, 2025

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

On September 26, 2018, the County presented a request to increase the flow contributions at a Board meeting. Subsequently, the Board instructed their Counsel to draw up Amendment No. 2, which was accepted by County Council on January 8, 2018.

In 2021 both parties independently started planning for capital treatment plant improvements and expansions using GHD, Inc., the consultant already representing both entities. In addition, County Council committed substantial ARPA funding to the upgrade of wastewater treatment facilities in general and the Wolfe Neck RWF in particular. In this context, the County Engineer was authorized to initiate discussion with the Board.

The possible cooperation presented an opportunity to significantly reduce the LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, the Board held a series of workshops for public discussion and input and on March 31, 2022, decided to evaluate the following three (3) options with variations:



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

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

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. These findings triggered a Phase 2 archeological study, encompassing the entire spray lease area. The impact has created uncertainty for biological polishing under option 3b as well as the proposed facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests.

The Wolfe Neck RWF has been in operation for 30 years but no biosolids were ever removed from the primary treatment lagoon. Any Wolfe Neck treatment expansion can only occur in the location of the primary or secondary treatment lagoon requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment a new electrical service and power distribution center had to be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

On August 15, 2023, Council approved GHD’s Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments. Bids were advertised, five (5) contractors attended the pre-bid meeting but on April 18, 2024, only two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

BW Electric, Inc.’s low bid for Electrical Construction was within budget. However, the bid for General Construction came in well above budget. At the time of bid the County had three (3) open general construction projects with different companies. All three, Bancroft, Whayland and Ronca can perform the scope but chose not to bid. Therefore, the Engineering Department recommended, and Council concurred to approach each company requesting competitive proposals for a change order under their respective open contract.

On April 30, 2024, Council approved the award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

The Whayland Company, Bancroft Construction, and M.F. Ronca were sent a request for proposals. BW Electric was later invited to bid since they were awarded the electrical portion of the project. Out of the four (4) proposals received on June 7, 2024, the lowest responsible offer was made by Bancroft Construction at \$1,376,000.00 and on June 11, 2024, Council approved issuance of Change Order No. 1 under Bancroft Construction's James Farm contract in the full amount of \$1,376,000.00 but with separate accounting and schedule of values.

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

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.'s Change Order No. 1 for the same amount.

The electrical project also included a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals. BW Electric, Inc. priced out the work at \$6,102.82 which was approved under Change Order No. 2 by Council on November 19, 2024.

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20th and the issue was resolved one month later on January 20th. GHD and the Engineering Department supported a 3-week delay and an allowance for remobilization after subtracting weather-related delays. Based on the recommendation, County Council issued Change Order No. 3 to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

Environmental Services and the Engineering Department had planned for the removal of a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input

from the firms, circulating a draft before issuing a final version. Upon receipt of the draft, the two firms conducted site visits confirming sludge depth and consistency as well as developed questions which resulted in a revised RFP capturing the updated information and operational details. On February 28, 2025, proposals were received.

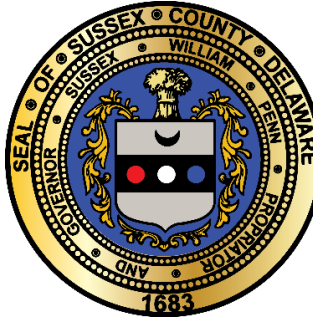
Denali's proposal was lower in cost than either one of Synagro's options. Denali was initially the more engaged and responsive bidder – although Synagro ended up asking several relevant questions in the week leading up to the RFP due date. Denali offered a \$(75,000.00) credit for not restoring the staging area to existing conditions. Having a staging area for larger upgrade project currently under preliminary design is beneficial and the credit was incorporated in Council's approval of the agreement with the Denali Corporation in the amount of \$3,850,800.00 on March 25, 2025.

When Denali was debriefed with regards to the exact power requirements, GHD and the Engineering Department first pursued a series of smaller breakers but then pivoted to a generator driven approach for an estimated six (6) months project period allowing the project schedule to be accelerated prior to the original fall 2025 start date. This would allow the initial underwater dredging to proceed in the summer months while the later removal stages with exposed, potentially odorous sludge would occur later in the year. Denali offered to provide the on-site power generation for six (6) months for \$175,000.00 as well as credit the baseline staging area expense in the amount of (\$210,000.00). In addition, an equal or greater credit will be created in the electrical construction balancing change order at the end of the project for the deleted bank of breakers.

The Engineering Department worked with Denali on a value engineered design of an enhanced staging area which met their needs but could also be made permanent and serve for the upgrade construction project and ultimately the future operation of the facility. It was directly sent to five (5) site contractors for pricing but only two (2) bids were received. The other contractors declined to bid due to workforce limitations and the tight project timeline. The lowest unit cost bid was submitted by A.P. Croll in the amount of \$482,027.50 and on April 29, 2025, County Council approved Change Order No. 1 to Denali Corporation in the aggregate credit amount of (\$35,000.00) and issuance of a purchase order to A.P. Croll in the not to exceed amount of \$482,027.50.

Since then both the electrical contract as well as the building contract have experienced delays. One of the most difficult to resolve was the drilled installation of the new DP&L primary electrical service. As a result of the delays Denali's dredging operation began with lagoon 1 still in service and lagoon 2 without aeration. Without isolation of dredging in lagoon 1 compounded by the lack of aeration floating foamy solids came close to the spray storage lagoon triggering an emergency shut down of Denali's operations.

Independent from this incident GHD and the Engineering Department determined it would be beneficial to use lagoon 2 as the basis of design for the future facility for a better process flow as well as the elimination of a potential issue with the liner of lagoon 2. Consequently, Denali was instructed to also dredge lagoon 2 triggering a partial two-day remobilization and repositioning of the equipment. In summary, a total of five days of labor and overhead expenses were priced into Change Order No.2. In summary, the Engineering Department recommends approval of Denali's Change Order No. 2 in the amount of \$75,000.00.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Denali Sludge Removal Agreement**
2. Sussex County Project No. RFP
3. Change Order No. 2
4. Date Change Order Initiated 9/4/25
5.
 - a. Original Contract Sum \$3,850,800.00
 - b. Net Change by Previous Change Orders -\$ 35,000.00
 - c. Contract Sum Prior to Change Order \$3,815,800.00
 - d. Requested Change \$ 75,000.00
 - e. Net Change (No. of days)
 - f. New Contract Amount \$3,890,800.00
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

X 6. Factors Affecting Time of Completion

 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Plant related issues that caused a 5-day delay resulting in additional costs in rental and personnel.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Denali Water Solutions, LLC

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



CHANGE ORDER REQUEST 02

No.: 02

Dated: 8/25/2025

Project: Removal of Sludge and Water from Lagoon No. 1 at the Wolfe Neck RWF

To: Sussex County, DE

Attention: Hans Medlarz

Description: Change Order Request for Stand By Time

Denali Water Solutions, LLC respectfully submits this Change Order Request in the amount of **\$75,000.00** (seventy-five thousand dollars and zero cents) to cover time and materials incurred during standby periods, as outlined below.

Background:

Due to unforeseen plant-related issues outside of Denali's control, our team was placed on standby on August 14th, 15th, and 18th. These conditions resulted in additional costs that were not included in the original scope of work.

Cost Breakdown:

- Personnel – 3 Drivers, 5 Operators, 1 Project Manager - \$6,935.00/per day x 3 days = **\$20,805.00**
- Personnel – Admin/Overhead - \$2,028.00/per day x 3 days = **\$6,084.00**
- Equipment and Rentals – Pumps, Hoses, Tanks, etc. - \$4,157.00/per day x 3 days = **\$10,970.00**
- Lodging – 6 people at \$171 per night - \$1,026.00/per day x 3 days = **\$2,448.00**
- **Total for 3 days = \$40,307.00 + \$4,693.00 (10.4% margin*) = \$45,000.00**

**Please note that the above profit margin has been adjusted downward to stay within the preliminary verbal communication.*

Additional Item:

- Mobilization fee for moving from Pond 1 to Pond 2 (same charge), estimated at \$15,000.00/day x 2 days = **\$30,000.00**

We respectfully request compensation for the above described costs. Should you need any additional documentation or clarification, please do not hesitate to contact us. We appreciate your timely review and consideration.

Sincerely,

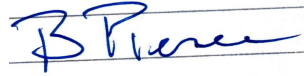
Becky Pierce
Senior Project Manager

Denali Water Solutions LLC

The above changes are accepted:

Sussex County

Date



Denali Water Solutions LLC

8/26/2025

Date

Bobbi Albright

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Council Grant Form

Legal Name of Agency/Organization Leadership Delaware Inc.

Project Name Sussex County Leadership Development Program

Federal Tax ID 263527196

Non-Profit Yes

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

Organization's Mission Leadership Delaware Inc. is a nonprofit that believes leaders with vision and integrity, with the commitment to affect positive change in the Delaware community and the nation, are all to few. The vision of LDI is to ensure that Delaware has strong and diverse leadership and now and into the future by empowering its Fellows to achieve the highest levels of impact throughout the first state. Our mission is to to recruit and mentor the best and brightest outstanding young Delawareans, who can and will transform their communities and the state.

Address 112 South French Street

| | |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Address 2 | Suite 206 |
| City | Wilmington |
| State | Delaware |
| Zip Code | 19801 |
| Contact Person | Mike Eppehimer |
| Contact Title | CEO |
| Contact Phone Number | 301-404-5085 |
| Contact Email Address | Mike@leadershipdelaware.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 | 30 |

**does the Council
grant represent?**

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

Educational

**Primary Beneficiary
Category**

Other

**Beneficiary Category
Other**

Career Professionals, leadership development

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

30

Scope

If Leadership Delaware Inc. were to receive funding for the 2025-2026 grant cycle, we would be pleased to offer our six-week leadership development series exclusively to Sussex County leaders, businesses, and nonprofits in Spring (April/May) 2026. The program will be held at a location in Sussex County for six consecutive weeks, three hours per session. The leadership program combines classroom learning, group discussion, and individual reflection to focus on the core elements of transformational leadership. In addition to the 18 hours of in-person learning, all participants receive a certified leadership assessment, a best-practice leadership book, and a field guide to track their learning. The program is applicable to leaders at all phases of their careers and helps participants to apply best practice research and learning to their specific leadership challenges and goals. The funding requested by this grant would support free and reduced tuition slots for leaders within county leadership and/or other small business or leaders within the county who may not be able to afford

tuition. We are grateful for the opportunity to receive support from the Sussex County Council.

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

4,500.00

Description

Personnel

Amount

8,500.00

Description

Supplies

Amount

1,000.00

Description

Rental

Amount

3,000.00

Description

Leadership Assessments

Amount

3,000.00

TOTAL EXPENDITURES

15,500.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-11,000.00

Name of Organization

Leadership Delaware Inc.

Applicant/Authorized Official

Mike Eppehimer

Date

08/05/2025

**Affidavit
Acknowledgement**

Yes

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Council Grant Form

Legal Name of Agency/Organization Historic Georgetown Association

Project Name Georgetown Train Station Museum and First Fire House

Federal Tax ID 510368948

Non-Profit Yes

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

Organization's Mission The mission of Historic Georgetown Association is to promote historical, cultural and educational issues concerning the citizens of Georgetown. Historic Georgetown Association is committed to preserving Georgetown's rich history by restoring, preserving and renovating historic structures and working with community leaders to present that history to future generations.

Address 140 Layton Avenue

Address 2 c/o Michael Digiacom, Treasurer 18362 Gravel Hill Road, Georgetown, DE. 19947

| | |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| City | Georgetown |
| State | DE |
| Zip Code | 19947 |
| Contact Person | Lynn Moore |
| Contact Title | Executive Vice President |
| Contact Phone Number | 3027456595 |
| Contact Email Address | lynnwmoore@aol.com |
| Total Funding Request | 4,000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 2500 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 5 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Program Category (choose all that apply) | Cultural Educational |
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | All age groups from children to adults |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 500 |
| Scope | HGA is totally run by volunteers and all money received goes to preserve and maintain the Georgetown Train Station and its museum items. Additionally, HGA has renovated and is preserving Georgetown's First Fire House built in 1909 and dedicated it to the service of all Georgetown Firefighters since the beginning of the company. This maintenance and preservation is a continual expense but important to the community for historical, cultural, and educational purposes. |
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | 0.00 |
| Description | Hosting Christmas at the Train Station events in December that is open to the public and free of charge. It includes gifts packs for children, refreshments and other pertinent expenses |

| | |
|--------------------------------------------------|--------------------------------------------------------------------------|
| Amount | 1,200.00 |
| Description | Maintenance of the historic items on display in the Train Station Museum |
| Amount | 1,000.00 |
| Description | Expenses for landscaoing and lawn maintenance |
| Amount | 1,000.00 |
| Description | 6 Open Houses for the Train Station and First Fire House |
| Amount | 800.00 |
| TOTAL EXPENDITURES | 4,000.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -4,000.00 |
| Name of Organization | Historic Georgetown Association |
| Applicant/Authorized Official | Lynn Moore |
| Date | 08/20/2025 |
| Affidavit Acknowledgement | Yes |

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Council Grant Form

Legal Name of Agency/Organization Millsboro Little League, Inc.

Project Name LED Lighting Replacement

Federal Tax ID 51-0260181

Non-Profit Yes

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

Organization's Mission Millsboro Little League is located on West State Street in downtown Millsboro, Delaware. Our goal is to teach children from ages 4 to 16 to play the games of baseball and softball.

Baseball and softball embody the discipline of teamwork. They challenge players toward perfection of physical skills and bring into play the excitement of tactics and strategy. The very nature of baseball and softball also teach that while every player eventually strikes out or is on the losing team, there is always another chance for success in the next at-bat or game.

| | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Millions of children on six continents and scores of countries can attest that baseball, softball and Little League are synonymous. Little League is a heritage to be carried forward proudly in the future by ever increasing waves of those devoted to teaching children how to play and enjoy these great games. |
| Address | P.O. Box 674 |
| City | Millsboro |
| State | DE |
| Zip Code | 19966 |
| Contact Person | Christopher Lind |
| Contact Title | Treasurer |
| Contact Phone Number | 302-745-7960 |
| Contact Email Address | millsborolittleleague@gmail.com |
| Total Funding Request | 5,000.00 |
| 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 | No |

**other than Sussex
County Council?**

**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**

Little League

**Primary Beneficiary
Category**

Youth

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

475

Scope

The Millsboro Little League is in the process of replacing our old out-dated lighting system with a new energy efficient LED lighting system. The system will allow us to have practices and games during the non day light hours; therefore allowing us to have more practices and for youth in the Millsboro, Long Neck and Gumboro areas of Sussex County. Multiple youth baseball and softball players from other areas in Sussex County will also benefit during All-Star season, school baseball and softball, etc... We thank the Sussex County Council for their consideration. Any amount of funds you can provide would be beneficial to our organization.

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

140,000.00

Description

New LED Lighting

Amount

158,000.00

TOTAL EXPENDITURES

158,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-18,000.00

Name of Organization

Millsboro Little League, Inc.

Applicant/Authorized Official

Christopher Lind

Date

08/13/2025

Affidavit Acknowledgement

Yes

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Council Grant Form

| | |
|------------------------------------------|-------------------------------------------------------------------------------------|
| Legal Name of Agency/Organization | On Demand Accounting, LLC Bethel Historical Society Inc. |
|------------------------------------------|-------------------------------------------------------------------------------------|

| | |
|---------------------|-----------------------------|
| Project Name | Community Pavilion/Building |
|---------------------|-----------------------------|

| | |
|-----------------------|-------------|
| Federal Tax ID | 510204035 P |
|-----------------------|-------------|

| | |
|-------------------|-----|
| Non-Profit | Yes |
|-------------------|-----|

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

| | |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Organization's Mission | The Bethel Historical Society is a non-profit organization dedicated to preserving, promoting, and sharing the history, heritage, and culture of Bethel, Delaware. This mission is at the heart of our work, fostering and inspiring the Bethel community and its surrounding regions through education, empowerment, and the maintenance of the Bethel Heritage Museum. |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|----------------|------------|
| Address | PO BOX 224 |
|----------------|------------|

| | |
|-------------|--------|
| City | BETHEL |
|-------------|--------|

| | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| State | MD DE |
| Zip Code | 19931-0224 |
| Contact Person | Jill Long |
| Contact Title | Treasurer |
| Contact Phone Number | 4102511000 |
| Contact Email Address | jclong308@gmail.com |
| Total Funding Request | 10,000 |
| 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? | 10 |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Program Category (choose all that apply) | Cultural Other |
| Program Category Other | Historical and Community |
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | Everyone |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 500 |
| Scope | <p>The Bethel Historical Society is in the process of obtaining funds to build a closed-in pavilion for our community and to be a sustainable source of revenue for the historical society.</p> <p>We do many events throughout the year to keep the history of Bethel alive and to educate the next generation on the rich history of our quaint ship building town.</p> <p>In addition to the exhibits and lectures at the museum, we have community picnics, a seasonal Farmer's Market, Christmas Dinner and tree lighting event, and special membership gatherings.</p> <p>If you have any further questions, please do not hesitate to call me at 410-251-1000.</p> <p>Thank you in advance for your consideration.</p> |
| Please enter the current support your organization receives for this project (not | 10,000.00 |

entire organization
revenue if not
applicable to request)

Description Pavilion with Bathrooms and Kitchen area

Amount 35,500.00

Description Close in Pavilion

Amount 42,800.00

TOTAL EXPENDITURES 78,300.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -68,300.00

Name of Organization BETHEL HISTORICAL SOCIETY INC

**Applicant/Authorized
Official** Jill Long, Treasurer

Date 08/28/2025

**Affidavit
Acknowledgement** Yes

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Council Grant Form

| | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Name of Agency/Organization | Chamber of Commerce for Greater Milford |
| Project Name | Riverwalk Freedom Festival |
| Federal Tax ID | 51-0319055 |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | To serve as a voice for the business community while advocating for the retention and expansion of local jobs and business growth to make the greater Milford area a great place to live, work and play. |
| Address | 24 NW Front St. ~ Suite 101 |
| City | Milford |
| State | DE |
| Zip Code | 19963 |

| | |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Contact Person | jo Schmeiser |
| Contact Title | Executive Director |
| Contact Phone Number | 3024223344 |
| Contact Email Address | jschmeiser@milfordchamber.com |
| Total Funding Request | \$1,000.00 |
| 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? | 1000 |
| 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 | Chamber of Commerce |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | Chamber of Commerce |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 1 |
| Scope | The Riverwalk Freedom Festival is celebrating it's 25th Anniversary Saturday September 20, 2025 and is Milford's largest annual outdoor event and Milford's only annual fireworks display. The event runs from 9 am until the fireworks are over around 9 pm. |
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | 1,000.00 |
| Description | OPERATING COSTS |
| Amount | 55,000.00 |
| Description | |
| TOTAL EXPENDITURES | 55,000.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | -54,000.00 |

| | |
|-----------------------------|-----------------------------------------|
| Name of Organization | Chamber of Commerce for Greater Milford |
|-----------------------------|-----------------------------------------|

| | |
|--------------------------------------|--------------|
| Applicant/Authorized Official | jo Schmeiser |
|--------------------------------------|--------------|

| | |
|-------------|------------|
| Date | 08/25/2025 |
|-------------|------------|

| | |
|----------------------------------|-----|
| Affidavit Acknowledgement | Yes |
|----------------------------------|-----|

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Council Grant Form

| | |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Name of Agency/Organization | Greater Millsboro Chamber of Commerce Inc. |
| Project Name | Greater Millsboro Chamber of Commerce - Stars & Stripes - Safety |
| Federal Tax ID | 51-0270976 P |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | Our mission is to improve member business success through networking, promotion, advocacy, education and through collaboration with local towns |
| Address | 203 Main Street |
| Address 2 | P.O. Box 187 |
| City | Millsboro |
| State | DE |

| | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Zip Code | 19966 |
| Contact Person | Nadine Timpanaro |
| Contact Title | Executive Director |
| Contact Phone Number | 3029346777 |
| Contact Email Address | info@millsborochamber.com |
| 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? | No |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | N/A |
| Program Category (choose all that apply) | Cultural Other |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Program Category Other | Community Events |
| Primary Beneficiary Category | Other |
| Beneficiary Category Other | Community Events |
| Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program | 2000 |
| Scope | <p>The Millsboro Chamber of Commerce is dedicated to helping local businesses flourish in one of the fastest-growing communities in Sussex County. As our town expands, we continue to welcome new members, offering opportunities to connect, learn, and thrive through monthly networking events, marketing resources, and professional development tools.</p> <p>Our mission goes beyond business—we support the overall prosperity of Millsboro by fostering credible, reliable businesses that serve our growing population. This includes strengthening connections with our medical community, with Beebe and TidalHealth campuses soon joining the area.</p> <p>We are also proud to host community-focused events, such as our annual Wellness Fair in February and our highly anticipated Stars & Stripes Fireworks celebration each June. These events bring residents and visitors together, creating a strong sense of hometown pride.</p> <p>However, unexpected rising expenses (\$5100) for required safety and policing at our large community event, Stars & Stripes Fireworks Celebration, has placed a strain on our</p> |

budget. While these measures are essential, they limit the resources we can invest back into our members and programs.

With your support, the Millsboro Chamber can continue to grow alongside our community, ensuring that Millsboro remains not only a great place to do business but also an amazing place to live, work, and celebrate.

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

0.00

Description

Community Event - Safety/Policing

Amount

5,000.00

TOTAL EXPENDITURES

5,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-5,000.00

Name of Organization

Greater Millsboro Chamber of Commer

Applicant/Authorized Official

Nadine Timpanaro

Date

08/28/2025

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

McCammon.

From: notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, July 31, 2025 6:27 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

**Legal Name of
Agency/Organization**

New Coverdale Outreach Mission, Inc.

Project Name

Back to School supplies

Federal Tax ID

31-1695369 ✓

Non-Profit

Yes

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

Yes

**Organization's
Mission**

Feed the hungry, Clothe the naked and educate the public

Address

22215 Coverdale Rd

City

Seaford

State

DE

Zip Code

19973

Contact Person

Diane Lofland

Contact Phone Number 302-629-3036

Contact Email Address Cutiepie14k@gmail.com

Total Funding Request 2000

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? 2500.00

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) Educational

Primary Beneficiary Category Youth

Approximately the total number of Sussex County 100

**Beneficiaries served,
or expected to be
served, annually by
this program**

Scope We serve multiple underprivileged families back to school supplies in our community and neighboring communities

**Religious
Components** No one is refused because of religion, nor is religion during any events

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

Description Electric

Amount 7,000.00

Description Building Insurance

Amount 3,600.00

Description Telephone

Amount 1,200.00

Description Supplies

Amount 2,000.00

Description Alarm System

Amount 650.00

TOTAL EXPENDITURES 14,450.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -14,450.00

Name of Organization New Coverdale Outreach Mission

**Applicant/Authorized
Official** Diane Lofland

Date 07/31/2025

**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: 9/9/25

**Council District 5: Mr. Rieley
Tax I.D. No.: 133-6.00-141.03
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROPANE TANK AND ANCILLARY STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 70.3 ACRES, MORE OR LESS

WHEREAS, on the 20th day of May 2024, a Conditional Use application, denominated Conditional Use No. 2532 was filed on behalf of Larry Marshall; 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. 2532 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. 2532 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the north and south sides of Zoar Road (Rt. 24), approximately 0.47 mile west of Governor Stockley Road (S.C.R. 432), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. said parcel containing 70.3 acres, more or less.

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

To Be Introduced: 9/9/25

**Council District 2: Mr. McCarron
Tax I.D. Nos. 430-9.00-21.01
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT AND SAND PLANT SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 107.517 ACRES, MORE OR LESS

WHEREAS, on the 13th day of July 2023, a conditional use application, denominated Conditional Use No. 2465, was filed on behalf of Sussex Materials, 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. 2465 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. 2465 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the southwest side of Hunters Cove Road (S.C.R. 602), approximately 0.43 mile southeast of Owens Road (S.C.R. 611) and being more particularly described in the attached legal descriptions prepared by Ward & Taylor, LLC, said parcels containing 107.517 acres, more or less.

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

To Be Introduced: 9/9/25

Council District 5: Mr. Rieley

Tax I.D. No.: 135-15.00-79.02

911 Address: 22610 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A ROOFING & SIDING CONTRACTOR BUSINESS WITH INDOOR AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 6.92 ACRES, MORE OR LESS

WHEREAS, on the 25th day of September 2023, a conditional use application, denominated Conditional Use No. 2483, was filed on behalf of Andrew Lewandowski.; 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. 2483 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. 2483 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying the south side of Lewes Georgetown Highway (Rt. 9), approximately 0.32 mile southwest of Park Avenue (S.C.R. 318) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher., said parcel containing 6.92 acres, more or less.

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

To Be Introduced: 9/9/25

Council District 2: Mr. McCarron

Tax I.D. No.: 235-14.00-81.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 24th day of January 2024, a zoning application, denominated Change of Zone No. 2027, was filed on behalf of 1630 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 Change of Zone No. 2027 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the east side of the private lane, Marges Garden Path and the south side of Milton-Ellendale Highway (Rt. 16); approximately 0.5 mile east of Gravel Hill Road (Rt. 30) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcels containing 5.0 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 2, 2025

RE: County Council Report for C/U 2517 filed on behalf of High Tide Church, Inc.

The Planning and Zoning Department received an application (C/U 2517 filed on behalf of High Tide Church, Inc.) for a Conditional Use for an on-premise electronic message center sign to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 233-10.00-46.00. The property is located at 28000 Nine Foot Road, Dagsboro. The parcel size is 19.30 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of July 23, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on July 23, 2025.

Minutes of the July 23, 2025, Planning & Zoning Commission Meeting

C/U 2517 High Tide Church, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS. The property is lying on the south side of Nine Foot Road (Rt. 26), approximately 949 feet southwest of DuPont Boulevard (Rt. 113). 911 Address: 28000 Nine Foot Road, Dagsboro. Tax Map Parcel: 233-10.00-46.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, the property deed, the DelDOT Service Level Evaluation Response letter, a



letter from the Sussex County Engineering Department Utility Planning Division, and Applicant exhibits. Mr. Whitehouse advised the Commission that no public comments had been received for the application.

The Commission found that Mr. Mark Davidson, P.E., with Pennoni spoke on behalf of the Applicant, High Tide Church, Inc.; that also present was Mr. Mason Dyer, who is an elder with High Tide Church. Mr. Davidson stated that the application is requesting a Conditional Use of land in an AR-1 (Agricultural Residential) Zoning District for an on-premises electronic message center sign per §115-161.1A3; that the site is comprised of approximately 19.3 acres, being located along Nine Foot Road; that the site is located approximately 50 feet west of Rt. 113, being just outside of the Town of Dagsboro; that the site is located just south and west of a large track of land already zoned CR-1 (Commercial Residential) and C-1 (General Commercial), which fronts Rt. 113 and Nine Foot Road; that at the front of the property, there are four single-family lots, which are owned by the church; that the property is located within a Developing Area according to the 2045 Future Land Use Map, and is located adjacent to commercial designated area; that the property is currently improved with an existing church, which is comprised of a sanctuary hall, classrooms, existing parking area, and stormwater management area; that the building is set back approximately 600 feet from Nine Foot Road; that the property utilizes an existing well for domestic water, and a separate well and fire suppression storage tank for fire protection; that the property is connected to the Sussex County sanitary sewer system; that Conditional Uses are subject to the provisions of Articles 4 through 24, and Section 115-22; that the purpose of a Conditional Use is to provide for certain uses, which cannot otherwise be well adjusted to their environment, in a particular location with gull protection offered to surrounding properties by rigid application of district regulations; that the High Tide Church has a goal to clearly and accurately present biblical gospel to their generation; that their ambition is to be diligent students of God's word; that their resolve is to do all they can to provide the necessary resources and opportunities; that High Tide Church is requesting a 32 square foot electronic messaging sign; that the proposed 32 square foot electronic messaging sign will be in addition to a 32 square foot on-premise sign; that the electronic message center sign will be located below the on-premise sign; that the sign placement will exceed the minimum requirements for the AR-1 (Agricultural Residential) Zoning District for sign placement; that the sign will be approximately 200 feet from any adjacent dwellings on other properties; that the electronic messaging sign will follow regulations that apply to all electronic message centers per Section 115-161.1(C)(1)(a-h); that electronic message signs offer a multitude of benefits that traditional signage cannot match, making them popular choices for businesses, organizations, and institutions, who are looking to enhance communications, marketing and safety; that electronic message sign can be update instantly and remotely, allowing churches to adapt to the changing needs, promote services, and announce upcoming events, without the cost and delay of traditional printing; that churches can tailor messages to specific audiences, or adjust content based on factors like time of day, weather or events; that this flexibility ensures that the message is always relevant and impactful; that the proposed electronic message center (EMC) sign will not alter the character of the surrounding area in any manner that would substantially limit, impair or preclude the use of the surrounding properties; that the proposed Conditional Use meets the general purpose of the zoning ordinance, being located in an appropriate location, meeting the purpose of the district and the Comprehensive Plan, by aligning with the underlying goals, and intent of the zoning classification, serving the community and its residents, which is essentially desirable for the general convenience, orderly growth, prosperity and welfare of the County, and the sign will be constructed by Ad Art, Inc. who is aware of the Sussex County Sign rules and regulations.

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

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

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

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

Mr. Mears moved that the Commission recommend approval of C/U 2517 High Tide Church, Inc. to allow an on-premise electronic message center sign based on the record made during the public hearing and for the following reasons:

1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1.A.(3) of the Zoning Code.
2. The sign will be located on the church's property, and it will be used to display information about the church and its various activities and events.
3. The sign will be required to comply with all the sign regulations in the Zoning Code, including brightness and motion.
4. The sign will not adversely affect neighboring properties or area roadways and traffic.
5. No parties appeared in opposition to this Application.
6. A Final Site Plan, showing the location of the sign on the site, shall be submitted to the Sussex County Planning & Zoning Commission for approval.

Motion by Mr. Mears, seconded by Mr. Butler, and carried unanimously to recommend approval of C/U 2517 High Tide Church, Inc. for the reasons and conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 23, 2025

Application: C/U 2517 High Tide Church, Inc

Applicant: High Tide Church, Inc. (Mason Dyer)
PO Box 212
Lewes, DE 19958

Owner: High Tide Church, Inc. (Pastor Andy Ehlers)
PO Box 127
Dagsboro, DE 19939

Site Location: 28000 Nine-Foot Road, Dagsboro

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Electronic Message Center

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 4 – Mr. Hudson

School District: Indian River

Fire District: Dagsboro Volunteer Fire Department

Sewer: Sussex County

Water: Private Well

Site Area: 19.3 acres +/-

Tax Map ID.: 233-10.00-46.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 16, 2025
RE: Staff Analysis for CU 2517 High Tide Church, Inc.

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2517 High Tide Church, Inc. to be reviewed during the July 23rd, 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: 233-10.00-46.00

Proposal: The request is for a Conditional Use for Tax Parcel: 233-10.00-46.00 to allow for an on-premises electronic message center (sign). The property is lying on the south side of Nine Foot Road (Rt. 26), approximately 949 feet southwest of DuPont Boulevard (Rt. 113). The property is 19.30 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, west, and southwest are zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and southeast are zoned Commercial Residential (CR-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Developing Area." The adjacent properties to the east contain the Future Land Use Map designation of Commercial, to the north contain the Future Land Use Map designation of "Developing Area", to the south and west contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are areas that "are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to



potential future annexation areas of a municipality, or adjacent to Town Centers” (Sussex County Comprehensive Plan, 4-14).

The Plan also notes that a “careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (Sussex County Comprehensive Plan, 4-14).

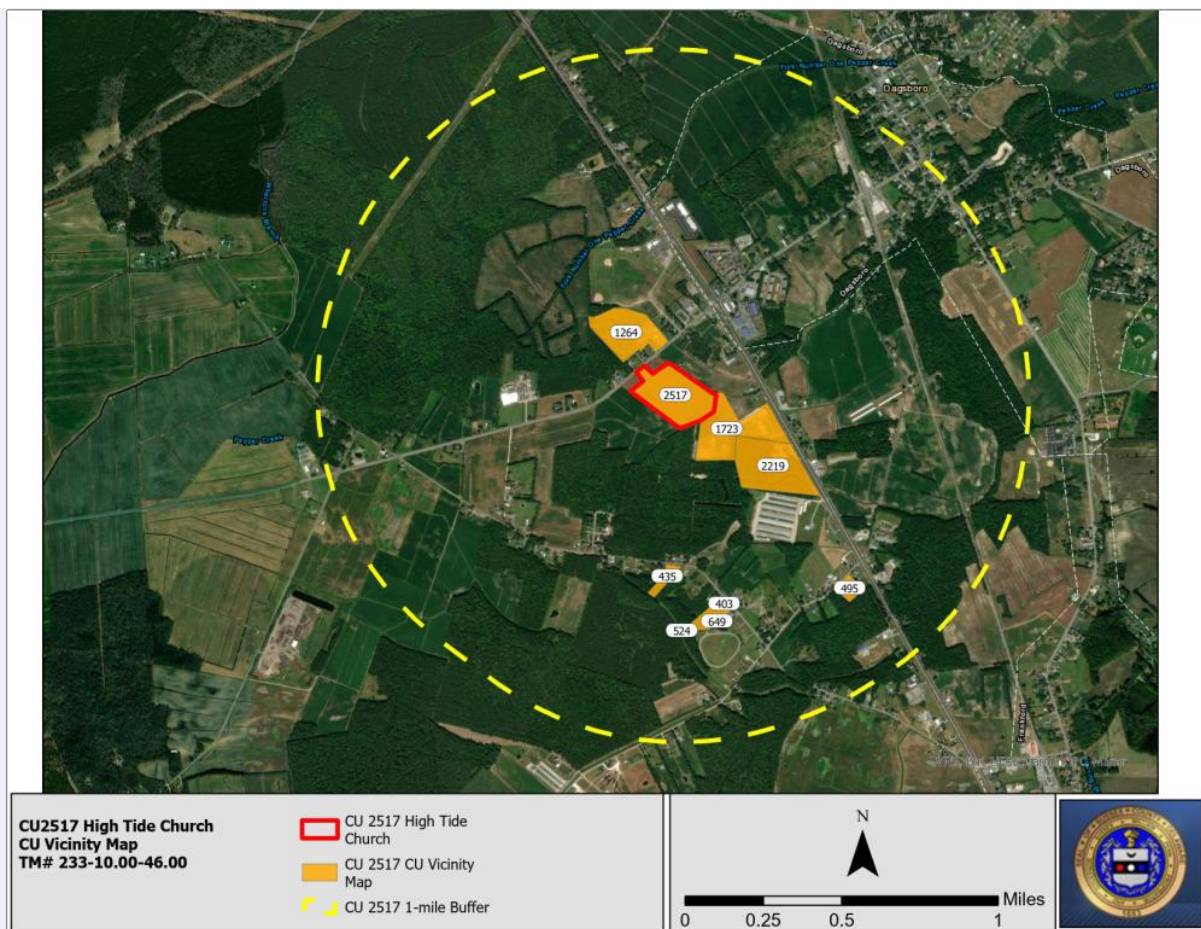
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 2011, there has been nine (9) Conditional Use applications within a 1-mile radius of the application site.

| CU No. | APPLICANT | Proposed Use | CC Decision Date | CC Decision | Ord. No. |
|--------|---------------------------------|--------------------------------------------|------------------|-------------|----------|
| 403 | Robert L. Bailey | Used Furniture Store & Lawn Mover Repa | 3/1/1977 | Approved | |
| 435 | Paul Cooper & Ruth | automobile repair shop | 9/13/1977 | Approved | |
| 495 | Wayne L Brittingham | poultry house on less than 5-acres | 10/3/1978 | Approved | |
| 524 | Robert Bailey | Used Car Sales | | Denied | |
| 649 | Robert Bailey | Used Car Sales | 10/27/1981 | Approved | |
| 1264 | Louis Lee Vickers Jr. & Lori | Retail Stone Business | 1/5/1999 | Approved | 1281 |
| 1723 | John Willey c/o Peninsula Oil | Mini Storage Facility | 3/11/2008 | Approved | 1954 |
| 2219 | 32630 DuPont Blvd., LLC (Stone) | Stone & Granite Retail, fabrication, cutti | 7/14/2020 | Approved | 2723 |
| 2517 | High Tide Church, Inc. | Electronic Message Center | | Pending | |



Based on the analysis provided, the Conditional Use to allow for an electronic message center (sign) could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.



CU 2517 High Tide Church
Street Map
TM# 233-10.00-46.00



CU 2517 High Tide
Church



0

500

1,000

2,000


Feet

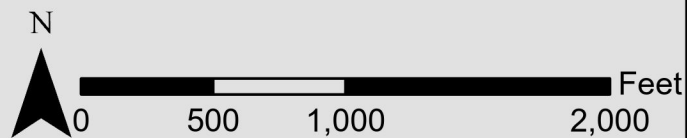


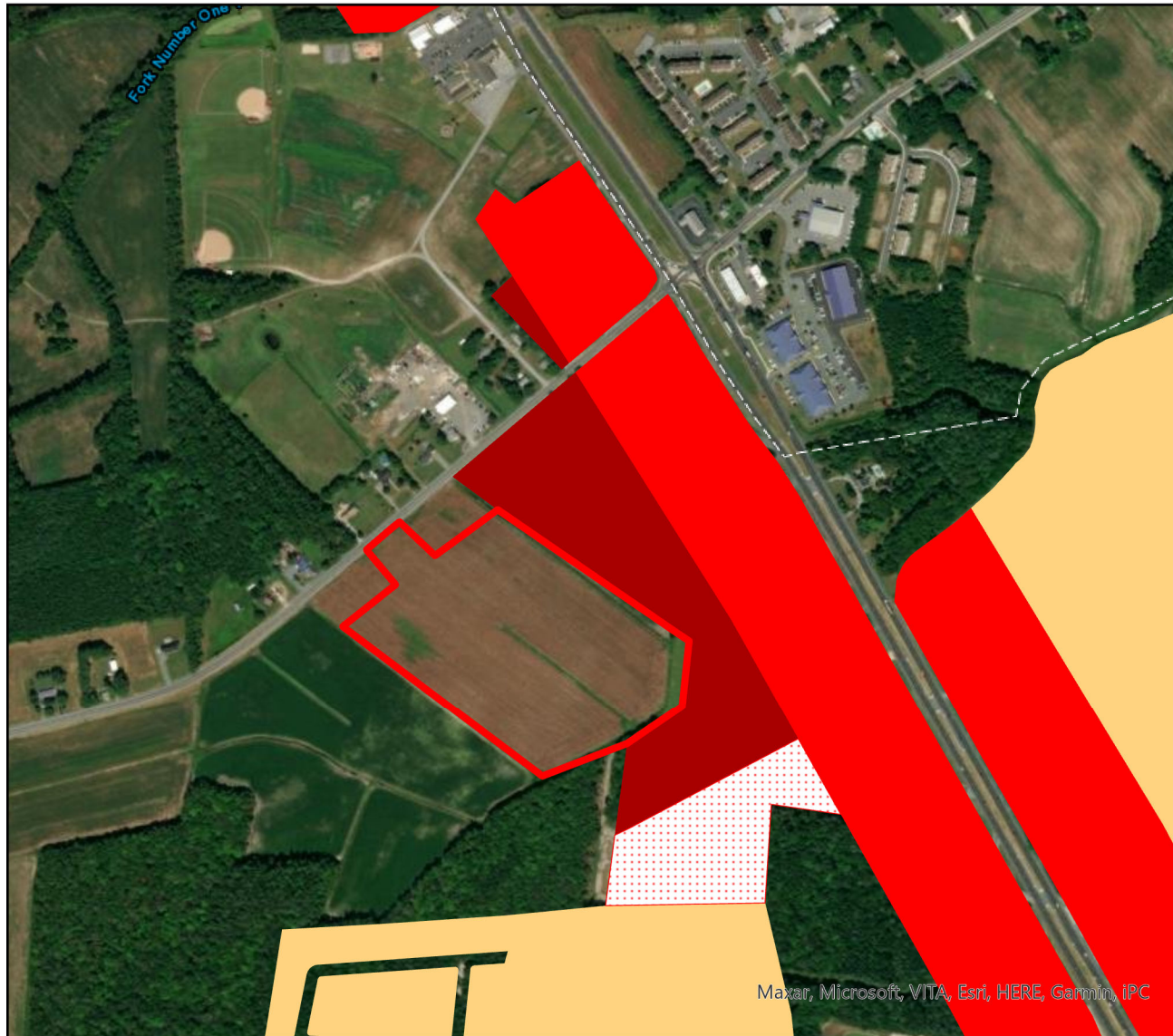


VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2517 High Tide Church
Street Map
TM# 233-10.00-46.00

 CU 2517 High Tide Church

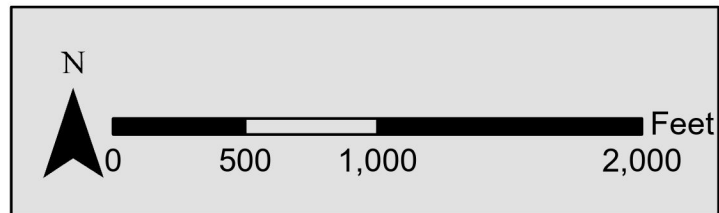




- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Commercial Residential - CR-1
 - Institutional - I-1
 -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

CU 2517 High Tide Church
Aerial Map
TM# 233-10.00-46.00

- CU 2517 High Tide Church
- Agricultural Residential - AR-1



Introduced: 7/16/24

Council District 4: Mr. Hudson

Tax I.D. No.: 233-10.00-46.00

911 Address: 28000 Nine Foot Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS

WHEREAS, on the 1st day of March 2024, a Conditional Use application, denominated Conditional Use No. 2517 was filed on behalf of High Tide Church, Inc.; 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. 2517 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. 2517 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Nine Foot Road (Rt. 26), approximately 949 feet southwest of DuPont Boulevard (Rt. 113), and being more particularly described in the attached legal description prepared by Susan Shivers Fink, Esq., said parcel containing 19.30 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 2, 2025

RE: County Council Report for C/U 2493 filed on behalf of Rennie Hunt

The Planning and Zoning Department received an application (C/U 2493 filed on behalf of Rennie Hunt) for a Conditional Use for a site development business with office and outdoor storage and parking to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-6.00-19.00. The property is located at 35082 Roxana Road, Frankford. The parcel size is 0.45 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of August 6, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 14 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on July 23, 2025, and August 6, 2025.

Minutes of the July 23, 2025, Planning & Zoning Commission Meeting

C/U 2493 Rennie Hunt

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS. The property is lying on the northwest side of Roxana Road (Route 17), approximately 0.07-mile northeast of Pyle Center Road (Route 20). 911 Address: 35082 Roxana Road, Frankford. Tax Map Parcel: 533-6.00-19.00.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Preliminary Site Plan, the DelDOT Service Level Evaluation Level Response, the Applicant's Exhibit Book, a letter from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis, and the property deed. Mr. Whitehouse advised the Commission that no comments had been received for the Application.

Mr. Whitehouse advised the Commission that the Application was related to some history with the Sussex County Constables Department, as there was a complaint made and investigated in August 2023; that a Notice of Violation was served, and the Applicant responded by submitting the Conditional Use application, working with staff to bring the application currently before the Commission.

The Commission found that Mr. Daniel Conway, Esq., with Scott and Shuman, PA, spoke on behalf of the Applicant, Mr. Rennie Hunt, who was also in attendance. Mr. Conway stated that Mr. Hunt purchased the property and began using the property for business purposes; that unintentionally, Mr. Hunt did run afoul of what was required to obtain Conditional Use approval; that Mr. Hunt is a Sussex County native, who has been growing his site development business; that the subject site is utilized primarily for office work; that the site houses and office of which two full-time employees work at during the day; that his other employees that assist with work at various projects, utilize the property for parking vehicles, such as their personal vehicles; that they use the site as a gathering space, where they meet and then go to the projects as needed; that the property is also being used for storage of equipment, and other site development business vehicles such as trucks, vans, bobcats, and skid; that the site also stores equipment attachments needed for paving, concrete work, gravel work, and things of that nature; that Mr. Hunt is requesting a Conditional Use to continue operating and grow his business; that he had previously submitted proposed Conditional Use restrictions to the Commission for consideration; that the proposed use would be limited to the current site development business; that Mr. Hunt is not looking to expand, and no new buildings are proposed; that Mr. Hunt is not proposing to bring in anymore outside equipment or material; that there is an existing six foot tall white privacy fence surrounding the property; that the fence provides a level of both visual and physical separation between this parcel and surrounding parcels; that the business house would be limited to 7:30 am until 6:30 pm; that Mr. Hunt will submit a Final Site Plan that would finalize and reflect area for parking and other storage; that security lighting would be downward screened and directed so not to produce any nuisance or light onto surrounding properties; that Mr. Hunt would like to request permission to have one lighted sign, that shall not exceed 32 square feet in size per side, and Mr. Hunt would conform with any future DelDOT requirements imposed upon regarding entrance to the property.

Ms. Wingate questioned if the proposed business hours were from Monday through Friday.

Mr. Conway stated that Mr. Hunt would request that the business hours be permitted seven days a week.

Mr. Mears requested clarification on how much equipment would be stored on the site, the number of employees accessing the site, and parking at the site, and questioned if there was room on the site to store all the equipment mentioned.

Mr. Conway stated that there are two full-time employees at the site during the day; that at any given time, one could expect 10 to 15 vehicles to be located on the site, and there is enough room on the site to store all the previously mentioned equipment.

Ms. Wingate requested clarification on what Mr. Hunt's site development business entailed.

The Commission found that Mr. Rennie Hunt, Applicant, stated he performs site work on new construction, new developments, and residential as well.

Ms. Wingate stated that when she visited the site, there was an RV on the site with electricity provided to it, and she questioned if someone was residing in the camper.

Mr. Hunt stated that no one currently resides in the RV; that one of his guys placed the RV there, as they needed a place to stay for the weekend, and it was never pulled out, and he is willing to have it removed at any time.

Mr. Butler questioned Mr. Whitehouse as to what triggered the complaint.

Mr. Whitehouse advised the Commission that the violation was issued based on a report of an illegal business being performed on the site.

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

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

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

In relation to C/U 2493 Rennie Hunt. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the August 6, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application, which had been deferred since July 23, 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 2493 Rennie Hunt for a site development business based upon the record made during the public hearing and for the following reasons:

1. The property is owned by the Applicant and has been used for the intended purpose for some time. This Application is the result of a notice of violation, and it has been filed to bring the property into compliance with the zoning code. The Applicant is seeking to continue the existing business with a condition use.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive

Plan. This type of use is appropriate within the Coastal Area.

3. The property is zoned AR-1 Agricultural Residential. The property is in an area where other small businesses and similar uses exist. This use, with the conditions imposed upon it, will be consistent with these similar area uses and will not adversely affect any of the adjacent and neighboring properties.
4. DelDOT has determined that the use will only have a diminutive impact upon traffic and area roadways. Therefore, there will not be any adverse impact on traffic or neighboring roadways.
5. This small site development company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
6. There was no opposition to this application.
7. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a site development business that performs off-site site development.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding, crushing or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. No dirt, stone, sand, mulch, asphalt millings, crushed concrete and/or similar materials shall be stored on the site.
 - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted. Given the location of the existing fencing and other contributing factors on this site, this sign must be located on the existing building.
 - E. The hours of operation shall be limited to 7:30am through 6:00 p.m. Monday through Friday. There shall not be any Saturday or Sunday hours. No materials shall be brought to the site or removed from the site outside of these permitted hours of operation.
 - F. The entire conditional use area shall remain enclosed with a solid fence. There shall not be any access to the adjacent properties. The location of this fencing shall be shown on the Final Site plan.
 - G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway Improvements.
 - H. No fuel, gas, oil or similar liquids shall be stored on the site.
 - I. No junked, inoperable, unregistered or untitled vehicles or equipment shall be stored or parked on the site. No recreational vehicles, campers or tents shall be permitted on the site at any time.
 - J. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
 - K. There is currently a recreational vehicle or trailer at the site. That must be removed within thirty (30) days of the approval of this conditional use.
 - L. No heavy- equipment repairs shall occur on the site.
 - M. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use Approval.
 - N. The Final Site Plan shall be submitted to the Sussex County Planning & Zoning Commission for review and approval within three (3) months of approval of this Conditional Use by Sussex County Council. Thereafter, all of the conditions of approval

must be completed or complied with on or before six (6) months from the approval of this Conditional Use by Sussex County Council.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend approval of C/U 2493 Rennie Hunt, for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Allen abstained.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, and Mr. Butler.

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 23, 2025

Sussex County Council Hearing Date: September 9, 2025

Application: C/U 2493 Rennie Hunt

Applicant: Mr. Rennie Hunt
32014 Baywind Walk
Selbyville, DE 19975

Owner: Mr. Rennie Hunt
32014 Baywind Walk
Selbyville, DE 19975

Site Location: The property is lying on the northwest side of Roxana Road (Route 17), approximately 0.07-mile northeast of Pyle Center Road (Route 20) at 35082 Roxana Road in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: A Site Development Business with Office and Outdoor Storage and Parking

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Private – On-site (Septic)

Water: Private – On-site (Well)

Site Area: 0.45 acres +/-

Tax Map ID.: 533-6.00-19.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 10th, 2025
RE: Staff Analysis for C/U 2493 Rennie Hunt

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2493 Rennie Hunt to be reviewed during the July 23rd, 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: 533-6.00-19.00

Proposal: The request is for a Conditional Use for Tax Parcel: 533-6.00-19.00 to allow for a Site Development Business with Office and Outdoor Storage and Parking. The property is lying on the northwest side of Roxana Road (Route 17), approximately 0.07-mile northeast of Pyle Center Road (Route 20) at 35082 Roxana Road in Frankford, Delaware. The subject property consists of 0.45-acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, east, west, and southeast on the opposite side of Roxana Road (Route 17) are also zoned Agricultural Residential (AR-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated as a Growth Area designation of "Coastal Area." The adjacent properties to the north, east, west and southeast on the opposite side of Roxana Road (Route 17) also have a Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, "Coastal Areas" are regions that "contain ecologically important, sensitive characteristics" and are areas where "the County encourages only appropriate forms of concentrated new development," as "environmental features are [often] in play" (Sussex County Comprehensive Plan, 4-9). Furthermore, also noted in the Plan,

“Coastal Areas” are “areas that can accommodate development provided that special environmental concerns are addressed” (Sussex County Comprehensive Plan, 4-15).

The Plan states that in allowing for appropriate mixed-use development, “careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (Sussex County Comprehensive Plan, 4-15).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** Staff note that the Site is within the vicinity of active agricultural lands to include the property to the rear (Parcel 23.00) and also multiple Parcels (91.00, 91.01 and 85.00) to the southeast of the subject property which also appear to be currently farmed.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs). The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” and generating less than 50 vehicle trips per day.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Property is located within the “Agriculture” Tax Ditch Area and is located within Flood Zone “X” – Areas determined to be outside of the 1% annual chance flood and outside of the 500-year floodplain.

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 1970, there have been forty-four (44) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

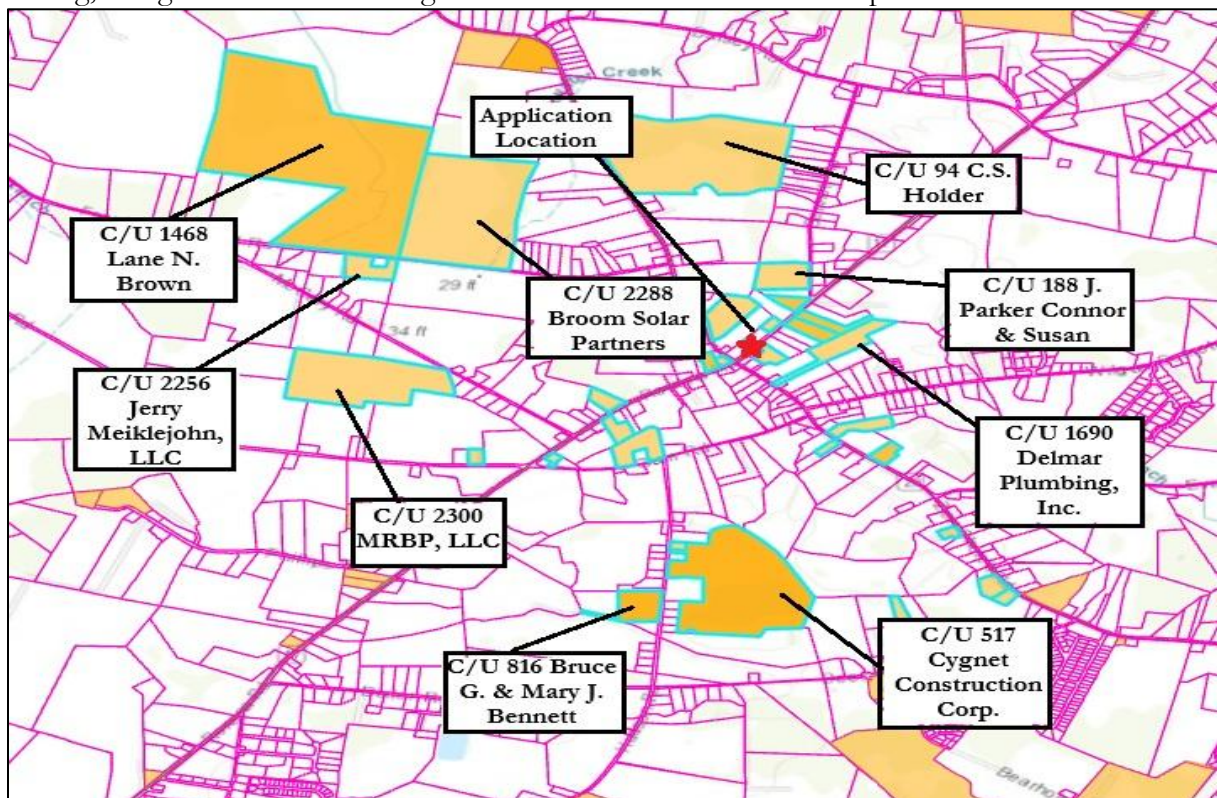
- **Four (4) Applications were Withdrawn.**
- **One (1) Application is Pending (Conditional Use No. 2494 related to this Application with the same Applicant.)**
- **Four (4) Applications were Denied.**
- **Thirty-three (33) Applications were Approved.**

Staff Analysis
C/U 2493 Rennie Hunt
Planning and Zoning Commission

| Conditional Use Number | APPLICANT | Tax Parcel # | Current Zoning | Proposed Use | CC Decision Date | CC Decision | Ordinance Number |
|------------------------|------------------------------------------|------------------|----------------|--------------------------------------------------------------------------------------------|------------------|-------------|------------------|
| 1750 | John Gilman | 533-6.00-25.01 | <Null> | Athletic Fields | 10/28/2008 | Approved | 2002 |
| 1735 | Richard & Sonya West | 134-15.00-142.00 | AR-1 | Airport/Heliport | 6/24/2008 | Approved | 1981 |
| 702 | Judy Rogers & Asher | 533-10.00-49.01 | AR-1 | beauty shop | N/A | Withdrawn | N/A |
| 188 | J Parker Connor & Susan | 533-6.00-16.01 | AR-1 | radio tower & transmitting bldg | N/A | Approved | N/A |
| 438 | Jessie E Bivens | 533-10.00-51.00 | AR-1 | poultry house on less than 5-acres | N/A | Approved | N/A |
| 718 | Hazel J. Lynch | 533-10.00-54.00 | AR-1 | antique sales & storage shop | 4/12/1983 | Approved | N/A |
| 1329 | John & Mary Frey | 533-11.00-22.01 | AR-1 | used car sales | 4/11/2000 | Denied | N/A |
| 1383 | Gregory P. Allen & Christopher Allen | 533-6.00-16.00 | AR-1 | heating/air/plumbing/electrical | 3/13/2001 | Approved | 1436 |
| 1885 | James Mershon | 533-6.00-60.03 | AR-1 | Bait/tackle shop | 4/12/2011 | Approved | 2187 |
| 1956 | Mark A. Giblin | 533-6.00-60.02 | AR-1 | Towing Service and Landscape Business | 3/19/2013 | Approved | 2297 |
| 1804 | Wayne Drywall | 533-6.00-31.01 | AR-1 | office/warehousing | 1/5/2010 | Approved | 2093 |
| 788 | Elizabeth Rogers Atkinson | 533-5.00-63.00 | AR-1 | amend CU 513 | N/A | Withdrawn | N/A |
| 141 | Edward W Pyle Estate | 533-5.00-62.00 | AR-1 | medical service center | N/A | Approved | N/A |
| 1468 | Lane N. Brown | 533-5.00-46.00 | AR-1 | playing area for paintball games | 12/10/2002 | Approved | 1575 |
| 916 | James W. Ward | 533-10.00-78.03 | AR-1 | multi-family | 10/9/1990 | Denied | N/A |
| 1153 | Mark Beam & Keith Smith | 533-6.00-91.02 | AR-1 | storage | N/A | Withdrawn | N/A |
| 1641 | Carroll & Diane Brasure | 533-11.00-10.00 | AR-1 | service vehicles parking | 3/28/2006 | Approved | 1838 |
| 818 | Cygnnet Construction Corp | 533-11.00-31.00 | AR-1 | borrow pit expansion | 5/7/1985 | Approved | 246 |
| 1005 | James E. Harrington | 533-11.00-50.02 | AR-1 | Boat & Trailer Storage and Farm Equipment | 7/14/1992 | Approved | 843 |
| 426 | Ronald Chandler & Kathleen | 533-11.00-22.00 | AR-1 | repair & service all type of motor vehicles | N/A | Approved | N/A |
| 511 | Charles & Holly Carmack | 533-11.00-17.00 | AR-1 | drywall contractor, building material sales & warehouse of building materials | N/A | Approved | N/A |
| 1273 | Roxana Vol. Fire Company | 533-11.00-52.00 | AR-1 | expansion of fire station | 3/30/1999 | Approved | 1296 |
| 173 | Janice L. Bunting | 533-5.00-81.00 | AR-1 | beauty shop | N/A | Approved | N/A |
| 1690 | Delmar Plumbing, Inc. | 533-6.00-86.00 | AR-1 | Plumbing | 8/7/2007 | Approved | 1917 |
| 2087 | John F. and Brenda L. Fegelein, Trustees | 533-6.00-18.01 | AR-1 | Auto Repair Shop | 8/22/2017 | Approved | 2517 |
| 94 | C S Holder | 533-5.00-67.00 | AR-1 | manufactured home park | N/A | Approved | N/A |
| 1713 | Keith Smith | 533-6.00-30.00 | AR-1 | Commercial Storage Building | 4/1/2008 | Approved | 1961 |
| 2256 | Jerry Meiklejohn LLC | 533-5.00-86.00 | AR-1 | Hardscaping, Outdoor Living Construction, and Commerical Business | 8/31/2021 | Approved | 2796 |
| 1652 | Ken Gillam & Joan Gillam | 533-11.00-27.00 | AR-1 | boat storage | 6/5/2006 | Withdrawn | N/A |
| 1071 | Prettyman Broadcasting Co. | 533-6.00-16.00 | AR-1 | radio station broadcast studio | 4/12/1994 | Approved | 962 |
| 156 | Roxana Volunteer Fire Co | 533-11.00-52.00 | AR-1 | Equipment Storage | 8/21/1973 | Approved | N/A |
| 190 | Brasford Service Corp | 533-5.00-46.00 | AR-1 | Borrow Pit | 3/12/1974 | Approved | N/A |
| 304 | Blue Willow Gift Shop | 533-5.00-63.00 | AR-1 | shop for sale of gifts, antiques, gard & patio furnishings, flower arrangements & the like | 12/9/1975 | Approved | N/A |

| | | | | | | | |
|------|---------------------------|-----------------|------|------------------------------------------------------------------------------|------------|----------|---------|
| 365 | Gladys Swann | 533-11.00-31.00 | AR-1 | Manufactured Home Park | 9/7/1976 | Denied | N/A |
| 513 | Elizabeth Rogers Atkinson | 533-5.00-63.00 | AR-1 | Wedding Mall | 1/16/1979 | Approved | N/A |
| 517 | Cygnat Construction Corp. | 533-11.00-31.00 | AR-1 | Borrow Pit | 3/17/1981 | Approved | N/A |
| 1933 | Mark A. Giblin | 533-6.00-60.02 | AR-1 | Towing Service and Landscape Business | 12/11/2012 | Approved | 2283 |
| 2288 | Broom Solar Partners | 533-5.00-47.00 | AR-1 | Solar Farm | 3/22/2022 | Approved | 2841 |
| 2300 | MRBP, LLC | 533-5.00-38.00 | AR-1 | Borrow Pit | 9/27/2022 | Denied | N/A |
| 2389 | AWH Properties, LLC | 533-11.00-23.02 | AR-1 | Boat/RV Storage | 4/9/2024 | Approved | 2998 |
| 2493 | Rennie Hunt | 533-6.00-19.00 | AR-1 | operation of a Site Development business office w/ employees | Pending | Pending | Pending |
| 2494 | Rennie Hunt | 533-10.00-46.02 | AR-1 | Storage of work equipment, trucks, associated with site development business | Pending | Pending | Pending |
| 2546 | James Mershon | 533-6.00-60.03 | AR-1 | Boat Storage | N/A | N/A | N/A |
| 2428 | TN Hitch, LLC | 533-6.00-30.00 | AR-1 | Amendment to CU 1713 | 8/13/2024 | Approved | 3035 |

Based on the analysis provided, the Conditional Use to allow for a Site Development Business with Office and Outdoor Storage and Parking could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.










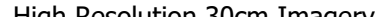


Map of Conditional Uses w/in a 1 Mile Radius of the Application Site.

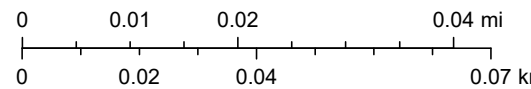


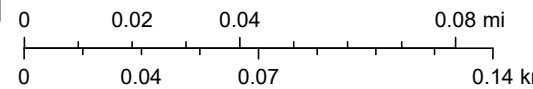
Letter Landscape Parcel Details



| | |
|------------------------|-------------------------------|
| PIN: | 533-6.00-19.00 |
| Owner Name | HUNT RENNIE SHAFFER REV TR |
| Book | 5891 |
| Mailing Address | 32014 BAYWIND WALK |
| City | SELBYVILLE |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

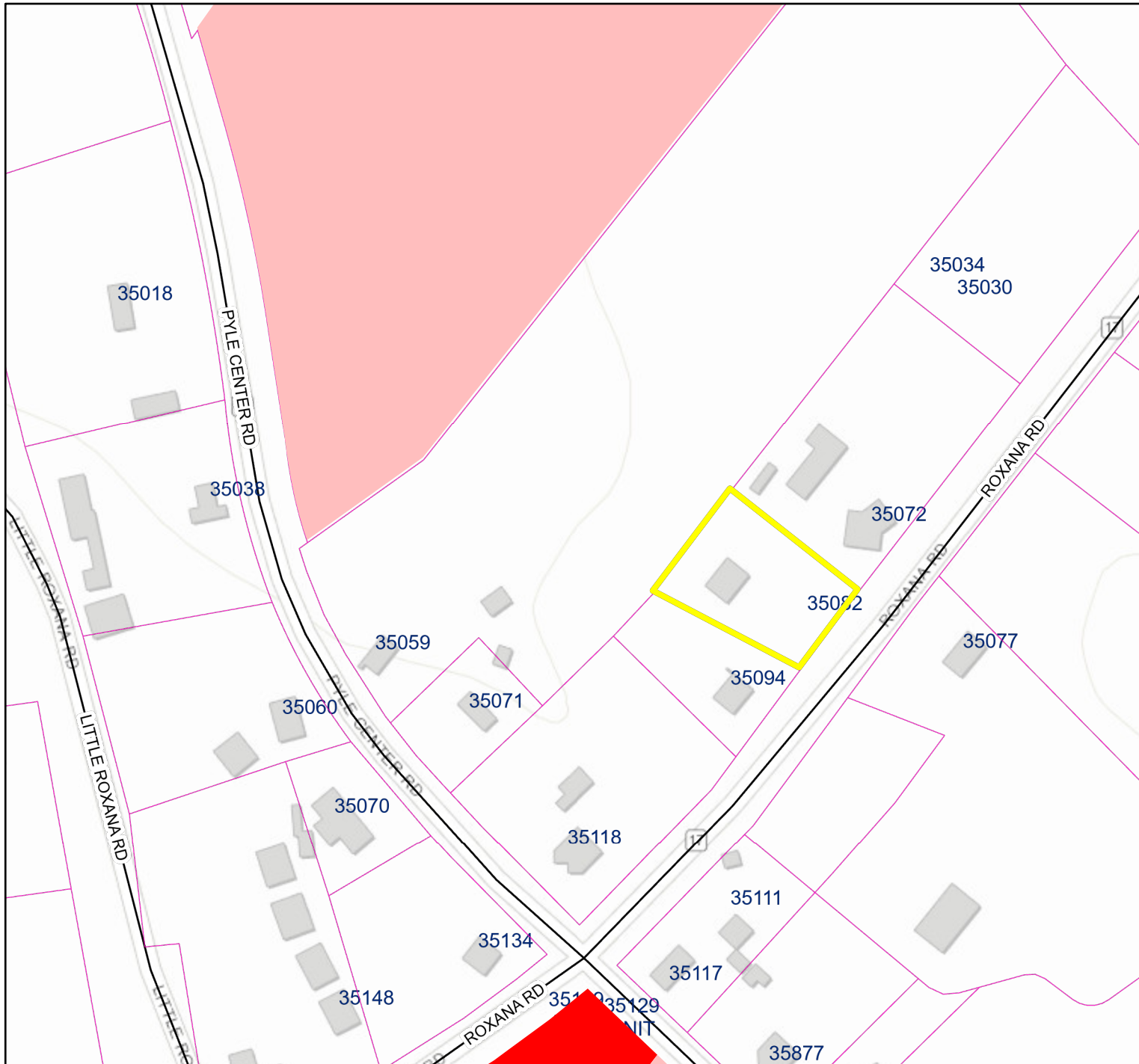
-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery
-  High Resolution 30cm Imagery
-  Citations
-  30cm Resolution Metadata





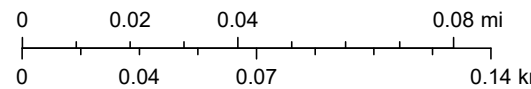


Letter Landscape Parcel Details



| | |
|------------------------|-------------------------------|
| PIN: | 533-6.00-19.00 |
| Owner Name | HUNT RENNIE SHAFFER REV TR |
| Book | 5891 |
| Mailing Address | 32014 BAYWIND WALK |
| City | SELBYVILLE |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Citations



Introduced: 6/17/25

Council District 4: Mr. Hudson

Tax I.D. No.: 533-6.00-19.00

911 Address: 35082 Roxana Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.45 ACRES, MORE OR LESS

WHEREAS, on the 13th day of November 2023, a Conditional Use Application, denominated Conditional Use No. 2493 was filed on behalf of Rennie Hunt; 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. 2493 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. 2493 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Sussex County, Delaware, and lying on the northwest side of Roxana Road (Route 17), approximately 0.07 mile northeast of Pyle Center Road (Route 20) and being more particularly described in the attached legal description prepared by Procino-Wells & Woodland, LLC, said parcel containing 0.45 acre, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 4, 2025

RE: County Council Report for C/U 2494 filed on behalf of Rennie Hunt

The Planning and Zoning Department received an application (C/U 2494 filed on behalf of Rennie Hunt) for a Conditional Use for a site development business with office and outdoor storage and parking to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-10.00-46.02. The property is located at 36215 & 36219 Little Creek Lane, Frankford. The parcel size is 1.38 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of August 6, 2025, the Planning & Zoning Commission recommended **denial** of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on July 23, 2025, and August 6, 2025

Minutes of the July 23, 2025, Planning & Zoning Commission Meeting

C/U 2494 Rennie Hunt

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS. The property is lying on the north side of Gum Road (S.C.R. 392), approximately 0.12 mile west of Roxana Road (Route 17). 911 Address: 36215 & 36219 Little Creek Lane, Frankford. Tax Map Parcel: 533-10.00-46.02.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, the property deed, the DelDOT Service Level Evaluation Response letter, the Applicant's Exhibit Book, a comment letter from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis report, and one public comment letter which was included within the Commission's paperless packet.

The Commission found that Mr. Daniel Conway, Esq., with Scott and Shuman, PA, spoke on behalf of the Applicant, Mr. Rennie Hunt, who was also in attendance. Mr. Conway stated that subject property is located at 36215 Little Creek Lane; that the Applicant was requesting a Conditional Use to allow for a site development business to operate from the site; that the site would be utilized for storage purposes of both materials and vehicles that support his business; that the property is surrounded by existing trees; that Mr. Hunt has begun planting trees along the roadway as well; that due to the recent hot weather, some of those planted trees have died; that Mr. Hunt is able and willing to build new screening at the front of the property, along the roadway; that the property would be used solely for the site development business; that proposed Conditions of Approval were submitted for the Commission's consideration; that as part of the submitted conditions, a vegetative buffer around the property, minimizing visibility from both the roadway and surrounding properties was proposed; that the hours of operation are proposed to be limited to 7:30 am until 6:30 pm, to be operated seven days per week; that a Final Site Plan will be submitted, which will reflect the location of a four yard sized dumpster located on the property; that the dumpster would be screened from any neighboring properties, and all security lighting would be directed downward, to ensure no light is directed onto neighboring properties.

Mr. Mears questioned Mr. Whitehouse if a violation was filed or issued for the property.

Mr. Whitehouse stated that it was his understanding that because this property and its proposed use were connected with the previous application, the Constables looked at both sites simultaneously; however, no Notice of Violation was issued for the subject site.

Mr. Mears stated he did not understand how Mr. Hunt would assume he could have the business operations without Sussex County approval; that the property was a mess; that he understood Mr. Hunt is currently planting shrubs out front, but currently, the site is visually a mess, and he had additional concerns regarding the nearby existing River Soccer Club.

Ms. Wingate stated that she agreed with Mr. Mears, stating that the existing condition of the property looked horrible; that there had been a lot of debris dumped on the site; that there are many types of wood, building materials, and asphalt millings piled up along the left side of the house, and are almost encroaching onto Gum Road, that there is an abandoned car located at the back of the property, which had debris piled up against it; that there was a complaint filed by Ms. Rebecca Mais, who stated the residents of the site allegedly had been accessing the their property belonging to River Soccer Club; that she felt, at minimum, a fence must be placed along the entire back portion of the property, potentially along the entire perimeter of the property; that she did not feel that the site blended with the surrounding area, and felt it was unfortunate to see what had happened to the property.

Mr. Collins stated he concurred with the other Commissioner's comments.

Mr. Butler questioned if Mr. Hunt would be willing to place fencing around the property if a Conditional Use were approved for the property.

Mr. Hunt stated he would be agreeable to the placement of a fence around all four sides if the Commission would require it; that he would remove all the stone, and clean up the site; that the vehicles on the site belonged to the residents that lived there, and he would have those vehicles removed.

Ms. Wingate questioned how often trucks come and go from the site, what type of material is stored on the site, and if trucks are backing out onto Gum Road.

Mr. Hunt stated that currently, he is storing mostly stone on the site; that they purchased a property down the road, and they plan to put a roadway in; that he estimated about three trucks arrive in the morning, load material and leave the site; that the property has a large driveway; that the trucks pull in and around to exist the site.

Mr. Whitehouse questioned if there was a structure located on the property that may be encroaching on the setbacks and/or boundary line.

Mr. Hunt stated that the building was encroaching on the boundary line and had been moved.

Mr. Robertson advised the Commission that the submitted survey was dated June 2024, and the survey reflected a 20-foot encroachment of gravel on the right side of the property.

Mr. Hunt stated that if there was an encroachment of the existing gravel stone, he was willing to have it moved.

Mr. Conway stated that the Final Site Plan will show zero encroachments.

Mr. Robertson stated the property is located within AR-1 (Agricultural Residential) and questioned the history behind the two existing dwellings.

Mr. Hunt stated that he purchased the property with permission to have two dwellings.

Ms. Lepore stated that the property received approval for a Garage Studio Apartment in 2019.

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

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

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

In relation to C/U 2494 Rennie Hunt. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate, and carried unanimously. Motion carried 5-0.

Minutes of the August 6, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application, which had been deferred since July 23, 2025.

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

Mr. Mears moved that the Commission recommend denial of C/U 2494 Rennie Hunt, for a site development business based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a residential 1.3 -acre lot in a residential area. This property is too small for the use proposed by the applicant, and it is not compatible with the adjacent and nearby uses.
2. The record indicates that the Applicant has been operating his business from this property for some time without the proper approvals. The site is also full of construction debris and other materials that were not cleaned up prior to the hearing on this application. As a result, I have no confidence that the Applicant will comply with code requirements, or any conditions imposed if this use is approved. Under these circumstances, it is not appropriate to grant a conditional use on this property.
3. Although this may be a need for this type of use in Sussex County. There are better locations in the county that will not have such an impact on neighboring properties.
4. This property backs up to one of the fields with the River Soccer complex. The owner of that complex has objected to this proposed use because it would adversely affect the complex and the children who use it.
5. The current condition of the property and the proposed conditional use do not promote the health, safety and welfare of Sussex County and its residents.
6. The proposed use in this location does not satisfy the purpose of a conditional use under the Sussex County Zoning Code because it is not well-adjusted to its environment with full protection of the neighboring properties, and because the proposed use is not desirable in this location for the general convenience and welfare of Sussex County residents and businesses.
7. Given the Applicant's history of ignoring zoning requirements on this property, I am not satisfied that appropriate conditions can be imposed to protect the neighboring and adjacent property owners.
8. For all of these reasons, I move that the commission recommended a denial of this Conditional Use. In addition, I recommend that the property must be cleaned up and returned to AR-1 residential use within 30 days of this recommendation, and that the Constable shall regularly inspect the property to confirm that this has occurred. The failure to clean up this property and return it to AR-1 residential use shall be subject to appropriate enforcement against this applicant.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend denial of C/U 2494 Rennie Hunt, for the reasons and the conditions stated in the motion. Motion carried 4-0. Mr. Allen abstained.

Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, and Mr. Butler.

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountysde.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: July 23rd, 2025

Sussex County Council Hearing Date: September 9th, 2025

Application: C/U 2494 Rennie Hunt

Applicant: Mr. Rennie Hunt
32014 Baywind Walk
Selbyville, DE 19975

Owner: Mr. Rennie Hunt
32014 Baywind Walk
Selbyville, DE 19975

Site Location: The property is lying on the north side of Gum Road (S.C.R. 392), approximately 0.12 mile west of Roxana Road (Route 17) at 36215 & 36219 Little Creek Lane in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: A Site Development Business with Office and Outdoor Storage and Parking.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Private – On-site (Septic)

Water: Private – On-site (Well)

Site Area: 1.38 acres +/-

Tax Map ID.: 533-10-00-46.02





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: June 10th, 2025
RE: Staff Analysis for C/U 2494 Rennie Hunt

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2494 Rennie Hunt to be reviewed during the July 23rd, 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: 533-10.00-46.02

Proposal: The request is for a Conditional Use for Tax Parcel: 533-10.00-46.02 to allow for a Site Development Business with Office and Outdoor Storage and Parking. The property is lying on the north side of Gum Road (S.C.R. 392), approximately 0.12 mile west of Roxana Road (Route 17) at 36215 & 36219 Little Creek Lane in Frankford, Delaware. The subject property consists of 1.38-acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, east, west, and southeast on the opposite side of Gum Road (S.C.R. 392) are also zoned Agricultural Residential (AR-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated as a Growth Area designation of "Coastal Area." The adjacent properties to the north, east, west and southeast on the opposite side of Gum Road (S.C.R. 392) also have a Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, "Coastal Areas" are regions that "contain ecologically important, sensitive characteristics" and are areas where "the County encourages only appropriate forms of concentrated new development," as "environmental features are [often] in play" (Sussex County Comprehensive Plan, 4-9). Furthermore, also noted in the Plan,

“Coastal Areas” are “areas that can accommodate development provided that special environmental concerns are addressed” (Sussex County Comprehensive Plan, 4-15).

The Plan states that in allowing for appropriate mixed-use development, “careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (Sussex County Comprehensive Plan, 4-15).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** Staff note that the Site is within the vicinity of active agricultural lands to include multiple Parcels on the opposite side (south side) of Gum Road (S.C.R. 392) which appear to be actively farmed.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs). The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” and generating less than 50 vehicle trips per day.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Property is located within the Bear Hole Tax Ditch Area and is located within Flood Zone “X” – Areas determined to be outside of the 1% annual chance flood and outside of the 500-year floodplain.

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 1970, there have been forty-four (44) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

- **Five (5) Applications were Withdrawn.**
- **One (1) Application is Pending (Conditional Use No. 2493 related to this Application with the same Applicant.)**
- **Three (3) Applications were Denied.**
- **Thirty-two (32) Applications were Approved.**

| Conditional Use Number | APPLICANT | Tax Parcel # | Current Zoning | Proposed Use | CC Decision Date | CC Decision | Ordinance Number |
|------------------------|------------------------------------------|-----------------|----------------|------------------------------------------------------------------------------|------------------|-------------|------------------|
| 1750 | John Gilman | 533-6.00-25.01 | <Null> | Athletic Fields | 10/28/2008 | Approved | 2002 |
| 287 | J Vernon Ruth | 533-10.00-24.00 | AR-1 | automotive repair & sales | N/A | Approved | N/A |
| 325 | Louis Travallini | 533-10.00-23.00 | AR-1 | used car sales & salvage | N/A | Withdrawn | N/A |
| 702 | Judy Rogers & Asher | 533-10.00-49.01 | AR-1 | beauty shop | N/A | Withdrawn | N/A |
| 188 | J Parker Connor & Susan | 533-6.00-16.01 | AR-1 | radio tower & transmitting bldg | N/A | Approved | N/A |
| 438 | Jessie E Bivens | 533-10.00-51.00 | AR-1 | poultry house on less than 5-acres | N/A | Approved | N/A |
| 718 | Hazel J. Lynch | 533-10.00-54.00 | AR-1 | antique sales & storage shop | 4/12/1983 | Approved | N/A |
| 848 | Bruce G. & Mary Jane Bennett | 533-10.00-70.00 | AR-1 | borrow pit | 7/29/1986 | Approved | 372 |
| 1383 | Gregory P. Allen & Christopher Allen | 533-6.00-16.00 | AR-1 | heating/air/plumbing/electrical | 3/13/2001 | Approved | 1436 |
| 1885 | James Mershon | 533-6.00-60.03 | AR-1 | Bait/tackle shop | 4/12/2011 | Approved | 2187 |
| 1956 | Mark A. Giblin | 533-6.00-60.02 | AR-1 | Towing Service and Landscape Business | 3/19/2013 | Approved | 2297 |
| 1804 | Wayne Drywall | 533-6.00-31.01 | AR-1 | office/warehousing | 1/5/2010 | Approved | 2093 |
| 1468 | Lane N. Brown | 533-5.00-46.00 | AR-1 | playing area for paintball games | 12/10/2002 | Approved | 1575 |
| 916 | James W. Ward | 533-10.00-78.03 | AR-1 | multi-family | 10/9/1990 | Denied | N/A |
| 1874 | Ed Hileman Drywall, Inc. | 533-10.00-20.02 | AR-1 | storage facility | 10/18/2011 | Approved | 2225 |
| 1153 | Mark Beam & Keith Smith | 533-6.00-91.02 | AR-1 | storage | <Null> | Withdrawn | N/A |
| 1641 | Carroll & Diane Brasure | 533-11.00-10.00 | AR-1 | service vehicles parking | 3/28/2006 | Approved | 1838 |
| 1137 | Lawrence McKinney | 533-10.00-34.00 | AR-1 | material/equipment storage for masonry | 12/12/1995 | Approved | 1067 |
| 818 | Cygnat Construction Corp | 533-11.00-31.00 | AR-1 | borrow pit expansion | 5/7/1985 | Approved | 246 |
| 1005 | James E. Harrington | 533-11.00-50.02 | AR-1 | Boat & Trailer Storage and Farm Equipment Repair | 7/14/1992 | Approved | 843 |
| 1273 | Roxana Vol. Fire Company | 533-11.00-52.00 | AR-1 | expansion of fire station | 3/30/1999 | Approved | 1296 |
| 173 | Janice L. Bunting | 533-5.00-81.00 | AR-1 | beauty shop | N/A | Approved | N/A |
| 1690 | Delmar Plumbing, Inc. | 533-6.00-86.00 | AR-1 | Plumbing | 8/7/2007 | Approved | 1917 |
| 2087 | John F. and Brenda L. Fegelein, Trustees | 533-6.00-18.01 | AR-1 | Auto Repair Shop | 8/22/2017 | Approved | 2517 |
| 94 | C S Holder | 533-5.00-67.00 | AR-1 | manufactured home park | N/A | Approved | N/A |
| 1713 | Keith Smith | 533-6.00-30.00 | AR-1 | Commercial Storage Building | 4/1/2008 | Approved | 1961 |
| 2256 | Jerry Meiklejohn LLC | 533-5.00-86.00 | AR-1 | Landscaping, Outdoor Living Construction, and Commerical Business | 8/31/2021 | Approved | 2796 |
| 966 | Toney Quartarone | 533-10.00-5.02 | AR-1 | 500 ft radio tower amend CU 840 | 5/28/1991 | Approved | 766 |
| 840 | Clark Enterprise, Inc. | 533-10.00-5.00 | AR-1 | radio transmitting tower | 11/26/1985 | Approved | 322 |
| 1071 | Prettyman Broadcasting Co. | 533-6.00-16.00 | AR-1 | radio station broadcast studio | 4/12/1994 | Approved | 962 |
| 156 | Roxana Volunteer Fire Co | 533-11.00-52.00 | AR-1 | Equipment Storage | 8/21/1973 | Approved | N/A |
| 190 | Brasford Service Corp | 533-5.00-46.00 | AR-1 | Borrow Pit | 3/12/1974 | Approved | N/A |
| 365 | Gladys Swann | 533-11.00-31.00 | AR-1 | Manufactured Home Park | 9/7/1976 | Denied | N/A |
| 517 | Cygnat Construction Corp. | 533-11.00-31.00 | AR-1 | Borrow Pit | 3/17/1981 | Approved | N/A |
| 808 | Bruce G. & Mary J. Bennett | 533-10.00-70.00 | MR | Borrow Pit | N/A | Withdrawn | N/A |
| 816 | Bruce G. & Mary J. Bennett | 533-10.00-70.00 | MR | Borrow Pit | N/A | Withdrawn | N/A |
| 1933 | Mark A. Giblin | 533-6.00-60.02 | AR-1 | Towing Service and Landscape Business | 12/11/2012 | Approved | 2283 |
| 2288 | Broom Solar Partners | 533-5.00-47.00 | AR-1 | Solar Farm | 3/22/2022 | Approved | 2841 |
| 2300 | MRBP, LLC | 533-5.00-38.00 | AR-1 | Borrow Pit | 9/27/2022 | Denied | N/A |
| 2493 | Rennie Hunt | 533-6.00-19.00 | AR-1 | operation of a Site Development business office w/ employees | Pending | Pending | Pending |
| 2494 | Rennie Hunt | 533-10.00-46.02 | AR-1 | Storage of work equipment, trucks, associated with site development business | Pending | Pending | Pending |
| 2546 | James Mershon | 533-6.00-60.03 | AR-1 | Boat Storage | N/A | N/A | N/A |
| 2428 | TN Hitch, LLC | 533-6.00-30.00 | AR-1 | Amendment to CU 1713 | 8/13/2024 | Approved | 3035 |

Based on the analysis provided, the Conditional Use to allow for a Site Development Business with Office and Outdoor Storage and Parking could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.









Map of Conditional Uses w/in a 1 Mile Radius of the Application Site.

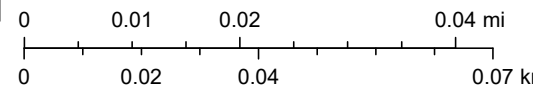


Letter Landscape Parcel Details



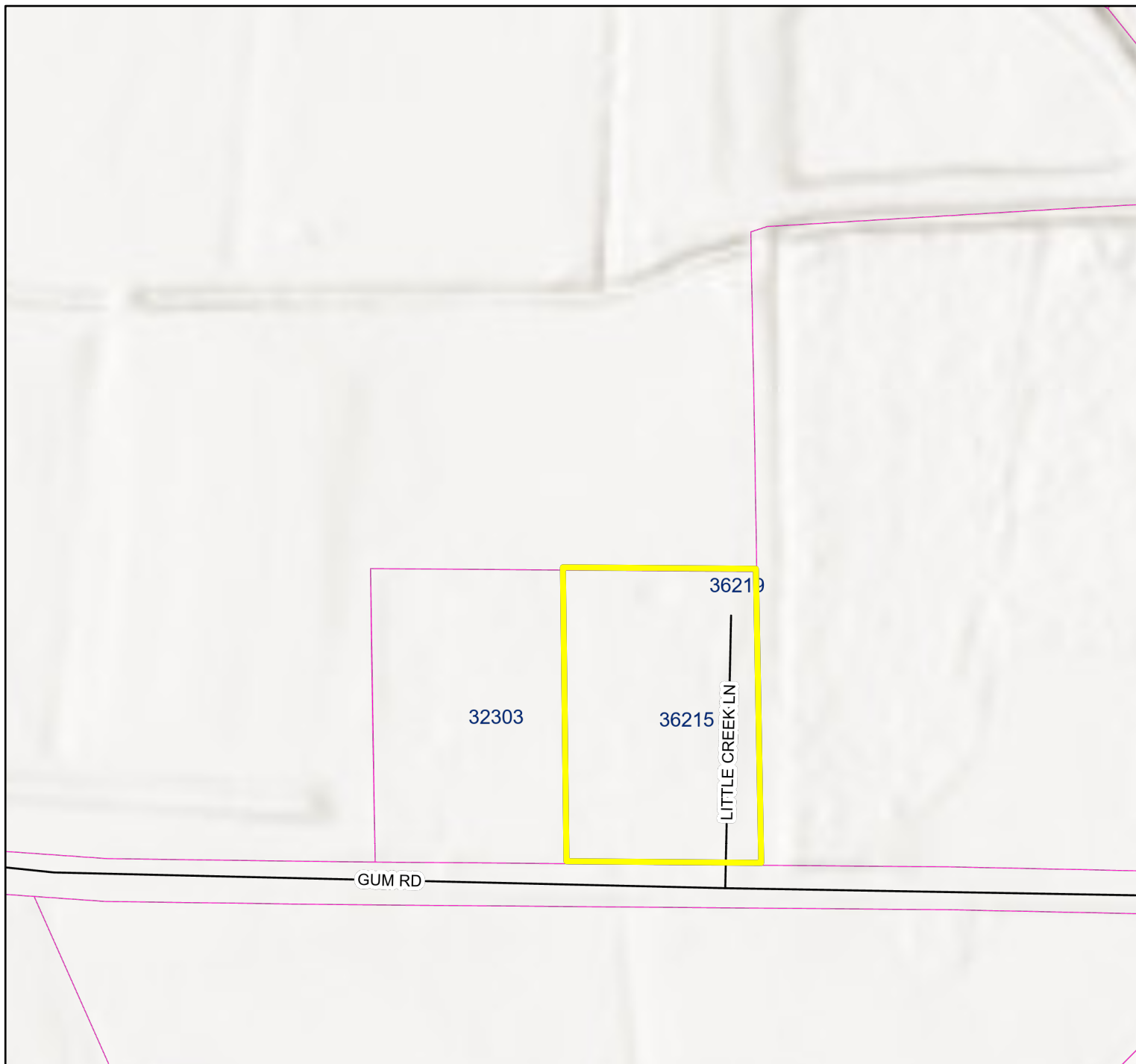
| | |
|------------------------|-------------------------------|
| PIN: | 533-10.00-46.02 |
| Owner Name | HUNT RENNIE SHAFFER REV TR |
| Book | 6279 |
| Mailing Address | 32014 BAYWIND WALK |
| City | SELBYVILLE |
| State | DE |
| Description | |
| Description 2 | |
| Description 3 | |
| Land Code | |

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








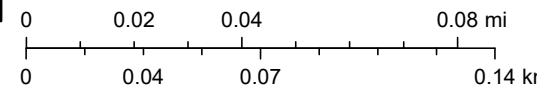


Letter Landscape Parcel Details



| | |
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-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World_Hillshade



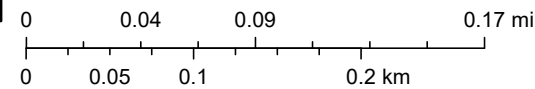


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| Description 3 | |
| Land Code | |

- Tax Parcels
- Streets
- County Boundaries
- World_Hillshade



**Council District: Mr. Hudson
Tax I.D. No.: 533-10.00-46.02
911 Address: 36215 & 36219 Little Creek Lane, Frankford**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A SITE DEVELOPMENT BUSINESS WITH OFFICE AND OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS

WHEREAS, on the 13th day of November 2023, a Conditional Use Application, denominated Conditional Use No. 2494 was filed on behalf of Rennie Hunt; 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. 2494 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. 2494 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Sussex County, Delaware, and lying on the north side of Gum Road (S.C.R. 392), approximately 0.12 mile west of Roxana Road (Route 17) and being more particularly described in the attached legal description prepared by Ridgway Law Group, LLC, said parcel containing 1.38 acre, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 4, 2025

RE: County Council Report for C/Z 2028 filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee

The Planning and Zoning Department received an application (C/Z 2028 filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial District for Tax Parcel 335-8.00-36.06. The property is located at 1006 Kings Highway, Lewes. The parcel size is 1.529 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of July 23, 2025, the Planning & Zoning Commission recommended approval of the application for the 13 reasons of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on July 23, 2025.

Minutes of the July 23, 2025, Planning & Zoning Commission Meeting

C/Z 2028 Oscar H. Jr. & Thelma M. Warrington Trustee

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS. The property is lying on the west side of Kings Highway (Rt. 9), approximately 0.36 mile northwest of Gills Neck Road (S.C.R. 267). 911 Address: 1006 Kings Highway, Lewes. Tax Map Parcel: 335-8.00-36.06.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Rezoning Survey, the property deed, the DelDOT Service Level Evaluation Response letter, a



comment letter from the Sussex County Engineering Department Utility Planning Division, and the Applicant's Exhibit Book. Mr. Whitehouse advised the Commission that three public comments were submitted for the application, which were placed in the Commission's paperless packet.

The Commission found that Mr. David Hutt, Esq., with Morris James LLP, spoke on behalf of the Applicant, CommDel, LLC; that also present were Mr. Rodney Cunningham, Principal of CommDel, LLC, and Mr. Zac Crouch, P.E., with Davis, Bowen & Friedel, Inc. Mr. Hutt stated that CommDel, LLC is the Applicant and contract purchaser of the property; that the current owners of the property are the successor trustees of the Oscar H. Warrington Junior Trust and the Thelma M. Warrington Trust, and the successor trustees are Oscar H. Warrington, III, Virginia L. Lynch, and Sue Ann Newsham; that the application is a proactive solution, which makes common sense and business sense; that the application seeks to rezone a 1.5 acre portion of the site, which is currently zoned AR-1 (Agricultural Residential); that the application seeks to change the zoning designation to the C-2 (Medium Commercial) Zoning District; that the site is located behind and beside a commercial strip center, being best known for Mr. P's Pizzeria, Pure Bliss Salon & Spa, Hing Wang Chinese restaurant, and PedalTec Electronic Bikes; that The Brush Factory on Kings is located immediately to the north of the site; that First Baptist Church of Lewes and Big Oyster Brewery; that to the west of the site is the Lodge at Historic Lewes; that behind the Lodge at Historic Lewes is Dutchman's Harvest, a workforce housing community currently under construction; that immediately behind the property is now located within the municipal limits of the City of Lewes; that in April of the past year, a town home community was approved for the municipal property, to be known as Overfall Preserve; that the area is well known, with many commercial businesses, institutional and residential uses, existing along the roadway; that it is also an access point off Kings Highway into the Cape Henlopen school; that it is also well known as it is one of the main roadways into the City of Lewes, and a main access road to the Cape May Lewes Ferry and the Cape Henlopen State Park; that there are number of businesses and commercial uses along Rt. 9 and Kings Highway in the area; that also within the surrounding area are the locations of Lane Builders, the real estate offices for Jack Lingo, the Cape Henlopen Medical Center, Kingston Court, and the Cape Professional Campus; that directly across from the Cape Professional Campus is the future Village Center Commercial area, which the Planning Commission has reviewed the site plan for; that the proposed rezoning will seek to solve a future problem, and also will provide a number of other benefits; that the one issue the rezoning seeks to resolve is the taking of property that will occur as DelDOT improves and dualizes Kings Highway in the future; that the future DelDOT improvements will take a significant portion of most of the property owners along Kings Highway, including the strip center where Mr. P's Pizzeria is located; that these property owners will lose their entire first row of parking and some of the drive aisle located in front of the building; that the solution Mr. Cunningham has proposed to address the problem, was to move the commercial back, to allow all the existing businesses to remain in their current locations, by moving behind the building; that Mr. Cunningham also explored the possibility of creating a mixed-use of the property, where commercial would be provided on the first floor and residential would be located above the commercial; that this proposal is currently still being explored; that the property behind the existing commercial strip center is not currently owned by Mr. Cunningham, and is currently zoned AR-1 (Agricultural Residential); that the first step was to get the property under contract; that the next step was to file for the Sussex County Change of Zone to request an amendment to the County's Zoning Map to create a C-2 (Medium Commercial) district, which would allow for the building to be moved back; that should be application be approved, Mr. Cunningham's primary goal is to be able to construct those new facilities behind the existing building, with the intention of doing that while the existing tenants are in the building located in the front; that this will allow those business to be required to shut down for a very short period of time in the future, as they relocate

from the front building to the back; that the proposed rezoning matches and aligns with the land use sense of the property, when looking at the State Strategy Maps, the Comprehensive Plan and the characteristics and purposes of the C-2 (Medium Commercial) Zoning classification; that on the 2020 State Strategies Map promulgated by the Office of State Planning Coordination, the entire area is located within Investment Level 1; that the Investment Level 1 is an area where State investments and policies support and encourage a wide range of uses, including commercial activities; that the application was sent through the PLUS process, which was included into the application's record; that the PLUS letter stated that development within Investment Level 1 was consistent with the 2020 Strategies for State Policies and Spending; that the Office of State Planning Coordination had no objections to the proposed rezoning, provided that it meets the relevant codes and ordinances of the County; that according to the County's 2045 Future Land Use Map of the 2018 Comprehensive Plan, the entire area is located within either the Coastal Area or the Commercial Area, which are growth areas; that the C-2 (Medium Commercial) classification is an applicable district, pursuant to Table 4.5-2 of the Comprehensive Plan; that within Chapter 4 of the Coastal Area, with respect to purpose and use, as a location where retail and office uses are appropriate; that larger shopping centers and office parks should be confined to selected locations with access along arterial roads, with appropriate mixed-use development should also be allowed; that the proposed application is consistent with all of the requirements; that the site is located along an arterial road; that mixed-use development is currently proposed; that according to the Sussex County and the City of Lewes Zoning Maps, the site is surrounded by a number of different business, commercial, and some residential zoning classification, being Sussex County's C-1 (General Commercial) or C-3 (Heavy Commercial) Zoning, the City of Lewes' R-5 (Mixed Residential Zone), which allows for medium to higher densities, the City of Lewes' Community Facilities Healthcare Zoning, the AR-1 (Agricultural Residential), being the location of First Baptist Church of Lewes, and the City of Lewes' General Commercial District; that also the surrounding area includes commercial areas designated as B-1 (Neighborhood Business); that there are also multiple approved Conditional Uses within the area as well; that the Cape Henlopen Medical Center, being a 39,000 square foot office space, located at the intersection of Gills Neck Road and Kings Highway was approved as Conditional Use No. 2112; that there are no wetlands located on the site; that according to the FEMA Flood Maps, the property is located within Flood Zone X, which is located outside of the 500 year floodplain; that the site is located within a Wellhead Protection Area, and will be subject to the Chapter 89 Source Water Protection requirements; that water and sewer will be provided through the City of Lewes Board of Public Works; that a Service Level Evaluation Request was filed with DelDOT; that DelDOT indicated that the proposed rezoning would have a minor impact on the local area roadways; that the developer may be eligible to pay an Area Wide Study Fee in lieu of doing a Traffic Impact Study; that this requirement would need to be determined, as the site plan is finalized in coordination and contact with DelDOT, regarding the exact uses and generated traffic; that area traffic has been studied extensively through a number of studies and projects; that there was a Traffic Impact Study performed for the Mitchell's Corner project, which is located directly across Kings Highway; that there was a Traffic Operations Analysis performed as part of the commercial area of the Village Center; that DelDOT has been studying the area for some time as part of DelDOT's dualization of Kings Highway from Dartmouth Drive to Freeman Highway through Contract No. T202212901; that there are basic height, area, and bulk requirements per the Code for the C-2 (Medium Commercial) District; that the property meets those minimum area requirements for the C-2 District is 15,000 square feet; that the property is slightly over 1.5 acres; that the minimum width is 70.5 feet and the minimum depth is 100 feet, all of which are vastly exceeded; that the property can meet all of the C-2 District setback requirements; that there is a 60 foot Front Yard setback, with a five foot Rear and Side Yard setback; that when located adjacent to residential uses, the Side Yard setbacks increases to 20 feet, and the Rear Yard setback increased to 30 feet; that the purpose of the

C-2 Zoning District is to support uses that include retail sales and performance of consumer services; that the district permits a variety of retail, professional and service businesses; that the district shall be primarily located near arterial and collector streets; that the district accommodates community commercial uses that do not have outside storage or sales; that DelDOT classifies the site's portion of Kings Highway as another principal arterial, which is referred to as a major arterial roadway per the Sussex County Code; that the property would come out to Rt. 9, right next to the commercial strip center; that the dualization of Rt. 9 will impact all properties along Rt. 9, as DelDOT needs to acquire additional rights of way and permanent easements to construct the improvements to the Kings Highway corridor; that if the rezoning were to be approved, the three parcels that would comprised the project would be both parcels that are part of Mr. P's Pizzeria commercial strip center; that there is a property line that bisects the existing building; that the two parcels would be combined; that the goal would be to construct the new building behind the existing building, while the existing building remains operational; that commercial zonings require a 60 foot Front Yard setback; that if the existing strip center remained, it would not be close to complying with the current Sussex County setback requirements; that if the rezoning were approved, and the parcels become consolidated, the commercial uses could be pushed back, allowing for appropriate parking; that accessibility would be improved with modern buildings and a modern parking lot; that stormwater management would be enhanced with a modern site plan, which will be required to go through the regulatory process; that part of the entranceway and parking for the existing commercial strip center is located on the subject site consisting of 1.5 acres; that this occurs through an easement for ingress, egress and parking; that this is a formalization of the process, which also allows it to extend further into the side and rear of the property; that the businesses being accommodated are long standing businesses for more than 20 years within the Lewes community; that this also tracks with the County's land use process for the two parcels that would form the landmass; that in 1979, Conditional Use No. 549 was approved for a retail shop and office, which was Thelma Warrington's clothing store, which is now known as Pure Bliss Salon & Spa; that in 1982, Conditional Use No. 701 was approved for a grocery store, which is now the current location of Mr. P's and the Chinese restaurant; that in 1985, the County stopped granted Conditional Uses for the properties, and granted a Change of Zone through Ordinance No. 236, for Change of Zone No. 646, which changed the zoning designation of both properties to the C-1 (General Commercial) District, at which time the third building was constructed for a shoe store, which is the current location of the bicycle shop; that Mr. Cunningham believes that it is important for these businesses to be able to move back, to allow the businesses to stay in place and hopefully survive; that customers that are familiar with the business will still know their location and how to get to the establishments; that he had five letters of support to submit into the record; that the support letters were from all of the immediately adjacent property owners, being the owner of The Lodge at Historic Lewes and Dutchman's Harvest, the contract purchaser and developer of Overfall Preserve, and the property owner for the location of the Brush Factory; that there are also support letters from the business tenants for Mr. P's Pizzeria and Pure Bliss Salon and Spa; that he requested to submit proposed Findings of Fact; that the application is being requested to help support the relocation of local businesses along Kings Highway, as DelDOT proceeds through their improvements; that as noted, the site is an appropriate area according to the State Strategies Map, the County's Comprehensive Plan, and matches the characteristics of the Medium Commercial District of the Sussex County Zoning Code, and for all the stated reasons, the Applicant, as well as the current owners, and the current tenants of the property would request that the Planning & Zoning Commission recommend approval of the Change of Zone application.

Mr. Collins stated that the Commission is unable to impose conditions on Change of Zone applications; that he questioned whether everything described would align with the Lewes Scenic Byway Plan, DelDOT's plans, and the City of Lewes.

Mr. Hutt stated that the proposed rezoning and proposed plans would align; that the review and site plan process will involve speaking and meeting with them to discuss what the frontage of the property will look like; that Mr. Cunningham hopes that he is well ahead of DelDOT on the proposed project, and it will likely fall onto DelDOT to make those requirements.

Mr. Robertson stated that there were a few letters submitted, one being from the City of Lewes, and the other being from the Lewes City Scenic Byway Committee regarding the frontage and interconnectivity; that these issues are addressed during site plan review; that should the application be approved, these things will not be addressed as a Condition of Approval, as the Commission is not permitted to place conditions on rezoning applications; that both of the mentioned issues are areas near and dear to the Commission, and would be addressed during site plan review and approval.

Mr. Hutt stated that the submitted letters from the City of Lewes and the Lewes City Scenic Byway Committee were somewhat dated, being over a year old; that the letters were filed when the Overfall Preserve project was going through the City of Lewes, and there is a pedestrian access point of interconnectivity, which is reflected on the Overfall Preserve Preliminary Site Plan, which received approval in April 2025.

The Commission found that there were two people present who wished to speak on the Application. Ms. Kim Hoey-Stevenson, resident of Lewes, spoke in support of the Application. Ms. Hoey-Stevenson stated that the proposed rezoning will align with the Comprehensive Plan and requested that the Commission consider interconnectivity between commercial districts during the site plan review process.

Mr. Doug Spellman provided a neutral comment on behalf of the Historic Lewes Byway. Mr. Spellman stated that many of their comments had already been made; that their concern is regarding interconnectivity; that they would like to see the path come all the way to Kings Highway, and they would like to see the developer work with the Lewes Scenic Byway Landscape Committee as well.

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

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

Mr. Robertson read Mr. Collins' motion into the record, per Mr. Collins' request.

Mr. Collins moved that the Commission recommend approval of C/Z 2028 Oscar H. Jr. and Thelma M. Warrington, Trustee, for a change in zone from AR-1 Agricultural-Residential zoning to C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. C-2 Zoning is intended to be located near arterial and collector roads, and this site is located along an arterial road, as designated by Sussex County and DelDOT.

2. The Applicant's property is generally located along King's Highway adjacent to the boundaries of the City of Lewes. It is next to a small strip mall, the Brush Factory, and a senior living development, it is across from a brewpub, church, and builder, and it is near an existing medical office building, real estate office, and Cape Henlopen High School. The property to the rear has been approved as a townhouse community by the City of Lewes. There are other business, commercial, and institutional zonings and uses in the immediate area. This is an appropriate location for C-2 zoning. Conversely, AR-1 Agricultural Residential Zoning is no longer the most appropriate zoning category at this particular location.
3. C-2 Zoning at this location along King's Highway will benefit nearby residents of Sussex County and the City of Lewes by providing a convenient location for retail uses or consumer services.
4. The rezoning will allow the redevelopment of the existing strip mall in conjunction with DelDOT's planned improvements to Kings Highway. The Applicant has also stated that it intends to explore mixed-use (commercial over retail) buildings as part of the redevelopment of the site.
5. DelDOT has determined that this change in zone will result in a minor impact on area roadways.
6. The site is located within a Wellhead Protection Area, and the ultimate site plan and future development of the site will be required to comply with Chapter 89 of the Sussex County Code.
7. The site is served by central water and central sewer.
8. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
9. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
10. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
11. There is information in the record from the Lewes Scenic Byways Committee and the City of Lewes regarding the need for interconnectivity to connect Kings Highway with Savannah Road through this property and the adjacent properties that are within the City of Lewes. These are reasonable suggestions that can be implemented if this change in zone is approved. However, the site design and future interconnectivity must be considered and addressed as part of the ultimate site plan design for this property if this C-2 Zoning Change is approved. That process is separate from, and contingent upon, this rezoning to C-2 Medium Commercial.
12. There was no opposition to this rezoning, and there are five letters in support of this Application from adjoining property owners and tenants within the site.
13. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to recommend approval of C/Z 2028 Oscar H. Jr. & Thelma M. Warrington Trustee for the reasons and conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountye.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: July 23rd, 2025

Application: C/Z 2028 Oscar H. Jr. & Thelma M. Warrington Trustee

Applicant: Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, Delaware 19963

Owner: Oscar H. Jr. & Thelma M. Warrington Trustee
10849 Mcdowell Shortcut Road
Murrells Inlet, South Carolina 29576

Site Location: The property is lying on the south side of Nine Foot Road (Rt. 26), approximately 949 feet southwest of DuPont Boulevard (Rt. 113).

Current Zoning: AR-1 – Agricultural Residential District

Proposed Zoning: C-2 – Medium Commercial

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Ms. Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Town of Lewes Board of Public Works

Water: Town of Lewes Board of Public Works

Site Area: 1.529 acres +/-

Tax Map ID.: 335-8.00-36.06



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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 15, 2025
RE: Staff Analysis for C/Z 2028 Oscar H. Jr. & Thelma M. Warrington Trustee

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2028 Oscar H. Jr. & Thelma M. Warrington Trustee to be reviewed during the July 23rd, 2025, Planning & 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: 335-8.00-36.06

Proposal: The request is for a Change of Zone for Tax Parcel: 335-8.00-36.06 from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcel is located on the northwest side of Kings Highway (Rt. 9) approximately 0.46 miles northwest of the intersection with Gills Neck Road (S.C.R. 267) and is comprised of a total of 1.53 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) Zoning District with adjacent properties to the north being zoned Agricultural Residential (AR-1) Zoning District. Parcel Directly adjacent to the east and west are located within the town limits of Lewes. A Parcel directly adjacent to the east is zoned General Commercial (C-1) District. Parcels directly across Kings Highway (Rt. 9) and further east are zoned Medium Density (MR) District, General Commercial (C-1) District, Medium Commercial (C-2) District, and Heavy Commercial (C-3) District.

Future Land Use Map Designation - (Comprehensive Plan): Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area" with all adjacent parcels also categorized under the Future Land Use Map designation of "Coastal Area".

As outlined within the 2018 Sussex County Comprehensive Plan, *Coastal Areas* are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The *Coastal Area* designation is intended to



recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, “this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region’s various habitats. And these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy” (2018 Sussex County Comprehensive Plan, 4-15).

In terms of residential/dwelling improvements, the Plan notes, “A range of housing types should be permitted in *Coastal Areas*, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

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

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

Further Site Considerations

- **Density:** County Code requirements for multifamily improvement in a (C-2) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II) (§115-31).
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is located within the vicinity of lands use for agricultural purposes.
- **Interconnectivity:** The site is located adjacent to a C-1 Zoned property and currently interconnectivity exists through an ingress & egress parking easement.
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X”. Staff note the site is

located within a Wellhead Protection Area. The Parcel is classified as within areas of “Good” in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Changes of Zone within the Vicinity of the Subject Site: There have been seven (7) historic Changes of Zone within a 1-mile radius of the site.


| Conditional Use Number | Tax Parcel # | APPLICANT | 911 Address or Road Name | Current Zoning | Proposed Use | CC Decision Date | CC Decision | Ordinance Number |
|------------------------|----------------|------------------------------|-----------------------------|----------------|--------------|------------------|-------------|------------------|
| 1802 | 335-12.00-3.00 | J.G. Townsend Jr. & Co. | Gills Neck Road & Kings Hwy | AR-1 | B-1 | 8/23/2016 | Approved | 2480 |
| 1851 | 335-8.00-44.00 | The Evergreen Companies, LLC | 16386 Gills Neck Rd. | AR-1 | MR | 8/14/2018 | Approved | 2594 |
| 1857 | 335-8.18-28.00 | Elizabeth Ann Burkhardt | 1500 Savannah Rd. | AR-1 | B-2 | 10/9/2018 | Denied | |
| 1962 | 335-8.00-37.00 | Jeff-Kat, LLC | Kings Hwy. | AR-1 | C-3 | 5/17/2022 | Approved | 2854 |
| 1967 | 335-8.00-37.00 | Henlopen Properties, LLC | Kings Hwy & Gills Neck | AR-1 | MR | 7/26/2022 | Approved | 2874 |
| 1968 | 335-8.00-37.00 | Henlopen Properties, LLC | Kings Hwy & Gills Neck | AR-1 | C-2 | 7/26/2022 | Approved | 2875 |

| | | | | | | | | |
|------|----------------|-----------------------------|------------------|------|----|-----------|----------|------|
| 1979 | 335-12.00-3.00 | JG Townsend Jr. & Co. | Gills Neck Rd | AR-1 | MR | 12/5/2023 | Approved | 2963 |
|------|----------------|-----------------------------|------------------|------|----|-----------|----------|------|




State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, IGC

CZ 2028 Warrington
Aerial Map
TM# 335-8.00-36.06

 CZ 2028 Warrington

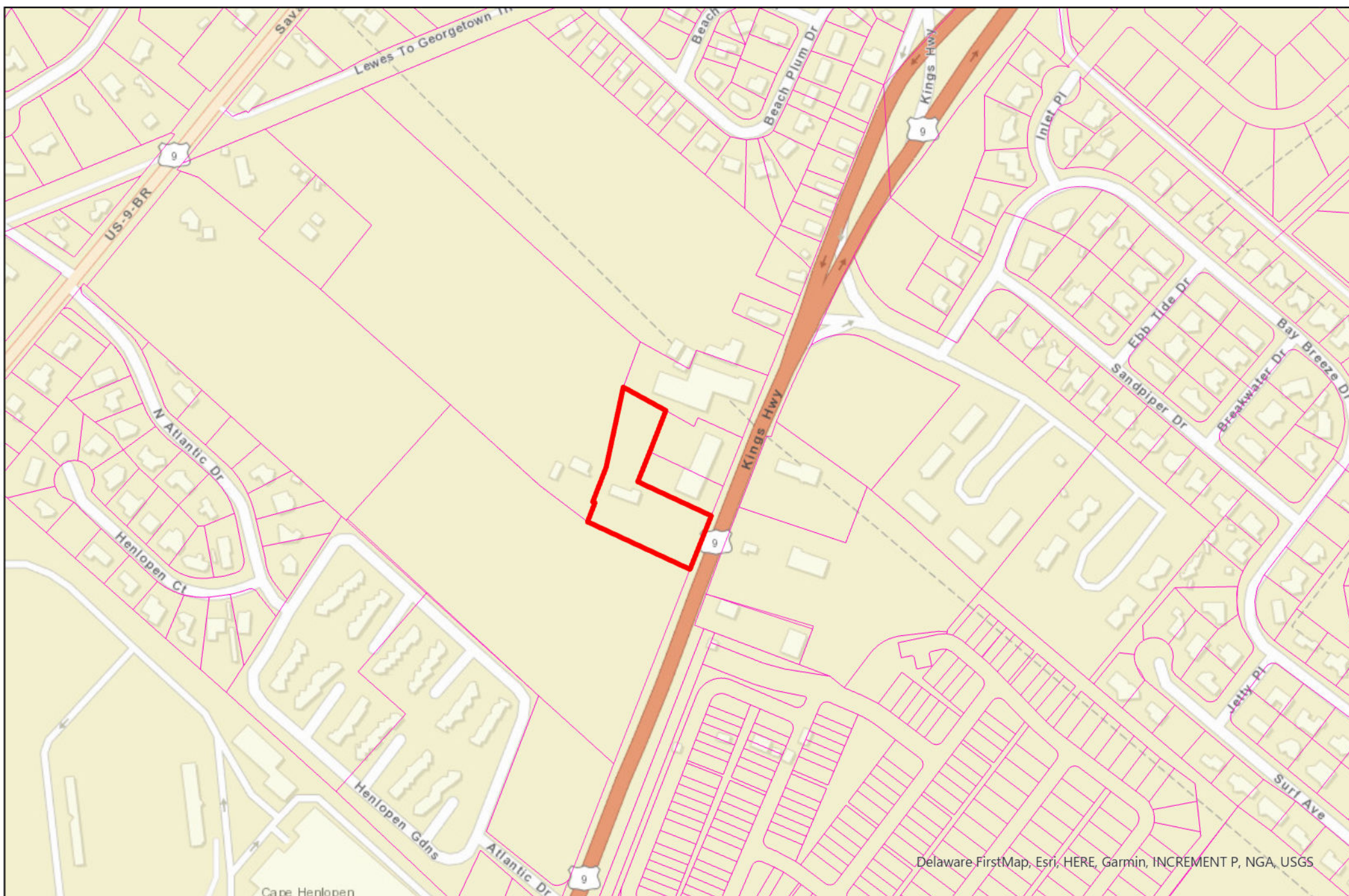


N




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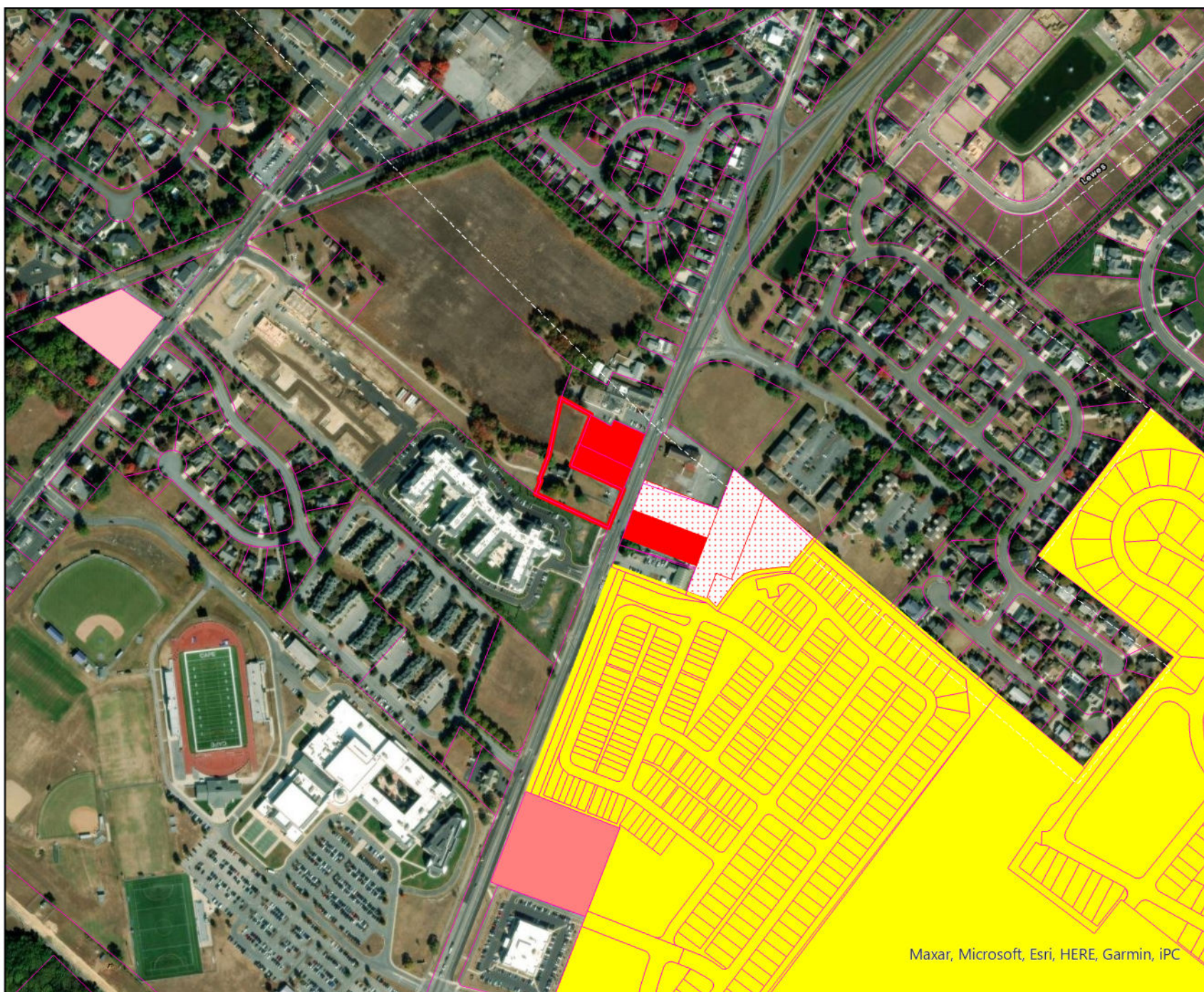
**CZ 2028 Warrington
Streets Map
TM# 335-8.00-36.06**

 CZ 2028 Warrington

N

0 125 250 500 Feet





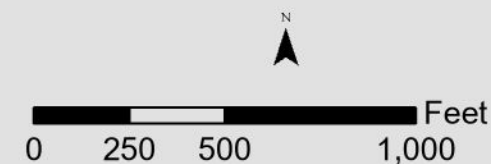
Zoning

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

Maxar, Microsoft, Esri, HERE, Garmin, iPC

**CZ 2028 Warrington
Zoning Map
TM# 335-8.00-36.06**

 CZ 2028 Warrington



Introduced: 6/24/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-8.00-36.06
911 Address: 1006 Kings Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS

WHEREAS, on the 31st day of January 2024, a zoning application, denominated Change of Zone No. 2028 was filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2028 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Kings Highway (Rt. 9), approximately 0.36 mile northwest of Gills Neck Road (S.C.R. 267) and being more particularly described in the attached legal description prepared by Morris James, LLP, said parcels containing 1.529 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.