

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 16, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - September 9, 2025

[Draft Minutes 090925](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement – IUA-1199-1
Lightkeeper's Village, West Rehoboth Area
[Consent Agenda - Lightkeepers Village](#)

2. Proclamation Request - Literacy Month

Presentation – Delaware Department of Transportation - Project & TID Updates

Todd Lawson, County Administrator

1. Administrator's Report



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

Jamie Whitehouse, Planning & Zoning Director

1. **CU2313 filed on behalf of John Ford – request for an extension**
[CU2313 Time Extension Request](#)

John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare and Post Notices for Lands of Ghulam Dastgir, LLC Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area)**
[Permission to Prepare & Post Notices](#)

Mike Harmer, County Engineer

1. **Asset Management Initiation**

A. Arcadis, Inc. – Amendment 1
[Arcadis Amd No 1](#)

Mark Parker, Assistant County Engineer

1. **New Marydels Rd, Tanglewood & Oak Acres Sewer Extension, Projects S19-19 & S22-24**

A. Approval of Project Closeout and Supplemental Funding Request Submission

B. Approval of GMB Amendment
[New Marydels Rd, Tanglewood & Oak Acres Sewer Ext](#)

Hans Medlarz, Project Manager

1. **King's Highway from SR-1 to Freeman Highway Advanced Utility Relocation**

A. Christiana Excavating Co. – Change Order No.1 Gills Neck Road MOT
[Kings Hwy CO No 1](#)

Grant Requests

1. **Misphillion Performance Series for their 2025-26 Season – Honorarium for Musical Artists**
[Misphillion Performance Series](#)
2. **Francois Foundation for Autism for their Sensory Art and Craft program**
[Francois Foundation for Autism](#)
3. **Bridgeville Apple Scrapple Festival Inc. for their 33rd Annual Apple Scrapple festival**
[Bridgeville Apple Scrapple](#)
4. **Trinity Foundation for their 2025 Golf Tournament**
[Trinity Foundation](#)

Introduction of Proposed Zoning Ordinances

[Ord Intro CU2506 CU2610](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. [Conditional Use No. 2568 filed on behalf of Unitarian Universalist Society of Southern Delaware](#)

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

[Public Hearing CU2568](#)

2. [Change of Zone No. 2024 filed on behalf of The Christopher Companies](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS” (properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road [S.C.R. 373], and the west side of Horse Play Way, accessed from the west side of Roxanna Road [Rt. 17], approximately 0.48 mile south of Peppers Corner Road [S.C.R. 365]) (911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945) (Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18)

[Public Hearing CZ2024](#)

3. [Change of Zone No. 2001 filed on behalf of Belmead Farm, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” (property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20033 John J. Williams Highway, Lewes) (Tax Parcel Nos.: 334-18.00-40.01 & 40.06)

[Public Hearing CZ2001](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 9, 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, SEPTEMBER 9, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 9, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 386 25 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the Agenda as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from August 19, 2025, were approved by consensus.
Correspondence	Mr. Moore reported that letters were received from Down Syndrome Association of Delaware, Shoes That Fit, Cape Henlopen Senior Center and Delaware Technical Community College thanking Council for their support.
Public Comments	Public comments were heard. Ms. Kate Gemma spoke about social stability in Sussex County. Ms. Alison White spoke about pending land use applications. Ms. Janet Le Digabel spoke about traffic in Sussex County.
M 387 25 Approve Consent Agenda	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to approve the following item on the Consent Agenda: Proclamation Request – Emergency Preparedness Month

Motion Adopted: 5 Yeas

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

Third Quarter Employee Recognition Karen Brewington, Human Resources Director, presented the third quarter employee recognition awards. She reported that there were 57 submissions received this quarter. This quarter's recipients were Abby Disque from Building Code, Clint Whaley from Building Code, William Soto from Building Code, Danielle Lones from Building Code & Planning & Zoning, Alex Kansak from the Engineering Department and Kellie Peterson, from Emergency Communications.

Personnel Board Mr. Lawson reported that a reappointment is needed for the personnel board. Ms. Kathy Newcomb has agreed to serve another term.

M 388 25 Approve Personnel Board Reappointment A Motion was made by Mr. Rieley. seconded by Ms. Gruenebaum be it moved that County Council approves the reappointment of Ms. Kathy Newcomb to the Sussex County Personnel Board immediately for a term of three years.

Motion Adopted: 5 Yeas

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

Discussion/ Ord No. 3016 A discussion was held regarding Ordinance No. 3016 – regulating marijuana regulations. Mr. Lawson reported that SB75 was vetoed by the Governor. During that time, the Governor's staff contacted the County and asked if they would consider changing the Ordinance that the County currently has in regard to marijuana establishments. Mr. Lawson provided history of the Ordinance. Mr. Robertson reviewed the criteria of the Ordinance that was put in place. A discussion was held about the current guidelines and Council Members' thoughts were shared about how to move forward.

**Adminis-
trator's
Report** Mr. Lawson read the following information in his Administrator's Report:
1. Government Finance Officers Triple Crown Award

I am pleased to announce that Sussex County has received the prestigious Triple Crown Award from the Government Finance Officers Association of the United States and Canada. The GFOA's Triple Crown award recognizes governments that have received

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

GFOA's Certificate of Achievement for Excellence in Financial Reporting, Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award for the previous year.

Please join me in congratulating Finance Director Gina Jennings and her staff for a job well done.

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

**SC HVAC
Replace-
ment**

Mike Harmer, County Engineer, presented a recommendation to award for the South Coastal Library HVAC replacement for Council's consideration.

**M 389 25
Approve SC
HVAC
Replacemen
t**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that based upon the recommendation of the Sussex County Engineering Department, that contract G23-24 for South Coastal Library HVAC replacement project, be awarded to Joseph T. Richardson, Inc. for their total bid of \$344,000.00.

Motion Adopted: 5 Yeas

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

**Sugar Maple
Farms Rd
Improve**

Mark Parker, Assistant County Engineer, presented a recommendation to award for the Sugar Maple Farms road improvements for Council's consideration.

**M 390 25
Approve
Sugar Maple
Farms Road
Improve-
ments**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved that based upon the recommendation of the Sussex County Engineering Department, that project T25-40 Sugar Maple Farms road improvements be awarded in the not-to-exceed amount of \$374,224.86 to Jerry's Inc.

Motion Adopted: 5 Yeas

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

**Chesapeake
Utilities**

Mark Parker, Assistant County Engineer, presented a request for approval of a first amendment for Chesapeake Utilities customer advance agreement for Council's consideration.

M 391 25

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it

Chesapeake Utilities Agreement moved based upon the recommendation of the Sussex County Engineering Department in coordination with the Finance Department that the first amendment to the customer advance agreement with Chesapeake Utilities be approved as presented.

Motion Adopted: 5 Years

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

IB Loop CO No. 3 Hans Medlarz, Project Manager, presented change order no. 3 for Inland Bays loop project for Council's consideration.

M 392 25 Approve CO No. 3/Inland Loop A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that change order no. 3 for contract S24-01, Inland Bays Loop project be approved, increasing the contract by \$909,915.98.

Motion Adopted: 5 Years

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

Wolfe Neck CO No. 2 Hans Medlarz, Project Manager, presented change order no. 2 for Wolfe Neck regional wastewater facility for Council's consideration.

M 393 25 Approve CO No. 2/ Wolfe Neck RWF A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that change order no. 2 to the Wolfe Neck Regional Wastewater Facility – Denali sludge removal agreement be approved, increasing the contract amount by \$75,000.00.

Motion Adopted: 5 Years

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

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

M 394 25 Leadership Delaware A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$4,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account, \$1,000 from Rieley's Councilmanic Grant Account, \$1,000 from Mr. McCarron's Councilmanic Grant Account, \$500 from Mr. Lloyd's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account)

to Leadership Delaware Inc. for their Sussex County Leadership development program.

Motion Adopted: 5 Yeas

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

M 395 25 Historical Georgetown Association **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$2,500 (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Historical Georgetown Association for their train station museum and first fire house.**

Motion Adopted: 5 Yeas

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

M 396 25 Millsboro Little League **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,500 (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Millsboro Little League for their LED lighting replacement.**

Motion Adopted: 5 Yeas

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

M 397 25 Chamber of Commerce for Greater Milford **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give \$1,000 (\$1,000 from Mr. McCarron's Councilmanic Grant Account) to the Chamber of Commerce for Greater Milford for their Riverwalk Freedom Festival.**

Motion Adopted: 5 Yeas

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

M 398 25 Bethel Historical Society **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give \$4,000 (\$4,000 from Mr. Lloyd's Councilmanic Grant Account) to the Bethel Historical Society, Inc. for a community pavilion.**

Motion Adopted: 5 Yeas

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

M 399 25 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,500
Greater (\$2,500 from Mr. Rieley's Councilmanic Grant Account) to the Greater
Millsboro Millsboro Chamber of Commerce Inc. for safety & policing at their
Chamber of community events.
Commerce

Motion Adopted: 5 Yeas

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

M 400 25 A Motion was made by Mr. McCarron, seconded by Mr. Rieley to give
New \$1,500 (\$1,000 from Mr. McCarron's Councilmanic Grant Account and
Coverdale \$500 from Mr. Rieley's Councilmanic Grant Account) to New Coverdale
Outreach Outreach Mission, Inc. for their back-to-school program.
Mission Inc.

Motion Adopted: 5 Yeas

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

Proposed Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE
Ordinances TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
Introduct- AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROPANE TANK
ions 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" filed on behalf
of Larry Marshall.

Mr. McCarron introduced a Proposed Ordinance entitled "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" on behalf of Sussex Materials, LLC.

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 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,

Proposed Ordinances Introductions (continued)	<p>MORE OR LESS” filed on behalf of Andrew Lewandowski.</p> <p>Mr. McCarron 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-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” filed on behalf of 1630 Ventures LLC.</p> <p>The Proposed Ordinances will be advertised for a Public Hearing.</p>
CM Comments	<p>Mr. Rieley commented that the Land Trust recently announced the acquisition of 32 acres on Robinsonville Road, which will be known as Chase Oaks Preserve.</p> <p>Mr. McCarron commented that he appreciates Ms. White’s comments today about upcoming applications.</p>
M 401 25 Go Into Executive Session	<p>At 11:28 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to 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 11:35 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 12:44 p.m.</p>
M 402 25 Reconvene	<p>At 12:46 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session.</p> <p>Motion Adopted: 3 Yeas, 2 Absent</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Absent; Mr. Rieley, Absent; Mr. Hudson, Yea</p>
M 403 25 E/S Action Parcels 2025 I-P	<p>A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, to authorize the County Administrator to negotiate, enter into a contract and go to closing on parcels identified as 2025 I-P.</p>

Motion Adopted: 3 Yeas, 2 Absent

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

M 404 25 **At 12:47 p.m., a Motion was made by Mr. McCarron, seconded by Ms.**
Recess **Gruenebaum to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: 3 Yeas, 2 Absent

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

M 405 25 **A Motion was made by Mr. McCarron, seconded by Mr. Rieley to**
Reconvene **reconvene.**

Motion Adopted: 3 Yeas, 2 Absent

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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2517 **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) filed on behalf of High
 Tide Church, Inc.

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.

The Council found that Mr. Mark Davidson, Principal Land Planner with
Pennoni spoke on behalf of the Applicant, High Tide Church, Inc.; 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

**Public
Hearing/
CU2517
(continued)**

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 sets 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 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

**Public
Hearing/
CU2517
(continued)**

Ad Art, Inc. who is aware of the Sussex County Sign rules and regulations.

There were no public comments.

The Public Hearing and public record were closed.

**M 406 25
Adopt
Ordinance
No. 4014/
CU2517**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4014 entitled “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” for the reasons given by the Planning & Zoning Commission as follows:

- 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 Adopted: 5 Yeas

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

**Public
Hearing/
CU2493**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT 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) filed on behalf of Rennie Hunt.

**Public
Hearing/
CU2493
(continued)**

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.

The Council 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 the parcel is used to support Mr. Hunt's business; that the parcel is located within the Coastal Area; that the proposed and current activity on the parcel conforms with the area's designation; that they are in receipt of the Commission's recommendation; that they request that the request be granted as recommended by the Planning & Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 407 25
Defer
Action/
CU2493**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT 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".

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
CU2494**

Mr. Whitehouse presented a Proposed Ordinance entitled "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) filed on behalf of Rennie Hunt.

The Planning & Zoning Commission held a Public Hearing on the application on July 23, 2025. At the meeting of August 6, 2025, the Planning

Proposed Ordinance CU2494 (continued)	<p>& Zoning Commission recommended denial of the application for the 8 reasons as outlined.</p> <p>The Council 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 the applicant desires to withdrawal the application at this time.</p>
M 408 25 Approve Withdrawal Request/ CU2494	<p>A Motion was made by Mr. Rieley, seconded by Mr. McCarron to allow the withdrawal of CU2494 with the condition that the premises be returned to the natural condition that complies with the current zoning within 60 days.</p> <p>Motion Adopted: 5 Yeas</p> <p>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea</p>
Public Hearing/ CZ2028	<p>A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-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) filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee.</p> <p>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.</p> <p>The Council 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</p>

**Public
Hearing/
CZ2028
(continued)**

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

**Public
Hearing/
CZ2028
(continued)**

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 is 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

**Public
Hearing/
CZ2028
(continued)**

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

**Public
Hearing/
CZ2028
(continued)**

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 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 County Council recommend approval of the Change of Zone application without Finding No. 11 provided by the Planning Commission.

Public comments were heard.

Ms. Gail Van Guilder from the Lewes Byways spoke about the interconnectivity between these properties; that during the PZ hearing, one of their members requested connectivity for bike pedestrians be included in the site plan; that she understands that the connection will be opened to this property; that it was requested that there be a safe bike pathway for people.

Mr. Crouch confirmed that this has been discussed and will be coordinated as requested.

The Public Hearing and public record were closed.

**M 409 25
Adopt
Ordinance**

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4015 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-

**No. 4015/
CZ2028**

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” for reasons no. 1-10 and 12-13 as given by the Planning & Zoning Commission as follows:

- 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 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 use 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.**
- 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 Adopted: 5 Yeas

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

M 410 25 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to**
Adjourn **adjourn at 2:40 p.m.**

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

Consent Agenda 09-16-2025

Lightkeeper's Village IUA-1199-1

Existing Wastewater Infrastructure Use Agreement

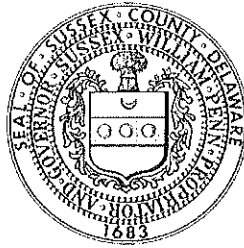
Lightkeeper's Village, LLC to pay \$146,112.00 for 107.00 EDUs.

West Rehoboth Area

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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



Sussex County

DELAWARE
sussexcountysde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement
Lightkeeper's Village IUA 1199-1
File: OM 9.01*

DATE: September 16, 2025

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

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

Under the proposed arrangement, **Lightkeeper's Village** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Lightkeeper's Village, LLC** will contribute **\$146,112.00** for the financial catch-up contribution of the existing infrastructure to serve **107.00** Equivalent Dwelling Units. Payment is required prior to beneficial acceptance of the projects on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Lightkeeper's Village – IUA-1199-1

THIS AGREEMENT ("Agreement"), made this _____ day of _____ 2025, by and between:

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

LIGHTKEEPER'S VILLAGE, LLC; a Delaware Limited Liability Corporation and developer of a project known as **Lightkeeper's Village**, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 335-12.00-3.14 to be known as **Lightkeeper's Village** ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **107.00** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$146,112.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to beneficial acceptance of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

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

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

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **246 Rehoboth Ave. Rehoboth Beach Delaware 19971.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

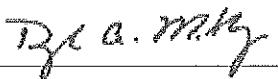
ATTEST:

Tracy Torbert
Clerk of the County Council

FOR LIGHTKEEPER'S VILLAGE, LLC

By:  (Seal)
Nick Hammonds

8/26/2025 (DATE)

WITNESS: 



Mackenzie M. Peet
Phone: (302) 421-6826
Fax: (302) 421-6813
mackenzie.peet@saul.com
www.saul.com

August 18, 2025

VIA EMAIL ONLY

Sussex County Planning & Zoning Office
Attn: Jamie Whitehouse, AICP, Director
2 The Circle
P.O. Box 417
Georgetown, DE 19947
Email: pandz@sussexcountyde.gov;
jamie.whitehouse@sussexcountyde.gov

RE: Request to Extend Conditional Use Validity Period; CU 2313 John Ford for a Realty Office to be located on the southeast side of Savannah Road (Route 9B), Sussex County, Delaware, being Tax Parcel No. 335-12.06-49.00 and containing +/- 0.57 acres (the "Property")

Dear Director Whitehouse:

I represent John Ford. On September 20, 2022, Mr. Ford received approval for conditional use CU2313 for a realty office at the Property. The attached Notice of Decision Letter (Exhibit A) provides additional details.

I write on behalf of my client to seek a sixth-month extension of this approval due to "significant medical or health issues."¹ Mr. Ford experienced significant medical and health issues that impacted his ability to proceed as originally planned.

In accordance with Sussex County Code § 99-40C(d), we have included a schedule and plan (Exhibit B) demonstrating that construction or use will be substantially underway within six months of the current approval's expiration.

Thank you for considering this request. If you require any additional information, please feel free to contact me by phone or email.

¹ Sussex County Code § 99-40C(1)(b).

Sincerely,

A handwritten signature in blue ink, appearing to be 'MP', with a horizontal line extending to the right.

Mackenzie M. Peet, Esquire

Enclosures

Cc: John Ford
Ted Williams, PE, FACEC
Lauren Devore, AICP, Planner III

Exhibit A

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



Sussex County
DELAWARE
sussexcountyde.gov

September 21st, 2022

Baird Mandalas Brockstedt, LLC
c/o Mackenzie M. Peet, Esq.
1413 Savannah Road, Suite 1
Lewes, DE 19958

By e-mail to: mackenzie@bmbde.com

RE: Notice of Decision Letter for Conditional Use (CU 2313) John Ford for a realty office to be located on the south east side of Savannah Road (Route 9B) approximately 0.16 mile northeast of the intersection of Savannah Road (Route 9B) and Wescoats Road (S.C.R. 269) containing 0.57 acres.
Tax Parcel: 335-12.06-49.00

Dear Ms. Peet,

At their meeting of Tuesday, September 20th, 2022, the Sussex County Council approved the Conditional Use (CU 2313) application for a realty office that has been filed on behalf of John Ford. The Conditional Use shall be substantially underway within three (3) years of the County Council approval otherwise the Conditional Use shall expire. A Site Plan showing the conditions of approval shall be reviewed and approved by the Planning Commission prior to commencement of the use on the parcel. This approval is subject to eight (8) conditions, and they are as follows:

- A. The use shall be limited to use as a real estate office within the existing structure. Any modifications to the floorplan of the existing structure shall be shown on the Final Site Plan.
- B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- C. The Applicant shall comply with any DelDOT entrance and roadway improvement requirements.
- D. Any security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
- E. Any trash receptacles shall be screened from view by neighboring properties and roadways.
- F. The Final Site Plan shall designate all parking areas and these shall be clearly marked on the site itself.
- G. The failure to comply with these conditions may result in the revocation of the Conditional Use approval.
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Final Site Plan shall be prepared by a licensed Delaware Surveyor or Engineer and shall contain the conditions of approval on the plan. The Final Site Plan shall be approved prior to the commencement of the use on the property. The Site Plan shall be reviewed and approved by the

Planning Commission. Agency approvals include but are not limited to: the Delaware Department of Transportation (DelDOT), Sussex Conservation District, and the Office of the State Fire Marshal.

Please submit a minimum of two (2) full size paper copies and an electronic copy (PDF) of the Preliminary Site Plan to the Planning and Zoning Office for review.

An approved copy of the Ordinance granting approval of the Conditional Use will be sent to you from the Clerk of Council.

Please feel free to contact the Planning and Zoning Department with any questions during business hours 8:30 a.m. to 4:30 p.m., Monday through Friday, at (302)-855-7878.

Sincerely,



Mr. Michael Lowrey
Planner III

CC: Mr. Lester Shaffer, Sussex County Chief Constable – Constable's Office
Ms. Susan Isaacs, Sussex County Engineering Project Coordinator Engineering – Public Works
Mr. Andy Wright, Chief of Building Code – Sussex County Building Code
Mr. John Ashman, Director of Utility Planning & Design – Engineering
John Ford – Owner, Applicant

Exhibit B

August 14, 2025

C 3086

Mr. John Ford
Billygoat Properties, LLC
228 Suurban Drive
Newark, DE 19711

Dear Mr. Ford:

**SUBJECT: 1528 SAVANNAH ROAD
SUSSEX COUNTY, DELAWARE**

The following is the projected schedule for obtaining approval of the subject project, the conversion of an existing dwelling into a realtors office:

1. DeIDOT
 - a. Submit final LONC Plan based upon initial review comment – 8/20/2025
 - b. LONC approval – 10/10/2025
2. Fire Marshal
 - a. Submit Fire Marshal Record Type Plan – 8/20/2025
 - b. Fire Marshal approval – 9/20/2025
3. Sussex County Planning
 - a. Submit Plan – 8/28/2025
4. Sussex County Conservation District
 - a. Obtain email/letter that no approval required as plan does not propose any land disturbance.

200 Continental Drive

Suite 400

Newark, DE 19713

302.323.9377

www.mckimcreed.com

C 3086
Mr. John Ford
August 14, 2025
Page Two

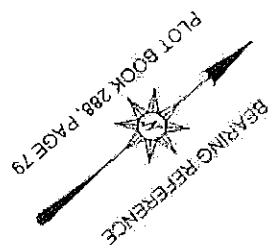
If you should have any questions or comments, please contact our office.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'T.C. Williams', with a stylized flourish at the end.

Ted C. Williams, P.E., FACEC
Vice President

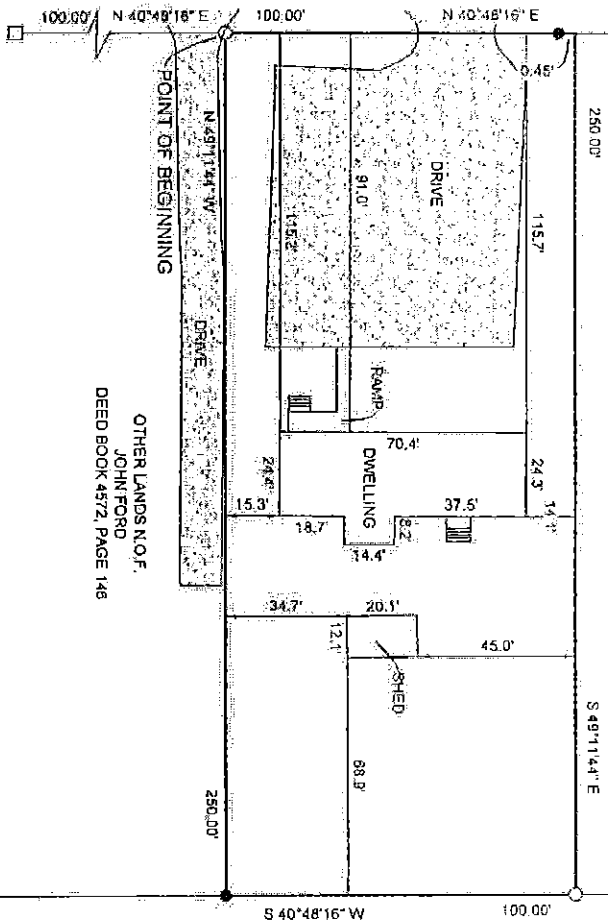
TAX MAP NO. 3-35-12-05-49-00



LANDS N.O.F.
MHC MCNICOL, PLLC
TAX MAP 335-12-05 PARCEL 36.01

LANDS N.O.F.
PAL LLC
DEED BOOK 4070, PAGE 344

COUNTY ROAD 18 (A.K.A. SAVANNAH ROAD)



LEGEND:

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- FOUND IRON BAR

NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 363, PAGE 190
- 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 4) SURVEY CLASSIFICATION: SUBURBAN



Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE • GEORGETOWN, DE
www.karinsengineering.com

17 POLLY DRUMMOND CENTER • SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900

128 WEST MARKET STREET
GEORGETOWN, DELAWARE 19347
PHONE: (302) 856-5589

DATE 05-19-2021

SCALE: 1" = 40'

DRAWN: MKK

CHECKED: CGA

I, CHARLES E. ADAMS, JR., REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL REQUIRE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

CHARLES E. ADAMS, JR., P.L.S. 506
[Signature]

BOUNDARY SURVEY PLAN

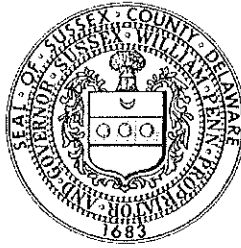
JOHN W. FORD
TAX MAP NO. 3-35-12-05-49-00
1528 SAVANNAH ROAD
AREA: 25,000± SQUARE FEET
SITUATE IN: LEWES & REMOOTH HUNDRED
SUSSEX COUNTY, STATE OF DELAWARE

DRAWING: JOB# G 1498-A.dwg

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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



Sussex County

DELAWARE
sussexcountysde.gov

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

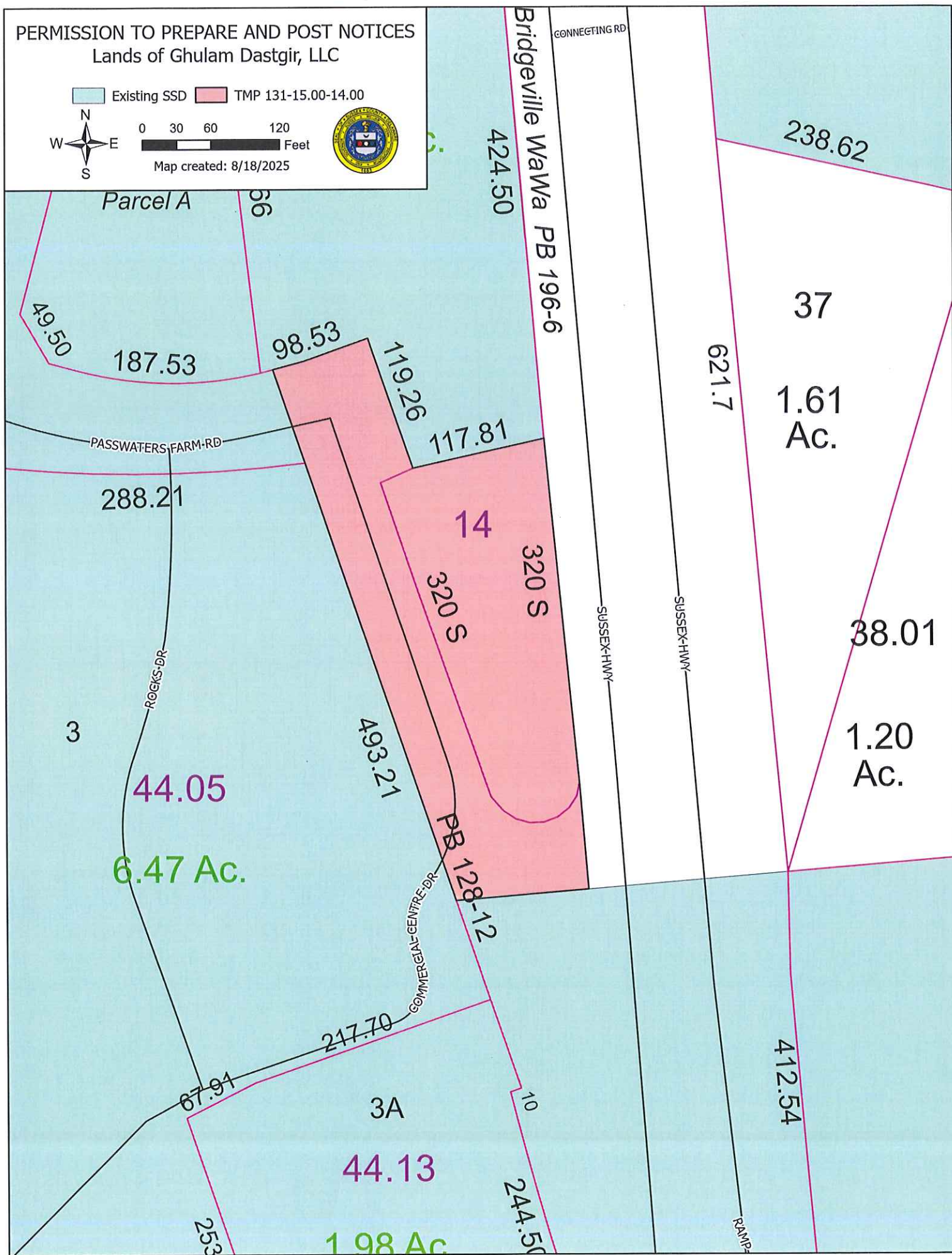
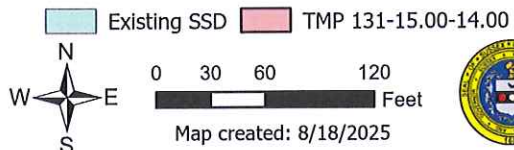
Proposed Lands of Ghulam Dastgir, LLC Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area).
- The Engineering Department has received a request from Ghulam Dastgir on behalf of Ghulam Dastgir, LLC owner of parcel 131-15.00-14.00 adjacent to the existing Western Sussex Area of the SCUSSD.
- Parcel is on the westbound side of State Route 13 (Sussex Hwy.) at Commercial Centre Drive. and in State Planning Level 1.
- The project received approval from the Town of Bridgeville on April 16, 2024 for a 2,700 Sq Ft retail building, and the owner would like to connect to the central sewer system.
- The project will be responsible for System Connection Charges in place at the time of connection.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



PERMISSION TO PREPARE AND POST NOTICES
Lands of Ghulam Dastgir, LLC



ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

DATE: September 16, 2025

RE: *Asset Management Initiation*
Arcadis, Inc. – Amendment 1

The Engineering Department advertised a request for Miscellaneous Engineering Services proposals in March 2024. On May 14, 2024, Council approved a motion selecting four (4) consulting firms to provide professional services for a 5-year period: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); Johnson, Mirmiran & Thompson, Inc. (JMT); and Arcadis U.S., Inc.

As you may recall, Council approved several related items during the FY 26 budget process, which included initiation of an Asset Management (AM) Program, purchase of a Countywide Work Order system otherwise known as a Computerized Maintenance Management System (CMMS), and initiation of the development/updates of the Engineering Departments' Standard Operation Procedures (SOPs). The CMMS will manage our work orders and help manage our AM efforts, including the SOPs. All three efforts will completely overhaul how we schedule, track, and manage our infrastructure maintenance and operations. As the County matures the CMMS and AM efforts, items such as knowledge capture of an aging workforce and accountability of work assigned, work needed and when work was completed, including time required for work orders will become more transparent, more easily reported and should result in improved management abilities. Training our staff will also be a key component of these efforts. Our AM Program will include condition assessments of our assets and an asset inventory. Consequences of asset failure and the likelihood of failure are determined with the AM Program, becoming a key driver in development and justification of capital projects and programs. We wanted to take this opportunity today to tie together the work order (CMMS) efforts, AM and SOPs.



The approval in front of Council today is the beginning of the boots on the ground for the AM Program. Sussex County AM Program efforts associated with the actual work order system (CMMS) development are already approved for Arcadis under a purchase order in the amount of \$147,000.00, in accordance with the approved County purchasing process. JMT is approved to start developing SOPs and training staff under our approved process with an initial FY 26 PO for \$110,000.00. The actual Countywide (CMMS) purchase is currently in the official County Request for Proposal (RFP) purchasing process. We will return to Council for approval once a CMMS software vendor is selected.

A short summary of the current Council approval request for Arcadis AM initiation includes scope for Arcadis to review existing GIS select asset inventory data by the following asset classes: pump stations, manholes, Air Release Valves (ARVs), forcemains and sewer pipes. These assets will be evaluated by physical and performance attributes, record plan attributes, financial attributes and asset management attributes, as determining factors for identifying inconsistencies, upgrading and likelihood for failure as mentioned above. Field checks on these assets will be conducted to refine the assets' attributes.

JMT's SOP scope will observe and document typical maintenance, cleaning and repair activities conducted by Environmental Services staff to establish an SOP for various operations. Arcadis and JMT will coordinate to incorporate critical operations into the program. Once Arcadis establishes the criteria for the final inputs of the system, they will begin to input work orders and SOPs.

This is a monumental time for the County to begin working towards all the items discussed above and detailed in the Arcadis proposal. Major positive change is underway with your leadership and budget decisions, casting a positive outlook for proactive versus reactive operations and maintenance. The Engineering Department has reviewed the Arcadis proposal and requests approval of Arcadis' Amendment 1, in the amount of \$348,000.00.

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 07/01/24.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: September 16, 2025

Background Data

Effective Date of Owner-Engineer Agreement: 07/01/24

Owner: Sussex County

Engineer: Arcadis, Inc.

Project: Asset Management Program Initiation

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Engineer
- ☒ Modifications to services of Engineer
- ☐ ~~Modifications to responsibilities of Owner~~
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services and selection and use of Exhibit C, Compensation Packet AS-1.

Agreement Summary:

Original Agreement Amount:	\$ <u>0</u>
Net Change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>348,000.00</u>
Adjusted Agreement amount:	\$ <u>348,000.00</u>

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____
Print
name: _____

By: _____
Print
name: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

Mike Harmer
County Engineer
Sussex County Engineering Department
2 The Circle (PO Box 589)
Georgetown, DE 19947

Arcadis U.S., Inc.
222 Delaware Avenue
Suite 1110
Wilmington, DE 19801
www.arcadis.com

Subject:

Asset Management Program Initiation
Scope and Budget

Date:
September 5, 2025

Contact:
Jim Shelton

Dear Mr. Harmer:

Arcadis is pleased to provide Sussex County (Sussex County) with this scope and budget to assist with initiating the Asset Management Program (AMP) for Sussex County's sewer collection system. This work is intended to dovetail with the upgrade of the Sussex County GIS system via the Utility Network Conversion and the implementation of a new Work Order Management System (WOMS), which will function as the computerized maintenance management system (CMMS), which when combined with GIS will also function as a capital works planning tool. This work specifically does not include the wastewater treatment plants, which will be incorporated into the AMP later.

Phone:
302.723.1450

Email:
James.shelton@arcadis.com

BACKGROUND AND OBJECTIVES

Sussex County sewer collection system consists of:

- A. 785 miles of gravity sewer
- B. 18,600 manholes
- C. 530,000 laterals (likely much lower than this)
- D. Unknown number of lateral cleanouts
- E. 84 miles of forcemains
- F. 670 ARVs
- G. 388 pump stations
- H. Unknown number of pumps and motors
- I. Unknown number of bubbler systems
- J. 30 magmeters
- K. Unknown number of odor control systems
- L. Unknown number of sulfide control systems
- M. Unknown number of FOG control systems

The asset management process consists of the following steps:

arcadis.com

T:\ADMIN\AGREEMENTS\CONSULTANT\Arcadis\Amd 1\SCD.AMP Initiation.Pro.090525.Docx

1. Inventory Identification
 - a. Asset Inventory Databases – fields, field completeness, field accuracy
 - b. Field locating
 - c. Loading into GIS/CMMS/WOMS
 - a. Attribute field definition
 - b. Attribute field population
 - d. Asset (and sub-asset in the case of pump stations) tagging/ID numbering/bar coding
 - e. Consequence of failure rating
2. Physical Condition Assessment
 - a. Initial inspection
 - b. Likelihood of failure rating
 - c. Risk rating (likelihood of failure X consequence of failure)
 - d. Years Remaining Service Life
 - e. Next re-inspection
3. O&M Activities and Frequencies
 - a. O&M Needs
 - b. O&M SOPs
 - c. O&M Initial frequency
 - d. O&M Revise frequency
 - e. Operating Expenditures (OpEx) funding need
 - a. Staff
 - b. Equipment
4. Capacity Assessment
 - a. Firm asset capacity
 - b. Current loading
 - c. Future loading
5. Renewal Planning, Design, and Construction
 - a. Prioritization
 - b. Bundling
 - c. Capital Expenditures (CapEx) funding need

For this initial step asset management development for Sussex County, work will be on representative subsets of the following asset classes:

- A. Pump Stations – Steps 1, 2and 3
- B. Manholes – Steps 1, 2and 3
- C. ARVs – Steps 1 and start of Step 2
- D. Force mains – Steps 1, 2and 3
- E. Sewers – Steps 1, 2and 3

SCOPE OF WORK

TASK 1 – ASSET INVENTORY DATABASES REVIEW

Arcadis will begin work with a kickoff Teams Meeting; we assume at a minimum Megan Nehrbas, Paul Mauser, Mark Parker, Mike Harmer, and Parker Burdell (and/or his pump station, ARV, forcemain, and gravity sewer designees) will attend. Arcadis will lay out the project plan and schedule and review the requested information.

Arcadis will evaluate Sussex County's GIS asset inventory data for the above five asset categories. This review will use best practices from industry guidance such as the International Infrastructure Management Manual (IIMM) to define which sub-assets and attribute field should be included in the AMPs. The following critical attributes will be evaluated for gaps, inconsistencies, and upgrading.

- **Physical and Performance Attributes:** These include the traditional data associated with assets (e.g., asset ID, name, manufacturer, model number, serial number, capacity, size, etc.). The assignment of asset type is also a critical physical attribute which needs to be well defined within the overall structure. The use of consistent asset attribute and asset type definitions support effective maintenance programs.
- **Record Plan Attributes:** The completeness of record plans, including submittals that show the materials of construction installed.
- **Financial Attributes:** These typically include the install year, install cost and replacement cost data fields. The financial attributes support depreciation analysis and asset effective useful life evaluation.
- **Asset Management Attributes:** These include the decision support data for consequence of failure, physical condition and performance condition. The asset management attributes support asset prioritization for capital planning and for the implementation of advanced maintenance approaches such as reliability centered maintenance (RCM).

Arcadis will also check the veracity of attribute fields against record plans as provided by Sussex County for a percentage of each system to estimate reliability of database records. This will also serve as a countercheck on whether and what types of record plans are available. It will also serve to define the workload needed to complete this for the entire inventory. For the purposes of this scope and budget, Arcadis will conduct record plan checks on the assets below and assumes Sussex County staff will locate and send the information to Arcadis:

- 400 sewer segments and manholes, with one segment in each pumped
- 6 ARVs
- 15 pump stations
- 15 forcemains

Task 1 Deliverables

1. Draft Existing vs. Needed Attribute Fields spreadsheet and technical memo
2. Record plan generalized summary of findings (useful information and gaps) technical memo

Task 1 Meetings and Workshops

1. Kickoff Meeting

Task 1 Schedule

1. Collect and assess existing attribute data and record plans – Months 1 -3

TASK 2 – ASSET INVENTORY FIELD CHECK AND TYPICAL O&M PRACTICES DOCUMENTATION/ COMPARISON AGAINST SOPS

Simultaneous with Task 1, Arcadis will receive from Sussex County and review standard O&M SOPs and schedules for pump station routine maintenance and field checks, manhole and sewer cleaning, and ARV routine maintenance and field checks.

Arcadis will conduct field screens of 15 pump stations of various types, 4 ARV sites, and 20 manholes to determine nature of inventory and refine the needed asset attribute field for each asset type. This will serve to identify the range of configurations, materials, locations, and deterioration conditions in the Sussex County system.

This task will define the range of characteristics to ensure the asset attribute fields are robust. For pump stations particularly, this will serve to identify the range of components at the pump stations that need to be attributed and their particular attribute fields. For the purposes of this scope and budget, we have assumed Sussex County will provide field staff to lead us to open each site. Additionally, during these site visits, Arcadis, along with JMT staff who will be completing/revising O&M SOPs, will observe typical Sussex County O&M inspections and cleaning/ maintenance activities on some of these assets. For the purposes of this scope and budget, we have assumed Sussex County will provide field staff to demonstrate typical O&M practices they conduct and show documentation of these inspections for 4 pump stations, 3 manholes and sewer segments, and 2 ARVs. Specific to the manhole and sewer segments, this will include pipe and manhole cleaning and pipe and manhole inspections.

For the manholes, Arcadis will also complete manhole inspections. This will be an assessment of body, bench, frame, cover, chimney and pipe penetration components of the manhole. Because manholes have both a structural and I&I leakage component, inspections will identify both characteristics of each manhole. Arcadis will use our Fulcrum-based Arcadis Manhole Inspection Tool (AMHIT) to document the condition of the manholes.

Collaborating with JMT, Arcadis will identify differences between SOPs and field practices and assess where changes to SOP can improve asset life and reliability or reduce O&M costs.

A workshop will be held to present the asset database findings and recommendations. The recommendations will include near-term asset definition criteria and data updates that need to be performed.

A workshop will be held to present the SOP and field practices findings and recommendations. The recommendations will include improvements to scheduling, recommendations for SOP modification (assumed to be handed off to JMT to perform), and discrepancies between SOP requirements versus actual performance.

Task 2 Deliverables

1. Revised Existing vs. Needed Attribute Fields spreadsheet and technical memo
2. Summary of collected SOPs

3. Technical memo on SOPs and field practices to improve asset life and reliability or reduce O&M costs

Task 2 Meetings and Workshops

1. Asset Inventory and Database finding review workshop
2. SOPs and field practices to improve asset life and reliability or reduce O&M costs workshop

Task 2 Schedule

1. Field checks – Months 24
2. Revised Existing vs. Needed Attribute Fields spreadsheet and technical memo – Month 4

TASK 3 – ASSET INVENTORY DATABASES ATTRIBUTE FIELD UPDATING

Based on the results of Tasks 1 and 2, Arcadis will develop the required attribute fields for each of the five asset groupings (pump stations, manholes, forcemains, gravity sewers, and ARVs) for loading into GIS and/or the WOMS. This will include all the assets in these five groupings.

Task 3 Deliverables

1. Revised attribute fields uploaded into GIS/WOMS

Task 3 Meetings and Workshops

1. None

Task 3 Schedule

1. Develop and upload attribute fields – Month 5

TASK 4 – NEW ATTRIBUTE FIELD POPULATION

For the assets for which record plan checks were completed in Task 1, Arcadis will, to the extent the data is available, input into the attribute field those data, including hyperlinks to record plans. This will also serve to define the workload needed to complete this for the entire inventory.

Task 4 Deliverables

1. Completed attribute fields

Task 4 Meetings and Workshops

2. None

Task 4 Schedule

2. Develop attribute fields – Months 5 and 6

TASK 5 – CONSEQUENCE OF FAILURE RATING

CoF is evaluated to determine which assets are most critical in the wastewater system. The criteria for facilities assets include economic, social, and environmental impacts caused by asset failure.

Arcadis will develop the required consequence of failure (CoF) ratings for each of the five asset groups (pump stations, manholes, forcemains, gravity sewers, and ARVs).

- For linear assets, diameter, depth, operating pressure/surcharge head, within specific distance of water bodies, under and near buildings, surcharge/pressure conditions, general location score related to things like schools, transit, hospitals, fire stations, etc. are generally the typically considered criteria.
- For pump station assets, total capacity, firm capacity, percent pumping redundancy, impact on service area (whether the station serves critical customers), emergency power source, wet well configuration/ease of replacement, and upstream in-line storage capacity are typical criteria.

Arcadis will develop draft criteria and weightings for the five asset groups. These will be presented in Excel tables. Arcadis will lead in-person workshop with Sussex County to finalize the criteria and weightings.

Arcadis will use GIS buffers developed for each of the criteria and identify where each asset lays relative to each location-specific CoF criteria. Specific to pump station capacities and uses and forcemain design and operating pressures, for the purposes of this scope and budget we have assumed Sussex County will provide those data.

Arcadis will calculate the CoF score for each asset in the five asset groups. These CoFs will be reviewed with Sussex County at an in-person meeting. For the purposes of this scope and budget, no changes and recalculation of CoF are assumed.

Task 5 Deliverables

1. Draft CoF criteria and weighting tables for the five asset groups
2. Final CoF criteria and weighting tables for the five asset groups
3. CoF score for each asset within the five asset groups

Task 5 Meetings and Workshops

1. Draft to Final CoF criteria and weighting workshop
2. CoF rating review workshop

Task 5 Schedule

1. Draft CoF criteria and weighting tables and workshop – Months 6 and 7
2. CoF rating and workshop – Months 8 and 9

TASK 6 – LIKELIHOOD OF FAILURE CRITERIA AND WEIGHTINGS

Likelihood of failure (LoF) is evaluated to determine the nature and timeline before an asset fails.

Condition assessment is a process to rate assets on their physical *and* performance status to reach an overall LoF score. The LoF score is ultimately used in the risk score and for renewal prioritization. All assets have a physical condition aspect to their condition. Physical Condition represents the mortality failure mode and measures the current state of repair and operation of the asset. The structural condition can be determined by visual assessment alone or in combination with predictive mechanical and/or electrical testing.

An example of physical condition assessment ratings for pump station components using a scale from 1 (best) to 5 (worst) are shown below.

Score	Description of Physical Condition
1 – Very Good	Fully operable, well maintained, and consistent with current standards. Minor wear shown and no further action required.
2 – Good	Sound and well maintained but may be showing slight signs of early wear. Delivering full efficiency with little or no performance deterioration. Only minor renewal or rehabilitation may be needed in the near term.
3 – Moderate	Functionally sound and acceptable and showing normal signs of wear. May have minor failures or diminished efficiency with some performance deterioration or increase in maintenance cost. Moderate renewal or rehabilitation needed in near term.
4 – Poor	Functions but requires a high level of maintenance to remain operational. Shows abnormal wear and is likely to cause significant performance deterioration in the near term. Replacement or major rehabilitation needed in the near term.
5 – Very Poor	Effective life exceeded, and/or excessive maintenance cost incurred. A high risk of breakdown or imminent failure with serious impact on performance. No additional life expectancy with immediate replacement needed.

Some asset classes also have Performance Conditions. Performance conditions represent the other three failure modes – capacity, efficiency, and level of service (includes regulatory). Performance conditions are determined in multiple ways including capacity testing, other mechanical / electrical tests, discussions with your staff and document reviews.

- For pump stations, performance condition includes capacity vs. needed capacity, energy consumption/efficiency of operating point, wet well size, motor size, etc.
- For ARVs, performance condition includes ability to handle vacuum and air release as needed, vent rate, and suitability of solids in the flow.
- For forcemains, performance condition includes capacity vs. needed capacity, pressure ability vs. needed pressure.
- For sewers, performance condition includes capacity vs. needed capacity.

An example of performance condition assessment ratings for pump station components using a scale from 1 (best) to 5 (worst) is shown below.

Score	Description of Performance Condition
1 – Very Good	Meets all capacity and regulatory requirements in all current and future anticipated demand conditions. State of the art technology with overall excellent performance.
2 – Good	Meets all capacity and regulatory requirements in current and future anticipated average conditions. May have minor risk under current peak conditions and may not meet anticipated future peak capacity conditions. Future regulatory compliance may require some modifications. Overall performance excellent to very good with tried-and-true technology
3 – Moderate	Current capacity is acceptable under average conditions but does not consistently meet current peak condition and would likely not meet future peak conditions. Current regulatory requirements are met, but future requirements will likely not be met, even with modifications. Overall performance and efficiency are average.
4 – Poor	Current performance is marginal and will not meet future additional requirements or increased demand (e.g., capacity, level of service goals and/or future regulatory requirements).
5 – Very Poor	Current performance unacceptable and does not meet currently required performance criteria (e.g., capacity, level of service goals and/or regulatory requirements).

Arcadis will develop the LoF rating criteria and weightings for each of the five asset groups (pump stations, manholes, forcemains, gravity sewers, and ARVs) for their physical condition only. These will be presented in Excel tables. Arcadis will lead an in-person workshop with Sussex County to finalize the criteria and weightings. As asset failure is described differently for different assets and by different utilities, this workshop will focus on Sussex County criteria of failure and the weighting score of each type of failure. For example, a sewer may be considered failed if it has break by one utility, but another utility would consider it failed only if the pipe has collapsed. A third utility might consider a pipe that is in perfect structural condition but which leaks a great deal failed. This workshop will resolve these issues and establish a firm rubric for LoF for these five asset classes.

Task 6 Deliverables

1. Draft LoF criteria and weighting tables for the five asset groups
2. Final LoF criteria and weighting tables for the five asset groups

Task 6 Meetings and Workshops

1. Draft to Final LoF criteria and weighting workshop

Task 6 Schedule

1. Draft LoF criteria and weighting tables and workshop – Month 9

TASK 7 – PHYSICAL CONDITION ASSESSMENT – PUMP STATIONS

Arcadis will conduct visual physical condition inspections of 6 of the pump stations from Task 2. These inspections will be an assessment of pumps, piping/valves, structural/architectural, instrumentation, electrical, and HVAC/odor control systems.

Arcadis will use our Fulcrum-based Arcadis Pump Station Inspection Tool (APSIT) to document the condition of the station and provide LoF ratings for each component of the pump station. For the purposes of this scope and budget, we have assumed Sussex County will provide field staff to demonstrate pumps operations, listen for vibration and cavitation, evaluate power draw, conduct a drawdown test for each pump to assess control logic consistency and pump capacity, pull the pumps for impeller inspection, evaluate pressures against flows where available, and provide operators for all aspects of the pump station so that physical condition can be determined.

Arcadis will provide a LoF score for each aspect of each pump station. Arcadis will also use the results of the inspections and resulting LoF scores to suggest additional or modified criteria and weightings. Based on the findings of the inspections, Arcadis will recommend a next reinspection date and additional inspection methods that should be engaged specific to a pump station component, type, or found condition.

Arcadis will lead an in-person review of the findings of the pump station physical condition assessment.

Task 7 Deliverables

1. Pump Station Condition Assessment Findings and Recommendations Memo, including:
 - a. Inspection findings and photographs from pump station inspections
 - b. LoF score for each component of the pump stations
 - c. LoF score for each pump station
 - d. Additional or modified criteria list and rationale
 - e. Reinspection cycle for each pump station/component
 - f. Additional inspection methods recommendations

Task 7 Meetings and Workshops

1. Pump station physical condition assessment workshop

Task 7 Schedule

1. Pump Station inspections – Months 5 and 6
2. Pump station physical condition assessment workshop – Month 7

TASK 8 – PHYSICAL CONDITION ASSESSMENT – MANHOLES

Arcadis will conduct visual physical condition inspections of 50 manholes. These inspections will be an assessment of body, bench, frame, cover, chimney and pipe penetration components of the manhole. Because manholes have both a structural and I&I leakage component, inspections will identify both characteristics of each manhole.

Arcadis will use our Fulcrum-based Arcadis Manhole Inspection Tool (AMHIT) to document the condition of the manholes. For the purposes of this scope and budget, we have assumed Sussex County will provide no field staff for this work.

Arcadis will provide a structural and an I&I LoF score for each manhole. Arcadis will also use the results of the inspections and resulting LoF scores to suggest additional or modified criteria and weightings. Based on the findings of the inspections, Arcadis will recommend a next reinspection date specific to a manhole.

Arcadis will lead an in-person review of the findings of the manhole assessment.

Task 8 Deliverables

1. Inspection findings and photographs from manhole inspections
2. Structural LoF score for each manhole
3. I&I LoF score for each manhole
4. Additional or modified criteria list and rationale

Task 8 Meetings and Workshops

1. Manhole physical condition assessment workshop

Task 8 Schedule

1. Manhole inspections – Months 5 and 6
2. Manhole physical condition assessment workshop – Month 7

TASK 9 – PHYSICAL CONDITION ASSESSMENT – PIPES

Sussex County will conduct visual physical condition inspections of 75 pipes from Task 2 using CCTV robotic cameras, either using internal forces or via subcontracted CCTV crews. These inspections will be an assessment of pipe material, joints, tap connections, and defects of the pipe. Because pipes have structural, O&M, and I&I leakage components, inspections will identify all three characteristics of each pipe using PACP standards. Arcadis will prepare the technical specifications for this work as well as support any procurement efforts Sussex County does to complete this work. For the purposes of this scope and budget, we have assumed Sussex County will conduct this work and that the pipes will not be cleaned before inspection so as to not remove evidence of leakage or O&M needs. Arcadis will provide minimal oversight of the field work, only enough to ensure the inspection intentions are met and the specifications are followed. For the purposes of this scope and budget, we have assumed Arcadis will oversee the first two days of work, then monitor work and results remotely thereafter. We estimate the work will require 3 months of field work to complete.

Using the PACP reports and databases, Arcadis will load the resulting inspections into Pioneer and provide a structural, O&M, and I&I LoF score for each pipe. Arcadis will also use the results of the inspections and resulting LoF scores to suggest additional or modified criteria and weightings. Based on the findings of the inspections, Arcadis will recommend a years remaining service life estimate and next reinspection date specific to each pipe.

Arcadis will lead an in-person review of the findings of the pipeline assessment.

Task 9 Deliverables

1. Inspection findings and photographs in PACP formats from pipe inspections
2. Structural LoF score for each pipe
3. O&M LoF score for each pipe
4. I&I LoF score for each pipe
5. Additional or modified criteria list and rationale

Task 9 Meetings and Workshops

1. Pipe physical condition assessment workshop

Task 9 Schedule

1. Pipe inspections – Months 5-7
2. Pipe physical condition assessment workshop – Month 7

TASK 10 – PHYSICAL CONDITION ASSESSMENT – ARVs

Arcadis will conduct visual physical condition inspections of 2 ARVs different from those in Task 2. These inspections will be an assessment of pipe material, joints, tap connections, valves, and operability of the ARVs. For the purposes of this scope and budget, we have assumed Sussex County will provide 3 field staff for this work to exercise the valves and turn the pump stations on and off to demonstrate the effectiveness of the valves.

Arcadis will provide a LoF score for each inspected ARV. Arcadis will also use the results of the inspections and resulting LoF scores to suggest additional or modified criteria and weightings. Arcadis will gather ARV failure records available from Sussex County and evaluate them for failure mode and root cause.

Arcadis will lead an in-person review of the findings of the ARV assessment.

Task 10 Deliverables

1. Inspection findings and photographs from ARV inspections
2. LoF score for each ARV
3. Additional or modified criteria list and rationale

Task 10 Meetings and Workshops

1. ARV physical condition assessment workshop

Task 10 Schedule

1. ARV inspections – Months 6-7
2. ARV physical condition assessment workshop – Month 8

TASK PM – PROJECT MANAGEMENT AND PROGRAM MEETINGS

During this work, Arcadis will prepare for and lead program meetings with Sussex County staff. For the purposes of this scope and budget, we have assumed bimonthly status meetings. This task will

also account for project management costs. This task will also account for scoping and budgeting the next phase of asset management program development and implementation.

Next tasks include performance evaluations for pump stations and forcemains (primarily around capacity vs. capacity need), calculation of risk (CoF * LoF), prioritization of condition assessments for each asset group, continued population of asset attribute fields (especially O&M activities), and development of specialized O&M SOPs.

BUDGET ESTIMATE

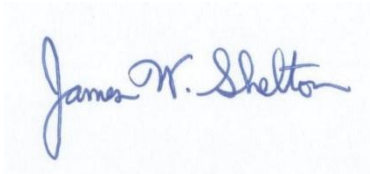
We estimate the cost and level of effort of this work as shown in the table below. Travel/subsistence costs are included in expenses.

Task					
		Total Hours	Expenses	Subs	Estimated Budget
1	Asset Inventory Databases Review	233	\$ -	\$ -	\$ 43,000
2	Asset Inventory Field Check and Typical O&M Practices Documentation/ Comparison against SOPs	359	\$ 4,900	\$ -	\$ 72,000
3	Asset Inventory Databases Attribute Field Updating	43	\$ -	\$ -	\$ 9,000
4	New Attribute Field Population	171	\$ -	\$ -	\$ 29,000
5	Consequence of Failure Rating	314	\$ 900	\$ -	\$ 64,000
6	Likelihood of Failure Criteria and Weights	145	\$ 1,800	\$ -	\$ 32,000
7	Physical Condition Assessment - Pump Stations	167	\$ 2,600	\$ -	\$ 35,000
8	Physical Condition Assessment - Manholes	64	\$ 1,400	\$ -	\$ 12,000
9	Physical Condition Assessment - Pipes	127	\$ 1,400	\$ -	\$ 24,000
10	Physical Condition Assessment - ARVs	44	\$ 700	\$ -	\$ 11,000
PM	Project Management and Program Meetings	57	\$ 2,900	\$ -	\$ 17,000
Total		1725	\$ 16,600	\$ -	\$ 348,000

We propose to complete these services on a time and materials basis in accordance with the Agreement between Sussex County and Arcadis and the attached Summary of Standard Charges for Sussex County. Arcadis will track the costs associated with this work and report them to Sussex County monthly throughout the project; we will not exceed the authorized budget without written professional services authorization from Sussex County. Payment for services will be based upon the actual labor and expenses incurred. Invoicing will be completed monthly. The invoice will include the defined contract tasks listing the day-by-day personnel performing the task with hourly rate and hours worked. Travel/subsistence costs will be billed as additional actual expenses. The invoice will provide total billed for month. Support documents will be provided if there are any expenses incurred.

Please contact me with your authorization to proceed if this scope and budget are acceptable to you. If you have any questions, please do not hesitate to call me.

Arcadis U.S., Inc.



James W. Shelton, PE
Vice President

Copies:

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: *New Marydels Rd, Tanglewood & Oak Acres Sewer Extension, Projects S19-19 & S22-24*
A. Approval of Project Closeout and Supplemental Funding Request Submission
B. Approval of GMB Amendment

DATE: September 16, 2025

On February 5, 2008, the Engineering Department held a public hearing before council for the Bayard Expansion of the Miller Creek Sanitary Sewer District. Residents from Tanglewood/New Marydel and Oak Acres appeared and questioned council on the possibility of their communities being included in the district boundary. The Engineering Department was tasked with collecting information from the residents and reporting back the next week. On February 12, 2008, the Engineering Department came back to council with information on the community poll. Council subsequently approved inclusion into the Sewer District only those parcels responding in New Marydel and all of Tanglewood and Oak Acres.

The turn in the economy affected the construction of infrastructure that was to be built by the developers of the Estuary to serve the overall area. Once the project began moving forward the main infrastructure became available for the Oak Acres Community. The County agreed to a cost share agreement with the developer for the pumpstation required to serve their phase 4 as well as the Oak Acres Community.

The final design package for the Oak Acres community was ultimately combined with the Tanglewood and New Marydel communities to produce a single overall Bid Package. Invitations to Bid for the combined package was subsequently advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. A total of six (6) contractors attended the pre-bid meeting on February 22, 2024, and on March 7, 2024, six (6) bids were received. Teal Construction, Inc. submitted the lowest responsible bid of \$1,891,891.00. At the



recommendation of the Engineering Department, Council approved contract award to Teal Construction on April 9, 2024.

Due to resource scheduling issues with the Contractor, official Notice-to-Proceed wasn't issued until October 21, 2024, with construction activities starting up the following month. Over the following few months, adverse weather conditions resulted in delays to construction progression. Although the Contractor ultimately submitted a request for a time extension of six (6) Calendar Days due to inclement weather, based on a review of inspector records only three (3) days were accepted by the Owner. Based on a recommendation from the Engineering Department, on March 25, 2025 Council approved a no-cost Change Order No. 1 adding 3 Calendar Days to the Contract.

Project construction progressed over the following several months and the Substantial Completion milestone was reached on July 25, 2025. System Connection Letters were sent to all property owners in the project area on July 28th. Following this, minor punch list items were completed by the Contractor and a *Notice of Acceptability of Work* was issued on September 5th. Final balancing Change Order No. 2 includes accounting for all final quantities used during construction and results in a decrease of \$28,005.18 from the original award amount of \$1,891,891.00. An additional 42 Calendar Days were also granted due to weather delays and additional work required tied to DelDOT inspections.

On the financing side, the original State Loan amount was \$2,376,356.00 which reflected costs for Land/ROW, Legal/Admin, Engineering, Construction, Inspection, and Connection Fees. After compiling all project expenditures, it was determined that the loan amount was exceeded by \$344,960.39. The primary driver of the cost overrun was construction costs as the contract award amount was significantly greater than what was included in the budget supporting the loan request. The other components of the budget overrun were construction management fees and the County's participation in a cost share agreement that allowed the constructed sewer system to utilize an adjacent pump station built as part of a private development.

Construction management and inspection services were provided by one of the Consultants under our open-end Miscellaneous Engineering Contracts – George, Miles and Buhr (GMB). Council approved Amendment No. 1 to their Base Contract on April 9, 2024 in the amount of \$206,076.00 to provide full-time construction oversight services for this project. As a result of additional time needed to complete the project, GMB exceeded their approved budget by \$12,500.00 which is represented as Amendment No. 2.

Based on the above, the **Engineering Department recommends approval of final balancing Change Order No. 1 and project close-out, submission of a supplemental funding request to the State, and Amendment No. 2 to GMB's Base Contract.**

enclosures

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	Sussex County	Owner's Project No.:	S19-19 & S22-24
Engineer:	George, Miles & Buhr, LLC	Engineer's Project No.:	180240 & 220128
Contractor:	Teal Construction, Inc.	Contractor's Project No.:	
Project:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		
Contract Name:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		

This ☐ Preliminary ☒ Final Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

Date of Substantial Completion: July 25, 2025

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work must be as provided in the Contract, except as amended as follows:

Amendments to Owner's Responsibilities: ☒ None ☐ As follows:

Amendments to Contractor's Responsibilities: ☒ None ☐ As follows:

The following documents are attached to and made a part of this Certificate:

Punch List Dated July 25, 2025

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Engineer

By (signature):

Name (printed): James C. Hoageson, P.E.

Title: Senior Vice President / Senior Project Manager

■ ■ ■ ■

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
salisbury@gmbnet.com

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www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

PETER A. BOZICK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. BURNS
CHRISTOPHER J. PFEIFER, P.E.
BENJAMIN K. HEARN, P.E.

July 25, 2025

Teal Construction, Inc.
612 Mary Street
Dover, DE 19904

Attn: Mr. Johnny Stant

Re: Punch List
New Marydels Road, Tanglewood and Oak Acres Sanitary
Sewer Extension Project, Sussex County, Delaware
GMB File No. R220128

Dear Mr. Stant:

A preliminary walk-through inspection for the purpose of developing a punch list was completed on Friday, July 25, 2025. The objective of the punch list inspection was to document work that remains or is in need of correction on the project site. Those in attendance for the inspection were:

Mark Parker	Sussex County
Johnny Stant	Teal Construction, Inc.
Dean Strawbridge	HCE
Jim Hoageson	GMB
Dean Culver	GMB
Dean Elliott	GMB

This punch list does not include all items required for closeout of the project.

Punch list work items noted during the inspection in need of attention or correction are as follows.

Oak Acres

1. Modify concrete collar around MH #S-8 on Red Oak Drive, so that the concrete is not higher than the road paving, where the concrete touches the paving. Concrete collar is approximately 2" higher than the paving currently.
2. Mat all large areas and sloped areas of topsoil where seeding has taken place.
3. Provide additional paving to combine the patch on White Oak Drive, at MH #S-1, with the new paving. Overlay both travel lanes starting at the patch and extending to the limits where the new paving ends. Provide a butt joint to meet the existing pavement.
4. Cut out matting around cleanouts.
5. Grade large clumps out of topsoil where necessary.
6. Install screens in grinder pump vents.
7. Grade around grinder pump unit at house #36247 White Oak Dr. so water does not stand around unit.
8. Mat and seed ditch at end of White Oak Dr. near MH #S-6.
9. Add topsoil along road edge on White Oak Dr. at the curve.

Wild Oak Drive

1. Add stone to driveway at house #35212.
2. Manhole lid not sitting properly on MH #S-5.
3. Straighten clean out frame and cover on lot #134-19.00-323.

New Marydels Road

1. Add stone around MH #S-2.

If Teal Construction, Inc. takes exception to any of the listed items, notify this office within ten (10) days of receipt.

Please notify this office in writing upon completion of all punch list items. Following notification, the Engineer will conduct a final inspection to verify that all items have been addressed.

Sincerely,



Dean Culver
Construction Services Group Leader

DBC/slh

Enclosure: Certificate of Substantial Completion

cc: All Attendees

NOTICE OF ACCEPTABILITY OF WORK

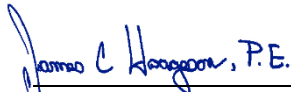
Owner:	Sussex County	Owner's Project No.:	S19-19 & S22-24
Engineer:	George, Miles & Buhr, LLC	Engineer's Project No.:	180240 & 220128
Contractor:	Teal Construction, Inc.	Contractor's Project No.:	
Project:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		
Contract Name:	New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project		
	Effective Date of the Construction		
Notice Date:	September 5, 2024	Contract:	April 17, 2024

The Engineer hereby gives notice to the Owner and Contractor that Engineer recommends final payment to Contractor, and that the Work furnished and performed by Contractor under the Construction Contract is acceptable, expressly subject to the provisions of the Construction Contract's Contract Documents ("Contract Documents") and of the Agreement between Owner and Engineer for Professional Services dated **May 24, 2022** ("Owner-Engineer Agreement"). This Notice of Acceptability of Work (Notice) is made expressly subject to the following terms and conditions to which all who receive and rely on said Notice agree:

1. This Notice has been prepared with the skill and care ordinarily used by members of the engineering profession practicing under similar conditions at the same time and in the same locality.
2. This Notice reflects and is an expression of the Engineer's professional opinion.
3. This Notice has been prepared to the best of Engineer's knowledge, information, and belief as of the Notice Date.
4. This Notice is based entirely on and expressly limited by the scope of services Engineer has been employed by Owner to perform or furnish during construction of the Project (including observation of the Contractor's Work) under the Owner-Engineer Agreement, and applies only to facts that are within Engineer's knowledge or could reasonably have been ascertained by Engineer as a result of carrying out the responsibilities specifically assigned to Engineer under such Owner-Engineer Agreement.
5. This Notice is not a guarantee or warranty of Contractor's performance under the Construction Contract, an acceptance of Work that is not in accordance with the Contract Documents, including but not limited to defective Work discovered after final inspection, nor an assumption of responsibility for any failure of Contractor to furnish and perform the Work thereunder in accordance with the Contract Documents, or to otherwise comply with the Contract Documents or the terms of any special guarantees specified therein.
6. This Notice does not relieve Contractor of any surviving obligations under the Construction Contract, and is subject to Owner's reservations of rights with respect to completion and final payment.

Engineer

By (signature):



Name (printed):

James C. Hoageson, P.E.

Title:

Sr. Vice President / Sr. Project Director

EJCDC® C-626, Notice of Acceptability of Work.

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CHANGE ORDER NO.: 2

Owner: Sussex County Owner's Project No.: S19-19 & S22-24
 Engineer: George, Miles & Buhr, LLC Engineer's Project No.: 180240 & 220128
 Contractor: Teal Construction Inc. Contractor's Project No.:
 Project: New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project
 Contract Name: New Marydels Road, Tanglewood, and Oak Acres Sanitary Sewer Extension Project
 Date Issued: September 2, 2025 Effective Date of Change Order: September 2, 2025

The Contract is modified as follows upon execution of this Change Order:

Description: **Balancing Change Order.**

Attachments:

Balancing Change Order spreadsheet dated September 2, 2025.

Time Extension – GMB letter dated June 27, 2025. (35 days)

Time Extension – GMB letter dated July 14, 2025. (7days)

Change in Contract Price		Change in Contract Times [State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 1,891,891.00		Substantial Completion:	240
		Ready for final payment:	240
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. [Number of previous Change Order]:		[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]:	
\$ -0-		Substantial Completion:	3
		Ready for final payment:	3
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 1,891,891.00		Substantial Completion:	243
		Ready for final payment:	243
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ 28,005.18		Substantial Completion:	42
		Ready for final payment:	42
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 1,863,885.82		Substantial Completion:	285 / August 1, 2025
		Ready for final payment:	285 / August 1, 2025

Recommended by Engineer (if required)
 By: James C. Hoagson, P.E.
 Title: Sr. Project Manager
 Date: 9/3/2025

Authorized by Owner
 By: [Signature]
 Title: PROJECT MANAGER

Accepted by Contractor
[Signature] CHARLES W. BEFO III
PRESDENT
9/3/2025

Approved by Funding Agency (if applicable)

EJCDC® C-941, Change Order EJCDC® C-941, Change Order, Rev.1.

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Page 1 of 1

PROJECT NAME: New Marydels Road, Tanglewood, and Oak Acres

Sanitary Sewer Ext., Frankford, Delaware

GMB JOB NO.: 220128

DATE: 9/2/2025

Item No.	Bid Item Description	Size	Units	Est. Qty.	Teal Construction, Inc.			ADD	DEDUCT
					Unit Price	Actual Quantity	Total Completed		
SCHEDULE A - NEW MARYDELS ROAD AND TANGLEWOOD SANITARY SEWER EXTENSION									
A-1	Mobilization	--	LS	1	\$ 29,268.00	1	\$ 29,268.00	\$ -	\$ -
A-2	Erosin Sediment Controls	--	LS	1	\$ 14,048.00	1	\$ 14,048.00	\$ -	\$ -
A-3	PVC SS (Pavement)	8"	LF	750	\$ 117.00	736.5	\$ 86,170.50	\$ -	\$ (1,579.50)
A-4	PVC SS (Non-Pavement)	8"	LF	1,200	\$ 111.00	1145.5	\$ 127,150.50	\$ -	\$ (6,049.50)
A-5	PVC Sewer Lateral (Pavement)	6"	LF	110	\$ 87.00	123	\$ 10,701.00	\$ 1,131.00	\$ -
A-6	PVC Sewer Lateral (Non-Pavement)	6"	LF	340	\$ 65.00	339	\$ 22,035.00	\$ -	\$ (65.00)
A-7	Lateral Cleanout	6"	EA	21	\$ 616.00	22	\$ 13,552.00	\$ 616.00	\$ -
A-8	16" Jack & Bore	--	LF	40	\$ 1,079.00	40	\$ 43,160.00	\$ -	\$ -
A-9	Precast Manhole	4' Dia	VF	65	\$ 756.00	64.5	\$ 48,762.00	\$ -	\$ (378.00)
A-10	Superpave Type C	1 1/2"	TN	200	\$ 181.00	219.91	\$ 39,803.71	\$ 3,603.71	\$ -
A-11	Superpave Type B	2"	TN	70	\$ 339.00	27.44	\$ 9,302.16	\$ -	\$ (14,427.84)
A-12	GABC	6"	CY	100	\$ 71.00	153.45	\$ 10,894.95	\$ 3,794.95	\$ -
A-13	No. 7 Stone Rd Restoration	4"	CY	80	\$ 111.00	33	\$ 3,663.00	\$ -	\$ (5,217.00)
A-14	Asphalt Driveways	2 1/2"	SF	200	\$ 25.00	0	\$ -	\$ -	\$ (5,000.00)
A-15	Stone Driveways	4"	SF	400	\$ 12.00	30	\$ 360.00	\$ -	\$ (4,440.00)
A-16	Well Point Header Pipe	--	LF	1,500	\$ 40.00	1328	\$ 53,120.00	\$ -	\$ (6,880.00)
A-17	Well Point Discharge Pipe	--	LF	500	\$ 16.00	30	\$ 480.00	\$ -	\$ (7,520.00)
A-18	Excavation Below Subgrade	--	CY	25	\$ 25.00	0	\$ -	\$ -	\$ (625.00)
A-19	No. 57 Stone	--	CY	25	\$ 42.00	0	\$ -	\$ -	\$ (1,050.00)
A-20	Borrow Material	--	CY	150	\$ 25.00	35.4	\$ 885.00	\$ -	\$ (2,865.00)
A-21	Misc. Excavation and Backfill	--	CY	10	\$ 25.00	0	\$ -	\$ -	\$ (250.00)
A-22	Misc. 4000 psi Concrete	--	CY	5	\$ 236.00	0	\$ -	\$ -	\$ (1,180.00)
A-23	Secure Modified Proctor	--	EA	1	\$ 177.00	0	\$ -	\$ -	\$ (177.00)
A-24	Secure Field Density Test	--	EA	5	\$ 236.00	0	\$ -	\$ -	\$ (1,180.00)
SUBTOTAL SCHEDULE A: A-1 to A-24							\$ 513,355.82	\$ 9,145.66	\$ (58,883.84)
SCHEDULE B - OAK ACRES SANITARY SEWER EXTENSION									
B-1	Mobilization	--	LS	1	\$ 43,243.00	1	\$ 43,243.00	\$ -	\$ -
B-2	Erosin Sediment Controls	--	LS	1	\$ 64,316.00	1	\$ 64,316.00	\$ -	\$ -
B-3	Watertight E-One Simplex	--	LS	2	\$ 17,758.00	2	\$ 35,516.00	\$ -	\$ -
B-4	SDR-11 Low Pressure (DD0 - 1.25")	1 1/2"	LF	350	\$ 30.00	330	\$ 9,900.00	\$ -	\$ (600.00)
B-5	Lateral Assembly - 1.25"	1.25"	EA	2	\$ 2,353.00	2	\$ 4,706.00	\$ -	\$ -
B-6	Terminal Flushing Connection	1 1/2"	EA	1	\$ 2,736.00	1	\$ 2,736.00	\$ -	\$ -
B-7	PVC SS (Pavement)	8"	LF	100	\$ 305.00	84	\$ 25,620.00	\$ -	\$ (4,880.00)
B-8	PVC SS (Non-Pavement)	8"	LF	2320	\$ 150.00	2330	\$ 349,500.00	\$ 1,500.00	\$ -
B-9	PVC SS SDR 26 (Non-Pavement)	6"	LF	780	\$ 223.00	777	\$ 173,271.00	\$ -	\$ (669.00)
B-10	PVC Sewer Lateral (Trenchless)	6"	LF	450	\$ 122.00	518	\$ 63,196.00	\$ 8,296.00	\$ -
B-11	PVC Sewer Lateral (Outside Pavement)	6"	LF	1100	\$ 50.00	1090	\$ 54,500.00	\$ -	\$ (500.00)
B-12	Lateral Cleanout	6"	EA	53	\$ 670.00	56	\$ 37,520.00	\$ 2,010.00	\$ -
B-13	Terminal Cleanout	--	EA	1	\$ 5,718.00	1	\$ 5,718.00	\$ -	\$ -
B-14	Precast Manhole	4' Dia	VF	100	\$ 753.00	80.16	\$ 60,360.48	\$ -	\$ (14,939.52)
B-15	Milling of Ex. Pavement	--	SY	6800	\$ 5.00	0	\$ -	\$ -	\$ (34,000.00)
B-16	Superpave Type C	1 1/2"	TN	640	\$ 157.00	716.36	\$ 112,468.52	\$ 11,988.52	\$ -
B-17	Superpave Type B	2"	TN	110	\$ 410.00	332.47	\$ 136,312.70	\$ 91,212.70	\$ -
B-18	GABC	6"	CY	155	\$ 61.00	294.3	\$ 17,952.30	\$ 8,497.30	\$ -
B-19	Asphalt Driveways	2 1/2"	SF	3000	\$ 8.00	1128	\$ 9,024.00	\$ -	\$ (14,976.00)
B-20	Stone Driveways	4"	SF	2500	\$ 5.00	2043	\$ 10,215.00	\$ -	\$ (2,285.00)
B-21	Concrete Driveway	--	SF	200	\$ 25.00	0	\$ -	\$ -	\$ (5,000.00)
B-22	Dewatering: Well Point Header Pipe	--	LF	2200	\$ 50.00	1664	\$ 83,200.00	\$ -	\$ (26,800.00)
B-23	Dewatering: Well Point Discharge Pipe	--	LF	1000	\$ 19.00	220	\$ 4,180.00	\$ -	\$ (14,820.00)
B-24	Excavation Below Subgrade	--	CY	50	\$ 25.00	0	\$ -	\$ -	\$ (1,250.00)
B-25	No. 57 Stone	--	CY	50	\$ 42.00	0	\$ -	\$ -	\$ (2,100.00)
B-26	Borrow Material	--	CY	200	\$ 25.00	1883	\$ 47,075.00	\$ 42,075.00	\$ -
B-27	Misc. Excavation and Backfill	--	CY	10	\$ 25.00	0	\$ -	\$ -	\$ (250.00)
B-28	Misc. 4000 psi Concrete	--	CY	10	\$ 236.00	0	\$ -	\$ -	\$ (2,360.00)
B-29	Secure Modified Proctor	--	EA	1	\$ 177.00	0	\$ -	\$ -	\$ (177.00)
B-30	Secure Field Density Test	--	EA	10	\$ 236.00	0	\$ -	\$ -	\$ (2,360.00)
B-31	Regrade, Reshape Ex. Roadside Swale	--	LF	2000	\$ 5.00	0	\$ -	\$ -	\$ (10,000.00)
B-32	Remove & Replace Ex. Driveway Pipe 8"	--	LF	120	\$ 9.00	0	\$ -	\$ -	\$ (1,080.00)
B-33	Remove & Replace Ex. Driveway Pipe 12"	--	LF	400	\$ 12.00	0	\$ -	\$ -	\$ (4,800.00)
SUBTOTAL SCHEDULE B: B-1 to B-33							\$ 1,350,530.00	\$ 165,579.52	\$ (143,846.52)
TOTAL COMPLETED - SUM OF SCHEDULES A+B							\$ 1,863,885.82	\$ 174,725.18	\$ (202,730.36)

Original Contract Amount \$ 1,891,891.00
Change Order #1 \$ -
Revised Contract Amount \$ 1,891,891.00
Adjustment of Contract Price (balance change order) \$ (28,005.18)

Final Contract Price \$ 1,863,885.82

Payments Made to Contractor

Pay App No.1 \$ 209,948.69
Pay App No.2 \$ 184,975.18
Pay App No.3 \$ 232,771.27
Pay App No.4 \$ 241,666.11
Pay App No.5 \$ 249,069.83
Pay App No.6 \$ 159,042.61
Pay App No.7 \$ 159,374.48
Pay App No.8 \$ 326,097.91

Total Payments Made to Contractor \$ 1,762,946.08

Remaining Amount Due to Contractor \$ 100,939.74

■ ■ ■ ■

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
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salisbury@gmbnet.com

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■ ■ ■ ■

June 27, 2025

Teal Construction, Inc.
612 Mary Street
P.O. Box 779
Dover, DE 19903

Attn: Mr. Johnny Stant
Estimator / Project Manager

Re: Project Completion Timeline
New Marydels Road, Tanglewood, and Oak Acres Sanitary
Sewer Expansion Project, Sussex County DE
GMB File No. 220128

Dear Mr. Stant:

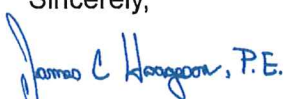
GMB and SCED have reviewed your letter dated June 12, 2025, requesting a time extension of 35 calendar days until July 25, 2025. Based on the remaining work to be completed, we are willing to grant the following schedule.

All substantive items are to be completed by July 11, 2025. This includes, but not limited to, the installation and testing of all gravity sewer mains and sewer laterals, installation of all clean out frame and covers, grinder station start-ups, paving, grading, topsoil, and seeding. A pre-final walkthrough will be scheduled shortly thereafter. Any items found in need of correction are to be completed by July 25, 2025.

The project should be ready for final payment by July 25, 2025. At this time, all documentation including consent surety, final payment application, release of liens, and as-builts will become due. Upon receipt of your final payment application, GMB/SCED will prepare the balancing change order which will adjust the quantities and the contact time accordingly.

Please feel free to contact me with any questions or concerns.

Sincerely,



James C. Hoageson, P.E.
Sr. Vice President / Sr. Project Director

JCH/slh

JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
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BENJAMIN K. HEARN, P.E.



GEORGE, MILES & BUHR, LLC

■ ■ ■ ■

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ENGINEERS

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BENJAMIN K. HEARN, P.E.

July 14, 2025

Teal Construction, Inc.
612 Mary Street
P.O. Box 779
Dover, DE 19903

Attn: Mr. Johnny Stant
Estimator / Project Manager

Re: Project Completion Timeline - **REVISED**
New Marydels Road, Tanglewood, and Oak Acres Sanitary
Sewer Expansion Project, Sussex County DE
GMB File No. 220128

Dear Mr. Stant:

Due to the current condition of the pavement section within Oak Acres and to comply with DelDOT's directives for pavement restoration, an extension of seven (7) calendar days will be added to the contract.

These seven (7) days are in addition to the days approved in my June 27th letter. The new dates for completion are as follows:

- All substantive items are to be completed by July 18, 2025. This includes, but not limited to, the installation and testing of all gravity sewer mains and sewer laterals, installation of all clean out frame and covers, grinder station start-ups, paving, grading, topsoil, and seeding. A pre-final walkthrough will be scheduled shortly thereafter. Any items found in need of correction are to be completed by July 25, 2025.
- The project should be ready for final payment by August 1, 2025. At this time, all documentation including consent surety, final payment application, release of liens, and as-builts will become due. Upon receipt of your final payment application, GMB/SCED will prepare the balancing change order which will adjust the quantities and the contact time accordingly.

Please feel free to contact me with any questions or concerns.

Sincerely,

James C. Hoageson, P.E.
Sr. Vice President / Sr. Project Director

JCH/slh

DNREC/EF Project No.

CW-2021-007

Project Name:

Tanglewood/Oak Acres Sewer District Project

Funding Recipient:

Sussex County

E.I. # 51-6000161

UNITED STATES
Department of Agriculture
Rural Development

and/or

STATE OF DELAWARE
Department of Natural
Resources and Environmental
Control
Office of the Secretary
Environmental Finance

Requisition No:

15 - FINAL

Date:

9/30/2025

Prepared:

9/11/2025

USDA Loan No:

State Loan No:

12000112

USDA Grant No:

State Grant No:

NA

Separately or Jointly Funded Project

ACCOUNT SUMMARY AND REQUEST FOR LOAN/GRANT DISBURSEMENT

Disbursement Items	Amount Budgeted	Previous Disbursements	This Period	Total to Date	Remaining Funds
Construction	1,863,885.82	1,277,473.69	485,472.39	1,762,946.08	100,939.74
Land and ROW	10,120.00	10,120.00	-	10,120.00	-
Legal and Admin	10,086.58	10,086.58	-	10,086.58	-
Engineering Fees	108,697.96	108,697.96	-	108,697.96	-
Construction Management	202,126.03	128,716.09	58,311.46	187,027.55	15,098.48
Contingencies	-	-	-	-	-
Other - Estuary PS Contribution	163,400.00	-	-	-	163,400.00
Other - Connection Fees (55 EDU's @ \$6,600)	363,000.00	-	-	-	363,000.00
Disbursement Totals	2,721,316.39	1,535,094.32	543,783.85	2,078,878.17	642,438.22
Source of Funding					
USDA Loan	-	-	-	-	-
USDA Grant	-	-	-	-	-
State Loan	2,376,356.00	1,535,094.32	543,783.85	2,078,878.17	297,477.83
State Principal Forgiveness	-	-	-	-	-
Other (Potential Supplemental)	344,960.39	-	-	-	344,960.39
Other (describe)	-	-	-	-	-
Source Totals (must equal disbursement totals above)	2,721,316.39	1,535,094.32	543,783.85	2,078,878.17	642,438.22

TEAL CONSTRUCTION 92024048 Remaining balance owed payment app #9

Zero out remaining available budget of \$8,562.00

Zero out remaining available budget of \$601.22

ENG Refunded to Date

237,414.05

ENG Contract Expense thru 9-11-2025

PO#20232436	2,488.75	Closed	DBF Tanglewood/Wild Oak Drive Survey - Task order 29
92019031	13,930.96	Closed	GMB - Sewer Design
92022038	68,939.24	Closed	GMB - Design Services - Oak Acres
92023023	6,889.04	Closed	GMB - Sdesign Services - New Marydel & Tanglewood
92024033	203,477.52	Open	GMB - Oak Acres Amendment 1 Contract Balance \$2,598.48 as of 9-11-25

295,725.51

LESS: Refunded to Date: (237,414.05)

Variance: 58,311.46 (GMB Invoice #85060 \$25,832.22 paid 7/28/25 for FY25 & Invoice 85244 \$32,479.24 pd 8-26-25.)

page 2

Effective 9-30-2025:

Reduce Construction budget by \$28,005.18 to reflect pending balancing CO2 for Teal Construction making final contract amount \$1,863,885.82.

Reduce Land/ROW budget by \$8,562.00 and Legal/Admin budget by \$601.22 since these remaining budget \$'s will not be needed.

Increase Construction Management budget by \$28,088.99 to cover expected cost overrun of \$10k and include the total paid contract value of GMB #92024033 of \$203,477.52.

ADD - Estuary PS contribution of \$214,954 net of infrastructure funds of \$51,554, leaving net County contribution of \$163,400.

NOTE: \$1,532,000 in loan forgiveness to be applied to principal balance upon project completion.

GMB Contract Balance as of 9/11/252,598.48

Expected Overrun:12,500.00

Outstanding GMB Balance:15,098.48

DNREC/EF Project No.

CW-2021-007

Project Name:

Tanglewood/Oak Acres Sewer District Project

Final Project Budget/Cost Summary

Prepared: 9-11-2025

Disbursement Items	Original Budget	Total Expense	Budget Variance
Construction	1,354,468.00	1,863,885.82	(509,417.82)
Land and ROW	18,682.00	10,120.00	8,562.00
Legal and Admin	10,687.80	10,086.58	601.22
Engineering Fees	280,235.00	108,697.96	171,537.04
Construction Management	18,682.00	202,126.03	(183,444.03)
Other - Estuary PS Contribution	-	163,400.00	(163,400.00)
Contingencies	330,601.20	-	330,601.20
Other - Connection Fees	363,000.00	363,000.00	-
Other	-	-	-
Other	-	-	-
Other	-	-	-
Disbursement Totals	2,376,356.00	2,721,316.39	(344,960.39)

■ ■ ■ ■

**ARCHITECTS
ENGINEERS**

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BENJAMIN K. HEARN, P.E.

August 20, 2025

Sussex County Engineering Department
2 The Circle
PO Box 589
Georgetown, DE 19947

Attn: Mr. Mark Parker, P.E.
Assistant County Engineer

Re: Oak Acres, New Marydels, & Tanglewood Sewer Extension - **Additional Services**
Amendment No. 2 for Contract Administration & Inspection Services

Dear Mark:

Thank you in advance for your review and consideration of this Amendment for additional Contract Administration and Inspection Services for the Oak Acres, New Marydels, and Tanglewood sewer extension project. The amendment is more particularly described as follows.

PROJECT BACKGROUND

The Oak Acres, New Marydels, and Tanglewood Sewer Extension project was bid as a 240-calendar day construction project. The Notice to Proceed was issued on October 21, 2024, with an anticipated completion date of June 20, 2025. Substantial completion was achieved about one (1) month later and was issued on July 25, 2025. The main reasons that contributed to the project not being completed within the 240-day contract time was related to the trenchless lateral installations within Oak Acres and final pavement restoration for Oak Acres and Wild Oak Drive.

The installation of the trenchless laterals was incorporated into the design based on the County's discussions with DeIDOT to minimize costly pavement restoration within a state-maintained road. Due to the method of installation, the contractor's production was limited to 1-2 lateral installations per day vs. their anticipated production rate of 3-4 trenchless laterals per day. Teal was granted an extension for the project to be substantively completed by July 11, 2025.

The pavement restoration for both Oak Acres and Wild Oak Drive were both modified from the original design due to insufficient and inferior road materials to adequately support the construction activities. The pavement restoration efforts were modified based on discussions with DeIDOT within the Oak Acres project area and by a team effort between SCED/GMB/Teal for Wild Oak Drive. The outcome resulted in a much better pavement section for the residents at the completion of the project. Teal was granted an extension of seven (7) days, until July 18, 2025, to accommodate these changes.

ADDITIONAL SERVICES

Due to the trenchless lateral installations, pavement restoration, and the subsequent time extensions, GMB respectfully requests a fee amendment based on the following:

- Additional 35 days of contract administration.

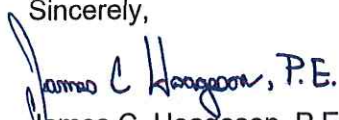
- Site visit for observation of the instructional demonstration by the trenchless lateral vendor. This site visit was necessary to understand and ensure the sewer lateral was installed correctly by achieving proper slope and alignment. Note this was a new method of installation for both the contractor, GMB, and SCED.
- Wild Oak Drive: A site meeting was held and attended by all parties to observe and discuss the existing conditions of the pavement, and to collaboratively develop the course of action necessary for the final pavement restoration which deviated from the original design. This resulted in additional coordination by all starting with the site meeting, reviewing and maintaining quantities for both GABC and HMA, and additional coordination with the contractor.
- Oak Acres: The streets within Oak Acres are state maintained. The original pavement restoration required a mill and overlay. The existing pavement thickness was minimal and was not conducive for milling. In addition, the pavement edges along the trench were often compromised by the construction equipment. This resulted in a site meeting with all parties, including DelDOT, to determine the limits of base pavement restoration as well as the final pavement restoration. There were at least two site meetings regarding the pavement restoration to satisfy DelDOT's concerns as well as various coordination throughout the final pavement restoration operation.
- Since the project was extended by approximately one (1) month, there was an additional payment application for review and approval. Based on the nature of the pavement changes, additional review time was necessary to adequately verify the paving quantities.

In summary, for the reasons stated above which resulted in additional project oversight, additional site meetings related to the trenchless lateral installation and pavement restoration, and for the additional payment application for review, GMB respectfully requests a fee amendment of **\$12,500.00**.

If this amendment meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance.

If you have any questions, do not hesitate to call me. We thank you for this opportunity.

Sincerely,



James C. Hoageson, P.E.
Sr. Vice President / Project Director

JCH/slh

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: Mark Parker

Printed Name: MARK PARKER

Date: 9/11/25

Title: PROJECT MANAGER

Phone Number: 302.212.6381

Email Address: mark.parker@sussexcountygov

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 05/24/22.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2**

The Effective Date of this Amendment is: September 16, 2025

Background Data

Effective Date of Owner-Engineer Agreement: 05/24/22

Owner: Sussex County

Engineer: George, Miles & Buhr

Project: Oak Acres, Project S22-24

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- X Additional Services to be performed by Engineer
- x Modifications to services of Engineer
- ~~Modifications to responsibilities of Owner~~
- X Modifications of payment to Engineer
- X Modifications to time(s) for rendering services
- ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

This Amendment includes modifications to Exhibit A – Engineer’s Services and selection and use of Exhibit C, Compensation Packet AS-1.

Agreement Summary:

Original Agreement Amount:	\$ <u>68,940.00</u>
Net Change for prior amendments:	\$ <u>206,076.00</u>
This amendment amount:	\$ <u>12,500.00</u>
Adjusted Agreement amount:	\$ <u>287,516.00</u>

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.


OWNER:

ENGINEER: George, Miles & Buhr, LLC

By: _____
Print
name: _____

Title: _____

Date Signed: _____

By:  _____
Print
name: James C. Hoageson, P.E.

Title: Sr. Vice President

Date Signed: 9/11/2025

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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



Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

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

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

RE: ***King's Highway from SR-1 to Freeman Highway Advanced Utility Relocation***
A. Christiana Excavating Co. – Change Order No. 1 Gills Neck Road MOT

DATE: September 16, 2025

On May 14, 2024, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF) among others. In January of 2025 the Department requested an Amendment 1 from DBF for the connection of the County's and Artesian's systems along Log Cabin Hill Road for design and permitting services. On January 28, 2025, Council approved Amendment 1 to DBF's 2024 Base Agreement in the not to exceed amount of \$111,000.00.

In January of 2025 the Engineering Department requested Amendment 2 from DBF for the King's Highway Advanced Utility Relocation Project. The project entails routing a new 24-inch forcemain (+/- 8,000 feet) from PS-210 on Wescoats Road to the existing force main near the curve along Gills Neck Road (boundary of Governors and Senators subdivisions) as part of DelDOT's Advanced Utility Relocation in support of the project on King's Highway.

The road improvement plans developed by DelDOT conflict with the County's forcemains throughout the limits of the project, specifically a 30-inch forcemain that runs north-south through the project limits. Therefore, creating unavoidable storm drainage conflicts at several crossing points with the forcemain.

Section 143, Title 17, Delaware Code states that relocations caused by DelDOT's repair or expansion of a public highway, when the facilities are owned and/or operated by a **public utility**, must be included and funded through the underlying transportation project. The relocation of the forcemain must occur as one of the first construction phases due to the conflicts between it and the proposed drainage and other improvements.



For the northern initial phase of the DelDOT project it would include rerouting the main around the future traffic circles at Clay Road and Gills Neck Road under the Village Center project using their contractor. However, a reconnection to the existing County infrastructure on the north side of Gills Neck Road is not desirable. Therefore, the Department recommended considering an extension to the bend of Gills Neck Road by eliminating two expensive jack & bore road crossings. Under the final phase a new forcemain will be constructed from pump station 210 to the future traffic circle at Clay Road and Kings Highway eliminating the conflicts with the DelDOT project.

On February 11, 2025, Council approved Amendment 2 to DBF's 2024 Base Agreement in the not to exceed the amount of \$144,500.00 as well as the development of a DelDOT advance relocation agreement and construction agreement with the Village Center developer.

Since then, two (2) alignment options with step-by-step scope details were developed for the relocation of the County forcemain from the Clay Road north and presented to DelDOT as well as Christiana Excavating, Co. the site contractor for the Village Center project.

With the site construction progress at the Village Center approaching a critical scheduling point, the County had to authorize the initial work before the window of opportunity closed. In discussions with the Finance Department, it was decided that a standard County construction agreement with Christiana Excavating Co. would be the preferred approach for this phase of the relocation. The final phase was priced out by Christiana as well as the County's General Labor & Equipment contractor since no specific private site development coordination was required. That aggregate price was compared to DelDOT's relocation estimate in the determination of the final reimbursement amounts.

On April 29, 2025, the Council approved the standard County construction agreement with Christiana Excavating Co. in the amount of \$2,210,880.00 for the initial advanced relocation of County owned infrastructure in direct conflict with DelDOT's King's Highway from SR-1 to Freeman Highway Road Improvement Project. DelDOT issued the Notice to Proceed on August 7, 2025 and the construction is progressing on schedule.

In June DelDOT completed the evaluation of the cultural resources for phase 1 without any findings. Therefore, County Council was able to approve the DelDOT Letter Agreement T202512901 – Kings Highway Sussex County Sewer Relocation, Phase I on June 17, 2025.

On July 31, 2025, the Engineering Department and the DelDOT Traffic Safety Section discussed the accommodation of pedestrian and bicycle traffic along Gills Neck Road during construction which had not been incorporated in the Christiana Excavating, Co.'s base award. Based on these discussions, DBF developed a detour plan which was priced out by Christiana Excavating.

In summary, the Engineering Department recommends Council's approval of Change Order No.1 to Christiana Excavating, Co. in the amount of \$33,480.00 subject to DelDOT approval.



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Kings Highway Advanced Sewer Relocation**
2. Sussex County Project No. S25-46
3. Change Order No. 1
4. Date Change Order Initiated - 09/11/25
5.
 - a. Original Contract Sum \$2,210,880.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$2,210,880.00
 - d. Requested Change \$ 33,480.00
 - e. Net Change (No. of days)
 - f. New Contract Amount \$2,244,360.00
6. Contact Person: Hans Medlarz, 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

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

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Additional milling and fine grading of existing payment, not part of the original contract documents, direction drilling and contract time extension.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. Christiana Excavating Co., Contractor

Signature Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

CHRISTIANA EXCAVATING COMPANY

2016 Sunset Lake Road, Newark, DE. 19702
(Newark) 302-738-8660 (Milford) 302-424-8343 FAX 302-738-3515

September 9, 2025

Sussex County Engineering
P.O. Box 589
Georgetown, De 19947

Attn: Hans Medlarz

Re: King's Highway Force Main Relocate

Dear Mr. Medlarz:

Enclosed please find our Change Order #1 on the above-referenced project for the pedestrian detour along Gill's Neck Road. This change results in an increase of \$33,480.00 to the original contract.

Please review the enclosed change order, sign it, and return a copy to our office. A summary cost analysis to date including change orders is provided per the following:

Original Proposal Contract Dated 04/30/25		\$ 2,210,880.00
Change Order Totals:	#1	\$ 33,480.00
Total Change Orders to Date:		\$ 33,480.00
	Revised Project Total:	\$ 2,244,360.00

Should you have any questions please do not hesitate to call me.

Sincerely,



R.J. Andrews

CHRISTIANA EXCAVATING COMPANY

2016 Sunset Lake Road, Newark, DE. 19702
(Newark) 302-738-8660 (Milford) 302-424-8343 FAX 302-738-3515

CONTRACT CHANGE ORDER

#1

September 9, 2025

Sussex County Engineering
P.O. Box 589
Georgetown De 19947

Attn: Hans Medlarz

King's Highway Force Main Relocate
Lewes, DE

We hereby propose to provide all labor, materials, and equipment necessary to perform the following changed scope of work from our Base Contract:

Pedestrian Detour

- Install Pedestrian Detour along Gill's Neck Road SUP

NET CHANGE ORDER TOTAL:

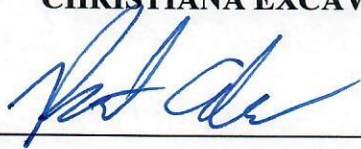
\$33,480.00

NOTE: This Change Order becomes part of and in conformance with the existing Contract dated April 30, 2025.

Note:

1. Detour is priced out per DBF's Plan, Pedestrian/Bicycle MOT Plan, Sheet EX-01, Dated August 2025 & Last Revised 8/20/25

CONTRACTOR: CHRISTIANA EXCAVATING COMPANY

AUTHORIZATION:  DATE: 9-9-25

ACCEPTANCE OF CHANGE ORDER:

The above prices, specifications, and conditions are satisfactory and are hereby fully and unconditionally accepted. Christiana Excavating Company is authorized to do the work as specified.

ACCEPTANCE: Sussex County Engineering

SIGNATURE: _____ DATE: _____

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Saturday, May 24, 2025 10:49 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

Follow Up Flag: Follow up
Flag Status: Flagged

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Council Grant Form

Legal Name of Agency/Organization	Mispillion Performance Series
Project Name	Support for the 2025-26 Season - Honorariums for Musical Artists
Federal Tax ID	84-4618816
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 Mispillion Performance Series is a 501(c)(3) corporation founded in 2021 that showcases nationally and internationally renowned musicians, some of whom are Grammy award winning artists, performing music of varying genres. We rely on the generous donations of our "Friends of the Series," and those organizations that offer grant awards to help us continue to present concerts free and unticketed for all in our communities to enjoy. Live music brings communities together in the best way possible.

Address	16925 Ketch Court
City	Lewes
State	DE
Zip Code	19958
Contact Person	Jody Stein
Contact Title	Director
Contact Phone Number	703-598-1860
Contact Email Address	jodye.stein@gmail.com
Total Funding Request	\$3,000
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)**

Cultural

**Primary Beneficiary
Category**

Other

**Beneficiary Category
Other**

All in the community are welcome

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

700

Scope

The Series provides an opportunity for all residents of Sussex County to enjoy culturally and genre diverse performances by professional, nationally renowned musicians - free of charge. The other comparable concert series charges \$45-\$50 per ticket, which is prohibitively expensive for many in our communities to enjoy. Our venue does not charge us, and our only expenses are the honorarium fees we pay to the musicians.

**Religious
Components**

N/A

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

8,500.00

Description	Honorariums for 7 Performances
Amount	11,500.00
TOTAL EXPENDITURES	11,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,000.00
Name of Organization	Misphillion Performance Series
Applicant/Authorized Official	Jody Stein
Date	05/24/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, August 27, 2025 5:57 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	The Francois Foundation for Autism
Project Name	Sensory art and craft workshop/ tools for calm
Federal Tax ID	86-3212395
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 organization was established to fill the growing gap in autism related services in Delaware. It focuses on providing therapeutic sensory supplies, advocating for better access to autism support, and fostering a supportive community environment for families.
Address	PO Box 11202
City	Wilmington
State	Delaware

Zip Code	19850
Contact Person	Danielle Francois
Contact Title	Danielle Francois
Contact Phone Number	3026698818
Contact Email Address	Thefrancoisfoundationforautism@outlook.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)	Educational

Primary Beneficiary Category	Other
Beneficiary Category Other	Autistic children
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	100
Scope	<p>The Sensory Art and Craft Program is designed to support children with autism who often face challenges with sensory processing, communication, and emotional regulation. Many families lack access to affordable, therapeutic activities that meet their children's unique needs.</p> <p>This program provides a safe and structured environment where children can explore art through sensory-friendly materials, helping them build fine motor skills, reduce stress, and express themselves creatively. Funding will allow us to expand access to these vital activities, offering both children and their families a supportive space for growth and connection.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	2,500.00
Description	Sensory tools
Amount	3,000.00

Description	Transportation fee
Amount	200.00
Description	Art and craft supplies
Amount	400.00
Description	Art teacher fee
Amount	1,300.00
Description	Snacks and drinks
Amount	100.00
TOTAL EXPENDITURES	5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,500.00
Name of Organization	Francois Foundation for Autism
Applicant/Authorized Official	Danielle Francois
Date	08/27/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: Danielle Francois <thefrancoisfoundationforautism@outlook.com>
Sent: Wednesday, August 27, 2025 10:15 AM
To: Bobbi Albright
Subject: Re: Councilmanic Grant Application
Attachments: FFA 501c3 file.pdf

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Good morning,

Thank you for reviewing our Councilman grant application and for your questions. I am happy to provide clarification.

The Francois Foundation for Autism has been operating since 2021. As a relatively new nonprofit, only one year of financials currently appears on the IRS website. I have attached a copy of our IRS determination letter for your records.

Regarding the funding request, we applied for \$5,000 to cover both our existing deficit of \$2,500 and to support an additional \$2,500 investment toward music therapy, which is part of our planned programming for 2026. This will allow us to expand our services and begin laying the groundwork for future offerings that further benefit the families we serve. Music therapy creates a safe, joyful, and structured environment that helps autistic children grow emotionally, socially, and cognitively while giving them a way to connect with the world around them.

Our current program will be held at the Laurel Public Library, which was selected because it is accessible and convenient for the families in our community.

We understand the Council typically prefers to see multiple years of financials. As a newer nonprofit, we are actively building this history and would be grateful for your consideration as we continue to grow and demonstrate our commitment to serving families impacted by autism in Sussex County. Any amount of grant funding awarded will make a meaningful impact and help us achieve our project goals. Please let me know if you would like me to forward additional supporting documents, including our program budget, or further program details.

Thank you again for your time and consideration.

Sincerely,

Danielle Francois

Founder/ President

Francois Foundation for Autism

(302) 365-4987

thefrancoisfoundationforautism.org

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Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
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To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Bridgeville Apple Scrapple Festival

Project Name 33rd Annual Apple Scrapple Festival

Federal Tax ID 510399198

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 open-air street festival promotes local agri-businesses and tourism to Western Sussex County. It is the largest fundraising event in Western Sussex County, supporting non-profits, civic groups, and school groups.

Address P.O. Box 206

City Bridgeville

State Delaware

Zip Code 19933

Contact Person	Karen Johnson-Kemp
Contact Title	President
Contact Phone Number	3022452038
Contact Email Address	kjohnsonasf@yahoo.com
Total Funding Request	3000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1500
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	festival

Primary Beneficiary Category	Other
Beneficiary Category Other	community members and businesses
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	15000
Scope	The Festival Committee and Town of Bridgeville are focused on improving safety during the festival. As our festival popularity has increased, traffic control, parking signage, and transportation must be addressed. Funds would be used to improve traffic control and parking safety.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	32,000.00
Description	Traffic Control
Amount	15,000.00
Description	Transportation
Amount	13,500.00
Description	Parking Expenses
Amount	4,000.00

Description	Equipment Rentals
Amount	23,000.00
Amount	0.00
TOTAL EXPENDITURES	55,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-23,500.00
Name of Organization	Bridgeville Apple Scrapple Festival
Applicant/Authorized Official	Karen Johnson
Date	08/08/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, September 4, 2025 9:46 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Trinity Foundation
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Project Name	Golf Tournament
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Federal Tax ID	20-3303713
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Non-Profit	Yes
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Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
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Organization's Mission	To continuously improve people's lives by serving and investing in our COMMUNITY to promote wellness, inspire GIVING, and influence FUTURE LEADERS.
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Address	50 Fallon Ave
----------------	---------------

City	Seaford
-------------	---------

State	DE
--------------	----

Zip Code	19973
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Contact Person	Robin Hudson
Contact Title	Secretary
Contact Phone Number	302-253-1215
Contact Email Address	robin.hudson@trinitylogistics.com
Total Funding Request	\$5000.00
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?	500.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	16
Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Other

Beneficiary Category Other	General Community
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	1000
Scope	<p>Your participation and sponsorship will help us continue making a difference through our three core pillars:</p> <ul style="list-style-type: none"> • Youth Leadership – Scholarships, mentoring, and youth empowerment • Community Necessities – Food, clothing, holiday support, and essential resources • Health and Wellness – Support for organizations fighting heart disease, cancer, and improving quality of life
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	30,000.00
Description	Operating Cost
Amount	15,000.00
TOTAL EXPENDITURES	15,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	15,000.00
Name of Organization	Trinity Foundation

Applicant/Authorized Official	Robin Hudson
--	--------------

Date	09/04/2025
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Affidavit Acknowledgement	Yes
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If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 9/16/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-13.00-132.00 (P/O)
911 Address: 19068 & 19268 Old Landing Road, Rehoboth**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN INDOOR AND OUTDOOR MINIATURE GOLF COURSE TO BE LOCATED ON A 0.30 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.69 ACRES, MORE OR LESS

WHEREAS, on the 8th day of January 2024, a Conditional Use application, denominated Conditional Use No. 2506, was filed on behalf of NGR Sports, 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. 2506 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 XI, Subsections 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2506 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north and south sides of Rehoboth Mall Blvd., and the west side of Old Landing Road (S.C.R. 274), approximately 150 feet northwest of the intersection of Old Landing Road (S.C.R. 274) and Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared on July 17, 1984, portion of said parcel containing 0.30 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.

To Be Introduced: 9/16/25

Council District: Mr. McCarron

Tax I.D. No.: 230-15.00-10.00

911 Address: 9268 & 9274 Daniels Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR INDOOR STORAGE OF BUSINESS VEHICLES ASSOCIATED WITH A LIMOSINE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS

WHEREAS, on the 19th day of August 2025, a Conditional Use application, denominated Conditional Use No. 2610, was filed on behalf of Howard L. Repass; 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. 2610 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2610 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 Daniels Road (S.C.R. 215A), approximately 160 feet north of Slaughter Neck Road (S.C.R. 215), and being more particularly described in the attached legal description prepared by Embery, Outtersen & Fuges said parcel containing 3.52 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 11, 2025

RE: County Council Report for C/U 2568 filed on behalf of Unitarian Universalist Society of Southern Delaware

The Planning and Zoning Department received an application (C/U 2568 filed on behalf of Unitarian Universalist Society of Southern Delaware) for a Conditional Use for an on-premises electronic message center sign in an AR-1 Agricultural Residential Zoning District at Tax Parcel 334-5.00-171.00. The property is located at 30486 Lewes Georgetown Highway. The parcel size is 5.91 ac. +/-

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

Below are the minutes from the Planning & Zoning Commission meeting on August 6, 2025, and August 20, 2025

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

C/U 2568 Unitarian Universalist Society of Southern Delaware

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS. The property is lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53 mile east of Dairy Farm Road (S.C.R. 261). 911 Address: 30486 Lewes Georgetown Highway, Lewes. Tax Map Parcel: 334-5.00-171.00.

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



Plan, the DelDOT Service Level Evaluation Response, comments received from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis Report, and a copy of the Applicant's presentation. Mr. Whitehouse advised the Commission that there were zero comments.

The Commission found that Mr. Mark Davidson, of Pennoni, was present on behalf of the Applicant, Unitarian Universalist Society of Southern Delaware. Mr. Davidson stated that also present were Ms. Linda DeFeo and Ms. Ellen Lytton, members of the executive committee of the church; that the application is to grant a conditional use of land in an agricultural residential district (AR-1) for an on-premise electronic message center sign per section 115-161.1 A. (3) on a 5.91 parcel of land located on the southern side of the Lewes Georgetown Highway; that the highway classification is as a principal arterial road and it is approximately 2,800 ft. east of Dairy Farm Road; that the property is adjacent to other properties owned by the applicant and surrounded by AR-1 zoning and is adjacent to a large existing pond; that the applicants have owned this property since 2014; that the property is located in the Coastal Area on the 2045 Future Land Use Map and the property is located in the State Investment Level 3 on the 2020 Delaware State Strategies Map; that the property is improved with an existing church, parking area, stormwater management; that the building sits back approximately 300 feet from US Route 9; that the property is connected to an on-site sanitary septic system and uses an existing well for domestic water; that Conditional Uses are subject to provisions of Articles 2 through 24 in section 115-22 of the Zoning Code; that the purpose of the conditional use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by the rigid application of the district regulations; that the Unitarian Universalist Society of Southern Delaware is dedicated to being an inclusive spiritual hub for the region that responds to the needs of the changing world; that they are requesting a 32 square foot on-premise electronic messaging sign sitting below a 16 foot square foot illuminated on premise sign; that this sign is going to take place of two signs they currently have on the property; that the sign will meet all setbacks and be placed further back on the property than the existing sign; that the electronic message center will follow the regulations that apply to all electronic message centers; that the sign will remain fixed for the required minimum 10 seconds and will change in one second or less with an illumination changing simultaneously and in unison; that the sign will have the safety features necessary for any malfunctions that should occur; that the sign will adjust to all ambient lighting levels and will have automatic dimming controls; that the sign will not emit any audio, verbal announcements or noise of any kind; that the electronic messaging science offers a multitude of benefits that traditional signage simply can't match, making them a popular choice for businesses, organizations, and institutions looking to enhance communication, marketing and safety initiatives; that electronic signs can be updated instantly and remotely, allowing places of worship to adapt to the changing needs, promote services and announce upcoming events without the cost and delay of traditional print; that churches can tailor messaging to specific audiences or just content based on factors like the time of day, the weather, or events; that this flexibility ensures that messaging is always relevant and impactful; that the proposed EMC sign will not alter the character of the surrounding area in any manner, and that substantially limits and precludes the use of surrounding properties; that the sign; that the sign will be located approximately 150 feet from adjacent dwellings on properties of other ownership; and that the proposed conditional use meets the general purpose of the zoning ordinance being located in an appropriate location, meeting the purpose of the district and the comprehensive plan by aligning with the underlying goals and intent of the zoning classification, serving the community and its residents, which is essential, desirable for the general convenience, growth, prosperity and welfare of the County.

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

application.

The Commission found that Ms. Judy-Rose Seibert spoke in opposition to the application. Ms. Seibert stated that Route 9 is designated as a Scenic Byway and, as such, the Delaware Title 2 Code 2601, Section 15, 4.1.5.8 says that a variable message sign may not be placed along designated scenic or historic byways; that I do not wish to see electronic signs on our scenic byways, and I respectfully ask that you deny this conditional use.

Mr. Allen questioned whether there were similar signs currently existing along Route 9, and questioned if the existing signs were erected prior to the establishment of the scenic or historic byways.

Mr. Mears stated that there were currently similar existing signs located along Route 9.

Mr. Robertson stated he believed from his personal knowledge that there are existing signs; that he would like to research the cited statute, to confirm if it applies to DelDOT versus Sussex County, and if it may allow Sussex County to permit the sign but may prohibit DelDOT from allowing the sign.

Upon there being no further questions, Chair Wingate closed the public hearing.

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

In relation to C/U 2568 Unitarian Universalist Society of Southern Delaware. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

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

The Commission discussed the application, which had been deferred since August 6, 2025.

Mr. Collins moved that the Commission recommend approval of C/U 2568 Unitarian Universalist Society of Southern Delaware to allow an on-premises 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, and the sign operation will be governed by the requirements of Section 115-161.1C(1).
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 of the sign regulations in the Zoning Code, including brightness and motion.
4. The Church owns this property and others that are adjacent to it. The sign will not adversely affect neighboring properties or area roadways and traffic.
5. The site is located along Route 9, which is designated as a Principal Arterial Highway. This is an appropriate location for a sign such as this.
6. This Recommendation for approval is subject to all state and county agency approvals, including but not limited to the Delaware Department of Transportation.

7. 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. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2568 Unitarian Universalist Society of Southern Delaware, LLC for the reasons and conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 6th, 2025

Sussex County Council Hearing Date: September 16th, 2025

Application: C/U 2568 Unitarian Universalist Society of Southern Delaware

Applicant: Unitarian Universalist Society of Southern Delaware
Mr. Paul Barnette, Board President
30486 Lewes Georgetown Highway
Lewes, DE 19958

Owner: Unitarian Universalist Society of Southern Delaware
Mr. Paul Barnette, Board President
30486 Lewes Georgetown Highway
Lewes, DE 19958

Site Location: The property is lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53-mile east of Dairy Farm Road (S.C.R. 261) at 30486 Lewes Georgetown Highway in Lewes, Delaware/.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Electronic Message Center (EMC) Sign

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private – On-site (Septic)

Water: Private – On-site (Well)

Site Area: 5.91 acres +/-

Tax Map ID.: 334-5.00-171.00





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 20th, 2025

RE: Staff Analysis for C/U 2568 Unitarian Universalist Society of Southern Delaware

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 2568 Unitarian Universalist Society of Southern Delaware to be reviewed during the August 6th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 334-5.00-171.00

Proposal: The request is for a Conditional Use for Tax Parcel: 334-5.00-171.00 to allow for a Electronic Message Center (EMC) sign to replace the existing on-premise sign for the Unitarian Universalist Church of Southern Delaware to be located on a property zoned Agricultural Residential (AR-1) District. The sign is proposed to be placed pursuant to the provisions of §115-161.1(A)(3) of the Sussex County Code. The property is lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53-mile east of Dairy Farm Road (S.C.R. 261) and is located at 30486 Lewes Georgetown Highway in Lewes, Delaware. The subject property consists of 5.91-acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, to include the properties on the opposite side of Lewes Georgetown Highway (Route 9) to consist of The Villages at Red Mill Pond South cluster subdivision, and the properties to the east, west, and south 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 consisting of The Reserves at Lewes Landing development, the west and south 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 and east (Parcel 172.00), which consists of the Truitt Expansion Agricultural Easement.
- **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 not located within any Tax Ditch Areas 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. The property is located within an area of “Fair” Groundwater Recharge Potential per available FirstMap data.

Staff note that there is an existing pond to the rear of the Parcel on Tax Parcel ID: 334-5.00-172.00 that appears to be an existing farm pond.

The National Wetlands Inventory (NWI) Mapper notes that the area is a 6.86-acre Freshwater Pond which forms part of a Palustrine System to include wetlands which may be non-tidal in nature and that is “permanently flooded” where “water covers the substrate throughout the year in all years.”

Historical aerial imagery confirms that the pond has been in existence in this location since the early 1950's. A Supplemental Exhibit has been provided below noting the makeup of this pond.

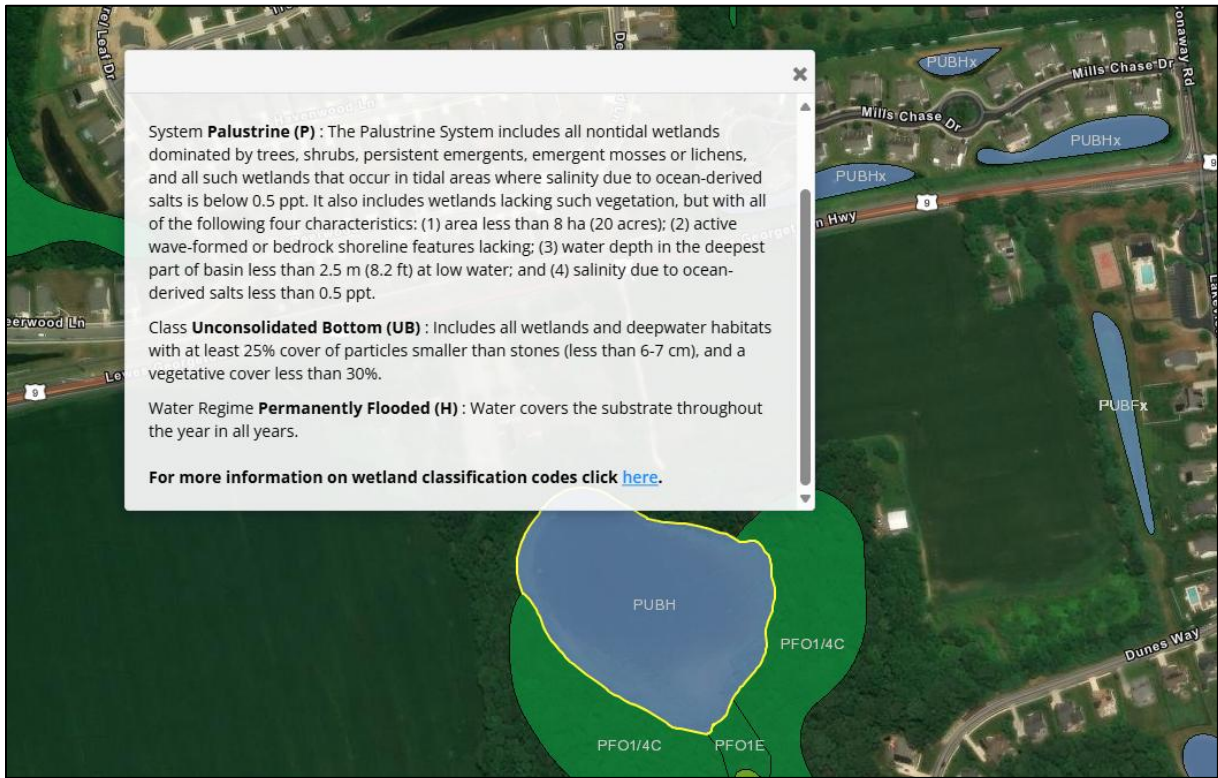


Exhibit "A" - Map Showing the pond on Parcel 172.00 to the rear of the Subject Property.

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 twenty-five (25) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

- **Two (2) Applications were Withdrawn.**
- **One (1) Application is Pending (Conditional Use No. 2568 – this Application.)**
- **One (1) Application was Denied.**
- **Twenty-two (22) Applications were Approved.**

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

Conditional Use Applications w/in 1 Mile of Subject Site

Conditional Use Number	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
1675	334-5.00-167.00	Colonial East, Ltd	AR-1	ext. mobile home park	6/12/2007	Approved	1906
337	334-11.00-2.01	Cape Henlopen Elks Lodge #2540	AR-1	private club	N/A	Approved	N/A
1130	334-4.00-88.00	Robert B. Atallian	AR-1	display/sale/storage of antiques	9/12/1995	Approved	1049
1309	334-4.00-85.00	John & Michelle Mintzer	AR-1	radio/tv service & future sales	11/16/1999	Denied	N/A
1846	334-4.00-81.00	Joseph M. Crispin & Melissa	AR-1	contracting business	9/22/2009	Approved	2081
2078	334-4.00-84.00	Sunlight Venture, LTD	AR-1	professional office	6/20/2017	Approved	2505
1636	334-4.00-83.00	Susie Hudson	AR-1	business office/warehouse	2/9/2006	Withdrawn	N/A
1191	334-4.00-32.00	Tall Pines Associates	AR-1	add 54 camp sites	7/27/1997	Approved	1162
2161	334-4.00-80.00	Howard Weston Development Company, LLC	AR-1	Professional office for accounting, tax preparation and booking services	3/19/2019	Approved	2639
2177	334-10.00-53.00	Ingrid Hopkins	AR-1	events venue	7/30/2019	Approved	2670
1999	334-10.00-51.00	Hopkins Farm Creamery, Inc.	AR-1	BBQ VENDOR	12/16/2014	Approved	2381
259	235-23.00-10.00	Robert Raley	AR-1	boat rental	N/A	Approved	N/A
1466	334-5.00-168.00	Bridle Ridge Properties LLC	AR-1	duplex units	12/16/2003	Approved	1646
1077	334-4.00-42.00	Barbara H. Hearl	AR-1	retail sales of antiques	5/31/1994	Approved	971
1817	334-5.00-166.00	Colonial East, L.P.	AR-1/B-1	ext. manufactured home park	12/2/2008	Approved	2015
633	334-5.00-165.00	Mildred A. Reed	AR-1	Manufactured Home Park	N/A	Approved	N/A
471	334-1.00-2.00	Robert M Raley	AR-1	water skiing, fishing & recreational rentals	N/A	Approved	N/A
1198	334-5.00-166.00	Colonial East, Ltd.	AR-1	expansion to existing mhp	10/21/1997	Approved	1187
364	334-4.00-32.00	Lawrence Mergenthaler	AR-1	Manufactured Home Park	7/27/1976	Approved	N/A
431	334-5.00-165.00	Mildred A Reed	AR-1	Mobile Home Park	8/16/1977	Approved	N/A
661	334-5.00-168.00	Southern State Co-Op	AR-1	Retail Farm Implement Sales	12/29/1981	Approved	N/A
691	334-5.00-168.00	Southern States Co-Op	AR-1	N/A	N/A	Withdrawn	N/A
1598	334-4.00-81.00	Debbie S. Porter	AR-1	Fencing Business	10/4/2005	Approved	1794
1769	334-4.00-80.00	Thomas Kucharik	AR-1	Landscaping	3/31/2009	Approved	2037
2568	334-5.00-171.00	Unitarian Universalist Society of Southern Delaware	AR-1	Electronic Message Center	Pending	Pending	Pending
2499	334-5.00-175.00	Northstar Property, LLC	AR-1	Multi-family	5/20/2025	Approved	N/A

Based on the analysis provided, the Conditional Use to allow for an Electronic Message Center (EMC) sign to replace the existing on-premise sign for the Unitarian Universalist Society of Southern Delaware could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

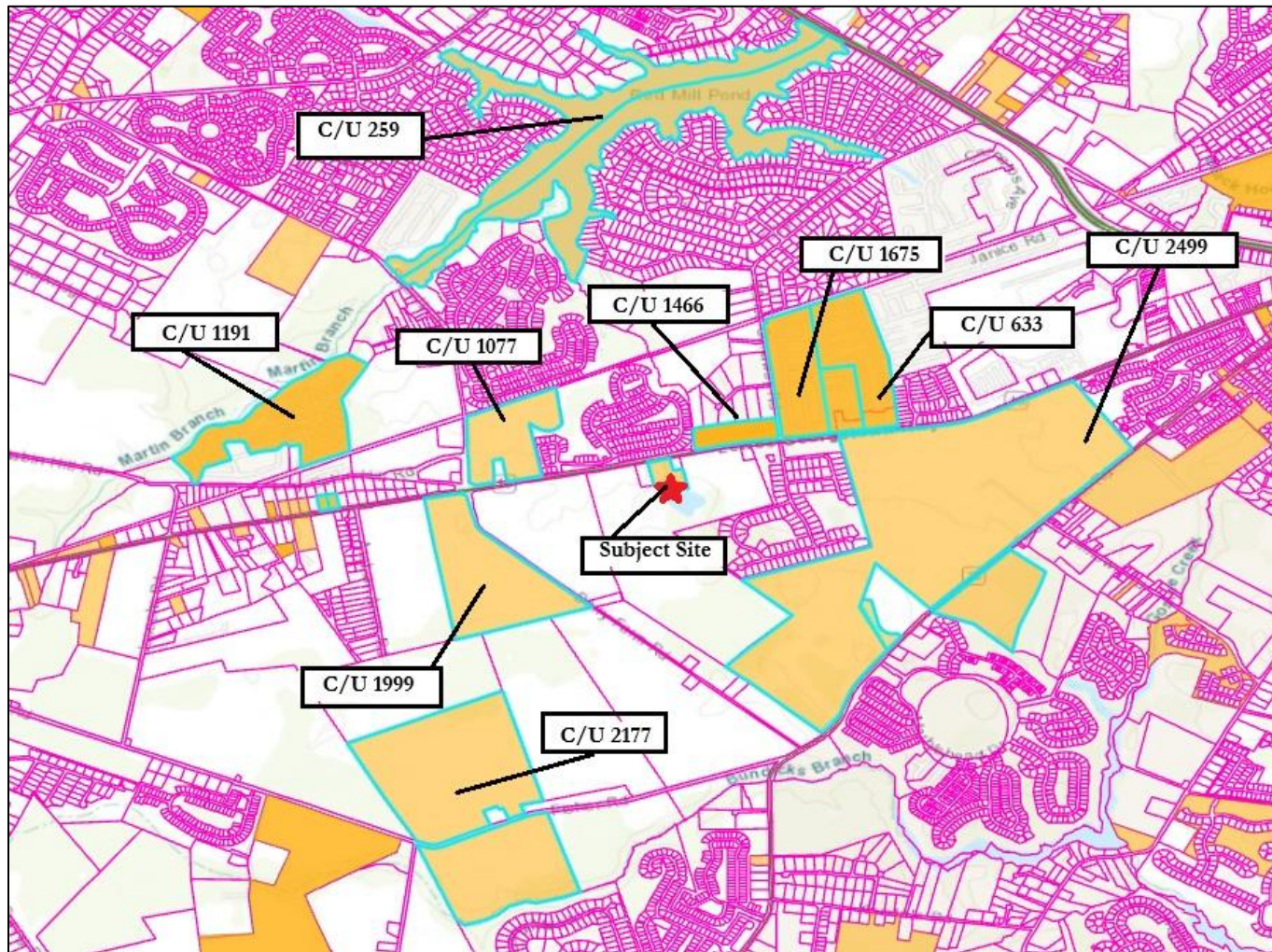
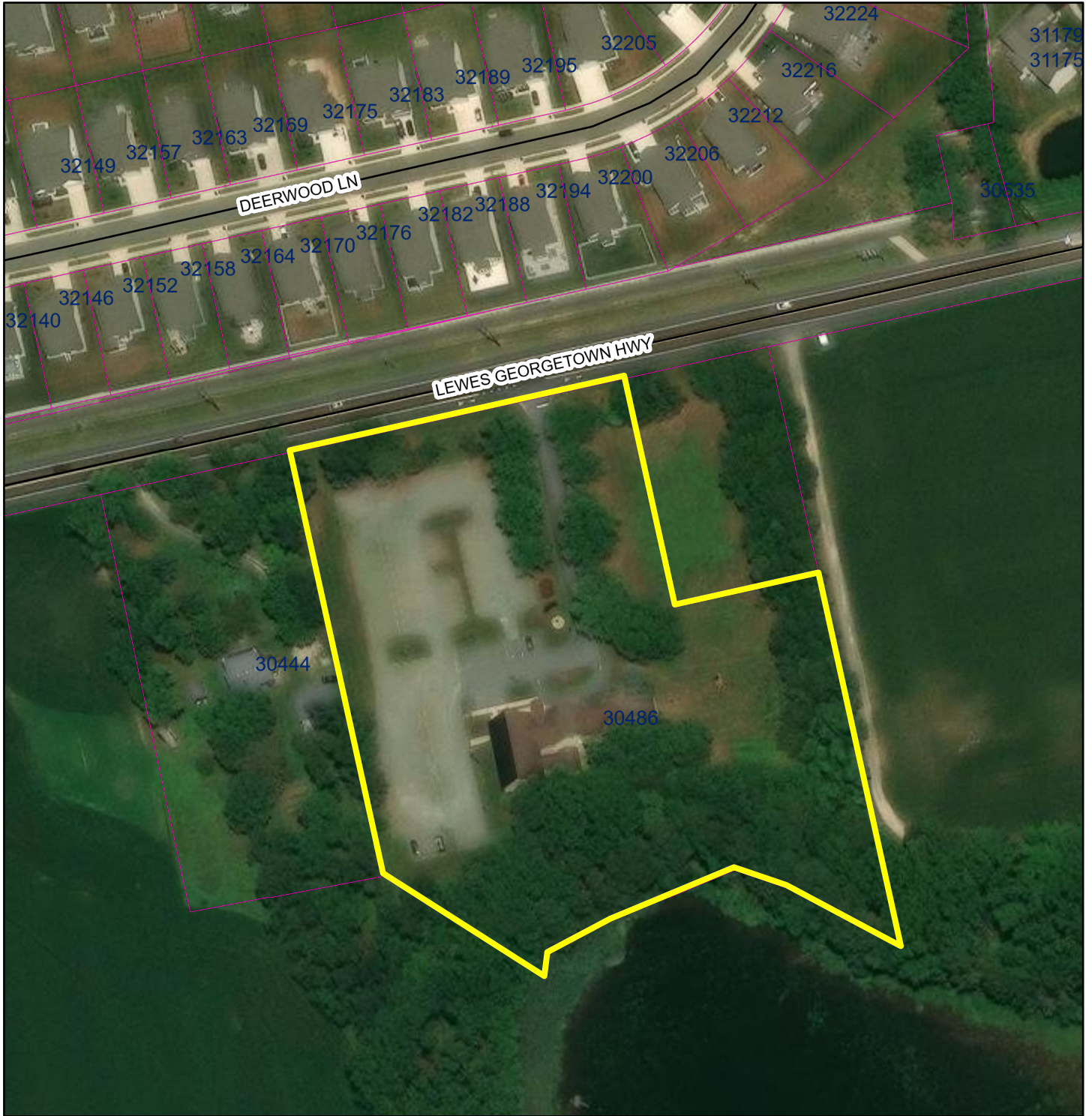












Exhibit "B" Map of Conditional Uses w/in a 1 Mile Radius of the Application Site.



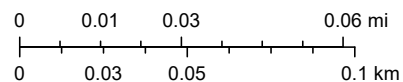
A4 Portrait Parcel Details



PIN:	334-5.00-171.00
Owner Name	UNITARIAN UNIVERSALIST SOCIETY OF
Book	4329
Mailing Address	30486 LEWES GEORGETOWN HWY
City	LEWES
State	DE
Description	
Description 2	
Description 3	
Land Code	

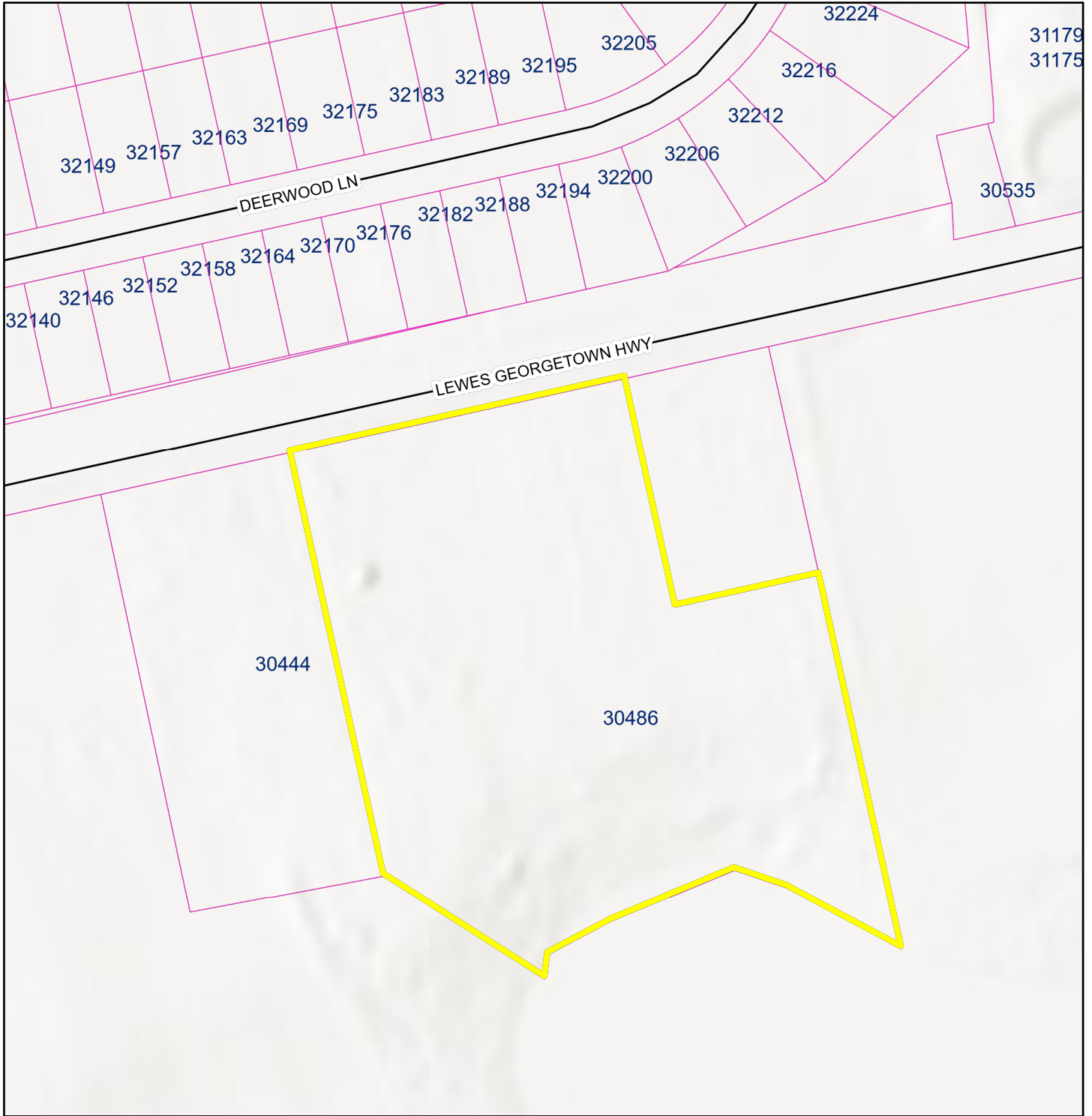
-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery
-  High Resolution 30cm Imagery
-  Citations
-  60cm Resolution Metadata

1:





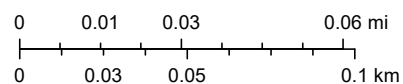
A4 Portrait Parcel Details



PIN:	334-5.00-171.00
Owner Name	UNITARIAN UNIVERSALIST SOCIETY OF
Book	4329
Mailing Address	30486 LEWES GEORGETOWN HWY
City	LEWES
State	DE
Description	
Description 2	
Description 3	
Land Code	

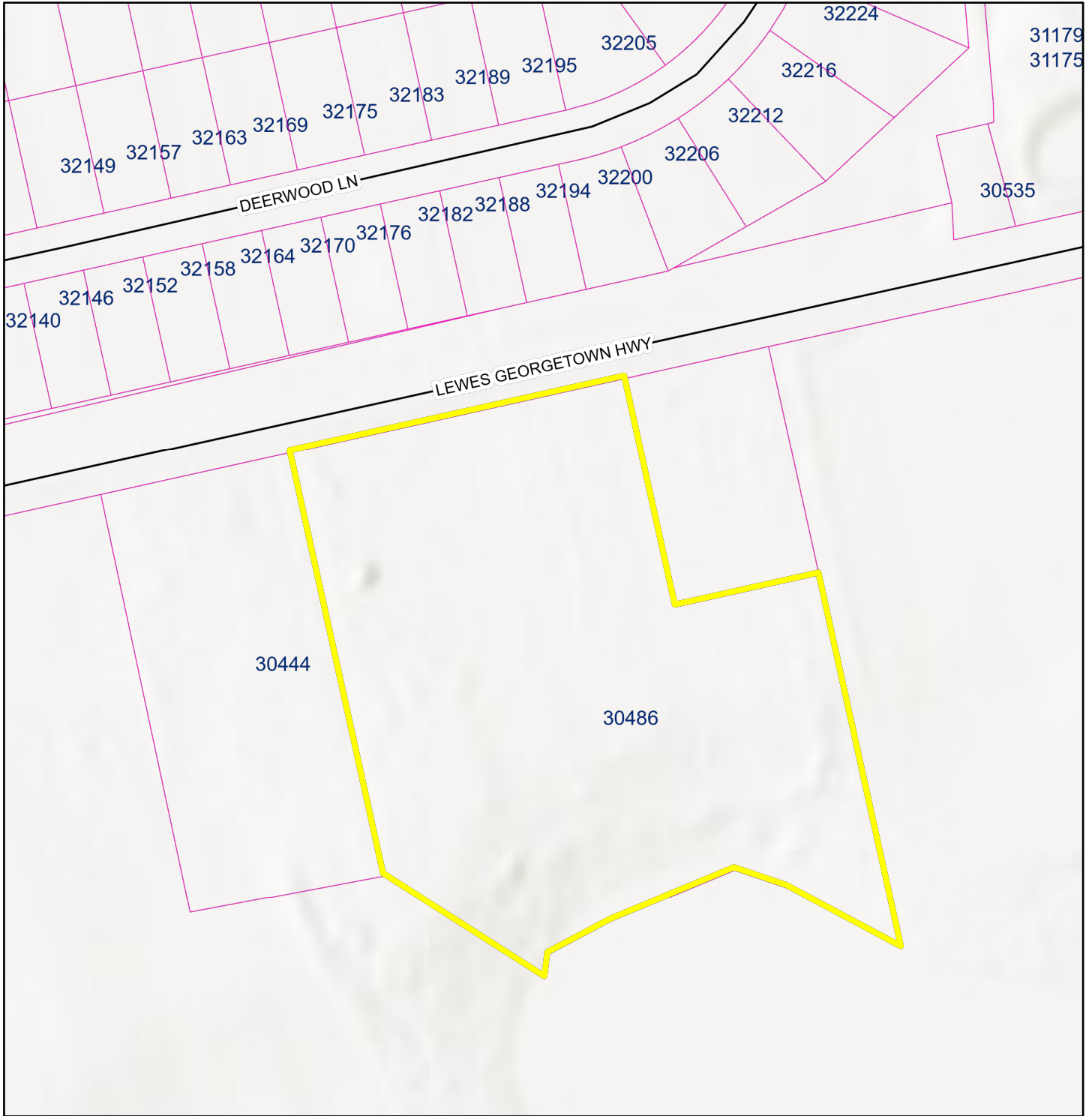
-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World_Hillshade

1:





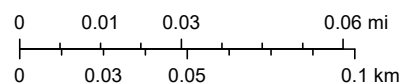
A4 Portrait Parcel Details



PIN:	334-5.00-171.00
Owner Name	UNITARIAN UNIVERSALIST SOCIETY OF
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Mailing Address	30486 LEWES GEORGETOWN HWY
City	LEWES
State	DE
Description	
Description 2	
Description 3	
Land Code	

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

1:



Introduced: 7/15/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-5.00-171.00
911 Address: 30486 Lewes Georgetown Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS

WHEREAS, on the 26th day of November 2024, a Conditional Use application, denominated Conditional Use No. 2568 was filed on behalf of the Unitarian Universalist Society of Southern Delaware; 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. 2568 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. 2568 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53 mile east of Dairy Farm Road (S.C.R. 261), and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt said parcel containing 5.91 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 11, 2025

RE: County Council Report for C/Z 2024 filed on behalf of the Christopher Companies

The Planning and Zoning Department received an application (C/Z 2024 filed on behalf of the Christopher Companies) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a Medium Density Residential District – Residential Planned Community at Tax Parcel 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 and 17.18. The property is located at 33736 and 33737 Jeans Alley, Frankford. The parcel size is 94.7 ac. +/-

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

Below are the minutes from the Planning & Zoning Commission meeting on August 6, 2025, and September 3, 2025

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

C/Z 2024 The Christopher Companies

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS. The properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365). 911 Address: 34311



Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945. Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the applicant's environmental assessment and public facility evaluation report, the State PLUS comments, the Applicant's exhibit booklet which includes the TIS review and the 99-9C response, Staff review letters for the development, the DelDOT Service Level Evaluation Response, comments received from the Sussex County Engineering Department Utility Planning Division, Technical Advisory Committee (TAC) comments which include State Fire Marshal, Delaware Electric Co-op, Delmarva Power, State division of Watershed Stewardship and an additional letter from the Sussex County Engineering Department. Mr. Whitehouse advised that Commission that there were zero comments.

The Commission found that Mr. David Hutt, Esq., was present on behalf of the Applicant, The Christopher Companies; that also present are John Regan and Carmen Marinelli, representatives of the Christopher Companies, in the front row are the owners of the property, and Jim Eriksen, professional engineer with Solutions IPEM, who are the project engineers. Mr. Hutt stated that this public hearing is for a change of zone application that encompasses 6 tax parcels totaling 94.7 acres of land; that the application seeks to change the zoning classification of those properties from their current agricultural residential district classification (AR-1) to an MR-RPC designation, which is the county's medium density residential district with a residential plan community overlay; that this MR-RPC application proposes 320 units with a mixture of two styles of single family homes, with some within a condominium ownership regime and conventional lot ownership regime; that the other type of housing that would be provided is townhomes; that this property was carefully selected based upon the land planning tools that were promulgated by the state of Delaware, specifically the Office of State Planning Coordination and by Sussex County through the comprehensive Plan and the zoning code; that the site plan was carefully tailored when it was designed to match the physical characteristics of this property as well as the surrounding property which is within the town of Millville; that the property is located just off of Burtons Farm Road; that if you were to travel on Burton Farm Road, on the western side of that road is Jones Road, on the eastern side of that road is Powell Farm Road, and if you turn on the Powell Farm Road that would take you to Route 17 (Roxana Road); that the community of Millville by the Sea is adjacent to this property and is within the town limits of Millville, and is currently still being developed; that the property to the south is within the 10-year Agricultural Preservation District and is known as Hudson's Heritage Expansion; that this property is located in Levels 2 and 3 of the State Investment Levels; that the state describes investment level 2 should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments and enhanced community identity and integrity; that investments should encourage departure from typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable that the State's intent is to use its spending and management tools to promote well designed development in these areas so that development provides for a variety of housing types, user-friendly transportation systems, essential open spaces and recreational facilities, other public facilities and services to promote a sense of community; that this is where the state anticipates and encourages growth, and encourages a departure from single family dwelling developments; that this application is a mixture of housing types that are being provided for and is a well-designed Community; that the property is within the Coastal Area on the 2045 Sussex County Future Land Use Map which is one of the County's growth areas where a range of housing types

should be permitted; that medium residential district is one of the applicable zoning classifications within the coastal area; that the property is adjacent to other properties within the coastal area and municipal areas; that as this development is adjacent to the municipal boundaries of Millville, however, it will not be annexed into the town as Millville would have to change their Comprehensive Plan to make that change; that the purpose of this district is to provide for medium density residential development in areas which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that this application is for the 320 units with that mixture of specifically is 87 single-family homes, 72 condominium ownership single-family detached homes and 161 townhomes; that the gross density for this application is 3.88 units to the acre; that this is consistent with the density of other residential projects in the area and less than some; that Millville by the Sea has a density of 4.2; that section 115-118 of the Sussex County Code states that the purpose of the RPC overlay, is to encourage large scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the comprehensive plan; that in order to create that superior living environment, or as it was referred to in the description, for level 2 in the Office of State Planning Coordination, State Strategies Manual, a well-designed community, the property was studied to determine its primary ecological factors which is consistent with good planning; that the wetlands were delineated and show an existence of 4.3 acres of non-tidal wetlands on the property; that there are two tax ditches on the property; that there are resource buffers A and B with some averaging to be included in the development; that all the resource buffers are the appropriate distances away a required by code and exceeding it in many places; that the area where the wetlands is located and which is the primary wooded area on the property, is left undisturbed; that the open space with area A that is along this side of the property is a 19.6 acre area which is 20% of the property which will also serve as a habitat area for wildlife; that the entrance to this development will be off of Burton Farm Road and is a full entrance with a right hand turn lane and a left hand turn lane; that as you enter the community you would go along the western boundary into a primary amenity area with a proposed clubhouse, pool and some sports courts; that this would be an ideal location for a school bus stop as parents could use the parking lot and the bus would not have to do any backup maneuvers; that in addition to the 19 acres of open space on the western side of the property there are additional open space including stormwater management areas; that the total area of open space is 43.2 acres or 45.6% of the site; that there will be a pocket park and a walking path throughout the community; that there will be sidewalks on both sides of the streets; that the property will have a minimum 20-foot landscape buffer but in areas next to Agricultural lands a 50-foot setback is shown on the plans; that the FEMA maps show this property as being located within Zone X, which is an area outside of the 500 year floodplain; that public utilities are available for the site and Artesian Water Company has provided a letter stating they can provide central water and Artesian Wastewater Management can provide central sewer to the property; that the property is not located within a wellhead protection area, and the property is located in a fair groundwater recharge area; that a Property Owners Association will be created to manage and govern the common areas within the community, which would include the resource buffers, the amenities, and all of the other typical common ownership matters; that the property is located within the Indian River School District and the applicant will coordinate with the district on the location of a bus stop; that a Service Level Evaluation Request was filed with DelDOT and they indicated that the traffic impact for this proposed community is a major impact; that the next step was a Traffic Impact Study (TIS) was prepared by Betty Tustin with The Traffic Group; that DelDOT has provided a review of the TIS stating that the

intersections show no deficiencies; that although there are no deficiencies in the intersections there are still requirements to include a full access entrance to the community including right hand and left hand turn lanes and making a contribution toward the future construction of a roundabout at Powell Farm Road, Peppers Road, and Roxanna Road; that this property is not well situated for the placement of Affordable Housing as it is not located on a collector road and access to public transportation would be more difficult from this site; that the Applicant recognizes that there is a need for Affordable Housing in Sussex County and is proffering a contribution of \$2250 per building permit to be contributed to either the Sussex County Housing Trust Fund or Habitat for Humanity and the result is a contribution of \$720,000 towards affordable housing from the Flyaway Farms community; that with respect to emergency services, the applicant is proffering a contribution of \$250 be made with each building permit to the Roxana Volunteer Fire Department totaling \$80,000; that in addition the applicant is proffering that the governing documents of the future Property Owners Association for the community will require, on average, each unit to contribute \$10 per month to the Roxanna Volunteer Fire for an annual contribution of approximately \$38,000; that the features of the site create a superior design to integrate the existing features of the property and then maintain the character of the area as Millville by the Sea expands West to meet this property; that the Comprehensive Plan states that the Coastal Area can accommodate development provided special environmental concerns are addressed; that it goes on to state that medium and higher densities, and it refers to medium and higher densities as something between 4:00 to 12:00 units per acre can be appropriate in certain locations, and has a series of factors that the Planning Commission and County Council would consider that those factors include where there is central water and sewer available, where the property is near sufficient commercial uses and employment centers where it's in keeping with the character of the area, where there is adequate level of service and then other or other considerations may exist; and that this property has central water and sewer available and that it is near commercial uses and employment centers.

Mr. Hutt submitted a proposed set of Finding of Fact and proposed declarations for the Properties Owners Association.

Mr. Mears stated that the referenced Millville by the Sea was located a couple of miles from the application's site, and when comparing the two sites, Millville by the Sea is located along an arterial roadway, whereas Burton Farm Road is not considered an arterial roadway.

Mr. Hutt stated that Millville by the Sea is located adjacent to the subject property; that the property is currently being developed; that the only sections of Millville by the Sea, which have received final approval and have been recorded, are Phases A1 & A2; that those are the areas currently under construction; that the developer is permitted to construct phases in whichever order they desire; that along Burton Farm Road, there are townhomes, and the Millville by the Sea is located adjacent to the municipal limits of the Town of Millville.

Chair Wingate questioned where the back of properties meets up with Horse Play Way, and if there was an existing and active airstrip located in that location.

Mr. Whitehouse stated that there was not an active airport in that area, recognized by the Sussex County Comprehensive Plan, but that did not mean that there could not be an active airstrip in that location.

Chair Wingate stated that Artesian would be supplying the central sewer and water; that she questioned whether a private treatment system or private pumping system would be placed on the site, or if there was a nearby system, the project would tie into.

Mr. Hutt stated there would not be treatment on the site; that there would be a pump station, which would pump by force main into an Artesian network system for water and sewer, which he assumed would be Millville by the Sea's system.

Chair Wingate questioned if a response had been received from the local school district for the project.

Ms. Cecchine stated that notification was provided to the local school district; however, no response was received from the school district.

Mr. Robertson stated that within the submitted Proposed Conditions of Approval, Condition R, required \$10.00 per unit, being an average of \$38,400.00 in total contributions; that he questioned if the contribution would be from day one of when the first unit is built, or was is proposed to be an annual contribution as units are brought online.

Mr. Hutt stated that it is proposed as an annual contribution, as units are brought online; that the \$38,400.00 would be at full build out; that within the first year the number would be much lower, and as the site is developed, the numbers would continue to go up to reach the \$38,400.00 at full build out.

Mr. Robertson stated that it was proposed that with each building permit being pulled, a contribution of \$250.00 would be made to Roxanna, and he questioned if that would then trigger the unit's required \$10.00 from there forward.

Mr. Hutt stated that Mr. Robertson's understanding and statement were correct.

Chair Wingate questioned if there were any DelDOT improvements required by DelDOT to be performed along Burton Farm Road for the project.

Mr. Hutt stated that with the required entrance improvements, the site's frontage along the road is also required to be improved to the functional classification of the roadway and will essentially be a turn lane. Chair Wingate stated that she did visit the property; that she is very familiar with Burton Farm Road; that it is a small road; that she felt that the entrance through the alley to access the property felt as if it was stuck in the middle of a farm field, and she felt the project could create a lot of traffic onto Burton Farm Road.

Mr. Mears stated he agreed with Chair Wingate's concerns, which had prompted his comments regarding the arterial roadway.

Mr. Collins stated he had concerns regarding the condition of the roadway, as it seemed very narrow with no shoulders; that he had concerns that there was no input from the local school district and questioned the odds that staff would receive a response from the school district.

Ms. Cecchine stated that staff could follow up with the school district for a response should the Commission desire to do so.

Mr. Collins stated he would like to hold the record open to allow for input from the school district.

Mr. Robertson stated that Ms. Cecchine (formally known as Ms. DeVore) had issued notice to the local Indian River School District on April 17, 2025, allowing the school district over three months to respond; that he did not want to hold up the process, and that the school district would still be permitted to provide comment, as the application was still required to go for a public hearing before Sussex County Council.

Mr. Whitehouse advised the Commission that Sussex County Council will be provided an application memorandum, as well as the meeting minutes from the Planning & Zoning Commission meeting; that staff could provide a copy of that same memorandum to the Indian River School District's contacts, allowing them to provide any additional comments to be reported to the Sussex County Council as an alternative.

Mr. Butler stated he had more concerns regarding the roadway.

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, Chair Wingate closed the public hearing.

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

In relation to C/Z 2024 The Christopher Companies. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5-0.

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

The Commission discussed this application, which had been deferred since August 6, 2025.

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

Mr. Mears moved that the Commission recommend denial of C/Z 2024 The Christopher Companies based upon the record made during the public hearing and for the following reasons:

1. The stated purpose of the MR Zoning District *"is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction.... The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future."* While sewer and water will apparently be available at some point in the future, I do not believe that this site is "in an area that is, or is expected to become urban in character". I also do not believe that this vacant land "is considered appropriate" for MR zoning for the reasons that follow.

2. Although this site is technically adjacent to Millville's boundaries, it's the backside of Millville. This site only has indirect access to Burton Farm Road via only 80.14 feet of road frontage and it does not have any direct access to Millville's town center or its internal roadways. The site is also isolated from any other higher-density development because it is situated behind several larger two-acre lots that have frontage on Burton Farm Road. In this isolated location, separated from the rest of Millville and without any substantial road frontage of its own, I do not believe that this site is, or is expected to become, urban in character or that it is appropriate for MR development.
3. I do not believe that this is an appropriate location for the density that is permitted in the MR Zoning District. The MR Zone permits a density of up to four units per acre. Again, this location is immediately behind lots that are at least two acres in size. It is surrounded on a majority of the rest of its boundaries by land in agricultural use, with the entire southern boundary adjacent to lands under Agricultural Preservation. This proposed rezoning is inconsistent with the adjacent properties and uses.
4. This upzoning to a higher density is not entirely supported by the Sussex County Comprehensive Plan. p. 4-15 the current Comprehensive Plan provides the following guidance for increased densities in the Coastal Area where this property is located: *"Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. 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."* Applying those factors to this application:
 - a. *"Near sufficient commercial uses and employment centers"*: A corner of the property is adjacent to the Town limits of Millville and an undeveloped portion of the Millville By the Sea development. However, Millville By the Sea is largely oriented towards Roxana Road and not Burton Farm Road where this RPC would have its access. Other than a very small B-1 property near this site (along Roxana Road and Horse Play Way) there are no other commercial uses or employment centers in the immediate vicinity of these properties. This factor is not satisfied.
 - b. *"Where it is in keeping with the character of the area"*: Again, aside from the proximity to the Town of Millville and the limited area of shared border with Millville By The Sea, the rest of the character of the area is primarily AR-1 farmland and larger 2 acre strip lots in front of this property along Burton Farm Road. As confirmed in the hearing, the property directly south of this RPC is in Ag Preservation, too. So, the MR medium density of 4 units an acre is generally out of character with area.
 - c. *"Where it is along a main road or at/near a major intersection"*: This one is not satisfied since Burton Farm Road is not a main Road and there are no main intersections nearby. The road improvements imposed upon this development by DelDOT largely only cover the area of the road immediately adjacent to this site. In this case, the site only has 80.14 feet of road frontage, making material improvements to Burton Farm Road very limited. This factor is not satisfied, and the required DelDOT improvements along the site's limited road frontage do not mitigate the fact that Burton Farm Road is a narrow, two-lane roadway with limited shoulders.
 - d. *"Where there are other considerations that are relevant to the project and density"* - While this MR-RPC is technically adjacent to Millville's boundaries, it's the backside of Millville, and Burton Farm Road does not have any direct access to Millville's town center and its

internal roadways without having to travel across several roads to get to the center parts of the town. As a result, this project does not reflect a natural expansion or extension of the development trends within Millville since there is no direct connectivity between this project and the Town.

5. DelDOT has stated that Burton Farm Road in the vicinity of this site currently has a daily traffic volume of 329 vehicles per day. DelDOT has also stated that this development alone would create an additional 2,668 trips per day on this narrow roadway. This is more than eight times the current traffic volume of that road. Because it is more than 500 additional vehicles it is considered a Major impact to the area roadways. Again, the limited road and entrance improvements required by DelDOT can only occur within the site's 80.14 feet of frontage. This is not enough to mitigate the adverse impact of the substantial increase in the traffic volume on Burton Farm Road caused by this rezoning.
6. Because this is a recommendation for denial of the upzoning to MR, it is not necessary to also address the nature of the Residential Planned Community and the site plan associated with that part of the application. However, for the reasons stated in this motion, the purposes of a Residential Planned Community are also not satisfied because this application does not create "a superior living environment through unified developments". Instead, this RPC is neither unified nor consistent with a majority of the surrounding properties and uses. For the same reasons, this Residential Planned Community does not protect the "existing and future developments" in the area. And, as stated in Item #4 of this Motion, it is not "achieving the goals of the Comprehensive Plan".
7. For all of these reasons, it is my motion that the Commission recommend a denial of this MR-RPC.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend denial of C/Z 2024 The Christopher Companies, for the reasons stated in the motion. Motion carried 4-0.

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

JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

DELAWARE
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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 30th, 2025
RE: Staff Analysis for C/Z 2024 Flyaway Farm (The Christopher Companies)

The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/Z 2024 Flyaway Farm (The Christopher Companies). to be reviewed at August 6th, 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 IDs: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18

Proposal: The request is for a Change of Zone for Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18 to allow for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District for a 94.70-acre parcel of land lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and to the west side of Horse Play Way, to the west of the intersection Horse Play Way and Roxanna Road (Route 17) at 34322 Horse Play Way, 33736 & 33737 Jeans Alley in Frankford, Delaware.

Specifically, in addition to Changing the underlying Zoning District of the Parcels, the Application establishes a Residential Planned Community (RPC) overlay. The Residential Planned Community (RPC) will consist of 87 single-family lots, 72 single-family condominium units and 161 townhome units and associated amenities.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north along Burton Farm Road (S.C.R. 373) consisting of the Burton Farm Estates Subdivision, the west on the opposite side of Blackwater Creek, the east side on the opposite site of Horse Play Way and to the south are also zoned Agricultural Residential (AR-1) District.

The Parcels to the east bordering Parcel 17.12 are located within the incorporated town limits of the Town of Millville, Delaware.

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





The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a Growth Area designation of “Coastal Area” and “Developing Area.”

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

Furthermore, the Plan also notes that “medium and higher density could be supported in areas: 1.) Where there is central water and sewer, 2.) Near sufficient commercial uses and employment centers, 3.) Where it is in keeping with the character of the area, 4.) Where it is along a main road or at/or near a major intersection, or 5.) Where there is an adequate Level of Service (2018 Sussex County Comprehensive Plan, 4-16).

Compliance with Comprehensive Plan

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

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

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use to include the Hudson’s Heritage Expansion

on Parcel 15.00) to the south of the proposed use which will require a 50-ft buffer from the Property line for “*any improvement requiring an occupancy approval for a residential type use*” (§99-6(G)(2)).

- **Interconnectivity:** Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur on the Parcel.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Though submitted prior to the approval of the Ordinance, Staff request that a 30-ft buffer be provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note per the County’s Online Mapping System that there appears to be a large area of lotic wetlands on the subject Property on the north side of Parcel 15.01. Additionally, there are areas of lotic wetlands that also appear to exist in conjunction with the existing agricultural ditches which appear to run throughout the Property to include Parcels 15.01, 15.02, 17.12, 17.16 & 17.17.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcels are classified as within an area of “Fair” and “Poor” Groundwater Recharge Potential on the site per data from the State of Delaware.

Staff note that there are two (2) Tax Ditch Areas (the Blackwater and Beaver Dam Canal Tax Ditch Areas), and related Tax Ditch Rights-Of-Way (ROW) run along the east and west sides and between Parcels 15.01 and 17.12. There is a Tax Ditch ROW running along the western side of the Property with Blackwater Creek of which the ROW area is measured 16.5-ft from the Top of Bank (TOB) of the Tax Ditch. There is also a Tax Ditch ROW running along the northern side of the Property of which the Tax Ditch ROW is measured 80-ft from the Top of Bank (TOB) of the Tax Ditch. Additionally, there is also a Tax Ditch ROW running on the southern side of Parcel 15.01 of which the Tax Ditch ROW is measured 80-ft from the Top of Bank (TOB) of the Tax Ditch.

No structures may be placed within Tax Ditch Rights-Of-Way without written approval for such an exception from the Delaware Department of Natural Resources and Environmental Control (DNREC).

A Supplemental Map has been provided as a Supplemental Exhibit showing the nature of all Wetlands and Tax Ditch Rights-Of-Way on the subject Property.

Existing Changes of Zone within the Vicinity of the Subject Site:

Staff notes that since 2011, there has been one (1) Change of Zone Application within a 0.5-mile radius of the Application Site, which was **Change of Zone No. 1946 Ronald E. & Candice Gray** which was approved by the Sussex County Council.

Details regarding that specific Application have been outlined in the Supplemental Table below.

Based on the analysis provided, a Change of Zone from an Agricultural Residential (AR-1) District to Medium Residential, Residential Planned Community District (MR-RPC) could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Change of Zone Applications (w/in a 1-mile radius of the Application Site)						
Application Number	Applicant Name	Zoning	Proposed Zoning	CC Date	CC Decision	Ordinance No.
C/Z 1946	Ronald E. & Candice M. Gray	AR-1	B-2	6/14/2022	Approved	2862

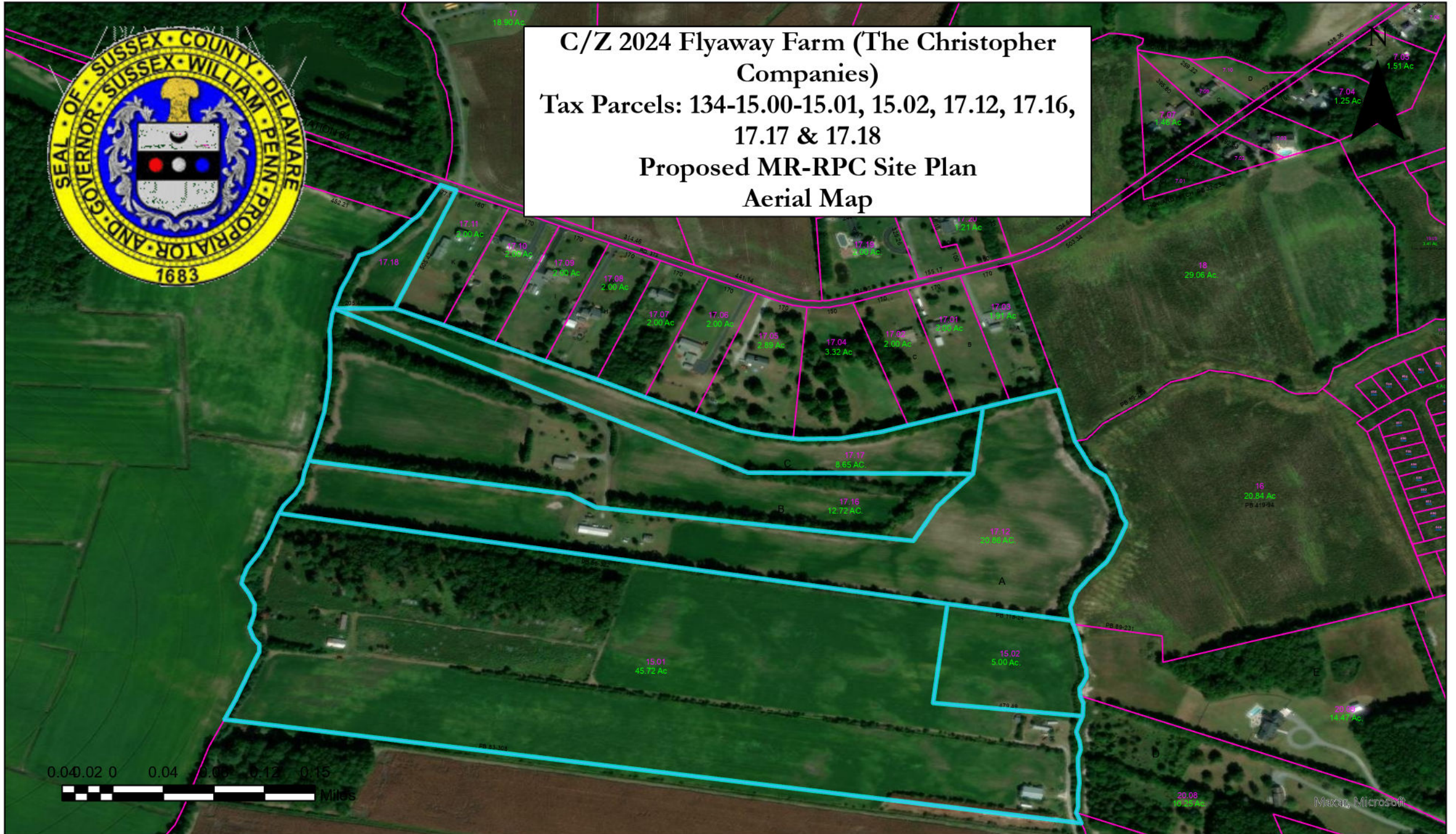
Exhibit “A” – Changes of Zone Applications (w/in a 1-mile radius of the Application Site)



“Exhibit “B” – Wetland Areas and Tax Ditch Rights-Of-Way on Subject Property

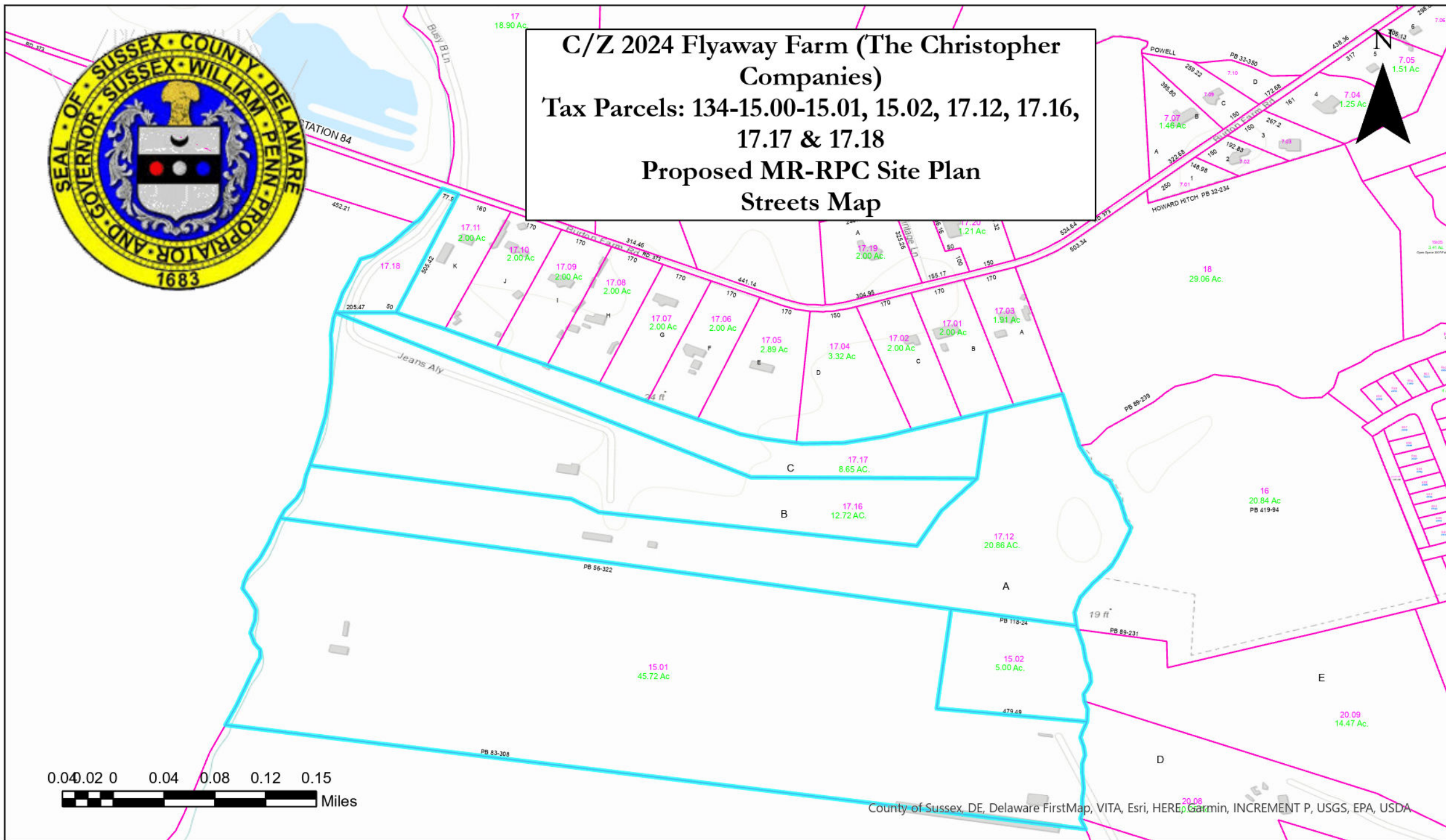


C/Z 2024 Flyaway Farm (The Christopher Companies)
Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
Proposed MR-RPC Site Plan
Aerial Map





C/Z 2024 Flyaway Farm (The Christopher Companies)
Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
Proposed MR-RPC Site Plan
Streets Map



Introduced: 7/15/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18

911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2023, a zoning application, denominated Change of Zone No. 2024 was filed on behalf of The Christopher Companies; 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. 2024 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 MR-RPC Medium-Density Residential – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and to the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. and D. Stephen Parsons, P.A. said parcels containing 94.7 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 11, 2025

RE: County Council Report for C/Z 2001 filed on behalf of Belmead Farm, LLC

The Planning and Zoning Department received an application (C/Z 2024 filed on behalf of the Christopher Companies) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a Medium Density Residential District – Residential Planned Community at Tax Parcel 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17, and 17.18. The property is located at 33736 and 33737 Jeans Alley, Frankford. The parcel size is 94.7 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 19, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 16 reasons and subject to the 19 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on March 19, 2025, and May 21, 2025

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

C/Z 2001 Belmead Farm, LLC

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS. The property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: 20033 John J. Williams Highway, Lewes. Tax Parcel Nos.: 334-18.00-40.01 & 40.06.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the State PLUS comments, a copy of the Applicant's exhibit booklet, which includes a rezoning site plan and a boundary plan, a grading plan and a concept plan, a copy of the staff analysis and the Applicants response to the staff analysis letter, a copy of a written response from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicants drainage assessments, a copy of the Applicants environmental assessment, a copy of the Delaware Department of Transportation TIS Review Letter and the Applicant submittal of the TIS to DelDOT, and seventy-one (71) written comments; that because this is a C-4 application, Mr. Robertson and I can provide a very brief overview as this is the first one presented to this Commission.

Mr. Robertson stated that the C-4 District has been around for approximately ten (10) years, but this is the first one to actually come through the Commission; that this Zoning is similar to an RPC, but in reverse; that RPC's are primarily residential with a design flexibility for some commercial uses; that C-4 is more so heavy on the commercial aspect with a larger residential component; that with this rezoning you have the ability to see a site plan as part of the process; that there is a site plan that you can put conditions on during the rezoning process; that it is sort of a hybrid of rezoning and subdivision approval or rezoning and conditional use all molded into one; that this site is being rezoned to C-4 with the site plan that's being presented; that the purpose of the code is to encourage carefully planned large scale commercial retail and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments and to provide for the application of design ingenuity while protecting the existing and future developments at achieving the goals of the Comprehensive Plan; and that the code for C-4 says "to provide an integrated master plan setting for uses in the Planned Commercial Development District and the development shall be designed in accord with the following: A design is an integrated and comprehensively planned area and using a common parking area, shared ingress and egress pedestrian walkways, open space, stormwater management facilities and water and wastewater utilities. Internal access streets should be provided to serve large scale retail uses, individual access points for individual uses onto an existing collector or arterial roadway should not be permitted, interconnectivity with adjacent parcels shall be required, the landscape plan provides a continuous landscape pattern throughout the entire site. An overall landscape plan for the entire site will be provided that provides for this continuity but also allows for flexibility as specific buildings and accessory uses are located within the site and then to the maximum extent feasible. Any provision of utilities, including but not limited to water, wastewater, storm drainage and stormwater management shall be provided in a coordinated fashion to address the ultimate needs of the entire site."

Mr. Whitehouse stated that we have met with the Applicants and one of the threshold questions for this C-4 Zoning District is the amount of multifamily, duplexes and townhouses; that there is a numerical limit in code for 40% of the site area; that the Applicants compliance with that, is the site area is 39.22 acres, so per the 40% maximum area of the site that could be covered in those multifamily duplexes and townhouses would be 15.68 acres of the site; that the multi-family residential area actually takes up 14 acres of the site, which is less than 35% of the total area; that the remaining 65% of the site will be commercial or residential above commercial as mixed-use, so within that 14 acres there are 724 unit apartments which results in a total of 168 units on 14 acres and that calculates to a density of exactly 12 dwelling units to the acre in that section of the site; and that when you calculate the density of the project as a whole, which is 334 units on 39.22 acres, the density is actually much lower because of the size of the site, and it translates to 8.51 dwelling units to the acre.

Mr. Collins asked why Sussex County would prefer to approve of a development such as this one over the idea of standard single-family development?

Mr. Whitehouse stated that the purpose of this district as a whole is for planned larger developments in strategic locations like arterial routes; and that this zoning district was specifically created for more commercialized developments, as that is the ultimate purpose of this zoning district.

Mr. Mike Riemann, from Becker Morgan Group, spoke on behalf of the Applicant that the presentation will show that they are meeting the requirements for a C-4 Zoning District by the land area shall have access to an existing or planned arterial road (Route 24), the land shall be served by adequate existing or planned infrastructure, the minimum area is three (3) acres, the land will be under single ownership and the district may have a maximum of 40% developable area as duplexes, townhomes and multifamily dwellings; that the site is located along Route 24 next to Beacon Middle School, with Love Creek Elementary School across the street and the new State Police Troop 7 facility around the corner on Mulberry Knoll Rd.; that location is key for this project and it provides services to residents West of Route 1; that the project is within the Henlopen TID and the site includes an area where growth is targeted and planned along with transportation infrastructure; that the site is located within the Level 2 of the State Strategies, which reflects areas where growth is anticipated; that this location is good for this type of application, given the existing uses in the area; that the site is located within a Coastal Developing Area and the Future Land Use Map identifies the site as Commercial; that according to the Comprehensive Plan Commercial areas include Commercial corridors, shopping centers and other medium and large commercial vicinities geared toward vehicular traffic; that the site has utilities available, with sanitary sewer, electric, gas and water directly in front of the property and available to the site; that a letter from Tidewater has been provided as an ability to serve; that the Master Plan consists of three (3) predominant areas, the multifamily area in the rear of the property, with 724 Unit multifamily garden style apartments, mixed-use buildings with the mixture of commercial spaces on the ground level and residential spaces above and five (5) commercial pads along the front of the property with a service road running along the front tying all of those parcels together; that there will be adequate parking for the commercial areas and the residential; that there are a number of garages throughout the property, a place for a clubhouse and pool, sidewalks and interconnectivity and outdoor seating areas and patios; that there are landscape buffers, buffers from the wetlands and floodplain and they will have at least 5% of the multifamily parking as electric vehicle capable; that the main entrance is a boulevard style entrance with angled parking for the commercial area and sidewalks and pedestrian pathways to create an environment that is integrated design for the commercial and residential aspects, which is the intent of the C-4 Master Plan; that there are Non Tidal Wetlands in the lower left corner of the site, which would require a minimum of a 30 foot resource buffer and the Applicant is offering to put in a 100 foot resource buffer around that area; that the Applicant is clearing about 50% of the trees on the property, being approximately eleven (11) out of the forty (40) acres are tree coverage; that the property is located within the Henlopen TID, which means that DelDOT has determined this area to be where growth is planned and identified with transportation improvements; that DelDOT completes a long term traffic study and determines the appropriate improvements needed to accommodate growth and assess a fee that developments are required to pay; that with a TID there is normally no need for a traffic study to be completed, but the Applicant chose to do one because the density that was allocated for this AR-1 property was forty-seven (47) single family units, which does not equate with the idea of forty (40)

acres and possibly up to eighty (80) units as a cluster subdivision; that the TID did not follow the Comprehensive Plan that the commercial future land use allows up to twelve (12) units per acre; that DelDOT has a process that if a project is within a TID and the density exceeds what was projected then they would require a traffic study to be done by the developer; that the Applicant went through that process already to provide updated data for this area; that this study concluded that this project, at a higher density than what was proposed in the original TID, can still be accommodated within the TID improvements that are proposed; that based on the TIS within the proposed densities will have a fee of about \$2.7 million vs. the \$280,000 that would have been paid if the original forty-seven (47) single family units were completed; that DelDOT has done a significant amount of improvements along Route 24 from 2021 through current, including seven (7) major projects spanning from Route 1 going West on Route 24; that some of those are things such as widening the road from one lane in each direction to two lanes in certain areas along Route 24, improving pedestrian improvements and signalization improvements; that right in front of the site there are four (4) lanes that go to the middle of the site and DelDOT wants to put an intersection in at our entrance directly across from Saddle Ridge, to create a four (4) way intersection as well as extend the two (2) lanes to our westerly frontage limits; that this project sit along the public transit route and the Applicant plans to add a bus stop within the facility; that in terms of the design, there are minimal aesthetics with natural elements to promote the coastal living approach; that there will be outdoor spaces, seating, patio spaces and bike racks and areas; that the apartments in the rear will be garden style with three stories due to the height restriction as the Applicant would like to propose some rooftop elements, but cannot due to that restriction; that the affordable housing is giving a multifamily product at a lesser cost than that of the \$800,000 single family homes that are being built all over the County in the new subdivisions; that this is the perfect location for this type of development as there are schools, medical facilities and the state police all within a close proximity, and the need for affordable housing is needed amongst these workers; that the Applicant is committed to pricing at least 10% of the units below the 120% AMI; that Sussex County's 120% AMI to deem housing affordable is about \$2,136 a month and the market rate rents are between \$1695-\$2295; that the Applicant will work with the County to develop a rate structure that brings the rents down below the 120% for those 10% of units; that the project is supported by the Office of State Planning with no objections from them and the Delaware State Housing Authority has sent positive recommendations for support of this project; that in order for this project to work the density needs to be essentially 60% commercial with no more than 40% being residential; that in order for that to happen we need to position the commercial facilities correctly and choose a layout like what was chosen was necessary, to make it a viable project and develop where was needed; and that there was a proffered statement of EMS and Fire Department contributions of approximately \$187,500 as a result of the code through the County's building permit process surcharge.

Mr. Collins asked why you would move forward with this sort of mixed-use development instead of building a community of houses that we typically see in this area ranging between \$500,000 and \$800,000 or more. What's the rationale behind choosing this design?

Mr. Riemann stated that if developed under the base zoning that's there now, it is about eighty (80) single family homes with a traditional development; that the Applicant is a multifamily builder and that is what he likes to build; that in this particular location, as well as in Eastern Sussex County, we think that this particular product type is something that is needed in the marketplace for all the reasons

mentioned earlier, the location, the Beebe facility, the location of the schools, location of the police, etcetera; that there is the limited availability for this type of housing on the Eastern side because of the amount of traditional high-priced single family homes that and there is a need for a market of this particular product; that as it relates to school age kids for this type of product, the rate of school age kids in multifamily projects is less than in a single family product; that the people that are living here, are young professionals with small kids or people that are retired looking for a less maintenance lifestyle, etc.; and that the impact this project would have on the school district in terms of multifamily units compared directly to a single family unit is going to be less.

Dr. David Tam, President and CEO of Beebe Healthcare, spoke in favor of this application that supports the growth of Sussex County, in which it will draw in medical professionals for the growing healthcare system; that in order to grow the healthcare system physicians need to be recruited until Beebe has its own medical school or the residency program can sustain its own physicians; that new physicians cannot afford to live in the \$800,000 homes coming fresh out of medical school with large amounts of debt; that for this reason it is hard to maintain a young, new staff in the area as they are priced out and forced to live more than thirty (30) minutes from the facility; that for every physician that is employed it takes approximately six (6) support staff to assist that one (1) physician; that those employees are in need of lower cost housing options so that they can live near their employer; that many of these people like the idea of living in this kind of setting where they can be close to home, being near a school and maybe not necessarily go all the way down Route 1 to Rehoboth to get a pizza or something like that; and that in this case, I would like to stand before you and say that I support this proposal and I don't want to be the guy that is rampant development across the board, but we've done the studies and I will be coming back before you and others in the future to talk about what health care needs there are in the community.

Ms. Judy Rose Seibert, spoke on behalf of the Route 24 Alliance, in opposition to the application and presented a power point presentation that discussed concerns with the following topics:

1. Transportation, TID/TIS reports and the major impact of traffic on Route 24.
2. Clearing forested land and water pollutions.
3. Infrastructure
4. Impact on the local school district

An electronic document file was submitted to the record and can be found on our website at the following link:

<https://connect.sussexcountynj.gov/PublicDocket/#!/details/CZ%25202001>

Mr. Steve Kitka, of Saddle Ridge development, spoke in opposition to the application for the following reasons:

1. Traffic and the unsafe situation of vehicular accidents, decrease in pedestrian safety and impact on EMS times.
2. Changing the zoning on the Comprehensive Plan to Commercial does not fit with the existing nearby residential properties.
3. Environmental factors, where significant removal of mature forest on the site will cause flooding and pollution for all neighboring properties.

Mr. Henry Romanowski, of Camp Arrowhead Rd., spoke in opposition to the application that the contributions that are being offered to the DelDOT improvements are not enough to cover the amount of work that needs to be done along Route 24; that the idea of having affordable housing based on the Applicants plan will not be sustainable over the years and the rent will continue to increase making it impossible for those who need that housing unable to afford it and that the traffic studies being completed are not accurate.

Mr. John Niemkiewicz, of Saddle Ridge, spoke in opposition to the application that there is no interconnectivity on the developers plan as required for the C-4 Zoning; and that the quality of life for the existing communities will have a significant negative impact and the increased traffic along Route 24 will be a safety hazard.

Mr. Neil Trugman, of Briarwood, spoke in opposition to the application that the increase in traffic will be an issue, the decrease in EMS response times due to that traffic and the dangers of more vehicles will result in more accidents; and that he recommends to take this land and make a large park out of it rather than destroying the land.

Mr. Guy Edelman, of Bookhammer Estates, spoke in opposition to the application that his property backs up to the wooded area in the rear corner of the Applicants property and is questioning why they cannot leave the full ten (10) acres alone in that area; that it will affect not only the neighboring residents, but all of the wildlife that lives within that area; and that the neighbors are concerned with the fear of another building being put up later after the approval goes through for the 100 foot buffer when only the 30 foot is required.

Ms. Chris Singer, of 34141 Greener Trail Lane, spoke in opposition to the application that the plans to develop this land bring about four major concerns:

1. Water pollution/runoff from Route 24 and the clearing of the Bell Mead farmland to a paved surface onto neighboring properties.
2. Traffic will increase significantly, and Route 24 is not and will not be equipped to handle that large of an increase in traffic.
3. The actual need for a large-scale apartment complex, like what is being proposed, and what prevents the neighborhood from becoming all apartment complexes.
4. Safety concerns, as having commercial neighbors means, the risk of trespassers, increase in trash and pollutants and illegal activities that are not wanted within the single-family homeowners rather than that of commercial type neighbors.

Ms. Alison Antisz, of 20062 John J. Williams Highway, spoke in opposition to the application that there are many ecological effects that this development will have on the surrounding properties and that the water quality will be affected because of the air and downstream water quality.

An electronic document file was submitted to the record and can be found on our website at the following link:

<https://connect.sussexcountytde.gov/PublicAccess-NextGen/api/document/105921>

Mr. Matthew Glade, of Bookhammer Estates, spoke in opposition to the application that the proposed development is out of character with the surrounding area; that the area is surrounded by single family

homes and farms; that this plan does not protect the physical, economic or social environment of the surrounding communities as required by code; and that there are certain conditions of approval that would be suggested:

1. A natural tree line where it already exists must remain with at least 100-foot buffer especially along the southwest boundary.
2. A privacy fence is installed along the southwest and southeast boundary for safety and to prevent trespassing.
3. Appropriate measures taken to prevent outdoor lighting from shining into the adjacent communities.

Mr. Greg Singer, of 34141 Greener Trail Lane, spoke in opposition to the application as the amount of development to surrounding properties to his is expanding the wetlands along the back of his property; that there is a small creek in the back that is getting larger as the land is being cleared and less vegetation is kept as a buffer; and that as the vegetation is being cleared the wildlife that is prevalent is being displaced.

Ms. Melanie Bernstein, of Saddle Ridge, spoke in opposition to the application that the ten (10) acres of forest in should be kept, preserving all of the wildlife that is left on undeveloped land.

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/Z 2001 Belmead Farm, LLC. Motion by Mr. Collins to defer action for the record to be left open for 10 business days to allow the Planning & Zoning Department to send notice to the Cape Henlopen School District for comment and a further 10 business days to allow the public to comment on the responses from the school district, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

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

The Commission discussed this application which has been deferred since March 19, 2025.

Mr. Collins moved the Commission to recommend the approval of **CZ # 2001 BELMEAD FARM, LLC** for a change in zone from the AR-1 Agricultural Residential District to the C-4 Planned Commercial District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a nearly 40-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District is “to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.” This purpose is satisfied with this application.

2. Route 24 is classified by DelDOT as a principle arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. In addition, a TIS was prepared by the Applicant's traffic engineers and approved by DelDOT. On top of the improvements required by the TIS, the developer's contributions to roadway improvements within the Henlopen TID, under the TID will be approximately \$2,800,000.00.
3. The location is in an area that has developed with a variety of uses, including two schools, a State police barracks, a hospital campus and a variety of housing types. The area housing includes large and small single-family subdivisions and a multifamily residential development across Route 24 from the site approved as part of the Sussex County SCRP program providing affordable housing for County residents. The Route One commercial corridor is approximately 1 mile north of the site. To the south of the site, along Route 24, there are manufactured home communities, a large multifamily condominium community along Love Creek and diverse commercial uses. This is an appropriate location for C-4 zoning and the mixed-use site plan proposed by the Applicant.
4. The site is within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. The Plan states that C-4 Zoning is appropriate in the Coastal Area. The Plan also states that in the Coastal Area, a higher density of 4 to 12 units per acre can occur and that "[a] range of housing types should be permitted . . . including single-family homes, townhouses, and multi-family units. . . . Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office, and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home." This project satisfies this objective.
5. Chapter 4 of the Comprehensive Plan regarding Future Land Use also states that Sussex County should "expand affordable housing opportunities, particularly in areas near job centers and Delaware State Housing Authority (DSHA) Areas of Opportunity".
6. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. The following are examples of Goals, Objectives and Strategies within Chapter 8 of the Plan that are addressed by this development:
 - a. Goal 8.2: "Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations."
 - b. Objective 8.2.1: "Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents."
 - c. Strategy 8.2.1.3: "Explore ways for private developers to provide more multi-family and affordable housing opportunities."
 - d. Objective 8.2.3: "Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure."
 - e. Strategy 8.2.3.1: "Promote increasing affordable housing options, including the supply of rental units, near employment opportunities."

This project is consistent with each of these goals because it is intended to provide affordable housing opportunities in an area where the use is consistent with the existing and planned infrastructure, and it is located near numerous employment opportunities, with access to many more employment opportunities given its location on an established DART route.

7. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a mixed-use site plan that includes a variety of housing types along with integrated commercial uses. Because of this variety, the site plan's design is superior to an exclusively residential or exclusively commercial

development. The mixed-use design will allow residents to use and enjoy a variety of retail, restaurant, food service and other commercial uses in close proximity to their homes without having to travel outside of their community. This benefits the residents of this community and other Sussex County residents by reducing the need to travel on area roadways for these uses.

8. The use will be served by central water and Sussex County sewer.
9. There was testimony in the record from Dr. David Tam, the President and CEO of Beebe Healthcare. Dr. Tam supported this project and others like it, stating that this type of housing is needed in eastern Sussex County to recruit and maintain appropriate staffing levels within area healthcare services. Dr. Tam explained that without more affordable housing options such as this one, it is difficult to recruit the necessary support staff, and that has an adverse effect on the ability to recruit physicians for the healthcare system. He testified that he fully supports this development in close proximity to the Beebe Health Campus on Route 24.
10. The residential portion of this development will provide an affordable rental housing option for current and future Sussex County residents. It is undisputed that the high price of homes and rentals in much of eastern Sussex County makes housing unaffordable for a lot of the workforce in this area. As a result, many of those County residents cannot afford to live where they work, resulting in long commuting times and increased traffic on County roads. During the public hearing, the Applicant stated that at least ten percent of the apartment units will be rented to tenants that are below 120% of AMI. As a condition of this recommendation, the Applicant and the Sussex County Office of Community Development and Housing shall examine this rental rate during the public hearing to ensure that it is providing affordable rental housing that is reduced from the market rate units. Apartment units, by their nature, are generally a more affordable housing option than owner-occupied homes, particularly in eastern Sussex County. Therefore, additional information shall be considered by County Council as part of its public hearing process to ensure that the qualifying tenants and the affordable rental rates of the restricted units are truly a more affordable housing option than the market rate units within the project. This is also a condition of this recommendation, along with requirements to guarantee that the restricted units remain available for qualifying tenants.
11. Sussex County Council declared in Chapter 72, Section 18 of the County Code, that it is the public policy of the County to:
 - A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
 - B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
 - C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
 - D. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.

This application with the mixed-use site plan addresses each of these stated goals.

12. The Delaware State Housing Authority supports this project according to its comments stated in the February 20, 2025, PLUS Report. According to the DSHA's Housing Reform Map, this project is in an Area of Opportunity where diverse housing types should be supported.

This means that the area has high-quality schools, supportive infrastructure and the capacity to support diverse and affordable housing types.

13. The site is located along a bus transit route operated year-round by DART. In addition, the site is located near a wide variety of employment opportunities, including general commercial and retail uses, healthcare, education, institutional uses, and hospitality uses.
14. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
15. Approximately $\frac{3}{4}$ of the site is currently used for agricultural purposes as a horse farm. The remaining $\frac{1}{4}$ of the site is wooded with Resources within it. In addition to the requirements for Resources protection, approximately 50% of the existing forest will be preserved by this design.
16. With conditions imposed, including the voluntary condition offered by the Applicant that ten percent of the units will be available to low and moderate income County residents the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
17. This recommendation is subject to the following conditions:
 - A. The complex shall be owned and operated as a mixed-use development with commercial spaces and apartments. No owner-occupied units shall be permitted. The maximum number of apartment units shall not exceed 334 units, consisting of 7 buildings containing 24 apartment units each and 4 mixed-use buildings containing 166 apartment units. The mixed-use buildings shall contain commercial uses on the first floor and residential apartments on the floors above. The commercial areas shall not exceed 75,000 square feet distributed among the pad sites and mixed-use buildings shown on the site plan
 - B. As offered by the Applicant, ten percent of the units shall be designated as “Restricted Units” for the purpose of providing affordable rental housing options subject to the following terms and conditions:
 - i. **Rent Restricted Units** – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, ten percent of the total number of units offered for lease (the “Restricted Units”), shall be rented to tenants with gross household incomes equal to or less than an appropriate percentage of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, adjusted for household and unit size as per HUD guidelines. This AMI percentage shall be determined by County Council after receiving input from the Applicant and the Sussex County Office of Community Development and Housing during the public hearing before the County Council on this Application.
 - ii. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted

Units is less than the minimum number of Restricted Units. At all times in which the number of Restricted Units is below the minimum number of Restricted Units, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as ten percent of the Restricted Units are rented.

- iii. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
 1. Provide proof of citizenship.
 2. Be of eligible income as defined in the Ordinance approving the Application.
 3. Occupy the Restricted Unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
 4. Comply with other requirements that apply to tenants of Non-Restricted Units.
- iv. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of types of Restricted Units shall remain in proportion to the number of the same types of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.
- v. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:
 1. The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.
 2. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
 3. All lease agreements of Restricted Units shall cover a period of at least one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.
 4. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
 5. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the

occupant shall vacate the unit within 30 days of written notice from the landlord.

6. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.

- vi. **Examination by an Independent Certified Public Accountant** - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to certify compliance with the conditions of approval for the Project related to the rental of the “Restricted Units” and the “Qualifying Tenants” in the Project. In this engagement, the Delaware Certified Public Accountant will certify compliance with these conditions in accordance with attestation standards established by the American Institute of Certified Public Accountants. This shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant, the Office of Planning & Zoning and/or the Office of Community Development and Housing may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Office of Community Development & Housing no later than March 1 of each year.
- vii. **Penalties** - In the event that more than ninety percent of the Units are rented at Market Rate because fewer than ten percent of the units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.
- C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination. In addition, there shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. The design and location of this signage shall be shown on the Final Site Plan. There shall not be any interconnectivity provided to the residential property to the south of this site.
- D. The active recreational amenities for the project shall include a clubhouse building with a minimum floor area of 7,000 square feet and swimming pool. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
- E. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.
- F. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize

- Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- H. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.
 - I. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.
 - J. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
 - K. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the Final Site Plan and within a recorded Declaration of Covenants for the community.
 - L. Approximately 12 acres or 30% of the site shall remain as open space.
 - M. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 8:00 am and 2:00 pm on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
 - N. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
 - O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - P. Prior to the issuance of a building permit for each residential unit, the applicant shall make a \$500 contribution to the Rehoboth Beach Volunteer Fire Company. Thereafter, a monthly contribution of \$10 per completed dwelling unit shall be paid over to the Rehoboth Beach Volunteer Fire Company on a semi-annual basis. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to the Rehoboth Beach Volunteer Fire Company as a condition of Final Site Plan approval.
 - Q. The Cape Henlopen School District has commented that its schools are at capacity and that new development should contribute to the District's need to expand its facilities to accommodate the additional students that will enroll as a result of the development. Therefore, Sussex County Council should consider establishing a contribution to the Cape Henlopen School District to be paid by the Developer to the District upon completion of each apartment unit within the development.
 - R. There will be off-site roadway improvements, and a signalized entrance constructed to provide safe vehicle and pedestrian access to the development. Given the location and size of the development, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the applicant and DelDOT and it shall be presented to the Planning and Zoning Commission for consideration as part of the Final Site Plan.

- S. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend **APPROVAL** of **C/Z 2001 Belmead Farm, LLC**, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 19, 2025

Sussex County Council Public Hearing Date: September 16, 2025

Application: C/Z 2001 Belmead Farm LLC

Applicant: Belmead Farm LLC
105 Foulk road
Wilmington, DE 19803

Owner: Belmead Farm LLC
105 Foulk road
Wilmington, DE 19803

Site Location: Located on east side of John J. Williams Highway (Rt. 24)
approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R.
284)

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

Proposed Zoning: Planned Commercial (C-4) Zoning District

TID: Parcel is within the Henlopen Transportation Improvement District

Comprehensive Land
Use Plan Reference: Commercial Area & Coastal Area (p/o)

Councilmanic
District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Co.

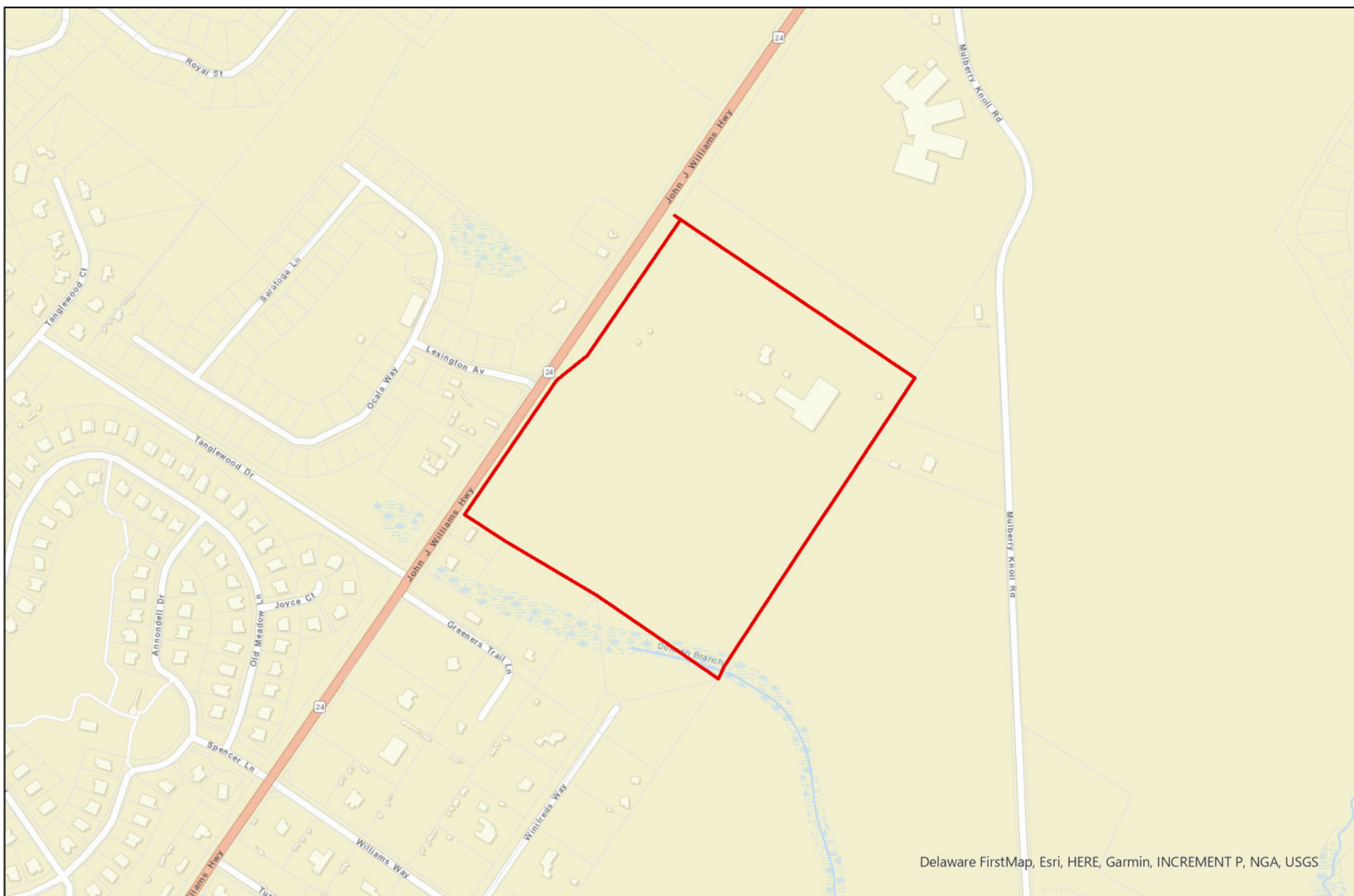
Sewer: Public (Sussex County)

Water: Private (Tidewater)


Site Area: 39.22

Tax Map ID.: 334-18.00-40.01 & 40.06

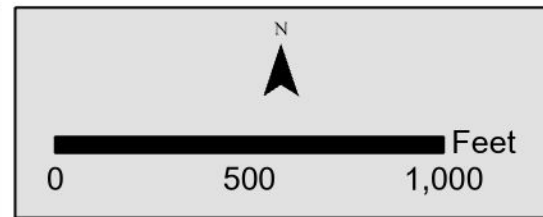




CZ 2001 Belmead Farm LLC
Streets Map
TM#s 334-18.00-40.01




CZ 2001 Belmead Farm






CZ 2001 Belmead Farm LLC
Streets Map
TM#s 334-18.00-40.01




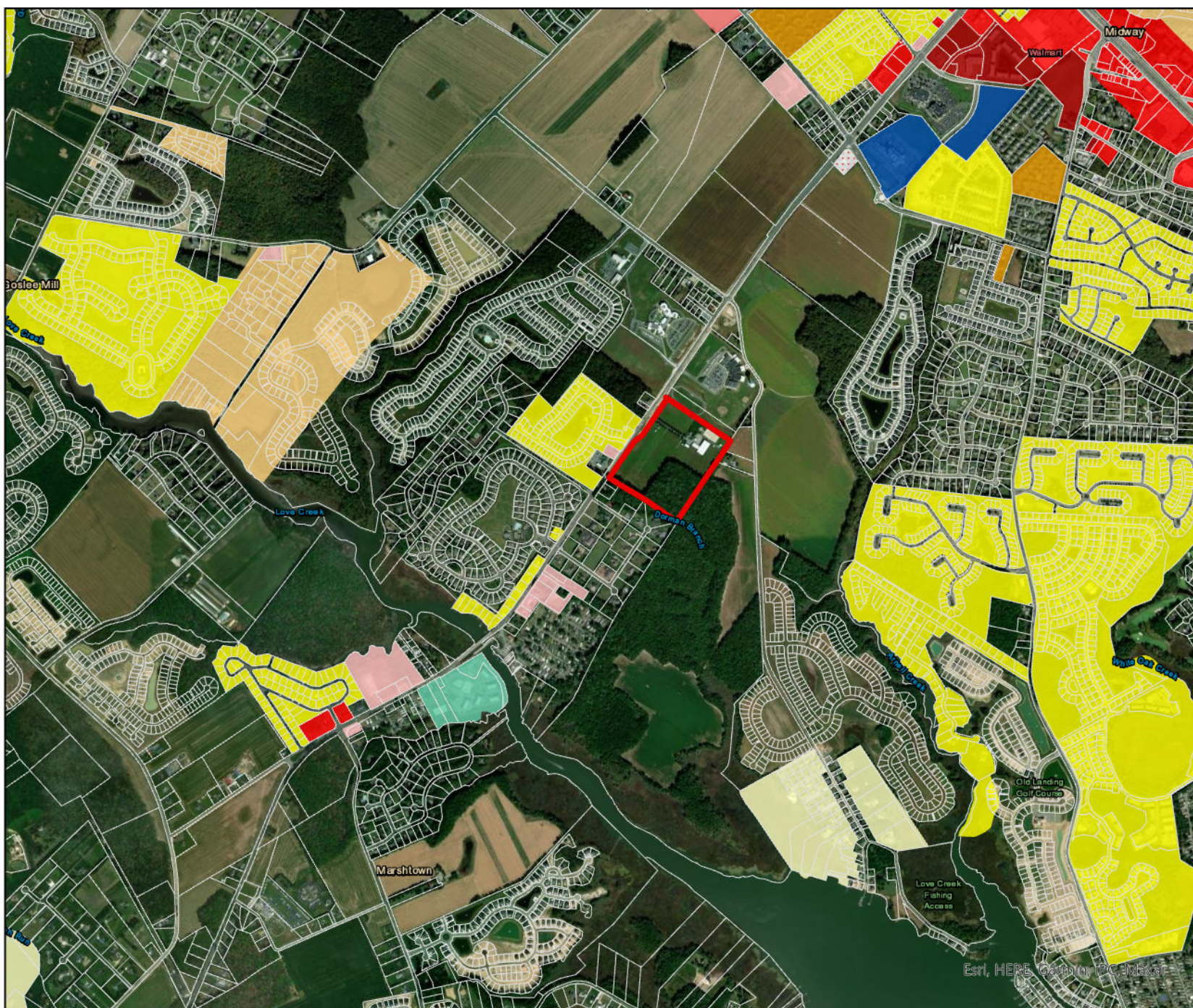
CZ 2001 Belmead Farm

N



0 0.25 0.5 Miles



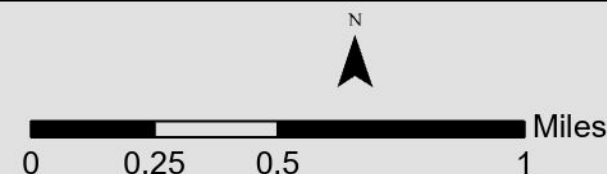


Zoning

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

CZ 2001 Belmead Farm LLC
Zoning Map
TM#s 334-18.00-40.01

 CZ 2001 Belmead Farm

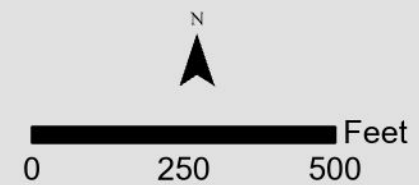




Maxar, Microsoft, Esri, HERE, Garmin, IPC

CZ 2001 Belmead Farm LLC
Aerial Map
TM#s 334-18.00-40.01

 **CZ 2001 Belmead
Farm**



Reintroduced: 3/4/25

Council District: Ms. Gruenebaum

Tax I.D. Nos.: 334-18.00-40.01 & 40.06

911 Address: 20033 John J. Williams 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-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of November 2022, a zoning application, denominated Change of Zone No. 2001 was filed on behalf of Belmead Farm, 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. 2001 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 and C-4 Planned Commercial District as it applies to the properties hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on east side of John J. Williams Highway (Rt. 24) approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A. said parcels containing 39.22 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.