

COUNTY COUNCIL

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Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

October 7, 2025

12:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - September 23, 2025

[Draft Minutes 092325](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Discussion related to Land Use Reform Working Group Recommendations & Report
2. Administrator's Report

12:15 p.m. Public Hearing

1. "A RESOLUTION APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND CERTAIN OF ITS AFFILIATES"

[Public Hearing TidalHealth Nanticoke](#)



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

Jamie Whitehouse, Planning & Zoning Director

1. Office of State Planning Coordination Map Review
2. 2022-11 - Hunter's Creek – request for an extension
[Time Ext Request Hunter's Creek](#)

John Ashman, Director of Utility Planning & Design Review

1. Permission to Prepare and Post Notices for Irwin Properties Annexation into the Sussex County Unified Sanitary Sewer District (Ocean View Area)
[Permission Prepare & Post Notices Irwin](#)

Hans Medlarz, Project Manager

1. Wolfe Neck RWF Electrical Service & Switchgear Replacement

A. General Construction, Project S24-10 – Change Order No. 7
[Wolfe Neck GC CO 7](#)

Introduction of Proposed Zoning Ordinances

Old Business

1. [Change of Zone No. 2025 filed on behalf of Northstar Property, LLC](#)

“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 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o])
[Old Business CZ2025](#)

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. 2519 filed on behalf of Savini Companies**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE & PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS” (properties are lying on the north and south sides of Old Silo Lane, and on the west side of Shingle Point Road [S.C.R. 249], approximately 0.81 mile north of Gravel Hill Road [Rt. 30]) (911 Address: 16902 Shingle Point Road, 8301 Old Silo Lane, Milton & N/A) (Tax Map Parcels: 235-25.00-33.00, 33.02 & 33.04)

[Public Hearing CU2519](#)

2. **Conditional Use No. 2510 filed on behalf of Henry Villegas-Solis**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS” (property is lying on the southwest side of Layton Avenue, north of Jersey Road [S.C.R. 305], approximately 0.06 mile south of John J. Williams Highway [Route 24]) (911 Address: 28375 & 28377 Layton Avenue, Millsboro) (Tax Map Parcel: 234-32.00-67.00)

[Public Hearing CU2510](#)

3. **Change of Zone No. 2021 filed on behalf of Crosswinds Landing, LLC**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 - RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS” (properties are lying on the southwest side of Lighthouse Road [Rt. 54], and on the west side of Dickerson Road [S.C.R. 389], approximately 310 feet northwest of the intersection of Lighthouse Road [Rt. 54] and Dickerson Road [S.C.R. 389]) (911 Address: 33080 Lighthouse Road & N/A) (Tax Map Parcels: 533-18.00-63.00 & 56.00)

[Public Hearing CZ2021](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 30, 2025 at 3:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 23, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 23, 2025, at 12:00 p.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 432 25
Approve
Agenda**

Mr. Lawson announced that under 1:30 p.m. Public Hearings, CU2475 filed on behalf of S&J Growers, will not be heard today. The applicant has asked for it to be rescheduled. A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

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

Minutes

The minutes from September 16, 2025, were approved by consensus.

**Correspon-
dence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Alison White spoke about a targeted time limit pause for applications.

Mr. J. Dean Abbott spoke about development in Sussex County.

**Marijuana
Establishme
nts
Ordinance**

Vince Robertson, Assistant County Attorney, presented an Ordinance related to marijuana establishments for Council's consideration. Mr. Robertson reviewed the changes that were included in the Ordinance.

**Intro of
Ordinance**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES XIA, XIC, XXV, SECTIONS 115-83.11 115-83.18, 115-83.19A AND 115-194.7 AND "115 ATTACHMENT 4, SUSSEX COUNTY TABLE

IV PERMITTED USES COMMERCIAL” TO AMEND THE REQUIREMENTS FOR RETAIL MARIJUANA STORES IN SUSSEX COUNTY”.

**Adminis-
trator’s
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Channel Pointe (FKA Bishops Pointe) Phase 2 (Construction Record) effective September 4th, Channel Pointe (FKA Bishops Pointe) Phase 3 (Construction Record) effective September 4th, Mitchell’s Corner (FKA Zwaanendael Farm) – Phase 1A (Construction Record) effective September 8th, Millville By The Sea – Village 4B (Construction Record) effective September 11th, and Osprey Point – Phase 3B (Construction Record) effective September 12th.

2. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, September 30th. The next regularly scheduled Council meeting will be held on Tuesday, October 7th.

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

**SCLT
Forest on
Broadkill**

Gina Jennings, Finance Director, presented a grant resolution for Sussex County Land Trust Forest on the Broadkill ORPT for Council’s consideration.

Ms. Sara Bluhm, Sussex County Land Trust Executive Director, provided an overview of the project.

**M 433 25
Approve
Resolution
No. R 018
25/Forest on
Broadkill**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to Adopt Resolution No. R 018 25 entitled “TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL’S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A GRANT TO HELP FINANCE THE IMPLEMENTATION OF THE FOREST OF THE BROADKILL PRESERVE MASTER PLAN THAT INCLUDES TRAIL-BASED RECREATION AND EDUCATIONAL OPPORTUNITIES AT THE HEADWATERS OF THE BROADKILL RIVER”.

Motion Adopted: 5 Yeas

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

Federal Payment Andrea Wall, Accounting Manager, presented a federal payment in lieu of taxes for Council's consideration.

M 434 25 Approve Federal Payment in Lieu of Taxes A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved that the Sussex County Council approve the accounting department's recommended distribution of the Refuge Revenue Sharing funds as follows: Milford School District \$7,730.23, Cape Henlopen School District \$23,767.55, Sussex Tech \$3,742.84, Sussex County \$3,264.29 and Sussex County Libraries \$393.09.

Motion Adopted: 5 Yeas

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

SC WRF CO & PO Issuance Hans Medlarz, Project Manager, presented change order IB-009, change order IB-005 and purchase order issuance for South Coastal WRF treatment process upgrade no. 3 – Inland Bays Extension for Council's consideration.

M 435 25 Approve Purchase Order A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based on the recommendation of the Sussex County Engineering Department that County Council approve a purchase order to M.F. Ronca & Sons in the amount of \$559,500 for replacement of the current grit removal system conveyor.

Motion Adopted: 5 Yeas

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

M 436 25 Approve CO IB-009 & IB-010 A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based on the recommendation of the Sussex County Engineering Department that change order nos. IB-009 and IB-010 for the Inland Bays phase 2C expansion project, be approved, in the not to exceed amount of \$841,000 and \$100,000 respectively, for the mechanical rehabilitation of effluent pump station 1 and an increase to the lagoon sludge disposal allowance.

Motion Adopted: 5 Yeas

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

M 437 25 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that
Approve PO be it moved based on the recommendation of the Sussex County
Aeration Engineering Department that County Council approve a purchase order to
Blower Riordan Materials Corporation in the amount of \$298,000 for an aeration
Package blower package at the Inland Bays Facility, as part of the expansion project.

Motion Adopted: 5 Yeas

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

Old Under Old Business, Jamie Whitehouse, Planning & Zoning Director
Business/ presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT
CU2503 A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69
ACRES, MORE OR LESS” filed on behalf of Hastings Community Energy
Initiative, LLC.

M 438 25 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to
Amend amend the second sentence of Condition 9C to read “The northern and
Condition western side of the fencing shall include interwoven screening.” and add a
9C/CU2503 new third sentence to read “The southern and eastern sides of the fencing
shall be agricultural style not wire fencing to allow habitat and wildlife
connectivity”.

Motion Adopted: 4 Yeas, 1 Nay

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

M 439 25 A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to
Adopt Adopt Ordinance No. 4016 entitled “AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
No. 4016/ RESIDENTIAL DISTRICT FOR A SOLAR ENERGY FACILITY TO BE
CU2503 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 33.69
ACRES, MORE OR LESS” for the reasons given by Planning & Zoning
and as amended by this Council as follows:

**M 439 25
Adopt
Ordinance
No. 4016/
CU2503
(continued)**

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

**M 439 25
Adopt
Ordinance
No. 4016/
CU2503
(continued)**

Plan. There shall be a landscaped buffer that is at least 50 feet wide along the common boundary with the residential properties along the northern boundary of the site. The landscaped buffer shall be achieved by keeping the existing wooded area and not disturbing these areas. Wherever trees exist within the buffer areas, they shall be preserved, and these non-disturbed forested areas shall be shown on the Final Site Plan. The Final Site Plan shall also include a landscape plan confirming these planting requirements.

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

Motion Adopted: 4 Yeas, 1 Nay

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

Grant Requests	Mrs. Jennings presented grant requests for Council's consideration.
M 440 25 Town of Delmar	A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give \$5,000 (\$5,000 from Mr. Lloyd's Councilmanic Grant Account) to the Town of Delmar for their Lincoln Ave stormwater replacement project. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 441 25 DE Manufacturing Homeowners Association	A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to give \$1,500 (\$1,000 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. Hudson's Councilmanic Grant Account) to Delaware Manufacturing Homeowners Association for their website redesign. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
M 442 25 Laurel Lions Club	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 Laurel Lions Club Foundation, Inc. for phase 2 of the Laurel Lions Club recreation complex. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Proposed Ordinances Introductions	Ms. Gruenebaum introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" filed on behalf of Charles Pollard. Mr. Lloyd 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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY,

Proposed Ordinances	CONTAINING 1.75 ACRES, MORE OR LESS” on behalf of Angela Sipple.
Introductions (continued)	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-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.99 ACRES, MORE OR LESS” filed on behalf of Arctec Properties, LLC.
CM Comments	The Proposed Ordinances will be advertised for a Public Hearing. There were no Council Member comments.
M 443 25 Go Into Executive Session	At 12:39 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Executive Session	At 12:42 p.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 1:27 p.m.
M 444 25 Reconvene	At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to come out of the Executive Session and go back into the Regular Session. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
E/S Action	Mr. Moore stated that the Council may want to reserve the right to go back into Executive Session at the end of the zoning hearings.
Rules	Mr. Moore read the rules of procedure for zoning matters.
Public Hearing/ Waterside Road	A Public Hearing was held for the Proposed Assessment Roll for Waterside Road Improvements, Project T25-04. Patrick Brown, Project Engineer reported that the subdivision consists of 80 residential units with private streets and cul-de-sacs owned and maintained by the community

Improvements **Homeowners Association. The Engineering Department has developed an Assessment Roll in coordination with the Finance Director based on all final project costs including construction and County Administration fee.**

There were no public comments.

The Public Hearing and public record were closed.

M 445 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt**
Adopt **Resolution No. R 019 25 entitled “A RESOLUTION ADOPTING THE**
Resolution **UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING**
No. R 019 25 **FINAL COSTS OF THE WATERSIDE ROAD IMPROVEMENTS**
Waterside **CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T25-**
Road **04”.**

Improvements **Motion Adopted: 4 Yeas, 1 Absent**

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2476 **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY**
BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.37 ACRES,
MORE OR LESS” (property is lying on the north side of Hardscrabble
Road [Rt. 20], approximately 1.25 miles southeast of E. Trap Pond Road
[S.C.R. 62]) (911 Address: 18353 Hardscrabble Road, Georgetown) (Tax
Map Parcel: 133-13.00-2.05 [p/o]) filed on behalf of Richard & Brandi
Gentner, Jr.

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

The Council found that Mr. James Churchman, Esq., with Brockstedt Mandalas Federico on behalf of the Applicants, Mr. Richard Gentner, Jr., and Mrs. Brandi Genter who were also present. Mr. Churchman stated that the Applicant was requesting a Conditional Use approval for a masonry business; that the application was originally submitted in 2021 or 2023 for site plan review, being unaware of the Conditional Use situation; that the Applicant did speak with someone who recommended they move forward through the Conditional Use application process; that the Gentners have been operating the masonry business, R.F.

**Public
Hearing/
CU2476
(continued)**

Gentner and Son, Inc. since 1992; that over the last several decades their business has grown by employing 28 people; that they moved to the subject site around 2024, after purchasing the property from the previous owner in 2023; that the masonry business is a specialize work, including foundation, stonework, brickwork and general masonry; that there is some machine work, including loading and unloading the trucks; that the operations on the site are from 6:30 a.m. to 6:30 p.m.; that the business has a fleet consisting of about 14 vehicles, which are used for various projects; that there is not any work performed on site beyond workers arriving, loading up the vehicles, and leaving for the job sites; that they generally perform work on the eastern side of Sussex County, however, have performed jobs all over Sussex County; that the use is contained to the storage of masonry equipment, stones and vehicles, and the loading up of trucks and vehicles; that the site may store track loaders, mini excavators, and two full size excavators; that there are currently no buildings on the site; that there is a shipping container and a few pallets, where there is storage out in the open air, located on the site; that the proposed use will provide minimal impact, as it surrounded by trees, with no residential uses nearby; that the legal standard is initially rooted in the Gibson versus Sussex County case; that the case holds that when all of the legally pertinent requirements of the Sussex County Code are fulfilled, the application has a presumption of being satisfied and presume should be granted as a masonry business, which is permitted under Sussex County Code §115-22; that §115-22 states that residential business, commercial or industrial uses, when the purpose of this Chapter are fully met by issuing a Conditional Use permit; that the proposed masonry business is consistent with that Section, as well as, consistent with the purpose of the Article 24, being the Conditional Use section, where a Conditional Use should be issued when the use itself cannot be well adjusted to the environment, and the particular locations, with full protection offered to the surrounding properties by rigid application of the District regulations; that these uses due to their nature and impact require the exercise of planning and judgement, which is the reasoning for the application; that the Applicant has fully complied with the requirements, as explained through the scope of work being performed, and the intended scope of work for the masonry business; that noted within the Staff Memorandum, the masonry business, in the proposed location, could be considered consistent with the surrounding land use, zoning, and the use is subject to the considerations of scale and impact; that the property is zoned AR-1 (Agricultural Residential), and is also surrounded by AR- 1 (Agricultural Residential) lands; that according to the Future Land Use Map, this parcel is designated within the Low Density area, and is surrounded to the north and east sides as within a Low Density area; that the areas located to the south and west sides of the property, are designated as being within a Developing Area; that the scope of work is limited to 6:30 a.m., being the time everyone arrives to the site, and 6:30 p.m., being when everyone returns the work vehicles to the site, and head home; that none of

**Public
Hearing/
CU2476
(continued)**

the adjoining parcels are used for residential use; that currently there have been no complaints made against the application; that there have been no complaints regarding noise issues; that the machine work mostly consists of loading the trucks and the trucks leaving the site; that the Applicant is working with an engineer; that there are three proposed buildings reflected on the Preliminary Site Plan; that following some review, it had been determined that it will more likely be two buildings due to stormwater compliance issues; that the buildings themselves will house the masonry business; that all of the storage that is currently out in the open, will be contained within the proposed buildings in the future; that there will be some administrative work performed in the buildings as well; that the wastewater disposal and water supply will be onsite and will be subject to DNREC approval; that the Soil Septic Evaluation had already been approved; that DelDOT provided a Service Level Evaluation Response, which did not recommend a Traffic Impact Study; that according to DelDOT the proposed traffic impact will be diminutive; that the Preliminary Stormwater Management Plan was submitted and reviewed by the Sussex Conservation District; that there were a few proposed stormwater plans, which will be subject to the comments of the Sussex Conservation District; that the Applicant's engineering team was working with Sussex Conservation District to figure out the best way to address the stormwater concerns; that the Applicant will comply in any way needed; that the front entrance consists of a gravel road; that currently there are no buildings on the site, only a few pallets and one shipping container; that it appears from the record, and the evaluations put forward, that the Applicant's had met their burden, appearing in compliance with the Sussex County Code for their Conditional Use request; that during the Commission hearing, it was requested that the gate be moved back; that the applicant plans to remove the gate; that he proposes that the requirements of this Conditional Use state that the gate will be removed after construction of the first building.

A discussion was held about the need for the gate; that the applicant stated that he plans to have a fenced-in area attached to the new building; that the gate is about 40 feet off the shoulder; that Mr. Whitehouse stated that the intent was for vehicles to be able to exit fully off of the roadway safely.

There were no public comments.

The Public Hearing and public record were closed.

**M 446 25
Amend
Condition F/
CU2476**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to remove Condition F.

Motion Adopted: 5 Yeas

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

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

**M 447 25
Adopt
Ordinance
No. 4017/
CU2476**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4017 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.37 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended with the deletion of Condition F by this Council:

- 1. This site is proposed to be used as a centralized location for the Applicant’s Masonry Business, including office space and the indoor and outdoor storage of the business’s equipment. There is a need for this type of use in Sussex County.**
- 2. There will be no retail sales or similar business conducted from the site.**
- 3. The applicant has stated that all work is performed offsite, and that there will not be any dumping or storage of concrete or similar materials on the site.**
- 4. The use does not require any regular deliveries during the day. The only traffic is typically in the morning and afternoon when employees take the equipment to offsite job locations.**
- 5. There are no homes adjacent to this site and DelDOT has stated that the traffic impact will be diminutive. With the conditions and limitations of this approval, this use will not adversely affect neighboring properties, roadways or traffic.**
- 6. The Applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 7. This recommendation is subject to the following conditions:**
 - a. This use shall be limited to the Applicant’s masonry business with equipment storage. No retail sales or other business shall be conducted from the site.**
 - b. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.**
 - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
 - d. The hours of operation shall be limited to 6:30 a.m. through 6:30 p.m., Monday through Friday and between 7:00 a.m. and 3:00 p.m. on Saturdays. There shall not be any Sunday hours.**
 - e. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
 - g. The applicant shall comply with all DelDOT requirements,**

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(continued)**

- including any entrance or roadway improvements.
- h. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.**
 - i. All maintenance of vehicles and equipment shall be performed indoors.**
 - j. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
 - k. All concrete forms shall be stored in location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.**
 - l. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.**
 - m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2479**

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

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

The Council found that Mr. Blake Carey, Esq., with the Smith Firm, LLC, spoke on behalf of the Applicant, Crossings at Oak Orchard, LLC. Mr. Carey stated that the property is located within the mobile home community, which was converted to a condominium of River Winds,

**Public
Hearing/
CU2479
(continued)**

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

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(continued)**

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

There were no public comments.

The Public Hearing and public record were closed.

**M 448 25
Adopt
Ordinance
No. 4018/
CU2479**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4018 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 677 TO ALLOW FOR TWO (2) ADDITIONAL LOTS INTO THE RIVERWINDS (F.K.A. OAK ORCHARD WEST) MANUFACTURED HOME PARK TO BE LOCATED ON A 0.37 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 35 ACRES MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. This manufactured home community was originally established in 1982 by Conditional Use #677 that limited the number of lots to 112. This application seeks to add 2 additional lots within a formerly undeveloped area of the community.
2. These 2 lots will be consistent with the other lots throughout the community.
3. This community is located within the Coastal Area according to the current Sussex County Future Land Use Map. This 2-lot expansion of the community is appropriate in this Area according to the Comprehensive Plan and the Future Land Use Map.
4. The community and these 2 new lots are served by central water and

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(continued)**

- they are connected to the Sussex County sewer system.
5. There is no evidence that the additional 2 lots will adversely affect nearby properties or area roadways.
 6. No parties appeared in opposition to this application.
 7. This recommendation is subject to the following conditions:
 - a. No more than 2 new lots shall be added to the existing, approved Manufactured Home Park.
 - b. The additional 2 lots shall conform to the current requirements for a manufactured home park as set forth in the Sussex County Zoning Code as to size, setbacks, parking and other dimensional requirements.
 - c. The addressing for these 2 new lots shall be established by the Sussex County Geographical Information Office.
 - d. A Final Site Plan depicting these 2 new lots shall be reviewed and approved by the Sussex County Planning & Zoning Commission. At the same time that a Final Site Plan is submitted for approval, the Applicant shall submit a revised “Master Plan” of the entire Community identifying all lot locations by number and further identifying lots that are owned by the Applicant and those lots owned by third parties.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2527**

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

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

The Council found that Mr. Jon Horner, Esq. on behalf of the Applicant, LIC Housing, LLC; that also present were Mr. Adam Gelof, and Mrs. Kelly Gelof, with the development team, Mr. Preston Schell with Ocean Atlantic

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(continued)**

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

Ms. Kelly Gelof spoke about the Application on behalf of the Gelof family; that the proposed project is more than just an investment property; that this five acres with a small one-bedroom house was purchased by her husband's parents, being Doctor Malvin and Helen Gelof on May 17, 1973, being just over 52 years ago; that her husband, Adam, grew up spending time on this property in Lewes as well as in Rehoboth Beach; that he grew up with his parents, both serving others, giving back to their community,

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(continued)**

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

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who made a comfortable living; that they were 43 and 45 at the time, and still the option was not affordable for them; that they had two children who were going to college; that it was a very difficult time, that she felt so many people go through at that age, younger and even currently; that if at that time, they had an option similar to what the proposed project would provide, it would have allowed them to let her mother keep her independence, as she would have been able to live alone; that in the event of an exacerbation, a family member or friend could have cared for her in her own space, or even spent the night; that the proposed site is also in close proximity to Beebe Hospital, that the Cheer Center and church also being close by; that if she had an elevator to go downstairs to converse with people her own age; that the project may offer a Wellness Coordinator, which would have been another wonderful benefit for her mother; that her mother would have had the opportunity to go to all the free, lovely amenities, located right outside the door of beautiful Lewes; that the location is incredible for people who are 55 and older, that are active, and are able to take advantage of these kinds of activities; that prior to her mother's passing, her father and step-mother moved to Delaware; that the project proposes a great option for them as well; that she and her husband are in the 55 plus community, and are looking at the project through the eyes of what would people their age want, as well as what would their parents want; that her husband drives past the property every day; that Jack and Jake have the Gelof Brothers Camp, which they provide every year at the Cape Henlopen High School, and they felt that their personal experience and desire to leave a Gelof family legacy ties in nicely with the needs of our community currently, and in the future, which would provide more affordable housing options for active adults, that are both already here and those that are moving here.

Mr. Jon Horner stated Ms. Gelof highlighted the crux of what the project is proposed to be; that within the exhibits, they highlighted the gap between a project like Beach Plum Dunes, located down the road, where two-bedroom units are available for \$2,000, to right up the road at the Lodge of Lewis, where two-bedroom, dual occupancy units are \$10,000; that there is nothing in between those in the area; that many seniors reach a point where they can no longer live in the home that they are in, and want more services; that these people are left with a decision, which may not fit their particular needs or budget; that people may be forced into a decision to accept a spot in a facility, which may take a spot from someone who may need that higher level of service more than they do; that the Applicant submitted into the record, an article from Time magazine, which spoke to the issue of the missing middle; that this is sort of a different missing middle; that this missing middle really has not been talked about when we colloquially speak of the missing middle in the workforce context, but particularly in Sussex with the graying and aging population; that this demand will increase; that currently the median population in the City of Lewes is 67.3 years of age; that when the

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Lodge at Lewes was undertaken, a market study was performed to look at the affordability; that given the advanced levels of services at the Lodge, it was only affordable to about 15% of people in the market; that when looking at that same study, and applying it to the proposed rents of the application, it opens an opportunity up to about 50% of the seniors in the market; that it is a dramatic increase of the market; that when one would go to Beach Plum Dunes, there are no senior focused amenities; that it consists of a clubhouse, a pool, and maybe a tot lot or dog park, being a standard amenities package related to the average consumer homeowner or renter in the community; that when visiting the Lodge, or a more advance facility, it is staffed; that there are approximately 130 people on staff at the Lodge at Lewes, which provide full time care; that there is memory care, mental care and meal services on- site; that all of these services are paid for solely by the residents; that the concept with the project is to make those services available, to a lesser degree, by allowing it to be, in some way, subsidized by the public; that an example of this would be the restaurant, which would be open to the general public; that the restaurant will also be located onsite and will offer meal services as part of their lease to the residents; that the residents are not taking on all of the cost; that this service would be performed at market rate, to the outside, and subsidizing it similarly with the other proposed use, which is proposed currently to be a fitness facility; that this service would be open to the public, with the ability for residents to use as a subsidized basis; that the Applicant requested that any condition of the use, should the application be granted, reference the Code as a compatible commercial use, to allow them flexibility; that an example of this would be should a physical therapist want to be on the site; that they would like to have a use that would be complementary and not necessarily be locked in on a fitness center; that the plan is in compliance with the Comprehensive Plan; that the site is located within the Coastal Area, which is a designated Growth Area; that Growth Areas support a range of housing types, including multifamily and senior housing; that specifically, the Comprehensive Plan notes that within the Coastal Area, mixed use development is appropriate, and should be allowed; that commercial and institutional uses can be appropriate to provide for convenience services; that the project also meets and advances several of the objectives and strategies of the County's Comprehensive Plan; that an example of this can be found within Objective 8.2.4, to expand housing opportunities for persons with disabilities and the aging; that Strategy 8.2.4.1 encourages universal design principles in new home construction; that all of the units within the project will be constructed with universal design to allow a degree of accessibility, which is necessary for an aging senior; that the project will meet or exceed the requirements for the minimum amount of 88 units; that Strategy 8.2.4.2 requires continued coordination with Sussex County Advisory Committee on aging and adults with physical disabilities to determine barriers and opportunities for the expansion of housing opportunities for persons with disabilities and the

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aging; that the project is located entirely within Investment Level 2, according to the State Strategies Map; that there is a small back corner of the property which is located within Investment Level 3, however, that area would be untouched by the proposed project; that the project is supported by existing infrastructure, including public sewer, Tidewater and Delmarva Power; that the proposed project is consistent with other uses located within the immediately adjacent area; that these uses include both commercial and higher density uses; that the site is almost entirely surrounded by Investment Level 1 areas; that located immediately next door is a church; that also within the area are the Savannah East Apartments, the Harbor Town Apartments, the Crooked Hammock restaurant & brewery, Beach Bum Dunes, and Hunters Walk; that the project is consistent with the commercial and multi-family uses; that the adjacent church submitted a letter of support for the application; that they had very productive conversations with the church regarding how their services, offerings, construction and development can tie in with what is currently being performed at the church; that the Harbour Lights Cheer Center is located within walking distance of the site, being a facility open to individuals aged 50 and older, who offer programs, classes and services; that while the Land Use Reform Working Group has not produced any final formal recommendations, he believed many had been following the process, where many themes have emerged; that one of the themes had been increased density in areas where density should be located, and to focus growth in those area; that in his opinion, the proposed project will provide housing for needy people, in an area where growth is happening, where improvements are planned, and are already ongoing; that Kings Highway improvements are planned, and the project aligns with many of those goals.

Mr. Crouch, P.E. with Davis, Bowen & Friedel, Inc. spoke upon the application stating that a DelDOT Service Level Evaluation Request was submitted; that DelDOT provided a response on April 15, 2025, stating the project would create a minimum impact, based on the trips that were presented; that on November 15, 2024, DelDOT submitted a letter of amendment to three things they would be required to do; that the site is located within the Area Wide Study fee location; that they will be required to participate in the Kings Highway improvements; that the entrance for the project would be a full entrance, including a left turn lane, and right turn lane into the site; that this would only be temporary until the Kings Highway improvements are completed; that once completed, there will be a median within Kings Highway, which will limit the rights in and out; that DelDOT also requested a connection be placed to the northern property to the site; that DelDOT requested a partial connection be placed, as well as a multi-use path, which will run along the frontage of the property; that the site contains .57 acres +/- of wetlands; that the wetlands had been delineated by ERI (Environmental Resource Insights); that they are providing a 30 foot buffer; that the Stormwater

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

Mr. Jon Horner stated that another item that will distinguish the proposed project from Beach Plum Dunes is that the project proposes a wellness concierge, which will be a staff person who can help anyone living in the facility with their healthcare needs; that this service may include helping arrange transportation to appointments or scheduling doctor appointments; that they hope to continue their relationship with Beebe, to help leverage that and help provide those services; that the amenities will be designed and

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CU2527
(continued)**

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

There were no public comments.

Mr. McCarron questioned if it was considered that the applicant would fund an assessment per bedroom per year for the local fire department.

Ms. Gruenebaum questioned if they were looking into any environmentally friendly techniques.

The Public Hearing and public record were closed.

**M 449 25
Adopt
Ordinance
No. 4019/
CU2527**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Ordinance No. 4019 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDEPENDENT CARE FACILITY, RESTAURANT AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 4.833 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning Commission as follows:

**M 449 25
Adopt
Ordinance
No. 4019/
CU2527
(continued)**

1. The proposed Conditional Use meets the purpose of the Sussex County Zoning Code in that it promotes the orderly growth of the County. The project is in the Coastal Area according to the Sussex County Comprehensive Land Use Plan, and the location is appropriate along Kings Highway next to a church and in the vicinity of similar facilities, doctors' offices, and other institutional uses.
2. The development of this site with no more than 95 age-restricted units is consistent with the densities of similar facilities in this area around Lewes.
3. Sewer service will be provided by Sussex County as part of the County-operated sanitary sewer district.
4. The development will be served by central water.
5. The proposed development will not adversely affect neighboring properties or roadways.
6. The Applicants have stated that this project is intended to meet the demand for seniors for a facility that is designed to fill the gap between a high-end apartment complex and a full-service senior care facility. There is a need for this type of senior housing in Sussex County.
7. The proposed restaurant and fitness center will be a shared-use facility available to both the residents of this project and the public. Because these will not be exclusive to the projects' residents, the housing costs will be lower than other similar projects. The public restaurant and fitness center uses are also appropriate along Kings Highway, and they are consistent with other similar uses in the area. In addition, according to the recommendations of approval and based upon statements made during the public hearing, other types of ancillary commercial uses are appropriate instead of a restaurant or fitness center. Examples could include medical or physical therapy facilities.
8. DelDOT has stated that the impact of this project on area roadways will be minor. The Applicant will also be required to comply with all DelDOT entrance and roadway improvement requirements.
9. The proposed use promotes the service of the Goals, Objectives, and Strategies in Chapter 8 of the County Comprehensive Plan regarding "Housing" and the expansion of housing opportunities for Sussex County's aging population.
10. There was no opposition to this Application.
11. This recommendation is subject to the following conditions:
 - a. There shall be no more than 95 dwelling units constructed on the site. As proffered by the Applicant, these units shall be operated and maintained as housing intended for occupancy by persons 55 years of age or older in compliance with the Federal Fair Housing Act and the Housing for Older Persons Act. In addition to these housing units, the project may also include a restaurant, fitness center, or other similar uses open to the public but

M 449 25
Adopt
Ordinance
No. 4019/
CU2527
(continued)

- compatible with the primary use as an age-restricted residential project. The location and type of these additional uses shall be shown on the Final Site Plan. To the extent that these uses do include a restaurant, the restaurant shall close no later than 10:00 pm and any music or entertainment shall cease by 9:00 pm.
- b. All entrances, intersections, inter-connection, roadway, and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements.
 - c. The development shall be served as part of the Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
 - d. The Conditional Use shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
 - e. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
 - f. The Resources on the site as defined by the Sussex County Zoning Code shall be protected, and Resource Buffers shall be installed and maintained in accordance with the requirements of the Zoning Code.
 - g. The Applicant shall submit as part of the Site Plan Review a landscape plan showing all buffers and the proposed tree and shrub landscape design, including the landscaping along Kings Highway.
 - h. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - i. Construction, sitework, grading, and deliveries of construction materials, landscape materials, and fill on, off, or to the property shall only occur Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and in Spanish shall be prominently displayed at the site entrance during construction.
 - j. All lighting on the site shall be directed downwards so that it does not shine on neighboring or adjacent properties or roadways.
 - k. The site plan presented during the public hearing showed a fence between this property and the church next door. An alternative landscaping plan showed a potential shared garden/patio area between the two properties. Under either scenario, there shall be pedestrian interconnectivity between this development and the church next door.
 - l. This site is located within a wetland protection area. Therefore,

M 449 25 **the site plan and the development of the site shall comply with**
Adopt **the applicable requirements of Chapter 89 of the Sussex County**
Ordinance **Code.**
No. 4019/ **m. The Final Site Plan shall be subject to the review and approval**
CU2527 **of the Planning and Zoning Commission.**
(continued)

Motion Adopted: 5 Yeas

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

M 450 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to allow for**
Allow **the application for CU2475 filed on behalf of S&J Growers be rescheduled,**
CU2475 **and re-noticed at the applicant's expense.**
Rescheduled

Motion Adopted: 5 Yeas

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

M 451 25 **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to go**
Go Into **into Executive Session for the purpose of discussing matters related to**
Executive **pending & potential litigation and land acquisition.**
Session

Motion Adopted: 5 Yeas

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

Executive **At 2:56 p.m., an Executive Session was held in the Basement Caucus Room**
Session **to discuss matters related to land acquisition and pending & potential**
litigation. The Executive Session concluded at 3:48 p.m.

M 452 25 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to come out**
Reconvene **of Executive Session and go back into Regular Session.**

Motion Adopted: 5 Yeas

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

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

M 453 25 **A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to**
Adjourn **adjourn at 3:55 p.m.**

Motion Adopted: 5 Yeas

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

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

RE: **TidalHealth Tax-Exempt Bond Public Hearing**

DATE: September 24, 2025

TidalHealth Nanticoke Inc., a nonprofit healthcare organization operating in Sussex County, would like to issue up to \$185,000,000 of tax-exempt bonds, of which, \$90,000,000 will be allocated to be used in Sussex County. A portion of these bonds will finance and/or refinance the acquisition, construction, improvement and/or equipping of healthcare facilities and other related property in Sussex County. As you may recall, TidalHealth held a similar public hearing at Council in July. However, they now need to increase the amount they originally held the hearing for. Therefore, this hearing is simply the same hearing with a higher amount. Last time the amount was for \$84 million and now it is for \$90 million.

As before, in order for the bonds to qualify as federally tax-exempt, the organization issuing the bonds must hold a public hearing in the county where the services are provided to satisfy Section 147(F) of the Internal Revenue Code. This public hearing will be held at the October 7th County Council meeting.

It is important to note that these bonds are obligations of the nonprofit TidalHealth Nanticoke and not Sussex County Government. The County Government simply provides a platform for the public hearing for the bonds to be tax-exempt.

A representative from TidalHealth will be present if you have any questions. Once the public hearing has occurred, Council may adopt the resolution with the short title to confirm the public hearing was held:

A RESOLUTION APPROVING, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND CERTAIN OF ITS AFFILIATES

NOTICE OF PUBLIC HEARING BEING HELD BY SUSSEX COUNTY, DELAWARE WITH RESPECT TO AN AMOUNT NOT TO EXCEED \$90,000,000 OF BONDS TO BE ISSUED BY MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY FOR A PROJECT LOCATED IN SUSSEX COUNTY, DELAWARE.

NOTICE IS HEREBY GIVEN that on October 7, 2025, at 12:15 p.m., or as soon thereafter as the matter can be heard, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), will be held by Sussex County, Delaware (the “County”) or by a designee appointed to conduct the hearing, at Council Chambers, Sussex County Administration Building, 2 The Circle, Georgetown, Delaware 19947, regarding the proposed issuance by Maryland Health and Higher Educational Facilities Authority (the “Authority”) of its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing, in an amount not to exceed \$185,000,000 (the “Bonds”), a portion of which in an amount not to exceed \$90,000,000 will be allocated to and used in the County (the “Sussex County Portion”).

The Bonds are expected to be issued by the Authority, a body politic and corporate of the State of Maryland, constituting an instrumentality organized and existing under and by virtue of the Maryland Health and Higher Educational Facilities Authority Act. The Bonds are anticipated to be qualified 501(c)(3) bonds as defined in Section 145 of the Code for healthcare facilities and other expenditures described herein. The Sussex County Portion will be lent to TidalHealth Nanticoke, Inc., a nonprofit Delaware corporation (“Nanticoke”), and certain of its affiliates (together with its affiliates, the “Borrower”), and used to pay all or a portion of the costs of (i) financing or refinancing the acquisition, construction, improvement, and or equipping of healthcare facilities and other related property located at various locations within Sussex County, Delaware, as described on Exhibit A attached hereto (the “Bond-Financed Facilities”), (ii) refinancing bonds previously issued for the benefit of the Borrower, (iii) paying capitalized interest on the Bonds, if any, and bond insurance premium, if any, and (iv) paying certain issuance expenses related to the Bonds (collectively, the “Delaware Project”). The initial legal owners and principal users of the Delaware Project are as set forth on Exhibit A attached hereto.

The Bonds are payable solely from loan repayments to be made by the Borrower and will not be debt obligations of the Authority, the State of Maryland, the County, the State of Delaware or any political subdivision or other governmental entity of either state.

The public is invited to attend the meeting at the location, date and time set forth above and all persons in attendance will be given the opportunity to be heard. The County requests that interested parties submit any comments in writing. All attendance inquiries should be directed to the County, c/o Gina Jennings, Finance Director at gjennings@sussexcountye.gov.

This notice is published in accordance with the requirements of the Code and the regulations promulgated thereunder.

DATE OF NOTICE: September __, 2025 ISSUED BY: SUSSEX COUNTY, DELAWARE

Bond-Financed Facilities Located in Sussex County, Delaware

The proceeds of the Bonds, including proceeds from previously issued bonds of the Authority, will be or have been lent by the Authority in order to finance or refinance the acquisition, construction, renovation and equipping of healthcare facilities, including (without limitation) to:

(1) finance, refinance or reimburse the Borrower for costs associated with (i) the acquisition of land, and (ii) the construction thereon and equipping of a three-story, approximately 90,000 square foot medical office building, a parking lot with approximately 770 spaces and site improvements, including, but not limited to, access roads and stormwater management (collectively, the “2025 Project”). The 2025 Project is and will be located at 26870 Dupont Boulevard, Millsboro, Delaware 19966. Nanticoke is the initial legal owner and principal user of the 2025 Project; and

(2) reallocate the use of proceeds of the Authority’s Revenue Bonds, Peninsula Regional Health System Issue, Series 2020A (the “2020A Bonds”) to finance or refinance costs associated with:

(i) the renovation of existing facilities located at 30265 Commerce Drive, Millsboro, Delaware 19966; TidalHealth Peninsula Regional, Inc. is the initial legal owner and principal user of the project described in this paragraph 2(i);

(ii) (A) the renovation of existing facilities located at 100 Health Services Drive, Seaford, Delaware 19973, and (B) the construction of a new one-story, 6,200 square foot building located on the other side of the street directly opposite the parking lot for 201 Health Services Drive, Seaford, Delaware 19973 with Health Services Drive to the east, Rawlins Drive to the north and Bridgeville Highway to the west; TidalHealth Medical Partners, LLC is the initial legal owner and principal user of the project described in this paragraph 2(ii);

(iii) the renovation of existing facilities located at 1033 W. Stein Highway, Seaford, Delaware 19973 and 801 Middleford Road, Seaford, Delaware 19973; Nanticoke is the initial legal owner and principal user of the project described in this paragraph 2(iii); and

(iv) the 2025 Project.

The items listed in subparagraphs (i), (ii) and (iii) are collectively referred to as the “DE 2020A Project”.

The Delaware Project may also include other capital expenditures and the costs of issuing the Bonds and includes land or interests in land, buildings, structures, machinery, equipment, furnishings or other real or personal property located on the same sites as the Delaware Project.

The initial legal owners and principal users and addresses of each portion of the Delaware Project are set forth above. The maximum aggregate principal amount of the Bonds issued with respect to the Sussex County Portion (including reallocated proceeds of the 2020A Bonds) will not

exceed \$90,000,000. The maximum aggregate principal amount of the Bonds issued with respect to the 2025 Project will not exceed \$60,000,000. The maximum aggregate principal amount of the Bonds (including reallocated proceeds of the 2020A Bonds) issued with respect to the DE 2020A Project will not exceed \$34,750,000 (which includes \$6,000,000, \$2,250,000, \$11,500,000 and \$15,000,000, respectively, for the facilities located at (i) 30265 Commerce Drive, Millsboro, Delaware 19966, (ii) 100-201 Health Services Drive, Seaford, Delaware 19973, (iii) 1033 W. Stein Highway, Seaford, Delaware 19973, and (iv) 801 Middleford Road, Seaford, Delaware 19973). The Bonds will be issued pursuant to a plan of financing for the Delaware Project that may entail the financing or refinancing from time to time by the Bonds including the financing and refinancing of the Bonds. Because of the possible inclusion of original issue discount bonds (some of which may be capital appreciation bonds) the total amount of Bonds payable at maturity may exceed the initial stated principal amount of the Bonds.

RESOLUTION

APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND CERTAIN OF ITS AFFILIATES

WHEREAS, TidalHealth Nanticoke, Inc., a nonprofit Delaware corporation (“Nanticoke”), and certain of its affiliates (together with its affiliates, the “Borrower”), has requested Maryland Health and Higher Educational Facilities Authority (the “Authority”), a body politic and corporate of the State of Maryland, constituting an instrumentality organized and existing under and by virtue of the Maryland Health and Higher Educational Facilities Authority Act to issue its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing (the “Bonds”) to provide financing and refinancing for eligible costs of a project consisting of the acquisition, construction, reconstruction, installation and equipping of certain health care facilities (including the reallocation of proceeds of bonds previously issued by the Authority for the benefit of the Borrower) (the “Project”), a portion of which facilities are or will be located in Sussex County (the “Delaware Project”), at the sites as described in the notice of public hearing attached hereto as Exhibit A; and

WHEREAS, the Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority and certain funds and accounts established by the bond resolution for the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that the applicable elected representative of the governmental unit on behalf of which bonds are issued and of each governmental unit having jurisdiction over the area in which any facilities with respect to which financing is to be provided from the net proceeds of such bonds is located, approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, the Sussex County Council is the applicable elected representative of the governmental unit having jurisdiction over the area in which the Delaware Project is located; and

WHEREAS, in accordance with Section 147(f) of the Code, a public hearing was held in connection with the issuance of the Bonds by this Council on October 7, 2025 in Sussex County Council Chamber, County Administration Building, 2 The Circle, Georgetown, Delaware, following the posting of a notice of such hearing on this County’s website not less than seven days prior to the date of the public hearing and no comments were received from the general public at such hearing; and

WHEREAS, the Borrower has requested that the Sussex County Council approve the issuance of the Bonds and the financing of the Delaware Project in order to satisfy the requirements of Section 147(f) of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY COUNCIL:

SECTION 1. The issuance of the Bonds for the purpose of financing and refinancing the Delaware Project, which is located in Sussex County, is hereby approved for purposes of Section 147(f) of the Code.

SECTION 2. The Sussex County Council hereby approves the issuance of the Bonds by the Authority for the purpose of financing and refinancing the Delaware Project in the amounts and as described in the notice of public hearing attached hereto as Exhibit A. It is the purpose and intent of the Sussex County Council that this Resolution constitutes approval of the issuance of the Bonds by Sussex County, which is one of the governmental units having jurisdiction over the area in which a portion of the Project is located.

SECTION 3. The Bonds are not a debt of Sussex County, the State of Delaware, or any political subdivision thereof and do not, directly, indirectly or contingently, obligate, in any manner, Sussex County, the State of Delaware, or any political subdivision or agency thereof or any political subdivision approving the issuance of the Bonds to levy any tax or to make any appropriation for payment of the Bonds or any costs incidental thereto. Neither the faith and credit nor the taxing power of Sussex County, the State of Delaware or any political subdivision or agency thereof or any political subdivision approving the issuance of the Bonds, shall be pledged to the payment of the principal of, premium, if any, or interest on the Bonds or any costs incidental thereto.

SECTION 4. The foregoing approval is for the purposes of the applicable provisions of the Code, as aforesaid, and does not constitute approval for any permit, license or zoning required for the construction or occupancy of any facilities to be financed or refinanced as part of the Delaware Project.

SECTION 5. The President of the County Council and the County Administrator, and other personnel, at the direction of such officers, of Sussex County are hereby authorized and empowered to take all such further action, and execute additional documents as they may deem appropriate to carry out the purpose of this Resolution.

SECTION 6. Any resolution or part of any resolution conflicting with the provisions of this Resolution is hereby repealed insofar as the same affects this Resolution. This Resolution shall take effect immediately.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY
OF A RESOLUTION ADOPTED BY THE SUSSEX COUNTY COUNCIL ON OCTOBER
7, 2025.**

Tracy Torbert
Clerk of the Sussex County Council

Notice of Public Hearing



Memorandum

To: Sussex County Council

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

CC: Everett Moore, County Attorney

Date: September 18th, 2025

RE: County Council Report for Hunters Creek (2022-11) – 6-Month Time Extension Request

On August 6th, 2025, the Planning and Zoning Department received a request for a 6-month time extension for Hunters Creek (2022-11) a cluster subdivision to consist of ninety-five (95) single-family lots, stormwater management, private roads, open space and other site improvements. The Preliminary Subdivision Plan for the Subdivision was approved by the Planning and Zoning Commission at their meeting of Thursday, September 8th, 2022. Under (§99-9(B)) of the Code, the Preliminary Subdivision Plan approval is valid for a period of three years and will expire on September 8th, 2025, unless *“a final plan [is] filed with the Commission’s staff within 36 months from the date of action of the preliminary plat.”* The property is located on the north side of Omar Road (S.C.R. 54), approximately 0.33 mile west of the intersection of Powell Farm Road (S.C.R. 365) in Frankford, Delaware.

The Applicant filed this request with the Planning & Zoning Department in writing on August 6th, 2025. The request for extension has been submitted under the sunset provision of (§99-40(C)) which allows an Applicant to request up to a six-month extension of the Preliminary Subdivision approval. The Council may grant a time extension for up to six (6) months pursuant to (§99-40) based on the following:

1. Prior to the expiration date of its current approval, any Applicant holding a currently valid approval set forth in this §99-40(C) may request an extension up to six months for the validity of said approval. The six-month period shall commence on upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the Applicant is to provide the anticipated time frame for completing those remaining steps.
 - (b) A detailed explanation of the reasons in support of the Applicant’s request for the time extension. The Applicant is to include an explanation of whether such reasons



were within the Applicant's reasonable control. Examples of reasons beyond the Applicant's reasonable control include, but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third-party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting the Applicant's key stakeholders.

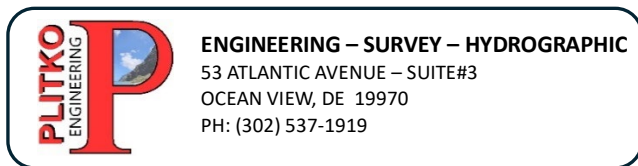
On August 8th, 2025, the Planning & Zoning Department received both the initial request for extension letter as well as a copy of the approved Preliminary Subdivision Plan.

The following are the status of agency approvals. The project received approval from the Geographic Information Office for the Subdivision Name and all proposed street names on May 6th, 2021. the Office of the State Fire Marshak on December 11th, 2023. The DelDOT Letter of No Objection (LONO) was received on June 10th, 2024, and the related Commercial Entrance Plan Approvals were received on March 17th, 2025. The Applicant has received preliminary review approval from the Sussex County Engineering Department pending final approval from DNREC and a "Ready for Approval" letter from the Sussex Conservation District. Lastly, the Artesian Water Plans review is complete pending final approval from the Delaware Office of Drinking Water and the Applicant notes that receipt of those approvals is imminent.

The Applicant also notes that the project was delayed "for a significant time" due to the issue of provision of a second entrance onto Hickory Manor Road at the rear of the subdivision. The County had requested the connection, primarily for emergency vehicles to have alternate access should the primary access on Omar Road be blocked. However, DelDOT did not want to grant that access, citing the poor condition of Hickory Manor Road and the proximity to the Hickory Manor/ Vines Creek Road intersection.

The Planning and Zoning Commission recommended approval for the 6-month time extension request at their meeting of Wednesday, September 17th, 2025, and to forward the Application to the Sussex County Council for their final decision and approval of this request.

If the Council agrees, there should be a motion that, based upon the authority granted to Council under §99-40(C)), and based upon compliance and requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that Hunters Creek (2022-11) shall be granted a six (6) month time extension until March 8th, 2026, which is six (6) months from September 8th, 2025, the original expiration date for the Subdivision.



8/6/25

Ms. Lauren DeVore, AICP
Sussex County Planning & Zoning
2 The Circle
Georgetown, De 19947

**RE: Hunters Creek Subdivision (2022-11)
Preliminary Approval Extension Request
Tax Parcels 134-11.00-102.00 & 103.00**

Dear Ms. DeVore,

This letter is to request a 6-month extension of the preliminary approval for the proposed Hunter's Creek subdivision on Omar Road (tax parcels 134-11.00-102.00 & 103.00). The project received preliminary approval on 9/8/22 and is due to sunset in several weeks. Our office is currently completing the last of our regulatory approvals. However, with the expiration approaching, we are requesting the extension to be sure we'll have sufficient time to complete the required approvals and submit final plans to your office.

As you may remember, this project was delayed for a significant time over the issue of a second entrance onto Hickory Manor Road at the rear of the subdivision. The County had requested the connection, primarily for emergency vehicles to have alternate access should the primary access on Omar Road be blocked. However, DelDOT did not want to grant that access, citing the poor condition of Hickory Manor Road and the proximity to the Hickory Manor/ Vines Creek Road intersection.

At this time, we are in receipt of DelDOT's record plan and entrance construction plan approvals as well as the State fire marshal site plan approval. We have received a Ready For Approval letter from Sussex Conservation District for the stormwater management. We currently have our Sussex County Engineering review complete pending final approval from DNREC. Our Artesian Water Plans review is complete pending final approval from the Delaware Office of Drinking Water. We expect to have those approvals in hand very soon.

I have attached copies of the plan approvals received to date with this letter. Please feel free to contact me with any questions or if we can provide any additional information regarding the project or our extension request. Thank you for all your help with this project.

Sincerely,
For Plitko, LLC,

Ray Blakeney

Cc: Clients, file



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

June 10, 2024

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Letter of No Objection to Recordation
Hunters Creek Subdivision**
Tax Parcel # 134-11.00-103.00,
134-11.00-102.00, 134-11.00-21.02, 134-11.00-104.00
SCR00054-OMAR ROAD
SCR00346-HICKORY MANOR ROAD
Baltimore Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Site Plan, dated May 23, 2023 (Signed and Sealed May 10, 2024), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's Development Coordination Manual and submitted to the Development Coordination Section for review and approval.

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's

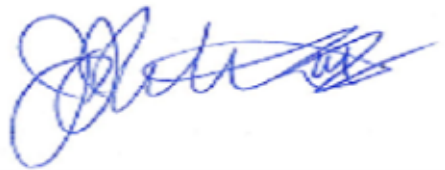


Hunters Creek Subdivision
Mr. Jamie Whitehouse
Page 2
June 10, 2024

published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



John Pietrobono
Sussex County Review Coordinator
Development Coordination

cc: Robert Sipple, Lighthouse Reality Fund
Ray Blakeney, Land Design, Inc.
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
Les Mannering, South District Subdivision Manager
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Sean Humphrey, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
Shiny Mathew, JMT
Wendy L. Polasko, P.E., Subdivision Engineer
Thomas Gagnon, Sussex County Reviewer



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

SHANTÉ A. HASTINGS
SECRETARY

March 17, 2025

Mr. Ray Blakeney
Land Design, Inc.
Oak Square Suite 3
Ocean View, Delaware 19970

**SUBJECT: Entrance Plan Approval Letter
Hunters Creek Subdivision**
Tax Parcel #134-11.00-103.00,
134-11.00-102.00,
134-11.00-21.02,
134-11.00-104.00
OMAR ROAD (SCR 54)
HICKORY MANOR ROAD (SCR 346)
Baltimore Hundred, Sussex County

Dear Mr. Blakeney:

The Department of Transportation has reviewed the Commercial Entrance Plans dated February 28, 2025 (Signed and Sealed January 30, 2025) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of **three (3) years**. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. The following items will be required prior to the permit being issued. A pre-construction meeting may be required as determined by the South District Public Works office.

1. A copy of the recorded Plan which is consistent with the DelDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
2. Three (3) copies of the approved entrance plans.



3. Completed permit application.
4. Executed agreements (i.e. construction, signal, letter).
5. An itemized construction cost estimate.
6. A 150% security based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).
7. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the South District Public Works office (302) 853-1340 concerning any questions you may have relative to the aforementioned required items.

Sincerely,



John Pietrobono
Sussex County Review Coordinator
Development Coordination

cc: Robert Sipple, Lighthouse Reality Fund
Jamie Whitehouse, Sussex County Planning & Zoning Commission
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
Travis Schirmer, South District Public Works Supervisor
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Jerry Nagyiski, Safety Officer Supervisor
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Sean Humphrey, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
Amy Fitzgerald, JMT
Wendy L. Polasko, P.E., Subdivision Engineer
Thomas Gagnon, Sussex County Reviewer



OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2023-04-215338-MJS-02

Tax Parcel Number: 134-11.00-102.00

Status: Approved as Submitted

Date: 12/11/2023

Project

Hunter's Creek
Salt Air Properties LLC

34097 Omar Road
Frankford DE 19945

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 84 - Millville Volunteer Fire Co

Occupant Load Inside:
Occupancy Code:

Applicant

Ray Blakeney
Atlantic Ave
Ocean View, de 19970

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:

Rodney Marvel

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2023-04-215338-MJS-02

Tax Parcel Number: 134-11.00-102.00

Status: Approved as Submitted

Date: 12/11/2023

PROJECT COMMENTS

1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. The Office of the State Fire Marshal recommends the installation of fire sprinkler systems in all residential occupancies, including one- and two-family dwellings, duplexes, and townhomes. For additional information on residential sprinkler systems, please see here: https://statefiremarshal.delaware.gov/wp-content/uploads/sites/110/2017/07/Home_Sprinkler_Brochure.pdf

1004 Plans are approved as submitted. Please email a PDF of the approved version to:

rodney.marvel@delaware.gov

1030 A This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 500 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.

1180 A This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.

This review is for watermain and hydrant spacing only. If a pool is to be constructed a site plan for pool and deck construction will be required.

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.

MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County
DELAWARE
sussexcountyde.gov

May 6, 2021

LANDDESIGN/ Plitko LLC

Attn: Ray Blakeney

RE: Proposed Subdivision Name(s)

I have reviewed the name(s) submitted for your proposed subdivision which is located in Frankford (134-11.00-102.00,103.00 & 104.00). In reviewing the proposed name(s) the following has been approved for this subdivision:

HUNTERS CREEK

Should you have any questions please contact the Sussex County Addressing Department at 302-853-5888 or 302-855-1176.

Sincerely,

Terri L Dukes

Terri L. Dukes
Addressing Technician II

CC: Christin Scott
Planning & Zoning



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

MAPPING & ADDRESSING

MEGAN NEHRBAS
MANAGER OF GEOGRAPHIC
INFORMATION SYSTEMS (GIS)
(302) 855-1176 T
(302) 853-5889 F



Sussex County
DELAWARE
sussexcountype.gov

May 6, 2021

LANDDESIGN/ Plitko LLC
Attn: Ray Blakeney

RE: **HUNTERS CREEK**

I have received proposed street name(s) for the proposed subdivision, **Hunters Creek**, located in Frankford. In reviewing the proposed street name(s) the following have been approved:

<i>Acadia Ct</i>	<i>Shellbark way</i>	

Use only **approved** road names that you have written confirmation for or you will be required to rerecord. Each street name is to be used only once.

Upon final approval of **Hunters Creek** please forward a copy of the recorded site plan to my attention. Our office would appreciate a digital copy if at all possible, for the purpose of addressing. Should you have any questions, please contact the **Sussex County Addressing Department** at 302-855-1176.

Sincerely,

Terri L. Dukes

Terri L. Dukes
Addressing Technician II

CC: Christin Scott
Planning & Zoning



PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountype.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI

September 18, 2025

Mr. Ray Blakeney, P.E.
Plitko, LLC
53 Atlantic Avenue, Suite #3
Ocean View, DE 19970

By email to: rblakeney@plitko.com

RE: Notice of Decision Letter for a 6-Month Time Extension Request for the Hunters Creek (2022-11) Subdivision, for a Coastal Area cluster subdivision consisting of ninety-three (93) single-family lots, private roads, open space, stormwater management and other site improvements located on the north side of Omar Road (S.C.R. 54), approximately 0.33-mile west of the intersection of Powell Farm Road (S.C.R. 365)
Tax Parcels: 134-11.00-102.00 & 103.00

Dear Mr. Blakeney,

At their meeting of **Wednesday, September 17th, 2025**, the Planning & Zoning Commission **recommended approval** of the **6-month Time Extension Request** for the **Hunters Creek (2022-11) Subdivision**. Specifically, the proposed use is for the establishment of ninety-three (93) single-family lots, private roads, open space, stormwater management and other site improvements. The property is located the north side of Omar Road (S.C.R. 54), approximately 0.33-mile west of the intersection of Powell Farm Road (S.C.R. 365). The parcel is zoned Medium Density Residential (MR) District and has a Growth Area Future Land Use Map designation of Coastal Area per Sussex County's 2018 Comprehensive Plan. The property is not located within any established Transportation Improvement Districts (TIDs).

The Preliminary Subdivision Plan for the Subdivision was approved by the Planning and Zoning Commission at their meeting of Thursday, September 8th, 2022. Under §99-9(B) of the Sussex County Code, *"Tentative approval of a [Preliminary] Subdivision plat shall be valid for 36 months [3 years]. Unless a final plan, in accordance with the approved preliminary plat, including any required changes or modifications, and in accordance with all other applicable provisions, shall be filed with the Commission's staff within 36 months from the date of action of the preliminary plat, the Commission's action thereon shall be deemed canceled. An extension of this time period may be sought in accordance with §99-40."*

Specifically, the time extension request was made pursuant to §99-40 of the Sussex County Code, which requires for Subdivisions, the submittal of a.) A schedule or plan for the project describing the steps that have been completed and the status of any remaining steps, b.) A detailed explanation of the reasons in support of the Applicant's request for the time extension, c.) A schedule and plan



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

demonstrating that the improvements will be substantially constructed within 6 months of the expiration date of the current approval (§99-40(C)(1)(a-c).

The Planning and Zoning Commission have recommended approval for the 6-month time extension request and to forward the Application to the Sussex County Council for their final decision and approval of this request. If approved by the Sussex County Council, in accordance with §99-40(C)(3) of the Sussex County Code, the Application's expiration date will be extended 6 months from the previous approval deadline of September 8th, 2025, to March 8th, 2026.

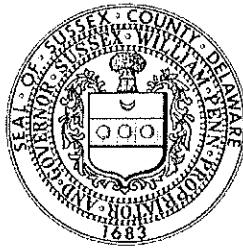
Please feel free to contact me with any questions during regular business hours from 8:30AM-4:30PM, Monday through Friday, at 302-855-7878.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Cecchine".

Mrs. Lauren Cecchine, AICP
Planning & Zoning Manager

CC: Mr. Andy Wright, Chief Code Official – Building Code
Ms. Jennifer Norwood, Planning Manager – Sussex County Department of Planning & Zoning
Ms. Lisa Walls, Engineering Project Coordinator – Public Works - Engineering
Mr. John Ashman, Director of Utility Planning – Engineering
Mr. Michael Lowrey, Planner III – Sussex County Department of Planning & Zoning
Mr. Mark A. Rogers, Chief Constable – Sussex County Constable's Office
Hunters Creek (2022-11) - 6-Month Time Extension Request file



**Proposed Irwin Properties Expansion of the
Sussex County Unified Sanitary Sewer District**

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Ocean View Area).
- The Engineering Department has received a request from Joseph & Kristof Irwin owners of parcels 134-16.00-26.00 & 26.01 adjacent to the existing Ocean View Area of the SCUSSD.
- Parcels are on the northbound side of Windmill Road at the intersection with Central Ave. and in State Planning Level 1.
- The parcels are capable of receiving central sewer service from an existing line at the back of the properties.
- The parcels 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.

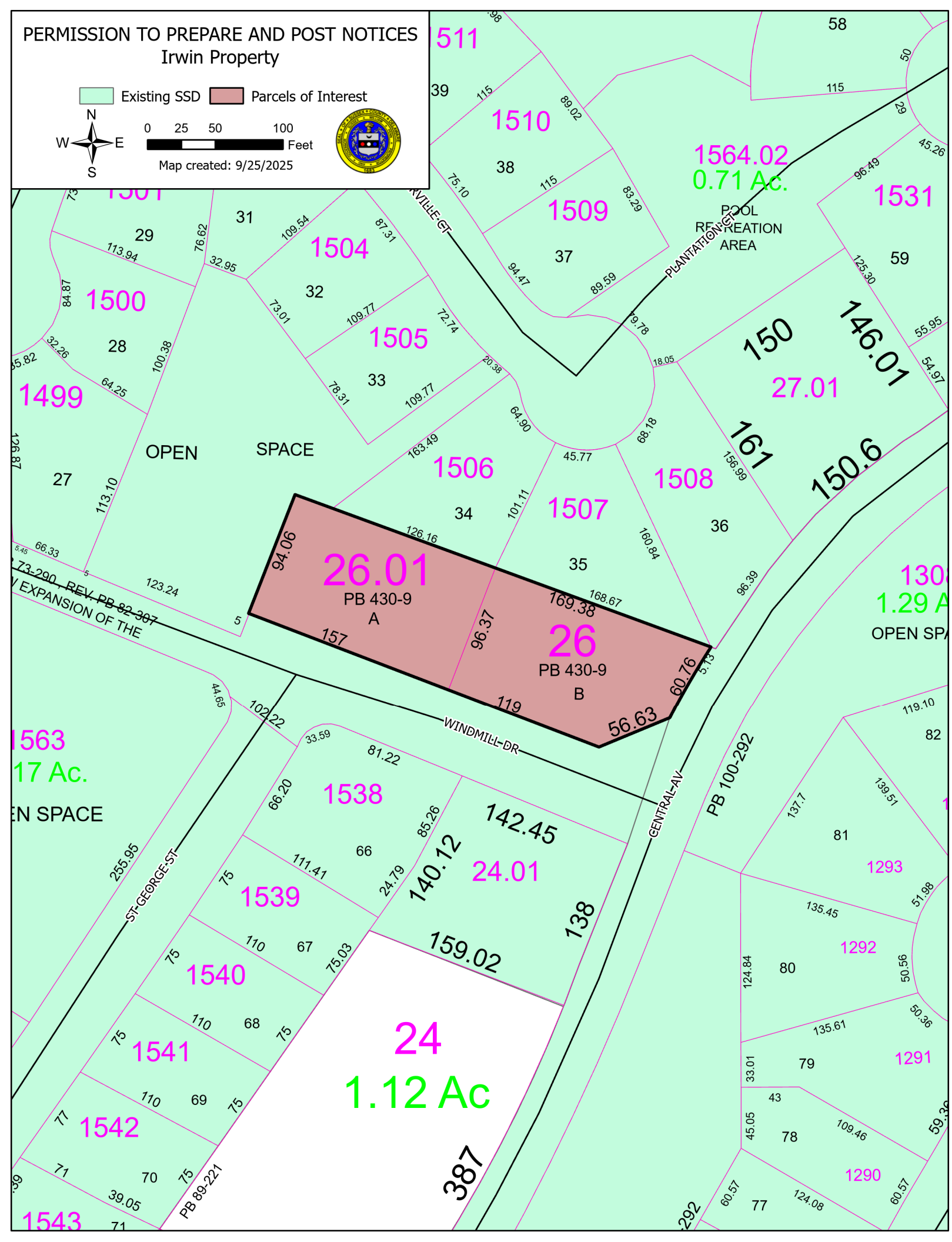


PERMISSION TO PREPARE AND POST NOTICES
Irwin Property

 Existing SSD  Parcels of Interest



0 25 50 100
 Feet
 Map created: 9/25/2025



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 Steve C. McCarron

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

RE: **Wolfe Neck RWF Electrical Service & Switchgear Replacement
A. General Construction, Project S24-10 – Change Order No. 7**

DATE: October 7, 2025

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant.

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

As per the LBPW's request, the County utilized George, Miles & Buhr, Inc., the Board's Engineer of Record for the design of the proposed improvements. Following the design completion and permitting Council approved on August 29, 2017, LBPW's assistance request under the FY18 General Labor & Equipment Contract for a joint project.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.



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

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

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

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

The 2016 Agreement established a "handshake" point splitting capital responsibility between the parties. Under options 1 & 2, all activities would occur on the Board's side of the handshake point and the County would participate on the agreed upon prorated percentage. Under option 3, most of the transmission and all the treatment plant capital upgrades would occur on the County side of said point.

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

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

During the LBPW workshop on August 9th the concept of an ocean outfall from the Wolfe Neck RWF emerged as study Option 3c. Under this scenario the County would construct a new 5.25 mgd treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems.

Any Wolfe Neck treatment expansion can only occur in the location of one of the two primary treatment lagoons requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment a new electrical service and power distribution center must be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

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

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work and Invitations to Bid were 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. Five (5) contractors attended the pre-bid meeting on March 26, 2024, and on April 18, 2024, two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

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

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

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

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

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on

previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.'s Change Order No. 1 for the same amount.

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

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20th and the issue was resolved one month later on January 20th. GHD and the Engineering Department can support a 3-week delay encompassing twelve work days and an allowance for remobilization after subtracting weather-related delays not eligible for compensation. Subsequently, Council approved Change Order No. 3 for coordination related delays to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

Environmental Services and the Engineering Department had planned the removal of the accumulated biosolids during a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from both firms, circulating a draft before issuing a final version. Upon receipt of the draft, the firms conducted site visits independently confirming sludge depth and consistency as well as developed questions which resulted in a revised RFP capturing the updated information and operational details. On February 28, 2025, both proposals were received.

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

When Denali was debriefed with regards to the exact power requirements, GHD and the Engineering Department first pursued a series of smaller breakers but then pivoted to a generator driven approach for an estimated six (6) months project period allowing the project schedule to be accelerated prior to the original fall 2025 start date. This would allow the initial underwater dredging to proceed in the later summer months while the subsequent removal

stages with exposed, potentially odorous sludge would occur later. Denali offered to provide the on-site power generation for six (6) months for \$175,000.00 as well as credit the baseline staging area expense in the amount of (\$210,000.00). In addition, an equal or greater credit will be created in the electrical construction balancing change order at the end of the project for the deleted bank of breakers.

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

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

Independent from this incident GHD and the Engineering Department determined it would be beneficial to use lagoon 2 as the basis of design for the future facility for a better process flow as well as the elimination of a potential issue with the liner of lagoon 2. Consequently, Denali was instructed to also dredge lagoon 2 triggering a partial two-day remobilization and repositioning of the equipment. In summary, a total of five days of labor and overhead expenses were priced and on September 9, 2025 Council issued Change Order No.2 to Denali in the amount of \$75,000.00.

The biosolids removal and dewatering equipment was originally powered out of the new electrical building. When Council approved Denali's Change Order No.1 switching to generator power it eliminated the temporary power requirements under the sludge removal contract and consequently a canopy from Bancroft's contract. In addition, the Department was able to provide value engineering input on the ceiling material in the electrical building for a total combined credit Change Order No. 5 of -\$14,910.63 from Bancroft Construction which was approved by Council on May 13, 2025.

Over the last several months Bancroft has had to vacate the site, allowing unrelated activities not a part of Bancroft's contract scope to be completed. Specifically, Bancroft has demobilized from the site on three (3) occasions but continuing to maintain a field office, storage trailers and limited supervision as well as all insurance and bonding. The Engineering Department and Bancroft agreed on appropriate compensation. In summary, the Department recommends issuance of Change Order No.7 to Bancroft Construction in the amount of \$64,035.25.

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Incurred overhead expenses due to delays beyond contractor's control beyond previously approved amount in Change Order No.3.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Bancroft Construction, Contractor

Signature Date

Representative's Name in Block Letters

2. Project Engineer

Hans Medlarz 10/2/2025
Signature Date

3. Sussex County Council President

Signature Date



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **PROPOSED CAMPUS AT JAMES FARM ECOLOGICAL PRESERVE**
2. Sussex County Project No. S24-10
3. Change Order No. 7 – Wolfe Neck RWF Electrical Service
& Switchgear (general construction)
4. Date Change Order Initiated - 2/6/25
5. Status **C23-21** **S24-10 (GC)**
 - a. Original Contract Sum \$ 2,090,500.00 \$ 0
 - b. Net Change by Previous Change Orders \$ 0 \$ 4,807.13
 - c. Contract Sum Prior to Change Order \$ 2,090,500.00 \$1,380,807.13
 - d. Requested Change \$ (\$2,249.28) \$ 64,035.25
 - e. Net Change (No. of days) N/A N/A
 - f. New Contract Amount **\$ 2,088,250.72** **\$1,444,842.38**
6. Contact Person: Mike Harmer, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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



PCO #007

Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
Phone: (410) 844-8080

Project: CSED0003 - WNRWF Electrical Upgrades
36160 Wolfe Neck Road
Rehoboth Beach, Delaware 19971

Prime Contract Potential Change Order #007: CE #013 - Delay Costs

TO:	Sussex County Delaware 2 The Circle P.O. Box 589 Georgetown Delaware, 19947	FROM:	Bancroft Construction Company 1300 N. Grant Avenue Suite 101 Wilmington Delaware, 19806
PCO NUMBER/REVISION:	007 / 0	CONTRACT:	CSED0003 - WNRWF S24-10
REQUEST RECEIVED FROM:		CREATED BY:	Cheryl Fearn (Bancroft Construction Company)
STATUS:	Pending - In Review	CREATED DATE:	10/2/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
		TOTAL AMOUNT:	\$64,035.25

POTENTIAL CHANGE ORDER TITLE: CE #013 - Delay Costs

CHANGE REASON: Other

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #013 - Delay Costs beyond already compensated in Change Order no.3
Costs due to delay by others for Bancroft to complete work

ATTACHMENTS:

[Budget Screenshot.png](#) [_CF Delay Projection to Complete Costs.pdf](#) [_CSED0001 July 2025.docx](#) [_CSED0001 August 2025.docx](#)

Sussex County Delaware
2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company
1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE DATE

SIGNATURE DATE

John H Sauter ii 10/2/25

SIGNATURE DATE



Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
P: (410) 844-8080

Project: CSED0003 - WNRWF Electrical Upgrades
36160 Wolfe Neck Road
Rehoboth Beach, Delaware 19971

CHANGE EVENT #013 - Delay Costs

Origin:

Date Created: 10/2/2025

Created By: John Sauter

Status: Open

Scope: TBD

Type: Other

Change Reason: Other

Description: Costs due to delay by others for Bancroft to complete work, including previous Change Order 3 applied to budget forecasts.

Attachments: [CF Delay Projection to Complete Costs.pdf](#), [Budget Screenshot.png](#), [CSED0001 July 2025.docx](#), [CSED0001 August 2025.docx](#)

CHANGE EVENT LINE ITEMS

			Revenue					Cost								
Budget Code	Vendor / Contract	UOM	QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ	Commit.	Latest Cost	Over/ Under	Budget Mod.
1-418.02	Lead Project Coordinator.Regular Labor	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$791.23	\$791.23			\$791.23		
Description: Lead PC Delay Costs																
1-422.02	Project Coordinator.Regular Labor	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$633.20	\$633.20			\$633.20		
Description: PC Delay Costs																
1-510.02	Project Executive.Regular Labor	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$260.26	\$260.26			\$260.26		
Description: PX Delay Costs																
1-515.02	Project Manager.Regular Labor	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$2,369.23	\$2,369.23			\$2,369.23		
Description: PM Delay Costs																
01-521.07	Field Office.Other	ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$2,537.54	\$2,537.54			\$2,537.54		
Description: Office Trailer																
01-512.07		ls	0.0	\$0.00	\$0.00		\$0.00	\$0.00	1.0	\$3,452.86	\$3,452.86			\$3,452.86		

Title/Position/Cost	Name	Rate	Hours While Not Onsite	Total
Lead PC	Lyon	\$ 71.93	11	\$ 791.23
PC	Fearn	\$ 63.32	10	\$ 633.20
PX	Jadick	\$ 130.13	2	\$ 260.26
Project Manager	Sauter	\$ 103.01	23	\$ 2,369.23
Office Trailer	Wilscot	\$ 1,268.77	2	\$ 2,537.54
Trailer Power	Sunbelt	\$ 1,726.43	2	\$ 3,452.86
Portable Toilets	A1	\$ 242.74	2	\$ 485.48
Safety Manager	Patti	\$ 93.82	6	\$ 562.92
Monthly Total				\$ 11,092.72

CSED0003 - SC WNRWF																									
				TOTAL HOURS	Total Cost to Complete	Current Budget	Pending Changes	CE Amount	Total Cost	Hours through	Sept	Sept	Oct	Oct	Oct	Oct	Nov	Nov	Nov	Nov	Dec	Dec	Dec	Dec	
			Hourly						Hours*Rate	09/12	09/19	09/26	10/03	10/10	10/17	10/24	10/31	11/07	11/14	11/21	11/28	12/05	12/12	12/19	
		NAME	Rate																						
RESOURCE ALLOCATION																									
1-417	Field Ops M	Farrell	\$ 119.00	22	\$ 2,618.00	\$ 1,392.01	0	\$ 2,380.00	\$ 1,225.99	2	2	2	2	2	2	2	2	2	2	2	0	0	0	0	20
1-418	Lead PC	Lyon	\$ 78.00	86	\$ 6,708.00	\$ 4,171.94	0	\$ 2,184.00	\$ 2,536.06	58	2	2	2	2	2	2	2	2	2	2	2	2	2	2	28
1-422	PC	Fearn	\$ 70.00	214	\$ 14,980.00	\$ 11,270.96	0	\$ 3,500.00	\$ 3,709.04	164	4	4	4	4	4	4	4	4	4	4	4	4	2	0	50
1-512	Project Superinte ndent	Koch	\$ 97.00	1631	\$ 158,207.00	\$ 118,080.30	0	\$ 42,680.00	\$ 40,126.70	1191	40	40	40	40	40	40	40	40	40	40	40	0	0	0	440
1-513	Assistant Project Manager		\$ 75.00	7	\$ 525.00	\$ 273.44	0	\$ 225.00	\$ 251.56	4	0	1	0	0	0	1	0	0	0	1	0	0	0	0	3
1-515	Project Manager	Sauter	\$ 112.00	709	\$ 79,408.00	\$ 57,398.81	0	\$ 23,296.00	\$ 22,009.19	501	16	16	8	12	12	12	12	16	16	16	16	16	20	20	208
1-527	Safety Manager	Patti	\$ 102.00	67	\$ 6,834.00	\$ 3,658.98	0	\$ 2,856.00	\$ 3,175.02	39	2	2	2	2	2	2	2	2	2	2	2	2	2	2	28

\$ 73,033.56

Labor in Budget

\$ (20,091.03)

\$ 52,942.53

\$ 64,035.25

Cat	Acctg Date	Vendor	Invoice	Description	Units	Amount
CSED-00-03 WNRWF Electrical Upgrades						
1-418	Lead Project Coordinator					
02	07-11-2025			Lyon, Lauren	2.00	143.86
02	07-25-2025			Lyon, Lauren	3.00	215.79
				Regular Labor Total	5.00	359.65
				Lead Project Coordinator Total	5.00	359.65
1-422	Project Coordinator					
02	07-11-2025			Fearn, Cheryl	4.00	253.28
02	07-25-2025			Fearn, Cheryl	2.00	126.64
				Regular Labor Total	6.00	379.92
				Project Coordinator Total	6.00	379.92
1-512	Superintendent					
02	07-11-2025			Vavala, Jason	54.00	4,808.70
				Regular Labor Total	54.00	4,808.70
				Superintendent Total	54.00	4,808.70
1-515	Project Manager					
02	07-11-2025			Sauter, John	11.00	1,133.11
02	07-25-2025			Sauter, John	2.00	206.02
				Regular Labor Total	13.00	1,339.13
				Project Manager Total	13.00	1,339.13
1-527	Safety Coordinator					
02	07-11-2025			Patti, John	2.00	187.64
02	07-25-2025			Patti, John	2.00	187.64
				Regular Labor Total	4.00	375.28
				Safety Coordinator Total	4.00	375.28
				BANCROFT LABOR Total	82.00	7,262.68
01-515	Temporary Toilets					
07	07-25-2025	A1SAN	466456	A-1 Sanitation Services		242.74
				Other Total	.00	242.74
				Temporary Toilets Total	.00	242.74
01-521	Field Office					
07	07-07-2025	WILSC	9024026250	Williams Scotsman, Inc.		1,268.77
07	07-25-2025	SUNRE	160953204-0011	Sunbelt Rentals		1,726.43
				Other Total	.00	2,995.20

CSED0003 - WNRWF Electrical Upgrades

Bancroft Budget View (ERP)

Current

Add Filter

Budget Row Type ...

Clear Filters

Description	OM Cost Changes	Projected Costs	Forecast To Complete
1-418.02 Lead Project Coordinator.Regular Labor	\$0.00	\$4,171.94	⚡ \$0.00
1-422.02 Project Coordinator.Regular Labor	\$0.00	\$10,384.48	⚡ \$886.48
1-510.02 Project Executive.Regular Labor	\$0.00	\$650.65	⚡ \$0.00
01-511.07 Trailer Utility Connection.Other	\$0.00	\$0.00	⚡ \$0.00
01-512.07 Trailer Utility Usage.Other	\$18,874.84	\$18,874.84	⚡ \$828.00
1-512.02 Superintendent.Regular Labor	\$0.00	\$106,058.56	⚡ \$12,021.74
01-513.07 Telephone Bill.Other	\$0.00	\$0.00	⚡ \$0.00
1-513.02 Asst Project Manager.Regular Labor	\$0.00	\$273.44	⚡ \$0.00
01-514.07 Temporary Heat.Other	\$0.00	\$0.00	⚡ \$0.00
01-515.07 Temporary Toilets.Other	\$0.00	\$3,300.69	⚡ \$36.30
1-515.02 Project Manager.Regular Labor	\$0.00	\$52,329.08	⚡ \$5,069.73

Bancroft Construction Company		Cost Entries by Job		10-02-2025	Page 1	
		08-01-2025	Through: 08-31-2025			
		Owner's Cost				
Cat	Acctg Date	Vendor	Invoice	Description	Units	Amount
CSED-00-03 WNRWF Electrical Upgrades						
1-418 Lead Project Coordinator						
02	08-08-2025			Lyon, Lauren	4.00	287.72
02	08-22-2025			Lyon, Lauren	4.00	287.72
02	08-23-2025			Lyon, Lauren	2.00-	143.86-
Regular Labor Total					6.00	431.58
Lead Project Coordinator Total					6.00	431.58
1-422 Project Coordinator						
02	08-08-2025			Fearn, Cheryl	4.00	253.28
Regular Labor Total					4.00	253.28
Project Coordinator Total					4.00	253.28
1-510 Project Executive						
02	08-08-2025			Jadick, Robert	1.00	130.13
Regular Labor Total					1.00	130.13
Project Executive Total					1.00	130.13
1-515 Project Manager						
02	08-08-2025			Sauter, John	8.00	824.08
02	08-22-2025			Sauter, John	4.00	412.04
02	08-23-2025			Sauter, John	2.00-	206.02-
Regular Labor Total					10.00	1,030.10
Project Manager Total					10.00	1,030.10
1-527 Safety Coordinator						
02	08-22-2025			Patti, John	8.00	750.56
02	08-23-2025			Patti, John	4.00-	375.28-
Regular Labor Total					4.00	375.28
Safety Coordinator Total					4.00	375.28
BANCROFT LABOR Total					25.00	2,220.37
01-515 Temporary Toilets						
07	08-01-2025	A1SAN	468472	A-1 Sanitation Services		242.74
07	08-25-2025	A1SAN	470454	A-1 Sanitation Services		242.74
Other Total					.00	485.48
Temporary Toilets Total					.00	485.48
01-521 Field Office						
07	08-07-2025	SUNRE	160953204-0006	Sunbelt Rentals		1,726.43
07	08-07-2025	WILSC	9024220080	Williams Scotsman, Inc.		1,268.77

Cost Entries by Job					10-02-2025	Page 2
Bancroft Construction Company			07-01-2025	Through:	07-31-2025	
	Acctg			Owner's Cost		
Cat	Date	Vendor	Invoice	Description	Units	Amount
CSED-00-03		WNRWF Electrical Upgrades				
				Field Office Total	.00	2,995.20
01-547		Gas/OilFuel/Lubrication				
07	07-17-2025	VAVJAS	062725 REIMB	Jason Vavala		110.13
				Other Total	.00	110.13
				Gas/OilFuel/Lubrication Total	.00	110.13
				GENERAL CONDITIONS Total	.00	3,348.07
03-300		Cast-in-Place Concrete				
06	07-25-2025	HARKCO	CSED0003-009-09	Harkins Concrete Const Inc		10,000.00
				Subcontract Total	.00	10,000.00
				Cast-in-Place Concrete Total	.00	10,000.00
				CONCRETE Total	.00	10,000.00
04-810		Unit Masonry Assemblies				
06	07-25-2025	DIAS	CSED0003-007-09	Diamond State Masonry Inc		9,890.00
				Subcontract Total	.00	9,890.00
				Unit Masonry Assemblies Total	.00	9,890.00
				MASONRY Total	.00	9,890.00
				DIV 02-16 Total	.00	19,890.00
				WNRWF Electrical Upgrades Total	82.00	30,500.75
				Report Total	82.00	30,500.75

Cat	Acctg Date	Vendor	Invoice	Description	Units	Amount
CSED-00-03 WNRWF Electrical Upgrades						
01-521 Field Office						
07	08-25-2025	WILSC	9024416844	Williams Scotsman, Inc.		1,268.77
				Other Total	.00	4,263.97
				Field Office Total	.00	4,263.97
01-548 Small Tools/Gang Box						
07	08-14-2025	SAUJOH	080525 REIMB	John Sauter		13.99
				Other Total	.00	13.99
				Small Tools/Gang Box Total	.00	13.99
				GENERAL CONDITIONS Total	.00	4,763.44
03-300 Cast-in-Place Concrete						
06	08-14-2025	SAUJOH	080525 REIMB	John Sauter		71.14
				Subcontract Total	.00	71.14
				Cast-in-Place Concrete Total	.00	71.14
				CONCRETE Total	.00	71.14
				DIV 02-16 Total	.00	71.14
				WNRWF Electrical Upgrades Total	25.00	7,054.95
				Report Total	25.00	7,054.95



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: October 3, 2025

RE: County Council Report for C/Z 2025 filed on behalf of Northstar Property, LLC

The Planning and Zoning Department received an application (C/Z 2025 filed on behalf of Northstar Property, LLC) for a change of zone from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial Zoning District at Tax Parcel 334-5.00-175.00. The property is located on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (SCR 285/Rt 23), approximately 2.4 miles southwest of Coastal Highway (Rt.1). The parcel size is 419.64 ac. +/- and the change of zone request relates to a 12.69-acre. portion.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation ("DelDOT"), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

Below is a link to the minutes of the March 11, 2025, County Council meeting:

[Link to the Minutes of the March 11, 2025, County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2024. The minutes of the July 24, 2024, and September 11, 2024, are also included as the application was discussed at these meetings also.

Minutes of the July 17, 2024, Planning & Zoning Commission Meeting

C/Z 2025 Northstar Property, LLC

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 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS. The property is lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1). Address: N/A. Tax Map Parcel: 334-5.00-175.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the rezoning plan from the applicants, a copy of the applicants exhibit booklet, a copy of the staff analysis, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division with the applicant's environment assessment and public facilities evaluation report, and 32 comments, including a petition with 258 signatures.

Ms. Pamela Steinbach spoke on behalf of DelDOT, in reference to the Application and the processes behind the TID and how it relates to this group of applications; that a transportation improvement district is a geographical area defined for the purpose of securing required improvements to transportation facilities in that area to meet the demands and growth development consistent with a comprehensive plan; that means taking a proactive approach to transportation and land use and trying to forecast and accommodate what a growth area is going to be, making sure we have the appropriate traffic analysis and forecasting as it's related to the comprehensive plan; that DelDOT works closely with the County and can plan for growth in advance which makes the transportation planning easier; that it allows them to see what an area is supposed to grow to and allows DelDOT to plan for the associated transportation improvements; that the benefit to developers in the TID is that if their development is consistent with DelDOT and the County then they can forego having to do a TIS which takes a fair amount of time; that the TIS requires counts, average daily traffic and to analyze what intersections level of service is; that by having that information in advance and the developer building consistent with what the TID states; that if the developer pays a fee that has been agreed upon by the County and they'll complete any offsite improvements and are required to do all of their entrances it makes dealing with DelDOT a lot faster; that it's more predictable and we can then use those developer contributions to fund projects since we know where some funding coming from; that they take a master plan, a land use plan, a transportation plan or a comprehensive plan and determine parcel by parcel what the use of that parcel is and what the maximum number of trips for each of those parcels could generate; that once we do that then we determine what the infrastructure fee is based on whether its residential or commercial; that it's a certain amount per square foot for the commercial and then there are specific fees for whether it's single family, a townhouse, multifamily

condos or apartments; that every five years they update the study by confirming that the parcels are still the same and by doing a traffic analysis; that this helps determine how many trips each development is going to generate; that it can determine what the improvements to the roads are going to be, things like a shared multi model, shared use paths, sidewalks, widening the roads to the functional classification of the road is supposed to be; that it could be widening the lanes, widening the shoulders, it could be widening from 2 lanes to four lanes or it could be a new road, a roundabout or a signal; that once we have all of that information it is shared to any developer that wants to develop in the geographical area of the TID; that they have a much better idea when they do their planning as to what the max number of trips that they can accommodate as part of their development; that with the contributions that the developers make and the funding from the Feds and the State then we fund the Capital Transportation projects and they go into our six year capital transportation plan; that the Henlopen TID was established in 2020 and it took three years to complete as DelDOT worked with the County and went parcel by parcel basis and covering each intersection within a 24sq mile area; that there is about \$321 million in projects within this TID and as part of the fee structure the developers are contributing 24% of that money; that currently we have 28 agreements signed, about 7 in process and about 1.4 million has been collected and about \$800,000 are equated to the developer, in some instances it is required to dedicate right of way and then instead of paying lump sum TID fees they build some of the transportation improvements getting it done faster than if DelDOT were to do them.

Ms. Wingate asked about the construction of Mulberry Knoll Road and that it would be a separate contract from DelDOT and the developer would need to hire and contract that out separately; that with that being a separate contract what would the timing look like and would DelDOT require the developer to handle those improvements first? And will the money being contributed by the developer be utilized to help with this project's road improvements?

Ms. Steinbach stated that the developer has not entered into the phase of the record plans and entrance plans and until they do no time frame or phasing of improvements will be established; that the money contributed is held by the County and that money can only be used for any projects within the TID and its improvements.

Mr. Collins asked about the rest of the development of Mulberry Knoll Road and connecting it to the rest of the roads and what is the timeline on that?

Ms. Steinbach stated that one of the hardest parts is to get into the CTP because we have to be fiscally constrained in our CTP; that there are projects up and down the state, but this is CDP, so that is a project that will get funded, but it was just put in the last CTP; that the preliminary engineering is supposed to start around 2026; that the rest of that Mulberry Knoll Road is going to be built just no date is set yet..

Mr. Roberston stated that the original traffic analysis was done in 2018 and updated around 2022; that we get asked all the time, does the study take into account not only the baseline of assumptions of development for land based on its zoning, but does that also take into account approved but not yet built developments?

Ms. Steinbach stated that the TID is based on a full build out of the of all of those parcels so even as long as it is zoned to be built to grow up to be something then we have counted that as part of the

analysis.

Mr. Mears stated that it would be good to inform the public and have it on record as to how DelDOT decides whether or not the roads can handle large communities and how the Commission relies on DelDOT to advise if the infrastructure is capable of handling such increases.

Ms. Steinbach stated that when speaking in terms of developments for DelDOT's purpose it is concerned with the number of trips in and out of the parcels and that those number coincide with the zoning designation.

Mr. Todd Sammons, the Assistant Director of development coordination, for DelDOT stated that it is not DelDOT's prerogative to make those decisions as they are reactive to the land use decisions and with our analysis and information we then let Planning & Zoning and County Council make those determinations on whether they want to improve land uses or not

Ms. Steinbach stated that responsibility of DelDOT and as part of the division of planning is to do wider range planning that not only take into account what the Delaware Population Consortium estimates as to how many people are going to be here in the next 25-30 years, but also where they're going to be; that it is a collective approach trying to plan for what roads need to be widened, what roads need a roundabout, but it's a multi-faceted problem that is complex; that with TID's and TIS' we are making sure that the developer is doing what the transportation improvement requires it to do.

Mr. Mears stated that he would just like the public to have a firm position about whether or not a road that currently exists in its current state can handle and accommodate the additional traffic that new projects and developments will bring.

Ms. Steinbach stated that with the TID in place, the 33 projects that are planned throughout it have already pre-determined that the road is capable and supposed to be able to handle them based on the full build out of that geographic area.

Mr. Robertson stated that because this project is within the TID that it is different than other cases normally presented; that the TID is a geographically designed area in which DelDOT did the full build out of the roads, going into detail on intersection by intersection basis with redesigns of those roadways to accommodate the development of the properties as anticipated by the county's current zoning and the comp plan; that that's already been taken into account in the TID on this case, but it's a different process because we're not getting a TIS review letter that says what the impact is; that the bigger issue is whether this project or any other project in the TID stay within those projections that were based on the TID in the first place; that if it stays within those project projections, which were the roadway improvements necessary to accommodate the two units to the acre, then it has already been built into the designs that are in the TID; that the funding that was generated based on those designs and the developer and state contributions that go into it; that the County is stuck because the public may say that a project should not be built as it will have an adverse impact on traffic, but DelDOT doesn't have any objection to the project as long as the developer builds the necessary roadway improvements as stated within the TID; that this has been forecasted out in the TID and that the only concern then becomes, does the development stay within the confines of the original projection.

Ms. Wingate stated that she spoke with the Chief of the Lewes Fire Department, who stated that the completion of the Mulberry Knoll Rd. would be key to the response time for their emergency calls; that

it would be encouraged that the County, DelDOT and the developer work closely together on this piece of the project to ensure that it is a priority if the project is approved.

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was commissioned in 2019, as well as the comprehensive plan; that the affordable housing opportunity that's presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with Ingerman, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and walk Ingerman through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County, the county, did agree to expedite the applications; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd. are significant to this application; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage, so the area totals approximately 33 acres of residual, and the remaining 400 acres are the subject matter of this application.

Mr. Robertson asked for clarification for the record that the parcel that's considered residual lands, is not included in the acreage of any of the projects, therefore not used in any of the open space calculations, density calculations or anything of that nature.

Mr. Hutt stated that there is approximately 166 acres of open space and that does not include the 33 acres of those residual lands; that across Route 9 from the project is The Vineyards, which is a mixture of high

density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jintown community off of Jintown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that the property consists of approximately 400 acres and four applications; that first, is the Cluster Subdivision application 2023-14 which is 379 acres with 758 proposed single family lots, then the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's. Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that exist to help the government and property owners know how to plan; that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the map shows the Northstar property and the properties surrounding it; that the majority of the property is within the states investment Level 2, with a number of ribbons of area at various points in the project that are investment Level 3; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the 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, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily units, retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads; that appropriate mixed-use development should also be allowed; that a

mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that the creation of the Mulberry Knoll Rd, which would include two (2) eleven-foot wide travel lanes, 8-foot shoulders/shared use path and an open drainage ditch is the third project within the TID; that the portion of the Mulberry Knoll Rd that goes through the Northstar Project is not required to be completed by the developer; that the developer offered to build that road as part of this project, recognizing the need for the extension on Burnell Road and by building that up in lieu of paying cash; that this will help push along DelDOT to finish the other parts of the road that's been identified; that the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Linnae completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for all four applications; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and

other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Doctor Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that as for the site itself, the cluster subdivision with the perimeter buffer is this outer edge around the side including BJ Lane; that we provide a varying width buffer along that outer boundary with all lots located outside the 30 foot forested buffer where appropriate and/or the 50 foot agricultural buffer; that there are agricultural lands that require a 50 foot buffer per the code; that all lots except those along BJ Lane and those east of the stables are located at least 50 feet from the outer boundary, including areas that are both wooded and non-wooded, if you have a wooded parcel, we have a 30 foot forested buffer and another 20 foot space before lot line begins so the lots are at least 50 foot off the outer perimeter line; that the reason there's not a 30 foot landscape buffer along BJ Lane as the code only requires a 30 foot buffer where lots abut an agriculture area and where their dwellings are located within 50 foot of existing residential development, BJ Lane did not qualify for that; that we have a 20 foot buffer from BJ lane within that section of the roadway; that as the proposed buffer as defined with the number of trees will add over 2400 trees just in the buffer area alone; that the property contains approximately 28.1 acres of woodlands that are split into four areas and we are preserving approximately 23 acres of those woodlands and the areas that are being removed will be replenished, while preserving to the max and practical in those areas; that all lots abut open space throughout the community, there are no lots that are back-to-back and every lot will have open space as their backyards; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to provide stormwater management as it bisects the property; that stormwater will travel in a North South direction from Route 9 to Beaver Dam Rd.; that the rest of the roadway will be 24 foot wide with a shared use path on one side and on the other side a shared use path linkage from Mulberry Knoll Rd. extended all the way down to Beaver Dam Rd.; that all other roads will be 24 foot wide and have 5 foot sidewalks on both sides of the road; that the proposed open space is approximately 166.5 acres of land, or approximately 44% of the project area; that all active open space amenities include two clubhouses, one with the minimum size of 3000 square feet and the other minimum size of 5000 square feet; two pools, one with the minimum water surface area of 1800 square feet and the other minimum water surface area of 2250 square feet, a splash pad or kiddie pool, free sports courts, four playgrounds and four open play areas; that the locations of the active amenities will be shown on the final subdivision plans and those amenities will be separately approved through the site plan process; that there are several pedestrian connections throughout the

community that links all the way to that central open space, linking all the spaces together to create a pedestrian friendly neighborhood; that affordable community application site plan consists of four buildings for a total of 94 affordable housing units; that three buildings each have 24 units and one building has 22 units located on 12.69 acres of land; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing. the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to workout with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3rd phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the developers are committed to the road build out and this allows some cash flow to happen to help offset some of the costs alleviate the amount of upfront costs it takes to build more road; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that the DART Route 206 in the East West direction of Route 9 has linkages to Georgetown and Lewes to grab all the bus routes to go further into the state; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal there are three other bus stops; that there's 6 bus stop right along our frontage or within a couple 100 feet of our frontage which is important to the affordable housing component as a lot of the residents there need access to public transportation; that is one of the reasons it is located in this portion of the project; that we'll be installing approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that there will be active play areas for varying ages of kids, unorganized play areas so it could be a wiffle ball field one day and lacrosse another; that there will be several viewing pavilions spread throughout the community, some place to go relax and view and enjoy nature; that a contemplation feature or art feature are going to be included somewhere within the community to provide some additional activities; that the coastal plain meadows intent is to provide natural plants throughout the community; that they want to put various things in meadow condition to help lower the maintenance and allow insects and ecology to grow and work together; that they want to link all these different wetlands together and then put a nature path through the forest to minimize tree disturbance by weaving it through; that the 2nd waiver we had asked for was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements,

nor did it describe the type of grading plan that's required; that we don't have the appropriate information to do the grading plan at that point because we don't have stormwater management numbers, we don't have storm pipes designed, we don't sewer pipes designed; that we've requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that we will be able to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DelDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, we found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the commercial area does not require a site plan as part of rezoning application; that the subdivision includes over 166 acres of open space, approximately 81% of the wooded area will be preserved, a permanent buffer, excluding road frontages, will consist of a minimum planted or existing woodland width of 30 feet, water will be provided by Tidewater, sewer will be provided by Sussex County, the subdivision will meet sediment stormwater regulations, sidewalks and shared use paths will be located throughout the community and the project is located within the Henlopen Transportation Improvement District; that we identified the wetlands in the property as delineated by our office, we identified the woodland areas within the site and confirmed by Watershed Eco, we identified critical roadways, the first being Mulberry Knoll Rd. extended as stated by DelDOT through their study, we identified East/West roadway linking Mulberry Knoll Rd. to Beaver Dam Rd. and Route 9 with access points that would be preferred by DelDOT as they align with existing entrances on the opposite side of the road to create four way intersections; that under a cluster subdivision it is required to provide 30% of open space and with the 379 acres plus or minus, it would require 113.71 acres of land where we are providing 166.5 acres of land or 44%; that for this project, we chose the western portion which contains wetlands, woodlands and lands of conservation easement; it is contiguous and provides wildlife corridors linking the wooded area at The Reserves at Lewes Landing to the isolated wetlands then the wooded area and agriculture easement and on to additional wetlands and active open space; that the code allows a connection via one route crossing and thus connect; that the acres of the first area is 46.30 acres, which is 40% of the required 113.71 acres of open space and 27.80% of the proposed 166.5 acres of open space; that when including the second area, the connected open space is 63.60 acres, which is 55.93% of the required open space and 38.20% of the proposed open space; that one concern is the setbacks and buffering between Lewes Crossing, The Willows at Northstar; that the affordable home community provides a 30 foot wide forested buffer and when combined with the existing 30-foot buffer of Lewes Crossing results in a 60 foot wide forested buffer; that the building height for Willows at Northstar will be less than 42 feet with a setback of 50 feet is required; that the building close to Lewes Crossing will be a minimum of 100 feet from the shared property line with Lewes Crossing.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to 96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, they would be able to submit a site plan and then meet all of the various requirements, of

Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen. TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Mr. David Holden, spoke on behalf of the affordable housing aspect of the application; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that company includes a development arm, a construction arm and a management company and they've built over \$100 billion worth of developments and we managed about 8000 units; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened last year including 60 units of and similar to what we're what we're proposing; that The Willows will go through two phases that's driven by funding that's available to build affordable housing; that it's administered by the Delaware State Housing Authority and the statewide competitive program and basically the way that the funding is allocated, the project is broken it into the two phases; that The Willows will include a mix of 1,2 and three bedroom units, approximately 700 square feet for the ones 850 for the twos, and 1000 for the threes in the three story; that the buildings that have been mentioned the income levels are households earning between \$34,000 and \$68,000 annually and that's driven by the Sussex County median and incomes; that the rents will range between \$700.00 and \$1200 a month, not including utilities and will have full time staff, amenities that include a community room or clubhouse that will have a kitchenette and activity program that will have staff to coordinate programming for the residents; that there will be a resiliency center as a priority for the episodes where we've lost power or had flooding and it would be available to the residents of the Willows and beyond; that the units will all have Energy Star washer and dryers, an outdoor space either a porch or a patio and the ground floor units will all be handicapped accessible; that there is a letter from Sussex County Community Development and Housing identifying the need for affordable housing as well as the Neighborhood Good Partners, which is based in Dover at the statewide organization that finances and advocates for affordable housing throughout the State of Delaware; that currently there is

659 families on the waiting list for the affordable housing units in Millsboro, which shows they are in high demand.

Mr. David Hutt stated that Subdivision 2023-14 is to fill in the area in ways that are similar to the adjacent properties: that where there were single family communities on AR-1 land the goal is to be consistent with that; that all of the various communities in the area are either single family, multifamily or a mixture of both; that The Vineyards has a density of 11.88 units per acre, consistent with the MR zoning classification, similar to the 11.9 units per acre that's proposed for the Willow at Northstar, on the first side of Beaver Dam Rd. it's 2.17 units per acre, on the other side, it's 2.15 units per acre; that is consistent with the two units an acre that's proposed for Northstar; that on the opposite side of Lewes Crossing is an Henlopen Landing that's 2.63 units per acre; that Gosling Creek purchase is 1.25 units per acre, Coastal Club is 1.63 units per acre. The Reserves at Lewes Landing is 0.95 units per acre; that Sussex West is 3.51 units per acre, Sussex East is 4.59 units per acre and Seaspray Village is 2.39 units per acre; that it follows the consistency of 2 units per acre for the Northstar Subdivision and the purposeful design to putting the more intense C3 and higher density along a major arterial roadways; that the homes and amenities that are clustered on the most environmentally portioned, environmentally appropriate portions of the. It also results in improvements to the property of that avoid wetlands and the cluster subdivision design. As you saw on some of those maps, creates conservation areas around wetlands with setbacks in areas greater than those required by the Sussex County Code; that the cluster subdivision process includes extensive tree preservation by preserving almost 23 acres of existing woodlands or 81% of the trees on the property with approximately 166 acres of land and open space, or approximately 44% of the site; that exceeds the 30% required under the ordinance and exceeds the open space under a standard subdivision; that the design utilizes the existing topography for stormwater management and the cluster subdivision design allows for the open space to be integrated into the community with no back-to-back lots; that the project took resources, which have specific setbacks per Section 115-193, the plan has 9.86 acres of additional land outside of what's required under the Sussex County Code to further protect those environmental areas; that these conservation areas that are proposed as part of the resource buffer management plan become part of the restrictive covenants; that they become the responsibility of the future Property Owners Association to maintain and manage in keeping with the Sussex County codes requirements; that DelDOT sent an SFR response that stated "The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it for residential and nonresidential developments that are consistent with the land use and transportation plan developed for the TID. The applicant is required to pay a fee per dwelling unit and a fee per square foot of nonresidential space in lieu of doing a TIS and making offsite improvements in accordance therewith. The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that the impact of interconnection with Lewes Crossing was discussed and the first set of preliminary subdivision plans that were filed had full interconnection proposed at Oakley St.; that one of the first meetings with the members of the board from Lewes Crossing identified a concern was that point of interconnection; that Northstar agreed that the community could tell us what it wanted to occur at that location; that the community conducted a vote and informed us that the Community did not want any interconnectivity between that portion of Lewes Crossing and the Northstar community; that the revised preliminary subdivision plan has been modified to remove that point of interconnection; that a benefit for the Lewes Crossing is that point of interconnection would have gone through a wooded

area of the property and now more woods remain in that area; that the effect on schools, public buildings and community facilities is often questioned and Northstar put together projections based on Ersi data as well as Census Bureau data, and Northstar retained the Sage Policy group to estimate the number of pupils for the Cape Henlopen High school district that would be generated by Northstar; that Sage Policy Group background states that they have done demographic analysis for Baltimore County public schools and Columbus, OH, City Schools; that they are familiar with estimating those numbers, and that's what its expertise is; that the demographic analysis undertaken by SAGE is that the single family homes and the affordable homes have different outcomes with respect to the number of children that would be contributed or added into the Cape Henlopen school district; that the estimate of school age children from 758 single family homes is 47 school age children as an estimate; that the estimate of school age children from the 94 affordable homes is 32 school aged children with a total of 79 school aged children, 40% of those children coming from the affordable housing units that are in the multifamily conditional use application; that that community opposition has historically prevented additional affordable housing from being built in Sussex County, particularly in the coastal areas where there are few affordable housing options but highly proficient schools, it's a description of the Cape Henlopen School District, it qualifies as a highly proficient school; that this affordable housing opportunity provides access to this highly proficient school for those students; that the Sage Policy group used the city of Lewes' average household size of for the analysis, rather than the statewide 2020 Census Bureau data that this was done by design to more accurately reflect the anticipated community of purchasers that would exist within Northstar; that there will be a number of second home buyers, seasonal home purchasers and many retirees, basically 1.99 people in a home are largely a retiree community; that in addition to considering those demographics, tax revenues were estimated using the values of local homes in the area; that tax revenues were conservatively calculated to add more than \$1.25 million to the Cape Henlopen School District and Sussex Technical High School; that tax bills also provide support to community facilities like the library system and those estimates are conservative as Sussex County is currently in a reassessment process and it is anticipated that those assessment rates and amounts may increase; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000 over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire department; that would be \$679,000 to the Lewes Fire Department; that the conditions for change through C/U 2499 are Condition A states that the maximum number of units shall not exceed 94, Condition B is how the county can enforce the affordable housing component of the project and it states the multifamily units shall be part of an affordable housing program, whether through a federal, state or county Low Income Housing Tax Program; that Condition J states that a 30 foot landscape buffer shall be installed along the perimeter of the property adjacent to Lewes Crossing to complement their existing 30 foot buffer, creating a 60 foot buffer; that Condition LL is when the amenities in the Community have to be constructed and pursuant to Section 115-194.5, where it's a 60% requirement; that the code says about 60% of the total residential building permits and for this project the amenities will be completed with the construction of the second building, that accomplishes that 60% again; that Condition K. Condition K is how the Planning Commission has started to refer to amenities by

minimum square footage of size and surface areas and pools; that the amenities in a particular phase shall be constructed and open to use by residents of the development on or before the issuance of the residential building permit, representing 60% of the total residential building permits for that phase of the development; that both pools and clubhouses shall be constructed and open to use by the residents of the development on or before the issuance of the residential building permit representing 60% of the total residential building permits for the entirety of the subdivision; that we're trying to make sure is that there's never a time you couldn't build one of the phases that didn't have a pool; that Condition N states that the conservation areas on the preliminary site plan would reference one of the waivers; that the request is for the signage required around resource buffers or their perimeter to be at 200 foot intervals rather than 100 foot intervals because what's proposed with these conservation areas is actually outside of the resource buffers that are required; that the conservation area would have signage at 200 foot intervals, the resource buffer would have signage at 100 foot intervals and the perimeter buffer requires signage at 300 foot intervals; that Northstar with the size of the perimeters and those other issues, would have a substantial amount of signage and what's proposed is to eliminate the signage; that they will have it around the conservation area, which again is outside of that perimeter buffer area; that Condition Q is the proffer by the applicant regarding contributions to the Lewes Fire Department; that Condition S is the second waiver which is the final site plan shall include a grading plan for each phase; that Comprehensive Plan Goal, 8.2 states that the County should 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; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed.

Mr. Collins asked about the phasing of the building and the coordination between the developer and DelDOT to create Mulberry Knoll Rd along with a timeline of construction.

Mr. Hutt stated that if these applications were to be acted upon then it would begin a process with DelDOT to coordinate timeframes.

Mr. Lardner stated that there's the capital transportation program process before that process begins; that there's a ranking system where every two years, Delaware ranks the projects and has these rankings come into play, so that as these TID projects come online ranks change everything; that there is no

definitive timeline and there's going to be times where we may be headed down to certain applications depending where they are with funding, as some projects are more expensive than others and they have their own requirements to meet from a fiscal responsibility; that they have their process to go through and it kind of works together, but we may get ahead of them a little bit, but that's inevitable for district this big with the 2045 build out structure.

Mr. Collins asked if they would need to come back for individual site plan approvals for each phase of the project to ensure that the phases are aligning with the development.

Mr. Lardner stated that it would not be a public hearing, but a new payment plan with conditional approval, TIS notes and phasing notes with the final subdivision plan approval.

Mr. Robinson stated that you stated you can build Mulberry Knoll Rd. quicker and faster than DelDOT, but it's the third phase, but we're not sure when that phase is going to get done and there's nothing to guarantee or confirm that that would happen; that what if you start phase three and sit on it, then you move to Phase 4, 5 6 or 7; that how does the County and the Commission confirm your statements and proffers that you can do it faster and quicker.

Mr. Lardner stated that a separate phase is necessary because that Mulberry Knoll Rd. is DelDOT review approval only; that it is a separate parcel and it has to get deed transfer; that there is a review and approval process, their bonding process, their inspection agreement; that is why it's a separate phase and phasing can be constructed out of order; that when phase one comes back through for approval, there will be some type of phasing plan that will be agreed upon with DelDOT because they are going to have the same concern; that there will be a code planning period and in phase one, phasing notes have to be agreed upon, because you can't record phase one without having everything else already pre coordinated; that from a timing standpoint, phase one would not get approved without some type of agreement that this has to happen by X and that has to happen by Y&Z and that will be the check that will be the agreed upon improvements at that time.

Mr. Robinson stated that the County doesn't have any voice in that discussion with DelDOT at that point and you're putting emphasis on Mulberry Knoll Rd. being constructed in a timely fashion in support of your request for the County to approve this development, yet the discussion you just described, the County doesn't have a voice; that you would be saying this is what's been agreed upon with DelDOT and we have to live with it; that is there a condition involved with the timing or thresholds that can be made from the County's point of view with regard to the construction of Mulberry Knoll Road.

Ms. Wingate stated that DelDOT has held building permits before and I would like to see that happen for Mulberry Knoll Rd.; that the DelDOT entrance for the community is going to be the same standards and all the same procedures they have to go through to get that community done; that I would like to see Mulberry Knoll Road be a priority after speaking to the Chief of Lewes Fire Department.

Mr. Lardner stated that DelDOT has an interesting process going through review, construction, inspection and acceptance and if it takes two years to build the road and get it accepted, that's two years and we hit a threshold and we're done for two years and that's the concern; that issuing some type of condition that addresses this concern; that I propose something like, at the 39th permit if the road is not completed then do not issue any more permits; that maybe Mr. White House or some of

the staff could be part of this conversations is to represent the County, but I think you understand my hesitation of dealing with an unknown process we have not done before and I don't want to just define those type of things.

Chairman Wheatley stated that not only is the County a stakeholder in that conversation, we have the ability to place conditions and I suspect there will be a condition that at least addresses this issue, it may not be completely definitive, but it is going to give us some ability to affect the outcome; that that's a major piece of what you're what you're planning to do and everybody wants it; that DelDOT would be aware and understand that, and perhaps we could ask them to expedite their processing in order to accommodate, you know what everyone agrees is something that needs to happen.

Ms. Wingate stated that per the affordable housing letter from Brandy Nauman phase one is slotted to have 46 rental housing units and not the full 94 and that they will all be affordable housing not just the ones listed in phase one; that there is concern about the proposed number of students that they have projected as she spoke with the Director of Operations for the Cape Henlopen School District and they are at capacity; that when you reach 85% for the State of Delaware, that is their capacity currently, all five of the elementary schools, two of the three middle schools and the high school are operating at capacity.

Mr. Mears stated that for the record, affordable housing is not Section 8; that the public sometimes perceives it as that and just to ensure them that there is a difference; that there is concern about pedestrian safety and crossing of the road being that there is communities on both sides of the road and that there is a plan in place with DelDOT to ensure that they are safely crossing.

Mr. Robertson stated that he wanted to make it clear for the record that Sussex County does not discriminate against any types of housing, whether it's Section 8 with Sussex County's residential housing program, affordable housing of any type, it doesn't matter what type of housing it is.

Mr. Robertson stated that there was a lot of statement and emphasis on the affordable housing aspect of the project and then Condition B was proffered and the question is if they're all going to be affordable housing units, but the condition is the multifamily units shall be part of an affordable housing program, whether through a federal, state or county program; that there's a lot of reporting, accountability monitoring just to make sure that what is proffered and what's approved with our projects; that CRP projects get density bumps and that it's monitored; that I would suggest that you provide more clarity on the type of program and/or the duration of the program, when you get to County Council, because that that's a significant aspect; that we've had affordable housing projects that weren't CRP projects, but they also had substantial reporting requirements to make sure that they remain that way; that questions about the waivers have come up and I would ask that Mr. Medlarz, who is a retired Sussex County engineer and he now works with the county on a consultant basis, come to the podium and speak about them and the new resource buffer and the bulk grading plan waiver requirements.

Mr. Medlarz stated that with the drainage assessment report we reviewed the draft and commented on it and our comments were addressed; that we reviewed the final drainage assessment report and we find it to be in compliance with the current requirements; that we also looked at the buffer maintenance side and that is in compliance; that there was a general requirement of the preliminary plan submission which says submit a grading plan; that when we created the three tier grading plan requirements from bulk to detail to lot certification, which essentially is lot lines and grades

certification, we did not see that reference in the preliminary plans of metals; that we should seek a quick clarification to clarify that requirement; that the bulk grading plan would not be an appropriate tool to require for the preliminary plan; that when I reviewed the plan the engineering department is on record that “A”, it's an oversight from 2017 and “B” that the bulk grading plan is not the appropriate one and it's not asked for, it says a grading plan, so we need to tie it into our own three tier grading system; that for the record, that's what the engineering department and the Planning department agree upon; that the preferred way to show this at this level would be detailed existing grade, so you can gauge the impact of certain roadways, where they cross, where they get cut, where they have fields; that the bulk grading plan has very specific requirements, very detailed requirements in terms of what has to be shown on them and that gets submitted in the first engineering review; that if you have a multi-phase project you would get the bulk grading plan for the entire site and the detailed grading plan for phase one; that we have a common dashboard with DelDOT which tracks DelDOT off site and entrance plan requirements and permit requirements based on building permits; that Mulberry Knoll Rd. in all construction could be similar and could be tracked on our common dashboard; that for example, if the Commission adds a particular threshold we could track that on the common dashboard and the dashboard has in the past prevented building permits from being issued and we have checks and balances in place between the Department of Transportation and the County; that it's real time, as a building permit is issued, the dashboard is updated on both sides.

The Commission noted that they would not be waiving the bulk grading plan requirements, just the timing of what happens and at the same time, notwithstanding that, there's still a topographical requirement as part of a Preliminary Site Plan.

Recess

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in opposition to the application; that SPC is a grassroots organization of about 4000 supporters and followers with about 20 groups that are associated allies to us and we are committed to a number of issues, such as conserving natural resources, balancing growth with environmental sustainability and maintaining livable communities; that we have gone over the materials about this set of applications, we've looked at the county and state documents, the applicant file, we've had conversations with the applicants as well as state and county officials; that the developers have done their homework, they're very thorough, they're very professional and among the people that we spoke to David Hutt has been especially forthcoming in inviting us for a briefing about the development; that he's attended 6 months' worth of our public meetings where we have discussed Northstar; that because this is so complex, one of our important requests to the Commission is that you leave the record open for some period of time after today; that the discussion about school enrollment, I have an interest in that and I contacted Jason Hale and he did not have the opportunity to review the study that was completed by the applicant; that Jason's response was that he felt their projections for the overall population of the development when built out, were low and he initially gave an estimate of school age population five times greater than the one that the specialist the consultant provided; that the General Assembly delegated responsibility to the counties to preserve, promote and improve the quality of life on public health, safety and the general welfare; that county officials determine what is to be built and when; that as part of that decision process, making recommendations to the County Council, you are part of the process that determines the most appropriate use of land, water, and resources consistent with the public interest; that we have two principal concerns, one is traffic and the impact of the traffic generated by Northstar in the area on the health, safety and well-being of the current residents; that we are concerned about some design

flaws particularly about safety; that we are not challenging that there will be development at that location, it is not going to remain a cornfield; that our position is not to oppose any development, all development, that's not our argument; that the key issues for us is the level and volume of traffic on Route 9, Beaver Dam Rd. and we recognize that the new construction of the Mulberry Knoll extension is significant and will have impact on traffic and the access and well-being of residents and of other public services in the area; that the 2023 data that is available on DelDOT's interactive traffic counts states that on Route 9, the average annual daily traffic count is more than 17,000 vehicles and it jumps by at least 10%, possibly more, during the summer; that on Beaver Dam, the traffic is roughly 3710, so these are data that are a matter of a few months, perhaps a year; that Northstar is projected to generate 13,359 vehicle trips daily, which suggests that without improvements; that the context of the TID that allows for improvements, for coordination, volume and improvements; that DelDOT concluded that this project has a major impact to local area roadways; that as part of a memo that was sent to Mr. Whitehouse dated November 29, 2023; that the question is how well can that be accommodated? For how long will it be accommodated? And when will the improvements come along that make that accommodation more feasible?; that the impact of Northstar is not alone in terms of what will happen on Route 9 and Beaver Dam, Cool Springs impact would be primarily on Route 9 and other developments will have an impact on Beaver Dam; that the other unknown is the impact of the Mulberry Knoll extension; that it is intended to relieve the pressure on Route 1 and traffic would move from Route 24 on to Route 1 and then potentially want to go on to Route 9 will instead be able to come up the Mulberry Knoll extension; that the importance of Mulberry Knoll is for the development, but also will add an influx of traffic and no one knows how much; that they want to recommend that, 1.) Pause any decisions on Northstar until the completion of a new study from DelDOT on Route 9, 2.) NorthStar's residential and commercial construction needs to be coordinated with the operability of the area road improvements, on Route 9 and the widening of Beaver Dam Rd., 3.) the County should consider the unintended consequences to the TID and the impact on the general health, safety and welfare of residents and 4.) traffic impacts need to be viewed holistically as what is happening in general and what can be expected on that roadway; that there are design questions concerning open space, are the residents of the affordable housing going to be considered as part of the Northstar community, why this project isn't being treated as a RPC, the adverse impact on neighboring communities and safety issues for residents as the development straddles to busy roadways; that Commission should require Northstar to resubmit its application as an RPC and we recognize that that would delay the construction of the affordable Community Housing, but suggest that application be approved and move forward; that the cluster subdivision and the C3 applications be put back into the regular queue rather than to be expedited; that Northstar should be required to meet the standards for pedestrian and cyclist safety, which may happen when they meet with DelDOT, but we want a commitment; that the conditions that protect the adjacent properties in Lewes Crossing and the natural environment; that Northstar meet the letter of Open Space ordinance and we contest the C3 zoning as the appropriate for the commercial area; that it should more appropriately be B1 or C1.

Mr. Rich Barrasso, co-founder of SARG, spoke in opposition to the application in regards to transportation/traffic around the Northstar project; that they want to discuss the Henlopen TID, the Capital Transportation Program (CTP) and the Route 9/SR 16 corridor study; that there is confusion on why the 2018 (2021-2026 CTP) is used in relation to the Northstar project and not a newer one since 2 more have been completed; that the level of service that exists today for intersections in the proposed area is better, worse or the same as when this study was done; that in the coordination

manual Section 2.41, it state a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the of the TID; that the first required element is that a land use, transportation plan or an LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP should consider what is the existing land use of a specific date?; that Development approved and/or recorded but not yet built as of that date. The development expected or in the land development process, but not approved as of that date and then develop and not proposed but projected; that the manual references the LUTP, is it the same thing that was referenced earlier relative to the 2022 analysis of the TID, because there was no reference by the developer or by DelDOT with regards to this requirement of an LUTP; that the LUTP speak to service standards as outlined in the manual; that it states that service standards must be established for the TID and the creation of the LUTP to specify what is considered adequate transportation infrastructure; that if you use the LUTP to update the TID, since it's five years since it was implemented, have you identified what the levels of standards are today or at the time that it was updated; that it establishes a baseline of what the level of standards at any intersection in the impact area; that the manual refers to a monitoring program that states it may be appropriate to make transportation improvements gradually overtime; that the TID agreement should include a program for monitoring conditions in the TID, involve tracking land development, transportation improvements, and the need for transportation improvements in the TID, and it will provide information necessary for updates of the LUTP; that the manual talks of a build out analysis and it states while it is possible to create a TID considering only a target horizon, examination of conditions when all land in the TID is considered to be fully developed can often be useful in the planning process; that if build out analysis is to be done, the TID agreement should specify what degree of development is considered to be the build out and what use is it to be made of in the results of the analysis; that does the LUTP have all the elements needed; that the TID agreement between DelDOT, the County and the developer states that in exchange for following the payment schedule, homes and commercial space constructed and the developer would get something in exchange; that two very important pieces of exchange were stated was that the developer would not be required to submit a TIS and the developer would not be required to phase, so construction could start immediately; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. To US 9. Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR.12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of “D” or less level of service; that a level of service of “D” means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of

the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR.16 US.9, 113 and SR.1; that these roadways are East-West corridors in the northern part of Sussex County that are currently congested or at risk for congestion based on anticipated growth; that this study was initiated in 2019 and was finalized in 2024 and is available to view on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US.9; that US 9/SR.5 is the most congested signal lighted intersection in the planning area and is forecast to be at or near capacity by 2050 without improvements; that when DelDOT makes its projections they set the timeline into 2045; that their assumption on terms of traffic growth as stated in the study is 0.6% a year; that at 0.6% a year, you could be safe until 2045, but why would we use an assumption of 0.6% growth when we have information that traffic is increasing more than the 0.6%; that if we have current active applications that in terms of the impact, the threshold for dualizing a highway in Delaware is 20,000 vehicle trips a day and we're at 17 right now with current conditions and add 13,000 more; that DelDOT provided information through a software system called Synchro Delay Data; that there is data on US.9/SR.30, Sweetbriar/US9, Sweetbriar/Dairy Farm, Airport Rd/Park Ave./SR.5, Hudson and Fisher, but no sync data on Beaver Dam and the new roundabout that was just completed, Beaver Dam Road and Dairy Farm Road and the US.9 at Old Vine; that that's the type of information that a TIS would provide; that the Synchro Delay Data will be helpful in terms of land use on Route 9, but it's not the complete pick; that some specific recommendations have the likelihood to potentially require. Sussex County Land use code changes in the future; that one is widening US9 and at SR.5; that the study states it's near impossible to dualize Route 9 at the intersection of SR5 and US9; that DelDOT has real concerns about the ability to dualize Route 9 at that intersection, which includes a cemetery and it will have an impact on anything East or West of that intersection; that a second recommendation is to conduct an analysis to determine appropriate set back requirements along US9 between. Georgetown and SR1; that currently building setbacks along US 9 vary based on the zoning of the parcel, with a minimum front yard setbacks of 25 feet up to 60 feet; that the study is going to look at those setbacks relative to where they may widen and are we approving developments whose setbacks based on current codes are inappropriate; that the state is going to review what the setbacks should be based on their view and then come back to sizes can say what possibly can you do with regards to your zoning codes; that the third recommendation is to explore code revisions to reduce the extent to which parking and stormwater facilities are permitted in the front yard setback; that current subdivisions have these wet ponds that are too close to the road and in terms of the potential for widening roads going forward, there's likely to be some action coming down from these recommendations; that if commercial parking lots are too close to the road, there's probably going to be more stringent requirements for those going forward too; that our recommendation is to pause any decisions on the Northstar development until the completion of the US9 2024-2025 Coastal Quarter study; that the next 12 months they're going to be looking at US9 based on the original study; that NorthStar's residential commercial construction must be coordinated with completion and operability of barrier road improvements in the CTP; that any type of phasing puts a tremendous burden on the developer and the developers financiers, but not doing it puts an even more greater burden on the public.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in opposition to the application; that she was entering into record a petition with 827 signatures in opposition to the application; that the letter from DelDOT states that they approve improvements needed for the area around the application but not the traffic impact over the entire corridor or roadway; that she going to walk through observations and recommendations regarding the application, the remarkable safety risks posed by the plan, why the plan does not meet superior design standards, the impact of the surrounding communities and the overkill of the C3 zoning request; that this plan asked us, scribed by its own application, as a mixed-use community should have been therefore submitted and reviewed as an RPC; that the staff review letter recommend that the applicant consider submittal of this project as a residential plan community, RPC, rather than a series of four separate applications; that the applicants response was this applicant considered and appreciated staff's recommendation, but intends to leave the project as four separate applications, with no reason given no explanation, not even a counter reply; that the developer applies as a Mixed-use Community, rides the coattails of the affordable housing units to expedite the so-called mixed-use project, and then after it receives the expedited status, separates the project into four separate pieces; that the affordable housing that was expedited in the first place will have no access to the amenities of the community and cannot be a part of the HOA; that it's a bait and switch, the ploy of offering something desirable to gain favor then thwarting expectations; that The Willows at Northstar is a part of the community by name only; that The Willows are segregated from the community, geographically and by conditions of exclusion; that what is the plan if the states workforce housing plan falls through? Does the entire project continue? Where does the connection begin? And what is the status of the funding after initial postponement of the P&Z hearing in March, where deadlines missed, according to a letter between developer and Ingerman dated December 4th, part of the funding is proposed to be accomplished through low income housing tax credits from the Delaware State Housing Authority and the applications are due in April 2024, which has come and gone; that having to wait a year or more to be able to seek the low income housing tax credits from the Delaware State Housing Authority would be a considerable setback in the timing of opening the doors to these proposed apartments for low and moderate income households in need of affordable housing; that will The Willows at Northstar be funded and built first, as promised by the developer? And what is the funding status?; that SPC recommends two options regarding this dilemma, first, is to expedite the entire project as an RPC, as requested by planning and zoning staff to provide a holistic approach to the mixed-use project as it should be a level playing field for all developers and second option would be to proceed with separate applications as filed, expedite the MR application for the affordable housing, but the cluster subdivision and the C3 go back into the queue 14 to 17 months after the filing date of December 4th to level the playing field for all developers; that it would allow The Willows at Northstar, to be expedited without precedent and the cluster subdivision and commercial projects could proceed regardless of securing affordable housing from the state program or any unforeseen circumstances; that there are remarkable safety concerns with this plan, and how can its design be considered superior if it's unsafe for its residents, the surrounding communities and/or the county at large?; that one main selling point and characteristic of a mixed-use community and RPC or the upcoming MPZ is that it is pedestrian and bike friendly; that it is supposed to promote community and belonging among its residents, divided into 5 fragments by two major state thoroughfares, Northstar is none of these; that this cluster subdivision is riddled with hazards, speed on Mulberry Knoll Rd. today is 50 mph and to believe that drivers will slow down or obey a lower speed limit through Northstar or Mulberry Knoll Rd. extension is unrealistic; that

speed limit on Beaver Dam Rd. which divides Northstar is 45 mph; that Northstar residents will have to cross Beaver Dam Rd. and Mulberry Knoll Rd. extension to reach the amenity centers or the commercial retail space; that not only is speed a factor, but what are the vehicle trip projections for the Mulberry Knoll Rd. extension? That there are no parking spaces shown for the amenity centers, so it is safe to assume that residents are expected to walk, ride bikes, scooters, motorized wheelchairs, etcetera to reach and enjoy these amenity centers; that Planning and Zoning staff noted on page ten of their review letter, please include location, dimensions and purposes of any and all crosswalks and easements to be provided on the plan specifically for the proposed 80 lots to be located on the South side of Beaver Dam Rd.; that there is no traffic light provided to safely cross Mulberry Knoll Rd. extension to reach the amenity center directly across; that the Affordable Housing residents must cross Mulberry Knoll Rd. extension or Lewes Georgetown Highway if they want to get over to The Vineyards to reach commercial retail areas; that pedestrians will undoubtedly cut through the buffer instead of trekking to the light and then cut back to the retail center; that according to the code, a cluster subdivision requires 30% open space, so Northstar must provide 114 acres of open space, and they have 166 acres of open space, and 9% of the site must be contiguous open space or in their case 34 acres; that only one area of this site is large enough for that amount, Open Space A is 46.3 acres; that Open Space A is actually six small fragmented open spaces connected by a perimeter buffer and this space does not meet the intent of the contiguous open space requirement to accept; that 115-25F(3A)(3B) states required open space must be designed to be beneficial to the residents or users of the open space it shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies with a maximum of one street; that the subdivision design appears to be fragmented and a better proposal would be that the parcel on the South side of Beaver Dam Rd. that contains wetlands and juts into Lewes Crossing should have been left for contiguous open space or put into conservation; that perimeter buffers for several lots appear insufficient, BJ Lane buffer is 20 feet, which should be 30 feet to meet cluster subdivision code; that the 30 foot buffer that is owned by Northstar LLC, is that wooded? This is the buffers between Lewes Crossing and Lewes Landing; that when they show the wooded buffers, is that the woods that already exist in Lewes Crossing or is it a 30 foot wooded buffer within that parcel; that security lighting is a concern as it will shine into Lewes Crossing as the parking area for the MR section is on the outside with the buildings in the middle; that a 50-100 foot forested buffer should be required in this area to prevent the lighting from affecting the residents of Lewes Crossing.

Mr. Hutt stated that the reasoning for the expedited application for the low-income housing is that the Ingerman Group applied for the Low-Income Tax Credit Program in the beginning, but due to the difficulty to qualify for those programs with no land use entitlements the opportunity was missed.

Mr. Holden stated that the application was submitted in April, as it's a competitive statewide process and they scored well, but there was no land use approval and they were told to return upon having that, which is the plan with this application.

Mr. Hutt stated that BJ Lane doesn't have a 30-foot perimeter buffer because the code doesn't require a 30-foot buffer in all circumstances in a cluster subdivision and the property owner who abuts this piece of the project submitted a letter of support with just a 20-foot buffer.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance for Phase I will be about 40ft from their property line; that it is said that there will be a traffic signal placed at that entrance upon completion of construction and that will limit the accessibility of patrons to their location; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to our property and to the property of our neighbors; that we are nearly one half mile from that sign and that's with today's traffic, add additional vehicle trips per day and it will only exacerbate the situation; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case we would lose a third of our parking, a very nice sign that we just paid a lot of money for and a flagpole; that if developed they request that a vegetated buffer be put between our property and theirs; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered; that the existing natural buffer to our North should not be taken down; that they are asking for a physical barrier to separate Northstar from our property, a privacy fence constructed and maintained by Northstar with a six foot height minimum should be considered sufficient to screen our property; that we would like to work with the developer and DelDOT to ensure that if Beaver Dam is widened, our parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that we would like to be good neighbors, but the Northstar development, if built, will present real problems for the Cape Henlopen Elks Lodge.

Mr. Johanes Sayer, of Red Mill Pond, spoke in opposition to the application in regards to the concern of the impact it will have on traffic; that he submitted a petition with 212 signatures from residents of his development that stated "We oppose the Northstar development Project 2023-14 as currently proposed, which would be located a short distance east of our community. Our community would be directly affected by the 13,359 daily vehicle trips Northstar is projected to add to area roads. Traffic on Route 9 now regularly backs up West to Minos Conway Rd. from the Route 5 intersection on off season weekdays outside of rush hour. Current plans to dualize Route 9 westward end at Sweetbriar Rd. making that intersection a choke point. We would have to transit to access our community. Area traffic is already often impassable as development would worsen that problem. Route 9 is the major emergency evacuation route westward from the Lewes area. Our community is in evacuation zones, B&D in an emergency, the additional traffic produced by this project would worsen congestion in the evacuation path, which can already be anticipated to be grave, to impassable. Local emergency responder agencies already report that they're understaffed to keep pace with local population growth. The fact that retirees are substantial proportion of new residents and as senior citizens contribute a higher number of calls for service per person compounds this problem. The population growth brought by the 852 residents as proposed by the project can be anticipated to have a similar demographic mix and will further exacerbate the problem. The same problems exist with the availability of health care for the same reasons and with the same expectation of future worsening and impacts from this project. Last, this project would add another projected 210 students to Cape Henlopen School District. That was the number we were working with in a time when the districts are already struggling to pay for infrastructure to support new student arrivals, which are currently increasing every year. Before property development projects are approved, particularly ones of the scale of Northstar, County government and all other stakeholders need to form and implement a practicable plan for limiting the population growth, such projects introduce to stay within the limits of available natural and municipal resources.

Ms. Sarita Hall, spoke on behalf of herself as a member of Coastal Club, in opposition to the application; that there are several questions that they have concerning the project; that DelDOT stated that they did a TID analysis in 2022, but was the potential build out considered into that analysis; that by rezoning this area does it change the impact; that the community is concerned with the water runoff, the idea that cluster subdivisions are in urban communities and they don't want Lewes to become urban and will the community have their property value affected due to the amount of traffic on Beaver Dam Rd.

Fern Goodhart spoke on behalf of herself in opposition to the application in regards to the impact the development will have on traffic and safety; that by adding 10's of thousands of vehicle trips will compound the risk of bicyclist and pedestrians, including bicycle clubs who have to travel in the bike lanes because the trails do not connect continuously; that not only are the roads being affected by the increase in the number of people and developments, but so are the bike trails being overwhelmed.

Mr. Melvin Mousley, owner of Pam Ann Stables, spoke on behalf of himself and his wife in opposition to the application in regards to the buffer separating his property and the Northstar development; that the concern is that the people are going to cross the buffer in order to see the horses and will either get bit or kicked and he will have a lawsuit on hand; that they suggest a 100 foot buffer and leave the existing tree buffer that's real thick and has high growth; that they also want to make a fence around it, like a stockade so you can't climb through it or see through it to make it safe for everybody; that placing no trespassing and do not pet the animals signs may help, but won't guarantee that it will keep people off of his property.

Mr. David Selby spoke on behalf of himself and his family in opposition to the application in regards to the impact the traffic will have on the people of Jimtown Rd and how it will ultimately become a shortcut for people trying to go down to Plantations Rd; that Council should request a traffic study be completed and include Jimtown Rd into it; that before widening the roads to consider the people of Jimtown Rd who have lived there for many years and most of their properties do not comply with the new setback codes and to widen those areas would hurt those families; that when you're putting houses of this magnitude in you're going to have a problem of you don't have as wetlands and somebody's going to be living next to a wetland because where is the water runoff from the ground disturbance going to go because that's now replaced by houses.

Dr. Lynn Carmen spoke on behalf of herself in opposition to the application in regard to life safety and the need for ambulance or immediate medical care being hindered by the volume of traffic; that the rise in the population makes the ability to get a physician near impossible and the number of older people that are within this area requires a lot of medical care, to which we are depleted.

Ms. Marian Utter spoke on behalf of herself in opposition to the application in regard to the idea that how the developers can forgo the TIS by paying a fee and the concern for the wellbeing of people in the area is disregarded.

Ms. spoke on behalf of herself in opposition to the application in regards to the health, safety and wellness of the surrounding communities; that the concern is the evacuation route during the hurricane season which appears to be the East/West corridor of 23/24; that maybe a shoulder for a paramedic to come through, or a cop to stop traffic or if there's an accident, somebody's got to go in a different direction; that the reality is most people just take the shoulder as if it's lane; that I would

like some consideration from the paramedics on the major corridors that we have to use to evacuate when the flooding happens.

Mr. John Miller spoke on behalf of himself in opposition to the application in regard to the traffic impact of such a large development; that all of the commercial development is along Route 1 which causes all of the traffic to push in that direction with nowhere else to go; that the concern of growth happening too fast is something that the County should look into as services for the people are not readily available.

Mr. Dale Sands spoke on behalf of himself in opposition to the application in regard to the possibility of the interconnectivity to Lewes Crossing and to be sure that it was on the record that the members of Lewes Crossing did not want that and that if there was ever an appeal process it was on the record.

Mr. Michael Johnson spoke on behalf of himself in regards to the affordable housing aspect and with it being separated from the rest of the Northstar development and not being considered as members of the Northstar Community; that there is a need for workforce housing, but what I'm hearing is affordable housing; that with workforce housing, if you have a nurse making decent money they probably wouldn't qualify under those guidelines of about \$28,000 to \$68,000; that maybe we need to rethink what that project really is going to be because there definitely is a need in this community for more affordable housing; that with the commercial properties along Route 9, there is concern that Route 9 is becoming another 24 or Route 1; that at what point is it going to be stop and go traffic on there, at what point you going to have people pulling in and out to get in and out of these stores or to get to the stores and what kind of traffic back up and accidents for that going to cost?; that we should designate all of Route 9 as commercial and just rezone both sides of it.

Mr. Dave Green spoke on behalf of himself in regard to the HOA and involvement of them in the affordable housing development; that it would not be feasible for an HOA to maintain that and there would need to be some other management company in charge of that aspect; that are the roads within the development private or public and who is maintaining them.

Mr. Matthew Puhalski spoke on behalf of himself in regard to the impact the development would have on traffic and how the infrastructure cannot handle the influx of people that are coming to the area; that in order to have a development like Northstar, there needs to be preparations done to handle it; that if Northstar was to be approved there would be an entrance to the development directly across from the entrance to Coastal Club in which there is only one way in and one way out of with 700 residents; that add the additional traffic from NorthStar's residents and the contractors, landscapers, etc. and it creates a huge impact of traffic.

Ms. Judy Rose Seibert spoke on behalf of herself in opposition to the application in regard to the traffic and the width of Beaver Dam Rd. specifically along the property line of the Northstar project; that she requests that a condition be put in place that requires the roads to be widened enough to accommodate safety personnel to travel with limited issues and that no building permits be issued until this has been done.

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 2025 Northstar Property, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5 - 0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 17, 2024.

The Commission discussed the following points in reference to the application:

1. The design and configuration of the proposed “open space” and how it appears to be fragmented in the current plans. Mr. Whitehouse noted that the open space areas were large enough to enable them to be re-configured. For example, lots 221-226 could be reconfigured, along with Road, B, Road, C and Road E to achieve a contiguous and less fragmented open space.
2. How the open space is proposed to be maintained; that some areas may be proposed to be meadows that would not be mowed; that it is important that these areas be clarified so that property owners know which areas are to be left to grow as meadows.
3. Phasing and the time frame for the construction of Mulberry Knoll Road. and the ability to hold the developer accountable for maintaining said time frames within any potential conditions of approval. Mr. Roberston confirmed that he had reviewed the master agreement for TIDs between the County and DelDOT and that there is no prohibition against the imposition of conditions of approval relating to construction phasing in developments that were proceeding forward with a TID.
4. The Commission discussed the implementation and enforcement of any potential conditions and the potential penalties for any potential non-compliance.
5. The Commission discussed the potential mechanisms for the potential tracking of affordable housing and keeping the units affordable and asked about the penalties and enforcement mechanisms to ensure that affordable units continue to remain affordable.
6. The phasing of the development and whether the developer could be required to complete the affordable housing portions first.
7. The Commission discussed the overall integration of units within the proposed community as a whole, and inter-connectivity. Concerns were raised that some aspects of the community may be physically and/or functionally separate from some of the amenities. For example, would occupiers of the multi-family units be able to access HOA amenities.
8. That any Final site plan needs to be clear and precise to provide buyers predictability on what is intended for development.

Ms. Wingate moved that the Commission reopen the record for Subdivision 2023-14, C/Z 2026, CU 2499, and C/Z 2025, all regarding Northstar Property, LLC, for the limited purpose of officially notifying the Cape Henlopen School District about these four applications and to receive any official written comment that the district may have concerning the applications. The record shall be held open until the close of business on August 20th, 2024, for official written comment from the district on the applications. Then the record shall remain open until the close of business on September 4th, 2024, for written comment only from the applicant and the public and limited solely to comments received from the district with respect to the applications.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to reopen the record for the limited purpose on C/Z 2025 NORTHSTAR PROPERTY, LLC for the reasons stated. Motion carried 5 -0.

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

Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

Mr. Whitehouse stated that the record was initially held up until the close of business on August 20, 2024, for the official written comments from the school district and then the record was left open until the close of business on September 4, 2024, for a written comment from the applicant and the public, and now that that has passed all of those documents are found in the paperless packet.

Chairman Wheatley stated that they are announcing today that the letter from the school district was received, related public comments have been received and the record closed on September 4 of 2024; that anyone who wishes to review the file, it is available online and these items will appear on an agenda for discussion and a possible vote at a later meeting.

Mr. Robertson stated that the letter from the school district, a letter from Mr. Hutt on behalf of the applicant in response to the school districts letter and a letter from the Sussex Preservation Coalition in response to the district's letter are all in the docket.

Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

Mr. Collins moved the Commission to recommend approval of C/Z 2025 NORTHSTAR PROPERTY, LLC for a change in zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site has frontage along Route 9. Route 9 is identified a “Major Arterial Roadway” in the Sussex County Code. This location is appropriate for C-3 zoning.
3. The proposed C-3 zoning is consistent with other zonings and uses along this area of Route 9, including a large property across the road that is developing within the C-1 District with a mixed use of commercial and residential units. There are also properties that are zoned B-1. The variety of business and commercial uses in the area include a mixture of shops, a strip-mall center, commercial pad sites, a large grocery store, an HVAC business and warehouse, an indoor activity center, hardware store, landscaping supply business and many other businesses, commercial and office uses. Finally, the site is in relatively close proximity to the Route One Five Points intersection and the C-1 commercial corridor that exists there. The change in zone to C-3 is appropriate in this location given the surrounding development trends.
4. Based on all of the information in the record, it is not apparent that this change in zone will have an adverse effect on the neighboring or adjacent roadways.

5. The site will be served by central water and sewer.
6. According to the current Sussex County Comprehensive Plan, this site is designated as being in the “Coastal Area” which is a “Growth Area”. Table 4.5-2 of the Comprehensive Plan states that C-3 zoning is appropriate within the Coastal Area. The Plan also states that “retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads.” Based upon the directions of our Comprehensive Plan, C-3 zoning is appropriate in this location.
7. The property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID fee prior to the issuance of every commercial building permit. DelDOT has stated that this rezoning is consistent with its projections for the development of this property and the planned roadway improvements within the TID.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, it is appropriate to recommend approval of this Change in Zone from AR-1 to C-3 at this location.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 2025 Northstar Property, 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



Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 28, 2024
RE: Staff Analysis for C/Z 2025 - Northstar Property LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 2025 – Northstar Property LLC to be reviewed during the May 22, 2024 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 334-5.00-175.00 (p/o)

Proposal: The request is for a Change of Zone for a portion of Tax Parcel: 334-5.00-175.00 from Agricultural Residential (AR-1) to Medium Commercial (C-3) to allow for commercial improvements on a (12.696 +/-) acre portion of a parcel lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1).

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and west of the subject property are zoned Agricultural Residential (AR-1) and parcels to the north are zoned Agricultural Residential (AR-1) and General Commercial (C-1). Parcels to the south are zoned Agricultural Residential (AR-1), Medium-Density Residential (MR-RPC), & General Residential (GR).



Additionally, a Change of Zone Application (C/Z 2026) (AR-1 - MR) is included with the Applicant's submission. This is for the (7.882) acre portion across the Mulberry Knoll Road extension to east and fronting on Route 9 to allow for (4) multifamily dwellings structures comprised of (94) units.

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

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as “Coastal Area” (per the 2018 Comprehensive Plan).

Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan also notes “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15) and “medium and higher density (4-12 units per acre) can be appropriate in certain locations” (2018 Sussex County Comprehensive Plan, 4-16).

The Plan additionally notes *“retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads”* (2018 Sussex County Comprehensive Plan, 4-16).

The Plan’s proposed Medium Commercial (C-3) Zoning District is listed as an Applicable Zoning District in the Coastal Area per Table 4.5-2 – *Zoning Districts Applicable to Future Land Use Categories* in the Plan (2018 Sussex County Comprehensive Plan, 4-16).

Comprehensive Plan - Design & Development Items

Staff have included a selection of design goals and recommendations from the Comprehensive Plan which may inform the Planning & Zoning Commission’s review of the Plan.

Staff recommend that any commercial or multifamily use approved as part of the Applications include designs that prioritize open space, connectivity, and aesthetic character along the frontage on Route 9 in this area given its high visibility along an arterial route in the County.



12.3 DESIGN & DEVELOPMENT CHARACTERISTICS

12.3.4 Parking Location

Whenever practical, parking should be located to the rear or side of the buildings, so that the front yard can be landscaped. When parking and garages are placed to the rear of lots, with access using alleys (Sussex County Comprehensive Plan 12-5). Staff note that the multifamily and commercial improvements proposed as part of this Plan will have significant frontage on Lewes Georgetown Highway and

recommend design considerations which serve to soften the visual impact along this corridor should be incorporated into the design.

13.3.5 Key Corridor Visions

- Together, agencies would need to consider techniques such as, parallel service roads, consolidated intersections and entrances, and increased setbacks. Buildings that front the through roads with rear parking along service roads, and the provision of transit, bicycle, and pedestrian connections are other techniques to be explored. PG 13-32
- Setbacks could be increased to allow for future capacity.
- Service roads could link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community too. PG 13-33

Staff recommend the Applicant consider a design locating the parking to the rear of commercial improvements to preserve the character along this portion of the Route 9 Corridor.

2.3.11 Landscaped Entrances

- Creation of well landscaped boulevard-style entrances can provide a great first impression.
- Open space should be provided along major roads to maintain some of the rural character and to reduce noise conflicts between homes and traffic.
(Sussex County Comprehensive Plan 12-7).

Staff recommend the Plan include robust and thoughtful landscaping design of native species along the frontages on both Route 9 and Mulberry Knoll Road as well as a gateway treatment at the intersection of Route 9 and Mulberry Knoll Road.

12.3.16 Buffering and Landscaping

- Forested buffers should continue to be provided within and around new residential developments. Buffering is also particularly important between new businesses and residential neighborhoods. A buffer yard in some cases can be strengthened with a berm. To minimize the amount of land that is consumed by a berm, a retaining wall could be used on the business side of the berm. The County should also encourage fencing when needed on the business side of buffer yard landscaping.

12.3.1 Trees

- The planting of street trees can improve aesthetics and eventually provide a canopy of shade over streets. Studies show that mature street trees can also increase the value of homes up to 10 percent. If it is not appropriate to have shade trees in the right-of-way, they can also be planted immediately outside of the right-of-way.

Due to the high community visibility of parking areas on a parcel with frontage on Route 9, Staff recommend parking islands with plantings as well as trees lining the linear parking bays in a manner similar to street trees.

Additionally, Staff have concerns about the lack of any detail related to buffering and/or screening (Landscaping, Fencing, Berm) to be provided between all proposed commercial zoning and both the proposed multifamily improvements and cluster subdivision.

Connectivity

- **Objective 12.1.4** Encourage development design that promotes increased access between developments and community facilities including parks, schools, and libraries.
Strategy 12.1.4.1 Encourage pedestrian connectivity between developments with sidewalks, paths, trails, and easements
- **13.2.6 Overview of Other Significant Issues - Disconnected Land Uses** - lack of street interconnectivity and segregation of land uses also contribute to sprawl and its impacts on access and mobility.

13.3.5 Key Corridor Visions

US 9 – from Georgetown to Lewes

- Setbacks could be increased to allow for future capacity. Intersections and commercial entrances could be consolidated to reduce access points. Service roads could link local residents to commercial parking lots at the rear of the buildings. PG 13-33

Staff recommend the Plan include multiple access points connecting the proposed commercial site to the proposed cluster subdivision framing the site to both the west and south. Multiple access points providing vehicular and multimodal access would serve overall connectivity. Staff recommend a stub or easement be included for connectivity at the western end of the parcel near the frontage on Route 9 to accommodate future improvements which may occur along this portion of the corridor.

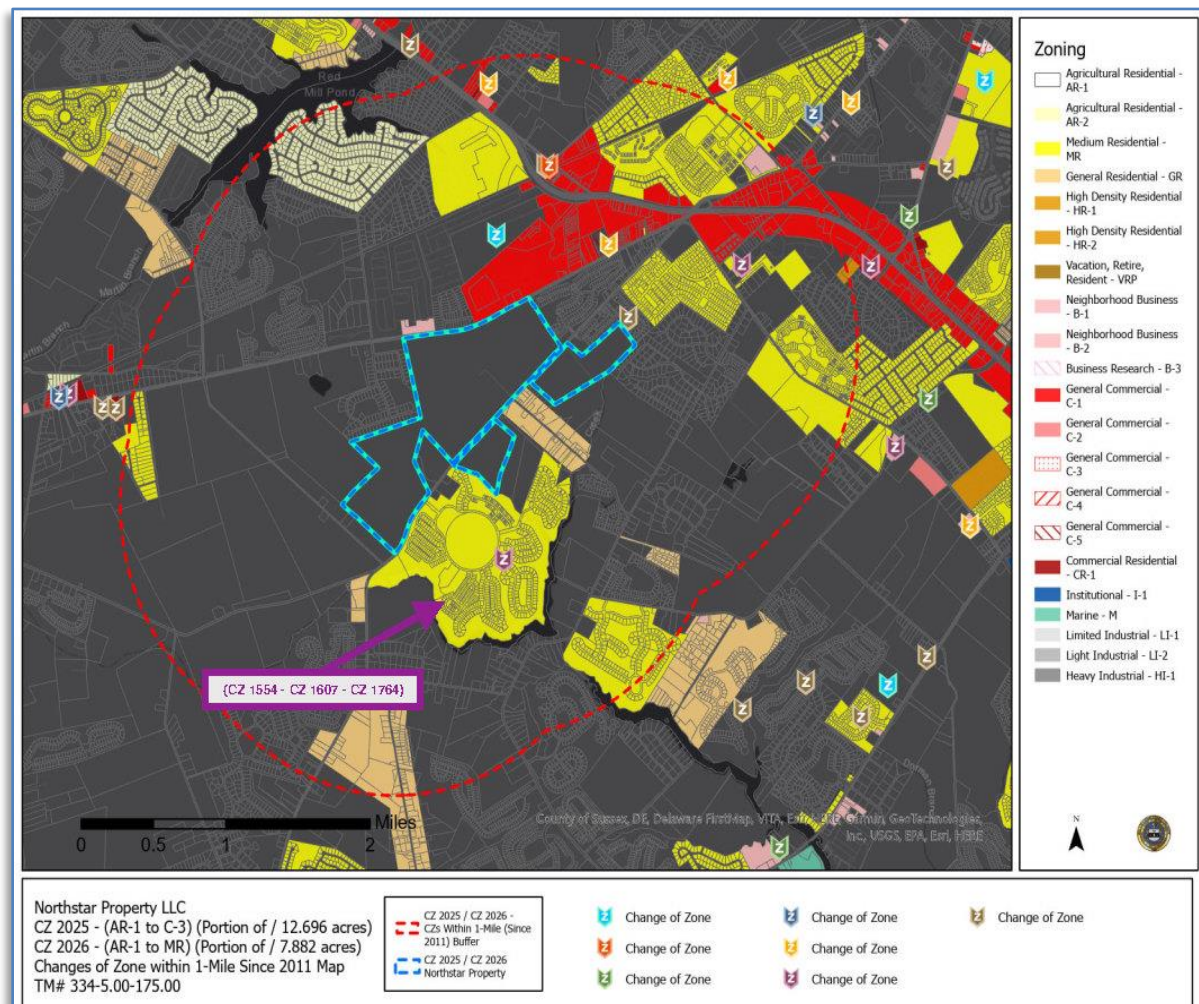
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The Plan does not provide for direct vehicular connection to the Reserves at Lewes Landing Subdivision which shares a common boundary to the west.
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District. Any Plan will require the Applicant to coordinate with DelDOT regarding the administration and payment of all required TID fees.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and in areas of “Good” and “Excellent” Groundwater Recharge Potential. Any plan for the commercial improvements

as part of this plan will be required to meet the standards based on impervious coverage quotients (*Chapter 89 Source Water Protection* (§89-7(A)) for all improvements in Excellent Groundwater Recharge areas.

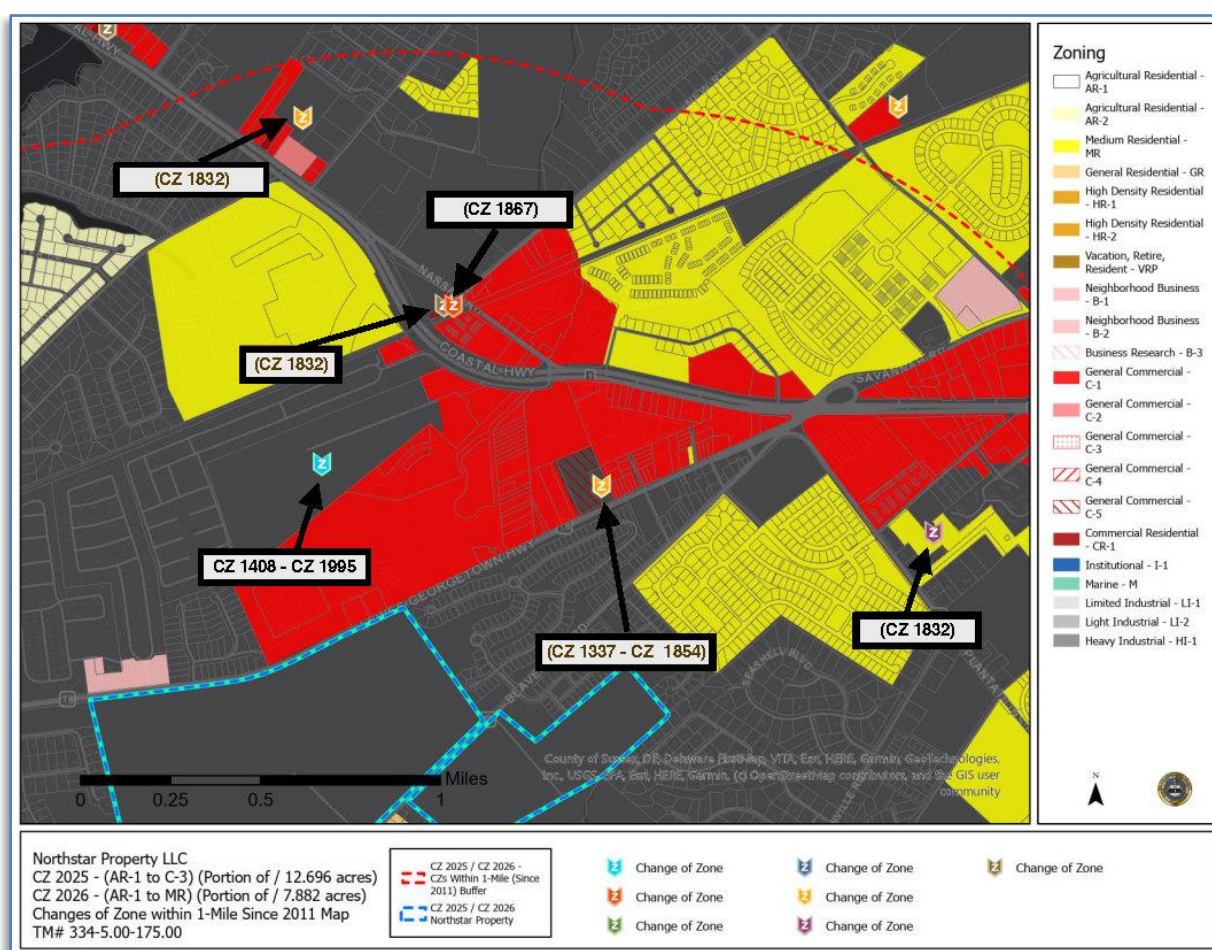
Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-3) District to allow for commercial use could be considered as being consistent with the land use, subject to size and scale, with area zoning and surrounding uses.

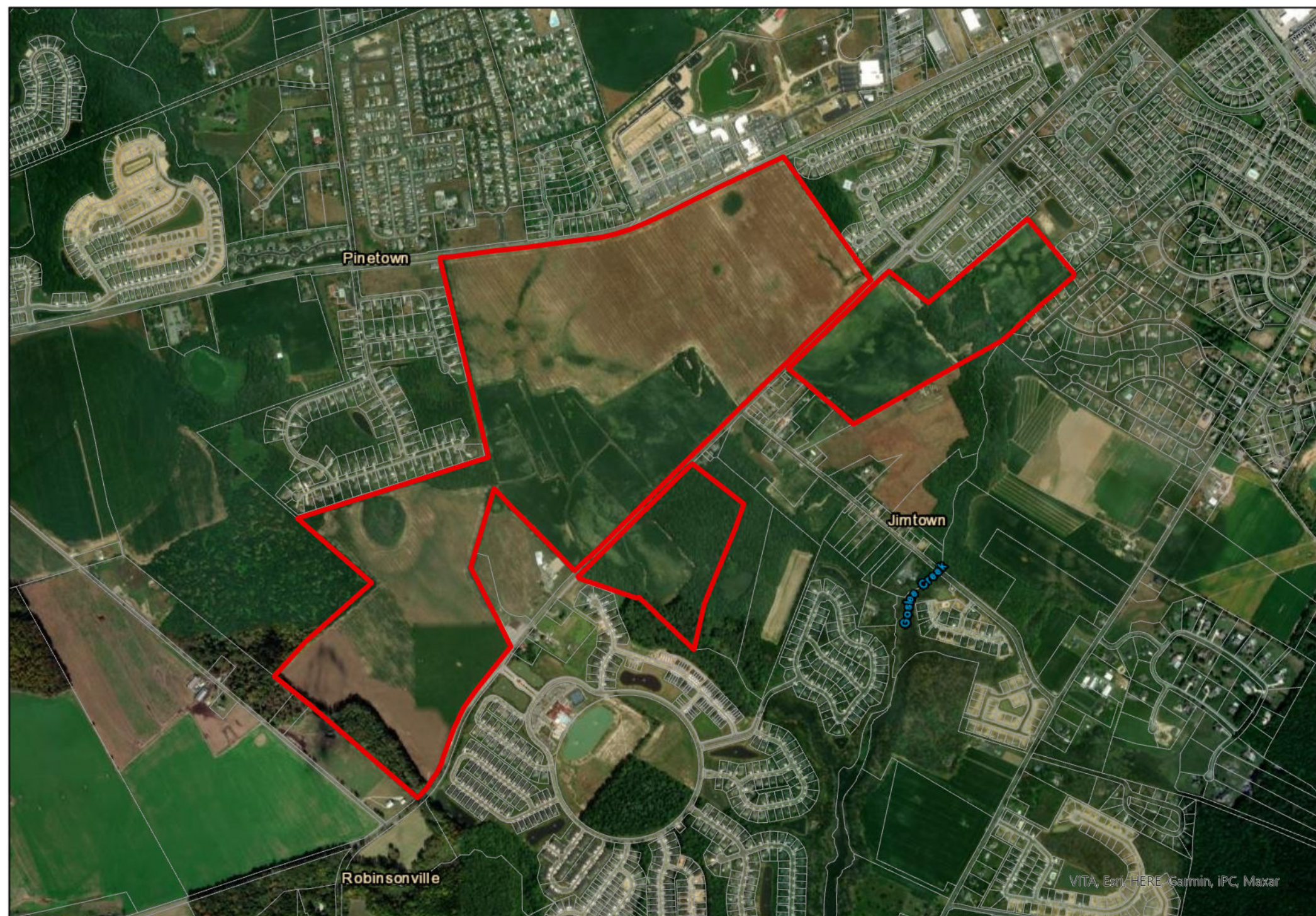
Changes of Zone within the Vicinity of the Subject Site (Since 2011): A Data Table and Supplemental Maps have been supplied which provide further background regarding the location of previous Change of Zone Applications less than 1 mile distance from the subject site.

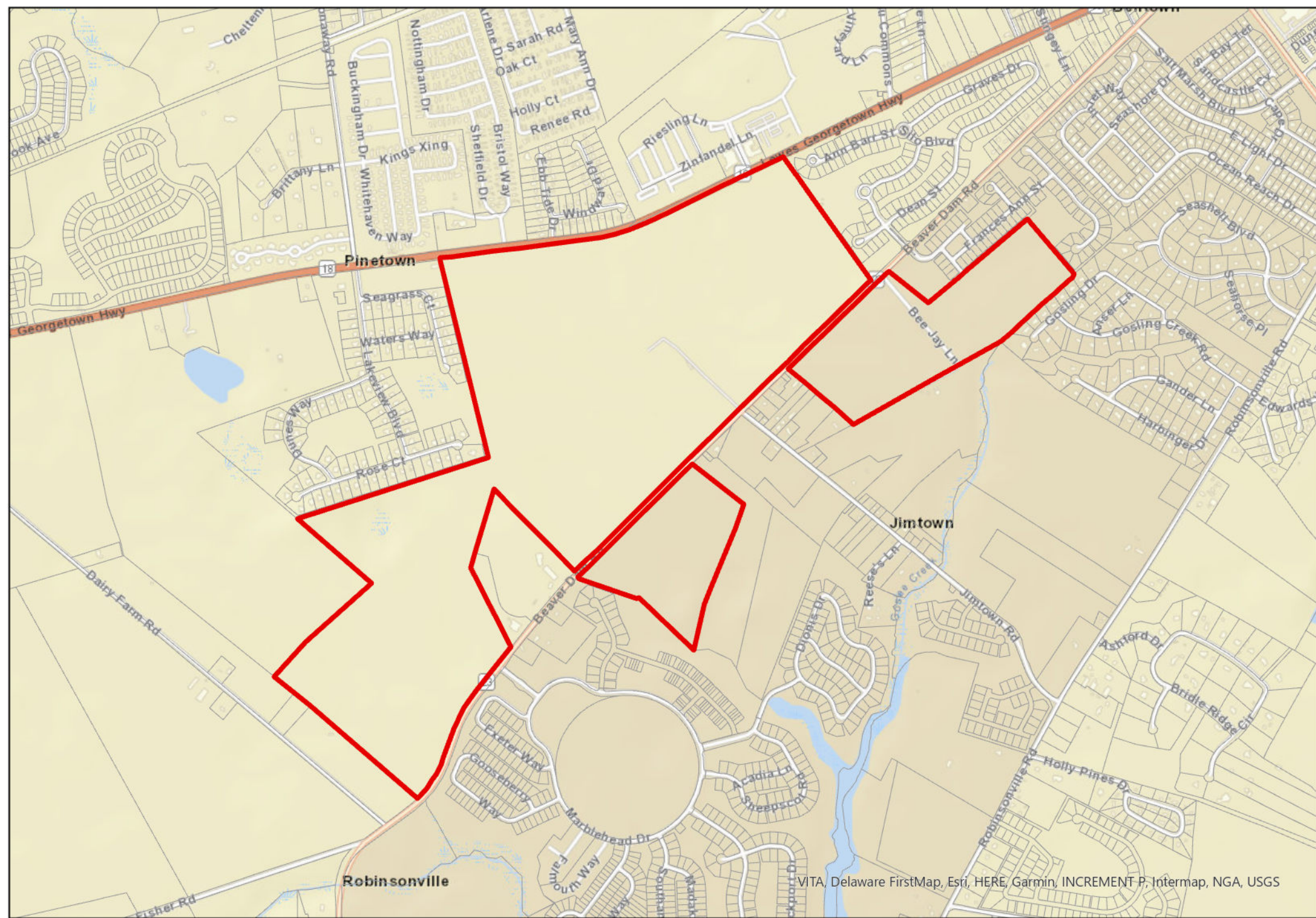


Change of Zone Applications (Within a 1-mile radius of the subject site)						
Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1764	Coastal Club LLC	MR-RPC	MR-RPC	Approved	8/18/2015	2413
1554	Marine Farm L.L.C.	AR-1	MR/RPC	Approved	4/19/2005	1770
1607	Marine Farm LLC	MR/RPC	AR-1/RPC	Approved	6/27/2006	1857
1408	AAA Storage Limited	AR-1	C-1	Approved	8/8/2000	1389
1971	Janice CRP3, LLC	C-1	MR	Withdrawn	N/A	N/A
1972	Janice CRP3, LLC	AR-1	MR	Withdrawn	N/A	N/A
1995	Janice CRP3, LLC	AR-1/C- 1	MR-RPC	Denied	6/20/2023	N/A
1861	Nassau DE Acquisitions, LLC	AR-1	C-2	Approved	12/11/2018	2622
1860	Nassau DE Acquisitions, LLC	AR-1	MR	Denied	12/11/2018	N/A
1882	Nassau DE Acquisitions, LLC	AR-1 & C-2	HR-1- RPC	Withdrawn	9/24/2019	N/A
1749	Bruce & Cathy King	AR-1	CR-1	Approved	7/15/2014	2356
1867	Four C's Property, LLC	AR-1	C-2	N/A	N/A	N/A

1337	Hilda Louise Norwood & Delores P.N.	C-1	AR-1	Approved	6/2/1998	1237
1854	Ferguson Enterprises, Inc.	AR-1	C-5	Approved	9/11/2018	2598
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565

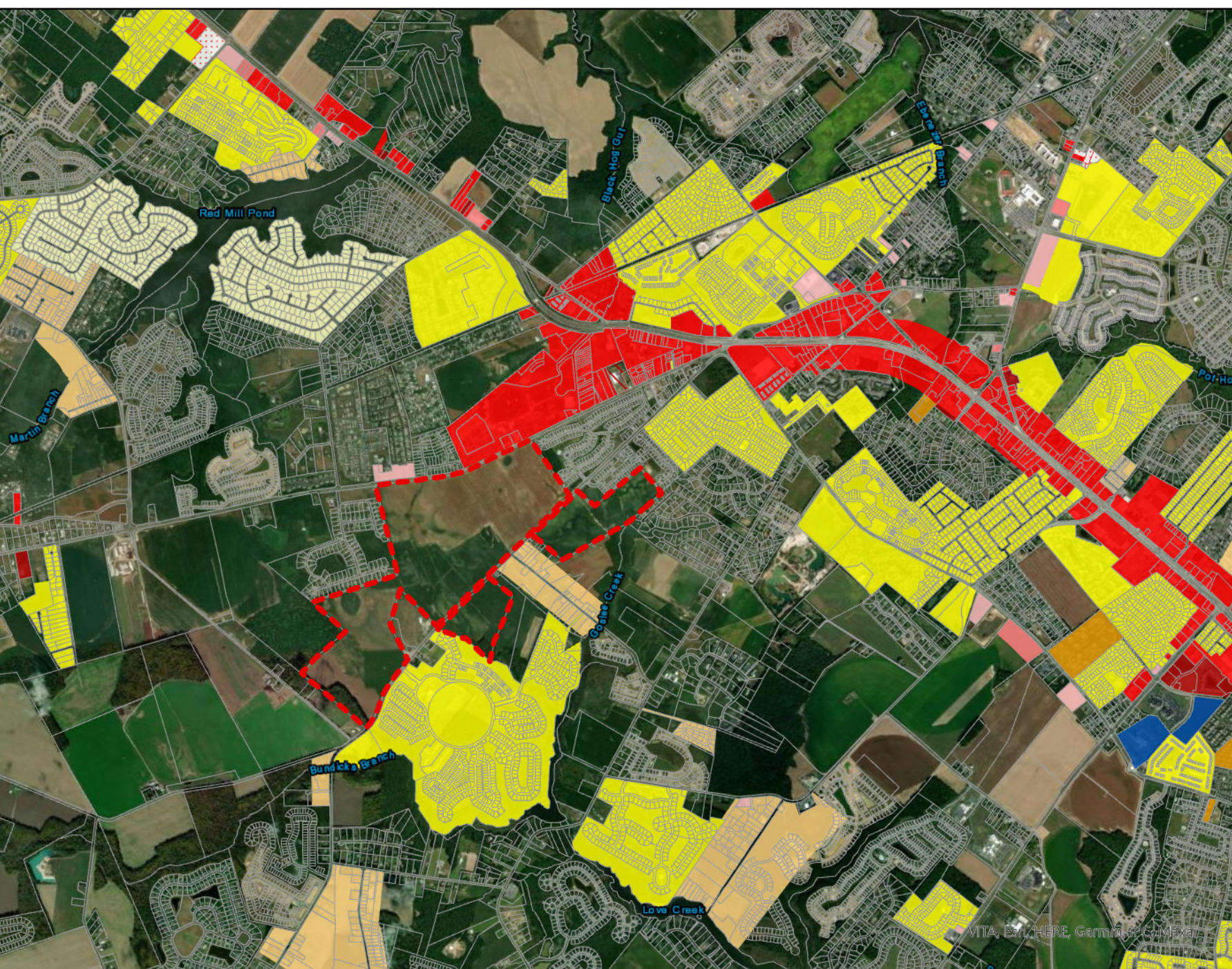






Zoning

-  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
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  CZ 2025 Northstar Property



CZ 2025- Northstar Property LLC - (AR-1 to C-3)
 Zoning Map
 TM# 334-5.00-175.00
 (Portion of / 12.696 acres)

 CZ 2025 Northstar Property



Introduced: 6/11/24

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 334-5.00-175.00 (P/O)

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS

WHEREAS, on the 5th day of December 2023, a zoning application, denominated Change of Zone No. 2025 was filed on behalf of Northstar Property, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2025 be _____; and

WHEREAS, on the ____ day of _____ 2024, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1) and being more particularly described in the attached legal description prepared by Davis, Bowen, & Friedel, Inc., said parcel (portion of) containing 12.696 ac., more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 3, 2025

RE: County Council Report for C/U 2519 filed on behalf of Savini Companies

The Planning and Zoning Department received an application (C/U 2519 filed on behalf of Savini Companies) for a Conditional Use for a general contracting and home construction business, service & professional offices, and storage in an AR-1 Agricultural Residential Zoning District at Tax Parcels 235-25.00-33.00, 33.02 & 33.04. The property is located at 16902 Shingle Point Road and 8301 Old Silo Lane, Milton. The parcel size is 5.91 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 3, 2025. At the meeting of September 17, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and to the 9 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 3, 2025, and September 17, 2025

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

C/U 2519 Savini Companies

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a general contracting and home construction business, service & professional offices and storage to be located on a certain parcel of land lying and being in Sussex County, containing 5.57 acres, more or less. The properties are lying on the north and south sides of Old Silo Lane, and on the west side of Shingle Point Road (S.C.R. 249), approximately 0.81 mile north of Gravel Hill Road (Rt. 30). 911 Address: 16902 Shingle Point Road, 8301 Old Silo Lane, Milton & N/A. Tax Map Parcels: 235-25.00-33.00, 33.02 & 33.04.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book and presentation materials, the Conditional Use Site Plan, the DelDOT Service Level Evaluation Response letter, and a copy of the Staff Analysis. Mr. Whitehouse advised the Commission that zero comments were received on behalf of the application.

The Commission found that Mr. Mark Davidson, Vice Principal and Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicants, Mr. Anthony Savini, and Mrs. Jessica Savini of Savini Companies. Mr. Davidson stated that Mr. Savini, a principal owner of the company and the current owner of the properties, was also present; that the application requested Conditional Use approval for land located within the AR-1 (Agricultural Residential) Zoning District, to allow for a general construction and home construction business service, with professional offices and storage to be located on certain parcels of land, lying and being on the north and south side of the Old Silo Lane, being west of Shingle Point Road; that Shingle Point Road had a State highway classification as a local road; that the site is located approximately one mile south of Delaware Rt. 5, being a major collector road; that the site is one mile north of Gravel Hill Road (Rt. 30), which is also a major collector road, as well as, a State truck route; that the properties consist of approximately 5.57 acres; that the Savini's have owned the property since 2009; that within the submitted exhibits, the subject properties are reflected in a tan color, surrounded by properties reflected in a green color; that the green colored properties, are other properties that the Savini's currently own, with the exception of one property, located adjacent to the rear, which was approved by the Sussex County Planning & Zoning office on August 8th, 2025, to be subdivided from Parcel No. 34.01, and will be added to the other properties, but are not subject to the current Conditional Use application; that the Savini's do not currently own the property, but are in the process of purchasing the property, which will add to a buffer for the existing uses currently happening on the site; that currently the properties are improved with an existing Old Silo Lane, and an existing dwelling; that the existing dwelling is an old 1920-1930s circuit farmhouse, which is registered in the Bureau of Archaeology and Historic Preservation; that the farmhouse was renovated by the previous owners, and subsequently renovated further by the Savini's; that the property additionally has three outbuildings, driveways, parking, areas of trash containment, landscaping, and an in-ground pool; that the site is serviced by a domestic well and septic system; that there also is an old Silo, which is part of the old farmhouse and previous farming operation many years ago; that the properties are bordered on the north and south by existing agricultural lands, which are all zoned AR-1 (Agricultural Residential); that the lands are bordered on the west by Ingrams Branch, and an existing borrow pit, known as the Hastings Pit, located in the back; that Shingle Point Road is located to the east; that across the road, there is an existing Four Winds, major subdivision, which is currently under construction; that according to the 2045 Future Land Use Map of the Comprehensive Plan, the property is identified as a Low Density area, which is a rural area; that the proposed project is consistent with the guidelines for the projects located within Low Density areas, as it provides a place primarily for personal service uses to be developed to serve the needs of a relatively small area, and its primarily low and medium density areas; that the 2020 Delaware State Strategies and Policies indicated the property to be located within an Investment Level 4; that the proposed Conditional Use is subject to the provisions of Articles 4 through 24, and §115-22 of the Sussex County Zoning Code, which states that the purpose of Conditional Uses is to provide for certain uses which cannot otherwise be well adjusted to their environment in a particular location, with full protection offered to surrounding properties by rigid application of the district regulations; that the Savini's have been in business for over 20 years, offering premier residential building services, serving their community in Sussex County with a commitment to excellent craftsmanship and personalized service; that they currently have four full time employees accessing the site; that they are looking to add four new employees in the future; that general contracting, home construction, business

services and professional offices are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the use, the importance of its relationship to the Comprehensive Plan, and the possible impact on neighboring properties, the proposed use requires the exercise of the planning judgement on location site; that a Preliminary Site Plan was submitted into the record; that one of the properties contains an old building which Mr. Savini renovated, and is currently being used for company storage of equipment and materials; that further in the back there is another building; that Ingram Branch follows the back property line; that Mr. Savini had kept everything out of the existing wooded area; that there are no plans to further any improvements back to the existing tree line; that as reflected on the submitted aerial images, Mr. Savini had kept the property clean and tidy; that there is a fence installed between the two back buildings; that he had planted trees along an adjacent property line to provide additional buffer from the adjacent neighbors; that Mr. Savini owns the property located on the south side; that there is existing trees and buffering around the existing house; that the existing house will be used for the office space for the business; that the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of the surrounding properties; that properties and use will have access from Shingle Point Road, which is a local road; that right of way dedication and easements will be part of the application moving forward; that the proposed Conditional Use will not adversely affect the congestion of the roads, as confirmed by DelDOT Service Level Evaluation response, which deemed the traffic impact to be negligible; that DelDOT did not require a Traffic Impact Study to be performed; that according to DelDOT the site is located within the Milton Transportation Improvement District (TID), which is currently under development; that should the application not be further along in the process, the application will be required to be part of the Milton TID; that there are wetlands on the property, located near the rear, along Ingram Branch; that there will be no encroachments of any activities, as part of the proposed application, anywhere near Ingram Branch; there are no threatened or endangered species located on the property; that there is no need for public water, as the site is currently served by a private on site well and wastewater septic system, which serve the needs of the business; that the property is not located within an Excellent Groundwater Recharge or Wellhead Protection area; that the property is located within two different Flood Zone areas, being Flood Zone X, and Flood Zone A; that Flood Zone A is located along Ingram Branch at the rear of the property; that the property is located within the Milton Fire Department's service area for fire protection; that they had submitted into the record, proposed Conditions of Approval; that in the proposed conditions, the Applicant did request a sign of 32 square feet, which will be placed at the front of the property; that the business hours are proposed to be Monday through Friday, from 7:30 am to 5:00 pm, and Saturdays from 8:00 am to 12:00 pm, with no Sunday hours; that all security lighting will be screened as to ensure it does not shine on neighboring properties, and 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 providing sufficient space, in an appropriate location for certain uses, which cannot be well adjusted to the environment in a particular location with full protection offered to the surrounding properties by rigid application of the District regulations, which are essential, desirable for the general convenience, order, growth, prosperity and welfare of the County.

Mr. Mears questioned if all material storage would be placed within the building, if vehicle maintenance was performed on the site, what type of construction equipment would be parked outside of the building, if the Commission should consider a few additional employees that the four proposed, and if the proposed sign is to be lit or not.

Mr. Davidson stated that all materials storage is housed within the existing building; that no vehicle

maintenance would be performed on the site; that the Applicant does have trucks and trailers, along with some personal heavy equipment; that the Applicant is not an equipment operator, nor is he an equipment contactor, he simply stores some of his own personal equipment on the site; that the Applicant would appreciate approval of six additional future employees, and the sign is proposed to be unlit.

Madam Chair Wingate questioned whether there would be one vehicle on the site for each employee.

Mr. Davidson stated he had the pleasure of previously having work performed by Mr. Savini; that all the employees arrived in a Savini vehicle; that all four employees, which includes Mr. Savini, have Savini vehicles; that when he previously had work performed by Mr. Savini, all business was conducted at this house, never at Mr. Savini's office, and Mr. Savini already had parking areas established on the site, with a pull over area to avoid anyone backing out onto Shingle Point Road.

The Commission found that no one was present who wished to speak in support of the Application, and one person was present who wished to speak in opposition to the Application.

The Commission found that Ms. Linda Greybeal Callaway spoke in opposition to the application. Ms. Callaway stated that she is Mr. Savini's neighbor, that she has owned her property since 1982; that if Mr. Savini purchased the land, which currently belonged to her sister, Ms. Janet Callaway, then Mr. Savini will become her direct neighbor; that she expressed concerns regarding noise, construction, and lights coming; that the existing flood lights shine back onto her home; that she was concerned about construction equipment coming in and out, and making noise; that there are already two proposed developments going in across the street; that their lives will be forever changed with the developments; that she appreciated the proposal of no Sunday hours, and that there are red fox squirrels located on the property, which she believed to be endangered.

Madam Chair stated that the Commission had the authority to condition the lighting, so that it is required to be downward screened, so as not to shine onto Ms. Callaway's property.

Mr. Savini stated that his business is a general contractor business; that most of the work is performed on the job site; that his company builds about eight to ten custom homes per year; that they do not perform any work on equipment or projects from the site, other than loading equipment with a forklift; that the forklift does have a backup alarm, and he did not feel disengaging the backup alarm would be beneficial for safety reasons.

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 2519 Savini Companies. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 5-0.

Minutes of the September 17, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since September 3, 2025.

Mr. Passwaters moved that the Commission recommend approval of C/U 2519 Savini Companies for a general contracting business, service, and professional offices and storage on land zoned AR-1 based on the record made during the public hearing and for the following reasons:

1. The applicant operates a general contracting business from the site. His business has expanded to the point where a Conditional Use is required.
2. The Applicant's family owns the land that surrounds the site, and the Applicant and his family reside in the house on the property.
3. The business use is located at the rear of the Applicant's property, where it will have the least impact on any neighboring properties.
4. DelDOT has stated that the traffic generated by the proposed use will be negligible and will not have a negative impact on the neighboring roadways.
5. The proposed use will not alter the character of the surrounding area in any manner that substantially limits or impairs the use and enjoyment of the surrounding properties.
6. The use as a general contracting and home construction service business generally has a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - A. The property shall be used for a general contracting business with an office and storage in addition to the Applicant's residence.
 - B. All business and storage will be conducted inside existing and future buildings located within the parcels.
 - C. One indirectly lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
 - D. The hours of operation shall be between 7:30 am and 5:00 pm, Monday through Friday, and on Saturdays between 8:00 am and 12:00 pm. No Sunday hours shall be permitted.
 - E. Any outdoor lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - F. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster location shall be shown on the Final Site Plan.
 - G. The Applicant shall comply with any DelDOT requirements for entrance and roadway improvements.
 - H. Any violation of these conditions of approval may result in the termination of this Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2519 Savini Companies for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 3, 2025

Application: CU 2519 Savini Companies

Applicant: Savini Companies c/o Anthony Savini II & Jessica Savini
16902 Shingle Point Road
Milton, DE 19968

Owner: Savini Companies c/o Anthony Savini II & Jessica Savini
16902 Shingle Point Road
Milton, DE 19968

Site Location: Located on the north and south sides of Old Silo Lane, and on the west side of Shingle Point Road (S.C.R. 249), approximately 0.81 miles north of Gravel Hill Road (Rt. 30).

Current Zoning: AR-1 Agricultural Residential District

Proposed Use: General Contracting & Home Construction Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. McCarron

School District: Cape Henlopen School District

Fire District: Milton Fire Co.

Sewer: On-site Septic

Water: On-site Well

Site Area: 5.57 ac. +/-

Tax Map ID.: 235-25.00-33.00. 33.02, & 33.04



JAMIE WHITEHOUSE, AICP MRTPI
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Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 27, 2025
RE: Staff Analysis for CU 2519 Savini 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 CU 2519 Savini Companies to be reviewed at the September 3, 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: 235-25.00-33.00, 33.02, & 33.04

Proposal: The request is for a Conditional Use for Tax Parcels #235-25.00-33.00, 33.02, & 33.04, to allow for a “Business service & professional offices and storage for general contracting and home construction company” to be located on a Parcel located on the west side of Shingle Point Road (S.C.R. 249) and the south and west side of Old Silo Lane. The Parcels are comprised of a total of 5.57 acres +/-.

Zoning: The subject property is zoned AR-1 Agricultural Residential District. All adjacent parcels in the immediate vicinity to the Parcel are zoned Agricultural Residential (AR-1) District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All adjacent parcels as well as those in the immediate vicinity to the Parcel are also categorized as of “Low Density Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas “Sussex County hopes to retain the rural environment and set aside significant open space” and where the County “supports State and local land use policies that will preserve the value of farmland” (Sussex County Comprehensive Plan, 4-18). Additionally, the Comprehensive Plan notes landscaped buffer requirements as a policy to be emphasized in Low Density areas when new development occurs in



order to “separate new development from the surrounding countryside” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that “business development should largely be confined to businesses addressing the needs” of “agricultural activities and homes” and additionally recommending that commercial uses “should be limited in their location, size and hours of operation” (Sussex County Comprehensive Plan, 4-19).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The site is adjacent to Ingram Branch and an assumingly active borrow pit.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel 33.02 is partially located with Flood Zone “A”, while the rest of the properties are located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Fair”, “Good”, and “Poor”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

Based on the analysis provided, the Conditional Use to allow for a “Business service & professional offices and storage for general contracting and home construction company”, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of five (5) Conditional Use applications within a one (1) mile radius of the application site. A Data Table has been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ord. Number
752	T. Harold Palmer Jr.	AR-1	Borrow Pit	Approved	9/13/1983	N/A
1083	Robert A. Willey	AR-1	Expand CU 685 propane storage/sales	Approved	8/16/1994	979
2061	Kenneth A. Hughes	AR-1	Auto Repair Shop	Withdrawn		N/A
2496	Wade R. Hudson, Sr. & Jacqueline L. Hudson, TTEES	AR-1	Low mower, lawn, garden equipment, and medium engine repair	Pending		N/A
2537	Ryan Brower	AR-1	Office/storage for General Contracting Company	Approved	8/12/2025	N/A



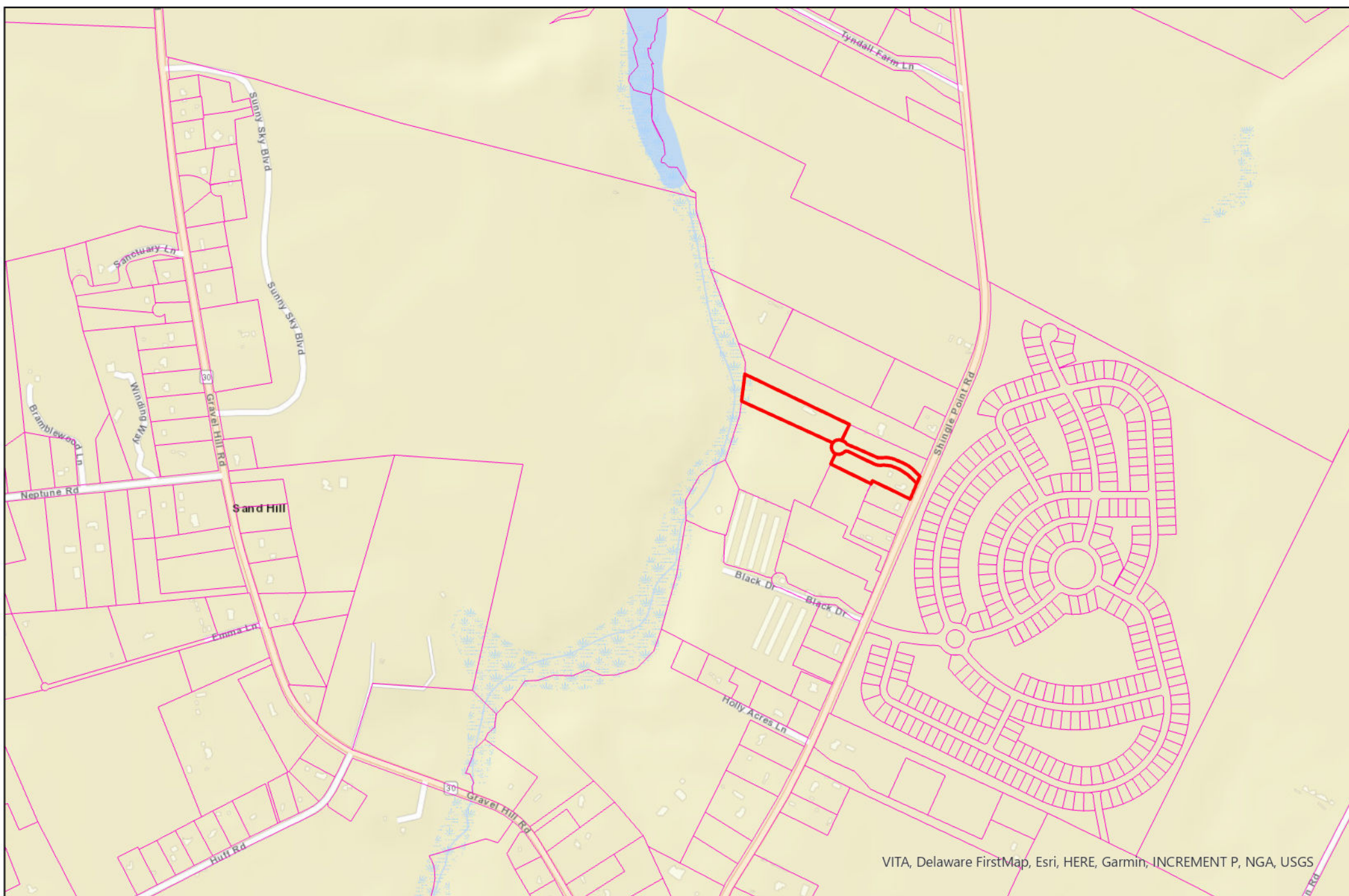
C/U 2519 Savini Companies
Aerial Map
TMP No. 235-25.00-33.00, 33.02
& 33.04

 CU 2519 - Savini Companies
 Tax Parcels

 N

 0 75 150 300 Feet





C/U 2519 Savini Companies
Street Map
TMP No. 235-25.00-33.00, 33.02
& 33.04

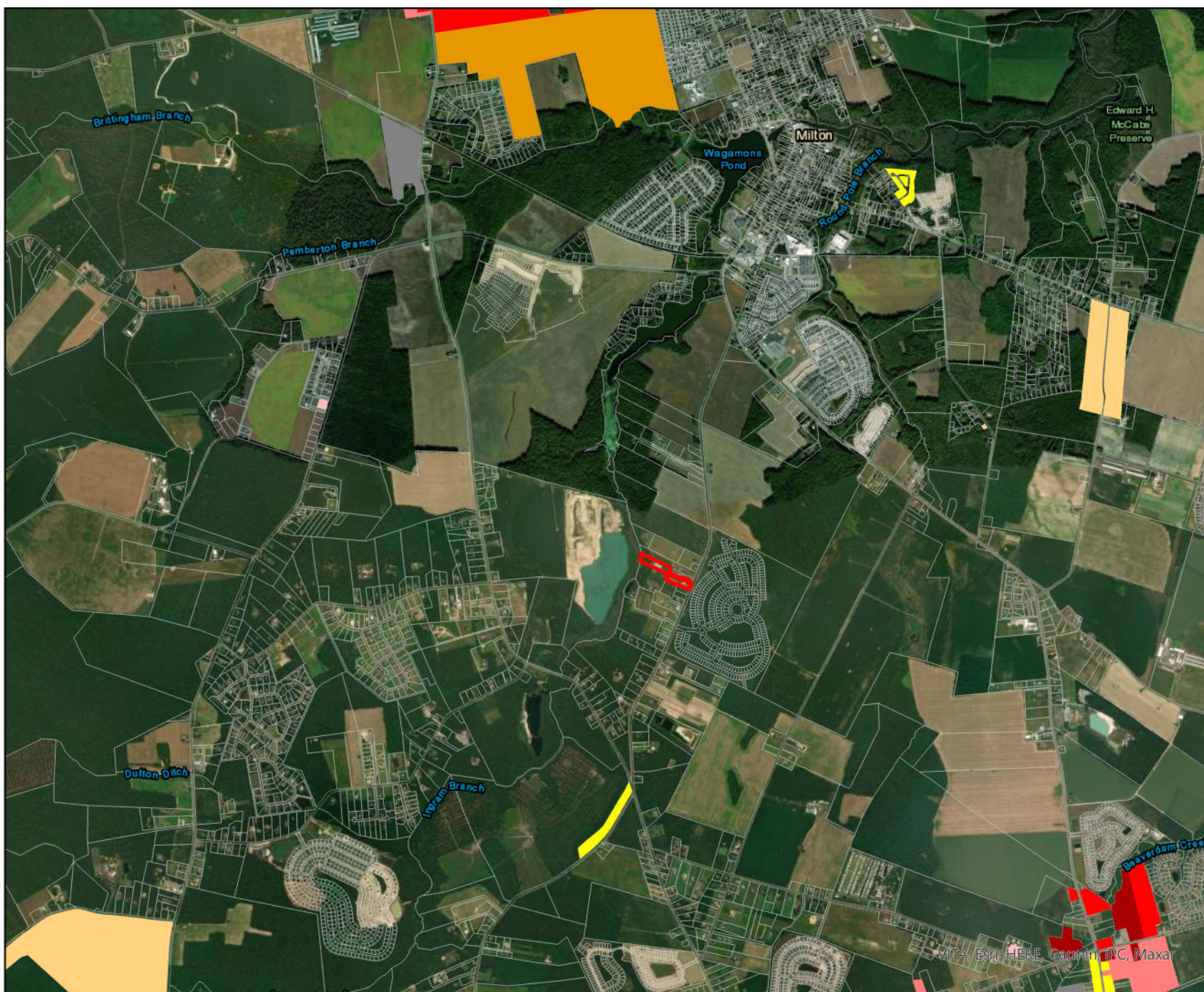
 CU 2519 - Savini Companies

 Tax Parcels

N

0 500 1,000 2,000 Feet



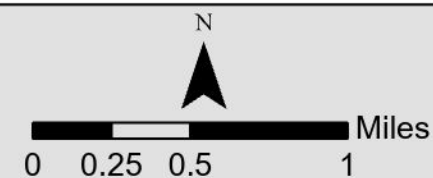


Zoning

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

C/U 2519 Savini Companies
Zoning Map
TMP No. 235-25.00-33.00, 33.02
& 33.04

 CU 2519 - Savini
 Companies



Introduced: 1/7/25

Council District 2: Mr. McCarron

Tax I.D. No.: 235-25.00-33.00, 33.02 & 33.04

911 Address: 16902 Shingle Point Road, 8301 Old Silo Lane, Milton & N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTING AND HOME CONSTRUCTION BUSINESS, SERVICE & PROFESSIONAL OFFICES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 5.57 ACRES, MORE OR LESS

WHEREAS, on the 8th day of March 2024, a Conditional Use application, denominated Conditional Use No. 2519 was filed on behalf of Savini 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 Conditional Use No. 2519 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. 2519 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 Broadkill Hundred, Sussex County, Delaware, and lying on the north and south side of Old Silo Lane, and on the west side of Shingle Point Road (S.C.R. 249), approximately 0.81 mile north of Gravel Hill Road (Rt. 30), and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A. and Pennoni Associates, said parcels containing 5.57 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: October 3, 2025

RE: County Council Report for C/U 2510 filed on behalf of Henry Villegas-Solis

The Planning and Zoning Department received an application (C/U 2510 filed on behalf of Henry Villegas-Solis) for a Conditional Use for an auto repair shop in a B-1 Neighborhood Business Zoning District at Tax Parcels 234-32.00-67.00. The property is located at 28375 and 28377 Layton Avenue, Millsboro. The parcel size is 0.61 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 3, 2025. At the conclusion of the meeting, the Commission held the public record open to receive additional information. At the meeting of October 1, 2025, the Planning & Zoning Commission received the requested information from staff and closed the Public Record on the application. Action on the application was then deferred for further consideration. Once a recommendation has been received from the Planning & Zoning Commission, it will be reported to the County Council.

Below are the minutes from the Planning & Zoning Commission meeting on September 3, 2025, and October 1, 2025

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

C/U 2510 Henry Villegas-Solis

An Ordinance to grant a Conditional Use of land in a B-1 Neighborhood Business District for an auto repair shop to be located on a certain parcel of land lying and being in Sussex County, containing 0.61 acres, more or less. The property is lying on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06 mile south of John J. Williams Highway (Route 24). 911 Address: 28375 & 28377 Layton Avenue, Millsboro. Tax Map Parcel: 234-32.00-67.00.

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



Book, a copy of the Applicant's presentation, the Preliminary Conditional Use Site Plan, the DelDOT Service Level Evaluation Response letter, and the Staff Analysis. Mr. Whitehouse stated that three comments had been received on behalf of the application.

The Commission found that Mr. Henry Villegas-Solis spoke on behalf of his application; that also present was his son, Mr. Julien Villegas. Mr. Villegas-Solis stated that he had purchased the property five years ago; that at that time he performed many renovations, such as new siding and new shingles, and at the back of the property, there is a big shop, where he performs mechanic work.

Mr. Julien Villegas spoke on behalf of his father and the application. Mr. Villegas stated that his father enjoys performing mechanical work; that they also have other family members who enjoy performing mechanical work; that there is a large shop located in the back of the property; that his father's tools and equipment are located within that shop; that the shop has four lights within it; that at times, his father forgets to close the shop doors; that his father had received a complaint from a neighbor for that reason; that there are no motion lights placed outside, as his father did not want to disturb the neighbors; that the lights are only for the shop, and will not be present when the shop is closed, and his father submitted the application to ensure his use of the shop was legal within Sussex County.

Mr. Mears questioned all the activities and uses that would be performed on the site.

Mr. Villegas stated that his family runs a roofing business; that they have business trucks, and they purchase vehicles, perform mechanical work to use for themselves.

Madam Chair Wingate questioned if the roofing business was previously approved, as she believed the current Conditional Use application was for the purpose of a mechanical business only.

Mr. Whitehouse advised the Commission that before them was a Conditional Use requesting approval for an auto repair shop; that the property was the subject of Constable activity in 2023, at which time a Sussex County Notice of Violation was issued for an illegal business; that the Constables had provided notes regarding the roofing business, however, the current Conditional Use did not request approval for a roofing business, and there was no record of any previous approval for the roofing business for the site.

Mr. Villegas stated that his family was not operating the roofing business from the site, and the trucks they work on are used for the roofing business.

Mr. Mears questioned Mr. Robertson about whether the public hearing was permitted to continue, as the application was not advertised for the roofing business use.

Mr. Robertson stated that the Commission could not move forward with considering the roofing company's use, as the roofing company's use was not included on the application, advertised, or stated in the ordinance, and that the Commission could move forward with the hearing considering only the auto repair business use.

Mr. Allen questioned whether the auto repair business was a licensed business or not.

Mr. Villegas stated that his family currently did not have a license for the business, but they would work toward getting one, and they only perform mechanic work for themselves at the moment.

Mr. Collins stated in general, the Commission tries to promote and support the growth of small businesses where they are able; however, the Commission also wants to ensure that those small businesses do not negatively impact adjacent neighbors.

Mr. Villegas translated that his father, Mr. Villegas-Solis, had attempted to obtain a lawyer; that the application is a small case, and no lawyers were interested in taking his case.

Mr. Collins stated that if the Conditional Use was recommended for approval, the Commission would likely require many conditions, such as privacy fencing, screening, and reconfiguration of existing lighting in an attempt to avoid negative impacts to the neighbors.

Mr. Villegas translated that his father wanted to please the neighbors; that his father was not opposed to conditioned business hours; that they understand the drill guns for the tires are loud, and they are willing to have business hours completed by a certain time.

Mr. Collins stated there would likely be other conditions around the storage, disposal, and licensed removal of any fluids and toxic materials.

Mr. Villegas stated that they have time to do that, and that is something they were looking to do.

Mr. Passwater questioned whether a business was operated on the property or if the work being performed was on personal vehicles only.

Mr. Villegas stated that they do perform work on their work vehicles, which is the only thing that would push it to be business-related.

Mr. Mears questioned what the desired hours of business operations would be.

Mr. Villegas stated the proposed hours of operation would be from 9:00 am until 6:00 pm, with occasional later hours until 8:00 pm on the weekends.

Mr. Villegas stated that his father did not mind what the business hours would be, based on what business hours the neighbors would prefer; that it is a big shop; that his father has not put up outdoor lights or cameras, in an attempt not to disturb the neighbors; and his father would like to place lights outside of the shop; that they do store items of value, such as fans, trucks, motors and bobcats outside, and would like to have cameras.

Madam Chair Wingate questioned why a bobcat is located on the site, if there is no business operations happening on the site.

Mr. Villegas stated that his father recently purchased a Bobcat, which remains on the site; that he personally owns a Can-Am vehicle, which will likely be stored within the shop to ensure it is protected as well; that the Bobcat is for personal use; that his father is from Costa Rica, and he may want to send the Bobcat to Costa Rica in the future; and his mother has a property in Seaford, which will require a lot of yard work, and the Bobcat will help assist in that.

Mr. Villegas translated for his father, who stated that the roads were beat up when he purchased the property, and he had always tried to take care of the roads as well.

Mr. Mears questioned what days of the week the Applicant intended to operate.

Mr. Villegas stated his father requested business hours from Monday through Saturday, but should neighbors have any objection to Saturday hours, he would be agreeable to Monday through Friday as well and would request permission to have lighting on the property as well.

Mr. Robertson questioned whether people bring vehicles to the property to be repaired for payment.

Mr. Villegas stated that his primo (cousin) purchased a car, which his uncle performed work on when he was available; that is not a service they advertise, and they only keep it within the family.

Mr. Collins questioned whether the Applicant purchases vehicles to fix up and resell.

Mr. Villegas stated no, that his father does not purchase vehicles to resell; that his family enjoys fixing vehicles, and they have Bobcats and tow trucks on the site.

Mr. Collins questioned whether the Applicant only fixes personal vehicles, occasionally friends' vehicles, and the vehicles belonging to the roofing business, which is not operated on the subject site at all.

Madam Chair Wingate questioned whether they provided vehicle towing services as well.

Mr. Villegas stated they do not provide vehicle towing services; that the tow truck has been on the site for a year and a half, and he was unsure why it was on the site.

Mr. Collins questioned whether the tow truck was operational or licensed.

Mr. Villegas stated that the tow truck is licensed; that it was purchased to switch the transmission, and he had planned to ship it to Costa Rica, however, it did not work out as planned.

Mr. Allen questioned what the existing larger building is being used for at the current time.

Mr. Villegas stated that the building with black shingles, located at the rear of the property, is the only building used for their mechanical work.

Mr. Robertson stated that the Commission normally would see these types of applications located within the AR-1 (Agricultural Residential) Zoning District; however, the subject site is located within the B-1 (Neighborhood Business) Zoning District; that because the zoning is B-1, some of the uses are permitted; that he would suggest that the Commission defer action for further consideration, to allow the Commission to consider the record, and to allow staff to confirm what uses are permitted, and what uses would require a Conditional Use approval, what needs to be done; that the Applicant is not beginning the process at the baseline of zero, where no business is permitted; that it is unusual as the Commission does not often see Conditional Use request within the B-1 District; that within the B-1 District, automobile parking lots are a permitted use; that even filling stations, subject to multiple conditions, is a permitted use within the B-1 District; that the B-1 zoning permits for stores, shops and retail businesses; that there are a number of uses that would be permitted on the site; that there may be a requirement, which would clean up the site by submission of a Site Plan; that the Site Plan

would allow everyone to know what is happening on the site, where the use is happening, where the buildings are located, and where parking is located in relation to the required setbacks, and it appeared as the Applicant goes through the process, that the Application is a bit more complicated than it appeared initially.

Madam Chair Wingate stated she felt there was a bit more happening on the site than what was discussed within the hearing.

Mr. Whitehouse requested to provide clarification of his previous comments; that there were three comments submitted on behalf of the Application, and had been placed into the record..

Madam Chair Wingate stated that the Commission has seen and read the submitted comments, and had watched the submitted videos as well.

The Commission found that no one was present who wished to speak in support of the application, and three people were present who wished to speak in opposition to the application.

Mr. Tom Wolfe spoke in opposition to the Application. Mr. Wolfe stated that his rear yard is located adjacent to the front of Mr. Villegas-Solis' property; that he had submitted comments and videos regarding the application; that there is a lot happening on the site, and it creates a constant disruption; that the site is being used as an auto repair shop, vehicle storage, and residential duplex, with two families, totaling approximately 10 people; that the vehicles are stored right against his property; that he understood the property is located within the B-1 District, however he did not know of any other storefront that faces an adjacent residence; that most storefronts face a roadway; that work is being performed all hours of the day and on the weekends; that there are dilapidated conditions; that all of the uses mentioned within the Staff's Memorandum were really low impact businesses, such as flower shops, office spaces, and barber shops; that there were no similar businesses approved within the area; that the proposed use of automotive repair is not compatible with the property; that the site is surrounded by four residences; that there are not enough setbacks, especially if the shop is to be used as it currently is, because the shop is facing his property; that he believed the requirement is a 60 foot Front Yard Setback; that he had submitted a video where there are vehicles coming and going from the site; that there is always something going on at the site, whether it be the coming and going of vehicles or the heavy machinery; that the only access to the site is essentially squeezing by Layton Avenue; that there is a lot of noise disruption; that this is the type of business that belongs on Rt. 24, not on a side street, surrounded by residences; that the Applicant did have an assessment performed based on vehicular flow; that once the bypass is completed, Layton Avenue will become the only secondary way in and out of Jersey Road; that at this time Layton Avenue is more of a tertiary or alternative route; that that if the Conditional Use is granted, there will be a lot of traffic flow; that there is not much visibility from Jersey Road, going to Layton Avenue; that the barn is an eyesore; that he felt the building should be torn down, not granted usage for a business; that he requested the Commission deny approval of the Conditional Use; that he felt the Applicant should propose a business use to be placed in the building facing Layton Avenue, for a more quaint use, such as a flower shop or something more conducive for the B-1 Zoning District; that everything that was listed was incompatible to be located so close to residential properties; that he requested that the Commission decline any subsequent request for any type of mechanical or disruptive use to the surrounding properties, and those uses are not compatible with the surrounding residences, with insufficient setbacks; that the orientation of the buildings are incompatible; that the property stores Bobcats, cement trucks, cement mixers, with lights shining onto this property; that the current use is more of

an industrial park; that he felt the base case scenario would be for the Applicant to tear down the front of the building to face Layton Avenue, and be restricted to one business; that he is not aware of any Jiffy Lubes, where people are meandering around after hours, tinkering with this and that; that he felt the proposed business hours were still too broad, and when he sits on his deck, he is eye level with everyone out there, who are standing on equipment and banging on things.

Mr. Robertson stated that the Staff Memorandum lists other Conditional Use applications located within a one-mile radius of the site; that when reviewing those, they are all located within the AR-1 (Agricultural Residential) Zoning District, except for one application, which was located within B-2 (Business Community) Zoning District; that there was a Conditional Use for a flower shop or a beauty shop, which was less intensive, however those uses were also being requested within the AR-1 (Agricultural Residential) Zoning District; that the subject site is located within the B-1 (Neighborhood Business) Zoning District; that Mr. Wolfe's property is located adjacent to a property zoned B-1; that the B-1 Zoning District, by right permits uses such as ice distribution stations, automobile parking lots and/or garages, a bank, a bakery, with other more intensive uses such as a dry cleaning and laundry business; that a filling station is permitted to be placed on the property; that there are site plan requirements, but essentially, a Royal Farms could be placed on the property by right, subject to meeting those requirements; that a large part of the application is Site Plan related, as much as it is use related, and the Commission will need to consider multiple different things.

Ms. Joan Balback spoke in opposition to the application. Ms. Balback stated she resides adjacent to the site; that when she purchased her property 40 years ago, there was a small photography shop located on the site; that she was unaware of the B-1 (Neighborhood Business) Zoning designation; that she did submit a letter with pictures; that the submitted pictures reflect all the equipment that is parked along Layton Avenue; that Layton Avenue will be an access road once the Millsboro bypass is completed; that when she mows her lawn, she had seen mounds of trash placed along the tree line; that she questioned where parking would be placed, as she could not understand where all the vehicles would park; that several years ago, all the residence along Jersey Road had a large water issue with Mountaire, because there had been water pollution coming from the water irrigation systems around the neighborhood; that she feared, with a mechanical business, a lot of oil and fluids may pollute the wells; that she questioned who would monitor the safety of the wells; that Layton Avenue used to be a very quiet little side street; that currently cars are constantly coming and going; that she had counted up to 10 to 15 trucks, vehicles and vans, and she feared that the approved business would bring more traffic to the site.

Mr. Mark Brittingham spoke in opposition to the application. Mr. Brittingham stated that his detached garage is located adjacent to Mr. Villegas-Solis' property; that he can hear various noises from the site anytime throughout the day and night; that he had owned his property for four years; that he mostly hears the noise in the early evening; that the noise does bother his wife's sleep at times, and he did not understand how the proposed business fit into the neighborhood.

Ms. Cecchine questioned how many employees currently work on the site.

Mr. Villegas-Solis stated that the only employees operating on the site were two, consisting of his brother and himself.

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 2510 Henry Villegas-Solis. Motion by Mr. Mears to leave the record open for the following reasons:

1. To review with staff the permitted uses that are allowed in the B-1 zoning,
2. The existence of building permits and Certificate of Occupancy for all the buildings on the property,
3. The history of the zoning and the legal non-conforming uses associated with this property and any site plans associated with these uses,
4. Any information that staff has regarding the duplex on the site,
5. To receive information from DelDOT confirming any change in use or access to or from Layton Avenue or Jersey Road as a result of the Millsboro bypass.

The motion was seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the October 1, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, whose record was left open since September 3, 2025, for the following reasons:

1. To review with staff the permitted uses that are allowed in the B-1 zoning,
2. The existence of building permits and Certificate of Occupancy for all the buildings on the property,
3. The history of the zoning and the legal non-conforming uses associated with this property and any site plans associated with these uses,
4. Any information that staff has regarding the duplex on the site,
5. To receive information from DelDOT confirming any change in use or access to or from Layton Avenue or Jersey Road as a result of the Millsboro bypass.

Mr. Whitehouse provided the Commission with an exhibit reflecting the design of the bypass, along with the terminus of Jersey Road, and how it is being modified in relation to the Application site, and provided an exhibit to the Commission regarding the building permit history of the site.

In relation to C/U 2510 Henry Villegas-Solis. Motion by Mr. Collins to close the public record and to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

PLANNING & ZONING COMMISSION

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



Sussex County

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sussexcountyde.gov
302-855-7878 T

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 3, 2025

Application: CU 2510 Henry Villegas-Solis

Applicant: Henry Villegas-Solis
28375 Layton Avenue
Millsboro, DE 19966

Owner: Henry Villegas-Solis
28375 Layton Avenue
Millsboro, DE 19966

Site Location: Located on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06-mile south of John J. Williams Highway (Route 24)

Current Zoning: B-1 Neighborhood Business District

Proposed Use: Auto Repair Shop

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Co.

Sewer: On-site Septic

Water: On-site Well

Site Area: 0.61 ac. +/-

Tax Map ID.: 234-32.00-67.00



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: Mrs. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 22, 2025
RE: Staff Analysis for CU 2510 Henry Villegas-Solis

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2510 Henry Villegas-Solis to be reviewed at the September 3, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 234-32.00-67.00

Proposal: The request is for a Conditional Use for Tax Parcel #234-32.00-67.00, to allow for a “Auto Repair Shop” to be located on a Parcel located on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately (0.06) miles south of John J. Williams Highway, (Route 24). The Parcel is comprised of a total of 0.61 acres +/-.

Zoning: The subject property is zoned B-1 Neighborhood Business District. All adjacent parcels in the immediate vicinity to the Parcel are zoned Agricultural Residential (AR-1) District with (2) two parcels to the east and (1) one parcel to the west being zoned B-1 Neighborhood Business District.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Growth Area and has a land use designation of “Developing Area.” All adjacent parcels on the south side of Park Avenue also have the “Developing Area” designation with the parcels opposite on the north side of Park Avenue within both the “Developing Area” and “Industrial Area” classifications.

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



annexation areas of a municipality, or adjacent to Town Centers” (2018 Sussex County Comprehensive Plan, 4-14).

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

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

Further Site Considerations:

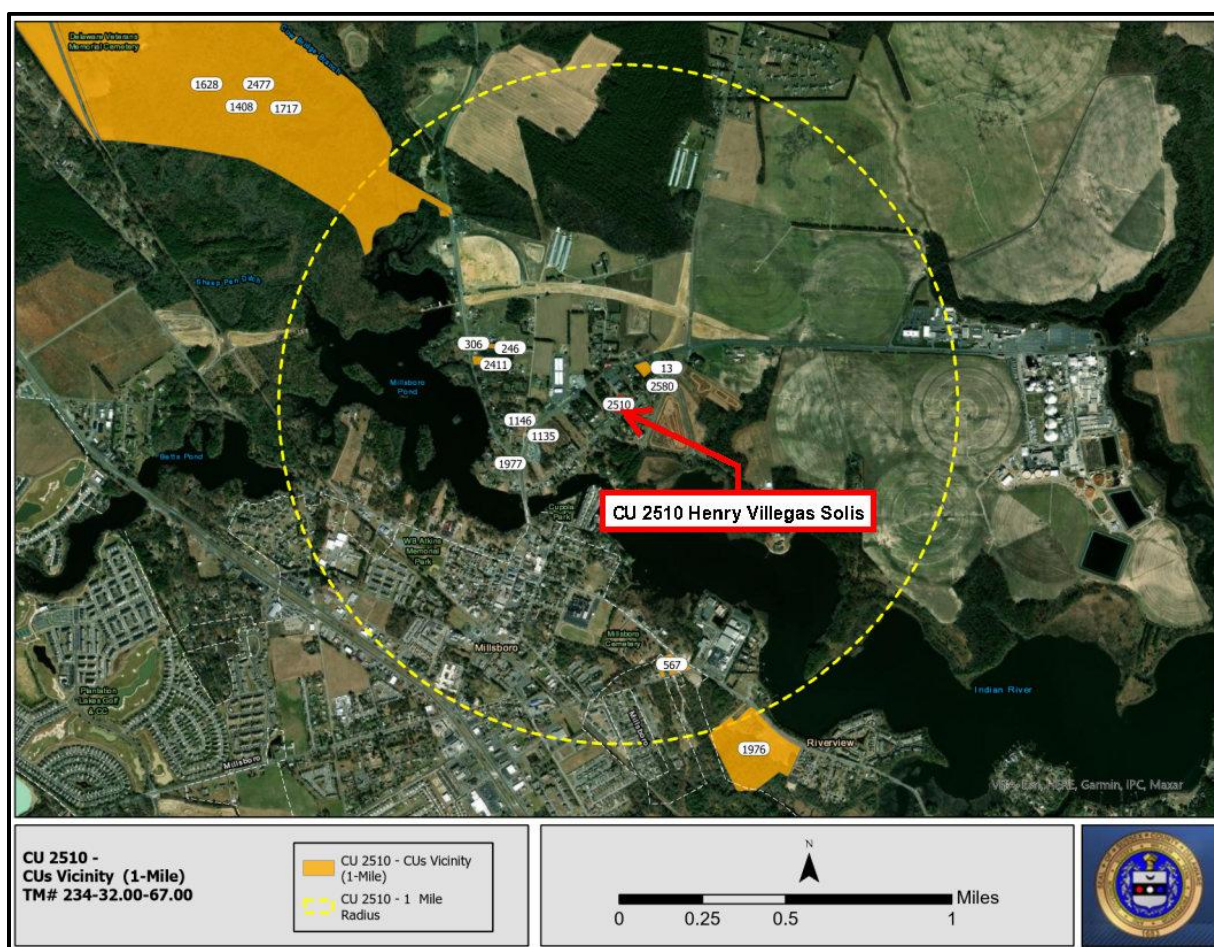
- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Fair”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

Based on the analysis provided, the Conditional Use to allow for a “Auto Repair Shop”, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Conditional Uses within the Vicinity of the Subject Site: Staff have identified a history of sixteen (16) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ord. Number
13	Dallas Wilkerson	AR-1	Beauty Salon	Approved	7/13/1971	N/A
246	Agnes M Goff	AR-1	Flower Shop	Approved	12/3/1974	N/A
306	Agnes M Goff	AR-1	Addition To Manufactured Home for Home Florist Shop	Approved	12/9/1975	N/A
567	Millsboro Cemetery, Inc.	AR-1	Addition To Existing Cemetery	Approved	4/29/1980	N/A
1135	Sandra Gordon	AR-1	Mini Storage	Withdrawn	N/A	N/A
1146	Sandra Gordon	AR-1	Mini-Storage	Withdrawn	N/A	N/A
1408	Indian River School District (Stockley Site)	AR-1	Public School	Approved	7/24/2001	1481
1626	Julie Bernick & Deborah Safee	AR-1	Dog Grooming	Approved	11/15/2005	1807
1628	State of Delaware	AR-1	Government Building	Approved	6/14/2005	1782
1717	State of Delaware Division of Facilities	AR-1	State Health Care Facility	Approved	12/5/2006	1880
1976	Indian River School District	AR-1	Elementary School Expansion	Approved	1/7/2014	2332
1977	Matthew T. Favinger	AR-1	Doctors Office	Approved	1/7/2014	2333

2303	Antonia Lopez	AR-1	Food Vendor	Denied	8/23/2022	N/A
2411	Joshua Zuppo	AR-1	Tree Business	Approved	5/14/2024	3015
2477	State of Delaware	AR-1	Police Station	Approved	1/23/2024	2975
2580	Toney Floyd Trucking, LLC	B-2	Commercial Hauling, Goods, & Material Delivery Service, Driveway Installation Co., Storage of Vehicles, Equipment & Materials	Approved	5/20/2025	3097

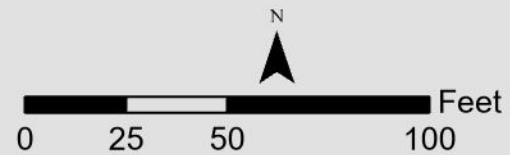


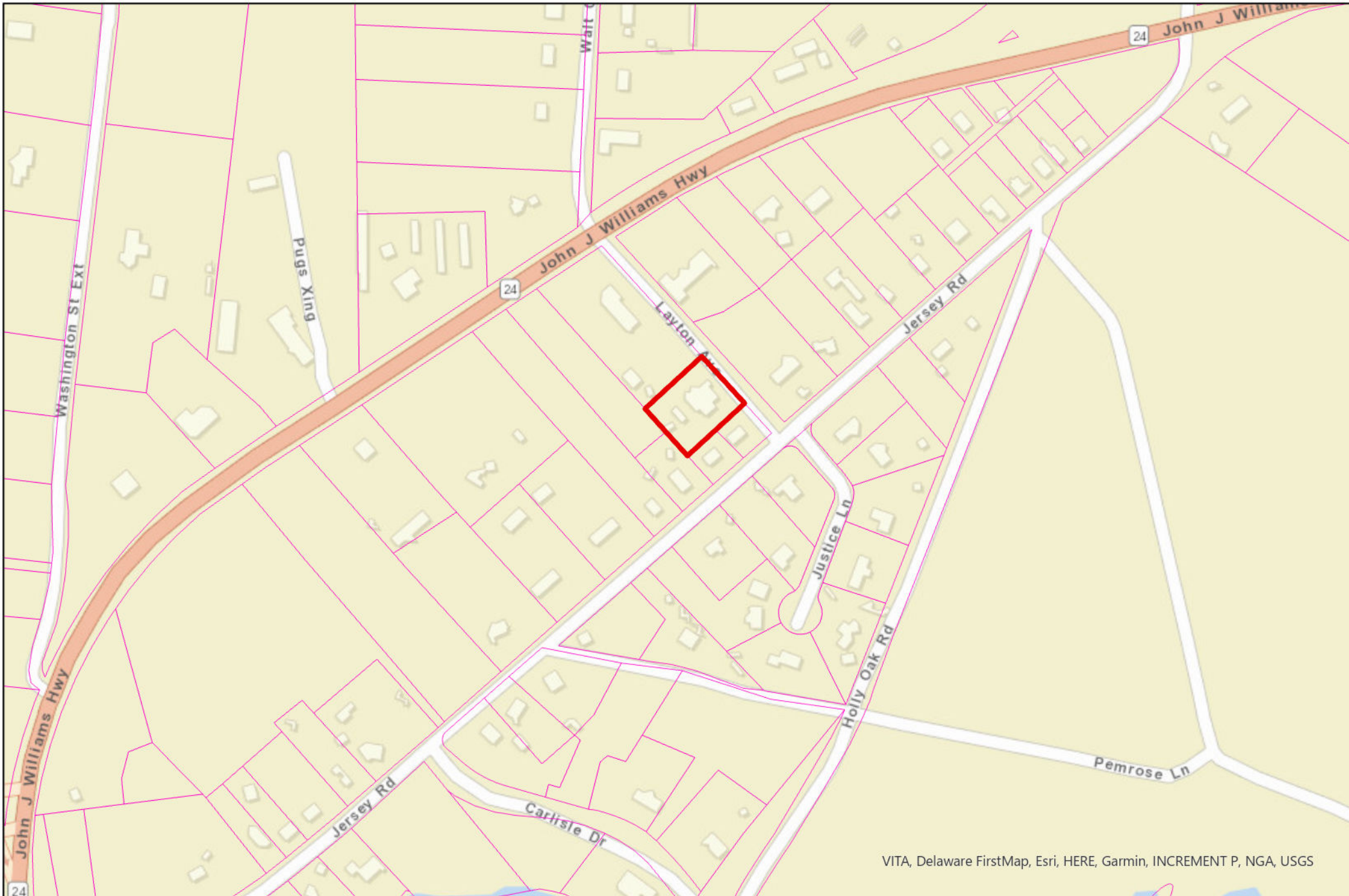


State of Delaware, Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

CU 2510 Villegas-Solis
Aerial Map
TM# 234-32.00-67.00

-  CU 2510 Villegas-Solis
-  Tax Parcels



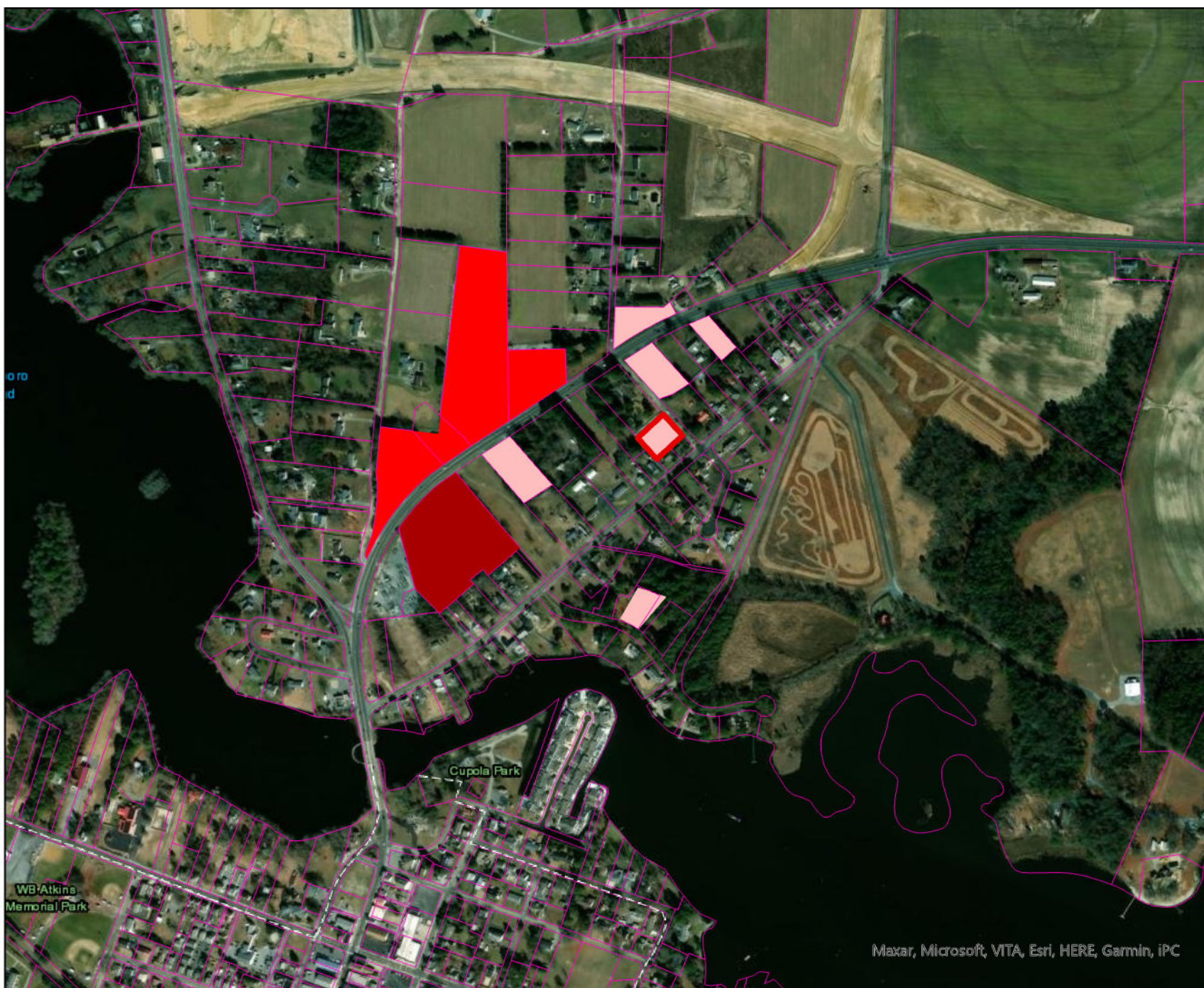


VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**CU 2510 Villegas-Solis
Street Map
TM# 234-32.00-67.00**

 CU 2510 Villegas-Solis
 Tax Parcels





Zoning

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

**CU 2510 Villegas-Solis
Zoning Map
TM# 234-32.00-67.00**

CU 2510 Villegas-Solis



Introduced: 6/4/24

Council District 5: Mr. Rieley

Tax I.D. No.: 234-32.00-67.00

911 Address: 28375 & 28377 Layton Avenue, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2024, a Conditional Use Application, denominated Conditional Use No. 2510 was filed on behalf of Henry Villegas-Solis and

WHEREAS, on the ____ day of _____ 2024, 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. 2510 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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 X, Subsections 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2510 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 Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Layton Avenue, north of Jersey Road (S.C.R. 305), approximately 0.06 mile south of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Moore & Rutt, PA, said parcel containing 0.61 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: October 3, 2025

RE: County Council Report for C/Z 2021 filed on behalf of Crosswinds Landing, LLC

The Planning and Zoning Department received an application (C/Z 2021 filed on behalf of Crosswinds Landing, LLC) for a Change of Zone from an AR-1 Agricultural Residential District to an AR-1-RPC Agricultural Residential Zoning District – Residential Planned Community at Tax Parcels 533-18.00-63.00 and 56.00. The property is located at 33080 Lighthouse Road. The parcel size is 183.19 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 3, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons and subject to the 21 recommended conditions of approval as outlined in the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 3, 2025, and October 1, 2025

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

Chair Wingate recused herself and left Council Chambers. Mr. Mears assumed the role of chair.

C/Z 2021 Crosswinds Landing, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an AR-1-RPC Agricultural Residential District - Residential Planned Community (352 dwellings) for certain parcels of land lying and being in Sussex County, containing 183.19 acres, more or less. The properties are lying on the southwest side of Lighthouse Road (Rt. 54), and on the west side of Dickerson Road (S.C.R. 389), approximately 310 feet northwest of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). 911



Address: 33080 Lighthouse Road & N/A. Tax Map Parcels: 533-18.00-63.00 & 56.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Preliminary Subdivision Plan, a copy of the drafted Homeowner Association bylaws, the Applicant's presentation exhibits, the Applicant's rendering, the Environmental Assessment, the State PLUS comments, the Applicant's response to the PLUS comments, a letter received from the Sussex County Engineering Department Utility Planning Division, the Sussex County Engineering Department's review of the Drainage Assessment information statement, the DelDOT Traffic Impact Study, the Applicant's Chapter 99-9C written responses, and written responses from the Technical Advisory Committee members. Mr. Whitehouse stated that four comments were submitted on behalf of the Application.

Mr. Robertson, for the benefit of the public and the new Commission members, explained what a Residential Planned Community (RPC) was and how the Commission is permitted to place conditions on RPC approvals.

The Commission found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant, Crosswinds Landing, LLC; that also present was Mr. David Sobczak, with Crosswinds Landing, LLC, Mr. Chris Flathers with Morris Ritchie & Associates, Mr. Joe Caloggero with the Traffic Group, and Ms. Kimberly McNew with Geotechnology Associates. Mr. Fuqua stated that an exhibit book was submitted, which contained relevant information about the application; that additionally, there was a comprehensive Information Booklet submitted regarding the application itself; that the application proposes a residential planned community, known as an RPC; that the site consists of 183 acres of land, located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a mixed-use RPC of 352 residential dwellings, which would be comprised of 161 single-family lots, and 191 townhouses; that the name of the development is proposed to be Swann Lake; that that no change in zoning is being requested; that the underlying zoning will remain as the current zoning of AR-1 (Agricultural Residential); that the property is located slightly southwest of Williamsville; that the site has frontage on the south side of Lighthouse Road (Rt. 54), and also on the west side of Dickerson Road and West Line Road; that Bayview Estates and Americana Bayside are located to the east of the site; that the Maryland line is a short distance to the south of the property; that to the west of the site, along Rt. 54, is the Williamsville Industrial Park, as well as a 74-acre parcel owned by Sussex County, which was purchased by Sussex County in the 1980s; that according to the State Strategies for State Policies and Spending map, the site is designated within Investment Levels 3 & 4; that the Level 4 areas of the site are the general location of the environmental features of the site, being Buntings Branch, White Oak Swamp Ditch, and some adjacent wetlands; that those areas, located within the Level 4 area, will not be impacted by the proposed development, and will remain undisturbed; that the development is concentrated in the areas designated with Investment Level 3, which are areas where growth is anticipated by the State and County plans; that under the Sussex County Zoning Ordinance, the site is located within the AR-1 (Agricultural Residential) Zoning District; that the application proposes a RPC (Residential Planned Community) overlay; that the purpose of an RPC is to create a superior living environment, for larger scale developments; that an RPC permits a development to contain mixed residential uses, generally being single-family and some form of multi-family units; that the RPC section of the Zoning Ordinance provides a specific process for determining the permitted density within an RPC; that when applied to the subject property, the permitted density is determined by taking the total site area, of 183 acres, subtracting from that the proposed street right of way of 19 acres, resulting in a net development area of 164 acres; that under the RPC Ordinance, it would be divided by the minimum lot area of the underlying zoning district, being AR-1; that the formula would permit the proposed RPC a maximum of 357 residential units, which is what was being proposed; that the project also results in a gross density of 1.92

units per acre; that according to the 2018 Sussex County Comprehensive Plan; that the plan contains the Future Land Use Map; that per the Future Land Use Map, the property is located within a Coastal Area, being designated as a Growth Area within Sussex County; that according to the Comprehensive Plan, growth areas seek to encourage the County's most concentrated forms of new development, including most higher density residential development; that the Comprehensive Plan further states that a range of housing types, including single-family homes, townhouses, and multi-family units, should be permitted in the Coastal Area, that the plan states that medium and higher density development of four to 12 units per acre can be appropriate in certain locations, being areas where central water and sewer are available, and where the proposed use is in keeping with the character of the area; that the plan recognizes that higher density could be permitted in these types of areas; that the application does not seek a high density, as it proposed to maintain the existing AR-1 density; that the proposed development seeks to utilize the RPC to create a mixture of single-family homes and townhomes, while maintaining the existing AR-1 density; that the Application is consistent with the State Investment Level designations; that the Application is compliant with the provisions of the Sussex County Zoning Ordinance, and in accordance with the provisions of the Sussex County Comprehensive Plan; that the development was designed utilizing the superior design process, which is recommended for cluster subdivision developments; that they first identified the portions of the property that should remain undisturbed and preserved; that next, the most appropriate locations for development on the site should be identified, followed by streets, lots, trails, and recreational area should be laid out; that in accordance with the process, they first identified the environmental features; that all the environmental features are located toward the center of the property; that there is Buntings Branch that runs west to east, from the Sussex County owned property to West Line Road; that located south of the branch is a man-made lake, which is the result of a borrow pit operation which had been conducted on the site since the 1940s to 1950s; that the lake itself had gradually expanded in size and shape over the decades as material had been removed; that the lake's current size is approximately 29 acres, with a maximum depth of 50 feet; that provided the RPC would be approved, the borrow pit operation would be terminated; that the lake would be reclaimed as a recreational component for the proposed development; that to the south of the lake, is the location of the White Oak Swamp Ditch, which also runs from the west boundary line to West Line Road on the east; that adjacent to the ditch on the south side, is an area of non-tidal wetlands; that Geotechnology Associates performed a Wetland Delineation for the property; that the delineation found that there were approximately 14 acres of federally regulated non-tidal wetlands on the site; that the majority of those wetlands are located adjacent to the ditch; that there are three small wetland pockets in the northeast corner of the site; that the wetland delineation was reviewed by the U.S. Army Corps of Engineers, and an approved Jurisdictional Determination letter was issued on January 3, 2024; that the resource areas will remain undisturbed; that the required resource buffers will be provided in accordance with the Sussex County Resource Buffer Ordinance; that the 183 acre site is partially wooded; that there are 65 acres of existing woodlands; that 30 acres of the woods will be impacted by the development, resulting in approximately 35 acres (54%) of the existing woodlands being preserved; that in order to avoid disturbance of the environmental areas, the development is proposed to be located in two sections of the property; that the north section will have an entrance from Lighthouse Road; that the southern section will have an entrance from West Line Road; that the north section will contain 255 residential units, comprised of 116 single-family homes, and 139 townhouses; that the small southern section will contain 97 residential units, comprised of 45 single-family homes, and 52 townhouses; that the development is to be served with central water for domestic use and fire protection by Artesian Water Company, who was already serving the area; that the proposed on-site water distribution system is anticipated to connect to the existing artesian water infrastructure, which was currently located along Lighthouse Road; that the development would be served as part of the Sussex County Sewer system, as were the surrounding communities; that the Sussex County Engineering Department indicated that the sewer capacity is available for the

development; that a new pump station will be located on the northeast corner of the site; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations, and will be reviewed and approved by the Sussex Conservation District; that the stormwater facilities will meet or exceed the current stormwater regulations, including management of water quality and quantity; that Geotechnology Associates also performed a Subsurface Exploration Study, which was performed to determine the recommendations for stormwater facilities locations and site work preparation; that a Traffic Impact Study was prepared by the Traffic Group, and was performed in accordance with DelDOT's requirements; that DelDOT issued a Traffic Impact Study (TIS) letter on February 1, 2024, which stated that the Applicant would be responsible for the improvement of both sides of the paved roadways along the site's frontages along Rt. 54, West Line Road, and Dickerson Road, to meet DelDOT's standards and requirements; that the construction of the Rt. 54 entrance and West Line Road entrance, in conformity with the configurations that are described in the DelDOT TIS letter; that the Rt. 54 entrance will require, in addition to through lanes, a 240-foot right turn lane on the eastbound side of Rt. 54, and a 210-foot left turn lane on the westbound side of Rt. 54; that the West Line Road entrance will have a right turn lane westbound, and a bypass lane eastbound; that there is a current DelDOT study, called the West Line Road, SR 54, Lighthouse Road Intersection Improvement Project, which may result in a roundabout at the Rt. 54 and West Line Road intersection; that the Applicant will be required to make an equitable contribution of \$103,500.00, toward the project, as part of its DelDOT approval; that the Applicant will be granting a 15-foot permanent easement to DelDOT, from the edge of the right of ways along the site frontage on all three roads previously mentioned; that within the 15-foot easement, the Applicant will be constructing a 10-foot wide shared use path designed with pedestrian and bicycle improvements to be determined by DelDOT; that the entrance to the northbound section will have separate ingress and egress lanes; that the road frontage along Lighthouse Road will be attractively buffered with the 10 foot shared use path; that adjacent to that there will be a 30-foot wide, extensively landscaped buffer area with a five foot high berm; that not only will this create a very attractive appearance along Rt. 54, it will act as a noise buffer for the homes located on the interior; that the southern entrance from West Line Road will also have separate entrances and landscaping; that the development's 161 single-family lots will have an average lot size of 8,413 square feet; that the 191 townhouse lots will have an average lot size of 4,062 square feet; that the development's design provides that all the lots will be adjacent to some type of community open space; that no two lots rear yards will directly front one another; that overall, the development will contain 352 units, which does comply with the density required for an RPC; that the development streets will be constructed to Sussex County Engineering Department requirements; that as shown on the Site Plan, sidewalks will be constructed on both sides of the development streets, with one exception being the cul-de-sac street of Wedge Court (reflected as David Lane on the Preliminary Site Plan); that this area only had homes proposed on one side of the street; that sidewalks are not needed on both sides of the street in that area, and will only be provided on the side where the homes are located; that in order to avoid impact to the existing wetlands and environmental features, there is no internal road connection proposed for motor vehicles between the northern and the southern sections of the development; that there will be a boardwalk-type connection from the Wedge Court (aka David Lane) cul-de-sac to Benno Court, connecting the sections purely for pedestrians, bicycles, and possibly golfcart use; that the main recreational area is located on the north section of Black Swann Lane, fronting the lake, and will consist of a community clubhouse, with a minimum floor area of 3,000 square feet, an outdoor pool with a surrounding patio and deck area; that will be bocce ball courts, a playground or tot lot, and gathering areas with fire pits; that there will be parking for 44 vehicles; that on the plan it reflected two pickleball courts next to the clubhouse that the courts may be modified to provide for a more passive type of activity, as pickleball is beginning to become undesirable due to the noise associated with it; that the details of the recreational area will be provided and reviewed by the Planning Commission as part of the Final Site Plan approval process; that located in the front of the

clubhouse area there will be a boardwalk connecting the recreational area to the beach on the north side of the lake; that there will be a designated area for swimming, bathing, launching and storage area for kayaks and stand up paddle boards, and there will be a walking trail, with no anticipation of any motorized aquatic vehicles; that the southern section of the development will have an approximately one-acre park, that the park will be landscaped; that the park will contain a pergola, benches, tot lot and parking spaces in conformance with the Subdivision Ordinance; that the recreational amenities will be completed prior to the issuance of the 60% of the residential building permits, as it is required by the Zoning Ordinance; that the development's total community open space, as it is defined by the Zoning Code, will be approximately 114 acres (62%) of the 183 acre site; that the location of the development is in the service area of the Roxana Volunteer Fire Company; that the Applicant is proposing to voluntarily commit, that upon the issuance of a Certificate of Occupancy for each residential unit within the Swann Lake development, an annual contribution of \$100.00 to the Roxana Fire Company will be made; that the contribution will be collected and paid by the homeowners association; that the contribution will be collected from each homeowner through their HOA dues; that the Applicant did request a caveat be placed, that should the State or County enact a law requiring a mandatory payment to the fire company, that the proposed obligation would no longer apply; that this obligation had been proposed as Condition P in the proposed Conditions of Approval; that the site is located within the Indian River School District; that a school bus stop, or stops, will be located near the development entrances or at the clubhouse; that the exact location of the bus stops would be coordinated with the school district; that it is anticipated that the development would be constructed in six phases over approximately five to seven years; that Mr. Fuqua requested to submit into the record, proposed Findings and Conditions for the Commission's consideration; that the Swann Lake RPC is located within the Coastal Area, being a designated Growth Area according to the Comprehensive Plan; that the plan states Growth Areas are locations where development should be placed, even at much higher densities; that the existing AR-1 (Agricultural Residential) zoning density will remain unchanged, and the RPC density will be in accordance with the permitted density for an RPC within the AR-1 district; that the proposed development will offer a variety of housing, with both single-family, as well as townhouses; that the plan proposes superior recreational amenities; that the proposed development will replace an existing borrow pit excavation operation, by reclaiming and revitalizing the borrow pit as a community lake for recreational use and visual appearance, and the Applicant requested the Commission recommend approval on the application, subject to any conditions the Commission deem appropriate.

Mr. Collins questioned the staff whether or not notice was provided to the local school district, and if the school district provided any response.

Mr. Whitehouse stated that staff had notified the school district, and if a response was received, it would have been included within the record.

Chairman Mears requested confirmation that, should the development be approved, the developer will work with the local school district to provide a bus stop as needed.

Mr. Fuqua stated that yes, the Applicant would work with the local school district on the location of a bus stop, and the development may require more than one, as there would be two entrances.

Mr. Collins questioned, if the application were to be denied, whether the Applicant could return with a new proposal to build the same number of homes, but with the development sprawled across the entire property.

Mr. Fuqua stated that he could not speak for the Applicant in that circumstance, but confirmed that it would be an option for the Applicant; that if the proposed development were not approved, he would anticipate that the property would remain as a borrow pit, or be developed in another way at two units per acre, and the current development proposed a density less than a cluster subdivision.

Mr. Collins stated that higher density helps to control sprawl, which helps preserve natural features that exist on the site.

Mr. Robertson stated that the current application did not propose higher density; that the application proposed the same density permitted within the current zoning of AR-1 (Agricultural Residential); that the only difference is the different type of housing units proposed, as it is not just single-family homes that are generally provided within a typical cluster or standard subdivision, and the property would be permitted to go through the Major Subdivision process as a cluster subdivision at two units to the acre, which would result in a much different looking application.

Mr. Whitehouse questioned whether the indicative area shown on the rendering was the area for the townhouse, including the yard, whether the building would be touching the buffer, or if a yard would be provided at the back of each unit.

Mr. Fuqua stated that he believed that the area is reflected as a lot, and it is not intended that the buffer will effectively become the backyard; that townhouses can be condominiums, which have no lots, and the current plan proposes individual lots, which will be subject to a Rear Yard setback within each of the reflected rectangles.

The Commission found that no one was present who wished to speak in support of the application, and four people were present who wished to speak in opposition to the application.

Mrs. Roberta Cordara spoke in opposition to the Application. Mrs. Cordara stated that she and her husband reside along West Line Road; that they had seen a lot of changes; that Chicken Farm Road is located behind their property; that Chicken Farm Road is reflected in a different color on one of the Applicant's exhibits; that if Chicken Farm Road is taken away, the five houses located behind her property will no longer have access to the back of their property; that the County designated her septic, being the rear of her property; that if the road were taken away, they will have no access to their property, should anything go wrong with their septic tank or septic mound; that she questioned whether a survey had been performed on the number of accidents, including fatal accidents, that had taken place; that the road was originally a farm road; that it is 50 mph; that there are tractor trailers to motorcycles drag racing on the road; that it traffic had been getting increasingly worse; that the proposed development would be dumping 700 additional cars to the area of West Line Rod

Mr. Richard Cordara spoke in opposition to the Application. Mr. Cordara stated that the area is agricultural farmland from Muskrat Town to Bishopville Road; that there are irrigation ditches; that he did not believe there was any way to expand it; that when Lighthouse Road was closed to place the cross pieces, drivers realized that West Line Road led to the same place; that there are no red lights or traffic signals on that roadway; that when a deer jumps out of a cornfield, there is nowhere to go; that there was a recent fatality of a man who attempted to avoid hitting a deer, but hit a tractor trailer and did not survive; that the increased traffic being proposed on West Line Road will increase traffic on Lighthouse Road, with no place for the traffic to thin out; that they have a private well and septic, and he questioned how the construction would affect the groundwater moving forward.

Mr. Fuqua stated that the project would be serviced by central water, provided by Artesian; that the project would not be taking any water from the ground; that all stormwater designs must comply with all DNREC and Sussex Conservation District requirements; that regarding the West Line Road concerns, it is DelDOT's purview to determine the upgrades and requirements; that DelDOT is requiring the Applicant to contribute \$100,000.00; that he believed DelDOT would be placing a roundabout at the West Line Road and Rt. 54 intersection, which is located further east of the site; that West Line Road is not located at the site's corner; that he assumed the Applicant's contribution was to be placed toward a safety improvement from DelDOT's point of view, and the Applicant cannot control the traffic racing on West Line Road.

Mr. Robertson requested more information regarding the concern about Chicken Farm Road; that it appeared to him that the road ran in the area of the perimeter buffer along the southern side of the site, and he questioned if Chicken Farm Road was the only access to the Gregory or Wendell A. Bunting properties.

Mr. Whitehouse stated that there was a License Reference number, and a Deed Book and Page referenced, and he questioned what they were referenced for.

Mr. Chris Flathers, the Engineer for the project, stated the during their deed research for the property, there was no record of an easement found through that area; that there was no right of way or easement known to be in that area; that on the submitted plan, they had shown Chicken Line Road to be eliminated because it was located on their property; that he was unsure if Chicken Farm Road was the only access to the Gregory property or the Wendell A. Bunting property; that the reference number references a small easement, where it bumps out onto the subject site, being a odd trapezoidal area; that a buffer is proposed to be placed in that area; that they placed the buffer around the easement; that it is wooded, other than that section, and if there were required to plant, they would plant a vegetated buffer within that area.

Mr. Joseph Lieb spoke in opposition to the Application. Mr. Lieb stated that he had lived in the area for 50 years; that West Line Road is crazy; that until the roads get better, it will get worse; that he suggested starting with the roads first; that a quarter acre for a home site is small, and he questioned if 116 acres out of 183 is open space.

Mr. Mears stated that the Sussex County Code was changed to allow for more open space, and the project's proposed open space meets the requirements of the Ordinance.

Mr. Alfred Lynch spoke in opposition to the Application. Mr. Lynch stated his wife owns a property along Lighthouse Road; that there is currently a main drainage ditch that runs from Rt.54, follows their property line, and runs back to Bunting Branch; that it appeared to him that the ditch will now terminate at the end of their property line, and he questioned where the water is anticipated to go other than his property.

Mr. Flathers stated it did not appear that there was a tax ditch located within the mentioned section; that in accordance with the County and State regulations, the project would maintain drainage patterns, and would not impound water onto adjacent properties; that they will continue the current drainage pattern, and that if there is water currently cutting through that area, the Applicant would have to accept that water, and convey it back to the ditch.

Mr. Whitehouse stated that there is a tax ditch located on the neighboring parcel, with a tax ditch easement, which terminates at the property boundary, and that there was no tax ditch located on the subject property.

Mr. Robertson questioned whether the Applicant intends to get an amendment to the tax ditch easement, if applicable, as it appeared that the tax ditch easement ran potentially along the back side of some of the townhouse lots.

Mr. Flathers stated that the intention is to work with tax succession and the managers to amend that area.

Mr. Robertson stated that there appeared to be a tax ditch on an adjacent property; that it appeared the tax ditch easement was located on the subject property, and he questioned how the required buffer and the tax ditch easement would fit in the back of the proposed townhouse lots.

Mr. Flathers stated that the area would most likely be reworked; that they would likely end up piping that section of the ditch to bring it into the property, rather than maintain it along there, and they would place inlets along the property line to pick up the water, rather than running it parallel with the property.

Mr. Whitehouse questioned whether trees are proposed to be placed on top of underground infrastructure, or if trees would not be placed in those areas, and if the buffer depth or the number of trees would be compromised.

Mr. Flathers stated that they would not be permitted to place trees on top of any piped areas; that they would look into what would be needed to configure the infrastructure; that they would work with Planning staff to figure out what their options would be, such as modifications of the buffer or potential adjustments through the engineering process.

Mr. Robertson stated that the area was somewhat unusual in the fact that Sussex County owned the property adjacent to the site, and that the adjacent parcel would never be developed.

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 2021 Crosswinds Landing, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 4-0. Ms. Wingate abstained.

Minutes of the October 1, 2025, Planning & Zoning Commission Meeting

C/Z 2021 Crosswinds Landing, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1 - RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS. The properties are lying on the southwest side of Lighthouse Road (Rt. 54), and on the west side of

Dickerson Road (S.C.R. 389), approximately 310 feet northwest of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389). 911 Address: 33080 Lighthouse Road & N/A. Tax Map Parcels: 533-18.00-63.00 & 56.00.

The Commission discussed the application, which had been deferred since September 17, 2025, at which time Madam Chair Wingate had recused herself from the Application.

Madam Chair Wingate recused herself and appointed Mr. Collins as acting Chair.

Mr. Allen moved that the Commission recommend approval of C/Z 2021 Crosswinds Landing, LLC for a change in zoning from AR-1 to an AR-1-RPC based upon the record and for the following reasons:

1. The property is currently zoned AR-1. The Applicant is seeking approval of a Residential Planned Community overlay zoning while maintaining the underlying AR-1 zoning.
2. The proposed AR-1-RPC is in close proximity to the intersection of Routes 20 and 54, where a commercial center has been established, and which serves residents in the vicinity. This area has a higher residential density and is served by various commercial businesses.
3. The proposed development will have no more than 352 single-family and multifamily dwellings within its 183 acres. The net density is within the allowable density in AR-1.
4. Central water and sewer will be provided to the RPC.
5. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses as follows:
 - a. The RPC provides alternative housing types that are not available within a subdivision design;
 - b. The RPC locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;
 - c. The RPC retains approximately 114 acres or 62% of the total site area as open space;
 - d. Within the open space, approximately 35 acres, or 54% of the existing woodlands, will be preserved;
 - e. The property is crossed by Buntings Branch, White Oak Swamp Ditch and contains approximately 14 acres of non-tidal wetlands. The Army Corps of Engineers issued an approved Jurisdictional Determination on January 3, 2024. Site resources will be protected by buffers as required by the County Resource Buffer Ordinance and will promote wildlife corridors to and from adjacent wooded areas; and
 - f. The Project will incorporate and reuse an existing old borrow pit into its site plan as a visual and recreational component of the development.
6. According to the County's current Comprehensive Plan, the project is in the Coastal Area, which is designated as a Growth Area. This AR-RPC is appropriate in this Area according to the Plan, which permits residential development with a mix of housing types.
7. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.

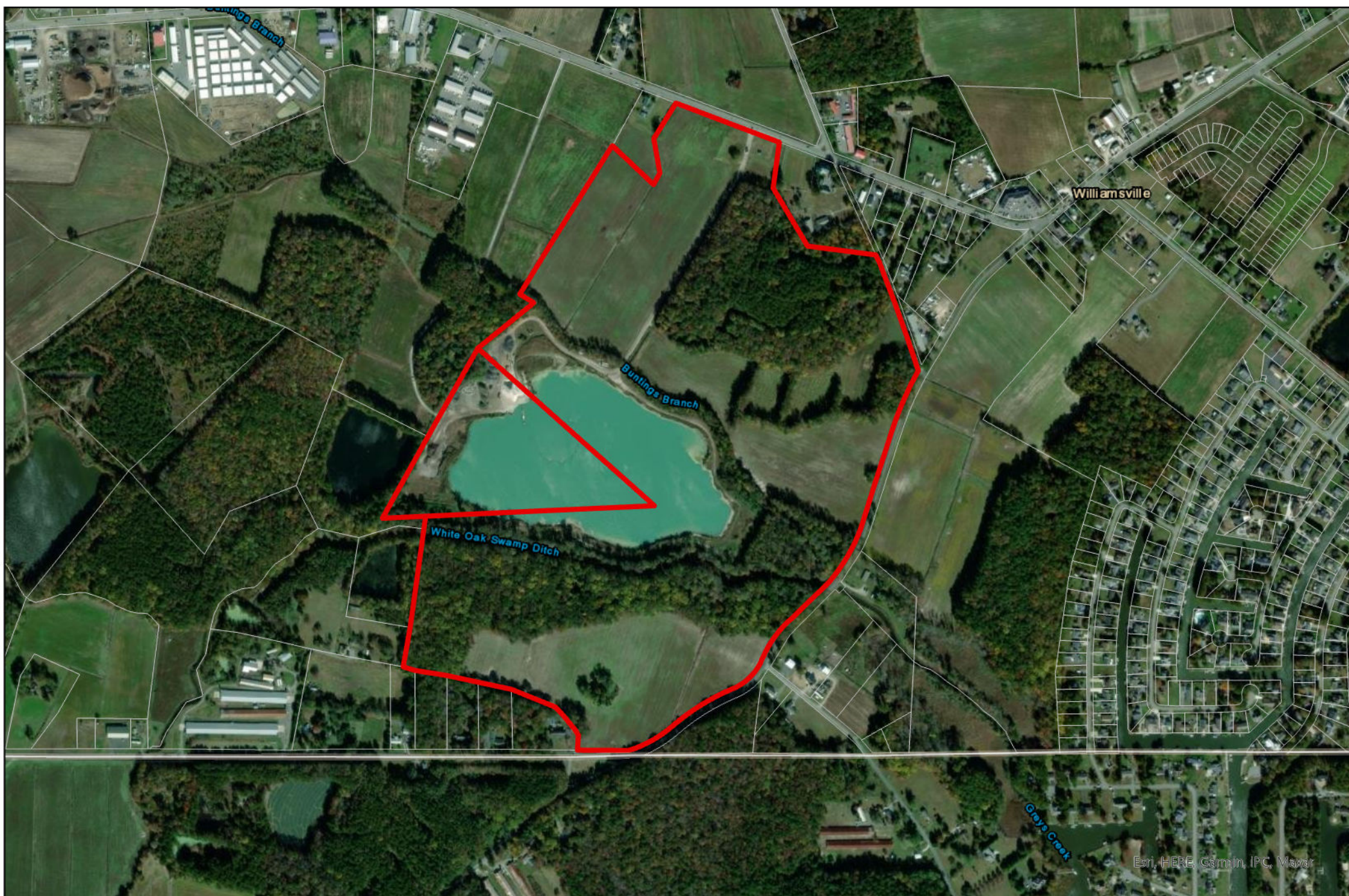
8. This recommendation is subject to the following conditions:

- A. There shall be no more than 352 dwelling units consisting of single-family and multifamily dwellings.
- B. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of all of the buffers and resources, stormwater management facilities, streets, amenities, and other common areas.
- C. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of DelDOT's TIS Review Letter dated February 5, 2024.
- D. The RPC shall be served by central water and sewer.
- E. Approximately 114 acres or 62% of the site shall remain as open space, including 35 acres of the woodlands on the site. The area of preserved woodlands shall be shown on the Final Site Plan.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the RPC, with the exception of the area along David Lane, where Lots 213 to 228 are only located on one side of the street. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- H. The development shall be served by amenities including a clubhouse and outdoor swimming pool, tot lot, bocce courts, and beach area. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.
- I. The Resources on the site shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
- J. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer and buffer protection areas and the woodlands that must be preserved as required by Section 99-21A of the Sussex County Code. The site frontage along Lighthouse Road (DE-54) shall have landscaping and be bermed in accordance with the Applicant's Swann Lake entrance landscaping exhibit prepared by Morris and Ritchie Associates, Inc.
- K. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.
- L. As proffered by the Applicant, each residential unit shall be obligated to make an annual payment of \$100.00 to the Roxana Fire Company beginning with the issuance of a residential Certificate of Occupancy for that unit. These fees shall be collected and paid by the Homeowners Association. However, if the State or County enacts a

- separate law governing the mandatory payment or contribution to Fire/EMS service applicable to the units in the RPC, then this condition shall no longer apply.
- M. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
 - N. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.
 - O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - P. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.
 - Q. There is a path or roadway of unknown origin along the western side of this site. It shall remain and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.
 - R. 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.
 - S. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site Grading Plan.
 - T. A Revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.
 - U. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

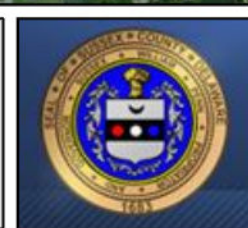
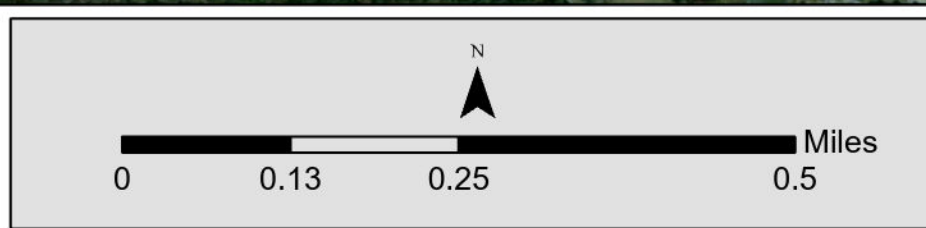
Motion by Mr. Allen, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2021 Crosswinds Landing, LLC, for the reasons and the conditions stated in the motion. Motion carried 3-0.

Vote by roll call: Mr. Passwaters – yea, Mr. Allen – yea, and Mr. Collins - yea



**CZ 2021 Crosswinds Landing
Aerial Map
TM# 533-18.00-63.00 & 56.00**

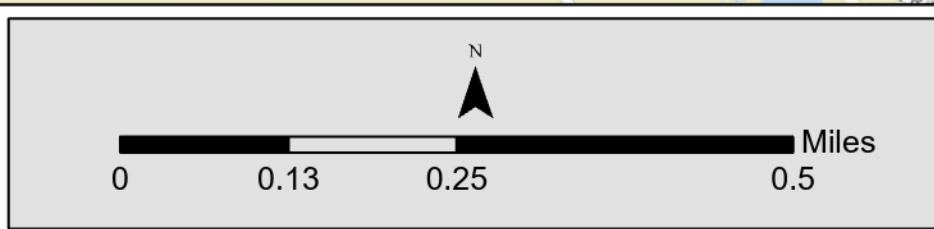
 CZ 2021 Crosswinds
Landing

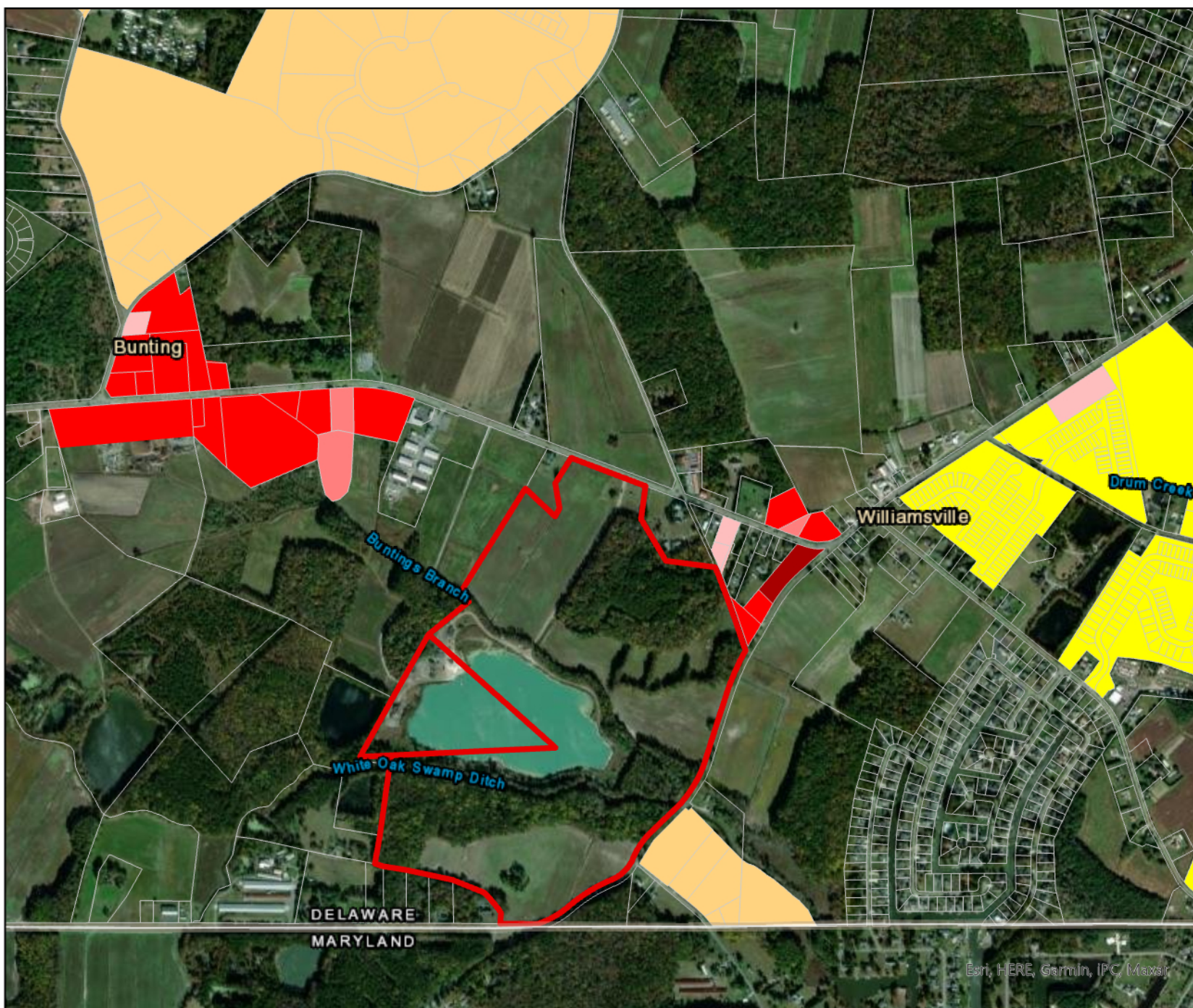




**CZ 2021 Crosswinds Landing
Street Map
TM# 533-18.00-63.00 & 56.00**

 CZ 2021 Crosswinds
Landing





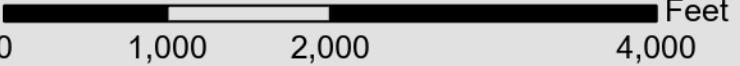
Zoning

-  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 2021 Crosswinds Landing Zoning Map
TM# 533-18.00-63.00 & 56.00

 CZ 2021 Crosswinds Landing







Introduced: 7/29/25

Council District 4: Mr. Hudson

Tax I.D. No.: 533-18.00-63.00 & 56.00

911 Address: 33080 Lighthouse Road & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1-RPC AGRICULTURAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY (352 DWELLINGS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 183.19 ACRES, MORE OR LESS

WHEREAS, on the 29th day of September 2023, a zoning application, denominated Change of Zone No. 2021 was filed on behalf of Crosswinds Landing, 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. 2021 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 AR-1-RPC Agricultural Residential District – Residential Planned Community 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 Sussex County, Delaware, and lying on the southwest side of Lighthouse Road (Rt. 54), and on the west side of Dickerson Road (S.C.R. 389) approximately 310 feet northwest of the intersection of Lighthouse Road (Rt. 54) and Dickerson Road (S.C.R. 389) and being more particularly described in the attached legal description prepared by _____, said parcels containing 183.18 acres, more or less.

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