

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

October 21, 2025

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - October 7, 2025 & October 14, 2025

[Draft Minutes 100725](#)

[Draft Minutes 101425](#)

Reading of Correspondence

Public Comments

Presentation – James Adkins, Interim Director, University of Delaware Carvel Research and Education Center

Todd Lawson, County Administrator

1. Administrator's Report

Brandy Nauman, Director of Community Development & Housing

1. Discussion and Possible Action regarding a Resolution entitled "TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITTED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS"

[Resolution DSHA](#)



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

Mark Parker, Assistant County Engineer

1. **King's Highway from SR1 to Freeman Highway - DelDOT State Contract T20251209 - Advanced Utility Relocation**

A. Christiana Excavating Co. – Change Order 2
2. [Kings Highway CO2](#)

Patrick Brown, Project Engineer IV

1. **Warwick Park Sewer - Phase I, Project S24-13**

A. Recommendation to Award

B. George, Miles & Buhr Amendment 3 – Construction Services
[Warwick Park I Award GMB Amd 3 CP](#)

Hans Medlarz, Project Manager

1. **Discussion and Possible Introduction of an Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT”**
[Proposed Ord Chpt 90](#)

Old Business

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

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” (property is lying on the east side of John J. Williams Highway (Route 24), approximately 0.31 mile southwest of Mulberry Knoll Road [S.C.R. 284]) (911 Address: 20033 John J. Williams Highway, Lewes) (Tax Parcel Nos.: 334-18.00-40.01 & 40.06) – FOR STAFF TO PROVIDE AN UPDATE ON RESPONSES TO COUNCIL MEMBER QUESTIONS
[Old Business CZ2001](#)

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

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

[Old Business CU2568](#)

Grant Requests

1. **Urban Youth Golf Program Association for their school and community program expansion**
[Urban Youth Golf Program Association](#)
2. **Downtown Seaford Association for their Annual Christmas parade**
[Downtown Seaford Association](#)
3. **Seaford Tomorrow for their Friday Night Live event**
[Seaford Tomorrow](#)
4. **Sussex County Science Fair for their 2025-26 Science fair**
[Sussex County Science Fair](#)
5. **Jason Anderson Foundation for Youth Sports for their Youth sports grants and scholarships**
[Jason Anderson Foundation for Youth Sports](#)
6. **Cape Henlopen Education Foundation for their teacher grant program**
[Cape Henlopen Education Foundation](#)
7. **Sussex County Land Trust for their 25th Anniversary event**
[Sussex County Land Trust](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2031 CU2586 CU2535](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **Lands of Ghulam Dastgir, LLC Annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area)**

[Ghulam Dastgir](#)

2. **[Conditional Use No. 2395 filed on behalf of Breeze-A-Bella Land Group, LLC](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS” (property is lying on the south side of Park Avenue [S.C.R. 318] at the intersection of Park Avenue [S.C.R. 318] and Cedar Lane [S.C.R. 321A]) (911 Address: 22318 Cedar Lane, Georgetown) (Tax Map Parcel: 135-20.00-81.00)

[Public Hearing CU2395](#)

3. **[Change of Zone No. 2055 filed on behalf of David Roe](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS” (property is lying on the south side of Ballast Point Road [S.C.R. 341A], approximately 215 feet west of Sandy Landing Road [S.C.R. 342]) (911 Address: N/A) (Tax Map Parcel: 134-6.00-175.00)

[Public Hearing CZ2055](#)

4. **[Change of Zone No. 2037 filed on behalf of Mulberry Knoll Associates, LLC](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS” (properties are lying on the northwest side of John J. Williams Highway [Rt. 24], at the northwest corner of the intersection with Mulberry Knoll Road [SCR 284]) (911 Address: N/A) (Tax Map Parcel: 334-12.00-46.00 & 47.00)

[Public Hearing CZ2037](#)

5. **[Change of Zone No. 2052 filed on behalf of Marlin Cove, LLC](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” (properties are lying on the west side of New Road [S.C.R. 391], approximately 80 feet north of Lighthouse Road [Rt. 54]) (911 Address: N/A) (Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00)

[Public Hearing CZ2052](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 14, 2025 at 3:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 7, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 7, 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
J. Everett Moore, Jr.	County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Hudson. Mr. Hudson called the meeting to order.
M 411 25 Approve Agenda	A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea
Minutes	The minutes from September 23, 2025, were approved by consensus.
Correspondence	Mr. Moore reported that letters were received from Autism Delaware and Delaware Seashore Preservation Foundation thanking Council for their support.
Public Comments	Public comments were heard. Mr. Rich Barasso spoke about the DelDOT capital transportation program draft.
LURWG Update	Mr. Lawson distributed a copy of the Land Use Reform Working Group report to the members of the Council. He reported that there are twenty recommendations from the group included in the report.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Delaware State Police Activity Report</u> The Delaware State police year-to-date activity report for August 2025 is attached listing the number of violent crime and property

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

crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of August.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Seychelles (FKA Kent Village – Plan Approval & Construction Record) effective September 23, 2025; Welches Pond (FKA Fieldstone – The Grove at Love Creek) – Phase 6 (Construction Record) effective September 23, 2025; and Tanager Woods – Phase 3 (Construction Record) effective September 26, 2025.

3. Janet Hudson

It is with great sadness that we inform you that pensioner, Janet Hudson, passed away on Tuesday, September 30, 2025. Ms. Hudson began her career with Sussex County in November 1986 where she worked until June 2015 for a total of 28 years of service. Her last position with the County was Secretary II in Environmental Services. We would like to extend our condolences to the Hudson family.

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

**Public
Hearing/
TidalHealth
Bonds**

A Public Hearing was held on a Resolution entitled "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".

Mrs. Roth reported that a previous hearing was held, however, now, TidalHealth has requested to increase the amount they originally held a hearing for in July. Last time the amount was \$84 million and now the amount is \$90 million.

There were no public comments.

The Public Hearing and public record were closed.

**M 412 25
Adopt
Resolution**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenbaum to Adopt Resolution No. R 020 25 entitled "A RESOLUTION APPROVING, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE

No. R 020 **CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS TO**
25/ **FINANCE PROJECTS FOR TIDALHEALTH NANTICOKE, INC. AND**
TidalHealth **CERTAIN OF ITS AFFILIATES”.**
Bonds

Motion Adopted: 5 Yeas

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

OSP Map **Jamie Whitehouse, Planning & Zoning Director presented a review of the**
Review **Office of State Planning Coordination Maps.**

Time Ext **Jamie Whitehouse, Planning & Zoning Director presented a request for an**
Request **extension for 2022-11 – Hunter’s Creek.**

M 413 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it**
Approve **moved that the Sussex County Council approves a 6-month extension**
Time **request for the Hunter’s Creek subdivision referenced as 2022-11.**
Extension

Request/ **Motion Adopted: 5 Yeas**
2022-11

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

Permission **John Ashman, Director of Utility Planning & Design Review, presented a**
to Prepare **request to prepare and post notices for Irwin Properties into the SCUSSD**
& Post **(Ocean View Area) for Council’s consideration.**
Notices

M 414 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**
Approve **moved by Sussex County Council that the Sussex County Engineering**
Prepare & **Department is authorized to prepare & post notices for the Irwin Properties**
Post Notices/ **Expansion of the Sussex County Unified Sanitary Sewer District to include**
Irwin **parcels 134-16.00-26.00 & 26.01 as presented.**

Properties **Motion Adopted: 5 Yeas**

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

Wolfe Neck **Hans Medlarz, Project Manager, presented change order no. 7 for Wolfe**
CO No. 7 **Neck RWF electrical service & switchgear replacement for Council’s**
consideration.

M 415 25 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, that be it**

Approve CO No. 7/Wolfe Neck moved based on the recommendation of the Sussex County Engineering Department that change order no. 7 for contract 24-10, Wolfe Neck RWF electrical service & switchgear replacement general construction be approved increasing the contract amount by \$64,035.25.

Motion Adopted: 5 Years

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

Ord Intros There were no Proposed Zoning Ordinances for Introduction.

Old Business/CZ2025 Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 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]) filed on behalf of Northstar Properties, LLC.

M 416 25 Adopt Ordinance No. 4020/CZ2025 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4020 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 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” for the reasons given by the Planning & Zoning Commission as follows:

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

M 416 25
Adopt
Ordinance
No. 4020/
CZ2025
(continued)

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 Adopted: 3 Yeas, 2 Nays

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

Ms. Gruenebaum and Mr. Rieley voted no based on the reasons provided.

CM

Comments

There were no Council Member comments.

M 417 25 **At 12:55 p.m., a Motion was made by Mr. Lloyd, seconded by Mr.**
Go Into **McCarron, to enter into an Executive Session for the purpose of discussing**
Executive **matters related to land acquisition.**
Session

Motion Adopted: 5 Yeas

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

Executive **At 1:01 p.m., an Executive Session was held in the Basement Caucus Room**
Session **to discuss matters related to land acquisition. The Executive Session**
concluded at 1:28 p.m.

M 418 25 **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr.**
Reconvene **McCarron to come out of the Executive Session and go back into the**
Regular Session.

Motion Adopted: 5 Yeas

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

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

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

Public **A Public Hearing was held on a Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**
CU2519 **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)
filed on behalf of Savini Companies.

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.

**Public
Hearing/
CU2519
(continued)**

The Council found that Mr. Mark Davidson, Vice Principal and Principal Land Planner with Pennoni Associates, spoke on behalf of the Applicant, Mr. Anthony 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 has 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 8, 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

**Public
Hearing/
CU2519
(continued)**

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 and one part-time employee; 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 has 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

**Public
Hearing/
CU2519
(continued)**

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; they have submitted into the record, proposed Conditions of Approval; 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; that at the Commission hearing, there was testimony regarding the lighting; that the applicant has purchased the property in the back; that there is a nice buffer between the properties; that one of the conditions that the Commission placed is that all of the lighting has to be downward facing and the applicant is in agreement of that condition.

There were no public comments.

The Public Hearing and public record were closed.

**M 419 25
Adopt
Ordinance
No. 4021/
CU2519**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Ordinance No. 4021 entitled "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" for the reasons and conditions given by the Planning & Zoning Commission as follows:

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

**M 419 25
Adopt
Ordinance
No. 4021/
CU2519
(continued)**

- 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 a.m. and 5:00 p.m., 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 Adopted: 5 Yeas

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

**Public
Hearing/
CU2510**

A Public Hearing was held on a Proposed Ordinance entitled "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) filed on behalf of Henry Villegas-Solis.

**Public
Hearing/
CU2510
(continued)**

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.

The Council found that 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 they have adequate parking; that all of the repairs will take place inside; that there will not be any storage of vehicles outside; that there is an open entrance to the property and there is a gate in the back; that the front building is an office space with apartment buildings; that there are two residences there; that there is a roofing company there currently; that there are some box trucks that are currently there but will be stored somewhere else; that the whole property is fenced in; that it is a white fence that you are not able to see through.

Public comments were heard.

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 has 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 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 this proposes environmental risks; that this illustrates that no amount of limitations can be placed to eliminate the burden on the nearby residences; that he urged that the Zoning Code be upheld and that the application be denied.

Mr. Mark Brittingham spoke in opposition to the application; that he gets a lot of noise during all hours of the night; that this brings extra traffic; that he does not believe that this is a business to have in this area.

Ms. Joan Balback spoke in opposition of the application; that she has lived in the area of 40 years; that it was a quiet little dirt road; that it is a

**Public Hearing/
CU2510
(continued)** constant disturbance for her; that it would create more noise in the area; that there is debris found in the area daily since the start of the business; that this would create a risk for drivers; that the way they park makes it difficult for vehicles to pass; that it appears to be housing multiple people; that she frequently sees individuals coming during all hours; that it is making the people in the area feel unsafe.

The Public Hearing was closed.

**M 420 25
Defer
Action/
CU2510** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN 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” and leave the public record open for five days after the recommendation is received from the Planning & Zoning Commission allowing any member of the public comment in writing to the Planning & Zoning office.

Motion Adopted: 5 Yeas

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

**Public Hearing/
CZ2021** A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN 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) filed on behalf of Crosswinds Landing, LLC.

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.

The Council found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant, Crosswinds Landing, LLC;

Public
Hearing/
CZ2021
(continued)

that also present was Mr. David Sobczak, with Crosswinds Landing, LLC, Mr. Chris Flathers with Morris Ritchie & Associates, Mr. Carl Wilson with the Traffic Group, and Ms. Kimberly McNew with Geotechnology Associates. Mr. Willard 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

**Public
Hearing/
CZ2021
(continued)**

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 first identified were 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

**Public
Hearing/
CZ2021
(continued)**

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 are 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

**Public
Hearing/
CZ2021
(continued)**

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

**Public
Hearing/
CZ2021
(continued)**

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. Willard 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 Council recommend approval on the application.

A discussion was held about the road that runs along the property, Chicken House Lane. It was reported that it was originally planned to remove the road. It is proposed to have a 25-foot easement for the adjoining lot owners and for the owners to the northwest. Mr. Hudson stated that he wanted to be sure that it is done properly. A screening buffer will be planted behind the lots.

**Public
Hearing/
CZ2021
(continued)**

Public comments were heard.

Mr. Wendell Bunting spoke about the application; that the road that was previously discussed is on the deed of the property; that he went to the deed office and found it quickly; that it states that the road described on the deeds and is an 18 foot +/- road; that it was a County road; that it was a road he used to get his mail on; that there has been multiple times that this road has been tried to be closed; that it was taken to court and the judge said that it can never be closed.

The Public Hearing and public record were closed.

**M 421 25
Defer
Action/
CZ2021**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer a Proposed Ordinance entitled “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”.

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**

**M 422 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 3:06 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.}

SUSSEX COUNTY COUNCIL

LAND USE REFORM WORKING GROUP WORKSHOP

OCTOBER 14, 2025

The Sussex County Council held a Budget Workshop on October 14, 2025, beginning at 9:30 a.m. at the Sussex County Public Safety Complex in Georgetown for the purpose of discussing the Land Use Reform Working Group report.

The following were present:

Douglas B. Hudson	President
John L. Rieley	Vice President
Matt Lloyd	Councilman
Jane Gruenebaum	Councilwoman
Steve McCarron	Councilman
Todd F. Lawson	County Administrator
Vince Robertson	Assistant County Attorney

Jamie Whitehouse, Planning & Zoning Director, Brandy Nauman, Community Development Director and Planning & Zoning Commission Members Holly Wingate, Jeff Allen, Bruce Mears and Scott Collins were also present.

**Call to
Order**

Mr. Hudson called the workshop to order.

**M 423 25
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to approve the agenda as presented.

Motion Adopted: 5 Yeas

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

Presentation

A presentation was given outlining the recommendations provided by the Land Use Working Group. A discussion was held regarding the recommendations and the next steps.

**Public
Comments**

Public comments were heard; members of the public spoke about the recommendations put forth by the working group.

No action was taken.

M 424 25

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn

Adjourn at 2:06 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.}



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
Todd F. Lawson, County Administrator

FROM: Brandy B. Nauman, Director

RE: **Technical Assistance for Zoning & Land Use Reform Application**

DATE: October 17, 2025

During Tuesday's County Council meeting, I will be seeking support and authorization for the submission of an application to the Delaware State Housing Authority for Technical Assistance for Zoning and Land Use Reform.

Background:

Senate Joint Resolution 8 (SJR 8), enacted by the Delaware General Assembly, directs the Delaware State Housing Authority (DSHA) to establish a pilot program to support local zoning reform efforts. The **Technical Assistance for Zoning & Land Use Reform Program** will provide professional support to interested municipalities seeking to modernize their zoning and land use codes.

Participating jurisdictions may select the reforms they wish to pursue from DSHA's menu of zoning and land use options, such as:

- Allow "missing middle" housing types as a permitted use in residential zones
- Create pre-reviewed design plans for "missing middle" housing types
- Increase buildable density for housing by reducing minimum lot sizes and bulk standards
- Increase building heights for multifamily housing and/or mixed-use developments
- Establish an inclusionary zoning program to address affordable and workforce housing needs
- Allow higher density, mixed-use with residential in commercial zones or employment centers
- Reduce parking requirements in areas zoned for residential and mixed-use to promote walkable communities and provide more affordable development opportunities



Program Details:

If selected, DSHA's contracted Technical Assistance (TA) provider will:

- Assess existing zoning, comprehensive plan policies, and permitting processes;
- Identify barriers to housing diversity and affordability;
- Recommend zoning amendments to encourage more inclusive, efficient land use patterns; and
- Facilitate public workshops and provide educational materials to support community engagement.

Timeline:

- Applications Close: October 31, 2025
- Notification of Selection: Mid-Late November 2025
- Technical Assistance Engagement Begins: Early 2026

This opportunity dovetails directly with the recently published Land Use Reform Working Group Final Report (October 2025), which includes 20 recommendations—many of which echo the menu options in DSHA's program, such as permitting "missing middle" housing, adjusting density and bulk standards, and aligning growth areas with infrastructure capacity. By leveraging this state-supported technical assistance, the County can accelerate targeted reforms consistent with the Working Group's roadmap while securing expert support, public engagement, and implementation guidance.

Attached is the required Resolution for your consideration.

Please do not hesitate to contact me with any questions. Thank you.

RESOLUTION R____25

TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITTED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS

WHEREAS, the Senate and the House of Representatives of the 153rd General Assembly of the State of Delaware, with the approval of the Governor, directed the Delaware State Housing Authority to create a pilot program to provide technical assistance to local governments to implement zoning and land-use reforms; and

WHEREAS, the intent of the program is to support local zoning reforms to expand housing options by allowing higher-density residential development, promoting a variety of housing types, and increasing housing access and choice for current and future residents; and

WHEREAS, according to Delaware State Housing Authority's ("DSHA") 2023 Statewide Housing Needs Assessment (2023 HNA), Delaware has a shortage of over 19,000 units affordable to renters with incomes of 50% or less of the Area Median Income, or AMI; and

WHEREAS, the 2023 HNA also indicated that Delaware needs to add 24,400 housing units by 2030 to keep up with population growth; and

WHEREAS, the Affordable Housing Production Task Force Final Report from April 2025 identified local zoning reform as a key objective, stating that the task force members had "unanimous consensus that changes are needed at the local level to enable more diverse housing types," and that local zoning ordinances can be barriers to affordable housing development; and

WHEREAS, Sussex County Council supports increasing affordable and workforce housing opportunities; and

WHEREAS, the Sussex County Council have reviewed the funding opportunity and believe it to be in the public interest and of public benefit to file an application for technical assistance, and to authorize other action in connection therewith; and

WHEREAS, Sussex County Council understands the conditional of receiving technical assistance is commitment to implement at least one strategy to permit more diverse housing types.

NOW, THEREFORE, BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby acknowledges its commitment to engaging and working with providers of technical assistance, and in the best interest of Sussex County, to successfully implement zoning and land use reforms that expand housing options. Said work will include assigning a staff member as point of contact for the technical assistance providers and DSHA; meeting and sharing information with the technical assistance provider as needed to facilitate their data collection, analysis, and recommendation processes; coordinating with the technical assistance provider on public outreach; and introducing recommended ordinances for consideration.

If the ordinances are not adopted, Sussex County must share documentation of the public engagement and the reasons why adoption did not occur.

Per stipulation of the grant, one of the following options shall be explored and developed into an ordinance:

- Allow Accessory Dwelling Units and/or “missing middle” housing types as a permitted use in residential zones
- Allow manufactured and/or modular homes placed on permanent foundations as a permitted use where single-family detached homes are permitted
- Create pre-reviewed design plans for “missing middle” housing types
- Increase buildable density for housing by reducing minimum lots sizes and bulk standards
- Increase building heights for multifamily housing and/or mixed-use developments
- Establish an inclusionary zoning program to address affordable and workforce housing needs
- Allow higher density, mixed-use with residential in commercial zones or employment centers
- Reduce parking requirements in areas zoned for residential and mixed-use to promote walkable communities in addition to providing more affordable development opportunities

I DO HEREBY CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT COPY OF RESOLUTION NO. R __25 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21st DAY of OCTOBER 2025. That certified copies of this Resolution be included as part of the Application submitted to the Delaware State Housing Authority.

Tracy N. Torbert
Clerk of the Council

ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountyde.gov

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

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

RE: Kings Highway from SR 1 to Freeman Highway, DelDOT State Contract
T202512901 – Advanced Utility Relocation
A. Approval of Christiana Excavating Co. Change Order No. 2

DATE: October 21, 2025

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

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

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

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



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

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

On February 11, 2025, Council approved Amendment 2 to DBF's 2024 Base Agreement in the not to exceed the amount of \$144,500.00 as well as the development of a DelDOT advance relocation agreement and construction agreement with the Village Center developer. Since then, two (2) alignment options with step-by-step scope details were developed by DBF with County input for the relocation of the forcemain from the Clay Road north, and presented to DelDOT as well as Christiana Excavating, Co. who is the site contractor for the Village Center project.

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

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

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

On July 31, 2025, the Engineering Department and DelDOT's Traffic Safety Section discussed the accommodation of pedestrian and bicycle traffic along Gills Neck Road during construction which had not been incorporated in the Christiana Excavating, Co.'s base award. As a result of these discussions, DBF developed a detour plan which was subsequently approved by DelDOT and priced out by Christiana Excavating. At the recommendation of the Engineering Department, on September 16, 2025 Council approved Change Order No. 1 in the amount of \$33,480.00 to cover the traffic control provisions associated with the approved detour plan.

Since this time, it was discovered that excessive dewatering (i.e., well pointing) would be needed along a portion of the proposed sewer alignment to due encountered groundwater conditions – well pointing was excluded from the original construction agreement approved on 4/29/25. At the request of the Engineering Department, Christiana Excavating provided a proposal in the amount of \$69,375.00 to cover the required well point dewatering, which would represent Change Order No. 2 to the base contract. The proposal assumes a period of two (2) months for dewatering and includes a monthly pump rental rate that would result in an add or deduct cost if pumping is required longer or shorter than the time period assumed. **The Engineering Department has reviewed the proposal and recommends approval of Change Order No. 2 as submitted, thereby increasing the contract amount by \$69,375.00.**

CHRISTIANA EXCAVATING COMPANY

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

October 2, 2025

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

Attn: Hans Medlarz

Re: King's Highway Force Main Relocate

Dear Mr. Medlarz:

Enclosed please find our Change Order #2 on the above-referenced project for well pointing sub surface water. This change results in an increase of \$69,375.00 to the original contract.

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

Original Proposal Contract Dated 04/30/25

\$ 2,210,880.00

Change Order Totals:

#1	\$ 33,480.00
#2	\$69,375.00

Total Change Orders to Date:

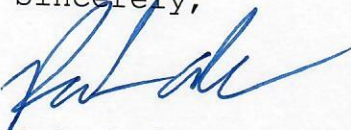
\$ 102,855.00

Revised Project Total:

\$ 2,313,735.00

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

Sincerely,



R.J. Andrews

CHRISTIANA EXCAVATING COMPANY

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

CONTRACT CHANGE ORDER

#2

October 2, 2025

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

Attn: Hans Medlarz

King's Highway Force Main Relocate
Lewes, DE

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

Well Pointing

- Install Well Points for Two Jack & Bore Pits Along King's Highway
- Install Well Points from ~ 0+50 to 3+50
- Includes Two Months Pump Rental

NET CHANGE ORDER TOTAL:

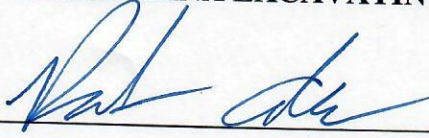
\$69,375.00

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

Note:

1. Our costs include pump rental for two months from the time the pumps are turned on. Monthly pump rental is \$19,550 for two pumps. If pump rental exceeds two months an additional cost of \$19,550.00 will occur. In addition, if pump rental is only used for one month, a credit of \$19,550 will occur.

CONTRACTOR: CHRISTIANA EXCAVATING COMPANY

AUTHORIZATION:  **DATE:** 10-2-25

ACCEPTANCE OF CHANGE ORDER:

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

ACCEPTANCE: Sussex County Engineering

SIGNATURE: _____ **DATE:** _____



***SUSSEX COUNTY
CHANGE ORDER REQUEST***

A. ADMINISTRATIVE:

1. Project Name: **Kings Highway Advanced Sewer Relocation**
2. Sussex County Project No. S25-46
3. Change Order No. 2
4. Date Change Order Initiated - 10/02/25
5.
 - a. Original Contract Sum \$2,210,880.00
 - b. Net Change by Previous Change Orders \$ 33,480.00
 - c. Contract Sum Prior to Change Order \$2,244,360.00
 - d. Requested Change \$ 69,375.00
 - e. Net Change (No. of days)
 - f. New Contract Amount \$2,313,735.00
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

Signature
Date

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 Matt Lloyd
The Honorable Steve C. McCarron
The Honorable Jane Gruenebaum

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

RE: **WARWICK PARK SEWER – PHASE 1, PROJECT S24-13**
A. RECOMMENDATION TO AWARD
B. GEORGE, MILES & BUHR, AMENDMENT 3 – CONSTRUCTION SERVICES

DATE: October 21, 2025

In August of 2022, County Council granted Permission to Prepare and Post Notices for an expansion of the Sussex County Unified Sanitary Sewer District (Oak Orchard Area) to include Warwick Cove, Gull Point and Warwick Park (a.k.a. Warwick Park Area). The Engineering Department distributed polling letters to all residents of these communities. A Public Hearing was held on October 29, 2022, with estimated rates presented for a 2-phase project approach: one for Warwick Cove and Gull Point having existing community systems, followed by a septic elimination project in Warwick Park.

Most property owners present at the October meeting supported a project, however there was minimal attendance by Gull Point owners. On December 10, 2022, the Engineering Department met with the Gull Point Board and a larger congregation of owners to review DNREC compliance of their existing system and the proposed sewer district expansion. The community voted to be included in the sewer expansion projects. On January 10, 2023, County Council adopted Resolution No. R 004 23 approving the expansion of the Sanitary Sewer District Boundary to include the Warwick Park Area.

On September 12, 2023, County Council approved George, Miles & Buhr (GMB), one of the County's five (5) selected consultants for miscellaneous engineering services, to provide design and bid phase services for Warwick Park Sewer – Phase 1 in the amount of \$108,495.00. Their scope was amended on March 11, 2025, for a not-to-exceed amount of \$8,122.00 for geotechnical services.



In June of 2023, the Engineering and Finance Departments submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund and on March 26, 2024, the State issued a binding commitment offer for Phase 1 in the amount of \$1,225,000.00, to be repaid within 20-years with 2.0% interest. On June 4, 2024, the associated debt ordinance authorizing the issuance of up to \$1,225,000.00 of general obligation bonds of Sussex County in connection with construction and equipping of the Warwick Park Sewer Project - Phase 1, was adopted.

In January of 2024, the Engineering Department submitted a Notice of Intent to DNREC for Phase 2 of the Warwick Park Area. On December 16, 2024, the County received a Binding Commitment Letter (BCL) from DNREC for the Warwick Park Sewer Project – Phase 2. The BCL identified a loan amount of \$9,963,400.00 for a term of thirty (30) years. Upon completion of the projects, up to \$5,470,360.00 of principal forgiveness will be applied with the remaining balance amortized over 30 years at 2% interest. The significant loan forgiveness reduces the overall borrowing and supports the expansion projects being more affordable.

Invitations to Bid the Warwick Park Sewer - Phase 1 Project were advertised in the local newspaper and made available to view on the County Website. In addition, the information was directly forwarded to known contractors. A pre-bid meeting was held at the project site on September 4, 2025. On October 1, 2025, seven (7) bids were received, opened, and read-aloud. The low-bidder was A-Del Construction Co., Inc., of Newark, DE with a total bid of \$1,387,948.00.

The Engineering Department recommends award of the Warwick Park Sewer - Phase 1, Project S24-13 to A-Del Construction, in the bid amount of \$1,387,948.00, subject to DNREC concurrence.

The Department solicited a proposal from GMB to perform additional construction phase services, as needed, to supplement and support in-house administration of the project. A proposal for on-call professional services was provided with a not to exceed fee of \$35,000.00.

The Engineering Department recommends approval of Amendment No. 3 to the 2024 GMB base contract in the not to exceed amount of \$35,000.00.

■■■■
ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
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PH: 800.789.4462
salisbury@gmbnet.com

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SEAFORD
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OCEAN VIEW

www.gmbnet.com

■■■■

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

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W. BRICE FOXWELL, P.E.

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

October 14, 2025

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

Attn: Mr. Patrick J. Brown, P.E.
Project Engineer III

Re: Warwick Park Phase I Project
Sussex County, Delaware
Award Recommendation
GMB File No. R230182

Dear Mr. Brown:

On Wednesday, October 1, 2025, bids for the Warwick Park Phase 1 project were received, opened, and publicly read aloud at the Sussex County Council Chambers. Twelve (12) contractors requested construction documents, and seven (7) of them submitted bids.

In accordance with the project requirements, the contract is to be awarded to the lowest responsive and responsible bidder based on the total base bid (Schedules A+B+C). GMB has verified that A-Del Construction submitted the lowest responsive bid in the amount of \$1,387,948.00.

A-Del Construction is a well-established general contractor with a strong record in site work and utility installation, having completed projects for various local, county, and state agencies. Notably, A-Del recently served as the general contractor for Sussex County's Long Neck Sewer Extension project, which included a pump station, gravity sewer, and a force main – work very similar to what is required for Warwick Park Phase 1.

Accordingly, GMB recommends awarding the Warwick Park Phase 1 project to A-Del Construction for a total amount of \$1,387,948.00.

Should you have any questions, feel free to contact me at (410) 742-3115 or via e-mail at jhoageson@gmbnet.com.

Sincerely,



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

JCH/slh



Sussex County

BID TABULATION SHEET

Project: Warwick Park Phase I

Project No.: S24-13

Award Date: TBD

Awarded Bidder: TBD

Bidder	Total Bid
A-Del Construction	1,387,948.00
Pact One	1,627,615.00
R.E. Pierson	1,681,390.46
Teal Construction	\$1,788,788.00
Kinsley Construction	\$2,560,810.00
George & Lynch	\$2,665,926.20
Chesapeake Turf	\$3,209,959.00

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

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3**

The Effective Date of this Amendment is: October 21, 2025

Background Data

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

Owner: Sussex County

Engineer: George, Miles & Buhr

Project: Warwick Sewer Project – Phase 1 (construction services)

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

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

Description of Modifications:

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

Agreement Summary:

Original Agreement Amount:	\$ <u>0</u>
Net Change for prior amendments:	\$ <u>537,800.00</u>
This amendment amount:	\$ <u>35,000.00</u>
Adjusted Agreement amount:	\$ <u>572,800.00</u>

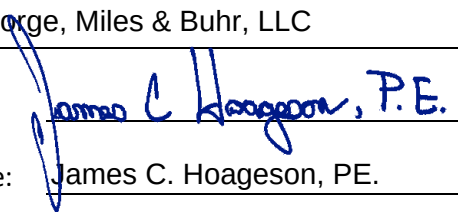
Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

By: _____
Print
name: _____
Title: _____
Date Signed: _____

ENGINEER:

George, Miles & Buhr, LLC

By: 
Print
name: James C. Hoageson, PE.
Title: Sr. Vice President
Date Signed: 10/13/2025

■ ■ ■ ■

ARCHITECTS
ENGINEERS

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■ ■ ■ ■

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

October 7, 2025

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

Attn: Mr. Patrick Brown, P.E.

Re: Proposal for Contract Administration/Construction Management Phase Services
Warwick Sewer Project – Phase 1

Dear Patrick:

George, Miles & Buhr, LLC (GMB) is pleased to present this proposal for “as-needed” Contract Administration/Construction Management (CA/CM) phase services for the construction of a sewage pump station, force main extension, and gravity sewer extension for the Warwick Cove and Gull Point developments located in Millsboro, Delaware. Our proposal is more particularly described as follows.

PROJECT LOCATION

Warwick Cove and Gull Point are both located off River Road in Millsboro, Delaware and are adjacent to the Indian River.

PROJECT DESCRIPTION

It is Sussex County's intention to award the construction contract for Warwick Park Phase 1 to A-Del Construction. As part of the construction phase services, GMB will provide, at the direction of the SCED, limited, as-needed, CA/CM services. The estimated construction period is 240 calendar days.

SCOPE OF SERVICES

A. CA/CM Phase Services

1. Provide as-needed / County directed support services for items which may be generally defined as follows:
 - a. Participation at progress meetings.
 - b. Review and comment on monthly progress schedules.
 - c. Visit the site at various stages of construction.
 - d. Review and respond to Request for Information (RFIs).
 - e. Review and recommend change orders as appropriate.
 - f. Shop drawing review.
 - g. GMB will consult with their electrical subconsultant regarding any electrical related reviews or construction related items.
 - h. Provide assistance with confirming the Contractor adherence to the American Iron and Steel Act.
 - i. Assist and participate in discussions with field directives.
 - j. Review and comment on application for payments.

- k. Review project status for issuance of Substantial Completion.
- l. Review project status for issuance of Final Notice of Acceptability of Work.

FEE SUMMARY

We propose to provide the above defined Design Phase Services in accordance with EJCDC, EXHIBIT C - COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates per the following breakdown of fees:

CA/CM Phase Services: \$35,000.00

TOTAL ESTIMATED FEE: \$35,000.00

The fee estimate provided is not a minimum nor a maximum and will not be exceeded without prior approval from Sussex County. The fee is an estimate discussed between GMB and SCED. Once the fee is exhausted, and if it is decided to not extend the fee estimate, then GMB services under this contract shall be considered fulfilled in its entirety.

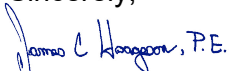
This proposal is valid for a period of sixty (60) days at which time GMB reserves the right to modify the fee and/or schedule.

SCHEDULE

We propose to begin the work immediately upon receipt of this signed proposal.

If this proposal meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance and notification to proceed. If you have any questions, do not hesitate to call me. We thank you for this opportunity.

Sincerely,



James C. Hoageson, P.E.
Sr. Project Manager

JCH/slh

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

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., Manager of Special Projects
Vince Robertson, ESQ., County Attorney

RE: ***Introduction of Proposed Ordinance to amend Chapter 90, §§90-3, 90-6 and to add §§90-8, 90-9 and 90-10 as well as other related Code sections***

DATE: October 21, 2025

The Delmarva Region has been experiencing more frequent storms exceeding not only the Resource Protection Event (commonly referred to as 2-Year Storm) but also the Conveyance Event (commonly referred to as 10-Year Storm) both defined in 7 Del. Admin. C. §5105. One such storm in early 2025 with a 50-Year intensity resulted in well documented failures of the sediment and erosion control measures designed in accord with the aforementioned state regulations as well as in increased flooding of adjoining properties.

County Council first heard a presentation by Sussex Conservation District staff on March 25, 2025, prompting Council to request a subsequent presentation and discussion related to current sediment control and stormwater management regulations. The County Administrator, supported by the County Attorney and Engineering Department staff provided the requested update on April 8, 2025. The consensus of Council at that time was to have staff look further into the issue and present possible approaches for improved storm resiliency in general and the sediment and erosion control aspects in particular.

Council was briefed on a broad range of possible regulatory revisions on July 15th and the same presentation was given at the Sussex Conservation District Board Meeting on July 25th. Based on mostly Council member feedback but also from professionals in the field, a refocused scope was presented on August 19, 2025. At the conclusion of that meeting Council's consensus was to authorize staff to proceed drafting an initial ordinance strengthening technical aspects of County Code Chapter 90 but hold off on including any enforcement components beyond the already codified cooperation with the Conservation District under § 90-6 Suspension or revocation of permit.



The ordinance presented today for possible introduction is intended to improve the sediment and erosion control design requirements by introducing science-based protection measures for non-erosive conveyance of surface water runoff during project construction and post development as well as inclusion of site specific topography aspects in the Zone B Resource Buffer layout and the selection of the best suited stormwater management practice.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT.

WHEREAS, Chapter 90 of the Code of Sussex County governs sediment control and stormwater management in Sussex County; and

WHEREAS, the currently stated purpose of Chapter 90 of the Code of Sussex County is “to protect, maintain, and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with sediment and modified stormwater characteristics. Proper implementation and maintenance of sediment control and stormwater management will minimize adverse impacts to public and private property, reduce the impacts that the developmental process has on land stream channel erosion, assist in the maintenance of water quality standards, reduce the potential for localized flooding and maintain after development, to the extent that it can be maintained, the predevelopment runoff characteristics” and this purpose can be improved upon; and

WHEREAS, Sussex County has been experiencing more frequent storms which exceeded the Conveyance Event, as defined in 7 Del. Admin. C. §5105 resulting in documented failures of the State-required sediment and erosion control measures as well as increased flooding of downstream properties; and

WHEREAS, Chapter 99 of the Code of Sussex County contains requirements including the consideration of stormwater management, erosion and sedimentation

control and runoff volume from subdivided properties as part of the approval process; and

WHEREAS, This Ordinance is intended to improve the sediment and erosion control design requirements by introducing science based protection measures for non-erosive conveyance of surface water runoff during project construction and post development as well as inclusion of site specifics in the Zone B Resource Buffer layout and the selection of the stormwater management practice as defined in 7 Del. Admin. C. §5105 ; and

WHEREAS, it is necessary to amend portions of Chapters 99, 110 and 115 of the Code of Sussex County to implement the proposed revisions to Chapter 90 of the Code of Sussex County; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 90, §90-3 “Purpose” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 90-3 Purpose.

The purpose of this chapter is to protect, maintain and enhance the public health, safety and general welfare by establishing [minimum] requirements and procedures to control the adverse impacts associated with sediment *releases* and [modified] *post development* stormwater characteristics. [Proper] [i]Implementation and maintenance of sediment control and stormwater management will minimize

adverse impacts to public and private property, reduce the impacts that the developmental process has on land and stream channel erosion, assist in the maintenance of water quality standards, reduce the potential for localized flooding and maintain after development, to the extent that it can be maintained, the predevelopment runoff characteristics.

Section 2. The Code of Sussex County, Chapter 90, §90-6 “Suspension or revocation of permit” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 90-6 Suspension or revocation of permit.

Any grading plan approval or building permit issued by the County may be suspended or revoked (a) by the County Engineer or the Director of Planning & Zoning for violation of these requirements or (b) upon request by the Sussex Conservation District and a new sediment control and stormwater plan required to be submitted to the District for approval after written notice is given by the District to the permittee for any of the following reasons:

A. Any violation or violations of the conditions of the sediment control and stormwater management plan approval.

B. Changes in site runoff characteristics upon which a waiver was granted.

C. Construction which was not in accordance with the approved plans. The land-disturbed area was enlarged beyond that shown on the originally approved plan.

D. Noncompliance with correction notice or notices or stop-work orders by the Department of Natural Resources and Environmental Control.

E. An immediate danger exists in a downstream area in the opinion of the District.

[F. The District determines it is necessary and appropriate in order to more fully effect the purposes and intents of this chapter.]

Section 3. The Code of Sussex County, Chapter 90, is hereby amended by inserting the italicized and underlined language as a new § 90-8 “Sediment capture requirements” as follows:

§ 90-8 Sediment capture requirements.

A. At or before the Preliminary Conference as outlined in § 99-7 of Chapter 99 of this Code the subdivider shall provide the County Engineer with the following data for the subdivision development:

(a) Maximum predevelopment site slope(s) for a length of more than 100 feet along the flow path from the hydrologically most remote point of all sub-catchment areas to the point or points of discharge;

(b) The combined on-site and off-site upstream sub-catchment drainage areas; and

(c) Site boundary line distance from a tidally influenced Resource as defined in §-115-4 of Chapter 115 of this Code.

B. Based on the data provided as required herein, the County Engineer or his or her designee shall apply that data to the approved County Engineer’s Algorithm for determination of the necessary and required capture of sediment during construction. The Algorithm is set forth in and calculated by using the Electronic Online Sediment Capture System located at <https://sussexcountyde.gov/engineering-department> adopted as part of this Ordinance. Any changes to this Algorithm or Electronic Online Sediment Capture System will be made at the direction of the County Engineer with the approval of County Council. If the trigger value for sediment capture per the algorithm is met, the County Engineer shall advise the subdivider and the Sussex Conservation District which stormwater management practice permitted under the State of Delaware Sediment and Stormwater Regulations set forth in 7 Del. Admin. C. §5105 must be used in the design. The selected practice must be constructed and stabilized prior to any ground disturbance, and the site must be temporarily or permanently graded in such a way to receive the stormwater run-off during construction as well as post development.

Section 4. The Code of Sussex County, Chapter 90, is hereby amended by inserting the italicized and underlined language as a new § 90-9 “Stormwater volume limitations for discharges at property lines” as follows:

§ 90-9 Stormwater volume limitations for discharges at property lines.

A. The Delaware Sediment and Stormwater Regulations generally require the Conveyance Event, as defined therein, to have no adverse post development impact demonstrated by limiting the downstream water surface elevation increase to no more than 0.05 feet.

B. In the case of discharges at property lines onto adjacent parcels, the Conveyance Event, as defined in 7 Del. Admin. C. §5105, must have no post development runoff volume increase greater than 5%.

Section 5. The Code of Sussex County, Chapter 90, is hereby amended by inserting the italicized and underlined language as a new § 90-10 “Limit of disturbance restrictions” as follows:

§ 90-10 Limit of disturbance restrictions.

A. The Delaware Sediment and Stormwater Regulations generally limit the land disturbance to not more than 20 acres at any one time.

B. Prior to the approval of Bulk Grading Plan as required by either Chapter 99 or Chapter 115 herein, the County Engineer or his or her designee shall review Table I: Allowable Limit of Disturbance (LOD) based on the following inputs:

(1) Bulk Grading Plan proposed slope(s) exceeding 3% for a length of more than 100 feet; and

(2) The combined on-site and off-site upstream drainage area exceeding 20 acres.

C. If the proposed subdivision or proposed development falls outside of the allowed values, then the Limit of Disturbance shall be reduced on a sliding scale to not less than 7.5 acres as set forth in Table I: Allowable Limit of Disturbance (LOD). The County Engineer or his or her designee shall thereafter advise the subdivider’s or developer’s engineer and the Sussex Conservation District what limitations are

applied, if any, prior to construction plan submittal in accordance with § 99-30 of this Code.

Section 6. The Code of Sussex County, Chapter 99, Article I, §99-5 “Definitions” is hereby amended by by inserting the italicized and underlined language as follows:

§ 99-5 Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined:

BULK GRADING PLAN

An overall lot grading plan prepared by a licensed professional who is permitted to prepare detailed sediment and stormwater plans, specifying the elevation, surface gradients, lot types, swale locations, driveway pipe sizes and other drainage information required for lot grading, as further set forth in the Sussex Conservation District Technical Drainage and Grading Requirements. A bulk grading plan shall confirm that all conveyance features must be located in deeded open space or the subject of a permanent easement, *that none of the off-site discharges are directed into existing adjacent residential development lots* and that they satisfy the following requirements:

....

SEWER SERVICE CONCEPT EVALUATION (SSCE)

A Sussex County Engineering Department fee-based service study identifying system connection point(s), service to off-site parcels, district status and necessity of any use of existing infrastructure agreement to be presented at the § 99-7 Preliminary conference.

Section 7. The Code of Sussex County, Chapter 99, Article II, §99-7 “Preliminary conference” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

180
181 **§ 99-7 Preliminary conference.**

182 A. Before the submission of a subdivision plat, the subdivider shall consult with
183 the Commission's staff and other public agencies to ascertain the location of
184 proposed major streets, highways, parks, playgrounds, school sites and other planned
185 public improvements, and to determine the zoning regulations and other
186 requirements relating to or affecting the proposed subdivision. The subdivider shall
187 also consult with the County Engineer *or his or her designee* and, where applicable,
188 State agencies having jurisdiction [Department of Natural Resources and
189 Environmental Control] on matters relating to (i) proposed facilities for sanitary
190 sewer service [sewage disposal] in general; (ii) Sewer Concept Evaluations in
191 particular, (iii) Resource Buffers generally and Resource Buffer Averaging of Zone
192 B as set forth in §115-193 of this Code particularly; (iv) Sediment Capture Selection;
193 (v) storm drainage generally; (vi) Drainage Assessment Reports required under
194 §115-193 of this Code; and (vii) drinking water supply intended to serve the
195 proposed subdivision. The purpose of these consultations is to assist the subdivider
196 by furnishing information and advice, in order to expedite matters for the subdivider,
197 saving [him] unnecessary expense and promote the best coordination between the
198 plans of the subdivider and those of the county and other State [public] agencies.

199
200 **Section 8. The Code of Sussex County, Chapter 99, Article II, §99-9 “Public**
201 **hearing on preliminary plat approval or disapproval” is hereby amended by**
202 **deleting the language in brackets and by inserting the italicized and underlined**
203 **language as follows:**

204
205 **§ 99-9 Public hearing on preliminary plat approval or disapproval.**

206

207 C. In addition to the other provisions contained within this article, an applicant for
208 approval of a preliminary plat shall provide that the following criteria are
209 incorporated and addressed in the plat and the manner in which each one is
210 incorporated and addressed through the design of the preliminary plat:

211

212 (8) That the [~~anticipated method of minimization of~~] erosion and sediment
213 [~~sedimentation~~] control measures [are adequately identified] satisfy the requirements
214 of §§ 90-8, 90-9 and 90-10 of this Code.

215

216 **Section 9. The Code of Sussex County, Chapter 99, Article IV, §99-23**
217 **“Information to be shown” is hereby amended by deleting the language in**
218 **brackets and by inserting the italicized and underlined language as follows:**

219

220 **§ 99-23 Information to be shown.**

221 The preliminary plat shall be drawn in a clear and legible manner and shall show the
222 following information:

223 . . .

224

225 G. Topographic contours at one-foot intervals and referenced to North
226 American Datum of 1983 (NAD83). [United States Geological Survey data or
227 other commonly accepted data. Where unusual conditions, such as steep
228 slopes, create problems in drafting contour lines, a greater interval may be
229 used if other information is provided to adequately describe the true nature of
230 the topography.]

231 . . .

232

233 N. The tabulation of the range of predevelopment site slope(s) for a length
234 of more than 100 feet of the flow path from the most hydrologically remote
235 point of all sub-catchment areas to the point or points of discharge and the
236 combined on-site and off-site upstream subcatchment areas. [The proposed
237 grading plan when excavation, recontouring or similar work is to occur in
238 conjunction with development of the subdivision.]

239 . . .

T. The location of all water and wetland resources and their resource buffers.

(1) The boundary and type of any nontidal/tidal wetland or water resources (tidal, perennial, intermittent) which require a resource buffer. The boundary will be shown per methods identified in the definitions of "wetlands" and "ordinary high-water line delineation."

(2) All existing (i.e., at the time of application) natural forest, managed forest and nonforest meadow within the future resource buffer shall be identified.

(3) The area limits of the required resource buffers.

(4) Calculations supporting *the overall square footage area of the Zone B* resource buffer *required to be concentrated pursuant to § 115-193B* [width averaging (§ 115-193B)].

(5) Calculations supporting resource buffer enhancement calculations and corresponding forested and/or landscaped buffer reductions, if applicable (§ 115-193G).

(6) Proposed access easement layout for access to resource buffers and the adjacent resources with a note that such access easements are public access easements for maintenance purposes. For purposes of this requirement, "public" shall mean, and be limited to, those parties requiring access for maintenance purposes.

(7) A reference by title, author and date, to the drainage assessment report required by § 115-193F(2).

(8) Any walking trails, including the method of construction and the materials used to establish the trails.

Section 10. The Code of Sussex County, Chapter 99, Article V, §99-26 "Information to be shown" is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 99-26 Information to be shown.

A. The final plat shall be legibly and accurately drawn and shall show the following information:

...

(21) The location of all resource buffers.

(a) The boundary and type of any nontidal/tidal wetland or water resources (tidal, perennial, intermittent) which require a resource buffer. The boundary will be shown per methods identified in the definitions of "wetlands" and "ordinary high-water line delineation." In addition, the boundary shall be marked on the site itself with permanent markers and signage, with the location and type of signage depicted on the final plat

(b) All existing (i.e., at the time of application) natural forest, managed forest and nonforest meadow within the future resource buffer shall be identified.

(c) The area limits of the required resource buffer.

(d) Calculations supporting the overall square footage area of the Zone B resource buffer required to be concentrated pursuant to § 115-193B [width averaging (§ 115-193B)].

(e) Calculations supporting resource buffer enhancement calculations and corresponding forested and/or landscaped buffer reductions, if applicable (§ 115-193G).

(f) Proposed access easement layout for access to resource buffers and the adjacent resources with a note that such access easements are public access easements for maintenance purposes. For purposes of this requirement, "public" shall mean, and be limited to, those parties requiring access for maintenance purposes.

(g) A statement incorporating the resource and resource management and maintenance plan by reference.

(h) A reference by title, author and date, to the drainage assessment report required by § 115-193F(2).

(i) That disturbance of the resource buffers on the site may result in penalties imposed pursuant to § 115-193K of the Sussex County Zoning Code.

Section 11. The Code of Sussex County, Chapter 99, Article VI, §99-29 “Minimum installation requirements” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 99-29 Minimum installation requirements.

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

B. Surface drainage facilities.

(1) All drainage facilities shall be constructed in accordance with minimum construction standards established by the County Engineer or standards adopted by the Delaware [Division of Highways] *Department of Transportation* in areas where it has jurisdiction.

(2) Where subdivision and/or development results in increased *volume* [quantities] of stormwater runoff leaving the *subdivision development* [area to be developed], the subdivider shall demonstrate that off-site drainage improvements are adequate to handle the additional water and that all new or expanded swales, pipes or other off-site improvements are located in dedicated easements which permit efficient access for maintenance purposes. Minimum standards shall be those established by the County Engineer or by the State Division of Highways where it has jurisdiction.

C. Erosion and sedimentation control. All subdivision plans shall include [adequate] *the* provision for control of temporary flooding *and* / or erosion and sediment control

both during construction and after completion of construction as required by Chapter 90, Sediment Control and Stormwater Management.

Section 12. The Code of Sussex County, Chapter 110, Article I, §110-1 “Definitions; word usage; abbreviations” is hereby amended by inserting the italicized and underlined language as follows:

§ 110-1 Definitions; word usage; abbreviations.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

....

SEWER [SYSTEM] SERVICE CONCEPT EVALUATION (SSCE)

A Sussex County Engineering Department fee-based service study identifying system connection point(s), service to off-site parcels, district status and necessity of any use of existing infrastructure agreement to be presented at the § 99-7 Preliminary conference.

Section 13. The Code of Sussex County, Chapter 110, Article III, §110-12 “Connection of building sewer to public sewer” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 110-12 Connection of building sewer to public sewer.

The applicant for the building sewer permit shall notify the County when the building sewer connection to the public sewer is ready for an open-trench visual inspection [and connection to the public sewer]. The work shall be inspected and approved by the Engineer or his or her designee prior to being placed in service.

Section 14. The Code of Sussex County, Chapter 115, Article I, §115-4 “Definitions and word usage” is hereby amended by inserting the italicized and underlined language as follows:

§ 115-4 Definitions and word usage.

BULK GRADING PLAN

An overall lot grading plan prepared by a licensed professional who is permitted to prepare detailed sediment and stormwater plans, specifying the elevation, surface gradients, lot types, swale locations, driveway pipe sizes and other drainage information required for lot grading, as further set forth in the Sussex Conservation District Technical Drainage and Grading Requirements. A bulk grading plan shall confirm that all conveyance features must be located in deeded open space or the subject of a permanent easement, *that none of the off-site discharges are directed into existing adjacent residential development lots* and that they satisfy the following requirements:

Section 15. The Code of Sussex County, Chapter 115, Article XXV, §115-193 “Resource protection” is hereby amended by deleting the language in brackets and by inserting the italicized and underlined language as follows:

§ 115-193 Resource protection.

B. Resource buffer width averaging.

(1) Resource buffer width *averaging shall be utilized in the area(s) of stormwater runoff concentration as determined by the County Engineer or his or her designee* [may be utilized but only within resources buffers adjacent to the same resource to adjust the required Zone B resource buffer width thereby allowing flexibility for the proposed development], so long as the overall square footage of the Zone B resource buffer is maintained.

(2) Criteria for utilizing resource buffer width averaging:

(a) Resource buffer width averaging is not available for Zone A.

(b) The overall square footage of the Zone B resource buffer must be achieved within the boundaries of the proposed development unless a resource buffer option permitted under Subsection G is utilized.

(c) Resource buffer width averaging [may] must be used on all of the Zone B resource buffers within the boundaries of the proposed development.

(d) Zone B resource buffer averaging layout requirements shall be provided by the County Engineer to the subdivider at the Preliminary Conference as outlined in § 99-7. [shall not be expanded more than double the width of the Zone B resource buffer as referenced in § 115-193A.]

(e) The overall square footage of the Zone B resource buffer must be calculated based upon the entire length of the resource border line that is located within the boundaries of the proposed development.

(f) The Zone B resource buffer averaging shall only occur within the resource buffer adjacent to the same resource.

C. Permitted activities. Activities in Zones A and B shall be permitted or not permitted as set forth in the following table. Uses not specifically identified shall be prohibited, unless the contrary is clear from the context of the table, as determined by the Commission.

....

20.	Stormwater management water quality BMPs [as approved by Sussex Conservation District]	<u>Not</u> Permitted	<u>Not</u> Permitted
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Section 16. Effective Date.

This Ordinance shall become effective upon the date of its adoption by Sussex County Council.



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 16, 2025

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

The Planning and Zoning Department received an application (C/Z 2001 filed on behalf of Belmead Farm, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Community District at Tax Parcels 334-18.00-40.01 & 40.06. The property is located at 20033 John J. Williams Highway, Lewes. The parcel size is 39.22 ac. +/-

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

The County Council held a Public Hearing on the application at the meeting on September 16, 2025. At the conclusion of the meeting, the Council held the Public Record open for a period of 14 days to submit additional questions to State Agencies, with a subsequent period of 14 days for the State Agencies to respond to the Council's questions. The Public would then have 14 days from October 14, 2025, to submit additional comments in relation to the State of Delaware's written responses, which shall be uploaded to the County's online land use docket, after which the Public Record will then automatically close at the end of business on October 28, 2025.

Below is a link to the minutes of the September 16, 2025, County Council meeting.

[Link to the Minutes of September 16, 2025, County Council Meeting](#)

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



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

C/Z 2001 Belmead Farm, LLC

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

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

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

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

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

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

Mr. Mike Riemann, from Becker Morgan Group, spoke on behalf of the Applicant that the presentation will show that they are meeting the requirements for a C-4 Zoning District by the land area shall have access to an existing or planned arterial road (Route 24), the land shall be served by adequate existing or planned infrastructure, the minimum area is three (3) acres, the land will be under single ownership and the district may have a maximum of 40% developable area as duplexes, townhomes and multifamily dwellings; that the site is located along Route 24 next to Beacon Middle School, with Love Creek Elementary School across the street and the new State Police Troop 7 facility around the corner on Mulberry Knoll Rd.; that location is key for this project and it provides services to residents West of Route 1; that the project is within the Henlopen TID and the site includes an area where growth is targeted and planned along with transportation infrastructure; that the site is located within the Level 2 of the State Strategies, which reflects areas where growth is anticipated; that this location is good for this type of application, given the existing uses in the area; that the site is located within a Coastal Developing Area and the Future Land Use Map identifies the site as Commercial; that according to the Comprehensive Plan Commercial areas include Commercial corridors, shopping centers and other medium and large commercial vicinities geared toward vehicular traffic; that the site has utilities available, with sanitary sewer, electric, gas and water directly in front of the property and available to the site; that a letter from Tidewater has been provided as an ability to serve; that the Master Plan consists of three (3) predominant areas, the multifamily area in the rear of the property, with 724 Unit multifamily garden style apartments, mixed-use buildings with the mixture of commercial spaces on the ground level and residential spaces above and five (5) commercial pads along the front of the property with a service road running along the front tying all of those parcels together; that there will be adequate parking for the commercial areas and the residential; that there are a number of garages throughout the property, a place for a clubhouse and pool, sidewalks and interconnectivity and outdoor seating areas and patios; that there are landscape buffers, buffers from the wetlands and floodplain and they will have at least 5% of the multifamily parking as electric vehicle capable; that the main entrance is a boulevard style entrance with angled parking for the commercial area and sidewalks and pedestrian pathways to create an environment that is integrated

design for the commercial and residential aspects, which is the intent of the C-4 Master Plan; that there are Non Tidal Wetlands in the lower left corner of the site, which would require a minimum of a 30 foot resource buffer and the Applicant is offering to put in a 100 foot resource buffer around that area; that the Applicant is clearing about 50% of the trees on the property, being approximately eleven (11) out of the forty (40) acres are tree coverage; that the property is located within the Henlopen TID, which means that DelDOT has determined this area to be where growth is planned and identified with transportation improvements; that DelDOT completes a long term traffic study and determines the appropriate improvements needed to accommodate growth and assess a fee that developments are required to pay; that with a TID there is normally no need for a traffic study to be completed, but the Applicant chose to do one because the density that was allocated for this AR-1 property was forty-seven (47) single family units, which does not equate with the idea of forty (40) acres and possibly up to eighty (80) units as a cluster subdivision; that the TID did not follow the Comprehensive Plan that the commercial future land use allows up to twelve (12) units per acre; that DelDOT has a process that if a project is within a TID and the density exceeds what was projected then they would require a traffic study to be done by the developer; that the Applicant went through that process already to provide updated data for this area; that this study concluded that this project, at a higher density than what was proposed in the original TID, can still be accommodated within the TID improvements that are proposed; that based on the TIS within the proposed densities will have a fee of about \$2.7 million vs. the \$280,000 that would have been paid if the original forty-seven (47) single family units were completed; that DelDOT has done a significant amount of improvements along Route 24 from 2021 through current, including seven (7) major projects spanning from Route 1 going West on Route 24; that some of those are things such as widening the road from one lane in each direction to two lanes in certain areas along Route 24, improving pedestrian improvements and signalization improvements; that right in front of the site there are four (4) lanes that go to the middle of the site and DelDOT wants to put an intersection in at our entrance directly across from Saddle Ridge, to create a four (4) way intersection as well as extend the two (2) lanes to our westerly frontage limits; that this project sit along the public transit route and the Applicant plans to add a bus stop within the facility; that in terms of the design, there are minimal aesthetics with natural elements to promote the coastal living approach; that there will be outdoor spaces, seating, patio spaces and bike racks and areas; that the apartments in the rear will be garden style with three stories due to the height restriction as the Applicant would like to propose some rooftop elements, but cannot due to that restriction; that the affordable housing is giving a multifamily product at a lesser cost than that of the \$800,000 single family homes that are being built all over the County in the new subdivisions; that this is the perfect location for this type of development as there are schools, medical facilities and the state police all within a close proximity, and the need for affordable housing is needed amongst these workers; that the Applicant is committed to pricing at least 10% of the units below the 120% AMI; that Sussex County's 120% AMI to deem housing affordable is about \$2,136 a month and the market rate rents are between \$1695-\$2295; that the Applicant will work with the County to develop a rate structure that brings the rents down below the 120% for those 10% of units; that the project is supported by the Office of State Planning with no objections from them and the Delaware State Housing Authority has sent positive recommendations for support of this project; that in order for this project to work the density needs to be essentially 60% commercial with no more than 40% being residential; that in order for that to happen we need to position the commercial facilities correctly and choose a layout like what was chosen was necessary, to make it a viable project and develop where

was needed; and that there was a proffered statement of EMS and Fire Department contributions of approximately \$187,500 as a result of the code through the County's building permit process surcharge.

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

Mr. Riemann stated that if developed under the base zoning that's there now, it is about eighty (80) single family homes with a traditional development; that the Applicant is a multifamily builder and that is what he likes to build; that in this particular location, as well as in Eastern Sussex County, we think that this particular product type is something that is needed in the marketplace for all the reasons mentioned earlier, the location, the Beebe facility, the location of the schools, location of the police, etcetera; that there is the limited availability for this type of housing on the Eastern side because of the amount of traditional high-priced single family homes that and there is a need for a market of this particular product; that as it relates to school age kids for this type of product, the rate of school age kids in multifamily projects is less than in a single family product; that the people that are living here, are young professionals with small kids or people that are retired looking for a less maintenance lifestyle, etc.; and that the impact this project would have on the school district in terms of multifamily units compared directly to a single family unit is going to be less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Matthew Glade, of Bookhammer Estates, spoke in opposition to the application that the proposed development is out of character with the surrounding area; that the area is surrounded by single family homes and farms; that this plan does not protect the physical, economic or social environment of the surrounding communities as required by code; and that there are certain conditions of approval that would be suggested:

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

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

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

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

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

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

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

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

Mr. Collins moved the Commission to recommend the approval of CZ # 2001 BELMEAD FARM, LLC for a change in zone from the AR-1 Agricultural Residential District to the C-4 Planned

Commercial District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a nearly 40-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District is “to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.” This purpose is satisfied with this application.
2. Route 24 is classified by DelDOT as a principle arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. In addition, a TIS was prepared by the Applicant’s traffic engineers and approved by DelDOT. On top of the improvements required by the TIS, the developer’s contributions to roadway improvements within the Henlopen TID, under the TID will be approximately \$2,800,000.00.
3. The location is in an area that has developed with a variety of uses, including two schools, a State police barracks, a hospital campus and a variety of housing types. The area housing includes large and small single-family subdivisions and a multifamily residential development across Route 24 from the site approved as part of the Sussex County SCRP program providing affordable housing for County residents. The Route One commercial corridor is approximately 1 mile north of the site. To the south of the site, along Route 24, there are manufactured home communities, a large multifamily condominium community along Love Creek and diverse commercial uses. This is an appropriate location for C-4 zoning and the mixed-use site plan proposed by the Applicant.
4. The site is within the Coastal Area according to the Sussex County Comprehensive Plan and its Future Land Use Map. The Plan states that C-4 Zoning is appropriate in the Coastal Area. The Plan also states that in the Coastal Area, a higher density of 4 to 12 units per acre can occur and that “[a] range of housing types should be permitted . . . including single-family homes, townhouses, and multi-family units. . . . Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office, and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.” This project satisfies this objective.
5. Chapter 4 of the Comprehensive Plan regarding Future Land Use also states that Sussex County should “expand affordable housing opportunities, particularly in areas near job centers and Delaware State Housing Authority (DSHA) Areas of Opportunity”.
6. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. The following are examples of Goals, Objectives and Strategies within Chapter 8 of the Plan that are addressed by this development:
 - a. Goal 8.2: “Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations.”
 - b. Objective 8.2.1: “Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents.”
 - c. Strategy 8.2.1.3: “Explore ways for private developers to provide more multi-family and affordable housing opportunities.”
 - d. Objective 8.2.3: “Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure.”

- e. Strategy 8.2.3.1: “Promote increasing affordable housing options, including the supply of rental units, near employment opportunities.”

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

7. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a mixed-use site plan that includes a variety of housing types along with integrated commercial uses. Because of this variety, the site plan’s design is superior to an exclusively residential or exclusively commercial development. The mixed-use design will allow residents to use and enjoy a variety of retail, restaurant, food service and other commercial uses in close proximity to their homes without having to travel outside of their community. This benefits the residents of this community and other Sussex County residents by reducing the need to travel on area roadways for these uses.
8. The use will be served by central water and Sussex County sewer.
9. There was testimony in the record from Dr. David Tam, the President and CEO of Beebe Healthcare. Dr. Tam supported this project and others like it, stating that this type of housing is needed in eastern Sussex County to recruit and maintain appropriate staffing levels within area healthcare services. Dr. Tam explained that without more affordable housing options such as this one, it is difficult to recruit the necessary support staff, and that has an adverse effect on the ability to recruit physicians for the healthcare system. He testified that he fully supports this development in close proximity to the Beebe Health Campus on Route 24.
10. The residential portion of this development will provide an affordable rental housing option for current and future Sussex County residents. It is undisputed that the high price of homes and rentals in much of eastern Sussex County makes housing unaffordable for a lot of the workforce in this area. As a result, many of those County residents cannot afford to live where they work, resulting in long commuting times and increased traffic on County roads. During the public hearing, the Applicant stated that at least ten percent of the apartment units will be rented to tenants that are below 120% of AMI. As a condition of this recommendation, the Applicant and the Sussex County Office of Community Development and Housing shall examine this rental rate during the public hearing to ensure that it is providing affordable rental housing that is reduced from the market rate units. Apartment units, by their nature, are generally a more affordable housing option than owner-occupied homes, particularly in eastern Sussex County. Therefore, additional information shall be considered by County Council as part of its public hearing process to ensure that the qualifying tenants and the affordable rental rates of the restricted units are truly a more affordable housing option than the market rate units within the project. This is also a condition of this recommendation, along with requirements to guarantee that the restricted units remain available for qualifying tenants.
11. Sussex County Council declared in Chapter 72, Section 18 of the County Code, that it is the public policy of the County to:
 - A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
 - B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
 - C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.

- D. Encourage developments in Growth Areas as defined within the County’s most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.

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

12. The Delaware State Housing Authority supports this project according to its comments stated in the February 20, 2025, PLUS Report. According to the DSHA’s Housing Reform Map, this project is in an Area of Opportunity where diverse housing types should be supported. This means that the area has high-quality schools, supportive infrastructure and the capacity to support diverse and affordable housing types.
13. The site is located along a bus transit route operated year-round by DART. In addition, the site is located near a wide variety of employment opportunities, including general commercial and retail uses, healthcare, education, institutional uses, and hospitality uses.
14. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
15. Approximately $\frac{3}{4}$ of the site is currently used for agricultural purposes as a horse farm. The remaining $\frac{1}{4}$ of the site is wooded with Resources within it. In addition to the requirements for Resources protection, approximately 50% of the existing forest will be preserved by this design.
16. With conditions imposed, including the voluntary condition offered by the Applicant that ten percent of the units will be available to low and moderate income County residents the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
17. This recommendation is subject to the following conditions:
 - A. The complex shall be owned and operated as a mixed-use development with commercial spaces and apartments. No owner-occupied units shall be permitted. The maximum number of apartment units shall not exceed 334 units, consisting of 7 buildings containing 24 apartment units each and 4 mixed-use buildings containing 166 apartment units. The mixed-use buildings shall contain commercial uses on the first floor and residential apartments on the floors above. The commercial areas shall not exceed 75,000 square feet distributed among the pad sites and mixed-use buildings shown on the site plan
 - B. As offered by the Applicant, ten percent of the units shall be designated as “Restricted Units” for the purpose of providing affordable rental housing options subject to the following terms and conditions:
 - i. **Rent Restricted Units** – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, ten percent of the total number of units offered for lease (the “Restricted Units”), shall be rented to tenants with gross household incomes equal to or less than an appropriate percentage of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, adjusted

for household and unit size as per HUD guidelines. This AMI percentage shall be determined by County Council after receiving input from the Applicant and the Sussex County Office of Community Development and Housing during the public hearing before the County Council on this Application.

- ii. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the minimum number of Restricted Units. At all times in which the number of Restricted Units is below the minimum number of Restricted Units, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as ten percent of the Restricted Units are rented.
- iii. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
 1. Provide proof of citizenship.
 2. Be of eligible income as defined in the Ordinance approving the Application.
 3. Occupy the Restricted Unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
 4. Comply with other requirements that apply to tenants of Non-Restricted Units.
- iv. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of types of Restricted Units shall remain in proportion to the number of the same types of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.
- v. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:
 1. The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.
 2. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
 3. All lease agreements of Restricted Units shall cover a period of at least one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.

4. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
 5. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.
 6. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.
- vi. **Examination by an Independent Certified Public Accountant** - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to certify compliance with the conditions of approval for the Project related to the rental of the “Restricted Units” and the “Qualifying Tenants” in the Project. In this engagement, the Delaware Certified Public Accountant will certify compliance with these conditions in accordance with attestation standards established by the American Institute of Certified Public Accountants. This shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant, the Office of Planning & Zoning and/or the Office of Community Development and Housing may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Office of Community Development & Housing no later than March 1 of each year.
- vii. **Penalties** - In the event that more than ninety percent of the Units are rented at Market Rate because fewer than ten percent of the units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.
- C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT’s determination. In addition, there shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. The design and location of this signage shall be shown on the Final Site Plan. There shall not be any interconnectivity provided to the residential property to the south of this site.

- D. The active recreational amenities for the project shall include a clubhouse building with a minimum floor area of 7,000 square feet and swimming pool. These amenities shall be completed in compliance with Section 115-194.5 of the Zoning Code.
- E. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.
- F. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- H. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths.
- I. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.
- J. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- K. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the Final Site Plan and within a recorded Declaration of Covenants for the community.
- L. Approximately 12 acres or 30% of the site shall remain as open space.
- M. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 8:00 am and 2:00 pm on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- N. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- O. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
- P. Prior to the issuance of a building permit for each residential unit, the applicant shall make a \$500 contribution to the Rehoboth Beach Volunteer Fire Company. Thereafter, a monthly contribution of \$10 per completed dwelling unit shall be paid over to the Rehoboth Beach Volunteer Fire Company on a semi-annual basis. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to the Rehoboth Beach Volunteer Fire Company as a condition of Final Site Plan approval.
- Q. The Cape Henlopen School District has commented that its schools are at capacity and that new development should contribute to the District's need to expand its facilities to accommodate the additional students that will enroll as a result of the development. Therefore, Sussex County Council should consider establishing a

contribution to the Cape Henlopen School District to be paid by the Developer to the District upon completion of each apartment unit within the development.

- R. There will be off-site roadway improvements, and a signalized entrance constructed to provide safe vehicle and pedestrian access to the development. Given the location and size of the development, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the applicant and DelDOT and it shall be presented to the Planning and Zoning Commission for consideration as part of the Final Site Plan.
- S. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

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

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 19, 2025

Sussex County Council Public Hearing Date: September 16, 2025

Application: C/Z 2001 Belmead Farm LLC

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

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

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

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

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

TID: Parcel is within the Henlopen Transportation Improvement District

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

Councilmanic
District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Co.

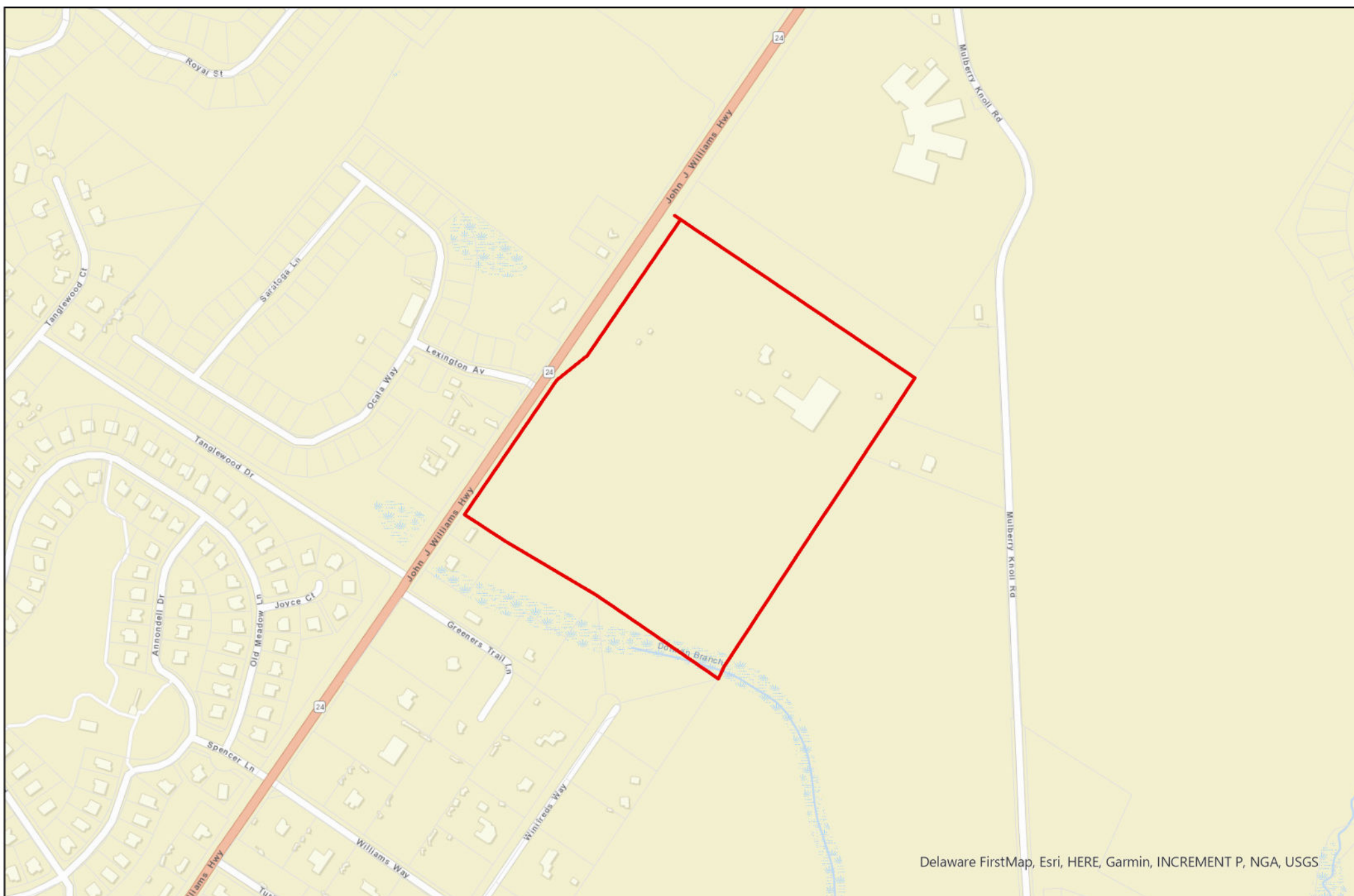
Sewer: Public (Sussex County)

Water: Private (Tidewater)

Site Area: 39.22

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

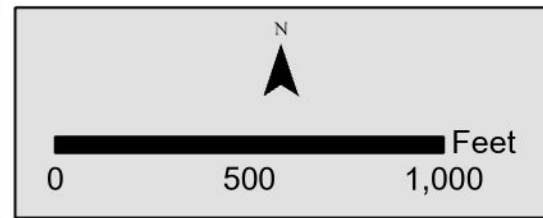




CZ 2001 Belmead Farm LLC
Streets Map
TM#s 334-18.00-40.01



CZ 2001 Belmead Farm





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



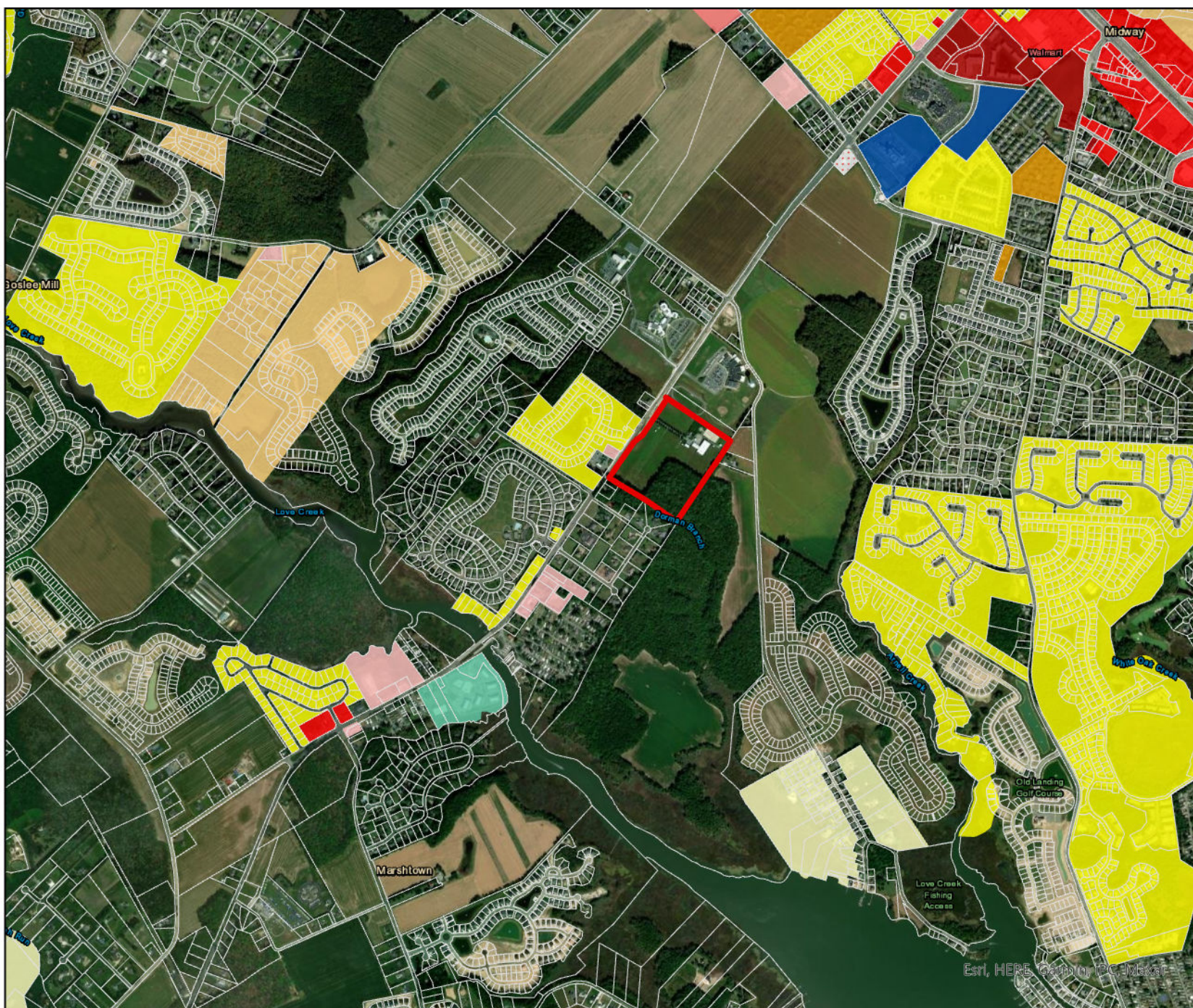
CZ 2001 Belmead Farm

N



0 0.25 0.5 Miles



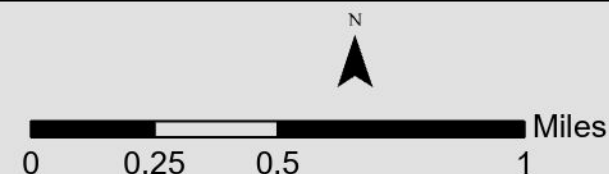


Zoning

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

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

 CZ 2001 Belmead Farm





Maxar, Microsoft, Esri, HERE, Garmin, IPC

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



CZ 2001 Belmead Farm

N



0 250 500 Feet



Reintroduced: 3/4/25

Council District: Ms. Gruenebaum

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

911 Address: 20033 John J. Williams Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of November 2022, a zoning application, denominated Change of Zone No. 2001 was filed on behalf of Belmead Farm, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2001 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation and C-4 Planned Commercial District as it applies to the properties hereinafter described.

Section 2. The subject property is described as follows:

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

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



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 16, 2025

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

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

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

The County Council held a Public Hearing on the Application at the meeting on September 16, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the Application for further consideration.

Below is a link to the minutes of the September 16, 2025, County Council Meeting

[Link to the Minutes of the September 16, 2025, County Council Meeting](#)

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

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

C/U 2568 Unitarian Universalist Society of Southern Delaware

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1



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

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

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

properties; that the sign; that the sign will be located approximately 150 feet from adjacent dwellings on properties of other ownership; and that the proposed conditional use meets the general purpose of the zoning ordinance being located in an appropriate location, meeting the purpose of the district and the comprehensive plan by aligning with the underlying goals and intent of the zoning classification, serving the community and its residents, which is essential, desirable for the general convenience, growth, prosperity and welfare of the County.

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

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

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

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

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

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

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

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

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

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

Mr. Collins moved that the Commission recommend approval of C/U 2568 Unitarian Universalist Society of Southern Delaware to allow an on-premises electronic message center sign based on the record made during the public hearing and for the following reasons:

1. This is an application for a conditional use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code, and the sign operation will be governed by the requirements of Section 115-161.1C(1).
2. The sign will be located on the Church's property, and it will be used to display information about the Church and its various activities and events.

3. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.
4. The Church owns this property and others that are adjacent to it. The sign will not adversely affect neighboring properties or area roadways and traffic.
5. The site is located along Route 9, which is designated as a Principal Arterial Highway. This is an appropriate location for a sign such as this.
6. This Recommendation for approval is subject to all state and county agency approvals, including but not limited to the Delaware Department of Transportation.
7. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.

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

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 6th, 2025

Sussex County Council Hearing Date: September 16th, 2025

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

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

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

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

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Electronic Message Center (EMC) Sign

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private – On-site (Septic)

Water: Private – On-site (Well)

Site Area: 5.91 acres +/-

Tax Map ID.: 334-5.00-171.00





Memorandum

To: Sussex County Planning and Zoning Commission Members

From: Ms. Lauren DeVore, AICP, Planner III

CC: Mr. Vince Robertson, Assistant County Attorney and Applicant

Date: June 20th, 2025

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

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2568 Unitarian Universalist Society of Southern Delaware to be reviewed during the August 6th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 334-5.00-171.00

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

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, to include the properties on the opposite side of Lewes Georgetown Highway (Route 9) to consist of The Villages at Red Mill Pond South cluster subdivision, and the properties to the east, west, and south are also zoned Agricultural Residential (AR-1) District.

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

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



As outlined in the 2018 Sussex County Comprehensive Plan, “Coastal Areas” are regions that “contain ecologically important, sensitive characteristics” and are areas where “the County encourages only appropriate forms of concentrated new development,” as “environmental features are [often] in play” (Sussex County Comprehensive Plan, 4-9). Furthermore, also noted in the Plan, “Coastal Areas” are “areas that can accommodate development provided that special environmental concerns are addressed” (Sussex County Comprehensive Plan, 4-15).

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

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is within the vicinity of active agricultural lands to include the property to the rear and east (Parcel 172.00), which consists of the Truitt Expansion Agricultural Easement.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).

The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” and generating less than 50 vehicle trips per day.

- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Property is not located within any Tax Ditch Areas and is located within Flood Zone “X” – Areas determined to be outside of the 1% annual chance flood and outside of the 500-year floodplain. The property is located within an area of “Fair” Groundwater Recharge Potential per available FirstMap data.

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

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

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

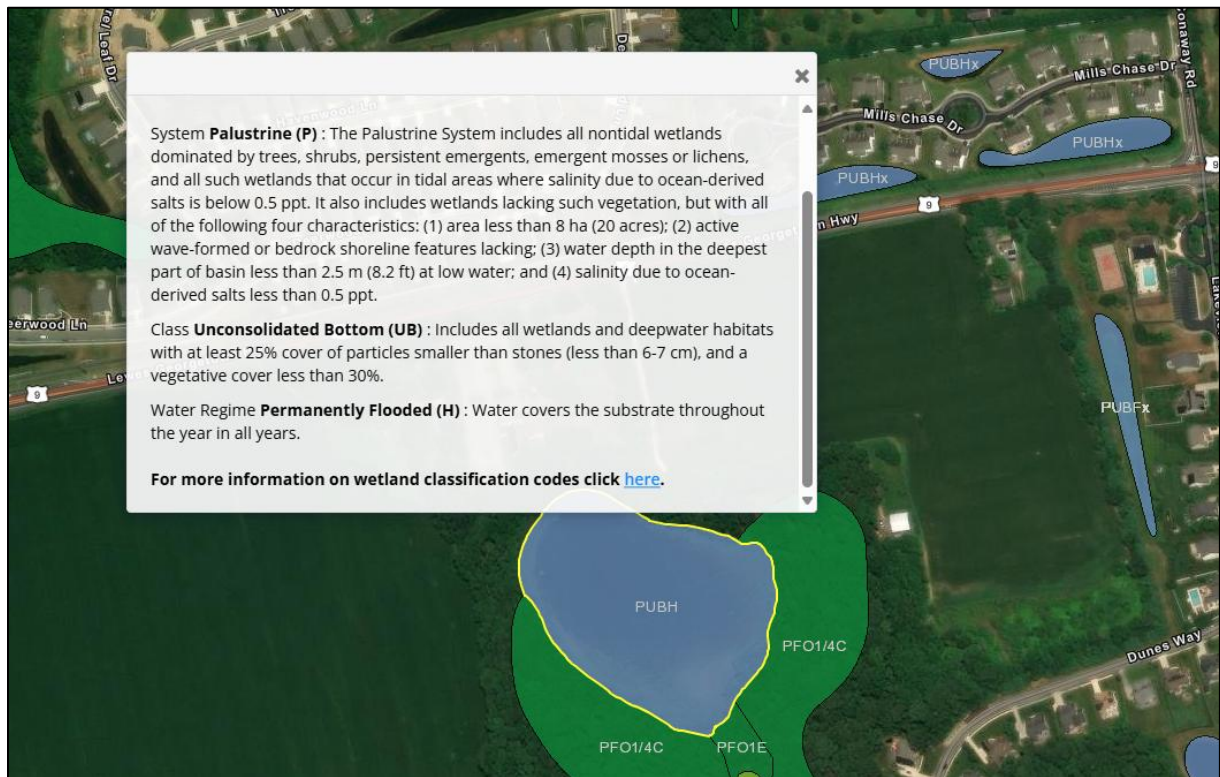


Exhibit "A" - Map Showing the pond on Parcel 172.00 to the rear of the Subject Property.

Existing Conditional Uses within the Vicinity of the Subject Site

Existing Conditional Uses within the Vicinity of the Subject Site: Since 1970, there have been twenty-five (25) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

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

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

Conditional Use Applications w/in 1 Mile of Subject Site

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

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

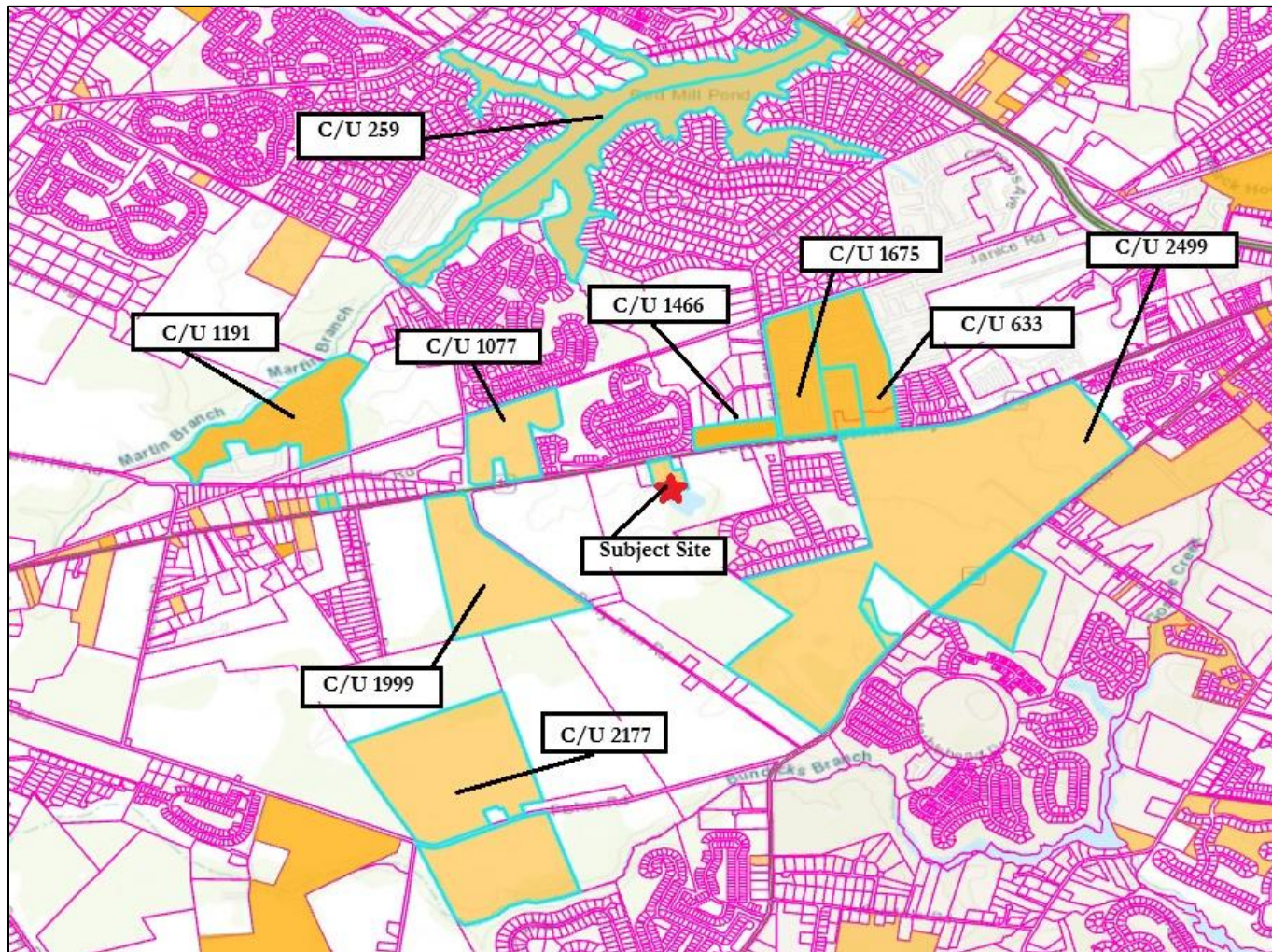
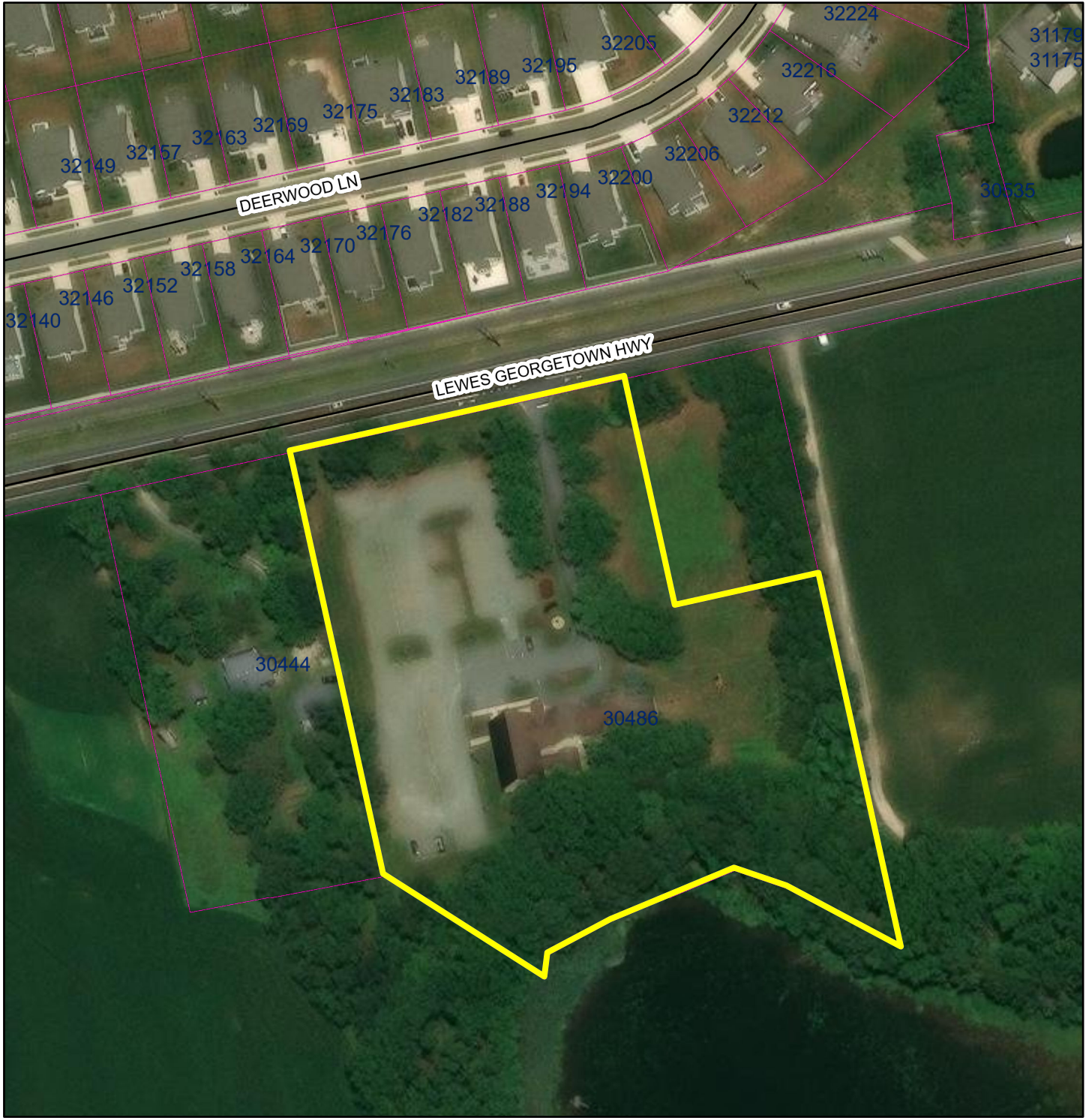


Exhibit "B" Map of Conditional Uses w/in a 1 Mile Radius of the Application Site.



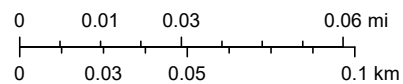
A4 Portrait Parcel Details



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

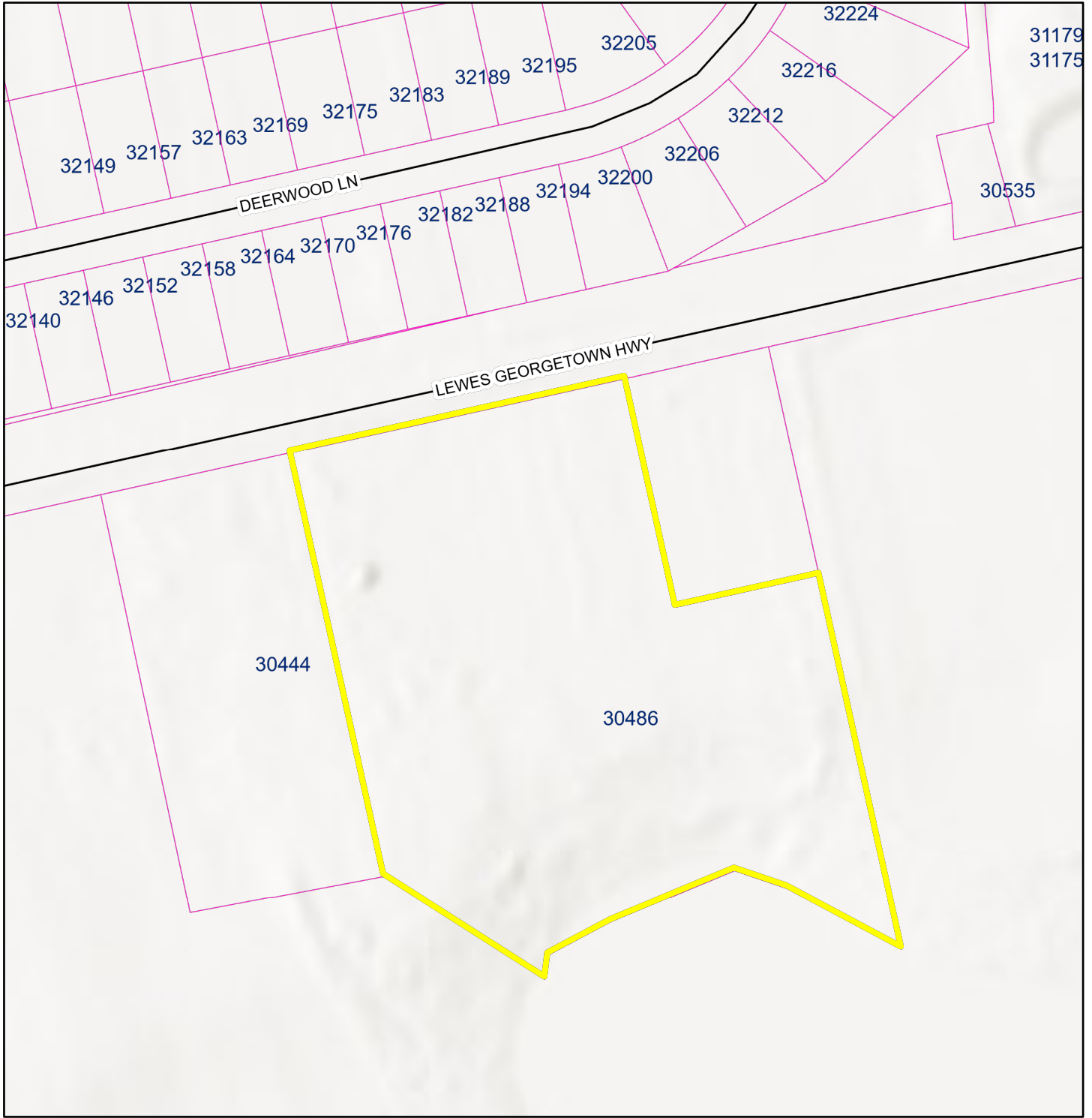
-  Tax Parcels
-  911 Address
-  Streets
-  County Boundaries
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery
-  High Resolution 30cm Imagery
-  Citations
-  60cm Resolution Metadata

1:





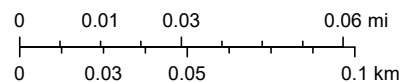
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Book	4329
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City	LEWES
State	DE
Description	
Description 2	
Description 3	
Land Code	

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

1:



Introduced: 7/15/25

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

ORDINANCE NO. ____

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

WHEREAS, on the 26th day of November 2024, a Conditional Use application, denominated Conditional Use No. 2568 was filed on behalf of the Unitarian Universalist Society of Southern Delaware; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2568 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2568 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

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

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, September 16, 2025 11:21 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization ~~First Tee — Delaware~~ **Urban Youth Golf Program Association**

Project Name School and Community Program Expansion

Federal Tax ID 33-1103722**P**

Non-Profit Yes

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

No

Organization's Mission

First Tee - Delaware uses golf as the vehicle to teach life skills and character enhancing values to kids. We reach kids in three ways. The first is through our school program that makes golf and life skills a part of the in-school PE curriculum. The second is through our community program which bring First Tee to local community centers like Boys & Girls Clubs and YMCAs. Finally, our on-course programs bring out life and golf-skills programs to two dozen partner golf courses throughout the state.

Address 800 N Dupont Rd

City	Wilmington
State	DE
Zip Code	19807
Contact Person	Scott Allen
Contact Title	Director of Development and Southern Delaware Programs
Contact Phone Number	7038619818
Contact Email Address	Scotttftde@gmail.com
Total Funding Request	1710
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50

Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	500
Scope	First Tee - Delaware works hard to bridge the character gap by bringing golf and life skills to underrepresented communities that are not normally exposed to the game and it's positive values. Character is what you bring to everything you do. It's what signifies to the world what's inside of you. It outlasts genius and talent, yet propels both. It's what we are admired for and remembered by. It's what transforms piercing words to inspire you forward rather than tear you down. And it's what allows you to walk away from failure determined, not defeated. Parents are looking to extracurricular activities to help build their child's confidence and character with 80% of parents agreeing participation in extracurricular activities is more about development than recreation. The study goes on to show that sports is the number one extracurricular activity kids are involved in. Youth sports – especially golf – create opportunities to cultivate well-being and character. Parents attest that sports not only boost their children's physical well-being, but also their social, behavioral, emotional, and academic health. Parents also say sports are

effective for improving children's mental health (95%), creating opportunities to learn life skills and build character (95%), and providing supportive adults to help strengthen their child's character development (94%). Seventy six percent of parents go further to say that golf, specifically, helps children build character and teaches children important life skills.

First Tee currently has 10 on course programs, 18 school programs, and 4 community programs (at Boys & Girls Clubs and YMCAs) in Sussex County. As part of our expansion we've targeted the Seaford area to add an additional school (Seaford Central Elementary) and an additional community partner (the Western Sussex Boys & Girls Club). Your support will help us begin a new school program reaching 462 students and a new community partner reaching approximately 40 students.

Religious Components

NA

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

1,710.00

Description

SNAG Golf Equipment (shared by two locations)

Amount

2,750.00

Description

Lifetime Curriculum for School Program

Amount

500.00

Description

Hourly rate for lead coach, other coaches are volunteers

Amount

160.00

TOTAL EXPENDITURES	3,410.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,700.00
Name of Organization	First Tee — Delaware
Applicant/Authorized Official	Warren Scott Allen
Date	09/16/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, September 29, 2025 2:15 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	The Downtown Seaford Association
Project Name	Christmas Parade
Federal Tax ID	51-0297503
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	DSA ia an association of businesses located in downtown Seaford to advocate on behalf of those businesses and to sponsor events to bring people to our downtown.
Address	P.O. Box 12
City	Seaford
State	DE
Zip Code	19973

Contact Person	Alice Adkins
Contact Title	President
Contact Phone Number	443-786-3968
Contact Email Address	downtownseafordassociation@gmail.com
Total Funding Request	2000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	1250.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	25
Program Category (choose all that apply)	Other
Primary Beneficiary Category	Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2000
Scope	The Downtown Seaford Association (DSA) sponsors this annual Christmas Parade to both bring people into our downtown and for the entertainment of our citizens. We routinely have over 100 parade entries, including marching bands, dance organizations, car clubs, fire units, farm equipment, local businesses, and floats. When we get the right weather it is very well attended.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	2,000.00
Description	Marching bands
Amount	1,000.00
Description	Trophies
Amount	1,200.00
Description	Portable Toilets
Amount	1,260.00
Description	Candy for handout by elves
Amount	400.00

Description	Event insurance
Amount	343.00
Description	Advertising
Amount	500.00
Description	New banners
Amount	1,000.00
TOTAL EXPENDITURES	5,703.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,703.00
Name of Organization	The Downtown Seaford Association
Applicant/Authorized Official	Alice Adkins
Date	09/29/2025
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
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Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, October 3, 2025 9:25 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization Seaford Tomorrow

Project Name Friday Night Live

Federal Tax ID 47-5519548

Non-Profit Yes

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

Organization's Mission To make Downtown Seaford an experiential destination with a thriving, active downtown community consisting of a combination of art, dining, historical, and business attractions, leveraging natural and historical resources for the long-term economic well-being of the community.

Address 414 High Street

Address 2 PO BOX 1100

City Seaford

State	Delaware
Zip Code	19973
Contact Person	Katie Hickey
Contact Title	Event Coordinator
Contact Phone Number	302-745-5221
Contact Email Address	khickey@seafordde.com
Total Funding Request	\$5,000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2000.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	30

Program Category (choose all that apply)	Cultural Other
Program Category Other	community outreach
Primary Beneficiary Category	Low to Moderate Income
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2000
Scope	Friday Night Live is a free concert series our organization has hosted for several years that is held in downtown Seaford between the months of May - September. We are fortunate the event has grown in size over the years, to the point where we had to move the location from one part of downtown to another. We encourage attendees to visit the local businesses and show their support, to continue to help our downtown thrive. We allow two local food trucks to sell items during each event and all bands that are hired by us are local to the area. In order to keep this event free, our organization hosts a 50/50 raffle and sells local beers & wines to help pay for the cost of the bands, advertising, and operating costs. Due to the rising costs of entertainment, the bands are raising their prices, which is causing a strain on our organization. We depend completely on fundraising efforts and sponsorships to cover costs for this event but cannot sustain a free event if the costs continue to rise. It is important for to offer this concert series for free due to the economic climate within the City of Seaford. Based on the location which Friday Night Live is held has a Social Vulnerability Index of 0.98 out of 1. For those with a lower income, no transportation, etc., our event gives them an opportunity for free entertainment for themselves and their

families to enjoy. We hire diversified bands to support the minorities in our community and show that we are accepting of anyone who wants to attend our events. With your support, this concert series can continue to provide free entertainment for our community and beyond.

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

4,000.00

Description

Advertising

Amount

1,150.00

Description

Logistics & Licenses

Amount

965.00

Description

Supplies/Operations

Amount

5,650.00

Description

Entertainment

Amount

9,000.00

TOTAL EXPENDITURES

16,765.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-12,765.00

Name of Organization

Seaford Tomorrow

Applicant/Authorized Official

Katie Hickey

Date	10/03/2025
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Affidavit	Yes
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Acknowledgement	
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Please feel free to email clientservices@d3corp.com with any questions.

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Sunday, August 31, 2025 12:13 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

Follow Up Flag: Follow up
Flag Status: Flagged

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Council Grant Form

Legal Name of Agency/Organization	Sussex County Science Fair
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Project Name	Science Fair 2025-26
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Federal Tax ID	46-5047566 P
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Non-Profit	Yes
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Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
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Organization's Mission	For 34 years the Sussex County Science Fair has always been to promote an interest in Science, Engineering and Scientific Investigation for all students in Sussex County. We strive to provide students with an opportunity to innovate and investigate scientific challenges.
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Address	P.O. Box #570
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City	Nassau
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State	DE
Zip Code	19969
Contact Person	Elaine G Weil
Contact Title	Treasurer
Contact Phone Number	4432353175
Contact Email Address	egweil2014@gmail.com
Total Funding Request	\$2000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	25

Program Category (choose all that apply)	Educational
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	50
Scope	School districts have increasingly smaller funds of money to provide adequate opportunities for students to do hands on scientific investigations. Our organization will use funds to support projects through scholarship opportunities. These funds can include materials to conduct an investigation, travel expenses to the regional fair in Pennsylvania, awards and supplies needed to present findings at the fair.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	550.00
Description	Scholarship
Amount	1,000.00
Description	Awards
Amount	1,000.00

Description	Transportation to regional fair
Amount	2,000.00
Description	School support/supplies
Amount	1,500.00
TOTAL EXPENDITURES	5,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,950.00
Name of Organization	Sussex County Science Fair, Inc.
Applicant/Authorized Official	Elaine G Weil
Date	08/31/2025
Affidavit Acknowledgement	Yes

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

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, September 29, 2025 10:21 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	The Jason Anderson Foundation for Youth Sports
Project Name	Youth sports grants and scholarships to cover registration fees childer in need
Federal Tax ID	47-4574321 P
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To provide children in need the opportunity to participate in an organized local community sports program in order to gain valuable life experiences and the fitness benefits that come with participation in nationally recognized and community sponsored youth sports activities.
Address	P.O. Box 446
City	Nassau
State	DE

Zip Code	19969
Contact Person	Marc Anderson
Contact Title	Foundation President
Contact Phone Number	201-213-2036
Contact Email Address	mea8188@gmail.com
Total Funding Request	1,500
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Other

Program Category Other	Youth Sports
Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	100
Scope	The cost of participation in youth sports programs continues to rise. Our foundation provides approximately \$10,000 - 15,000 annually to youth sports programs in all three Delaware counties, of which over 40% is awarded to families and organizations in Sussex County. In 2025 we have already awarded over \$18,000, of which over \$7,000 has gone to Sussex County families to assist with sports program registration fees. Our target age range is 6-16 year old children who want to participate in any sports program of their choice to gain the benefits of fitness and team participation. .It should be noted that we are an all volunteer organization and that 100% of the donations received go back into the community.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	10,000.00
Description	Typical annual funds requested from families in Delaware in 2025
Amount	18,000.00

TOTAL EXPENDITURES	18,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-8,000.00
Name of Organization	The Jason Anderson Foundation for Youth Sports
Applicant/Authorized Official	Marc Anderson
Date	09/29/2025
Affidavit Acknowledgement	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
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Bobbi Albright

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

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Council Grant Form

Legal Name of Agency/Organization	Cape Henlopen Educational Foundation (CHEF)
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Project Name	Teacher Grant Program
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Federal Tax ID	51-0403370
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Non-Profit	Yes
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Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
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Organization's Mission	The Cape Henlopen Educational Foundation seeks to inspire learning, and to prepare all students for a healthy, productive life in a diverse and global society. To accomplish this, we seek to engage the entire community - educators, parents, business, civic and legislative leaders - in providing students with the tools they need to excel.
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Address	1270 Kings Highway
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City	Lewes
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State	DE
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Zip Code	19958
Contact Person	Stephanie Mastrangelo
Contact Title	CHEF Board Member - Fundraising Chair
Contact Phone Number	3024660811
Contact Email Address	stephaniesarley@msn.com
Total Funding Request	\$3000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	7000
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	4
Program Category (choose all that apply)	Educational

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	6000
Scope	The teacher grant program allows teachers to create grant opportunities for students that are not otherwise supported in normal operating budgets. This program is built upon a thorough vetting process and fiscal accountability. All teachers must submit a grant request that identifies specific education expectations that meet state standards. The grant requests are reviewed by school district administrators and reviewed by the entire CHEF board. All teachers are expected to submit receipts and a final report. Also, as part of this program is our Caravan of Caring program. We provide support for our most at risk students by working with social workers at the 7 schools in the district to provide at need items such as school supplies, hygiene products, winter coats, things like sweatpants/ sweatshirts to the high school students in need, also we want to provide any suits for students to go to prom that they can use for job interviews, etc. after graduation. Lastly, we also offer performing arts grants to students in need. These typically are for summer camps and programs that the student's family could not afford otherwise. Last school awarded 57 grants and 8 performing arts grants! Here are some examples of grants fulfilled: 1)\$2200 was awarded to Eileen Baker, Supervisor of Special Education, for Birthday bags for students experiencing homelessness 2) \$1000 was awarded to Dontez Collins, Assistant Principal at Beacon Middle School for a grant entitles breakfast with

	heros 3) \$1000 was awarded to Julie Hickman, Assistant Principal at HOB Elementary School to start a club called Guys with Ties, teaching children how to be good citizens and community members 4)\$1000 was awarded to Pamela Graves, Vocational Coordinator at the Sussex Consortium, for the Sussex Consortium Art Show 5) \$5000 was awarded to Amanda Archambault, Supervisor of Elementary Education to use for out of state field trips for all of the fifth graders at each of our 5 elementary schools So far this current year, we have already received a record number of 17 grant applications that will be discussed at our next board meeting on Sept 16th.
Religious Components	n/a
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	63,000.00
Description	Teacher grants, school supplies, scholarships, teacher of the year awards
Amount	66,000.00
TOTAL EXPENDITURES	66,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-3,000.00
Name of Organization	Cape Henlopen Educational Foundation

Applicant/Authorized Official	Stephanie Mastrangelo
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Date	09/12/2025
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Affidavit Acknowledgement	Yes
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Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Tuesday, October 14, 2025 2:16 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Sussex County Land Trust
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Project Name	25 Years of Preserving Sussex: Celebrating Our Roots, Growing Our Future
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Federal Tax ID	04-3611220
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Non-Profit	Yes
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Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
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Organization's Mission	SCLT is a nonprofit conservation organization, dedicated to protecting natural, cultural, agricultural, and recreational resources through land preservation, stewardship and education for today and tomorrow.
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Address	P.O. Box 372
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City	Lewes
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State	DE
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Zip Code	19958
Contact Person	Sara Bluhm
Contact Title	Executive Director
Contact Phone Number	3025196767
Contact Email Address	sara@sclandtrust.org
Total Funding Request	1500
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	3000
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	13
Program Category (choose all that apply)	Other

Program Category Other	Networking Dinner
Primary Beneficiary Category	Other
Beneficiary Category Other	Environmental
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	271134
Scope	The Sussex County Land Trust (SCLT) is proud to announce the kickoff of its 25th Anniversary year with a special evening event, "25 Years of Preserving Sussex: Celebrating Our Roots, Growing Our Future," on Thursday, November 13, 2025, from 6:00–8:00 PM at the Delaware Botanic Gardens. The event will bring together community members, supporters, and partners to honor SCLT's 25-year legacy of preserving open space in Sussex County while looking ahead to the next chapter of conservation. Guests will enjoy heavy hors d'oeuvres, drinks, live music, and networking opportunities in the brand-new Annette Pennoni Meadow Pavilion.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	4,150.00
Description	Advertising

Amount	500.00
Description	Favors
Amount	800.00
Description	Food & Beverage
Amount	3,000.00
Description	Table & Linen Rental
Amount	800.00
Description	Music
Amount	600.00
Description	Decorations
Amount	300.00
TOTAL EXPENDITURES	6,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-1,850.00
Name of Organization	Sussex County Land Trust
Applicant/Authorized Official	Sara Bluhm
Date	10/14/2025
Affidavit Acknowledgement	Yes

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

To Be Introduced: 10/21/25

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.06-4.00
911 Address: 1517 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2024, a zoning application, denominated Change of Zone No. 2031 was filed on behalf of Shellace Ann James; 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. 2031 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the northwest side of Savannah Road (Route 9A), approximately 0.25 mile northeast of the intersection of Wescoats Road (S.C.R. 12) and Savannah Road (Route 9A), and being more particularly described in the attached legal description prepared by Harold W.T. Purnell, II, Esquire with Sergovic Carmean Weidman McCartney & Owens, P.A. said parcel containing 1.17 acres, more or less.

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

To Be Reintroduced: 10/21/25

Council District 2: Mr. McCarron

Tax I.D. No.: 235-8.00-35.02 & 35.03 (P/O)

911 Address: 12984 Coastal Highway & 13177 Eagles Nest Trail, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS

WHEREAS, on the 9th day of April 2025, a Conditional Use application, denominated Conditional Use No. 2586, was filed on behalf of Preston & Mason Dyer; 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. 2586 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. 2586 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County Delaware, and lying on the southwest side of Coastal Highway (Rt. 1), approximately 0.70 mile north of Broadkill Road (Rt. 16), and being more particularly described in the attached legal description prepared by Pennoni said parcel containing 21.93 acres, more or less.

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

To Be Introduced: 10/21/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 335-12.06-4.00
911 Address: 1517 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (14 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2024, a Conditional Use application, denominated Conditional Use No. 2535 was filed on behalf of Shellace Ann James; 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. 2535 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. 2535 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County Delaware, and lying on the northwest side of Savannah Road (Route 9A), approximately 0.25 mile northeast of the intersection of Wescoats Road (S.C.R. 12) and Savannah Road (Route 9A), and being more particularly described in the attached legal description prepared by Harold W.T. Purnell, II, Esquire with Sergovic Carmean Weidman McCartney & Owens, P.A. said parcel containing 1.17 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.

PUBLIC NOTICE

PROPOSED GHULAM DASTGIR EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WESTERN SUSSEX AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **September 16, 2025**, to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Western Sussex Area, to include one parcel on the west side of Sussex Highway (Rt. 13), being situate in Northwest Fork Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Sussex Highway (Rt. 13), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of Ghulam Dastgir and lands N/F Agree Central, LLC; thence proceeding by and with said ROW in a southerly direction a distance of 386'± to a point, said point being on the SCUSSD boundary; thence proceeding by and with said SCUSSD boundary the in a southwesterly direction a distance of 121'± to a point, said point being on the easterly property line of lands N/F of Heritage Rocks Properties Two, LLC; thence continuing with said SCUSSD boundary in a northwesterly direction a distance of 475'± to a point, said point being on the southerly property line of lands N/F of Agree Central, LLC; thence proceeding by and with said SCUSSD boundary and Agree lands in a northeasterly, southeasterly and northeasterly direction a total distance of 334'± to a point, said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 131-15.00 and Sussex County property assessment records. The annexation contains 1.49 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 1:30 p.m. on October 21, 2025, at the regularly scheduled Sussex County Council meeting. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370 (option 1).

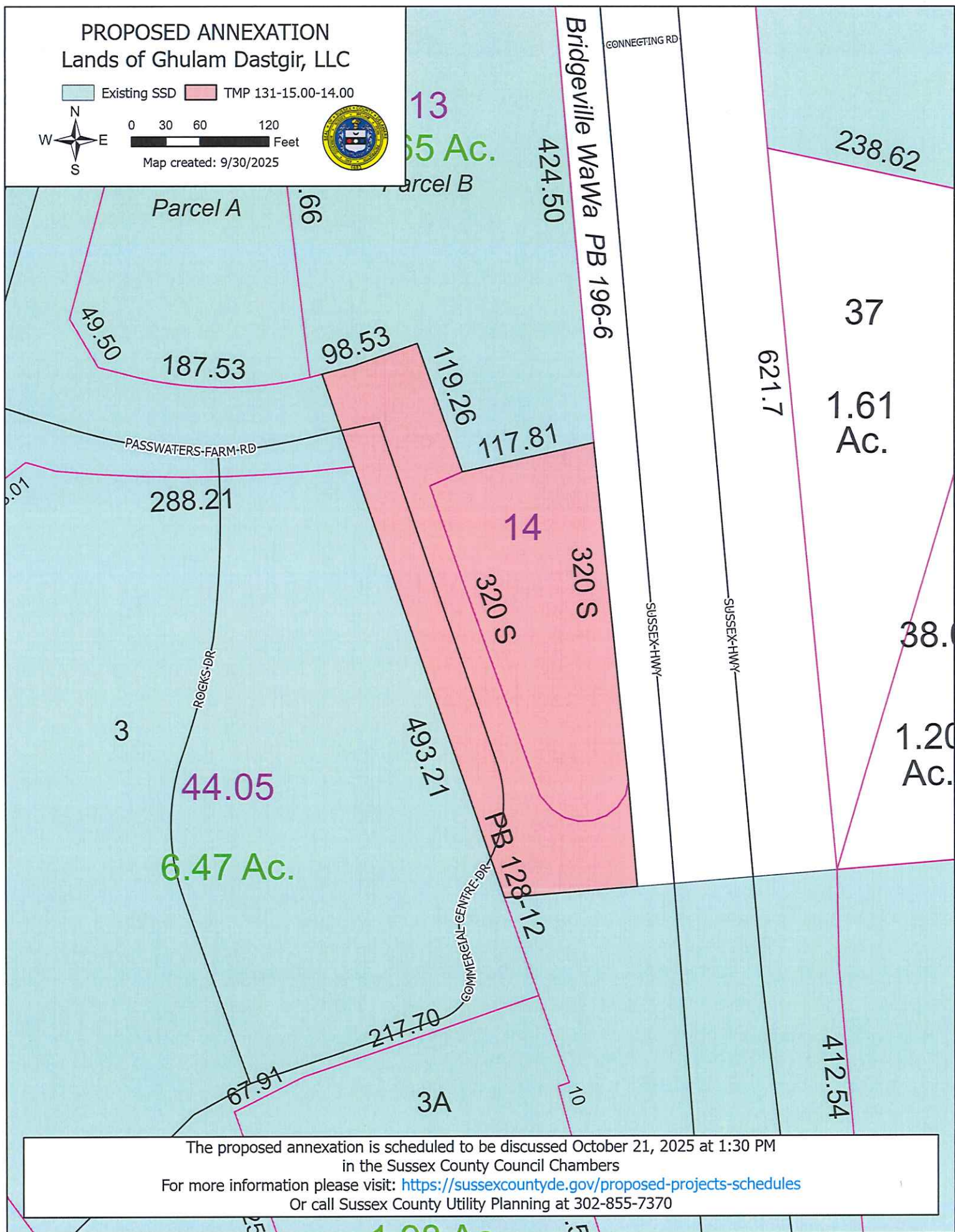
Mike Harmer, P.E.
County Engineer

PROPOSED ANNEXATION
Lands of Ghulam Dastgir, LLC

Existing SSD TMP 131-15.00-14.00



0 30 60 120 Feet
Map created: 9/30/2025



The proposed annexation is scheduled to be discussed October 21, 2025 at 1:30 PM
in the Sussex County Council Chambers

For more information please visit: <https://sussexcountyde.gov/proposed-projects-schedules>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED GHULAM DASTGIR EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

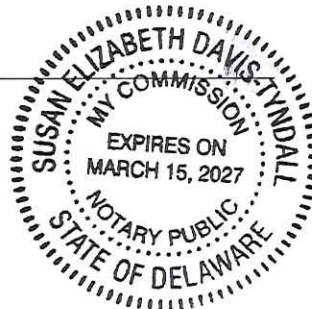
- A. On October 6, 2025, he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On October 6, 2025, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On a post in the easterly Right-of-Way (ROW) of Commercial Centre Dr., in front of a STOP sign,
 2. On a post in the easterly ROW of Commercial Centre Dr., in front of Delmarva Power Pole 47165/06252,
 3. On a post in the easterly ROW of Commercial Centre Dr., 100'± south of Delmarva Power Pole 47165/06252,
 4. On a post in the westerly ROW of Sussex Highway (Rt. 13), 660'± northwest of S. Main Street.,
 5. On a post in front of a stop sign in the southerly ROW of Heritage Shores Drive at the intersection with Sussex Highway (Rt. 13),
 6. At the Bridgeville Town Hall, 101 N. Main Street,
 7. On a post in front of a stop sign in the northerly ROW of Passwaters Farm Road at the intersection with Main Street.
 8. On a post in front of a STOP sign at the exit from 7-11 on Cannon Road


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 7th day of October A.D., 2025

Susan E. Davis-Tyndall
NOTARY PUBLIC

My Commission Expires 3-15-2027



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) WESTERN SUSSEX AREA, TO INCLUDE THE LANDS OF GHULAM DASTGIR ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Sussex Highway (Rt. 13), the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice are attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices, pass a formal resolution establishing the new boundary of the district.

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the west side of Sussex Highway, a part of the Town of Bridgeville, as follows:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Sussex Highway (Rt. 13), said point also being on the SCUSSD boundary, said point further being a shared property corner of lands Now-or-Formerly (N/F) of Ghulam Dastgir and lands N/F Agree Central, LLC; thence proceeding by and with said ROW in a southerly direction a distance of 386'± to a point, said point being on the SCUSSD boundary; thence proceeding by and with said SCUSSD boundary the in a southwesterly direction a distance of 121'± to a point, said point being on the easterly property line of lands N/F of Heritage Rocks Properties Two, LLC; thence continuing with said SCUSSD boundary in a northwesterly direction a distance of 475'± to a point, said point being on the southerly property line of lands N/F of Agree Central, LLC; thence proceeding by and with said SCUSSD boundary and Agree lands in a northeasterly, southeasterly and northeasterly direction a total distance of 334'± to a point, said point being the **Point of Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map 131-15.00 and Sussex County property assessment records. The annexation contains 1.49 acres more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED THAT the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.



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 16, 2025

RE: County Council Report for C/U 2395 filed on behalf of Breeze-A-Bella Land Group, LLC

The Planning and Zoning Department received an application (C/U 2395 filed on behalf of Breeze-A-Bella Land Group, LLC) for a Conditional Use for a distribution warehouse in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-20.00-81.00. The property is located at 22318 Cedar Lane, Georgetown. The parcel size is 71.1 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons of approval and subject to 14 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 1, 2025

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

C/U 2395 Breeze-A-Bella Land Group, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS. The property is lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A). 911 Address: 22318 Cedar Lane, Georgetown. Tax Map Parcel: 135-20.00-81.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Applicant's Boundary Survey, the Staff Analysis report, the DelDOT Service Level Evaluation Response letter, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission that 10 public comments were received regarding the Application.

Mr. Whitehouse stated that the Commission may have recalled the application, as it had previously already been presented before the Commission, and a recommendation had been made; that prior to the Application being presented before the Sussex County Council, and inconsistency in the address shown in the advertisement notice was found; that out of an abundance of caution, and to ensure the application was properly noticed, it was agreed to restart the noticing and bring the application back before the Planning and Zoning Commission with a new legal advertisement.

Madam Chair Wingate stated that the new Commission members have access to the previously made record for reference.

The Commission found that Mr. Doug Wade, owner of Breeze-A-Bella Land Group, LLC, and the subject property, spoke on behalf of his application. Mr. Wade requested that everything presented at the Planning & Zoning Commission of July 2, 2025, be incorporated into the current record by reference, as nothing had changed; that he owns an e-commerce business in the area; that he currently has a few locations spread throughout the town of Georgetown; that they are attempting to move all there operations to one space, being the subject site, on Park Avenue; that they are proposing warehouses, being just less than 10,000 square feet; that they are planning to construct two warehouses within the initial phase, and potentially four more after the business grows; that it will only be warehousing; that currently he employs 25 people; that the proposed business hours would be from 9:00 am to 5:00 pm, Monday through Saturday; that there would be minimal truck traffic, and they proposed the warehousing to be placed at the furthest possible point away from adjacent residential uses in the area.

Mr. Allen questioned the number of daily truck trips that were anticipated and if the employees would park at the site.

Mr. Wade stated he anticipated only one truck trip per day, other than UPS, FedEx, and USPS mail carriers, which come daily; that the employees will park at the site; that the Site Plan accommodated more spaces than the current 25 employees, and would accommodate potentially 50 employees should they expand to the extra four warehouse buildings.

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

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

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

In relation to C/U 2395 Breeze-A-Bella Land Group, LLC. Motion by Mr. Allen to defer action for further consideration, 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, which had been deferred since September 17, 2025.

Mr. Allen moved that the Commission recommend approval of C/U 2395 Breeze-A-Bella Land Group, LLC in an AR-1 Agricultural Residential District for a distribution warehouse based upon the record made during the public hearing and for the following reasons:

1. This application was previously considered by the Planning & Zoning Commission, and a favorable recommendation with conditions was granted. After that occurred, the application was re-noticed and re-heard based on an error within the legal notice that was advertised. The entire record from the first hearing was incorporated into this record. The following reasons and conditions are the same as those previously made for this application.
2. The use is situated on 10.896 acres of a much larger 71.127-acre parcel of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties or the surrounding area.
3. The purpose of this application is to create a centralized location for distribution warehouses with indoor storage. This site will allow the Applicant's business to consolidate at an appropriate location in Sussex County on the outskirts of Georgetown. The Applicant has stated that there is not any other suitable space for the consolidated distribution business in the Georgetown area.
4. The Property is located across Park Avenue from the Delaware Coastal Airport and adjoining industrial park. The use is consistent with these surrounding uses.
5. The warehouses have been located in an area that is the farthest from any neighboring residential uses while preserving the existing forested areas on the property.
6. A portion of the property will continue to be used for the Applicant's cattle herd, which is permitted within the AR-1 zoning District.
7. No retail sales will occur from the property.
8. DelDOT has stated that the use will have a "negligible" impact upon local area roadways. The applicant has stated that the incoming and outgoing truck traffic is minimized, at approximately two (2) or three (3) trucks per week. As a result, the use will not have an adverse impact on the traffic or area roadways.
9. This Property is located within the Developing Area according to the Future Land Use Map contained in the Sussex County Comprehensive Plan. The Developing Area is a Growth Area where business and commercial uses such as this can be located.
10. This use promotes the economy of Sussex County at an appropriate location.
11. This recommendation is subject to the following conditions:
 - A. The conditional use shall be limited to a distribution warehouse facility within buildings specifically designated for that purpose, as depicted on the Final Site Plan.
 - B. All work and storage associated with this Conditional Use shall only occur indoors.
 - C. No retail sales shall occur from the site.
 - D. No outside storage associated with the warehouse distribution business shall be permitted. This prohibition shall not apply to storage associated with the Applicant's other uses that are permitted within the AR-1 Zoning District.

- E. All 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 must be screened from the view of neighboring properties and roadways.
- G. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- H. The hours of operation shall be Monday through Saturday between 8:00 a.m. until 6:00 p.m. There shall not be any Sunday hours.
- I. One indirectly lit on-premises ground sign shall be permitted on the site. It shall be no larger than 32 square feet per side.
- J. All vehicle parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself. All vehicles must be parked within the designated areas.
- K. No junked, inoperable, or untitled vehicles shall be located on the site.
- L. 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 include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- M. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2395 Breeze-A-Bella Group, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 17, 2025

Application: CU 2395 Breeze-A-Bella Land Group LLC

Applicant: Breeze-A-Bella Land Group, LLC
c/o Atwell, LLC (B. Rosenberger)
128 West Market Street
Georgetown, DE 19947

Owner: Breeze-A-Bella Land Group, LLC
c/o Atwell, LLC (A. Bennett)
18559 Pettyjohn Road
Georgetown, DE 19947

Site Location: The site is located on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A)

Current Zoning: Agricultural Residential (AR-1)

Proposed: Distribution Warehouse

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: District 5 – Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Company

Sewer: Private on-site septic

Water: Private Well

TID: Not Applicable

Site Area: 71.127 acres +/- (p/o 10.896 acres)

Tax Map ID: 135-20.00-81.00





Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney
Date: September 8th, 2025
RE: Staff Analysis for CU 2395 Breeze-A-Bella Land Group LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for CU 2395 Breeze-A-Bella Land Group LLC to be reviewed at the September 17th, 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: 135-20.00-81.00

Proposal: The request is for a Conditional Use for Tax Parcel #135-20.00-81.00, to allow for a “Distribution Warehouse” to be located on a Parcel lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A). The use is proposed on a (10.896) +/- acre portion of a Parcel comprised of a total of (71.127) acres +/-.

Zoning: The subject property is zoned Agricultural Residential (AR-1) District. All adjacent parcels to the Parcel are zoned Agricultural Residential (AR-1) District with a single (LI-2) Light Industrial Parcel across Park Avenue to the north which hosts Delaware Coastal Airport.

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:

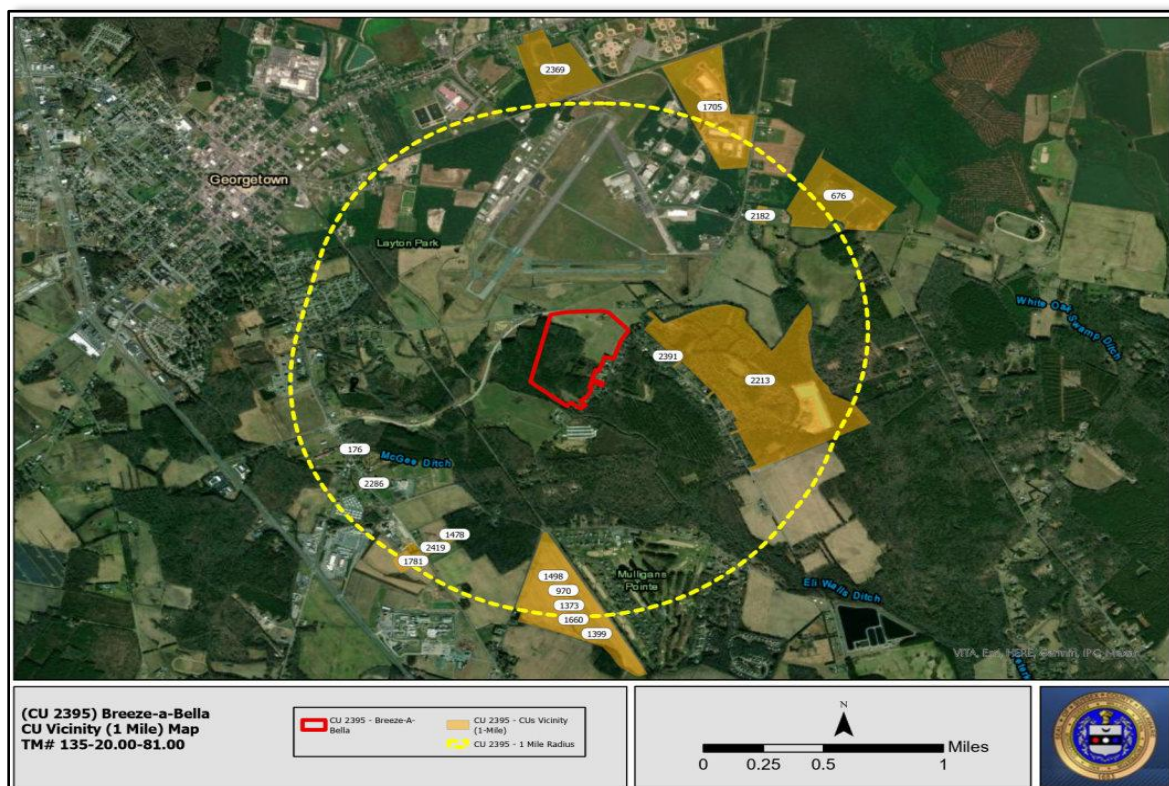
- **Density: N/A**
- **Open Space Provisions: N/A** – Staff note that the Conditional Use Application and Site Plan is proposing the “Distribution Warehouse” use on a limited (10.896) acre portion of the overall (71.127) acre Parcel along the Parcel’s frontage along Park Avenue with the no improvements proposed on the remaining (≈60.2) acres on the southern portion of the Parcel.
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas:** Aerial imagery indicates existing trees and/or forest comprise approximately half of the Parcel on the southern and western portions of the site. The limited (10.896) area proposed as part of this Conditional Use Application appears to be largely outside of the existing forested areas present on the Parcel.
- **Wetlands Buffers/Waterways:** The Conditional Use Site plan indicates the presence of an isolated area of wetlands around a pond on the site which is to rear of the Parcel and outside of the proposed Conditional Use area. Additionally, the Applicant has proffered a (50) foot wetland buffer around the pond which exceeds the non-tidal buffering standard required by County Resource Protection Codes.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and Staff note that the Parcel is not within a Wellhead Protection Area. The majority Parcel is classified as within areas of “Good”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware with a small portion along the limited frontages on Wood Branch Road within an area of “Excellent” Groundwater Recharge Potential.

Based on the analysis provided, the Conditional Use to allow for a “Distribution Warehouse” on the limited portion with frontage on Park Avenue, 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
176	Russell Murray	MR	Addition To Existing Body Shop	Approved	11/20/1973	N/A
676	J Everett Moore Sr	AR-1	Farm Pond	Approved	4/27/1982	N/A
970	Bio Gro Systems, Inc	AR-1	Land Application of Sludge	Approved	7/2/1991	772
1373	Synagro-WWT, Inc.	AR-1	Sludge Application	Approved	1/2/2001	1424
1399	Synagro-WWT Inc.	AR-1	Wastewater Treatment Biosolids	Approved	6/5/2001	1465
1478	Eric & Laura James	AR-1	Electrical Contract Business	Approved	4/15/2003	1598
1498	Synagro-WWT, Inc.	AR-1	Amend CU 1373 & 1399	Approved	8/26/2003	1628
1660	Synagro- WWT, Inc.	AR-1	Sludge Application	Approved	7/18/2006	1861
1705	The Commonwealth Group (King Farm Industrial Park)	AR-1	Warehousing, Mini Storage & Contractor Condominiums	Approved	10/2/2007	1934

1781	Rodney W. Smith	CR-1	Multi-Family	Approved	10/28/2008	2004
2182	Samuel G. Thomas	AR-1	Automotive Repair and Dealer	Approved	9/17/2019	2679
2213	Whitetail Lane, LLC	AR-1	Borrow Pit	Approved	6/30/2020	2720
2286	Kathryn Landon	MR	Parking and Construction Business	Withdrawn	N/A	N/A
2369	Leeward Chase DE, LLC	AR-1	Multi-Family (106)	Approved	6/27/2023	2936
2391	M.R.O. Auto Repair, LLC	AR-1	Auto Repair Shop	Approved	6/6/2023	2925
2419	ACR Auto Center, LLC	AR-1	Auto Care Center	Withdrawn	N/A	N/A

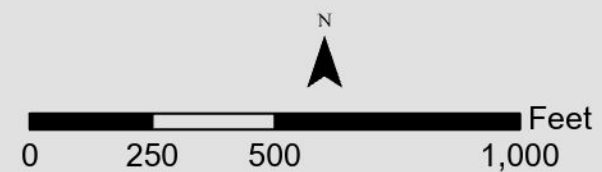




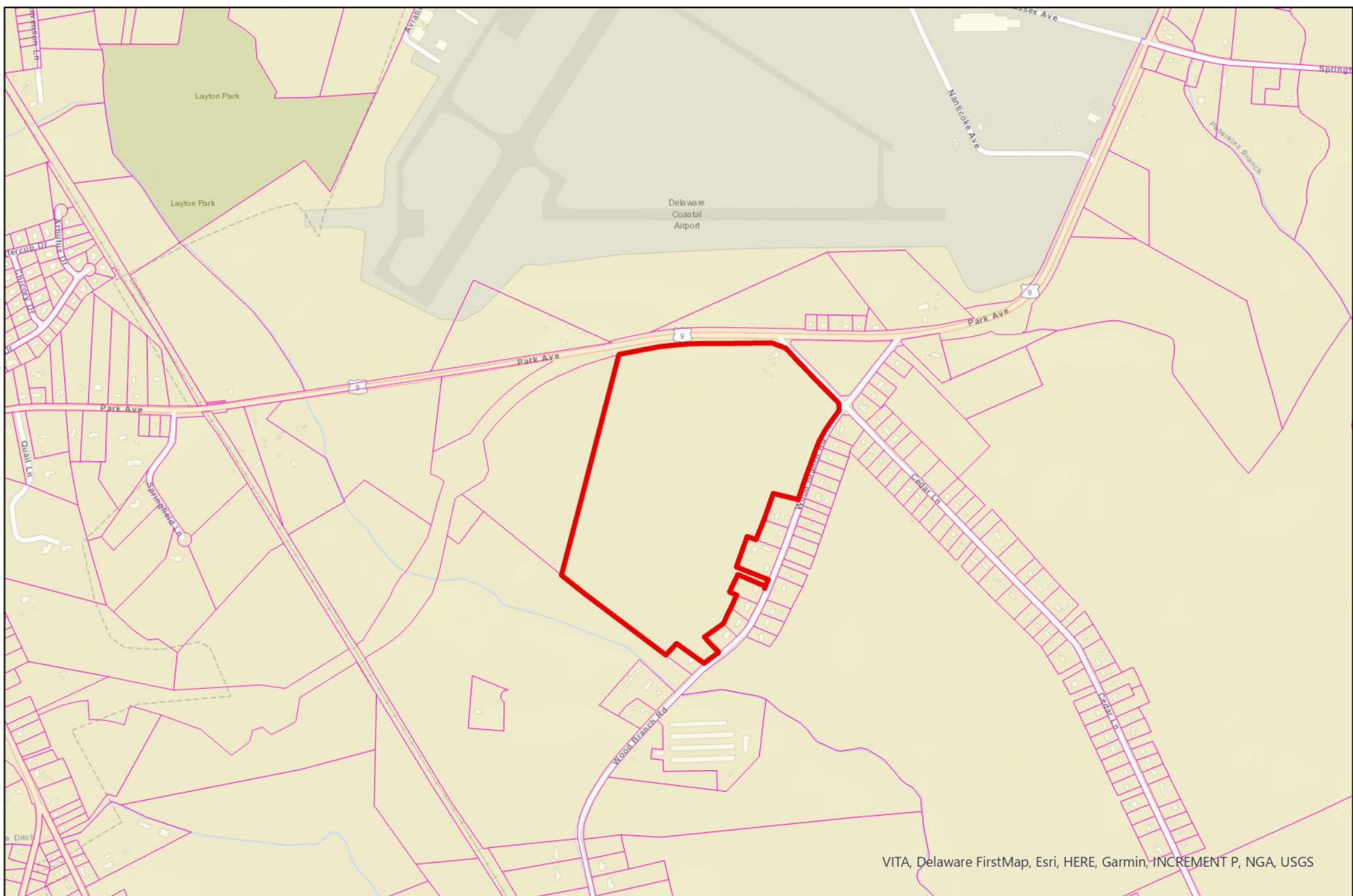
Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

(CU 2395) Breeze-a-Bella
Aerial Map
TM#s 135-20.00-81.00

 CU 2395 - Breeze-A-Bella



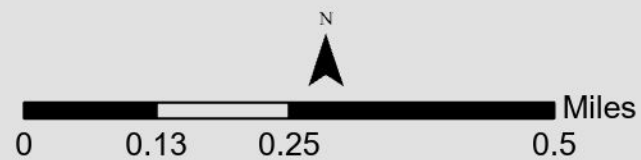


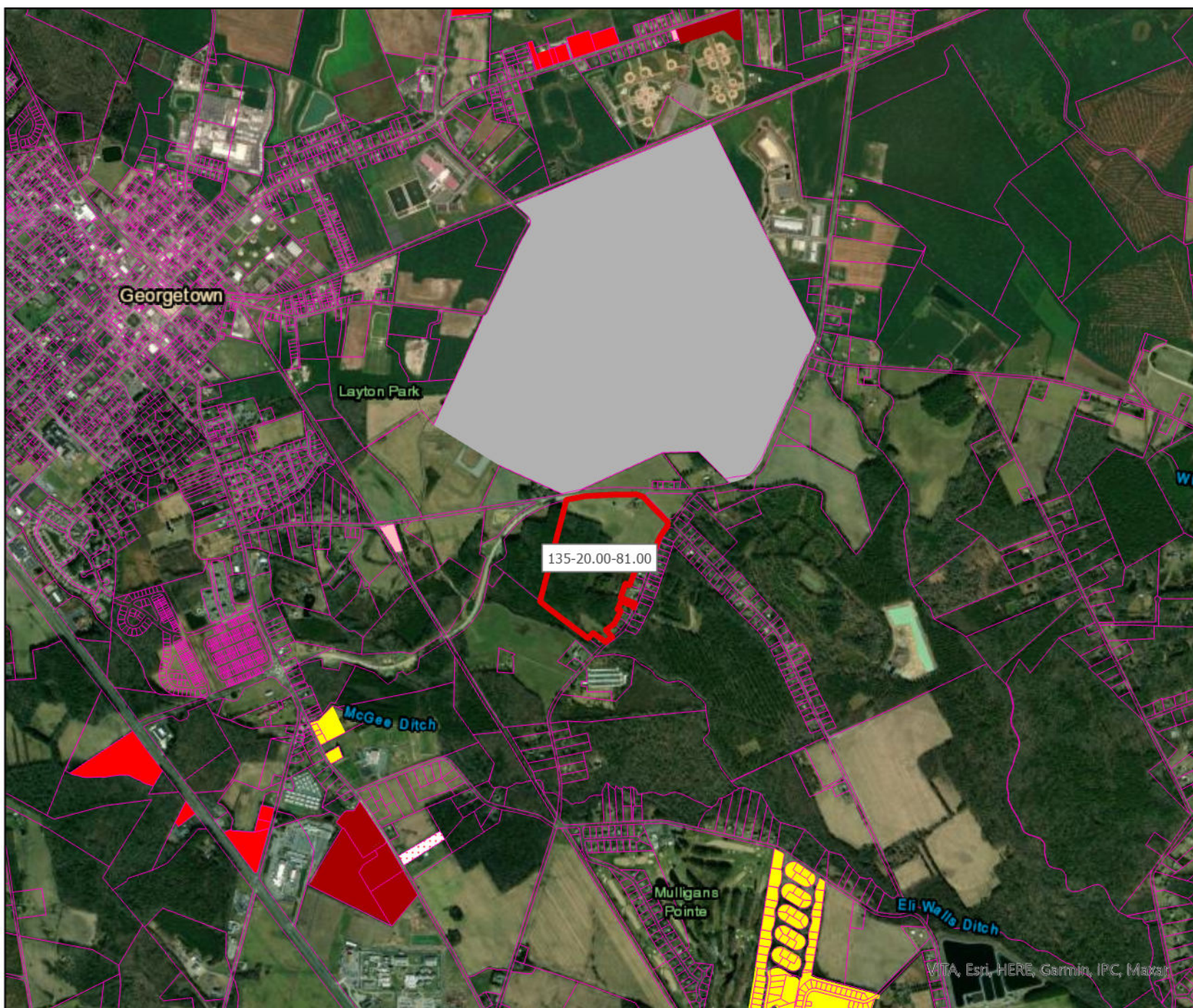


VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**(CU 2395) Breeze-a-Bella
Streets Map
TM#s 135-20.00-81.00**

 CU 2395 - Breeze-A-Bella





Zoning

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

(CU 2395) Breeze-a-Bella
Zoning Map
TM#s 135-20.00-81.00



CU 2395 - Breeze-A-Bella

N



0 0.25 0.5 1 Miles



Introduced: 8/19/25

Council District: Mr. Rieley

Tax I.D. No.: 135-20.00-81.00

911 Address: 22318 Cedar Lane, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS

WHEREAS, on the 30th day of August 2022, a conditional use application, denominated Conditional Use No. 2395, was filed on behalf of Breeze-A-Bella Land Group, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2395 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2395 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 Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A) and being more particularly described in the attached legal description prepared by Atwell, LLC, said portion of the parcel containing 10.896 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 16, 2025

RE: County Council Report for C/Z 2055 filed on behalf of David Roe

The Planning and Zoning Department received an application (C/Z 2055 filed on behalf of David Roe) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a GR General Residential Zoning District at Tax Parcel 134-6.00-175.00. The property is located on the south side of Ballast Point Rd (SCR. 341A), approximately 215 feet west of Sandy Landing Rd (SCR 342). The parcel size is 0.75 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 1, 2025

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

C/Z 2055 David Roe

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS. The property is lying on the south side of Ballast Point Road (S.C.R. 341A), approximately 215 feet west of Sandy Landing Road (S.C.R. 342). 911 Address: N/A. Tax Map Parcel: 134-6.00-175.00.



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

The Commission found that Mr. David Roe and Mrs. Carole Roe were present on behalf of their application. Mrs. Roe stated that the property had been in the family for decades, and they wanted to establish a lot where their son could place a single-family residence, which would be located directly behind where they currently reside.

Mr. Mears questioned whether there were any other activities proposed for the site.

Mrs. Roe stated the proposed use is only for a single-family dwelling with normal traffic, and no business operations were proposed on the site.

Mr. Whitehouse advised the Commission that the property was currently zoned as AR-1 (Agricultural Residential), that within AR-1 a single-family dwelling is permitted; that during the Sussex County Building Permit application process for the property, it was discovered that what was being applied for was outside of the permitted uses of the AR-1 Zoning District; that within the AR-1 District, manufactured homes are required to be multi-sectional and no older than 10 years old, that the only way to accommodate the Applicant's proposed home, was to rezone the property to GR (General Residential), as there are no stipulation to the type of manufactured home or its age, and this issue this led to the current application, which was expedited to be presented before the Commission.

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

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

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

In relation to C/Z 2055, David Roe. Motion by Mr. Mears to defer action for further consideration, 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, which had been deferred since September 17, 2025.

Mr. Passwaters moved that the Commission recommend approval of C/Z 2055 David Roe for a change in zone from AR-1 to GR General Residential based upon the record made during the public hearing and for the following reasons:

1. The application meets the purpose of the Zoning Code in that it promotes the orderly growth of the County.

2. This rezoning is being sought to allow the Applicant to place an older-model manufactured home on the property for a family member. This is not permitted under the existing AR-1 zoning.
3. The rezoning will not have a significant impact upon area traffic or roadways.
4. The rezoning will not adversely impact neighboring properties, the community, or public facilities in the area.
5. Based on the Future Land Use Map, this site is in the Coastal Area. This Area is appropriate for GR zoning according to the Sussex County Comprehensive Plan.
6. No parties appeared in opposition to this application.
7. For all of these reasons, it is appropriate to rezone this property to the GR General Residential Zoning District.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend approval of C/Z 2055 David Roe for the reasons and the conditions stated in the motion. Motion carried 4-0.

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



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

CZ 2055 David Roe
Aerial Map
TM# 134-6.00-175.00



0 250 500 1,000 Feet



PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
BRIAN BUTLER
G. SCOTT COLLINS
J. BRUCE MEARS



Sussex County

DELAWARE
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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 17th, 2025

Sussex County Council Date: October 21st, 2025

Application: C/Z 2055 David Roe

Applicant: David Roe
32763 Ballast Point Road
Dagsboro, DE 19939

Owner: David Roe
32763 Ballast Point Road
Dagsboro, DE 19939

Site Location: The property is lying on the south side of Ballast Point Road (S.C.R. 341A), approximately 215 feet west of Sandy Landing Road (S.C.R. 342), in Dagsboro, Delaware. 911 Address: N/A

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: General Residential (GR) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Private Onsite Septic

Water: Private Onsite Well

Site Area: 0.75 acres +/-

Tax Map IDs: 134-6.00-175.00





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: September 11, 2025
RE: Staff Analysis for C/Z 2055 David Roe

The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/Z 2055 David Roe to be reviewed at September 17th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel IDs: 134-6.00-175.00

Proposal: The request is for a Change of Zone for Tax Parcel: 134-6.00-175.00 to allow for a Change of Zone from an Agricultural Residential (AR-1) District to a General Residential (GR) District for a 0.75-acre parcel of land lying on the south side of Ballast Point Road (S.C.R. 341A) in Dagsboro, Delaware.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north, south, east, and west are also zoned Agricultural Residential (AR-1) District.

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

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

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

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

Compliance with Comprehensive Plan

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

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

Further Site Considerations:

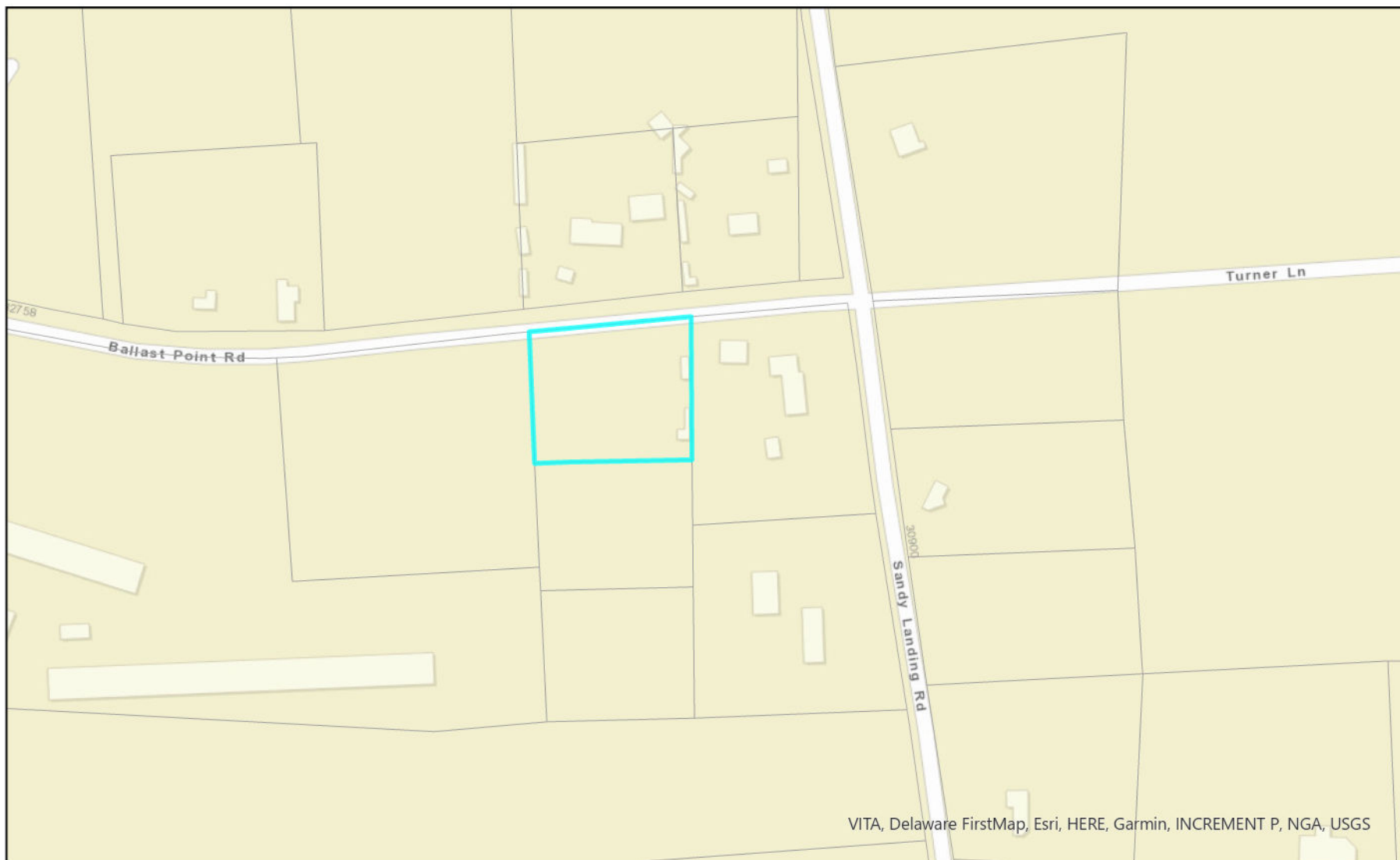
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** The property is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** N/A

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcels are classified as within an area of “Excellent” Groundwater Recharge Potential on the site per data from the State of Delaware.

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

Staff notes that since 2011, there has been zero (0) Change of Zone Application within a 1.0-mile radius of the Application Site.

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

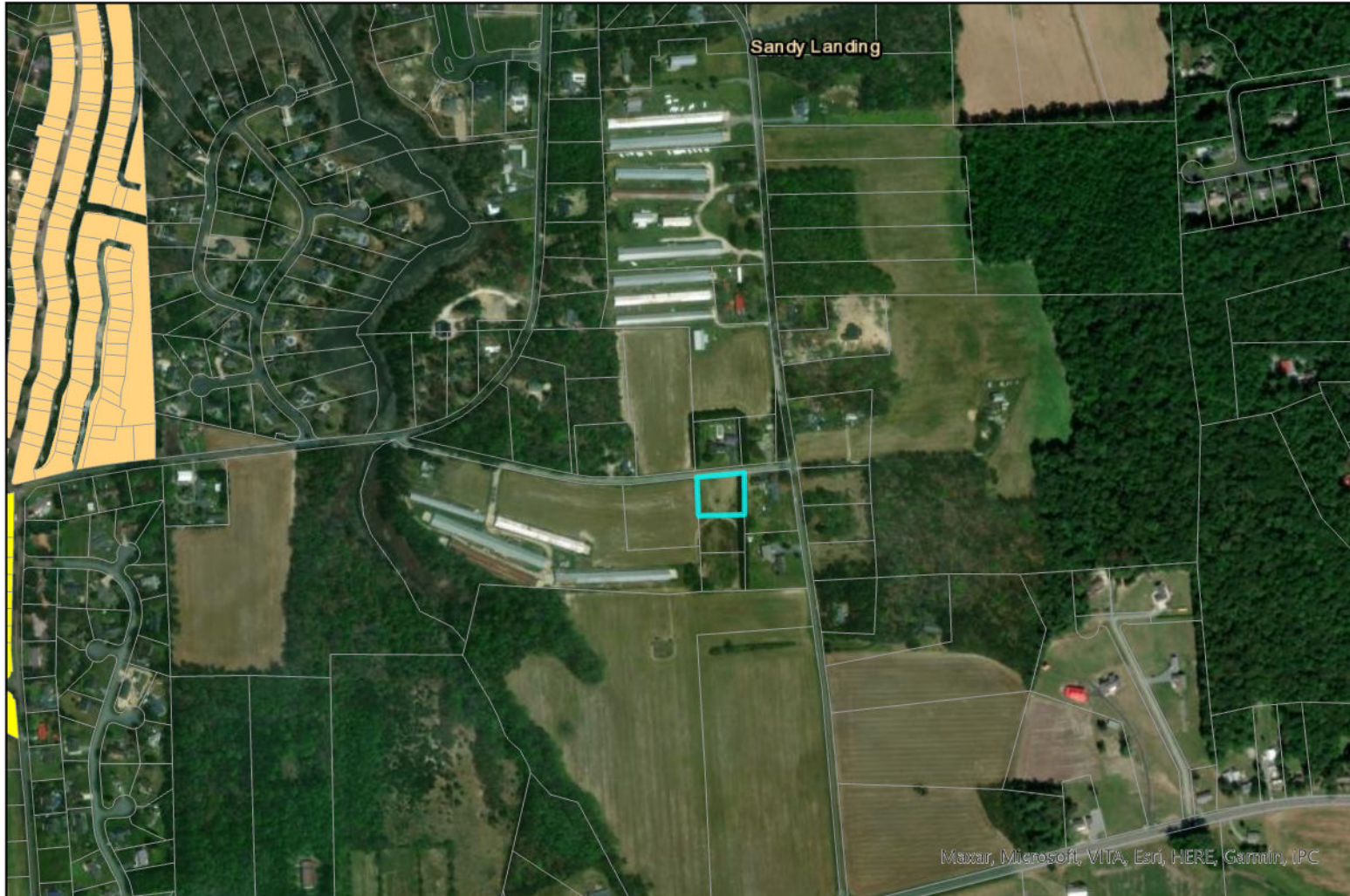


CZ 2055 David Roe
Aerial Map
TM# 134-6.00-175.00



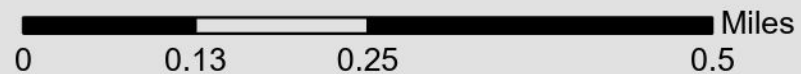
0 250 500 1,000 Feet





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
- 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



Introduced: 8/19/25

Council District 4: Mr. Hudson

Tax I.D. No.: 134-6.00-175.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS

WHEREAS, on the 5th day of August 2025, a zoning application, denominated Change of Zone No. 2055, was filed on behalf of David Roe; 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. 2055 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 GR General Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Ballast Point Road (S.C.R. 341A), approximately 215 feet west of Sandy Landing Road (S.C.R. 342), and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcels containing 0.75 acres, more or less.

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



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 17, 2025

RE: County Council Report for C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC

The Planning and Zoning Department received an application (C/Z 2037 filed on behalf of Mulberry Knoll Associates, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-4 Planned Commercial Zoning District at Tax Parcels 334-12.00-46.00 & 47.00. The property is located on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284). The parcel size is 73.5 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Commission discussed the application and then deferred action on the application for further consideration. At the meeting of October 15, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons of approval and subject to the 17 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 15, 2025

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

C/Z 2037 Mulberry Knoll Associates, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS. The properties are lying on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner



of the intersection with Mulberry Knoll Road (SCR 284). 911 Address: N/A. Tax Map Parcel: 334-12.00-46.00 & 47.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, Applicant's Exhibits, including architectural sketches, illustrative plans, an Ability to Serve Letters from Delaware Electric Cooperative, Chesapeake Utilities, and Tidewater Utilities; that State's PLUS comments, and the Applicant's responses to the PLUS comments; the Applicant's Traffic Impact Study (TIS), along with the DelDOT response accepting the TIS, the Staff Review Letter, and the Applicant's response to the Staff Review Letter, a letter received from the Sussex County Engineering Department, Utility Planning Division, a letter received from the Applicant in relation to the requirement for a Drainage Assessment, and a letter received from the Applicant requesting a waiver from the front yard parking setback requirement. Mr. Whitehouse advised the Commission that 303 comments were received for the application, however some comments did appear to be duplicates, and all documents had been included within the Commission's Paperless Packet.

Mr. Robertson advised the Commission, as well as the members of the public, that all documents and public comments submitted for the application could be located online through the Sussex County Online Application Docket.

The Commission found that Mr. James Fuqua, Esq. of Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mulberry Knoll Associates, LLC; that also present were Mr. Ben Hoskins on behalf of the Applicant, Mr. Jamie Andruzzi and Mr. Steven Furtunato with Bohler Engineering, Ms. Nicole Kline, and Mr. Braden Garrison with Bowman Consulting Group Traffic Engineering. Mr. Fuqua stated that a Project Support Narrative was submitted into the record, along with all the documentation required for the rezoning request; that the application proposes to rezone a parcel of land located on the northwest side of Route 24 from AR-1 (Agricultural Residential) to C-4 (Planned Commercial District); that the C-4 District is relatively new, and rather unique; that it was his understanding that the C-4 District had only been previously requested one time before the Planning & Zoning Commission, with the Change of Zone request for C/Z 2001 Belmead Farm, which was held before the Commission in March 2025, and before the County Council on September 16, 2025; that at that hearing, Mr. Robertson provided information about the C-4 District stating that the C-4 (Planned Commercial) District is similar to a Residential Planned Community (RPC), except that C-4 is predominantly commercial, and an RPC is predominantly residential; that similar to an RPC, a C-4 request requires as part of the application, a detailed Development Site Plan, addressing the site layout, the uses, and also providing information that is listed in the C-4 section of the Zoning Ordinance; that unlike other Change of Zone applications, which cannot be approved subject to conditions, a C-4 rezoning includes Site Plan review, and the ability for the County to place conditions on the approval of the application; that the Code states, the purpose of the C-4 Planned Commercial District, is to encourage carefully planned large-scale commercial retail and mixed-use developments, as a means of creating a superior working and living environment through unified developments; that the current application requests a C-4 Zoning designation for the proposed use of a large scale, superior designed commercial shopping center, to contain approximately 665,000 square feet of floor area, anchored by three prominent national retailers, with other best-in-class brand stores, which are not already located within Sussex County; that the commercial center would be called Atlantic Fields; that the property contains 73.5 acres of cleared farmland; that the property is currently owned by JG Townsend, Jr Company; that the site is located on the northwest side of Route 24; that the site is less than one mile from the Route 24 and Route 1 intersection; that the site has approximately 2,515

feet of frontage along Route 24; that located to the east of the site are several residential homes, a Sussex County EMS paramedic station, the Plantation Medical Office, which is currently under construction, and Plantation Road; that also to the east, on the south side of Route 24, is the Beebe Specialty Surgical Hospital, which is a part of the Beebe Abessinio Health Campus; that across from the site, on the south side of Route 24, is a large parcel of agricultural lands, also owned by JG Townsend Jr. Company; that on the south side of Route 24, located at the Route 24 and Mulberry Road intersection, is a parcel that was previously approved as a Conditional Use for the use of a convenience store and office building; that the site is currently under development and construction; that to the west of the site, is the location of the Beacon Middle School, and a Tidewater elevated water tower located on the school's property; that the west side of the property borders Mulberry Knoll Road, with 1,280 feet of road frontage; that across Mulberry Knoll Road from the property, there are several homes, Copp's Seafoord, and the Delaware State Police Troop 7 Headquarters; that to the west of the previously mentioned properties is the location of the Love Creek Elementary School and the Four Seasons at Belle Terre subdivision; that to the north or the rear of the site, are agricultural lands that are subject to an Agricultural Preservation easement; that he hoped to focus on three main topics regarding the application, being the applicable lands use regulations, which full support the requested C-4 rezoning and proposed use, the traffic impacts of the proposed use, the improvements and contributions that will be the Applicant's responsibility, and a review of the Atlantic Fields Development Site Plan, the infrastructure, the proposed uses, and the economic impact of; that the application had generated considerable interest, with over 300 comments; that a rezoning application is not a popularity contest, nor is it a political decision; that the courts of Delaware have ruled that public comments should be considered by the County, but ultimately, the County's decision must relate to the statutory mandates applicable to the rezoning request; that the most important consideration of any rezoning request is the relationship of the requested change to the provisions of the County's Comprehensive Plan; that the County is required by law to prepare and adopt a Comprehensive Land Use Plan for the purpose of planning future development and growth in the County; that the Comprehensive Land Use Plan is required to be updated every 10 years; that Sussex County is about to begin the cycle of the update, as the current Comprehensive Plan was last adopted in 2018; that work originally began in 2016 to begin preparing for the 2018 Comprehensive Plan; that the plan was a culmination of over two years of work, which involved dozens of presentations, workshops, and public meetings by the Commission and Council; that the approval of the 2018 Comprehensive Plan was recommended by the Planning & Zoning Commission, and was adopted by the Sussex County Council in December 2018; that subsequently, the plan was certified and signed by the Delaware Governor Carney in March 2019; that there are 13 Chapters in the Comprehensive Plan; that Chapter 4, the Future Land Use Chapter, is the centerpiece of the plan; that stated on Page 4-8, the Future Land Use Plan is the most influential part of the Comprehensive Plan; that the plan further states on Page 4-20, that the County zoning regulations are intended to carry out the future land use plan; that the Future Land Use Plan includes a Future Land Use Map, which designates land in the unincorporated area of Sussex County, as being located in one of the described growth areas, or one of the rural areas; that the map represents the County's vision regarding the future of land development, and land preservation priorities through the year of 2045; that the entire Atlantic Fields site is designated on the Sussex County Future Land Use Map in red; that the red color indicates the Commercial Growth Area of the Future Land Use Map; that the Comprehensive Plan specifically addresses the uses that are envisioned in this commercial area; that the plan states that commercial areas should include concentrations of retail and services uses, that are mainly located along arterials and highways; that commercial areas should include commercial corridors,

shopping centers, and other medium and large commercial of vicinities geared toward vehicular traffic; that the commercial areas are an appropriate place to locate primary shopping destinations and larger scale community uses; that the plan states on Page 4-17, that these more intense uses should be located along main roads or near major intersections; that in addition to the Plan, there is a table, being Table 4.5-2, which lists the zoning districts that are applicable to Future Land Use categories; that the C-4 Planned Commercial District is designated as an applicable zoning district in the Commercial Growth Area; that the County designated this Atlantic Fields site as a Commercial Area on the Future Land Use Map, per the Comprehensive Plan; that the County determined that a Commercial Area is appropriate for a primary shopping destination, such as shopping centers, and larger scale commercial uses, geared toward vehicular traffic; that County determined that more intense uses should be located along a road, such as Route 24, or near a major intersection, such as less than a mile from the Route 24 and Route 1 intersection; that in reality, the Applicant did not choose the site; that the County actually chose the site, and through the Comprehensive Plan directed the Applicant to the location as being an appropriate place for the proposed use; that there were many written comments submitted in opposition to the application; that some people disagreed with the County's vision, as it is currently stated within the Comprehensive Plan; that some members of the public have a different vision of the future development and use of the property; that those member so the public are entitled to their opinion, and the Applicant respects their concerns, however those opinions cannot nullify, modify or change the provisions of the Sussex County Comprehensive Plan; that the Comprehensive Plan states that large-scale commercial uses, such as a primary shopping destination, had been envisioned by the County for the subject 73.5 acre parcel, since the plan was adopted in 2018; that the plan states on Page 1-6, that the Comprehensive Plan is the County's official policy guide for future development related decisions, and that the plan strives to set a foundation for decision-making, by providing the County with a road map; that the State Statute that requires the County to enact a Comprehensive Plan, addresses what the legal status of the plan is; that under Delaware Law, Title 9, Section 6959A it states that the land use map, forming part of the Comprehensive Plan, shall have the force of law; that this means it is more than just a guide or a suggestion; that based on the language of the plan and its designation on the Future Land Use Map, the Atlantic Fields C-4 rezoning request and proposed use for the subject site, is in full compliance in accordance with the Sussex County Comprehensive Plan; that the Delaware's 2020 Strategies for State Policies and Spending, is a State document, however, it is not a land use plan; that the document and its investment level maps indicate that where the State investments will be directed in the future; that under the Strategies Investment Level Maps, the Atlantic Field site is located within Investment Level 2, which is an area where growth is anticipated by local County and State plans in the near future; that it is the State's intent to promote well designed development within Investment Level 2 areas; that associated with the Level 2 designation, the Atlantic Fields rezoning application participated in the PLUS review process in May 2024; that the Office of State Planning Coordination issued its PLUS Review Letter on June 21, 2024, stating that the State had no objection to the proposed project; that the State had no objection to the proposed C-4 rezoning request, and proposed commercial development; that with all larger land use applications, traffic impacts are always an important, if not the most important consideration; that there is a very specific and detailed process that addresses those concerns; that Sussex County, as required by State law, has an agreement with DelDOT, providing a procedure for determining the traffic impact of any rezoning application; that the Memorandum of Understanding (MOU) between Sussex County and DelDOT requires that any development having a major impact, as defined by the MOU, is required to conduct a Traffic Impact Study (TIS), per DelDOT's specifications and

requirements; that the Atlantic Fields site is located within the boundaries of the DelDOT Henlopen Transportation Improvement District (TID); that the TID was created in October 2020; that the TID is a planning concept that seeks to align transportation, infrastructure spending and improvements with land use projections and future development within the TID area; that a land use and transportation plan was prepared by DelDOT for the Henlopen TIS; that any proposed development located within the TID, and is consistent with the TID plan, is required to pay a TID fee, which is established by DelDOT, and is in lieu of performing a Traffic Impact Study (TIS); that the required fee satisfies the obligations for that development; that a proposed development that is determined to not be consistent with the TID, in addition to paying the TID fee, is required to also perform a Traffic Impact Study, to determine if the planned TID improvements are adequate, by considering the vehicle trips that are proposed to be associated with the new proposed use; that DelDOT determined that the Atlantic Fields development warranted a full Traffic Impact Study; that as a result, the Applicant retained Bowman Consulting Group to perform the Traffic Impact Study (TIS), in accordance with the parameters established by DelDOT; that the study involved 28 intersections in the general area of the Atlantic Fields site; that Bowman Consulting Group prepared the study, which was reviewed by DelDOT's traffic engineering consultants; that DelDOT's Traffic Impact Study Review Letter was issued on May 1, 2025, and was included into the record; that all improvements and responsibilities of the developer are listed on Pages 11 – 20 of the DelDOT Review Letter; that there were 16 improvements area, which DelDOT deemed the Applicant's responsibility; that the developer shall improve Route 24 and Mulberry Knoll Road, within the limits of the site's frontage to roadway specifications; that the Applicant will construct a single-lane roundabout at the site entrance 1A, located along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a single-lane roundabout at Entrance 2, along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a full movement site entrance at Entrance 3A, along Route 24, with a left and right turn lane, as determined by DelDOT; that Entrance 3A will be the main entrance to Atlantic Fields; that the developer will enter into a Traffic Signal Agreement, to design and construct a traffic signal, with pedestrian crossing at Entrance 3A; that the Applicant will construct a right in, and right out site entrance at Entrance 3B along Route 24, and Entrance 3C; that the Applicant will improve the existing intersection of Plantation Road and Dot Sparrow Drive, by the way of an existing cross access easement, including a single-lane roundabout on Plantation Road; that this was granted at the time of the entrance permit issuance for the medical building; that the Applicant will enter into a Traffic Signal Agreement to design and construct improvements at the intersection of the Route 24, and Mulberry Knoll Road; that these improvements will include and/or will be in addition to improvements already proposed in the end loop and TID plan; that the concept and improvements within the TID are improvements planned for the future, and are then funded by developers as projects come in; that any additional improvements beyond what is planned, is also the developer's responsibility; that the developer is responsible to design and construct a raised median along Mulberry Knoll Road, between Route 24 and the site entrance, to the specifications necessary as determined by DelDOT; that this would prohibit certain turning on Mulberry Knoll Road; that the Applicant will design and construct a four-foot-high decorative fencing along the Route 24 property frontage to direct pedestrians toward signalized pedestrian crossings; that the location of the decorative fencing would be determined by DelDOT; that the Applicant will design and construct a single-lane roundabout at the Mulberry Knoll Road and Cedar Grove Road intersection, which will be located north of the site; that the developer will prepare for DelDOT review, a Traffic Signal Justification Study for the Robinsonville Road and Kendale Road intersection, located northwest of the site; that the developer will design and construct a single-lane

roundabout, with a southbound bypass for Plantation Road and Robinsonville Road; that the Applicant will provide pedestrian and bicycle improvements, with bicycle lanes and symbols, as determined by DelDOT; there will be dedication of a 15 foot permanent easement from the right of way frontage on Route 24 and Mulberry Knoll Road, and construction of a 10 foot wide shared use path with an easement; that there will be internal sidewalks in the development that will connect with the shared use paths; that there will be bus stop pads constructed on both sides of Route 24, just east of Mulberry Knoll Road, as well as, at the main Entrance 3A; that a public bus service is available on Route 24; that all of these improvements will meet federal and State requirements regarding ADA compliance; that per the DelDOT TIS Review Letter, in addition to the items already stated, the Applicant shall pay the Henlopen TID fee again, as provided within the agreement and as determined by DelDOT; that all of the stated improvements and contributions will be completed in compliance with the provisions of the Henlopen Transportation Improvement District (TID); that as stated within the DelDOT TIS Review Letter, all required improvements and contributions will be implemented at the same time as the site construction; that as a result, the Applicant will be responsible for entrance and road improvements with an estimated cost of between three million to four million dollars, with an additional payment to the Henlopen TID, which will be approximately three million dollars; that the proposed development is in full compliance with the requirements of Sussex County and DelDOT, with the terms of the Sussex County and DelDOT Traffic Impact Memorandum, the Henlopen Transportation Improvement District, and the applicant will be responsible for the improvements and contributions as determined and required by DelDOT; that the development will be served with central public water, provided by Tidewater Utilities, for domestic use and fire protection; that Tidewater holds an existing Certificate of Public Convenience and Necessity (CPCN) to serve the property; that the site will be annexed as part of the contiguous Sussex County Unified Sanitary Sewer District; that the Sussex County Engineering Department indicated that Sussex County is willing and able to serve the site; that the project will require a pump station and a force main to connect the center to Sussex County's system; that electricity will be provided by Delaware Electric Cooperative; that natural gas service is available from Chesapeake Utilities; that the record contains Ability to Serve Letters from all four utility providers; that the entire 73.5 acre site is cleared farmland, which had been used for agricultural purposes for over a century; that the site is located within Flood Zone X per the FEMA Flood Insurance Maps, being located outside of the floodplain; that the Delaware Emergency Management Agency indicated that the property is within an area of minimal flood concern; that the County's Resource Buffer Ordinance is not applicable or relevant to the site or the design of the site, as there are no Tidal Wetlands, Non-Tidal Wetlands, perennial or intermediate streams or woodlands located on the site; that there were some comments in opposition concerned about the need for a Drainage Assessment Report for the site; that the Resource Buffer Ordinance does require such a report when a resource buffer is located adjacent to or the site contains a stream which is not part of a tax ditch; that the site does not contain any streams; that the site does not contain any resource that has been defined in the Ordinance, and therefore the Ordinance is not applicable to the application; that the State Historic Preservation Office (SHPO) indicated that due to the long-standing agricultural use of the property, and the lack of any known occupation, there was low potential for historic archaeological sites on the property; that the lands located across Route 24 from the site are subject to an agricultural preservation easement, located to the rear of the site; that the Atlantic Fields development, design, and operation will comply with all notice and setback requirements for agricultural use protection, as required by Title 3, Chapter 9 of the Delaware Code; that the development's Declaration of Restrictions, as well as all leases and deeds shall contain the agricultural use and activities notice, which is required by the Code; that in addition, the

rear boundary of the site, which is adjacent to the agricultural lands, will be screened with a six-foot-high sight tight for the entire length of the rear boundary; that the proposed Atlantic Fields commercial development will comply with all fire protection requirements of the Delaware State Fire Marshal's Office; that the State Fire Marshal indicated in the PLUS letter, that they had no objection to the rezoning request; that the Applicant is agreeing to make a voluntary fire company contribution of \$100,000; that the contribution will be paid at the time that Certificates of Occupancy are issued for a building; that the contribution will be prorated based on the square footage of the building, as a percentage of the entire square footage; that because of the location, the developer is proposing 50% of the fire company contribution will be paid to the Lewes Volunteer Fire Company, and 50% to be paid to the Rehoboth Beach Volunteer Fire Company; that this contribution is a voluntary proffer, and is included as a condition in the proposed Conditions of Approval; that for a rezoning request to a C-4 Planned Commercial District, a detailed Development Plan of the proposed use is required; that the development fronts on Route 24; that there are three entrances from Route 24, being one full entrance with signalization, and two right-in and right-out entrances; that there will be two entrances along Mulberry Knoll Road; that there are seven pad sites, which are to be located along Route 24, however the access to the site will be from an internal drive; that there will be 17 store buildings situated within the center itself; that Buildings A, B and O will be the location of the three anchor stores; that a fuel filling station, located at the southeast corner of the property will be operated as part of the Building A operation; that Stores C, D, E, F & H, will be located adjacent to one another, and will be located on the northwest portion of the site; that the remaining stores are located between the rear of the pad stores, and the main parking area for the development; that the gross floor area for all of the buildings will be approximately 665,000 square feet; that two of the anchor stores being the largest buildings; that Building A is approximately 172,000 square feet, and Building B is approximately 148,000 square feet; that all buildings will be no more than 42 feet in height, and will comply with all setback provisions of the Zoning Ordinance; that most of the various buildings floor area will be leased, but it is the business policy of some national retail companies to purchase and own their own store sites; that as a result, the development site plan was designed for possible future parcel and building conveyance; that by designating 11 separate parcels within the center, which are reflected on the full Development Plan that was submitted into the record; that the seven pad sites are each parcel; that Parcels 8, 9 & 10 are the anchor stores; that Parcel 11 is the largest parcel, containing about 29 acres, which will include all the remaining buildings, and the land in the center; that the C-4 section of the Zoning Code provides that the land in the C-4 District is not required to be under single ownership; that the C-4 section states that it is the intent of the C-4 District, that development be designed as an integrated and comprehensively planned area, using a common parking area, shared ingress and egress, pedestrian walkways, open space stormwater management areas, and water and wastewater utilities, that provisions for assessments for maintenance, repair and replacement of these shared common facilities will be established in the Centers Declaration of Restrictions; that the easements that will be applicable to all leased or conveyed property; that for the center's vehicular traffic circulation, there will be a dualized drive from the main, signalized, entrance, being Entrance 3A, from Route 24; that the drive will extend from the entrance to a service road, which will be located along the rear of the property; that then connecting to that drive are two drives that run in an east and west orientation across the site; that the east to west drive will connect with Entrance 1A at Mulberry Knoll Road; that there will be a service road to the rear of the property that will connect the second entrance from Mulberry Knoll Road, with the eastern boundary of the site; that this road will continue on to Plantation Road by the way of an existing DelDOT cross access easement, which is being referred to as an ingress egress easement; that

there was a letter submitted into the record, from the attorney for the medical center, expressing concern regarding the use of the easement; that the developer has no agreement, nor has had any discussion with the medical center regarding the easement; that DelDOT is requiring the developer to extend the road where the access easement is located; that from records he had obtained, the easement was placed on the plan when the entrance was granted by DelDOT for the medical office building; that the developer is responsible for completing the road and constructing the roundabout; that the easement concern is really between DelDOT and the medical center's property owner; that the developer of Atlantic Fields intends to do what is required by DelDOT, while attempting to make sure everyone is in agreement with what will be constructed; that parking is shown on the Site Plan; that per the Zoning Code, the proposed shopping center will require 3,317 parking spaces; that 3,405 parking spaces are proposed to be provided, including ADA compliant design spaces; that larger parking lots, such as what is proposed, require landscaped islands spaced within the parking areas; that for the proposed parking area, 136 islands would be required; that the Site Plan provides 242 islands, which considerably exceeds the requirement; that there will be sidewalks located adjacent to, and at minimum, the fronts of all stores, and will be marked; that designated pedestrian crosswalks will be located throughout the center; that there will be stop signs located where appropriate; that loading areas will be provided for all stores as required; that loading areas and trash enclosures will have appropriate landscaping and/or screening/fencing; 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 stormwater management and treatment will meet or exceed the current stormwater regulations, including management of water quality and quantity; that the system will be designed to direct all stormwater on the site to catch basins; that from the catch basin, stormwater will be routed to above ground and underground collection facilities by way of an underground closed storm system; that both the above-ground and underground facilities will be designed to infiltrate the collected stormwater up to the 100 Year Storm event; that an emergency outfall pipe will be installed as part of each facility that will be situated above the 100 Year Storm Water Peak Elevation; that it would route stormwater in that type of event to a DelDOT right-of-way; that as shown on the Site Plan, the underground facilities are located in parking lots; that there is a Wellhead Protection Area located in the southeast corner of the site; that this is the proposed location of the fuel station area; that the area will be graded and developed so that all stormwater runoff within the fuel station footprint will be collected and routed to an underground stormwater facility that will be located 300 feet from the Wellhead Protection Area; that there will be no infiltration of stormwater from the fuel station site in the Wellhead Protection Area; that the underground facility will provide quality treatment to that stormwater prior to its infiltration, and would be done at a distance far removed from the Wellhead Protection Area; that the stormwater facilities will meet or exceed DNREC requirements, and will be reviewed and approved by Sussex Conservation District; that the Development Plan, as required by the C-4 District, has a Landscape Plan, which details the landscaping and the types of plantings for the center; that there is a separate Landscaping Plan, as part of the original documents; that reflected on the plan, within the center, and along sections of the perimeter of the site, a total of 262 various types of canopy trees with a height at maturity of 12 to 14 feet, 186 evergreen trees with a maturity height of six to eight feet, 32 ornamental trees with a height of eight to 10 feet, and 929 shrubs, reaching a height of four to five feet in height; that each of the 242 parking lot islands will be mulched, and planted with a canopy tree; that parking areas along Route 24 will have shrubbery screening between the parking spaces and Route 24; that in addition, DelDOT required an ornamental fence between Route 24 and the parking spaces; that the western boundary of

the center at Mulberry Knoll Road will have landscaped areas with evergreen trees, canopy trees and shrubs; that the eastern boundary will be screened by evergreen trees; that the screening will incorporate some existing trees that are located along that boundary; that to the rear of the site, there will be a continuous six-foot-high sight tight fence; that shrubs and canopy trees will be located along the service road; that the responsibility for the maintenance, upkeep and replacement of all the landscaping globally will be established in the center's Declaration of Restrictions; that the key factor in the successful operation of a shopping center is its anchor stores; that anchor stores are typically large, well-known, national retailer grocery stores, which serve as the primary draw for shoppers; that anchor stores attract a high volume of customers, and serve as a magnet for shoppers who most likely will also shop at the surrounding smaller stores in the center; that historically, most of the popular national brand retailers who serve as anchor stores relied on population to determine their new store sites; that previously, the year-round population of Sussex County did not meet the requirements of most of the national stores; that with the recent changes which have occurred in Sussex County, many national companies have reconsidered their location criteria; that Sussex County's year-round population has grown significantly; and is projected by the Delaware Office of State Planning Coordination to continue growing well into the future; that there are other considerations unique to Sussex County; that eastern Sussex County has a significant seasonal population; that the demographics of Sussex County, being income levels and median age, are demographics factors that are very supportive of a successful retail operation; that other considerations are market opportunities, as determined by the stores site access from a major road, which is a major consideration, and community interest; that another factor would be the availability of suitable real estate at a location, which is suitable real estate, at a location that is available through land for sale; that based on those considerations, three national companies have committed to being anchor stores at Atlantic Fields; that Building O will be a Whole Food Grocery Store; that Building B, located in the center, will be a Target; that Building A, being the largest building, will be a Costco; that other retailers have also committed to the center as well, consisting of Ross, Nordstrom Rack, Hobby Lobby, and Dick's Sporting Goods; that there are other popular retailers in discussions with the Applicant, but they have not yet committed; that the economic impact of Atlantic Fields center is a relevant consideration; that one of the purposes of the County's zoning authority is to promote the welfare and prosperity of present and future County residents; that the Applicant retained Sage Policy Group, an economic and policy consulting firm, who's headquarters are located within Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that the reported is dated August 2025, and was submitted into the record; that the permitting and construction phase of Atlantic Fields will take approximately three years; that the total development cost, including land acquisition, site preparation, infrastructure and building construction, will be approximately \$175 million; that the construction of Atlantic Fields will support approximately 990 jobs in Sussex County, generating approximately \$76,000,000 in labor income during the construction phase; that once fully built and operational, Atlantic Fields will support approximately 1,750 permanent jobs in Sussex County, with an annual labor income of approximately \$79 million, and Atlantic Fields is project to contribute \$370,000 annually in school property taxes to the Cape Henlopen School District, without directly generating any additional pupil enrollment.

Mr. Ben Hoskins, present on behalf of the Applicant, stated that he agreed that the information provided in Mr. Fuqua's presentation was factual, true, and correct.

Ms. Nicole Kline, with Bowman Consulting Group, stated that she agreed that the information provided in Mr. Fuqua's presentation regarding traffic was accurate.

Mr. Jamie Andruzzi and Mr. Steve Fortunato, with Bohler, stated that they agreed that the information provided in Mr. Fuqua's presentation regarding site design, infrastructure, and related matters was accurate.

Mr. Fuqua requested to submit proposed Findings and Conditions into the record for the Commission's consideration.

In conclusion, Mr. Fuqua stated that in his presentation, he discussed three separate topics; that he established for the record that Atlantic Fields requested C-4 rezoning and Development Site Plan fully complies with the C-4 Plan, commercial district design and use provisions; that all requirements regarding traffic impact, as set forth in the Sussex County DelDOT Memorandum of Understanding, the DelDOT Henlopen Traffic Improvement District, and the DelDOT Traffic Impact Study Review Letter had been complied with or would be complied with, and that those improvements would be concurrent with the development construction; that larger scale commercial uses and primary shopping destinations are appropriate in a commercial area, as described in the Comprehensive Plan, and as designated on the Future Land Use Map; that Atlantic Fields requested C-4 rezoning and use are precisely located in total conformity with the Comprehensive Plan, and also with the Delaware State Investment Map, as the plan states on Page 4-8; that the County zoning regulations are intended to carry out the Future Land Use Plan, and based on the record presented, the Applicant requested the Commission's recommendation of approval, subject to conditions that the Commission deem appropriate.

Recess

4:57 pm – 5:02 pm

Mr. Collins questioned whether the Applicant had considered to build a mix of housing; that would be suitable for the workforce; that many members of eastern Sussex County had expressed concerns regarding challenges with affordable workforce housing, especially during summer seasons; that there are already existing challenges with local businesses; that he felt the proposed development would place additional pressure on that workforce; that he questioned this, as he believed a Costco in Los Angeles built residential housing units above the store, and he felt that providing residential units would be appear like a partial solution to reducing sprawl and improving access to housing for citizens potentially working at the center.

Mr. Fuqua stated that in the context of his client and the proposed development, the proposed use was purely a commercial project; that a commercial project is being proposed and reflected in the design; that the developing commercial projects are the business the Applicant is in, and therefore, there was no consideration to provide workforce housing, as that is not the business the Applicant does; that there is opportunity for workforce housing anywhere that can be appropriate; that the Applicant acknowledges it as a problem, and although the Sussex County population had grown, he did not feel Sussex County has a similar population to Los Angeles.

Mr. Collins stated that he agreed, but the Commission had concerns regarding sprawl and environmental damage from overdevelopment; that he felt there was an opportunity to improve landscaping along Route 24 to ensure the development does not create a strip of highway, similar to what Coastal Highway looks like currently, with no trees or landscaping.

Mr. Fuqua stated that all the details regarding landscaping are included and reflected on the submitted Landscape Plan; that the plan was fairly detailed; that per DelDOT requirements, there will be a decorative, four-foot fence placed along that area, and from a commercial and business point of view, there is an accessibility and view that the Applicant would desire to have.

Mr. Collins stated that Mr. Fuqua had specifically mentioned that the Future Land Use Map indicated that the site would likely be commercial, which did not indicate that the site would necessarily mean the site would become commercial now, and he questioned if other sites were examined for development, which may have been located within a less sensitive area in western Sussex County or along Route 1.

Mr. Fuqua stated that no other properties were examined, as the Sussex County Comprehensive Plan indicated that the subject site was an appropriate location; that according to the plan, the site is required to be located along a major road, and near a major intersection, and the site must be appropriate for C-4 zoning, as well as, be for sale.

Mr. Allen requested more information regarding the DelDOT management area, in regard to the stormwater overflow.

Mr. Fuqua stated that not all stormwater overflows would go to the DelDOT management area, and only stormwater associated with a 100 Year Flood Event would be directed to the DelDOT management area.

Mr. Steve Fortunato, with Bohler Engineering, stated they will connect into an existing DelDOT storm drain system; that the system was placed as part of the Route 24 expansion; that the developer had met and coordinated with DelDOT, who were provided preliminary plans; that they have had multiple meetings with DelDOT who are aware of the development plans, and had no objection, subject to the Applicant completing all DelDOT requirements.

Madam Chair Wingate questioned where the water would be discharged from the underground stormwater system, and if the discharge would be performed through an infiltration of the system.

Mr. Fortunato stated that a very large amount will primarily be infiltrated; that there will be an overflow, where larger storm events will be discharged into the DelDOT storm drain system, and the Applicant will be required to meet the pre-development flows associated; however, there will be a lot of infiltration happening.

Madam Chair Wingate questioned whether there was an area of interconnectivity proposed to the north of the site.

Mr. Fuqua stated that the site is located along Mulberry Knoll Road and Route 24; that there will be access to Plantation Road by way of the access easement to the rear of the property; that there is no interconnectivity shown on the plan; that they could stub something to the parcel of land, but the land is currently agricultural land with an designated agricultural preservation easement, and they would do not want to insult the property by implying that it may be developed.

Madam Chair Wingate questioned whether there were any plans to have a multi-use path in the front, along with the fence, to deter any pedestrians from crossing where they are not supposed to; however, she could see a path being beneficial for bicyclists.

Mr. Fuqua stated there will be a multi-use path along the frontage of Route 24 and Mulberry Knoll Road; that the path will be similar to what is being constructed for many residential developments; that there will be a 15-foot easement, with a five-foot gap between the right of way, and there will be a 10-foot paved shared-use path along both roads of Route 24 and Mulberry Knoll Road, but not the service road.

Madam Chair Wingate questioned what the estimated time of completion was, as she was concerned about the amount of time that would be needed for DelDOT as well.

Mr. Fuqua stated that the only estimated timeline he had was that the project would take approximately three years to construct the development, with some stores coming online along the way.

Mr. Ben Hoskins stated the current projection would be pending approvals, and the entitlements timeline would have a grand opening where the majority of the center would open before the “high season” in 2028; that this timeline is based on the assumption that they would begin groundbreaking sometime in 2026, and that everything is subject to change.

Mr. Robertson questioned whether all the road improvements along the southside of Mulberry Knoll Road would be constructed within the DelDOT right of way, the Applicant’s property, or someone else’s property.

Mr. Fortunato stated that they have designed all the entrance improvements to be constructed within either the DelDOT right of way or the Applicant’s property, and currently, they are not anticipating any right of way or easement acquisition for the construction of the entrances or roundabouts.

Mr. Collins stated electricity prices have been increasing, creating power generation concerns; that residents do not want to place power generation in their backyards; that people do not want to turn existing farms into solar farms; that he questioned whether the Applicant had considered the development of solar arrays for vehicle covering or on rooftops to help with generation of power, and potentially offset market increases which are likely coming in the future.

Mr. Fuqua stated that the project has not reached that level of detail for the project yet, however, he believed the Applicant may have considered the placement of solar arrays, as he believed solar power was becoming the future.

Mr. Whitehouse questioned whether there would be any objection to interconnectivity to the adjoining Sussex County paramedic station.

Mr. Fuqua stated that he believed that the location would be located to the rear of the proposed Costco store; that he did not see why interconnectivity could not be possible, subject to the Planning & Zoning Commission allowing the Applicant to remove the landscape buffer proposed in that area, and the Applicant would have no objection to that interconnectivity requirement.

Mr. Robertson stated for the record that the Commission requested that the DelDOT representatives be present for the Commission's benefit, as DelDOT is the State regulating agency of the roadways.

The Commission found that Mr. Todd Sammons, Assistant Director of Development Coordination of DelDOT was present, along with Ms. Sarah Coakley, Transportation Improvement District Program Manager, Ms. Sireen Muhtaseb, Traffic Impact Study Group Engineer, and Mr. Tucker Smith, Traffic Engineer with McCormick Taylor, Inc., who is a consultant for DelDOT, and who assisted in the review to develop the Traffic Impact Study letter, in conjunction with the rest of the DelDOT staff.

Mr. Collins requested information regarding what the state of the roads is projected to be like, once the shopping center is developed and open to the public in 2028; that he questioned what the current state of Route 24 and Mulberry Knoll Road was, and what DelDOT improvements were proposed, beyond the road improvements that the Applicant had already previously spoken to.

Mr. Sammons stated that Mr. Collins question was a large question; that the proposed development is large, and will create a large trip generator, with pass-by trips as well; that DelDOT had factored for all of that; that they performed their analysis based off the years when the development would open, which was projected to be in 2028; that they also pushed the analysis out to 2045, which aligns with the TID (Transportation Improvement District) analysis; that from a high level, DelDOT is constantly monitoring all roads, being all major roads, side roads, and intersections; that they have programs that monitor these roadways; that they also have models that they run; that they have projects located within the CTP (Capital Transportation Program) which are ongoing, regardless whether the Atlantic Fields project comes in or not; that those projects are listed in the letter, and listed within the CTP; that there were improvements made to Route 24, from Route 1 just past the elementary school, where Route 24 was dualized, and turn lanes were placed; that there are more phases of Route 24 improvements that are coming, which will be constructed to the west of there and beyond Love Creek; that they will dualize Route 24; that DelDOT also had plans to make the Mulberry Knoll Road connection, which will take you all the way up to Route 9; that as developments come in, they are having developer's put those pieces in place; that some of those pieces are going to be CTP projects, which DelDOT and the federal government will fund; that they are constantly working and evolving to make the infrastructure better; that sometimes the projects do not happen fast enough for people, however, they do their best to stay in front of those issues; that they also attempt to attack infrastructure issues from different directions; that when developers come through the Development Coordination Group, they will have them mitigate their impacts in addition to the other pieces of the CTP project; that DelDOT did look out to 2045 in relation to Route 24; that the capacity, with the dualization of Route 24, even after the proposed development and other committed developments, will not exceed the capacity of the existing and current roadways.

Mr. Robertson questioned whether DelDOT considers and reviews committed developments, including developments that may not necessarily be built, whether there was a plan for lands located within the TID, whether the lands are developments or commercial, and if all of those things were taken into account during DelDOT's reviews.

Mr. Sammons stated that DelDOT considers the buildout year that the project proposes, as well as the future year, because this is a TID; that there are active projects that are currently planned in the TID; that he wanted to stress that 2045 is a long time out, being 20 years out; that everything is subject to change, however, DelDOT is constantly monitoring; that if there are problems as they develop, then there could be other changes and other improvements made; that engineers they like to say that they can fix anything, but he questioned what the ramifications of doing so would be; that he questioned if Sussex County would desire three travel lanes in each direction; that there are environmental and size impacts; that there are a lot of things that go into the decisions; that there is a balance between quality of life, as well as the transportation infrastructure, and it is a tough balance to strike through.

Mr. Collins questioned what the phasing and timeline would be for the dualization of Route 24, and if it would include the expansion of the bridge over Love Creek.

Mr. Tucker Smith, Traffic Engineer with McCormick Taylor, Inc., stated that there is another Capital Transportation Project proposed that will expand Route 24 to the west, from Love Creek out five miles west of that area; that currently, that project is not scheduled, but it is the next planned project; that he would assume the project would include the expansion of the bridge over Love Creek, as it is located along the same roadway; that the project is included within the scope of the CTP plan, and includes two lanes, each way, along the entire segment.

Mr. Collins questioned whether there were currently any plans to have the dualization of Route 24 completed before the proposed project would be operational, with customers driving in and out, and if the Mulberry Knoll Expansion to Route 9, which he believed to be another important project to deliver, would be finished by the time the proposed development would be built out.

Mr. Sammons stated that Mr. Collins's comments were correct; that the projects would not be completed, and that there is a piece going in with the Northstar project, as one of the conditions put in for Phase 1, which would be built from Route 9, as they are building their first set of homes; that before those homes could obtain a Certificate of Occupancy, they will have the road built from Route 9 down slightly past Route 23; that they are trying to hit the pieces as they go, and if there are other developers that come in, DelDOT will ask them to make those, but if not, there are connections, and if not, then the CTP project will eventually take care of it, but will not be placed by 2028.

Mr. Collins questioned whether DelDOT would anticipate that some of the traffic into and out of the center would also access the service road located behind the stores, and he believed the service road could provide an alternate route in the event there would be an accident on Route 24.

Mr. Sammons stated yes, that DelDOT does anticipate that some of the traffic into and out of the center would also access the service road located behind the stores; that this was the reasoning why there is connectivity over to Plantations; that interconnectivity is something that DelDOT constantly promotes,

as long as it makes sense and does not create unintended consequences; that it did not make sense to have all the traffic push out to Route 24 and Mulberry Knoll Road, when there could be a feasible connection over to Plantations, and they wanted to distribute the traffic as much as possible, so it does not unfairly and unduly impact certain areas, and the bigger and more distribution, the better.

Mr. Mears questioned whether DelDOT could provide any further description of the developer's required improvements.

Mr. Sammons stated that he felt the Traffic Impact Study (TIS) letter spoke for itself; that the TIS covers the requirements well, and had been part of the record since May 1, 2025; that there will be significant improvements required to occur for the proposed development; that there are four to five roundabouts required to be constructed, with two being site entrances; that there will be a roundabout located at Cedar Neck Road and Mulberry Knoll Road; that there will be one to two placed at Plantations; that there are significant intersection improvements around the site that are required to occur to help alleviate, and mitigate the site's impact; that there will be a major entrance located along Route 24, which will be signalized, and will have a right in and right out; that the plan has evolved from what the developer initially proposed with regards to the access points that the developer initially proposed; that a right in and right out, when designed safely, is a good relief valve, because it does not affect the traffic going the other way; that no one will need to make a left across Route 24; that it will allow vehicles to access the site better; that it is a balance between what the developer proposed, and what DelDOT feels is a good idea; that is why the developer is collaborating with DelDOT; that things could change and evolve as they go through the design process with DelDOT, when getting into the details of the design from a geometry, operational and safety standpoint; that the TIS is high level with regard to traffic impacts, determining where and how things are going to distribute out; that along Mulberry Knoll Road and Route 24, the developer will need to make improvements to the intersections that are above and beyond what the required TID improvements would be, or the current Route 24 improvements; that specifically, it would be a southbound, double-left out of the site, to mitigate their site traffic and to alleviate the traffic on Mulberry Knoll Road; that those are the types of things that DelDOT looked at to confirm if any further improvements would be required that would be above and beyond what is already planned there, and the Traffic Impact Study for the proposed project was a very complicated one, and DelDOT took it very seriously.

Madam Chair Wingate stated she felt it was fair to say that it appeared to be a sliding target, to see what is happening, and what the developer is proposing, and at the end of the day, DelDOT will make it the best that it can be.

Mr. Sammons stated that DelDOT considered the build-out year, also aligned it with the future projections of the TID, and accounted for all that and the CTP projects, doing the best they could to make sure that the infrastructure works in the area, should the project be approved.

Mr. Allen questioned whether DelDOT considered the difference in the traffic numbers during the summer months versus the non-summer months.

Mr. Sammons stated that DelDOT did consider the traffic numbers during the summer months; that typically, when performing an analysis, there are peak hours for the AM and the PM peak hours; that then there is a summer Saturday analysis that occurs; that when reviewing the analysis, one can see that

sometimes a summer Saturday is bad, however, there will be a decent to good level of service for the AM and PM peak weekday traffic; that in the summer, there is a higher volume and intense traffic of cars, creating an unacceptable level of service or a level of service that is not the best during these times; that DelDOT attempts to account for this, in an attempt to mitigate the issue; that there again, it comes down to a balance of how far it should be taken, and he questioned if Sussex County would want lane roundabouts, or four lane road sections, and this balance must be considered.

Mr. Robertson requested that DelDOT emphasize or further explain the point that DelDOT knows the traffic counts and the impacts of the proposed project, including the existing traffic counts along Route 24 and Mulberry Knoll Road, as well as the future counts, which have been based on performed studies and criteria that DelDOT has.

Mr. Sammons stated Mr. Robertson's statement was an accurate statement; that there are physical counts that are taken in real time; that there are committed developments that are added in; that there are grown out factors that are appropriate, studied, and applied through an engineering analysis and through practical data; that all of this information gets added together, and grown out to when there are seasonal factors; that then they consider the traffic from the site itself, and grow that out to the future; that once this has been completed the analysis is performed; that they then compare to what the existing traffic is versus the projected future numbers; that they then took it another step, by growing it out to what the TID projections would be in 2045, to provide for a better look at the area; that there are a lot of things that go into growing it out, being the reasoning why the numbers get so big; that at times the level of service or future projections will show a Service Level F; that there is so much delay because there was all this traffic pushed into that; that this is what DelDOT based mitigations off of; that they attempt to look at worst-case scenarios; that DelDOT does not want anyone to experience delays, operational or safety concerns, however, the reality of it is, on a Saturday, during the summer months, there will be delays; that there will be some capacity issues because we all live at the beach, being the place that everyone wants to be; that he questioned how should DelDOT mitigate that issue; that he questioned whether DelDOT should design out of it fully, or should they accept some delays on a summer Saturday, but not accept it on a weekday; that this is where engineering judgement come into play; that there were many engineers, and a lot involved with the proposed project; that he believed the TIS speaks for itself to the amount of mitigation, and it also identifies the concerns and the amount of traffic that is in it.

Mr. Collins questioned whether there was any consideration given to autonomous driving and how it may impact requirements in the future.

Mr. Sammons stated that the answer to Mr. Collins' question was beyond the DelDOT representatives present for the meeting; that he did guarantee that DelDOT is looking at it, and that DelDOT looked at bus stops, mass transportation, such as bicyclists, and pedestrians, which is all incorporated into the recommendations.

Mr. Robertson questioned whether the proposed project would generate a DART bus stop.

Mr. Sammons stated there are four DART bus stops that were made as a recommendation and/or requirement; that there are two stops proposed close to Mulberry Knoll Road, one stop proposed on either side of Route 24, and two proposed close to the entrance there as well; that regarding the shared

use path and fencing, it was DelDOT's idea to channelize pedestrians and the low impact bicycle to the safe crossing points at Mulberry Knoll Road, and the main intersection, which will be signalized with the approval of the proposed development; that DelDOT did not want pedestrians running across Route 24 for safety reasons; that the fence and shared use path will be located around the entire site and down Mulberry Knoll Road, and that DelDOT is looking at all forms of transportation when they make recommendations.

Madama Chair Wingate stated the Commission's hope would be that many people would utilize the bus transit, which would eliminate the number of vehicles on the roadways.

The Commission found that there were three people present who wished to speak in support, and 22 people present who wished to speak in opposition to the application. There were 15 people present in support, and 62 people present in opposition, by a show of hands.

Dr. Chris Haffer of Scenic Harbor, Lewes, spoke in support of the application.

Mr. Tom Hinderliter of Pot Nets Bayside spoke in support of the application.

Ms. Cynthia Anderson-Clay of Plantation Lakes spoke in support of the application.

Representative Ms. Claire Snyder-Hall of Rehoboth spoke in opposition to the application.

Mr. Kenneth Suter of Rehoboth spoke in opposition to the application.

Mr. Raymond Gulino of Lewes spoke in opposition to the application.

Ms. Robin Delgado of Lewes spoke in opposition to the application.

Ms. Susan Wattman of Belle Terre in Lewes spoke in opposition to the application.

Mr. David Bower of Lewes spoke in opposition to the application and provided opposition exhibits.

Mr. Robertson requested that more information be provided by the Applicant regarding truck and delivery access to the stores on the site.

Mr. Fortunato stated that the actual turning paths of which uses had not been finally determined; however, all of the accesses are required to be designed to a WB62 in accordance with DelDOT; that the Applicant is required to provide truck turns around every roundabout and every entrance, regardless of whether a tractor-trailer ever turns into the area or not; that regardless of whether an entrance is or is not used for deliveries by anyone, all of them will include truck turning movements in the engineering diagrams for approval.

Ms. Sheri Kastner of Lewes spoke in opposition to the application.

Ms. Amber Day of Belle Terre in Lewes spoke in opposition to the application.

Mr. Gary Vousheim of Lewes spoke in opposition to the application.

Ms. Barbara Bowen of Lewes, on behalf of ROOT Nation Reclamation Trust of Ancestral Lands Restoration, spoke in opposition to the application.

Mr. William Green of Belle Terre in Lewes spoke in opposition to the application.

Ms. Ever Council, on behalf of ROOT Nation Reclamation Trust of Ancestral Lands Restoration, spoke in opposition to the application and submitted opposition exhibits.

Ms. Ann Merkert of Belle Terre in Lewes spoke in opposition to the application.

Recess

6:35 pm – 6:56 pm

Mr. Eric Wattman of Belle Terre in Lewes spoke in opposition to the application.

Ms. Stephanie Sette of Welches Pond spoke in opposition to the application.

Ms. Nicole Kline, with Bowman Consulting Group, stated that the intersection and roundabout that Ms. Sette referred to is a TID improvement, which was planned by DelDOT; that DelDOT had selected certain improvements within the TID that the Applicant will be required to construct as part of their development construction; that this will not fall under the umbrella of DelDOT projects; that when DelDOT requires an applicant to construct a TID improvement, it becomes fully an applicant project; that DelDOT will only review the design, and it would not be completed as a DelDOT funded or State-ran project.

Mr. Robertson questioned if the intersection at Mulberry Knoll Road and Cedar Grove Road is not anywhere near the Applicant's property, and the right-of-way payment is small, how would the Applicant acquire the land to place in the roundabout if there is not sufficient room within the DelDOT right-of-way, with it being a private TID project, being constructed with private money by the developer.

Ms. Kline stated that it would be part of the Applicant's responsibility; that they cannot yet speak to all the details of the off-site improvements; that at this point, DelDOT had said that the Applicant would need to build that off-site improvement; that they have to design it, reviewing all of those details; that if they find that the roads will require widening, it will be on the Applicant during the design process, and at that time they will determine if there is sufficient right of way to accommodate that full design or not.

Ms. Tracy Denton of Belle Terre in Lewes spoke in opposition to the application.

Dr. Lori Bunting Hudson of Welches Pond spoke in opposition to the application.

Mr. Randy Barnhart of Belle Terre in Lewes spoke in opposition to the application.

Mr. Whitehouse stated that for a commercial project within the C-4 Zoning District, the Front Yard Setback requirement is 60 feet; that the Side and Rear Yard Setback requirements are five feet; that the Corner Front Yard Setback requirement is 15 feet; that the C-3 Zoning District permits for mixed-uses, but for strictly commercial uses the setback requirements would remain the same as the C-4 District.

Ms. Denise Krok of Welches Pond spoke in opposition to the application.

Ms. Jennifer Heilman of Belle Terre in Lewes spoke in opposition to the application.

Ms. Judy Rose Seibert of Saddle Ridge in Lewes spoke in opposition to the application.

Ms. Celia McDermott of Belle Terre in Lewes spoke in opposition to the application.

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

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

In relation to C/Z 2037 Mulberry Knoll Associates, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

Minutes of the October 15, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since September 17, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2037 Mulberry Knoll Associates, LLC for a change in zone from the AR-1 Agricultural Residential District to the C-4 Planned Commercial District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a 73.5-acre parcel of land along Route 24 in eastern Sussex County to the C-4 Planned Commercial District. The purpose of the C-4 District is “to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working, and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.” This purpose is satisfied with this application.
2. Route 24 is classified by DelDOT as a principal arterial roadway, and this property is within the Henlopen Transportation Improvement District created jointly by DelDOT and Sussex County. This project will have access to Route 24 as well as other adjacent roads. In addition, a TIS was prepared by the Applicant’s traffic engineers and approved by DelDOT. On top of the improvements required by the TIS, the developer’s contributions to roadway improvements within the Henlopen TID are set forth in DelDOT’s TIS Review Letter dated April 30, 2025. It is estimated that these improvements will cost approximately \$10,000,000.00.

3. The site is within the Commercial Area according to the Sussex County Comprehensive Plan and its Future Land Use Map and it has been designated with this classification since the current Plan was adopted in 2018. C-4 Zoning is an appropriate zoning designation within the Map's Commercial Area. As a result, the County anticipated that large-scale commercial development would occur at this location. Therefore, this is not sprawl or uncontrolled growth. Instead, it follows Sussex County's long-term planning goals, designating this as an appropriate area for commercial growth and development.
4. The entire site is cleared farmland that has been in agricultural use for more than a century. There are no environmental features or Resources as that term is defined in the Sussex County Code on the site. In furtherance of this, the Applicant has provided an Environmental Assessment and Public Facilities Evaluation as part of the Application.
5. This site is in an area with a variety of existing uses, including two schools, Delaware State Police Troop 7, a Sussex County EMS paramedic station, Beebe Hospital's medical campus, land approved for a convenience store, and a variety of housing developments. On the other side of the Beebe medical campus are intensive commercial uses, including a large hotel, bank, car dealership, and an apartment complex. The site is also less than one mile from the Route One commercial corridor. This is an appropriate location for C-4 zoning and the commercial center proposed by the Applicant.
6. The C-4 zoning combines a zoning application with a site plan review, much like a Residential Planned Community zoning. Here, the Applicant has provided a design that includes a wide variety of grocery, retail, restaurant, food service, and other commercial uses in close proximity to many homes. This benefits the residents of this community and other Sussex County residents by reducing the need to travel farther away on area roadways for these uses.
7. There is evidence in the record that the project will have a positive impact on Sussex County's economy. In addition, it will be required to make substantial annual tax payments to the local school district without generating any additional enrollment within that school system.
8. The use will be served by central water and Sussex County sewer.
9. The site is located along a bus transit route operated year-round by DART that serves Millsboro, Long Neck, and Rehoboth Beach, and bus stops will be provided at the site.
10. The recommended conditions of approval require the proposed gas station to be relocated away from the northeast corner of the site to a more internal location. This removes this more intensive use from the existing wellhead protection area and further away from residential properties.
11. With conditions imposed, the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
12. This recommendation is subject to the following conditions:
 - A. The proposed fuel station shown at the northeast corner of the site shall be moved to a more internal location within the site that is not within a wellhead protection area or adjacent to existing residential properties. This will mitigate any potential harm to the wellhead protection area and will reduce traffic, light pollution, and noise immediately next to homes. In addition, the site shall comply with the applicable requirements of Chapter 89 of the Sussex County Code regarding Source Water and Wellhead Protection.
 - B. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination, including specifically the requirements contained in DelDOT's April 30,

2025, TIS Review Letter, along with any additional requirements that DelDOT may impose. These roadway improvements will include off-site roadway improvements and a signalized entrance constructed to provide safe vehicular and pedestrian access to the site. Given the location and size of the project, the developer shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the applicant and DelDOT, and it shall be presented to the Planning and Zoning Commission for consideration as part of the Final Site Plan.

- C. The developer shall cooperate and coordinate with Sussex County and its Emergency Medical Services team to explore the installation of a controlled-access interconnection between the County's EMS station on Plantations Road and this site.
- D. There shall not be any truck deliveries to or from this site via Mulberry Knoll Road until that roadway is fully improved and operational between Route 24 and Cedar Grove Road. There shall be signage installed along the site's Mulberry Knoll Road boundary confirming this prohibition. This shall also be noted on the Final Site Plan.
- E. There shall not be any waivers granted from the required front yard setback for parking or buildings. This area shall be improved with vegetation to create a visual buffer from Route 24. The nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- F. There shall be vegetation planted along Mulberry Knoll Road to screen this development from that roadway and the homes located on the opposite side of it. The nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- G. The development shall be connected to the Sussex County sanitary sewer system in accordance with the requirements and specifications of the Sussex County Engineering Department.
- H. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- I. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- J. The Final Site Plan shall include a lighting plan showing the locations of all external luminaries within the site. The Plan shall include a photometric plan with contours to show the cumulative spill of all luminaries to be sited relative to adjoining parcels.
- K. As voluntarily proffered by the Applicant, the Applicant and/or its successors and assigns shall make a contribution to the Rehoboth Beach Volunteer Fire Company and the Lewes Volunteer Fire Company in the total amount of \$100,000.00. This contribution shall be made on a *pro rata* basis in equal shares to the two Fire Companies at the time any Certificate of Occupancy is issued following the construction of a building within the site, based on the square footage of that building as a percentage of the total project square footage of 663,213. This contribution requirement shall be set forth on the Final Site Plan. A copy of this Ordinance shall also be provided to both Fire Companies as a condition of Final Site Plan approval.
- L. During sitework and initial 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.

- M. There shall be solid green fencing along the northwestern boundary of this site adjacent to the land in Agricultural Preservation. The vegetation along this boundary shall be planted on the outside of this fencing between the fence and the property boundary. These plantings shall be of a size and variety to screen the fencing and the rear of this property, and the nature, type, and location of these plantings shall be presented to the Planning & Zoning Commission for consideration as part of the Final Site Plan.
- N. All dumpsters and trash containers on the site shall be enclosed and screened from the view of neighboring properties and roadways. The location of these enclosures shall be shown on the Final Site Plan.
- O. No structures, buildings, temporary storage containers (including Conex or similar containers), trash compactors, or equipment shall be located within the parking areas or drive aisles to the rear of the site. There shall be signage installed along the rear drive aisle confirming this, with the location of the signage shown on the Final Site Plan. This prohibition shall not apply to enclosed dumpster locations approved as part of the Final Site Plan.
- P. The Final Site Plan shall include the Agricultural Use Protection Notice.
- Q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried to recommend approval of C/Z 2037 Mulberry Knoll Associates, LLC for the reasons and the conditions stated in the motion. Motion carried 4-1.

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

Mr. Passwaters voted yea, for the reasons and the conditions stated in the motion.

Mr. Allen voted yea, for the reasons and the conditions stated in the motion.

Mr. Mears voted yea, for the reasons and the conditions stated in the motion.

Mr. Collins voted nay, as he had concerns regarding the traffic considerations and concerns expressed by citizens, and that DelDOT may not be able to make the improvements needed to alleviate their [the citizens] concerns.

Madam Chair Wingate voted yea, for the reasons and the conditions stated in the motion.

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
BRIAN BUTLER
SCOTT COLLINS
J. BRUCE MEARS



Sussex County

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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 17th, 2025

Sussex County Council Public Hearing Date: October 21st, 2025

Application: C/Z 2037 Mulberry Knoll Associates

Applicant: Mulberry Knoll Associates, LLC
c/o Ben Hoskins
1 W. Pennsylvania Ave., Suite 230
Baltimore, MD 21204

Owner: JG Townsend Jr.
P.O. Box 430
Georgetown, DE 19947

Site Location: Located on the west side of John J. Williams Highway (Rt. 24)
approximately 500 feet south of Plantations Road / Warrington Road
(Route 1D / S.C.R. 275)

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

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

TID: Parcel is within the Henlopen Transportation Improvement District

Comprehensive Land
Use Plan Reference: Commercial Area

Councilmanic
District: Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Public (Sussex County)

Water: Private (Tidewater)

Site Area: $\approx$ 73.5 acres

Tax Map ID.: 334-12.00-46.00 & 47.00



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Staff, Sussex County Planning & Zoning
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 8, 2025
RE: Staff Analysis for C/Z 2037 - CZ 2037 Mulberry Knoll Associates LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 2037 Mulberry Knoll Associates LLC to be reviewed during the September 17th, 2025, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

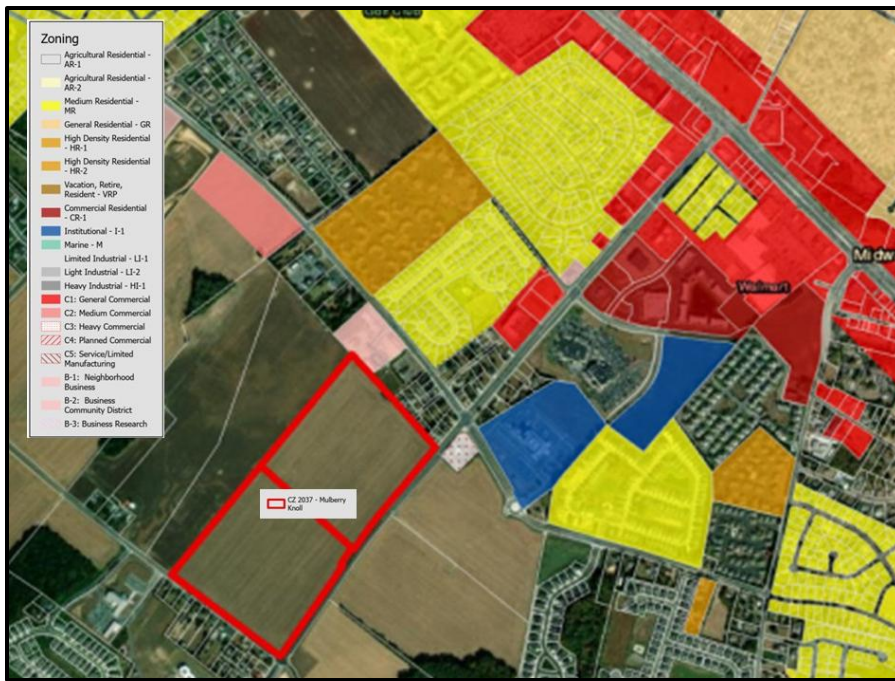
Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel IDs: 334-12.00-46.00 & 334-12.00-47.00

Proposal: The request is for a Change of Zone for Tax Parcels: 334-12.00-46.00 & 334-12.00-47.00 from Agricultural Residential (AR-1) to Planned Commercial (C-4) to allow for a shopping center with improvements including (663,213) square feet of commercial improvements within (23) proposed structures, a fuel station, commercial drive-through facilities, internal roads, parking, sidewalks, landscaping, stormwater management, and associated site improvements. The two (2) Parcels are comprised of a total of (73.457 +/-) acres and located on the northwest side of John J. Williams Highway (Route 24) approximately 400 feet south of Plantation Road (S.C.R. 275 / Route 1D) and extending to the northwest corner of Mulberry Knoll Road (S.C.R. 284) in Rehoboth Beach, Delaware.

Zoning: The Parcels are zoned Agricultural Residential (AR-1) District. The adjacent parcels on all sides the subject property are zoned Agricultural Residential (AR-1) with the exception of a single parcel (TM# 334-12.00-115.00) across Route 24 to the east within the Heavy Commercial (C-3) Zoning District and a single adjacent parcel to the north with frontage on Plantations Road in the Neighborhood Business (B-1) Zoning District. Various commercial Zoning Districts are present to the north on both sides of Route 24 extending north to Coast Highway.





Staff note the legislative intent of the (C-4) Planned Commercial District as provided in (§115-83.24 – Purpose) as follows:

In order to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

Staff have provided more detailed comments relating to the specifics of the site design via a Staff Review of the Preliminary Site Plan which reviewed the Application’s site plan for compliance with Chapter 115 (Zoning Ordinance) and the Planned Commercial (C-4) District Site Plan specific criteria outlined in §115-83.25(F)(2)(a-h) and §115-83.25(F)(4)(a-d) and forwarded that letter to the Applicant on 8/27/2025. Please refer to the Staff Review for comments and recommendations on Chapter 115 of County Code and the site plan’s design relating to pedestrian layout, sidewalk provisioning, street trees, parking lot landscaping, multimodal access, and interconnectivity. [Preliminary Site Plan \(C/Z 2037\) Staff Review 8.27.2025](#)

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

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as “Commercial Area” (per the 2018 Comprehensive Plan). The Plan provides the following guidelines in Commercial Areas:

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly. Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted

to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (2018 Sussex County Comprehensive Plan, 4-17).

The Plan's proposed Planned Commercial (C-4) Zoning District is listed as an Applicable Zoning District in the Commercial 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

To assist the Planning & Zoning Commission in their review of the Plan, Staff has assembled guidelines and recommendations selected from the Comprehensive Plan deemed relevant to the proposed Plan and have included those items for reference as follows:

12.3.3 Sidewalks

- Sidewalks (or asphalt paths along main roads in rural areas) are an important element in residential neighborhoods that increase safety and connectivity for pedestrians and can provide them with an ability to walk or bicycle to stores, schools and parks. Also, overly wide residential streets and intersections should be avoided when possible to discourage speeding and to make it easier for pedestrians to cross the street

12.3.4 Parking Location

- Whenever practical, parking should be located to the rear or side of buildings, so that the front yard can be landscaped.
- Staff note that parking in the front yard setback is discouraged in County Code and subject to site plan review by the Planning & Zoning Commission (§115-166(C)).

12.3.1 Trees

- The planting of street trees can improve aesthetics and eventually provide a canopy of shade over streets. 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.

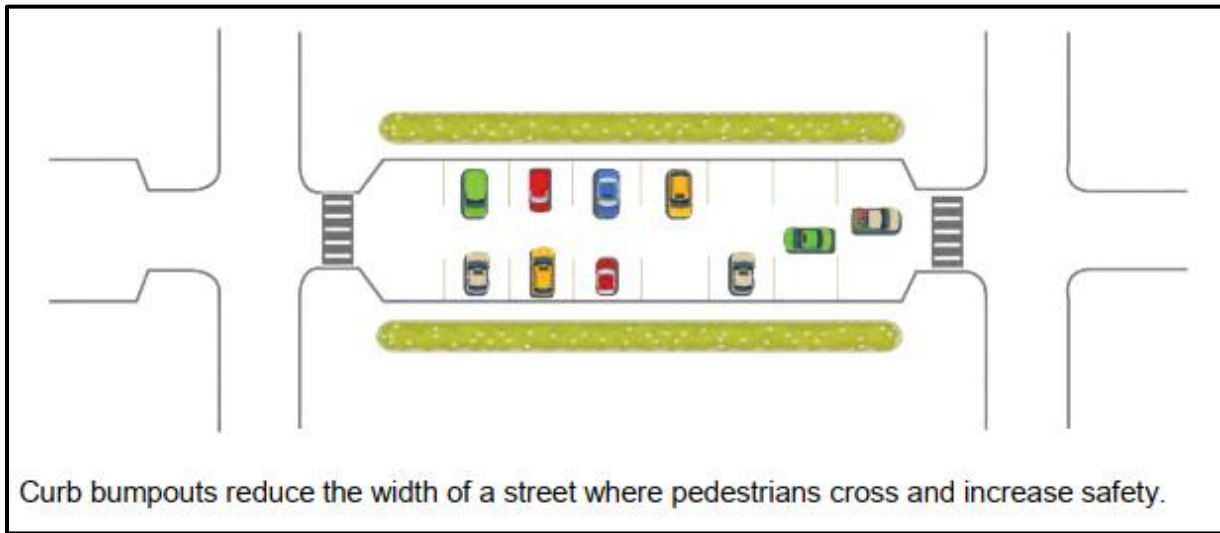
12.3.16 Buffering & Landscaping

- Additionally, in developed areas, a high impervious coverage can still be attractive with proper landscaping. In these areas, street trees and shade in parking lots should be encouraged (PG 12-12).

12.3.12 Curb Bump outs

- On residential streets and some streets in commercial areas, there may be a possibility for curbs to be extended outward at intersections so there is less width of street that needs to be crossed by pedestrians. The street can then be widened where on-street parking spaces are provided. By reducing the street width where there is not a need for parking, it also reduces the amount of pavement and runoff and reduces construction and maintenance costs.

12.3.13 Commercial Development Location



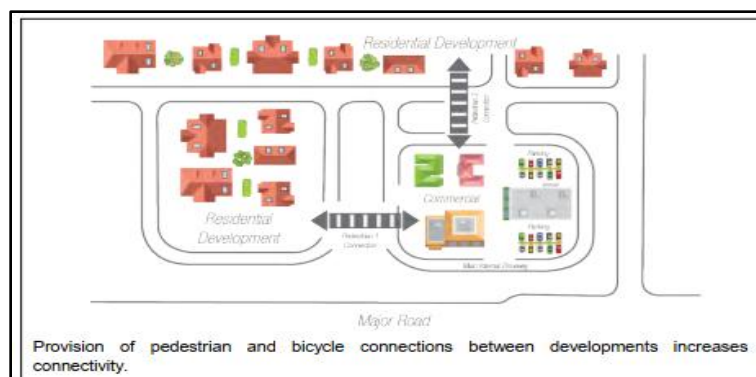
(Image: Sussex Comp plan 2018 PG 12-8)

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.

12.3.10 Pedestrian and Bicycle Connectivity

- The provision of pedestrian and bicycle connections between various developments can encourage walking and cycling and increase access to community facilities such as parks, schools, and libraries. Where a road does not provide a connection, a hard-surfaced pedestrian easement could be provided. Additionally, in larger commercial developments interconnectivity should be integrated into site design and most vehicle traffic should be directed to routes that do not conflict with the main pedestrian entrances from parking lots.



(Image - Comp Plan PG 12-7)

(2018 Sussex County Comprehensive Plan, 12-7)

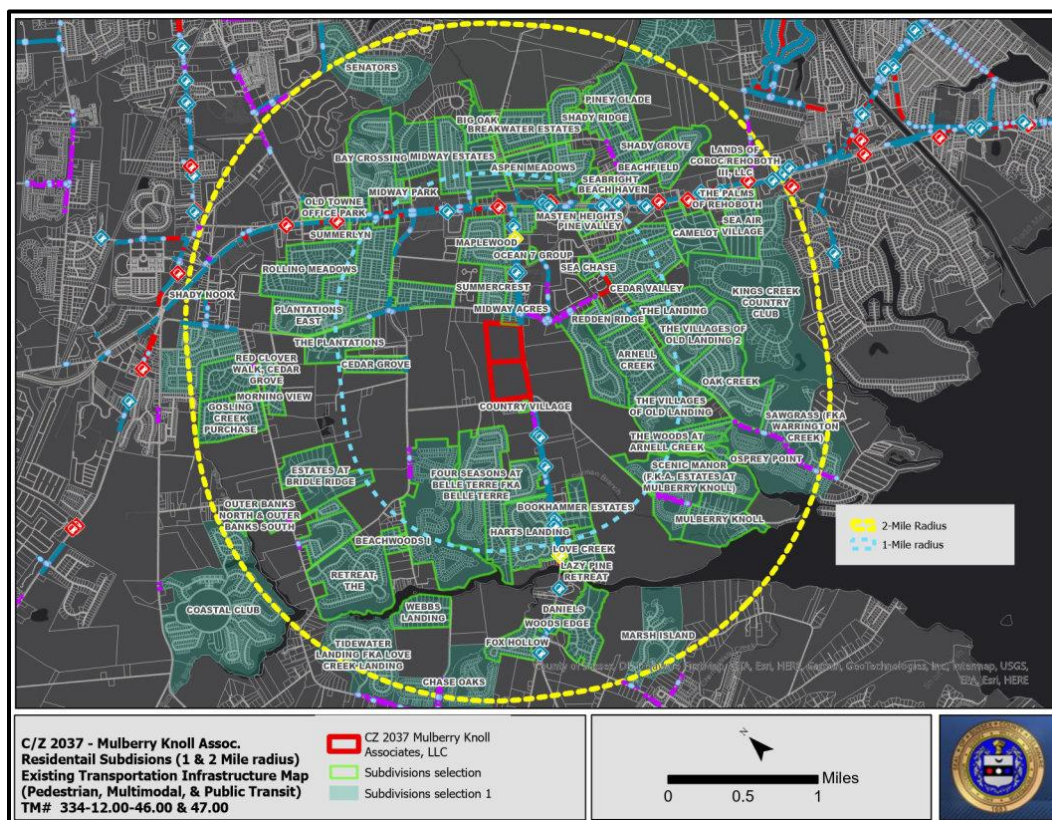
13.3.5 Key Corridor Visions

- RE: Route 24 “...the strategy for these corridors should be to develop proactive plans to reduce the encroachment of development adjacent to the ROW. This would allow for future capacity expansion along these corridors”. (2018 Sussex County Comprehensive Plan, 13-32)

Comprehensive Plan - Design & Development - Comments

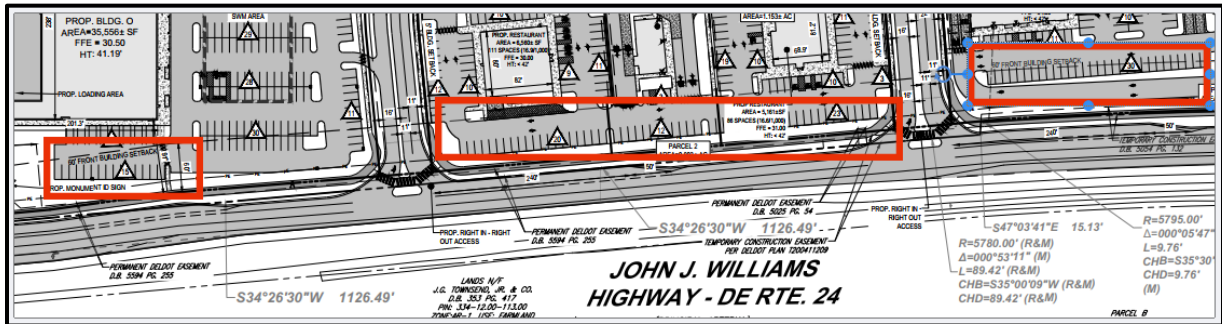
Given this location on the Route 24 corridor from the proposed plan less (.75) miles south of Coastal Highway (Route 1) midway between Lewes & Rehoboth Beach, this location will likely function as a transportation hub as the shopping center will be a regional destination.

The proposed commercial improvements in this Plan would create significant new vehicular capacity demand and this proposal represents an opportunity to improve pedestrian and multimodal connectivity in a key area bordering both Lewes and Rehoboth Beach. GIS Analysis indicates 2,570 lots within a 1 mile radius of the site and 8,252 lots within a 2-mile radius with a majority of these lots being residential improvements.



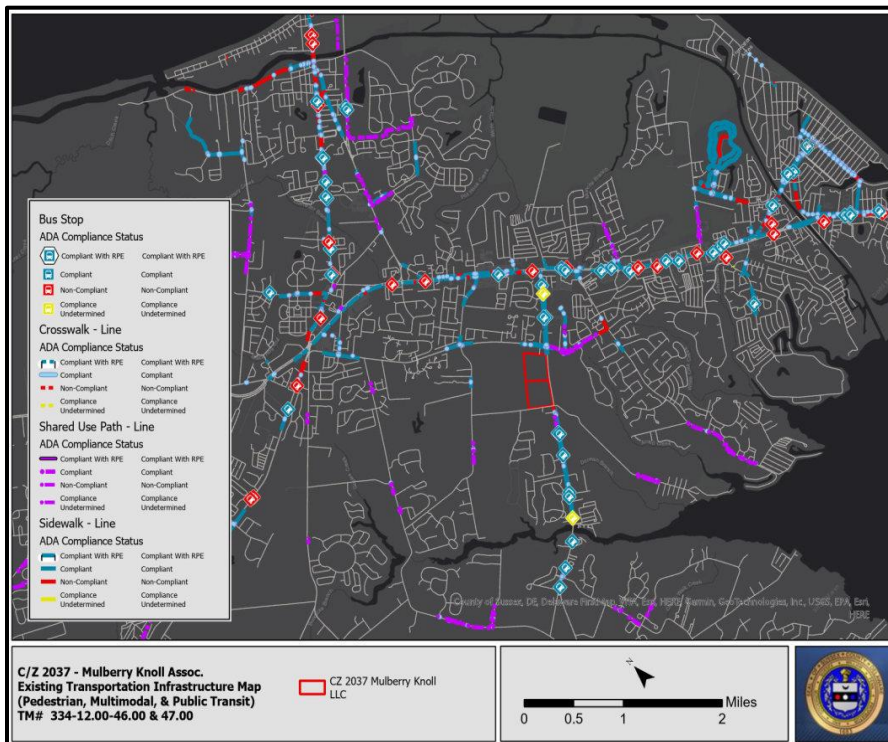
(Map/Image: Residential Subdivisions within 1-Mile & 2-Mile radius of the site)

Increasing demand for capacity for this portion of the Route 24 corridor is likely. The Plan includes extensive parking in the front yard setback. Staff note this is discouraged by the County Code and could serve to restrict future capacity increase along this portion of Route 24 Corridor. Staff recommend the reduction of parking in the front yard setback where possible in the design to serve both aesthetics as well as any future increase in capacity demand as may occur on this portion of the Route 24 corridor.



(Map/Image: Extracted from plan – Parking in front yard setback)

Staff recommend robust pedestrian infrastructure and amenities on the site as this segment of the Route 24 corridor as well as the intersecting portion of Coastal Highway are prone to traffic issues including routine stacking at peak hours. For reference, Staff have included a map of the existing multimodal infrastructure surrounding the site.

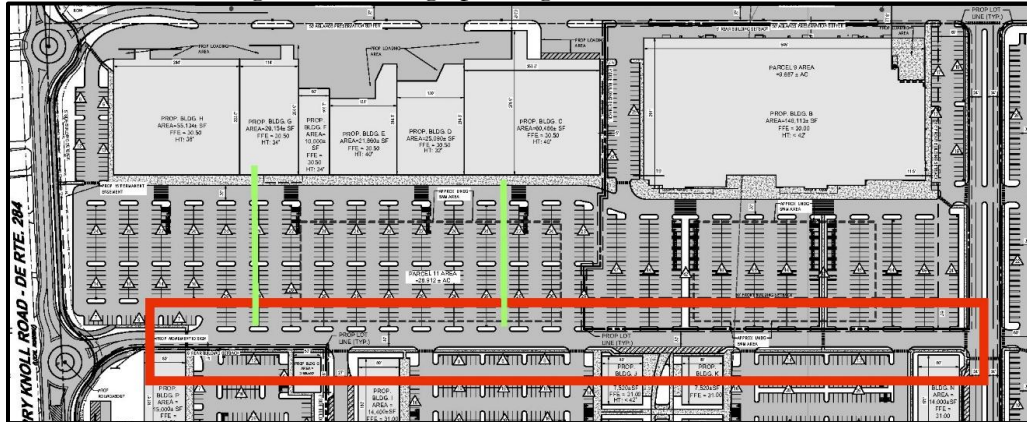


Staff note that the site represents a gap in the existing pedestrian and multimodal network.

Staff also recommend the plan include multimodal access and amenities to lessen the traffic impact on the surrounding area by providing as many transit options as possible at this unique location.

Design Recommendations:

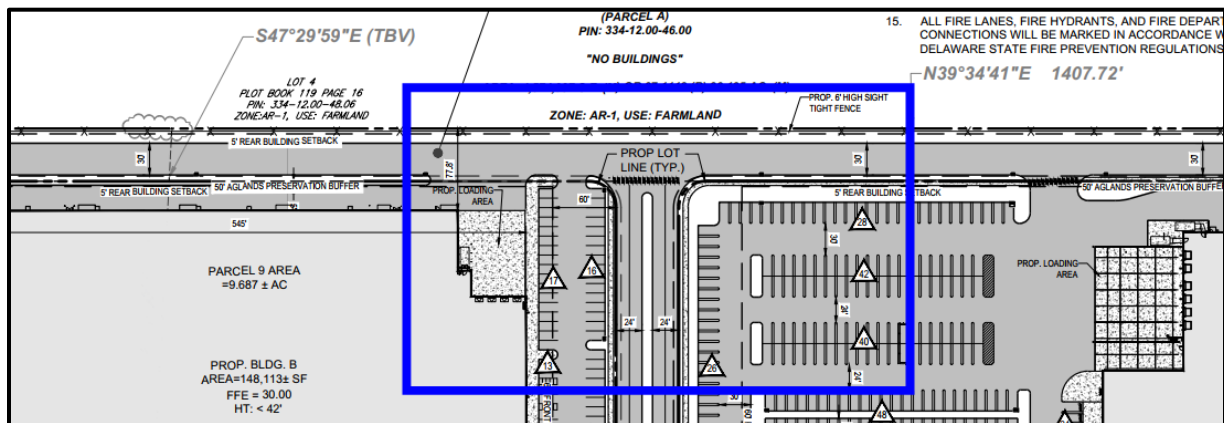
- A designated area for bus/shuttle pickup and parking could be integrated into the design as a transit hub in the parking lot's interior where pedestrian and multimodal access could intersect.
- Sidewalks along both sides of all primary internal circulation routes within the site and as well as connecting across all large parking areas.



(Image: Extracted page from Plan with primary internal circulation road highlighted (red) and recommended sidewalk corridors (green))

- A minimum (8-10) foot sidewalk width for sidewalks parallelling the two primary lateral internal circulation routes.
- Provide pedestrian amenities like bump outs to minimize crossing distances, increase safety, and provide a superior pedestrian design on the site which can induce the maximum amount of multimodal and pedestrian access serving to decrease vehicle access demand on both Route 24 and Route 1.
- Landscape plantings to include street trees along both sides of all internal roads and parking islands with canopy trees in all parking lots to improve aesthetics, improve pedestrian corridors, and decrease the overall heat island effect across large parking areas.
- The Applicant could integrate a shared use path within the shopping center along the primary internal vehicle circulation routes mirroring the DelDOT Design standards for the shared use path as required on both Route 24 and Mulberry Knoll Road as this would maximize multimodal access to the site.

Staff recommend provisions for future connectivity to the north of the site. Both the Comprehensive Plan and the design guidelines for improvements in the Planned Commercial (C-4) Zoning District require “Interconnectivity with adjacent parcels” (§115-83.25(F)(4)(b)). Staff note that the terminus of the primary internal lateral circulation route between proposed “Building A” and proposed “Building B” would be an intuitive location to provide a stub or easement for future connection to the north.



(Image: Extracted page from Plan – Highlighted: Possible area for future interconnectivity)

The provision of interconnectivity in all directions possible would increase connectivity and serve to decrease vehicular traffic along this emerging segment of the Route 24 corridor with varied commercial, residential, and institutional uses (Business, multifamily, hotel, restaurant, schools, healthcare, etc.).



As can be seen in the map of the existing multimodal infrastructure around the (CZ 2037) site, this section of the Route 24 Corridor contains several varied uses including health care, schools, retail, hotels, as well as multifamily residential communities.

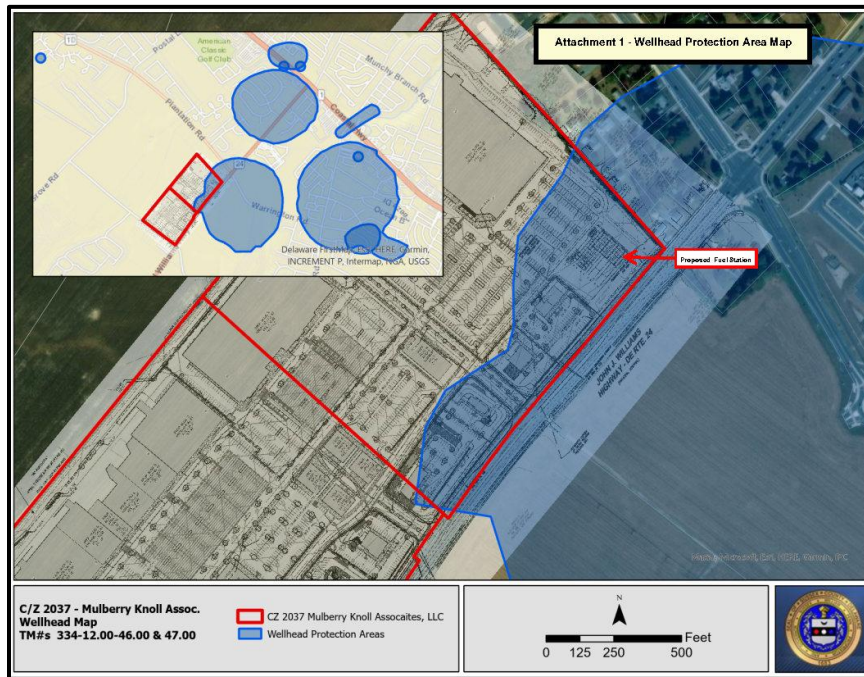
The multimodal & pedestrian design of the site is an opportunity to provide interconnectivity between all the uses along this corridor as well as serving as a transit hub. Incentivizing patrons to walk or bike to the site can serve to mitigate the increased vehicle trips associated with the shopping center.

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands. Any plans will require the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This includes a requirement that language be included within any subsequent deed restrictions, leases, or agreements of sale for the property. Staff note that any proposed setbacks/BRLs will be required to meet the (50) foot setback requirements for major subdivisions adjacent to land used primarily for agricultural purposes (§99-6(G)(2)) where applicable.
- **Interconnectivity:** The Plan does not provide for direct vehicular connection to the north of the site. Staff recommend connection to possible future development via the inclusion of a stub or easement to this adjacent parcel.
- **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. The proposed development is not consistent with the LUTP, therefore, the developer was required to perform a TIS. Staff are in receipt of the TIS Review Letter as issued by DelDOT on May 17, 2024.
- **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 an area of “Good” Groundwater Recharge Potential.

Staff note the Plan includes a fuel station at the southeast corner of the site along the frontage of Parcel #46.00 on Route 24 entirely within a Wellhead Protection Area. Please note, any plan submitted for review will need to meet requirements of §89-6(F) relating to impervious quotients and source water protection.

Fueling stations appear to be proposed within the extent of the wellhead zone. Staff note that any underground storage tanks will be required to meet all the applicable regulations of the State of Delaware (§89-6(F)(6)).

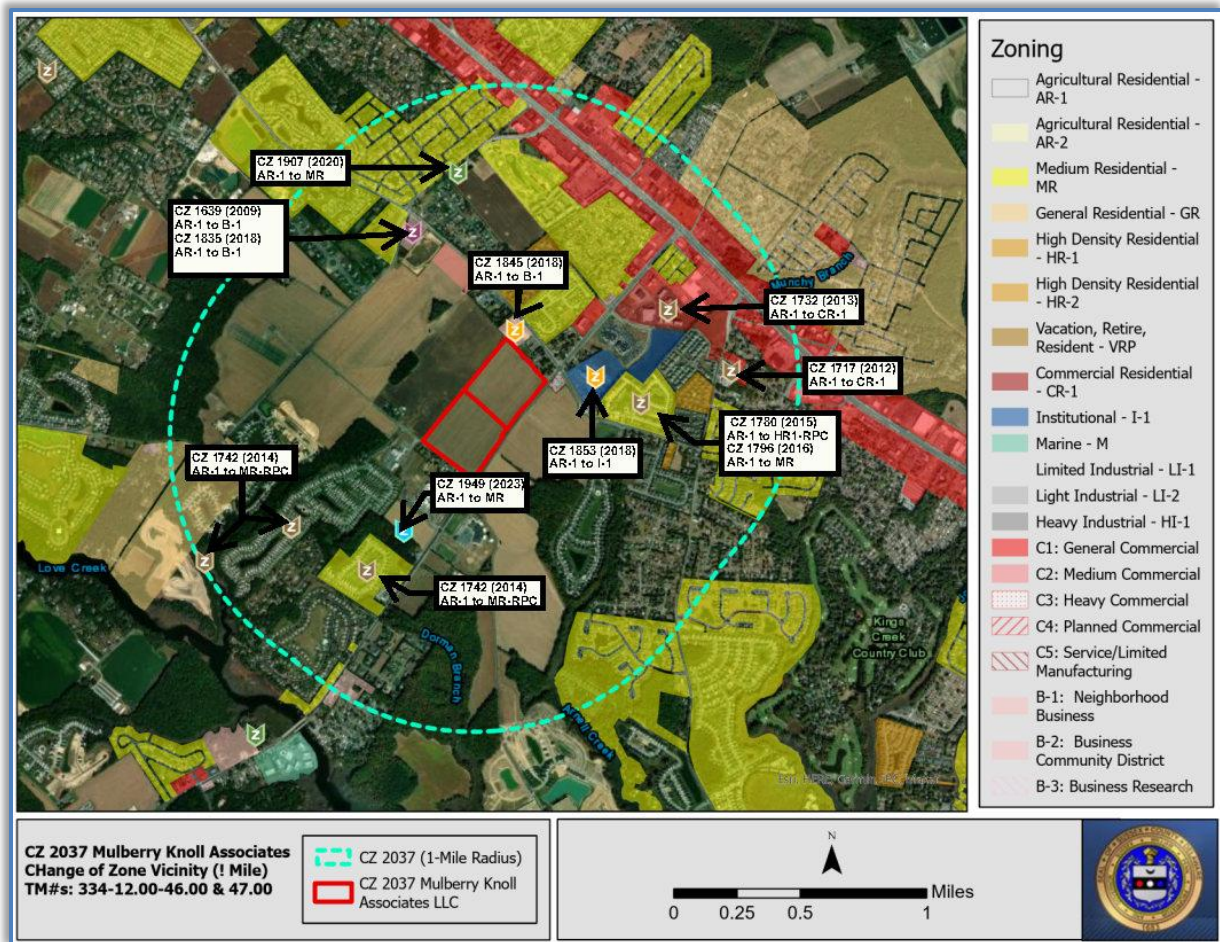


Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Planned Commercial (C-4) District to allow for commercial use could be considered as being consistent with the land use, subject to size and scale, with area zoning 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
1533	Hailey & Ribera Development LLC	AR- 1/MR	AR-1/RPC	Approved	6/8/2004	1696
1639	Todd Bariglio (NW 275 & 283)	AR-1	B-1	Withdrawn	6/30/2009	N/A

1717	William N. Hein	AR-1	CR-1	Approved	6/26/2012	2267
1732	Herola Family, LLC & Artisans' Bank	AR-1	CR-1	Approved	9/24/2013	2318
1742	Seaside Communities, RDC, LLC	AR-1	MR-RPC	Approved	9/30/2014	2366
1780	Lockwood Design	AR-1	HR-1-RPC	Withdrawn	11/17/2015	N/A
1796	Lockwood Design	AR-1	MR	Approved	9/20/2016	2462
1800	Sussex Real Estate Partners, LLC	AR-1	MR-RPC	Withdrawn	9/1/2016	N/A
1835	HKLS, LLC	AR-1	B-1	Approved	1/9/2018	2546
1845	LMHT, LLC	AR-1	B-1	Approved	3/13/2018	2556
1853	Bebbee Healthcare	AR-1	I-1	Approved	9/11/2018	2597
1907	Matthew C. Hete	AR-1	MR	Denied	7/28/2020	N/A
1949	J.G. Townsend, Jr. & Co.	AR-1	MR	Denied	5/16/2023	N/A





Exit HERE, Gaithersburg, MD, Maryland

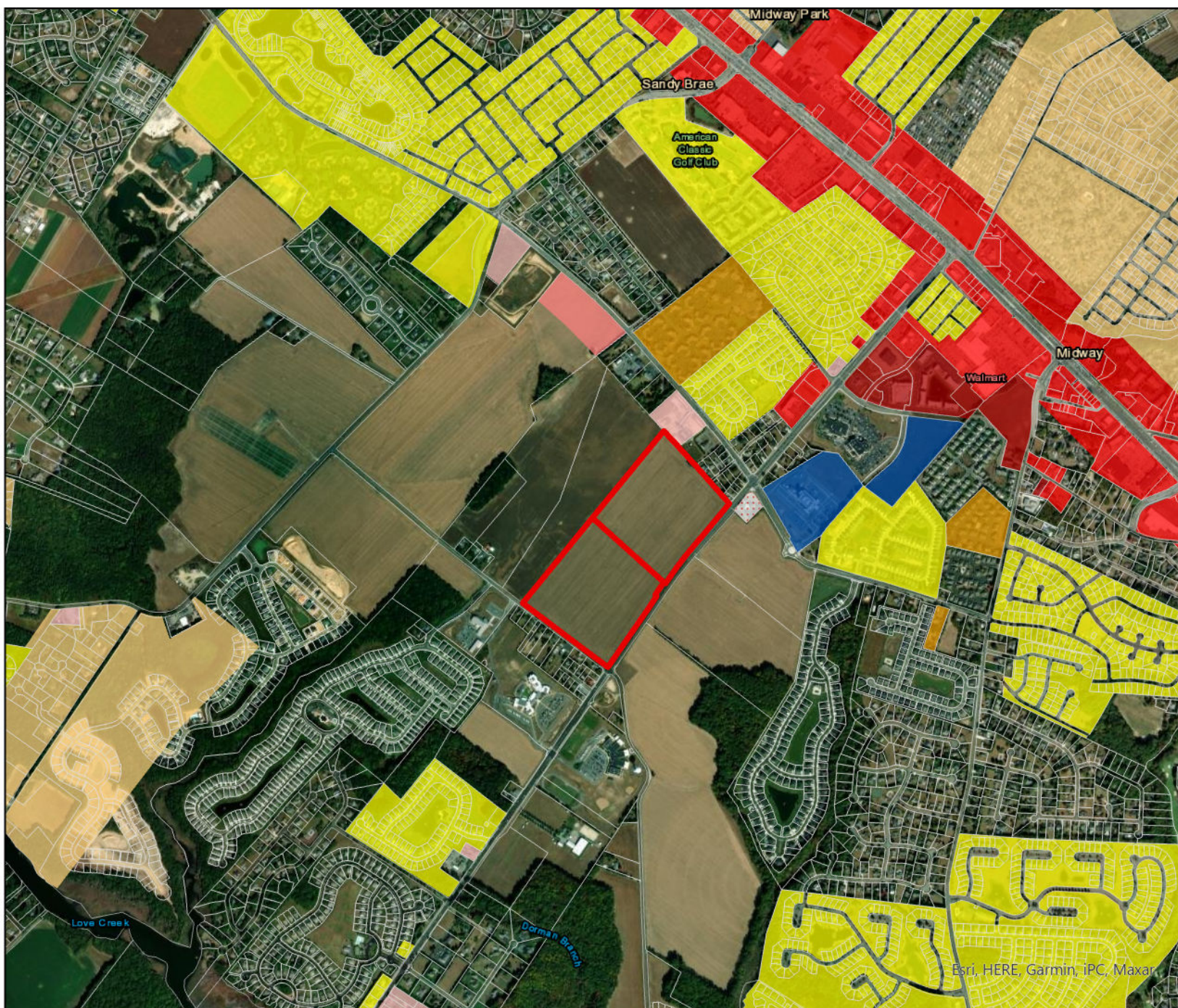
C/Z 2037 - Mulberry Knoll Associates
Aerial Map
TM# 334-12.00-46.00 & 47.00

 **CZ 2037 - Mulberry
Knoll Assoc.**



 **Feet**
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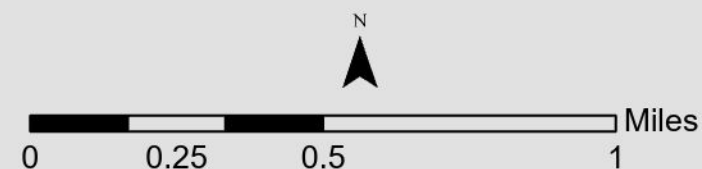


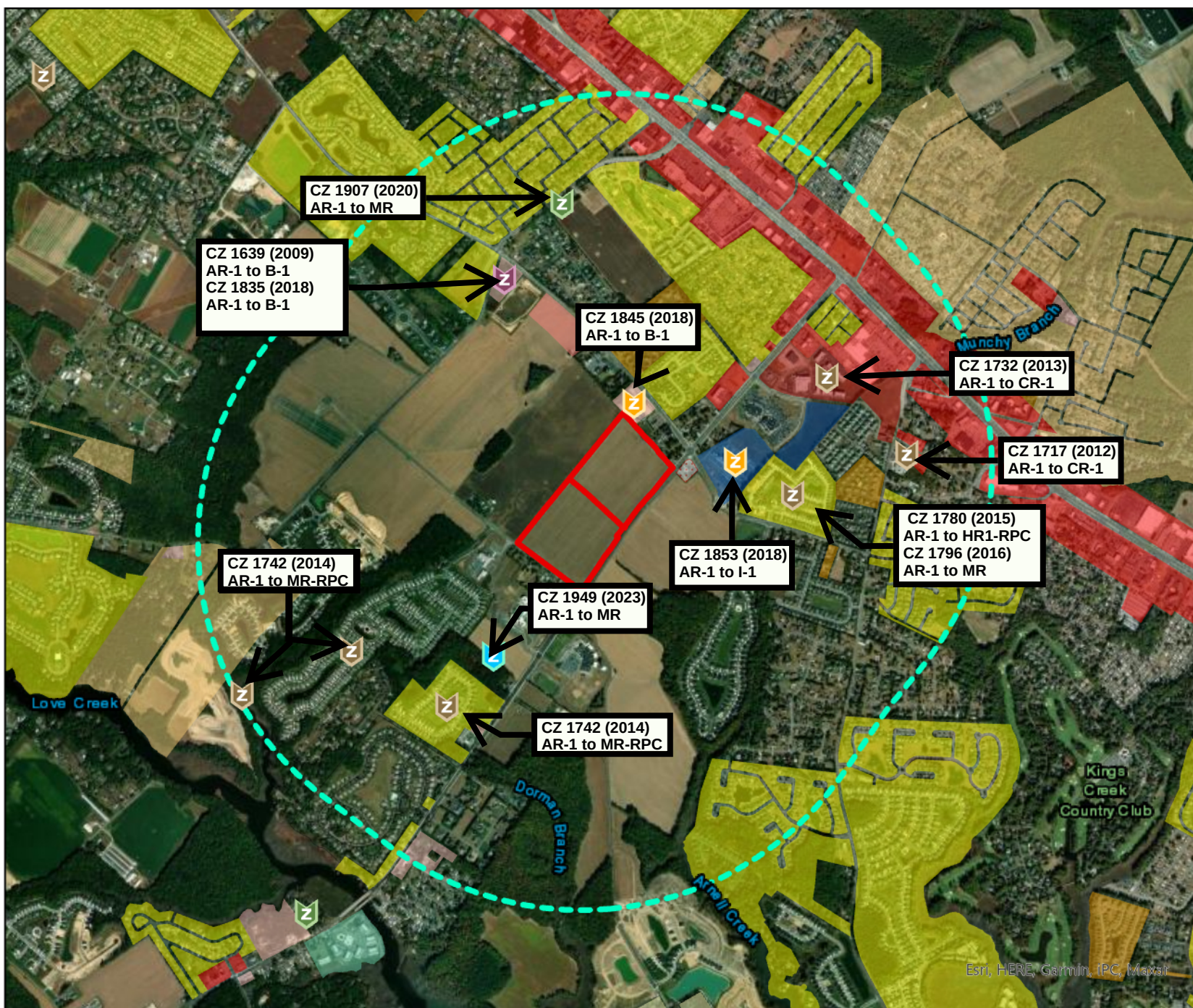
Zoning

-  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

**C/Z 2037 - Mulberry Knoll Assoc.
Zoning Map
TM# 334-12.00-46.00 & 47.00**

 CZ 2037 - Mulberry Knoll



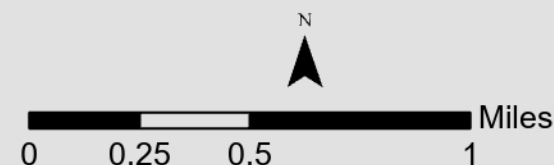


Zoning

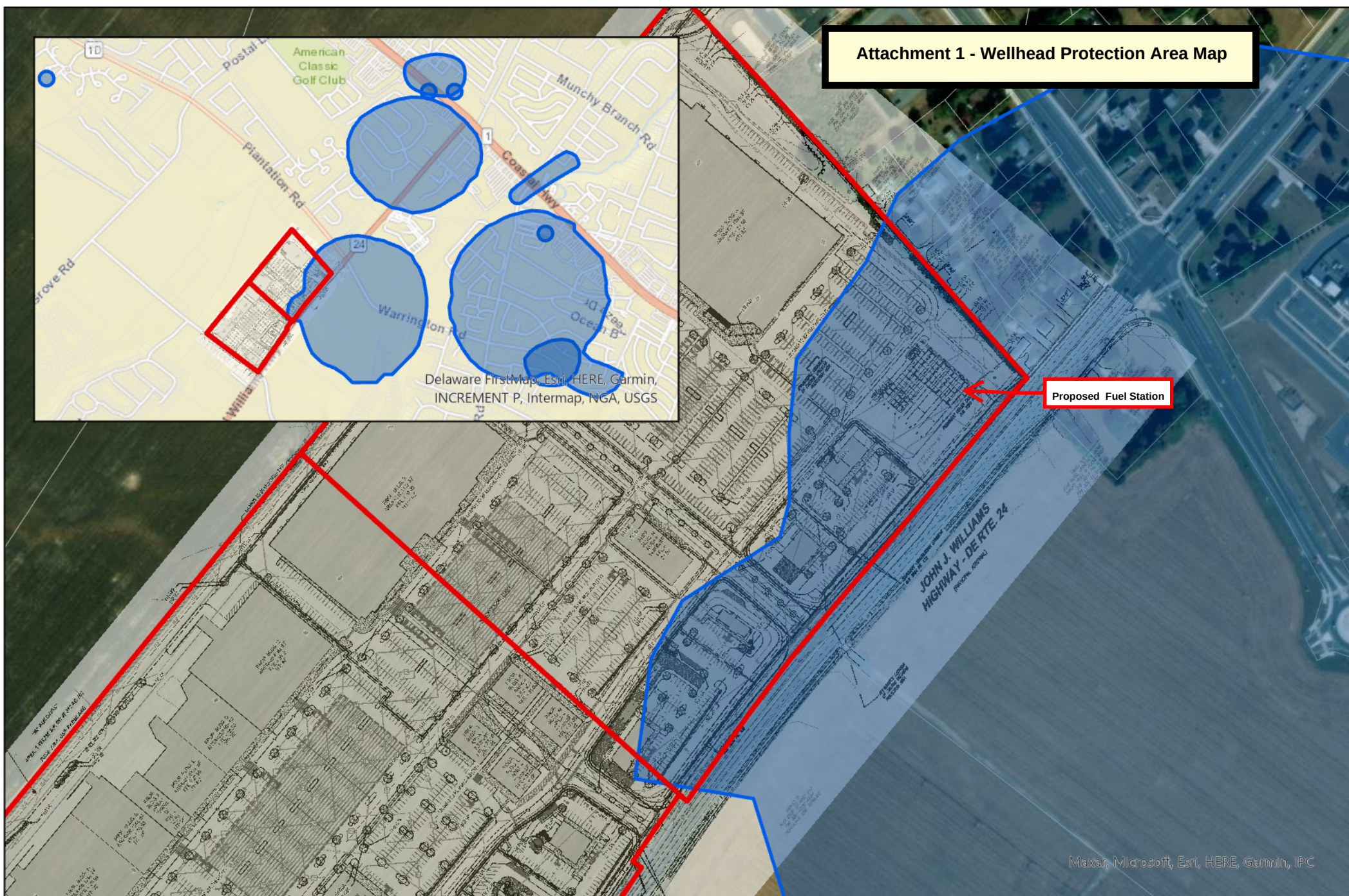
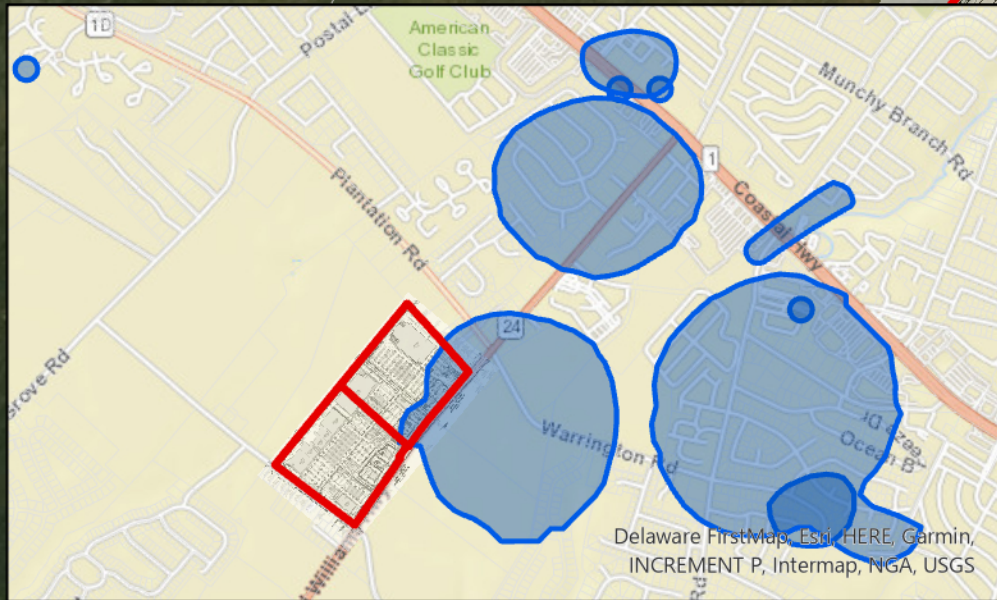
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited 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 2037 Mulberry Knoll Associates
Change of Zone Vicinity Map
TM#s: 334-12.00-46.00 & 47.00

- CZ 2037 (1-Mile Radius)
- CZ 2037 Mulberry Knoll Associates LLC

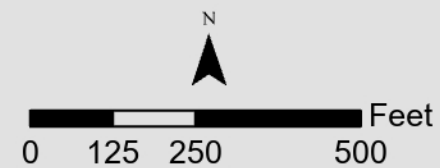


Attachment 1 - Wellhead Protection Area Map



**C/Z 2037 - Mulberry Knoll Assoc.
Wellhead Map
TM#s 334-12.00-46.00 & 47.00**

- CZ 2037 Mulberry Knoll Associates, LLC
- Wellhead Protection Areas



Bus Stop

ADA Compliance Status

Compliant With RPE

Compliant With RPE

Compliant

Compliant

Non-Compliant

Non-Compliant

Compliance Undetermined

Compliance Undetermined

Crosswalk - Line

ADA Compliance Status

Compliant With RPE

Compliant With RPE

Compliant

Compliant

Non-Compliant

Non-Compliant

Compliance Undetermined

Compliance Undetermined

Shared Use Path - Line

ADA Compliance Status

Compliant With RPE

Compliant With RPE

Compliant

Compliant

Non-Compliant

Non-Compliant

Compliance Undetermined

Compliance Undetermined

Sidewalk - Line

ADA Compliance Status

Compliant With RPE

Compliant With RPE

Compliant

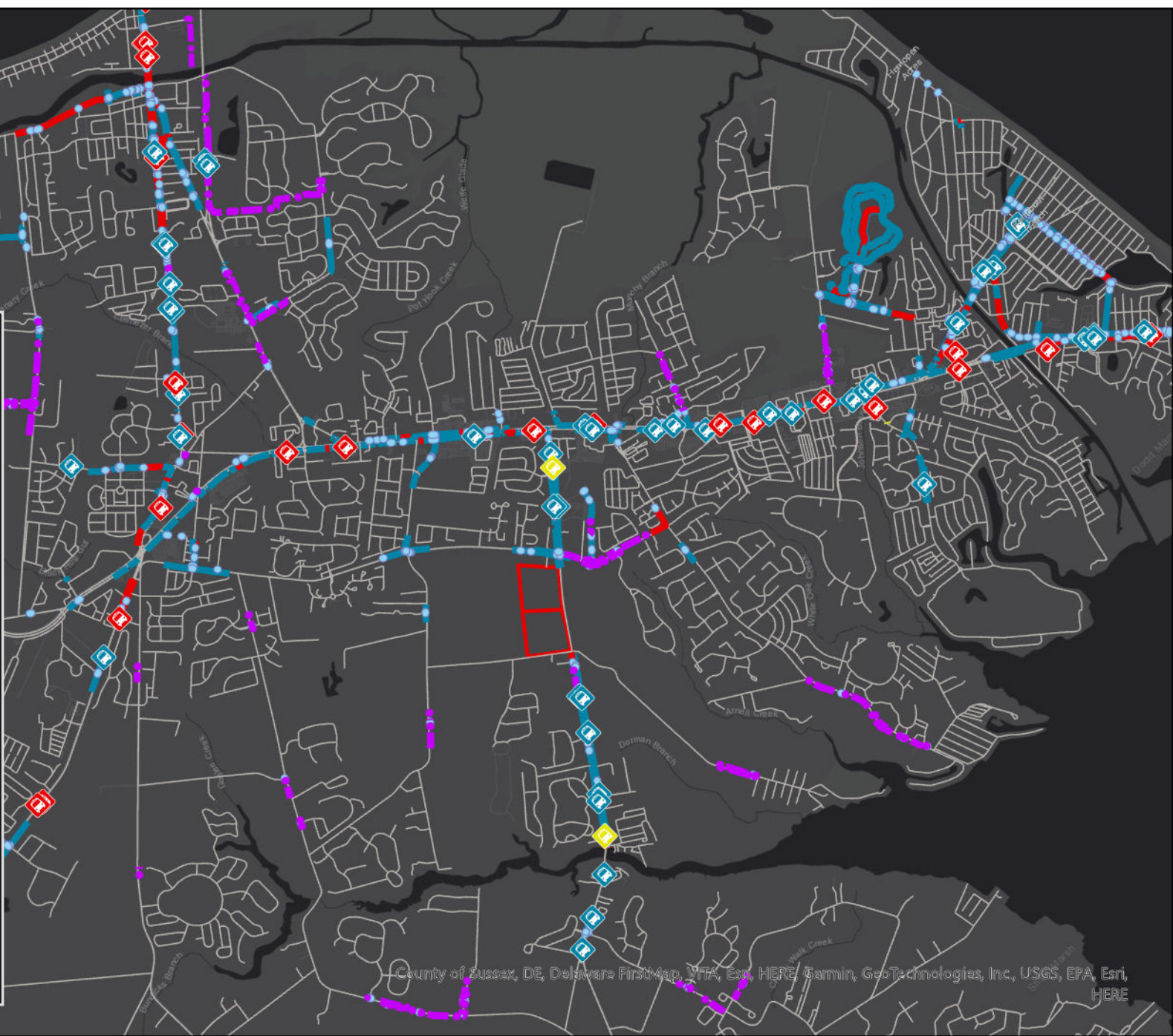
Compliant

Non-Compliant

Non-Compliant

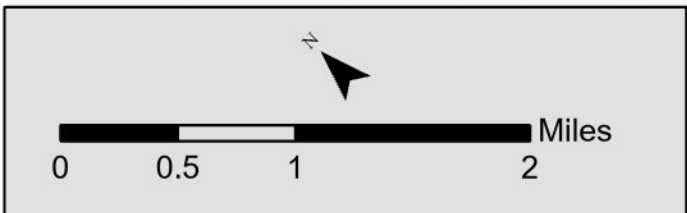
Compliance Undetermined

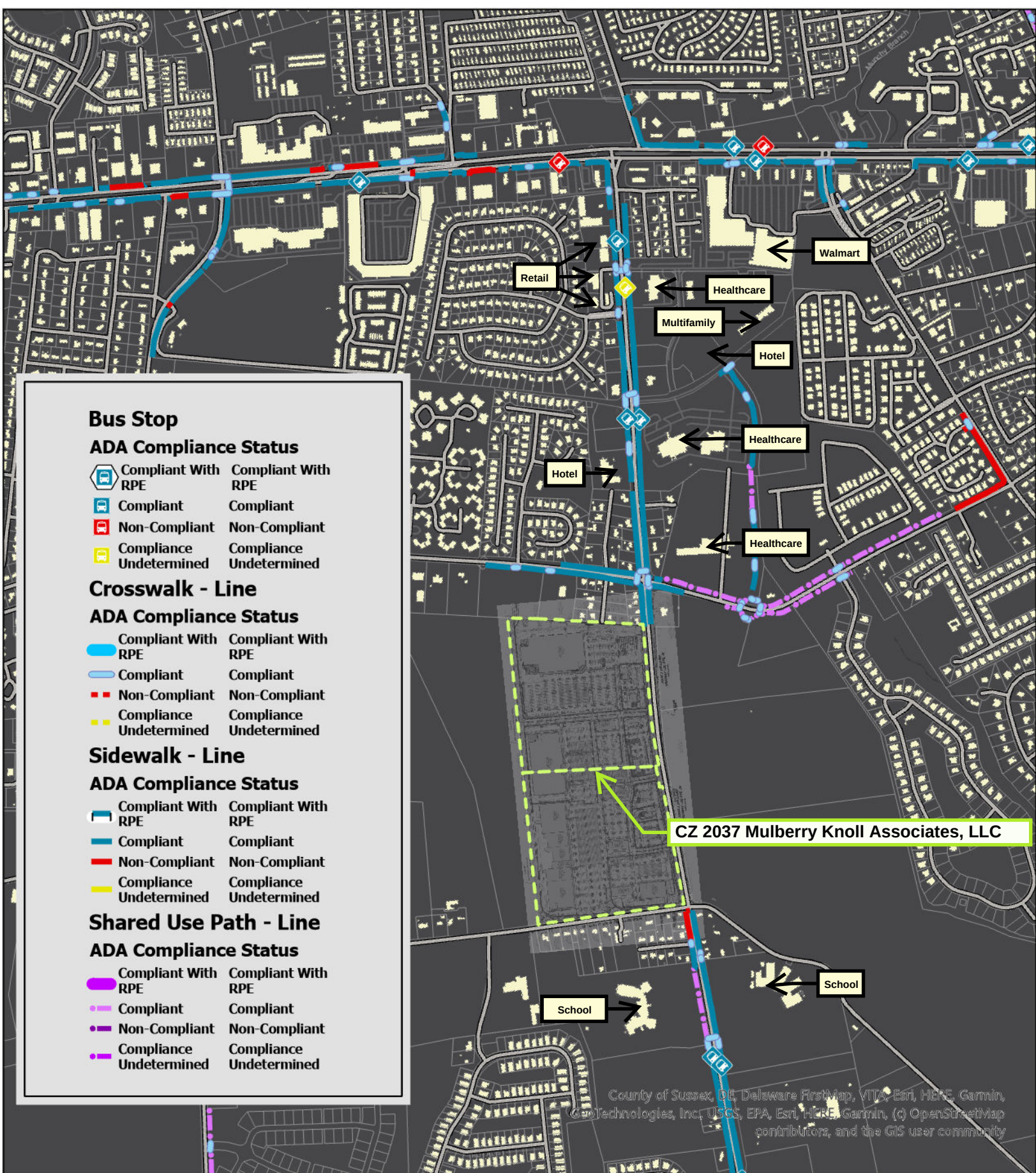
Compliance Undetermined



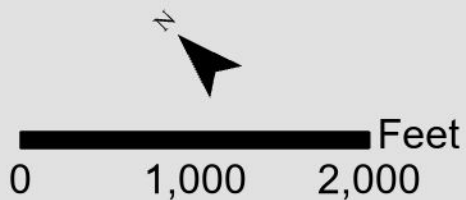
C/Z 2037 - Mulberry Knoll Assoc.
Existing Transportation Infrastructure Map
(Pedestrian, Multimodal, & Public Transit)
TM# 334-12.00-46.00 & 47.00

CZ 2037 Mulberry Knoll LLC





C/Z 2037 - Mulberry Knoll Assoc.
Existing Transportation Infrastructure Map
(Pedestrian, Multimodal, & Public Transit)
TM# 334-12.00-46.00 & 47.00



Introduced: 8/19/25

**Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-12.00-46.00 & 47.00
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS

WHEREAS, on the 6th day of September, 2024, a zoning application, denominated Change of Zone No. 2037, was filed on behalf of Mulberry Knoll Associates, 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. 2037 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-4 Planned Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the northwest side of John J. Williams Highway (Rt. 24), at the northwest corner of the intersection with Mulberry Knoll Road (SCR 284) and being more particularly described in the attached survey prepared by Bohler Engineering, said parcels containing 73.5 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 16, 2025

RE: County Council Report for C/Z 2052 filed on behalf of Marlin Cove, LLC

The Planning and Zoning Department received an application (C/Z 2052 filed on behalf of Marlin Cove, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to an MR-RPC Medium Density Residential District – Residential Planned Community (210 units) at Tax Parcels 533-19.00-7.00, 8.01 & 9.00. The property is located on the west side of New Road (SCR 391), approximately 80 feet north of Lighthouse Road (SCR 391). The parcel size is 60.84 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 18 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on September 17, 2025, and October 1, 2025

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

C/Z 2052 Marlin Cove, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS. The properties are lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Rt. 54). 911 Address: N/A. Tax Map Parcel: 533-19.00-7.00, 8.01 & 9.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the State's PLUS comments, the DelDOT Service Level Evaluation Response, the Applicant's Exhibit Booklet, which included the Applicant's Chapter 99-9C Response, the Environmental Assessment, the Drainage Assessment Report, the DelDOT Traffic Operational Analysis, the proposed Homeowners Association Covenants, the Forest Assessment Report, the Staff Analysis, the Resource Management Plan, the local School District Notification letter, and Technical Advisory Committee comments, including written responses received from the Sussex County Engineering Department, Utility Planning Division. Mr. Whitehouse advised the Commission that no comments were received on behalf of the application.

The Commission found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A. on behalf of the Applicant Marlin Cove, LLC; that also present was Mr. Russ Garufi, Mr. Fabian Rodriguez, both Principals of Marlin Cove, LLC, along with Mr. Richard Polk and Mr. Eric Jones, Professional Engineers with Vista Design, Inc., and Mr. Edward Launary, Professional Wetland Scientist with Environmental Resources, Inc. Mr. Willard stated that the application proposed a Change of Zone, for an MR-RPC (Medium Density Residential - Residential Planned Community), that an RPC is a residential planned community that allows flexibility to design different lot sizes, and different housing types, subject to having the underlying zoning; that the current application requests that the underlying zoning be changed from AR-1 (Agricultural Residential) to MR (Medium Density Residential), increasing the permitted density from two units per acre to four units per acre; that the application proposes a change of zone from AR-1 to MR-RPC for 210 residential lots, including 106 single-family detached lots, and 104 semi-detached duplex lots on land comprised of 6.84 acres; that the proposed RPC use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location, by utilizing MR Zoning in a Coastal Area, surrounded by similar density; that the project will not adversely affect neighboring properties, area roadways, or community facilities; that the proposed MR-RPC is consistent with the County's Comprehensive Plan; that the site is located within the Coastal Area according to the plan, which is designated as a growth area, where a range of housing types should be permitted, including single-family and multi-family units; that MR zoning may be appropriate in the Coastal Area; that the Comprehensive Plan is important as it is an overview of how the Commission must decide on applications; that the surrounding area is also located within the Coastal Area, where MR (Medium Density Residential) zoning is appropriate; that the purpose of the MR Zoning is to provide Medium Density Residential developments in area that are expected to become urban or town-like, and where central sewer and water are available, when near sufficient commercial uses and employment centers, when keeping in character of the area, when located along a main road, or near a major intersection, and where there are adequate levels of services; that the proposed MR-RPC is located near the major intersection of Rt. 54 and Rt. 20; that the site frontage is located along New Road, only 100 feet from the intersection of Rt. 54 and 1,300 feet from Rt. 22; that the application consists of three parcels, located within the Coastal Area, and along New Road; that two of the parcels are owned by Marlin Cove, LLC, and the other parcel is owned by Atlantic Associates; that all three parcels are owned by Mr. Garufi and Mr. Rodriguez; that Mr. Garufi resides on a property along New Road; that the site is located .5 mile east of Williamsville, 100 feet north of Lighthouse Road, and 1,300 feet from Zion Road; that the proposed MR-RPC is surrounded by similarly zoned MR residential communities, being Bay Knolls and the Melson Property, which were approved for MR rezoning, by the Planning Commission in 2021; that RPC's must be a minimum of 40 acres in size; that to the north of the site is the Fox Haven community, with units of 10,000 square feet, which is zoned GR (General Residential), which allows for the same density as MR; that

Bay Knolls has a density of 3.87, and the Melson Property has a density of 3.67; that the application proposes a density of 3.45; that there were some HR (High Density Residential) properties and commercial properties located closer to Fenwick; that the proposed RPC is located in close proximity to the intersection of Rt. 20 and Rt 54, where a commercial center had been established; that the surrounding area has higher residential density and is served by various commercial businesses; that there are an array of businesses that serve the whole area, which is the purpose of MR zoning having a higher density; that businesses within the area consist of Breasure's Pest Control, Breasure's Carpet Cleaning, Brandywine Fenwick Island by Monarch, Nemours Children's Health, Beebe Health, McDonald's, CVS, the medical center for Jessica Hammonds FN-MSN, Harris Teeter, Shell, Bayside Wine & Spirit, Hometown Creamery, Maximum Hair, PNC Bank, Lucia's Pizza, Capstone Homes, Villas Hair Studio, Royal Farms, Vogue Salon, Lunas Cactus Café, and Coco's Massage Place; that there were multiple documents submitted into the record, including the Environmental Assessment, the conformance with Chapter 99-9C, the conformance with the Comprehensive Plan, the Drainage Assessment Report, the Resource Buffer Management Plan, the Forest Assessment, and the County's Staff Analysis; that multiple maps were submitted along with PLUS comments, and the engineer's responses to the PLUS comments; that there is a eight inch sewer manhole located just north of Zion Road; that there is a water main, and a gas main that runs down New Road; that there is underground electric; that there is a sewer manhole located by the Lighthouse intersection; that central sewer is available to the site; that Parcel No. 9 is required to be annexed into the area, however it is surrounded by a sewer zone area; that all central utilities are available; that submitted into the record was an intensive Forest Assessment Report, which indicates the diameter of all trees over a certain site; that in the forest buffer, they are reflected in there for the purposes of making sure they are preserved; that within the report, it indicates that the area had probably been forested since 1981; that the report indicates that the site consists of approximately 47% of unsalvageable forest; that the application intends to preserve most of the forest and the border, as that is where the majority of the mature trees are located; that currently Sussex County does not have a Forest Code, so the Applicant utilized New Castle County's Forest Code to create a basis; that there will be a 50 foot setback from active agricultural uses; that there will be a 30 foot retained forest perimeter buffer, where woodlands exist; that there will be 20 foot perimeter buffer where woodlands exist, which will result in a total of a 50 foot setback; that there will be a 30 foot landscape or perimeter buffer where no woodlands exist around the entire subdivision; that there is one area of Federal wetlands, being the area of Roy Creek, which runs through the property; that the buffer for this area results in approximately 1.2 acres +/-; that there is a 15 foot Zone A, located around the entire border of the wetlands; that additionally there is another 15 foot Zone B, which is also required; that there also is an expanded Zone B buffer, and an expanded forest retention around the outside reflected in yellow; that these areas result in 40 to 50 feet of buffer, which will be marked and preserved, and in compliance with the Sussex County Buffer laws; that the proposed subdivision was designed to comply with the intension of the Comprehensive Plan for the MR District, when located within the Coastal Area; that the higher density with townhouses and the duplexes are proposed to be placed closer to the intersection, with the single-family homes located further away; that the total density equals to 3.45; that there are two entrances; that the northern entrance accessed the single-family; that the single-family lots consists of a minimum of 7,500 square feet, with ample room for the parking of four cars on each lot, including a driveway and a garage; that there are buffers proposed all around; that the project will not disturb the wetland area, but will rather be buffering the wetland area; that they will be covering the one area, where it will cross over the creek, which remains dry most of the time; that this will be the area of the southern

entrance; that there are locations of stormwater with access for maintenance; that the project will improve some of the flow coming from the fields; that the project does provide community open space; that 30% is the requirement; that the application provides for 18.25 acres of open space, resulting in 36.5% of the site; that this includes the forested buffer, the buffer protection area, the landscape buffer, the other resource buffers, and active and passive open space; that the New Road improvements will be widened to DelDOT standards across the frontage of the site; that there will be two 11 foot bike lanes, with five foot shoulders; that there will be a right turn lane at each subdivision; that there will be a shared-use path all along the entire side; that along Rt. 54 there will be two turn lanes and a separate right turn lane; that there will be a right turn from westbound New Road, and a left turn lane from eastbound Rt. 54; that in the area where no forest is located, the project proposes a three-foot buffer with a fence, located on the other side of the bike path; that amenities are to include a community bathhouse, changing rooms, pool desk, pool, bike racks, flagpole, picnic table area, and parking with EV charging equipment; that there will be a sidewalk located on at least one side of every subdivision road; that the site is not located within a Wellhead Protection Area; that submitted into the record was a Willing to Serve Letter from Artesian; that the majority of the site is located within the Sanitary Sewer District; that one parcel is not located within the Sewer District, however communications have already happened between the Applicant and the Engineering Department regarding annexation, as the infrastructure is located nearby, being down New Road; that the MR-RPC is appropriate, as the area is located within a Coastal Area, being a Growth Area of Sussex County; that sewer and water are available; that commercial uses are located nearby; that the higher density has been placed closer to Rt. 54; that the purpose of the MR-RPC is to allow flexibility to achieve the purpose of an RPC, which encourages large-scale development as a means of creating a superior living environment, and to provide design ingenuity, while achieving the goals of the Comprehensive Plan; that Marlin Cove offers alternative housing types, locating home sites together on environmentally suitable portions of the site, located outside of the wetland and mature woodland areas; that the project retains 36% of the total site for open space, preserving contiguous forest, and provides resource buffers along the federally regulated Roy Creek, and adjacent wetlands to promote wildlife corridors to and from the nearby adjacent woodlands, creating non-forested open spaces throughout the community for increased passive and active recreational uses; that the project provides a community recreational building, with areas of community events and gathering along with a bathhouse, community pool, and children's play area; the project establishes multiple wet ponds, stormwater management facilities designed to maintain natural drainage patterns to promote health and protection of area groundwater in accordance with State of Delaware water quality standards; that the project will construct pedestrian sidewalks through the community to promote safe pedestrian circulation, which will connect to the shared use path along New Road; that the project proposes preserving 30 feet of forest within the perimeter buffer, where woodland currently exist along the site's perimeter; that where woodlands do not currently exist, the project proposes to establish a 20 foot perimeter buffer protection area along the forest, and establishing a landscape berm, and Mr. Willard requested to submit proposed Findings and Conditions for the Commission's consideration.

Mr. Mears questioned if every proposed stormwater management area is considered as part of the open space.

Mr. Willard stated stormwater management areas can be considered under open space requirements; however, it is not encouraged.

Mr. Polk, with Vista Design, stated that the open space computations reflected on the plan did consider the stormwater management areas, the buffer areas, and the areas located between the homes and the lots located within the duplex area as open space.

Mr. Allen stated that he felt the area of New Road and Route 54 would be a good area for a traffic signal; however, he understood that his concern would be regulated by DelDOT.

Mr. Willard stated that as part of the DelDOT Service Level Evaluation Response, DelDOT required an Area Wide Study Fee to be paid in replace of performing a Traffic Impact Study; that the traffic experts, JMT, provided a through report, which was included within the Exhibit Booklet; that the plan is to widen the road, and construct two turn lanes; that this plan, proposed by JMT, is required to be reviewed and approved by DelDOT, and the developer would be required to pay for all the required changes.

Mr. Polk stated that there was a Traffic Operational Assessment performed on the intersections of New Road, Route 54, and Route 20; that neither one of the turning motions versus the background traffic met the threshold or the warrants of DelDOT for a turn signal.

Mr. Garufi stated that he agreed with the presentation and statements made by Mr. Willard on his behalf.

Mr. Robertson stated that if the application were to be approved, in the event a pickleball court is not proposed or shown on the approved Final Site Plan, the Applicant should not come back to request the placement of a pickleball court, as historically it has created a lot of complaints.

Mr. Garufi stated he had previously constructed pickleball courts in other communities and had received a lot of complaints.

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

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

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

In relation to C/Z 2052 Marlin Cove, LLC. Motion by Mr. Mears to defer action for further consideration, 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, which had been deferred since September 17, 2025.

Mr. Collins moved that the Commission recommend approval of C/Z 2052 Marlin Cove, LLC for a change in zoning from AR-1 to an MR-RPC based upon the record and for the following reasons:

1. The property is currently zoned AR-1. The Applicant is seeking a change in zone to the MR Medium Density Residential Zoning District with an RPC overlay. The RPC will include both single-family homes and duplex-style townhomes.
2. The proposed MR-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. Like an urban area, this area has a higher residential density and is served by various commercial businesses.
3. The proposed development will have no more than 210 dwellings within its 60.84 acres, consisting of 106 single-family lots and 104 duplex units. The net density is 3.45 units per acre.
4. The MR-RPC is consistent with the development trend of the area that includes a variety of different zoning districts and both single-family homes and townhomes. It is also similar to the densities of nearby communities, including Bay Knolls at 3.87 units per acre, Bayside Phase 6B at 3.35 units per acre, Bayside Melson Property at 3.67 units per acre, and Long Property/H&H Development at 2.89 units per acre.
5. Central water and sewer will be provided to the MR-RPC by a publicly regulated utility.
6. 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 Project offers alternative housing types that are not available within a subdivision design;
 - b. The Project locates home sites together on environmentally suitable portions of the site outside of wetlands, mature woodlands, and waterways;
 - c. The Project retains over 36% of the total site area in open space;
 - d. The Project preserves contiguous forested open space areas and resource buffers along the federally regulated Roy Creek stream channel and adjacent wetlands to promote wildlife corridors to and from nearby and adjacent Woodland areas;
 - e. The Project provides a community recreational building with areas for community events and gatherings, along with a bathhouse to support the adjacent community pool and children's play area;
 - f. The Project preserves Forested and Landscaped Perimeter Buffers along the site's perimeter, including the preservation of existing woodlands with additional buffer protection areas; and
 - g. The Project establishes a landscaped berm and fence along New Road where no woodlands exist.
7. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this MR-RPC is appropriate in this Area according to the Plan. The Plan permits residential development with a mix of housing types within the Coastal Area.
8. 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.
9. This recommendation is subject to the following conditions:
 - A. There shall be no more than 210 dwelling units consisting of single-family homes and duplexes.

- B. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, 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 Traffic Operation Analysis Agreement #1945F and the developers' payment of an Area-Wide Study Fee.
- D. The RPC shall be served by central water and sewer.
- E. Approximately 22.24 acres or 36.5% of the site shall remain as open space, 6.5% more than the 30% required.
- 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 at least one side of the streets within the RPC. 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 swimming pool and bathhouse. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.
- I. The property is crossed by an ephemeral and intermittent drainage channel known as Roy Creek. On the property, Roy Creek is bordered by approximately 1.33 acres of nontidal wetlands subject to the Army Corps of Engineers regulatory program. These wetlands shall be protected and buffered as required by Section 115-193 of the Sussex County Code.
- J. A 30-foot wide vegetated or forested buffer shall be established along the entire perimeter of the site. In addition, the required 20-foot-wide Perimeter Buffer Protection Area shall be established adjacent to any woodlands with the perimeter buffer. These buffers shall comply with the requirements of Section 99-21A regarding Perimeter Buffers.
- 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. 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.
- M. 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.
- N. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.
 - O. 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. The site frontage along New Road shall have landscaping and be bermed where existing Forest Buffer does not exist.
 - P. 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.
 - Q. A revised Preliminary Site Plan, either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
 - R. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of C/Z 2052 Marlin Cove, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
BRIAN BUTLER
G. SCOTT COLLINS
J. BRUCE MEARS



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PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 17th, 2025

Sussex County Council Date: October 21st, 2025

Application: C/Z 2052 Marlin Cove, LLC

Applicant: Marlin Cove, LLC (Attention: Russ Garufi)
37795 New Road
Selbyville, DE 19975

Owner: Marlin Cove, LLC (Attention: Russ Garufi)
37795 New Road
Selbyville, DE 19975

Site Location: The properties are lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Route 54) in Selbyville, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Medium Density Residential, Residential Planned Community (MR-RPC) – 106 single-family detached cluster lots and 104 duplex lots (for a total of 210 units).

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County (Central Sewer) – Parcel 9.00 subject to separate Application for Sewer Tier Amendment (from Tier 2 to Tier 1).

Water: Artesian (Central Water)

Site Area: 94.70 acres +/-

Tax Map IDs: 533-19.00-7.00, 8.01 & 9.00



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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 6th, 2025
RE: Staff Analysis for C/Z 2052 Marlin Cove, LLC

The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/Z 2052 Marlin Cove, LLC to be reviewed at the September 17th, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel IDs: 533-19.00-7.00, 8.01 & 9.00.

Proposal: The request is for a Change of Zone for Tax Parcels: 533-19.00-7.00, 8.01 & 9.00 to allow for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) District for a 60.84-acre parcel of land lying on the west side of New Road (S.C.R. 391), approximately 0.01-mile north of the intersection of Lighthouse Road (Route 54) and New Road (S.C.R. 391) in Selbyville, Delaware.

Specifically, in addition to Changing the underlying Zoning District of the Parcels, the Application establishes a Residential Planned Community (RPC) overlay. The Residential Planned Community (RPC) will consist of 106 single-family detached cluster lots as a cluster subdivision and 104 duplex lots for a total of 210 dwelling units.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels immediately adjacent to the subject property to the north, south and west are also zoned Agricultural Residential (AR-1) District.

There is a single Parcel (TMP: 533-19.00-50.01) to the south on the opposite side of Lighthouse Road (Route 54) that is zoned Neighborhood Business (B-1) District, with the Parcels surrounding that Parcel being zoned Medium Density Residential, Residential Planned Community (MR-RPC) District and part of the Americana Bayside Residential Planned Community (RPC) – Melson Property (PB 255, PG 79) and on the opposite side of Sand Cove Road, the Bay Knolls development.



There are five (5) strip lots to the east of the subject Property on the opposite side of New Road (S.C.R. 391) which are also zoned Agricultural Residential (AR-1) District. There is a large area of Parcels on the northeast side of these strip lots which comprise the Fenwick West Subdivision.

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

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

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

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

Compliance with Comprehensive Plan

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

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



Further Site Considerations:

- **Density:** The Plans appear to result in a gross density of 3.45 dwelling units/acre (approximately dwelling units) to the acre for 210 units on a 60.84-acre parcel of land, which complies with the permitted density within the Medium Density Residential, Residential Planned Community (RPC) District (which permits a density of up to 12 dwelling units/acre. Additionally, the Plans appear to result in a net density of 3.96 dwelling units/acre (approximately dwelling units) to the acre for 210 units on a net area of 52.920-acre parcel of land.
- **Open Space Provisions:** The Preliminary Plans note 22.24 acres of Open Space provided (which equates to 36.5% of the project Site and exceeds the requirement of 10% for the proposed 3.45 units per acre (as outlined in §99-21(D)) of the Sussex County Code. The Open Space primarily appears to be utilized for the establishment of six (6) wet ponds. Though ponds are permitted to be included in the calculation of Open Space as noted in Ordinance No. 3062, the “Open Space Ordinance,” Staff request that Open Space provided be usable (for recreational or passive use) by future Property Owners within the RPC (§99-5(1)(b)).
- **Agricultural Areas:** Staff note that the Site is within the vicinity of property within active Agricultural Use. Staff note that the required Agricultural Use Protection Notice has been included on the Plans. Please also ensure that any HOA Bylaws also include the Agricultural Use Protection Notice outlined in 99-6(G)(1) of the Sussex County Code.

Please also include the required 50-ft setback from active agriculture for Parcel 101.00 which appears to be actively farmed. *“For any new subdivision development located in whole or in part within 50 feet of the boundary of land used primarily for agricultural purposes, no improvement requiring an occupancy approval for a residential type use shall be constructed within 50 feet of the boundary of land used primarily for agricultural purposes” (§99-6(G)(2)).*

- **Interconnectivity:** Staff note that two entrance/exit points have been provided to the proposed RPC. Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur on the Parcel.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that a 30-ft buffer is provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note that a large area of Terrene Wetlands appear to be present via the County’s Online Mapping system on the northwest side of Parcel 9.00, the southeast side of Parcel 8.01 and the northeast side of Parcel 7.00. There also appear to be Lotic Wetlands which align with previously used agricultural ditches on the subject property or in conjunction with Roy Creek. Staff notes that the submitted Drainage

Assessment Report (DAR) outlines that there is a 1.29-acre Army Corps-regulated intermittent channel on the Property as well as 1.38 acres of isolated non-jurisdictional wetlands on the Property

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcels are classified as within an area of “Fair” and “Poor” Groundwater Recharge Potential on the site per data from the State of Delaware.

Staff note that there are two (2) Tax Ditch Areas (the Henry C. Johnson and Perch Creek Tax Ditch Areas) on the Property. There are no related Tax Ditch Rights-Of-Way (ROW) on the Property.

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

A Supplemental Map has been provided as a Supplemental Exhibit (Exhibit “B”) showing the nature of all Wetlands and Tax Ditch Areas on the subject Property.

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

Staff notes that since 2011, there have been **twelve (12) Change of Zone Application** within a 1-mile radius of the Application Site.

All of the Applications were approved by the Sussex County Council and only one (1) Change of Zone No. 1858 OA Oaks, LLC (Ashton Oaks) was recommended Denial by the Commission.

Details regarding that specific Application have been outlined in the Supplemental Table included as Exhibit “A” below.

Furthermore, a Map noting all Applications within a 1-mile radius of the Application Site has also been included as Exhibit “C” below.

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

Change of Zone Applications w/in a 1-Mile Radius of the Application Site (Since 2011)									
C/Z Number	Applicant	Tax Parcel ID	Existing Zoning	Proposed Zoning	Planning & Zoning Recommendation	P&Z Decision Date	Sussex County Council Decision	CC Decision Date	Ordinance No.
1842	Carmelita L. Pavlosky & Karl T. Meek	533-11.00-82.03	AR-1	B-1	Approved	1/11/2018	Approved	1/30/2018	2545
1960	OA Oaks, LLC (Ashton Oaks)	533-11.00-82.00	HR-1/RPC	HR-1/RPC	Approved	2/10/2022	Approved	2/22/2022	2833
1858	OA Oaks, LLC (Ashton Oaks)	533-11.00-82.00	AR-1	HR-1/RPC	Denied	11/29/2018	Approved	12/11/2018	2621
1850	Swann Cove West, LLC	533-12.00-73.02	AR-1	MR-RPC	Approved	6/14/2018	Approved	6/26/2018	2583
1754	Bayshore Plaza Associates, LLC	533-12.00-77.00	B-1	CR-1	Approved	6/26/2014	Approved	8/19/2014	2363
1731	CMF Bayside, LC	533-19.00-16.00	AR-1	MR-RPC	Approved	7/11/2013	Approved	7/16/2013	2314
1885	36191 DWB, LLC	533-19.00-15.00	AR-1	C-3	Approved	8/20/2019	Approved	8/20/2019	2678
1953	Brasure Holdings, LLC	533-19.00-13.02	AR-1	C-2	Approved	3/20/2022	Approved	4/26/2022	2848
1804	Doug Melson	533-19.00-50.00	AR-1	B-1	Approved	8/11/2016	Approved	8/30/2016	2461
1896	Fenwick Commons, LLC	533-19.00-52.00	AR-1	MR	Approved	12/12/2019	Approved	1/14/2020	2700
1917	Iachetta Development Corporation	533-18.00-28.01	AR-1	C-2	Approved	7/23/2020	Approved	8/11/2020	2731
1711	James Moses	533-18.00-72.00	AR-1 & C-1	CR-1	Approved	1/26/2012	Approved	2/14/2012	2241

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

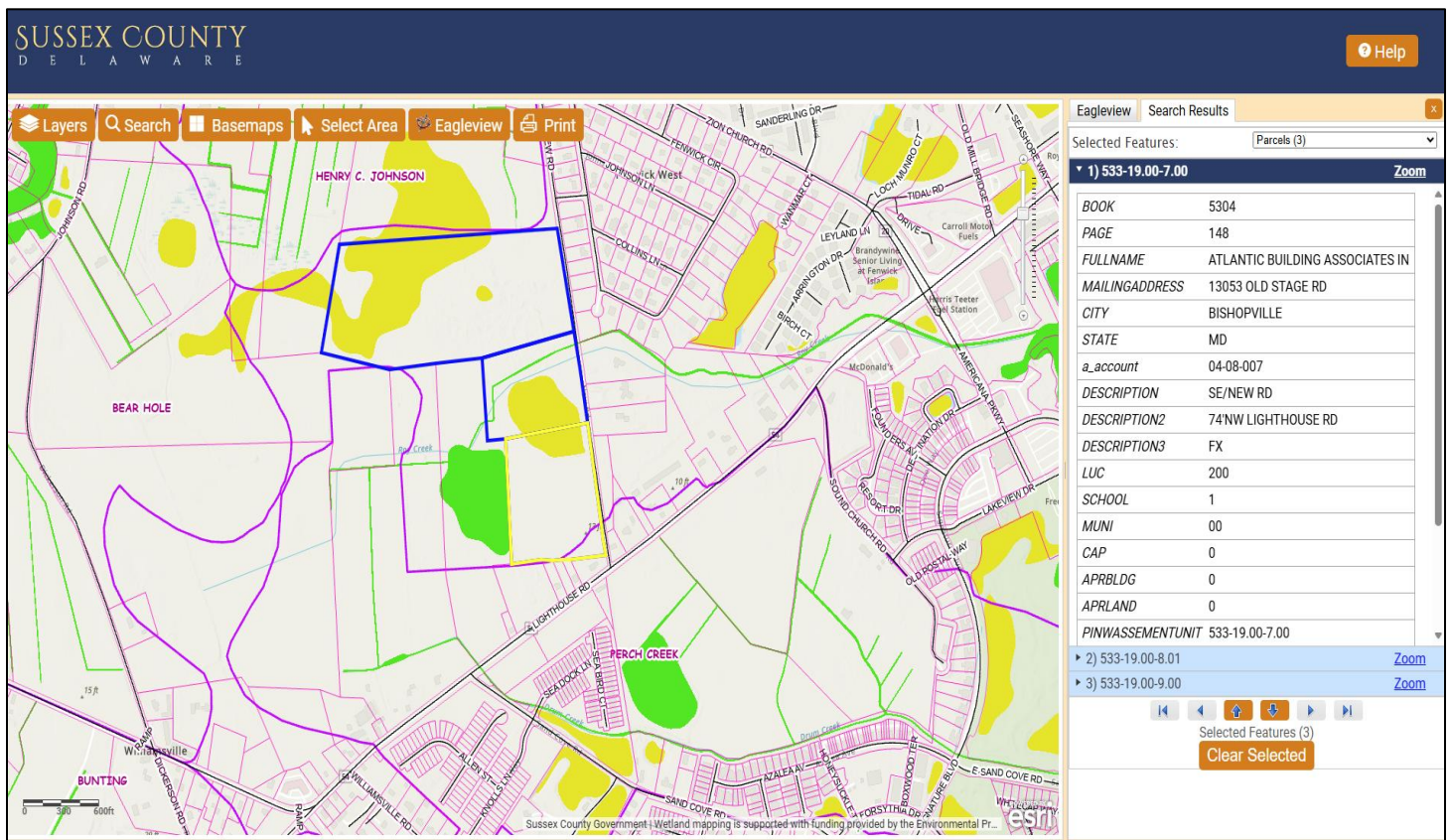


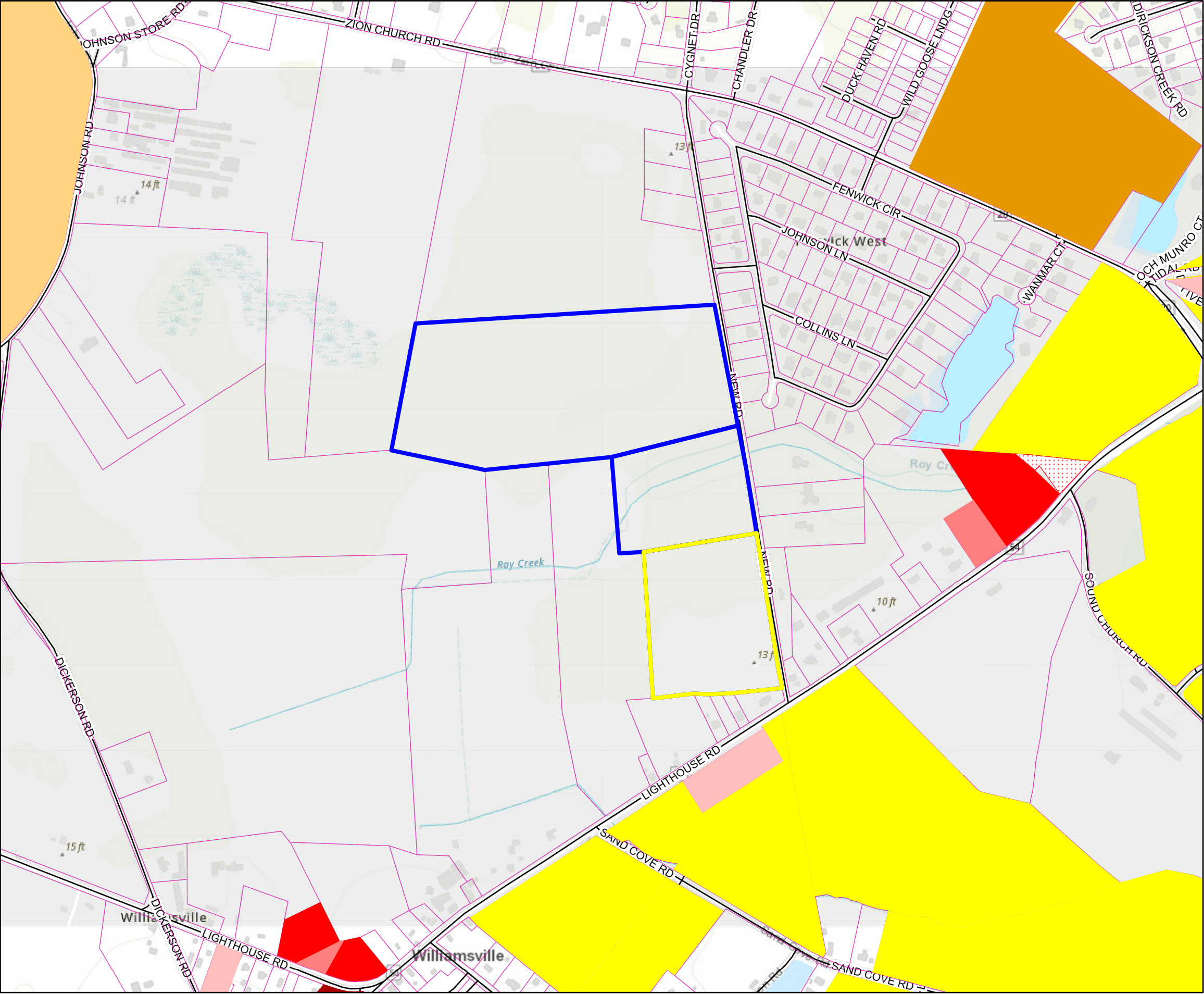
Exhibit “B” – Tax Ditch Areas, Lotic (green) and Terrene (yellow) wetland areas on the subject Property.



Exhibit "C" – Changes of Zone w/in a 1-mile radius of the Application Site.

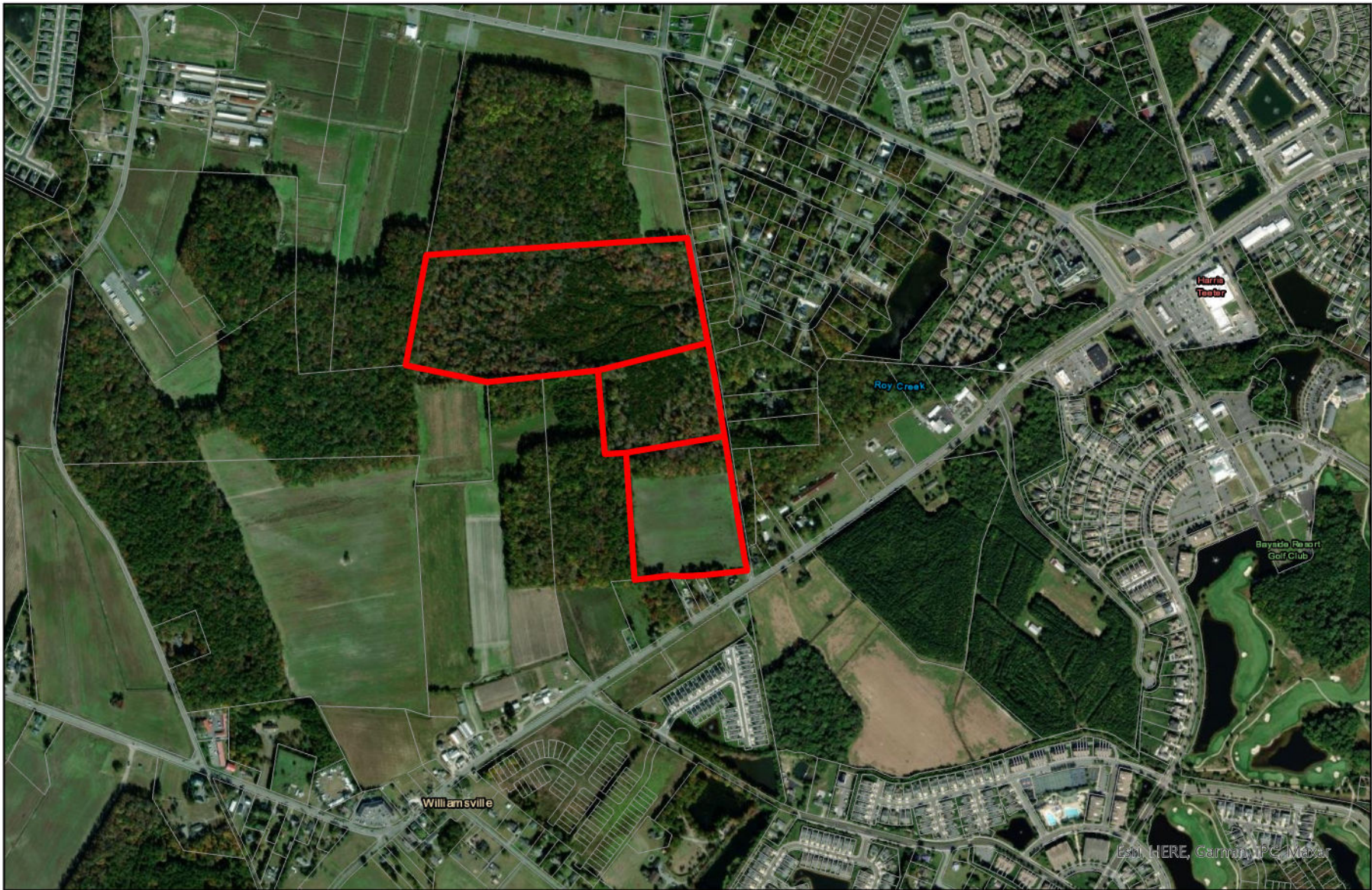


A3 Landscape Parcel Details

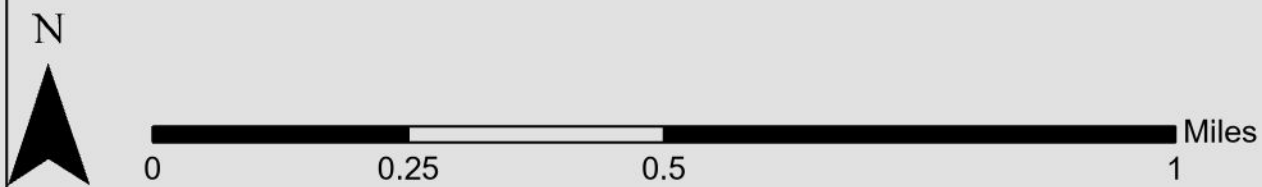


PIN:	533-19.00-7.00
Owner Name	ATLANTIC BUILDING ASSOCIATES IN
Book	5304
Mailing Address	13053 OLD STAGE RD
City	BISHOPVILLE
State	MD
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- Streets
- County Boundaries
- Citations



CZ 2052 Marlin Cove (MR-RPC)
Aerial Map
TM# 533-19.00-7.00



Introduced: 8/19/25

Council District 4: Mr. Hudson

Tax I.D. No.: 533-19.00-7.00, 8.01 & 9.00

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS

WHEREAS, on the 9th day of May 2025, a zoning application, denominated Change of Zone No. 2052, was filed on behalf of Marlin Cove, 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. 2052 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of New Road (S.C.R. 391), approximately 80 feet north of Lighthouse Road (Rt. 54) and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, LLC, said parcels containing 60.84 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.