

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

**SUSSEX COUNTY COUNCIL**

**AGENDA**

**February 10, 2026**

**1:00 P.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes - February 3, 2026**

[Draft Minutes 020326](#)

**Reading of Correspondence**

**Public Comments**

**Consent Agenda**

1. **Use of Existing Infrastructure Agreement – IUA-1289  
Heritage Shores, Phase 7B, Western Sussex Area**  
[Consent Agenda](#)

**Todd Lawson, County Administrator**

1. **Caroling on the Circle Food Drive Recognition & Update from Food Bank**
2. **Administrator's Report**

**Gina Jennings, Finance Director**

1. **Board of Assessment Review Appointment**  
[Board of Assessment Review Appointment](#)



**Robbie Murray, Director of Public Safety**

1. **Discussion & Possible Adoption of a Resolution in relation to the Emergency Operations Plan**  
[Sussex County EOP](#)

**John Ashman, Director of Utility Planning & Design Review**

1. **Approval of Unified Sanitary Sewer District Expansion**  
[Sanitary Sewer Expansion](#)

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible action on Executive Session Items**

**1:30 p.m. Public Hearings**

1. [Conditional Use No. 2607 filed on behalf of State of Delaware Office of Management & Budget](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EMERGENCY VEHICLE OPERATIONS COURSE, VEHICLE STORAGE, CLASSROOM, AND PAVILLION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 839.05 ACRES, MORE OR LESS” (property is located on the east side of Patriots Way [S.C.R. 318], approximately 0.66 mile south of Zoar Road [S.C.R. 48]) (911 Address: N/A) (Tax Map Parcel: 133-7.00-8.00)

[Public Hearing CU2607](#)

2. [Conditional Use No. 2603 filed on behalf of Tidewater Utilities, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR IMPROVEMENTS TO AN EXISTING WATER TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS” (property is located south of Maryland Avenue and east of North Bay Shore Drive [Rt. 16], approximately 430 feet north of Broadkill Road [S.C.R. 5]) (911 Address: 103 Maryland Avenue, Milton) (Tax Map Parcel: 235-4.13-64.00)

[Public Hearing CU2603](#)

3. [Conditional Use No. 2509 filed on behalf of Juan Edward Johnson](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS” (property is lying on the west side of John J. Williams Highway [Rt. 24], approximately 100 feet north of Legion Road [S.C.R. 298]) (911 Address: 26406 John J. Williams Hwy., Millsboro) (Tax Map Parcel: 234-29.00-45.00)

[Public Hearing CU2509](#)

4. [Conditional Use No. 2530 filed on behalf of Whitney Price](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS” (property is located on the east side of Roxanna Road [Rt. 17] and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road [S.C.R. 353]) (911 Address: 32293 Roxanna Road, Ocean View) (Tax Map Parcel: 134-12.00-379.01)

[Public Hearing CU2530](#)

5. [Conditional Use No. 2544 filed on behalf of Waste Management of Delaware, Inc.](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 5.23 ACRES, MORE OR LESS” (property is located on the west side of Old Stage Road [S.C.R. 461] at the intersection of Old Stage Road [S.C.R. 461] and Trussum Pond Road [S.C.R. 462]) (911 Address: 32120 Old Stage Rd., Laurel) (Tax Map Parcel: 332-2.00-79.01)

[Public Hearing CU2544](#)

6. [Change of Zone No. 2033 filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS” (property is and lying on the northerly and northwesterly right-of-way line of Gills Neck Road [S.C.R. 267] and approximately 0.20-mile east of Kings Highway [Route 9]) (911 Address: N/A) (Tax Map Parcel: 335-8.00-43.01)

[Public Hearing CZ2033](#)

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 3, 2026 at 3:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

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

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

*Any person who intends to present a digital presentation or document, including PowerPoint files, for electronic display during County meetings shall submit said file(s) in advance, no later than one (1) business day before the respective public meeting. Files may be sent electronically to [councilpackets@sussexcountyde.gov](mailto:councilpackets@sussexcountyde.gov) or delivered by hand to County Administration, located in the Sussex County Administrative Offices, 2 The Circle, in Georgetown. No external storage devices shall be permitted to connect to County equipment.*

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 3, 2026**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 3, 2026, at 10:00 a.m., in Council Chambers, with the following present:**

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

<b>Call to Order</b>	<b>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</b> <b>Mr. Hudson called the meeting to order.</b>
<b>M 035 26 Approve Agenda</b>	<b>A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, to approve the Agenda, as presented.</b> <b>Motion Adopted: 4 Yeas, 1 Absent</b> <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Absent; Mr. Hudson, Yea</b>
<b>Minutes</b>	<b>The minutes from January 13, 2026 &amp; January 27, 2026 were approved by consensus.</b>
<b>Correspondence</b>	<b>Mr. Moore reported that correspondence was received from Selbyville Historical Society, Read Aloud Delaware and Friends of Sussex CASA, Inc. thanking Council for their support.</b>
<b>Public Comments</b>	<b>Public comments were heard, and the following people spoke:</b> <b>Ms. Janet LeDigabel spoke about affordable housing and traffic.</b> <b>Ms. Alison White spoke about affordable housing.</b>
<b>Recognition</b>	<b>Mr. Gordon Serman was recognized for his retirement.</b>
<b>Public Interview/ BOA</b>	<b>A public interview was held for Board of Adjustment Nominee – Chuck McClure.</b>
<b>M 036 26</b>	<b>A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved that Sussex County Council approves the appointment of Mr. Chuck</b>

**Approve BOA Candidate**      **McClure to the Sussex County Board of Adjustment effective immediately until such time the term expires in June 2028.**

**Motion Adopted:      5 Yeas**

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

**Public Interview/ PZ**      **A public interview was held for Planning & Zoning Commission Nominee – David Pettyjohn.**

**Commission**      **A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that Sussex County Council approves the appointment of Mr. David Pettyjohn to the Sussex County Planning & Zoning Commission effective March 1, 2026 until such time the term expires in June 2026.**

**M 037 26**  
**Approve PZ**  
**Candidate**

**Motion Adopted:      5 Yeas**

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

**Presentation Opioid Commission**      **A presentation was given by Mr. Bradley Owens, Director, Prescription Opioid Settlement Distribution Commission.**

**Library Advisory Board**

**Mr. Lawson reported that there was an opening for the Library Advisory Board for District 4.**

**M 038 26**  
**Approve**  
**Library Advisory Board**  
**Appoint-ment**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it moved that Sussex County Council approves the appointment of Ms. Dianna Boehm to the Library Advisory Board effectively immediately until June 2027.**

**Motion Adopted:      5 Yeas**

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

**Adminis-trator's Report**      **Mr. Lawson read the following information in his Administrator's Report:**  
**1. Delaware State Police Activity Report**

**The Delaware State police year-to-date activity report for December 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes**

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

**investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of December.**

**2. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, Acadia Landing – Phase 5 (Construction Record), and East Gate – Phase 2 (Construction Record) received substantial completion effective January 8<sup>th</sup> and January 14<sup>th</sup>, respectively.**

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

**GHD  
Amend No.  
31**

**Hans Medlarz, Project Engineer, presented amendment no. 31 for the preliminary studies for the Wolfe Neck RWF upgrade and expansion for Council's consideration.**

**M 039 26  
Approve  
GHD  
Amendment  
No. 31**

**A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department, that amendment no. 31 to the base engineering contract with GHD, Inc. be approved in the amount not to exceed \$1,050,000 for preliminary engineering services, associated with the Wolfe Neck regional wastewater facility upgrade.**

**Motion Adopted: 5 Yeas**

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

**BW Electric  
CO No. IB-  
001/Direct  
PO**

**Hans Medlarz, Project Engineer presented change order no. IB-001 for SCRWF treatment process upgrade no. 3 – Inland Bays extension for Council's consideration.**

**M 040 26  
Approve  
Direct PO/  
IB Extension**

**A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve a purchase order to Harold Beck & Sons, Inc. in the amount of \$159,565 for actuated values associated with the Inland Bays expansion project.**

**Motion Adopted: 5 Yeas**

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

**M 041 26  
Approve CO**

**A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering**

**No. IB-001** Department, that BW Electric, Inc.’s change order no. IB-001 for the Inland Bays phase 2 project, be approved in the amount of \$2,400,000.

**Motion Adopted:** 5 Yeas

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

**RK&K Wetland Data** Hans Medlarz, Project Engineer presented a 5-year wetland data collection implementation modification for professional environmental services for Council’s consideration.

**M 042 26 Approve RK&K Proposal** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve the RK&K 5-year wetland data collection implementation proposal – revision I, in the amount of \$13,355.

**Motion Adopted:** 5 Yeas

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

**Old Business/ CZ2021** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN 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” filed on behalf of Crosswinds Landing, LLC.

The County Council held a Public Hearing on the application at the meeting on October 7, 2025. At the conclusion of the Public Hearing, the Council deferred action on the application for further consideration.

**M 043 26 Amend Condition Q/CZ2021** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition Q to read “There is a path or roadway known as Chicken Farm Road of unknown origin along the western side of this site. It shall remain open and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.”

**Motion Adopted:** 5 Yeas

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

**Mr. Hudson, Yea**

**M 044 26  
Adopt  
Ordinance  
No. 4039/  
CZ2021**

**A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4039 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” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:**

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

**M 044 26  
Adopt  
Ordinance  
No. 4039/  
CZ2021  
(continued)**

- residential development with a mix of housing types.
7. **The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code and provided the manner in which each one has been incorporated or addressed on the Preliminary Site Plan.**
  8. **This recommendation is subject to the following conditions:**
    - a. **There shall be no more than 352 dwelling units consisting of single-family and multifamily dwellings.**
    - b. **A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of all of the buffers and resources, stormwater management facilities, streets, amenities, and other common areas.**
    - c. **All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements, including the requirements of DelDOT's TIS Review Letter dated February 5, 2024.**
    - d. **The RPC shall be served by central water and sewer.**
    - e. **Approximately 114 acres or 62% of the site shall remain as open space, including 35 acres of the woodlands on the site. The area of preserved woodlands shall be shown on the Final Site Plan.**
    - f. **Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
    - g. **Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the RPC, with the exception of the area along David Lane, where Lots 213 to 228 are only located on one side of the street. The road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.**
    - h. **The development shall be served by amenities including a clubhouse and outdoor swimming pool, tot lot, bocce courts, and beach area. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.**
    - i. **The Resources on the site shall be protected and buffered as required by Section 115-193 of the Sussex County Code.**
    - j. **The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer and buffer protection areas and the woodlands that must be preserved as required by Section 99-21A of the Sussex County Code. The site frontage along Lighthouse Road (DE-54) shall have landscaping and be bermed in accordance with the Applicant's Swann Lake entrance landscaping exhibit prepared by Morris and Ritchie Associates, Inc.**

**M 044 26  
Adopt  
Ordinance  
No. 4039/  
CZ2021  
(continued)**

- k. The Applicant shall consult with the local school districts' transportation manager to determine if a school bus stop is appropriate. The location of the bus stop area shall be shown on the Final Site Plan.**
- l. As proffered by the Applicant, each residential unit shall be obligated to make an annual payment of \$100.00 to the Roxana Fire Company beginning with the issuance of a residential Certificate of Occupancy for that unit. These fees shall be collected and paid by the Homeowners Association. However, if the State or County enacts a separate law governing the mandatory payment or contribution to Fire/EMS service applicable to the units in the RPC, then this condition shall no longer apply.**
- m. Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 6:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- n. During sitework and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.**
- o. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- p. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.**
- q. There is a path or roadway known as Chicken Farm Road of unknown origin along the western side of this site. It shall remain open and continue to exist. All subsequent plans, including the Master Plan, shall reflect this.**
- r. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.**
- s. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a Grading Certificate is submitted to the Building Code Department demonstrating general conformity with the individual site Grading Plan.**
- t. A Revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.**
- u. The Master Plan for this RPC shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

**Motion Adopted: 4 Yeas, 1 Nay**

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

**Grant  
Requests**

**Ms. Wall presented grant requests for Council's consideration.**

**M 045 26  
Eastern  
Shore  
AFRAM  
Festival**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give \$1,000 (\$750 from Mr. Lloyd's Councilmanic Grant Account and \$250 Mr. McCarron's Councilmanic Grant Account) to Eastern Shore AFRAM festival for their Martin Luther King Day of Celebration.**

**Motion Adopted: 5 Yeas**

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

**M 046 26  
Tether  
Foundation**

**A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, to give \$3,500 (\$1,500 from Mr. Rieley's Councilmanic Grant Account, \$500 from Mr. Hudson's Councilmanic Grant Account, \$500 from Mr. Lloyd's Councilmanic Grant Account, \$500 from Mr. McCarron's Councilmanic Grant Account and \$500 from Ms. Gruenebaum's Councilmanic Grant Account) to the Tether Foundation for the camp abilities Delaware winter camp.**

**Motion Adopted: 5 Yeas**

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

**M 047 26  
East Sussex  
Public  
Broadcast-  
ing, Inc.**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, to give \$1,200 (\$1,200 from Ms. Gruenebaum's Councilmanic Grant Account) to East Sussex Public Broadcasting, Inc. for equipment upgrades.**

**Motion Adopted: 5 Yeas**

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

**M 048 26  
Clothing  
Our Kids**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to give \$2,500 (\$750 from Mr. Lloyd's Councilmanic Grant Account, \$1,000 from Ms. Gruenebaum's Councilmanic Grant Account, \$750 from Mr. Rieley's Councilmanic Grant Account) to Clothing Our Kids for their clothe a kid program.**

**Motion Adopted: 5 Yeas**

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

**Introduction  
or Proposed  
Ordinances**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS AND ASSOCIATED UTILITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 69.03 ACRES, MORE OR LESS” filed on behalf of RWE Clean Energy.**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.3 ACRES, MORE OR LESS” filed on behalf of James Mershon.**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 84.76 ACRES, MORE OR LESS” filed on behalf of GreenTek, LLC.**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS” filed on behalf of FFP DE Vines Creek, LLC.**

**The Proposed Ordinances will be advertised for a Public Hearing.**

**CM  
Comments**

**Mr. Rieley commented that the Sussex County Land Trust has been selected as the 2026 conservation stewardship award winner.**

**M 049 26  
Go Into  
Executive  
Session**

**At 11:27 a.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.**

**Motion Adopted: 5 Yeas**

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

**Executive Session** At 11:36 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session ended at 12:22 p.m.

**M 050 26 Reconvene** At 12:25 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to come out of Executive Session back into Regular Session.

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

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

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

**M 051 26 Adjourn** A Motion was made by Mr. McCarron, seconded by Mr. Rieley to adjourn at 12:26 p.m.

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

**Vote by Roll Call:** Ms. Gruenebaum, Absent; 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.}*

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

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

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

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Heritage Shores Phase 7B- IUA 1289*  
*File: OM 9.01*

DATE: February 10, 2026

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

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **BRLS DE, LLC** for **Heritage Shores Phase 7B** project in the **Western Sussex Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Heritage Shores Phase 7B** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **BRLS DE, LLC** will contribute **\$109,853.00** for the financial catch-up contribution of the existing infrastructure to serve **96.00** Equivalent Dwelling Units. Payment is required prior to beneficial acceptance of the projects on-site collection system.



**EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

**Heritage Shores Phase 7B – IUA 1289**

THIS AGREEMENT (“Agreement”), made this 16 day of January 2026, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**BRLS DE, LLC** a Limited Liability Company and developer of a project known as **Heritage Shores Phase 7B**, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 131-14.00-44.00 to be known as **Heritage Shores Phase 7B** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **96.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$109,853.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to beneficial acceptance of the on-site collection system.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **12110 Sunset Hills Road, Suite 310, Reston VA 20190.**

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

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_  
(DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR BRLS DE, LLC**

By:  \_\_\_\_\_ (Seal)  
Neil Patel  
Jan. 16, 2026 \_\_\_\_\_ (DATE)

WITNESS:  \_\_\_\_\_  
Paula Johnson

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

MEMORANDUM:

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

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

RE: **Board of Assessment Review Replacement Appointment**

DATE: January 28, 2026

As you know, Council appointed 5 board members and 3 alternates to the Board of Assessment Review a little over a year ago. Their terms stagger two to three years.

Unfortunately, one of the board members resigned due to new work commitments. Therefore, I am requesting that Council appoint one of the already appointed alternates to finish out the original 3-year board member term. Due to reassessment being completed, there is no need to fill the alternate position as we still have two alternates available if needed.

The person that I am recommending is Geoffrey Howard. He did a great job as both a referee and an alternate last year. As you may recall, this Council interviewed him last January for the alternate position. I've attached a copy of his original application and resume for a reference. Assuming there are no issues, I will be asking for his appointment as a board member on Tuesday with his term ending in December 2028.

If you have any questions, please feel free to contact me.

## Gina Jennings

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**From:** webmaster@sussexcountyde.gov on behalf of Geoffrey Howard via Sussex County <webmaster@sussexcountyde.gov>  
**Sent:** Sunday, November 17, 2024 8:10 PM  
**To:** Gina Jennings  
**Subject:** Form submission from: Sussex County Assessment Referees Application Form  
**Attachments:** Geoffrey Howard1.docx; Geoffrey Howard2.docx

*Submitted on Sunday, November 17, 2024 - 8:09pm*

## Application for Sussex County Assessment Referees

### Personal Information

**Name:** Geoffrey Howard

**Address:** 17264 Brinleighs Way, Lewes, Delaware, 19958

**Home phone:** 3022720538

**Cell phone:** 3022720538

**Work phone:**

**Email:** geoff.howard302@gmail.com

**Are you a U.S. citizen?:** Yes

### Education

**Highest level of education:** Graduate

Type of School	Name of School and Address	# Years Completed	Graduated	Major or Degree
Undergraduate College/University	Kutztown University	4	Yes	B.S. Criminal Justice
Graduate School	Marywood University	2	Yes	Masters Public Administration
Technical, Vocational or Business School(s)				

**Technical/professional licenses or certificates of training:**

**Subject of special study, training and skills:**

**Employment History**

<b>Name of Employer</b>	<b>Keller Williams Realty</b>
Address	37169 Rehoboth Avnue Rehoboth Beach DE 19971
Phone #	302-893-4503
Name of last supervisor	Independent Contractor
Last job title	Associate Broker
Dates of employment	December 2012 to Present
Reason for leaving	Not leaving the position.
Jobs you held, duties performed, skills used or learned, advancements, or promotions	Strong understanding of the real estate sales process. This involved marketing, client interaction as well as researching property histories, assessments and appraisals to ascertain market value. Seeing transactions from start to finish to include contract negotiations and fulfillment.
<b>Name of Employer</b>	<b>State Of Delaware</b>
Address	243 NE Front Street Milford, DE 19963
Phone #	
Name of last supervisor	Tammy Sneller
Last job title	Supervisor Weekend/Holiday Unit
Dates of employment	July 2007 to Present
Reason for leaving	Not Leaving Position
Jobs you held, duties performed, skills used or learned, advancements, or promotions	2nd Shift Supervisor Weekend and Holiday Supervisor  Managed the 1-800 Child Abus Hotline for the state of Delaware Child Protective agency. Supervised staff ranging from 4-8 persons.  Supervise Multidisciplinary Team investigations into serious allegations of child abuse. Review and decide case direction for

	<p>hundreds of reports a month.</p> <p>Position requires critical thinking, complex problem solving and conflict resolution. Working on alternat hours requires ability to work independently.</p>
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## References

<b>Reference</b>	
Name	Elizabeth Williams
Address	32908 Ocean Bluff Lewes DE 19958
Telephone	302-584-3808
<b>Reference</b>	
Name	Jenn Jones
Address	127 Loganberry Lane Rehoboth Beach 19971
Telephone	302-545-1988
<b>Reference</b>	
Name	Josh Caldwell
Address	35594 Peregrine Rd Lewes, DE 19958
Telephone	703-772-2041

## Service History

**Dates of military service:** to  
**Branch:**

## Questions

**Please provide a narrative of your background and experience and why you want to serve as referee for the reassessment appeals process.**

I have 12 years of experience in the Real Estate industry in Sussex County. I have a strong understanding of property valuation as far as market value and assessed value and the difference. I am aware and understand the complexities of a re-assessment and how this will affect homeowners.

In my state employment I encounter citizens at some of their most challenging days. I regularly must engage in conflict resolution and crisis management and supervise staff doing the same. I regularly work with both internal and external stakeholders as well as the general public. My agency is one that often facing the ire of angry people struggling to understand situations.

My wife and I also own 4 properties in Sussex County so the financial impact of this re-assessment is not lost on me. However, my unique position straddling the private and public sectors and also having a significant investment in Sussex County allows me to see the importance of this process while utilizing my perspective as well as my knowledge and skills to help others understand the process.

**Appellants will be able to schedule a time with a Referee from 8:30am to 4:30pm. A referee will be paid by the hour. However, it is expected that the Referee is readily available Monday through Friday 8:30am-4:30pm to take appointments. It is expected that the term of this assignment will begin February 17th and go through a time in which all appeals have seen a referee. This assignment could extend through May 31st.**

**Are you able to fulfill this requirement and attend the necessary meetings?**

Yes

**As a referee, the potential for a conflict of interest with an application is always present. Do you have any known or anticipated conflicts of interest that may present themselves as a Referee that would affect your ability to serve?**

Yes

**If yes, please explain.**

I have 3 family members in Sussex County that own property.  
At present time one current employee lives in Sussex County  
Previous clients

## Information for Applicants

Applications should be submitted online. Any application that is received unsigned, incomplete, or after the closing date specified, may be rejected.

Sussex County is an Equal Opportunity Employer and does not discriminate on the basis of race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, national origin or disability. It is our intention that all qualified applicants are to be given equal opportunity and that selection decisions are based on job-related information.

**Direct Deposit:** Direct Deposit with a financial institution of your choice is mandatory for all appointed officials.

## Authorization for Consent and Release

I hereby certify that the answers given by me to the foregoing questions and the statements made by me are full and true to the best of my knowledge and belief. I understand that any false information, omissions, or misrepresentation of facts in this application or any supplements thereto is cause for rejection of my application. I understand that if I am selected by Sussex County Government, the County shall require verification of my identity and eligibility for employment in the United States. I understand that I voluntarily authorize my former employers, schools, and persons named herein to give information regarding me. I hereby release said organization from any liability or claim whatsoever for issuing this information. I also permit the County to conduct a criminal investigation of my background if required for the position for which I am applying.

**Applicant Name:** Geoffrey Howard

**Date:** 11/16/24

# GEOFFREY B. HOWARD

17264 BRINLEIGHS WAY

LEWES, DE 19958

302-272-0538

GEOFF.HOWARD302@GMAIL.COM

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## RELEVANT SKILLS

- Leadership
- Collaboration
- Critical thinking and decision making
- Communication
- Customer relationship management
- Microsoft Office, Salesforce, MLS database

## WORK EXPERIENCE

### **State of Delaware, Department of Services for Children, Youth and Their Families Division of Family Services**

**July 2007 to present**

Milford, DE

#### *Family Crisis Therapist Supervisor*

- Supervise eight Family Crisis Therapists in the statewide after-hours Urgent Response Unit (weekends and holidays), ensuring each employee meets or exceeds job standards
- Ensure 24-hour Child Abuse and Neglect Hotline is properly staffed
- Oversee all urgent response investigations and verify inclusion of safety planning and documentation
- Collaborate with law enforcement, courts, mental health agencies, schools, and various other stakeholders to ensure families receive proper services
- Review all hotline reports, police reports and other reports; screen for appropriateness and determine presence of domestic violence, drug and alcohol issues, or mental health concerns

### **Keller Williams Realty Delaware Beaches**

**December 2012 to present**

Lewes, DE

#### *Associate Broker*

- Assist buyers and sellers of residential, commercial and investment properties in completing all aspects of real estate transactions
- Analyze market trends, conditions, and activities to accurately advise clients and develop competitive market proposals
- Provide timely assistance, thorough follow-up, and consistent communications to all parties
- Maintain strong relationships with other agents, builders, lenders, and various experts such as photographers, stagers, and home inspectors

### **Arlington County Court Services Unit**

**January 2001 to July 2007**

Arlington, VA

#### *Unit Supervisor*

*December 2005 to July 2007*

- Supervised seven full-time probation counselors and one full-time parole/gang specialist
- Reviewed case information on entire unit to ensure compliance with State minimum standards and adherence to case management techniques
- Ensured that each staff member's independent programs met the needs of the community
- Maintained monthly, quarterly, and annual statistics for unit
- Served as court representative to the Community Assessment Team, a team that appropriates funding for services countywide

*Juvenile Probation Counselor II*

*January 2001 to December 2005*

- Maintained caseload of ethnically and socio-economically diverse clients placed under court supervision
- Supervised eight part-time school-based probation counselors including hiring, retention, and evaluation of personnel
- Supervised clients and enforced rules of probation/parole
- Attended county and state commissions on current probation and parole issues
- Responded to community needs and queries; aided in community enrichment through a balanced and restorative process
- Coordinated with numerous agencies to provide client with needed services
- Developed alternatives to incarceration using community-based corrections and made recommendations to attorneys and judges for disposition
- Completed social histories, pre-sentence investigations, statistics, and case logs
- Utilized numerous assessment tools to determine client needs
- Supervised two interns

**Lourdesmont Youth and Family Services                      April 1998 to January 2001**

Clarks Summit, PA

*Admissions Coordinator*

- Coordinated admissions and discharges of clients to a residential/day treatment program
- Determined the appropriateness and degree of need of clients by reviewing educational, psychological, medical, and criminal histories of prospective applicants
- Maintained contacts with over 50 placing agencies as well as numerous school districts throughout the state of Pennsylvania
- Fostered positive relationships with these agencies and districts through visits, public relations, and representation on committees
- Performed daily administrative duties including directing clerical staff and responding to board and director queries regarding departmental operations
- Responded to community input and concerns
- Maintained department budget for advertising, travel, and marketing

**U.S. National Park Service**

**September 1996 to March 1998**

Philadelphia, PA

*Park Ranger*

**EDUCATION**

**Master of Public Administration, 2001**

Marywood University

Scranton, Pennsylvania

**Bachelor of Science in Criminal Justice, 1996**

Kutztown University

Kutztown, Pennsylvania

**MEMBERSHIPS**

Delaware Association of Realtors

Sussex County Association of Realtors

**CERTIFICATIONS AND LICENSES**

Delaware Real Estate Sales License, 2012-Present

Delaware Real Estate Broker License, 2020-Present

**DEPARTMENT OF PUBLIC SAFETY**

ROBERT W. MURRAY, JR.  
DIRECTOR



**Sussex County**

DELAWARE  
sussexcountyde.gov

(302) 855-1000 T  
(302) 855-7797 F

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

FROM: Robert Murray, Director 

RE: Emergency Operations Plan (EOP)

DATE: February 10, 2026

Over the last eight months the Department of Public Safety and Division of Emergency Management staff have worked closely with The Olson Group, LTD to update the Sussex County Emergency Operations Plan (SCEOP). This was last updated in 2017. The SCEOP contains basic information that provides a framework for response to any disaster regardless of its size, scope, or cause. The comprehensive update includes the Base Plan, four response phase-based annexes, and 11 hazard specific annexes. For reference, pages 4-11, Base Plan Introduction, are included in this packet.

The purpose of the SCEOP is to establish the legal and organizational basis for operations in Sussex County to effectively respond to and recover from all-hazards disasters and/or emergency situations. The primary role of government is to provide for the welfare of its citizens. The welfare and safety of citizens is never more threatened than during disasters.

The SCEOP establishes the concepts and procedures, which represent a coordinated effort to manage potential disasters that could affect Sussex County. This plan is applicable to County Government and to other agencies engaged in, or in support of, emergency operations prior to, during, and after a disaster.

I seek your support in adopting the Resolution approving the 2026 Emergency Operations Plan and granting Emergency Management within the Department of Public Safety the authority to administer the plan when activated.

Enclosure

- Base Plan, Pages 4-11, Introduction
- Resolution

EMERGENCY COMMUNICATIONS • EMERGENCY MANAGEMENT • EMERGENCY MEDICAL SERVICES

PUBLIC SAFETY COMPLEX  
21911 RUDDER LANE  
GEORGETOWN, DELAWARE 19947

# INTRODUCTION

## PLAN DEVELOPMENT

This document is the *Sussex County Emergency Operations Plan (SCEOP)*. The EOP is an all-hazards plan that provides an overview of the County's guiding principles and methods for prevention, preparedness, mitigation, response and recovery of hazards and threats.

Sussex County is committed to the protection of life, the environment, and property. This Plan provides the basis for response and recovery operations in Sussex County, Delaware. The success of this Plan depends on the collaboration of the departments and agencies responsible for the development and maintenance of these plans and annexes.

Successful emergency planning utilizes a comprehensive approach to prepare for and plan for all hazards. Sussex County is vulnerable to a variety of natural hazards including hurricanes, flooding, winter storms; technological hazards including power failures, hazardous materials incidents; and human-caused events such as disease pandemics and civil unrest. The threat of major disasters and events necessitates this Plan's all-hazards approach.

To respond effectively to any emergency of a size or complexity beyond the routine response system, it is critical that all Sussex County public officials, departments and agencies, non-governmental emergency organizations and the public understand their roles and responsibilities. These non-routine responsibilities begin when an incident is recognized, and response ensues. As an incident develops, and command organizes beyond the initial reactive phase of first responders, the roles and responsibilities highlighted in this Plan become more critical.

State and local governments are charged with developing and maintaining current Emergency Operations Plans to be prepared for such events.

This SCEOP includes 11 hazard specific annexes and 4 response phase-based annexes, each of which has a specific purpose and scope. The SCEOP provides an overview of Sussex County's guiding principles and emergency management methods. The Annexes provide greater detail and actionable guidance for personnel with responsibilities in each of the hazard areas, or during a specific phase of response, respectively.

## PURPOSE

The SCEOP is the centerpiece of a comprehensive emergency management program. The purpose of the Basic Plan is to establish the legal and organizational basis for operations in Sussex County to effectively respond to and recover from all-hazards disasters and/or emergency situations. This SCEOP contains basic information that provides a framework for response to any disaster regardless of

its size, scope, or causes. The SCEOP serves as the primary tool for the emergency management community to prepare for, respond to, and recover from disasters by coordinating existing Standard Operating Procedures/Guidance (SOPs/SOGs), defining disaster-specific procedures, and outlining roles and limitations.

Each SCEOP component serves a specific purpose supporting the emergency management program.

This SCEOP has been developed to provide guidance for Sussex County based on the following objectives:

- Establish the County's policy and procedures to respond to emergencies
- Describe the County's emergency management organization
- Identify the roles and responsibilities of County staff during an emergency
- Identify lines of authorities and relationships
- Describe the County's Sussex County Emergency Operations Center (SCEOC)

## SCOPE

The Sussex County EOP is an all-hazards plan that includes all personnel and equipment, which may be called upon to help facilitate a response to specific disasters and emergency events. The EOP establishes an emergency organization and defines responsibilities for all personnel having roles in the phases of emergency management to include prevention, protection, mitigation, response, and recovery in the county.

The Sussex County "Whole Community" consists of the County's staff, residents, business owners, vendors, visitors, and other individuals and entities operating or transiting through, travelling for leisure, as well as the family of staff, which may require assistance.

This SCEOP is designed to be compliant with the National Incident Management System (NIMS). It employs a multi-agency operational structure based on the principles of the Incident Command System (ICS) to manage, coordinate, and direct resources committed to an incident. Sussex County is a practitioner of NIMS and is committed to ensuring that the required trainings are provided to all persons with direct responsibility for implementing the plan and critical functions within the plan. Supporting plans for all-hazards disasters set forth the concepts and procedures whereby Sussex County can effectively apply available resources to ensure that casualties and property damage will be minimized, and those essential services will be restored as soon as possible following an emergency or disaster situation.

## SITUATION OVERVIEW

### COMMUNITY PROFILE

Sussex County is full of history and tradition. Among its distinctions, Sussex County is the birthplace of the broiler chicken industry, and is Delaware's largest county in terms of geography, spanning 938 square miles of land<sup>1</sup>.

Delaware history begins with Sussex County, as the town of Lewes was founded as a Dutch whaling colony in 1631. That first European settlement gives Lewes its claim to fame of being the 'First Town in the First State' and makes Sussex County the birthplace of what would become present-day Delaware.

Sussex County is named for the County of Sussex in England, which was the home of colonial proprietor William Penn<sup>2</sup>.

Today, Sussex County, Delaware, is diverse in both its riches and its lifestyles. It is home to numerous seaside resorts, small towns, industry, and agriculture. Along the coast, tourism is strong in the resort beach towns. Western Sussex County, meantime, is the backbone of Delaware's agriculture industry with more acres of rich farmland under cultivation than anywhere else in the state.

### GOVERNMENT

The County Council is the governing body of a county. The county government shall meet regularly. The place and dates of such meetings shall be established by the county government as a part of the rules of procedure adopted for the conduct of its meetings. Special meetings may be held on the call of the President of the county government or of a majority of the members of the county government in accordance with rules adopted as a part of the rules of procedure of the county government. Notice of all meetings must be given and meetings are public. Executive sessions may be held as authorized by law. Three members in attendance at a meeting establish a quorum. At the first session of each year, the members choose who will serve as president.<sup>3</sup>

### CLIMATE

Sussex County, Delaware has a continental climate with cold winters, hot summers, and ample precipitation throughout the year. Summers are usually hot and humid, with average temperatures ranging from lows of around 73°F to highs of around 85°F. Winters are generally mild with temperatures that usually range

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<sup>1</sup> Sussex County Delaware. *About Government*. (2025). <https://sussexcountyde.gov/about-government>

<sup>2</sup> Sussex County Delaware. *History of Sussex County*. (2025). <https://sussexcountyde.gov/history>

<sup>3</sup> Sussex County Delaware. *Government Structure*. (2025). <https://sussexcountyde.gov/government>

from 29°F to 57°F. Snowfall is fairly typical during December through February when winter is at its peak<sup>4</sup>.

Table below provides climate data for an average year in Sussex County.

Climate Factor	Sussex Annual Average
Rainfall	45 Inches
Snowfall	6 Inches
Days with Precipitation	121
Average High (July)	87 Degrees
Average Low (January)	27 Degrees

## POPULATION AND DEMOGRAPHICS

Many aspects of a jurisdiction's population and demographics can impact disaster planning, response, and recovery. **Error! Reference source not found.**

Sussex County Demographic Data	
Demographic	Percentage/Number
<b>Population &amp; Age</b>	
Population	271,130
Median Age	51.4
Median Income	\$78,162
Under 5yrs Old	4.8%
Under 18yrs Old	18.6%
65yrs and Older	28.28%
<b>Race</b>	
White (Non-Hispanic)	77.9%
African American	9.5%
Latino/Hispanic	11.2%
Multiracial	2.1%
Native American	0.41%
Asian	1.3%
<b>Families</b>	
Number of Households	96,375
Persons Per Household	2.37

<sup>4</sup> Delaware Climate Office. *Delaware Normals*. (2025). <https://climate.udel.edu/data/normals/>  
Introduction Sussex County, Delaware For Official Use Only

## ECONOMIC DATA

A breakdown of Sussex County's economic and business elements and supporting statistical data are reflected in the table below. <sup>5</sup>

Sussex County Economic Element	Statistical Data
Number of Businesses	9119
Number of people employed in county	106,000
Percent of population age 16 years+ In civilian labor force	54.1

## HAZARD AND THREAT ANALYSIS SUMMARY

In considering the Threats and Hazards facing Sussex County, it has been determined the County is vulnerable to the effects of hazards including natural, human-caused and technological. These hazards can occur independently, simultaneously, or in conjunction with or as a result of a particular hazard.

**Natural hazards** are hazards related to weather patterns and/or physical characteristics of an area. Often natural hazards occur repeatedly in the same geographical locations. They include extreme heat, hail, flooding, hurricane, lightning, severe wind, and winter storms.

**Human-caused hazards** are hazards that rise from deliberate, intentional human actions to threaten or harm the well-being of others. Examples include school violence, terrorist acts, or sabotage, and/or violence at business/social gatherings at community venues/centers.

**Technological hazards** refer to hazards originating from technological or industrial accidents, infrastructure failures, or certain human activities such as dam/levy failures, utility outages, gas leaks, and hazardous materials (HazMat) spills.

**Public Health Emergency** is defined in Delaware code (Title 20, Chapter 31, Subchapter V. Public Health Emergencies<sup>6</sup>) as an occurrence or imminent threat of an illness or health condition that:

- a. Is believed to be caused by any of the following:
  1. Bioterrorism;
  2. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; or
  3. A chemical attack or accidental release; and,
- b. Poses a high probability of any of the following harms:
  1. A large number of deaths in the affected population;
  2. A large number of serious or long-term disabilities in the affected population;
 or

<sup>5</sup> Sussex County Office of Economic Development: <https://excitesussex.com/research-data/sussex-county-profile/>

<sup>6</sup> Title 20 Military and Civil Defense, Civil Defense, Chapter 31, Emergency Management, Subchapter V. Public Health Emergencies § 3132.

3. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

A public health emergency is a condition that requires the Governor to declare a State of Public Health Emergency. The declaration of a State of Public Health Emergency permits the Governor to suspend state regulations and/or change the functions of state agencies.

**Terrorism** refers to terrorist organizations or affiliates or “lone actors” that may seek to acquire, build, and use weapons of mass destruction (WMD), employ physical threats such as explosives and armed attacks, or seek to disable or interrupt critical infrastructure systems with cyber-attacks.

**Active Assailant** refers to attacks that could involve, but are not limited to, the following weapons: firearms, edged weapons, vehicles, incendiary devices, explosives, and/or chemicals. Though active assailant techniques may be used in an act of terrorism, active assailant actions are not always categorized as terrorism.

**HAZARD AND RISK ANALYSIS** This table provides an overview of the hazards faced in Sussex County and how they are ranked in likelihood and estimated impact severity. This information should be used when determining where mitigation, planning, and preparedness efforts should be focused.

Hazard Type	Hazard Likelihood of Occurrence	Estimated Impact Severity
	High/Moderate/Low	Negligible/Limited/Critical/ Catastrophic
Flood	High	Catastrophic
Hurricane, Tropical Storm Winds	High	Catastrophic
Severe Thunderstorms	High	Critical
Extreme Heat/Cold	Moderate	Limited
Hazmat	Moderate	Limited
Nor'easter Storm	Moderate	Critical
Winter Storms	Low	Critical
Tornado	Low	Critical

Hazard Type	Hazard Likelihood of Occurrence	Estimated Impact Severity
	High/Moderate/Low	Negligible/Limited/Critical/ Catastrophic
<b>Terrorism</b>	Low	Critical
<b>Active Assailant</b>	Low	Limited
<b>Cyber Attack<sup>7</sup></b>	Low	Limited

## PLANNING ASSUMPTIONS

The Sussex County EOP is based on the Situational Analysis and the Hazard and Risk overview which drives the following planning assumptions. Incidents require local government to coordinate operations and/or resources and may:

- Require multiple agency response that may also exhaust local jurisdiction resources.
- Agencies/organizations participating will be responsible for initial response within their jurisdictional boundaries.
- Assistance from outside the affected jurisdiction will be needed for large-scale emergencies or disasters.
- Disaster assistance will be available from State, Federal, private and/or volunteer organizations should the County deplete its resources or require expertise which it does not presently have available.
- The respective participating entity(ies) is/are responsible for allocating equipment for emergency response within their boundaries.
  - Individuals designated to be responsible for emergency response coordination or who may be assigned to the Sussex County EOC will be familiar with the SCEOP.
- The participating entities and jurisdiction officials as well as the response agencies" personnel will be trained in ICS, NIMS, and in EOC management based on Homeland Security Presidential Directive-5 (HSPD-5) and according to the requirements of the U.S. Department of Homeland Security (OHS).
- The Sussex County EOC is sufficiently organized and equipped to coordinate emergency resources (which include telecommunications equipment and computer-based management information systems).

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<sup>7</sup> Note that the risk for a cyber-attack may be variable, depending on the target sector. For example, healthcare facilities and systems may have a somewhat elevated risk compared to other business entities.

- The SCEOP was prepared in accordance with, and meets the guidelines set forth by the HSPD-5: Management of Domestic Incidents - NIMS, the National Response Framework (NRF), HSPD-8: National Preparedness, CPG 101, and the State of Delaware Emergency Operations Plan (DEOP).

**RESOLUTION R --- --**

**TO APPROVE THE 2026 SUSSEX COUNTY EMERGENCY OPERATIONS PLAN AND GRANT THE DIVISION OF EMERGENCY MANAGEMENT WITHIN THE SUSSEX COUNTY DEPARTMENT OF PUBLIC SAFETY THE AUTHORITY TO ADMINISTER THE PLAN AFTER THE SUSSEX COUNTY COUNCIL PRESIDENT AND/OR DESIGNEE ACTIVATES THE PLAN**

**WHEREAS**, the primary role of Sussex County government is to provide for the welfare of its citizens;

**WHEREAS**, Sussex County government's Department of Public Safety is responsible for all phases of emergency management: prevent, preparedness, mitigation, response, and recovery

**WHEREAS**, the Division of Emergency Management within the Sussex County Department of Public Safety has the primary responsibility for emergency management activities in Sussex County;

**WHEREAS**, The Deputy Director of Public Safety – Emergency Management within the Division of Emergency Management is tasked with coordinating the protection, preparedness, mitigation, response and recovery actions during a naturally or technologically caused disaster;

**WHEREAS**, The Deputy Director of Public Safety – Emergency Management uses the concepts and procedures outlined in the Sussex County Emergency Operations Plan (SCEOP) to manage potential disasters that could affect Sussex County;

**WHEREAS**, the 2026 Sussex County Emergency Operations Plan (SCEOP) establishes the legal and organizational basis for operations in Sussex County to effectively respond and recover from all-hazard disasters and/or emergency situations; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Sussex County Council of Sussex County, Delaware hereby acknowledges its approval of the 2026 Sussex County Emergency Operations Plan; approves and empowers the Division of Emergency Management within Sussex County Public Safety to execute the responsibilities set forth in the SCEOP; and furthermore designates the Deputy Director of Public Safety – Emergency Management to administer the SCEOP when the plan is activated.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- -- ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10<sup>th</sup> DAY OF FEBRUARY 2026.**

---

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

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

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

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

RE: ***District Area Creation Request***  
***Oak Road (Walkers Meadow & Walkers Mill)***  
***File: OR 1.03***

DATE: February 10, 2026

The Engineering Department has received a request from Walkers Mill, LLC for sewer service for Walkers Mill & Walkers Meadow mobile home communities outside of Bridgeville by the creation of a new area based on Delcode, Title 9. The communities have been investigating solutions to their failing on-site systems and prepared preliminary engineering report and applied to the Clean Water State Revolving Fund.

The Wastewater Infrastructure Advisory Committee (WIAC), DNREC finance awarded a grant through the Clean Water Trust to Walkers Mill & Walkers Meadow after reviewing the application. The project is ranked #2 on DNREC's 2025 Project Priority List (PPL) just after Sussex County's Love Creek MHC project. This project would also satisfy the complete requirement of the County's 2018 binding commitment offer for the Western Sussex project, that the County reserve capacity for underserved communities.

The Mill has 209 homes and The Meadow has 40, both communities are east of Bridgeville along Oak Road and are not contiguous to the existing Western Sussex boundary. Therefore, this would need to be established as a new area, either by county council declaring based on environmental need as supported by the grant agreement to fund by DNREC (Engineering department recommendation), or according to Delcode § 6502. Walkers Mill & Walkers Meadow owners will be responsible for all system connection charges at the completion of the project.

The project has a preliminary concept plan depicting a gravity collection system to central pumpstation that would convey the sewer to the "Sonic pumpstation" that is owned and operated by Sussex County, that pumps to the City of Seaford for treatment and disposal.



**Clean Water Trust Grant**  
**to**  
**Walker's Mill, LLC**  
**for**  
**Walker's Mill Septic Elimination Project**

THIS GRANT AGREEMENT ("Agreement") is made as of \_\_\_\_\_, 20\_\_\_\_  
("Effective Date") by and between The State of Delaware, Delaware Department of Natural  
Resources, **Office of the Secretary** ("Grantor"), and **Walker's Mill, LLC** ("Grantee").

**W I T N E S S E T H :**

WHEREAS, Grantor is charged with administering and granting funds for the Clean Water  
Trust, pursuant to *Title 29 Del. C. § 8080* ("Clean Water for Delaware Act").

WHEREAS, Grantee has made an application dated July 1, 2025 to Grantor for a Grant  
under the Clean Water Trust (CWT), in an amount not to exceed \$8,252,300. The Grant funds  
shall be used by Grantee to carry out the Walker's Mill, LLC, Walker's Mill Septic Elimination  
Project, as more completely described herein.

WHEREAS, Grantor, has (i) considered the Application under the criteria for the Clean  
Water Trust Grant Program, and (ii) resolved to award \$8,252,300 to the Grantee in accordance  
with the terms and conditions of this Agreement and Attachments hereto.

NOW THEREFORE, in consideration of the mutual promises contained herein and for other  
good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties  
hereto agree as follows:

1. Obligation(s) of Grantee.

- a. Grantee shall use the Grant Funds to carry out the Clean Water Trust Project, herein  
described and in the Application:

Walkers Mill, LLC is proposing to abandon approximately 142 total existing on-site  
wastewater treatment and disposal systems and replace these systems with a central  
Sussex County owned sanitary sewer system that will serve the existing Walkers Mill  
and Walkers Meadow mobile home communities located on the west side Oak Road,  
which is east of Route 13 and southeast of Bridgeville. Presently, many of the existing  
on-site systems have exceeded their useful life. Since 2020, over 30 on-site systems in  
Walkers Mill have required replacement. With this project, 249 homes, 209 in Walkers  
Mill and 40 in Walkers Meadow, will be removed from their existing on-site sewer  
disposal systems, which will remove over 90,000 gallons per day of permitted on-site

wastewater discharge. The proposed construction will include gravity sanitary sewer flowing to a shared pump station which will then discharge to an existing Sussex County pump station located approximately two miles west near Delaware State Police Troop 5. Once funding is secured, an expansion of Sussex County's Western Sussex sanitary sewer district will need to occur to include the communities.

- b. Any conflict or inconsistency between the provisions of the following documents shall be resolved by giving precedence to such documents in the following order: (a) this Agreement (including any amendments or modifications thereto); (b) Grantor's Grant Application Instructions; and (c) Grantee's Application for grant funds. The aforementioned documents are specifically incorporated into this Agreement and made a part hereof.
  - c. Grantee shall appoint a "Project Manager" or "Contact Person" who will oversee the completion of the Clean Water Trust Project and serve as a person of contact for Grantee in communications with Grantor. Grantee will notify Grantor of changes to the "Project Manager" or "Contact Person" within a reasonable time not to exceed thirty (30) days.
  - d. Grantee shall undertake to conduct and complete the Project in a professional and competent manner. Grantee shall make reasonable efforts to ensure that the Project is in conformance with all pertinent federal, state, and local statutes, codes, ordinances, resolutions, and other applicable regulations.
  - e. Grantee shall keep accurate records of the expenditures of the grant funds. Appropriate internal control procedures should be established by the Grantee.
  - f. Grantee request for reimbursement of eligible expenses may be made as the work progresses, but not more frequently than one reimbursement request per month.
  - g. All documentation supporting the claim for reimbursement must be kept readily available for examination by the State. The financial records, including all documents to support entries on the accounting records and to substantiate charges for each project, shall be included as part of the required documentation. All such records shall be retained and available for inspection for a period of three years after final payment.
2. Obligations of Grantor: Disbursement & Limitation of Grant Funds.
- a. Grantor shall serve as administrator of the Grant Funds under this Agreement. Grantor shall furnish Grant Funds to Grantee on a reimbursable basis. Upon incurring eligible expenses, Grantee shall complete and submit to Grantor a "Clean Water Trust Disbursement Request Form" ("Reimbursement Request Form") which will be provided.
  - b. Grantor shall reimburse Grantee within thirty (30) days of receipt of Grantee's Reimbursement Request. If Grantor disputes a portion of a Reimbursement Request, Grantor agrees to pay the undisputed portion of the Reimbursement Request within thirty (30) days of receipt and to provide Grantee a detailed statement of Grantor's

position on the disputed portion of the Reimbursement Request within thirty (30) days of receipt.

- c. Grantor shall not be obligated to reimburse Project costs incurred by Grantee on a date before a Purchase Order allocating the Grant Funds has been approved by the Delaware Department of Finance. Grantor shall notify Grantee within a reasonable time not to exceed fourteen (14) days of when the Purchase Order has been approved. Grantor's total liability that may become due under this Agreement is limited to the total maximum expenditure(s) authorized in Grantor's Purchase Order.
  - d. Grantor's obligation to reimburse Grantee will not exceed the total amount of Grant Funds \$8,252,300 awarded to Grantee from the Clean Water Trust and authorized in the Purchase Order. Grantee is solely responsible for all costs or expenses incurred in excess of the Grant Funds awarded. Grantor is in no way liable for any such excess costs, fees, or expenses.
  - e. Grantee shall submit its Final Reimbursement Request Form for all remaining "Eligible Project Costs," prior to July 1, 2031. Any awarded Grant Funds remaining after Grantor has made its final reimbursement to Grantee shall be returned to the Clean Water Trust Account.
  - f. Grantor reserves the right to withhold disbursement of Grant Funds if Grantor determines, in its sole discretion, that Grantee's performance or completion of the Project is in violation of any federal, state, or local law or rule; or creates a risk to the public health, safety or environment.
  - g. Grantor is a sovereign entity and shall not be liable for the payment of federal, state and local sales, use and excise taxes, including any interest and penalties from any related deficiency, which may become due and payable because of this Agreement.
3. Term. This Agreement shall commence upon the execution of this Agreement by the parties, including the issuance of a Purchase Order allocating the Grant Funds, and shall continue until Grantor provides Grantee its final disbursement of Grant Funds due on Grantee's Final Reimbursement Request Form until July 1, 2031. The parties may agree, by writing, to extend this Agreement for a mutually agreeable term to be specified in the writing.
  4. Independent Status. It is understood that Grantee is an independent entity and is not an agent or employee of Grantor. Grantee shall complete the Project in its own manner and method. Grantee shall be solely responsible for, and shall indemnify, defend, and save Grantor harmless from all matters relating to the payment of its employees, including compliance with social security, withholding and all other wages, salaries, benefits, taxes, exactions, and regulations of any nature whatsoever.
  5. Modifications. Grantee shall provide written notice to Grantor within a reasonable time not to exceed Thirty (30) days of planned changes or modifications which impact the scope, purpose, objectives, or nature of the Project for which the Grant Funds were awarded. If Grantor determines that the changes or modifications are of such significance as to no

longer qualify the Project for Grant Funds, Grantor may terminate this Agreement in its discretion.

6. Assignment. Any attempt by Grantee to assign or otherwise transfer any interest in this Agreement without the prior written consent of Grantor shall be void.
7. Termination.
  - a. Grantor may, by written notice to Grantee, terminate this Agreement if it is found that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by Grantee or any agent or representative of Grantee to any officer or employee of the State of Delaware or Grantor with a view toward securing a contract or securing favorable treatment with respect to the awarding of Grant Funds or making of any determinations with respect to the performance of this Agreement.
  - b. If sufficient funds are not appropriated by the Delaware General Assembly, or other appropriate federal or state agency, to sustain in whole or in part Grantor's performance under this Agreement; or if such appropriation is reduced such that the amount of the appropriation is insufficient to sustain said performance; this Agreement shall be null and void at the insistence of Grantor. Funds cannot be recalled or otherwise taken back once disbursed to Grantee.
  - c. Grantee acknowledges that Grantor has an obligation to ensure that public funds are not used to subsidize private discrimination. Grantee recognizes that if it refuses to hire or do business with an individual or company due to reasons of race, color, gender, ethnicity, disability, national origin, age, or any other protected status, Grantor may declare Grantee in breach of this Agreement, terminate this Agreement, and designate Grantee as non-responsible.
  - d. Grantee warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, or a percentage, brokerage or contingent fee. For breach or violation of this warranty, Grantor shall have the right to terminate this Agreement.
8. Indemnification. Grantee shall indemnify and hold harmless Grantor, the State of Delaware, its agents and employees, from any and all liability, suits, actions or claims, together with all reasonable costs and expenses (including attorneys' fees) directly arising out of (A) the negligence or other wrongful conduct of Grantee, its agents or employees, or (B) Grantee's breach of any material provision of this Agreement not cured after due notice and opportunity to cure, provided as to (A) or (B) that (i) Grantee shall have been notified promptly in writing by Grantor of any notice of such claim; and (ii) Grantee shall have the sole control of the defense of any action on such claim and all negotiations for its settlement or compromise.
9. Insurance.
  - a. Grantee shall maintain at its own cost and expense and keep in force and effect during the term of this agreement, including all extensions, the minimum coverage limits

specified below with a carrier satisfactory to the State. All contractors must carry the following coverage depending on the type of service or product being delivered:

- i. Worker's Compensation and Employer's Liability Insurance in accordance with applicable law, and
  - ii. Commercial General Liability - \$1,000,000 per occurrence/\$3,000,000 per aggregate, and
  - iii. Automotive Liability Insurance covering all automotive units used in the work (including all units leased from and/or provided by the State to Vendor pursuant to this Agreement as well as all units used by Vendor, regardless of the identity of the registered owner, used by Vendor for completing the Work required by this Agreement to include but not limited to transporting Delaware clients or staff), providing coverage on a primary non-contributory basis with limits of not less than:
    - a. \$1,000,000 combined single limit each accident, for bodily injury;
    - b. \$250,000 for property damage to others;
    - c. \$25,000 per person per accident Uninsured/Underinsured Motorists coverage;
    - d. \$25,000 per person, \$300,000 per accident Personal Injury Protection (PIP) benefits as provided for in 21 *Del. C.* § 2118; and
    - e. Comprehensive coverage for all leased vehicles, which shall cover the replacement cost of the vehicle in the event of collision, damage or other loss, and
  - iv. Medical/Professional Liability - \$1,000,000 per occurrence/\$3,000,000 per aggregate; or
  - v. Miscellaneous Errors and Omissions - \$1,000,000 per occurrence/\$3,000,000 per aggregate, or
  - vi. Product Liability - \$1,000,000 per occurrence/\$3,000,000 per aggregate, and
- b. Grantee shall provide Forty-Five (45) days written notice of cancellation or material change of any policies.
- c. Before any activity in furtherance of this Agreement is undertaken by Grantee, the Certificate of Insurance and/or copies of the insurance policies, referencing the Agreement Number stated herein, shall be filed with the State. The certificate holder is as follows:

Environmental Finance  
DNREC/Office of the Secretary

- d. In no event shall the State of Delaware be named as an additional insured on any policy required under this Agreement.
10. Notices. All notices, reports or other written communication required or permitted herein shall be given in writing to the addresses set forth below:

If to Grantor:

Keith Kooker  
keith.kooker@delaware.gov  
Environmental Finance  
DNREC/Office of the Secretary  
97 Commerce Way, Suite 106  
Dover, DE 19904-7794  
Phone: 302-739-9941

If to Grantee:

Walker's Mill, LLC  
PO Box 139  
100 South Rockland Falls Road  
Rockland, DE 19732  
Phone: 302-656-5000

11. Force Majeure. Neither party shall be liable for any delays or failures in performance due to circumstances beyond its reasonable control.
12. Entire Agreement; No Oral Modification. This Agreement constitutes the entire agreement pertaining to the subject matter hereof between Grantor and Grantee. Neither this Agreement nor any Appendix may be modified or amended except by the mutual written agreement of the parties. The provisions of this Agreement supersede all prior oral and written applications, quotations, communications, agreements and understandings of the parties with respect to the subject matter of this Agreement. No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against which it is sought to be enforced.
13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, except where Federal Law has precedence. Grantee consents to jurisdiction and venue in the State of Delaware.
14. Severability. If any term or provision of this Agreement shall be held illegal, invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement. Such term or provision held invalid shall be deemed modified to the extent necessary in the Court's opinion to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.

15. Captions. The captions in this Agreement are inserted only for the purpose of convenient reference and shall not be construed to define, limit or prescribe the scope or intent of this Agreement or any part thereof.

16. Surviving Clauses. The following clauses survive the termination of this Agreement: Section 8 "Indemnification;" Section 13 "Governing Law."

17. Miscellaneous Provisions.

- a. The rights and remedies of Grantor provided for in this Agreement are in addition to any other rights and remedies provided by law. Grantor and the State of Delaware do not waive its sovereign immunity by entering into this contract and fully retain all immunities and defenses provided by law with regard to any action based on this Agreement.
- b. Grantee will not use the State of Delaware's name or the Great Seal of the State of Delaware, either expressly or impliedly, in any of its advertising or soliciting materials without the State of Delaware's express written consent.
- c. Grantee certifies that the information reported herein is true, accurate and complete to the best of Grantee's knowledge based upon reasonable diligence of individuals with material knowledge of the Project. Grantee understands that these representations are made in support of claims for government funds.
- d. The grant will be subject to the following conditions:
  - i. During the grant period, no rental increases greater than the average CPI-U
  - ii. During the grant period, no change in land use.
  - iii. During the grant period, no sale of the property.

[This section left intentionally blank, signatures follow.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

**GRANTOR  
STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**

Signature: \_\_\_\_\_

Witness signature: \_\_\_\_\_ Name: Gregory Patterson

Witness name: \_\_\_\_\_ Title: Secretary

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**GRANTEE  
WALKER'S MILL, LLC**

Signature: 

Witness signature: M. Vitalo Name: ANDREW C Steine

Witness name: Morgan Vitalo Title: Managing Member

Date: 1/29/2026 Date: 1/29/2026

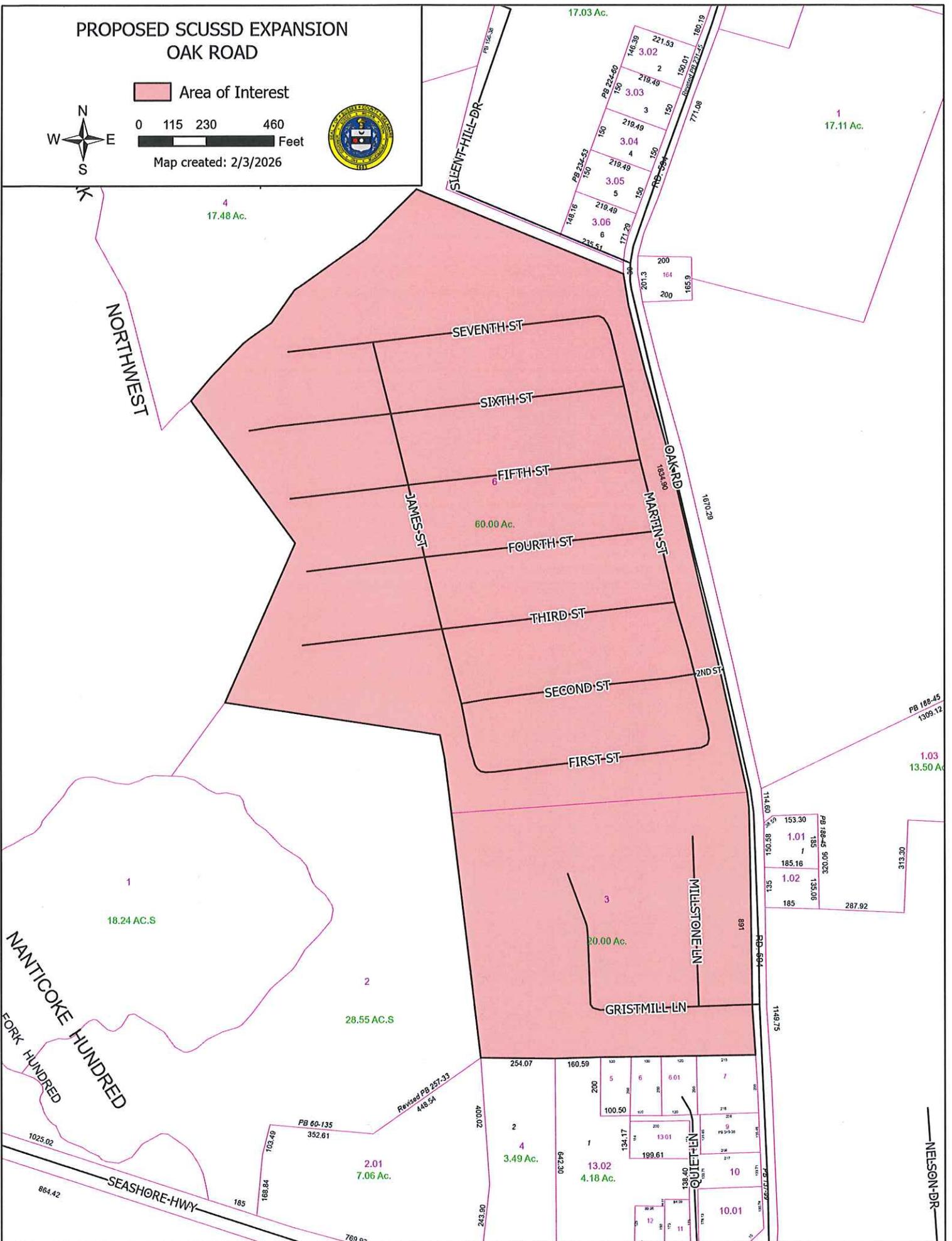
# PROPOSED SCUSSD EXPANSION OAK ROAD

Area of Interest



0 115 230 460 Feet

Map created: 2/3/2026



JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## 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: February 5, 2026

RE: County Council Report for C/U 2607 filed on behalf of the State of Delaware Office of Management & Budget

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The Planning and Zoning Department received an application (C/U 2607 filed on behalf of the State of Delaware Office of Management & Budget) for a Conditional Use for an emergency vehicle operations course, vehicle storage, classroom, and pavilion in an AR-1 Agricultural Residential Zoning District at Tax Parcel 133-7.00-8.00. The property is located on the east side of Patriots Way (SCR 318), approximately 0.66 mile south of Zoar Road (SCR 48). The parcel size is 839.05 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 7, 2026. At the meeting of January 7, 2026, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 3 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 7, 2026.

Minutes of the January 7, 2026, Planning & Zoning Commission Meeting

### **C/U 2607 State of Delaware Office of Management & Budget**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EMERGENCY VEHICLE OPERATIONS COURSE, VEHICLE STORAGE, CLASSROOM, AND PAVILLION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 839.05 ACRES, MORE OR LESS.** The property is located on the east side of Patriots Way (S.C.R. 318), approximately 0.66 mile south of Zoar Road (S.C.R. 48). 911 Address: N/A. Tax Map Parcel: 133-7.00-8.00.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no comments were received in relation to the Application.

The Commission found that Mr. Jonathan Richard, P.E. with Becker Morgan Group, spoke on behalf of the Applicant, State of Delaware Office of Management & Budget; that also present were Captain Jerry Windish and Mr. Brian Fitzpatrick with the Delaware State Police. Mr. Richard stated that the requested Conditional Use is for the Delaware State Police, Troop 4 Emergency Vehicle Operation Course, also known as EVOC for short; that the property is located on the west side of Patriots Way, across from the new Troop 4 police barracks that is currently under construction; that the site is zoned AR-1 (Agriculture Residential); that the total area proposed to be utilized is 21.5 acres; that the EVOC was on the original Troop 4 portion of the project; that there was a curveball thrown during construction, immediately as shovels were placed into the ground, with the Delaware Commission of Veteran Affairs; that rather than oppose the Commission of Veteran Affairs, the State Police pivoted with the Office of Management and Budget, proposing the EVOC to be placed across the street, on the west side of Patriots Way; that the previous Conditional Use application was presented before the Planning Commission in November 2023, and subsequently approved by the Sussex County Council in January 2024; that the EVOC is an emergency vehicle operation course, which provides training; that there is a large paved area; that proposed is a three-sided pavilion that is dedicated as a classroom for teaching purposes, with an area for a trailer to be placed for the storage of cones used for training purposes; that the building is proposed to be approximately 15 to 16 feet in height; that they propose approximately 24 spaces for troopers who come to train at the facility; that Artesian will provide them with a water stub from the actual Troop 4 project; that sanitary sewer will connect across the street to the Stokely Center on-site sewer connection; that the electric will be provide by Delmarva Power; that they will place site landscaping to beautify the site; that he believed the site was located adjacent to a DNREC restoration project, where a lot of trees have been mitigated in the area, and he guessed it may have been for the purpose of the Rt. 26 improvements in Millsboro.

Mr. Collins questioned the hours of operation and whether 24-hour operations were required.

Mr. Windish stated that currently there is no residential located within the general area; that in his 30 years, he had never performed EVOC training, which is collision avoidance course training at night; that the trainings had always been performed during the day, as nighttime creates a safety issue; that academy classes are only during certain portions of the year, and the site could be utilized at different times for in-service trainings, but would not be in use a great portion of the time.

Mr. Fitzpatrick stated that 2200 (10:00 pm) would be their proposed cutoff; that it was their understanding that the County had a 2200 quiet hours, and they proposed to observe that requirement; that they also propose to observe the Veterans cemetery; that they intend to be good partners with them; that should the cemetery be performing a burial service, they would ensure a cease in operation for a short time frame; that their goal is to be a good partner, and thus the reason they were before the Commission for the request to relocate the center.

Mr. Robertson stated that the Commission has the authority to impose conditions; however, when applications are related to EMS and first responders, the Commission, and he believed County Council as well, tend not to impose conditions to avoid the creation of any arbitrary restrictions on the operations.

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.

Mr. Mears requested that Mr. Mears read his prepared motion into the record.

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

Mr. Mears moved that the Commission recommend approval of Conditional Use 2607 for the State of Delaware Office of Management and Budget for an emergency vehicle operations course based on the record made during the public hearing and for the following reasons:

1. The use is for a very public purpose- the Delaware State Police.
2. The training course will promote the health, safety, and welfare of Sussex County residents and visitors.
3. The site is appropriate for this use. It is next to the new Delaware State Police Troop 4 site, and there are other State facilities and public uses in this immediate area. It is in a location that provides centralized access to many points in Sussex County.
4. The use will not adversely affect neighboring properties or roadways.
5. No parties appeared in opposition to this application.
6. This recommendation is subject to the following conditions:
  - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
  - B. The site shall comply with all requirements of the Sussex Conservation District.
  - C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2607 State of Delaware Office of Management & Budget. For the reasons and the conditions stated in the motion. Motion carried 3-0.

**PLANNING & ZONING COMMISSION**

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



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302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: January 7, 2025

Application: C/U 2607 State of Delaware Office (OMB)

Applicant: State of Delaware Office (OMB)(c/o R. Mullin)  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901

Owner: State of Delaware Office (OMB)(c/o R. Mullin)  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901

Site Location: The property is lying on the east side of Patriots Way (S.C.R. 318) at the intersection of Avenue of Honor (S.C.R. 86) and Patriots Way (S.C.R. 318).

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Emergency Vehicle Operations Course (EVOC), vehicle storage, and a pavilion

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 5 – Mr. Rieley

School District: Indian River School District

Fire District: (81) Millsboro Fire Department

Sewer: Town of Millsboro

Water: Artesian

Site Area: 839.05 acres +/-

Tax Map ID.: 133-7.00-8.00



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



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## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Michael Lowrey, Planner IV  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 11<sup>th</sup>, 2025  
RE: Staff Analysis for C/U 2607 State of Delaware (OMB) (DSP Troop 4)

---

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2607 State of Delaware (OMB)(DSP Troop 4) to be reviewed at January 7<sup>th</sup>, 2026, 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:** 133-7.00-8.00

**Proposal:** The request is for a Conditional Use for Tax Parcel #133-7.00-8.00 to allow for an Emergency Vehicle Operations Course (EVOC), vehicle storage, and a pavilion associated with the Delaware State Police (DSP) facility at the site which was permitted via Conditional Use (C/U 2477) (Ord No. 2975) as approved by County Council at their meeting of 1/23/2024. The EVOC and associated facilities are proposed to be located on a portion of the Parcel lying on the west side of Patriots Way (S.C.R. 318) at the intersection of Avenue of Honor (S.C.R. 86) and Patriots Way (S.C.R. 318). The improvements associated with the EVOC facility and structure are proposed on a **(21.53) acre portion** of the Parcel which is comprised of a total of **(839.05) acres +/-**.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels surrounding the subject property are zoned Agricultural Residential (AR-1) District with exception to the IRSD property immediately adjacent to the east within the Institutional (I-1) District and the Stockley Crossing Subdivision immediately west of the site within the General Residential (GR) District. Additionally, the site lies northeast of the municipal boundary of the Town of Millsboro which is adjacent to the southern boundary of the Parcel along Millsboro Pond.

**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 Rural Area and has a land use designation of "Low Density



Area.” The properties to the north and east of the subject Parcel are categorized as “Low Density Area”, the parcels to the east “Low Density Area”, “Commercial Area”, and “Developing Area”, and the parcels to the south are categorized “Low Density Area”. This mix of classifications as well as the “Municipalities” classification immediately to the south reflects the site’s proximity to the Town of Millboro.

As outlined in the 2018 Sussex County Comprehensive Plan, “The primary uses envisioned in Low Density Areas are agricultural activities and homes” (2018 Sussex County Comprehensive Plan, 4-19). The Plan further stipulates that, “Business development should be largely confined to businesses addressing the needs of these two uses” (2018 Sussex County Comprehensive Plan, 4-19). The adjacent Developing Areas are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures”, noting that “portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks” (Sussex County Comprehensive Plan, 4-14).

### **Further Site Considerations:**

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The proposed improvements are connected to the DSP facility immediately adjacent across Patriots Way
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”; “X(0.2 % Annual Chance)”, and “AE” – Special Flood Hazard Area (SFHA - High-risk area designated by FEMA as having a 1% annual chance of flooding). Staff note that the Parcel is not within a Wellhead Protection Area. A majority of the Parcel’s area is classified as within areas of “Fair”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware. The Parcel hosts three wellhead protection areas and a portion of a fourth. Any proposed improvements will be required to meet the requirements of (§89-6) *Wellhead Protection Areas*.

Based on the analysis provided, Conditional Use to allow for an expansion of the existing DSP Troop 4 uses permitted under (C/U 2477 – Police Station) at the site, to include for an Emergency Vehicle Operations Course (EVOC), vehicle storage, and a pavilion could be considered as being

consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

**Existing Conditional Uses within the Vicinity of the Subject Site:**

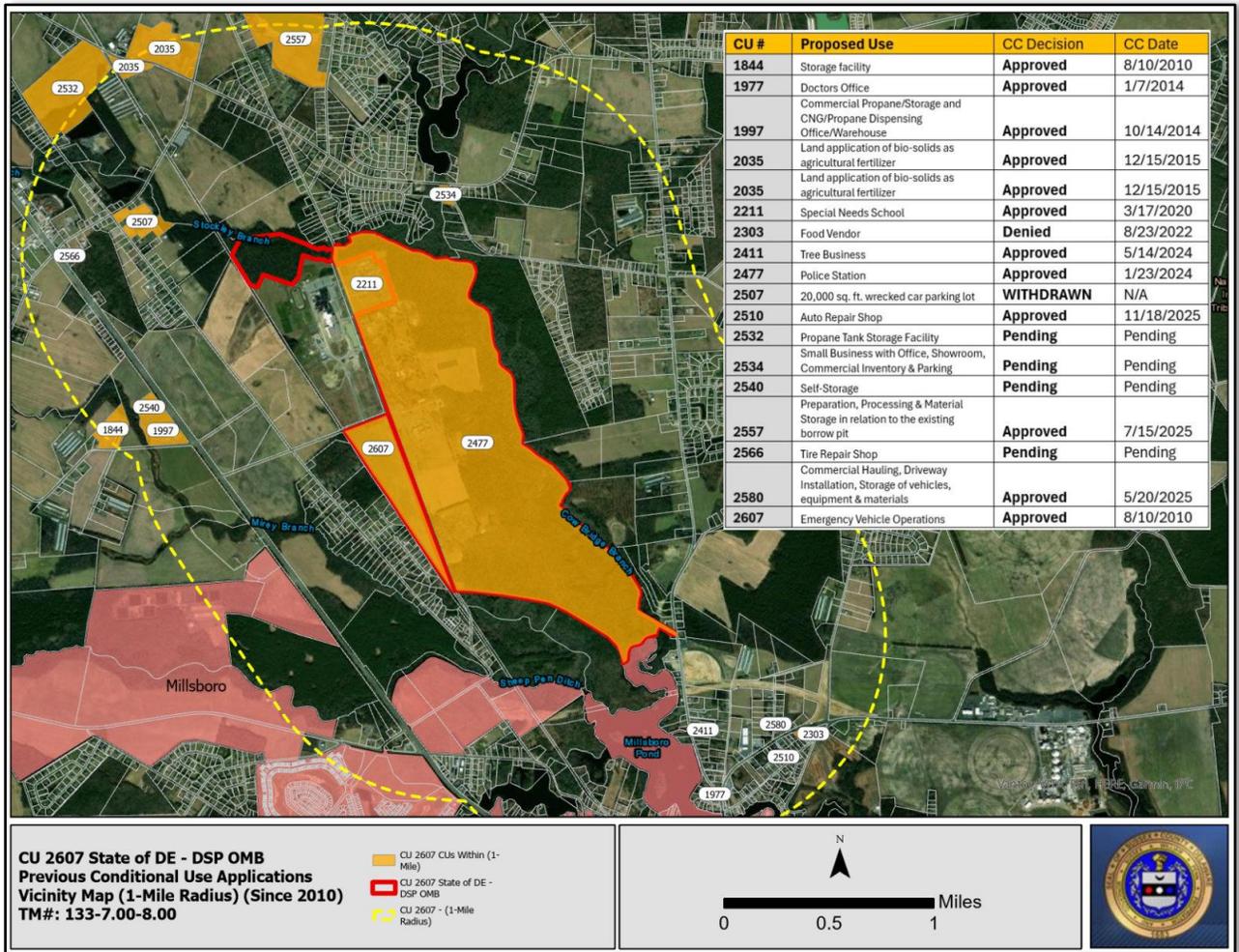
**Five Conditional Uses have been approved on Parcel #133-7.00-8.00 as follows:**

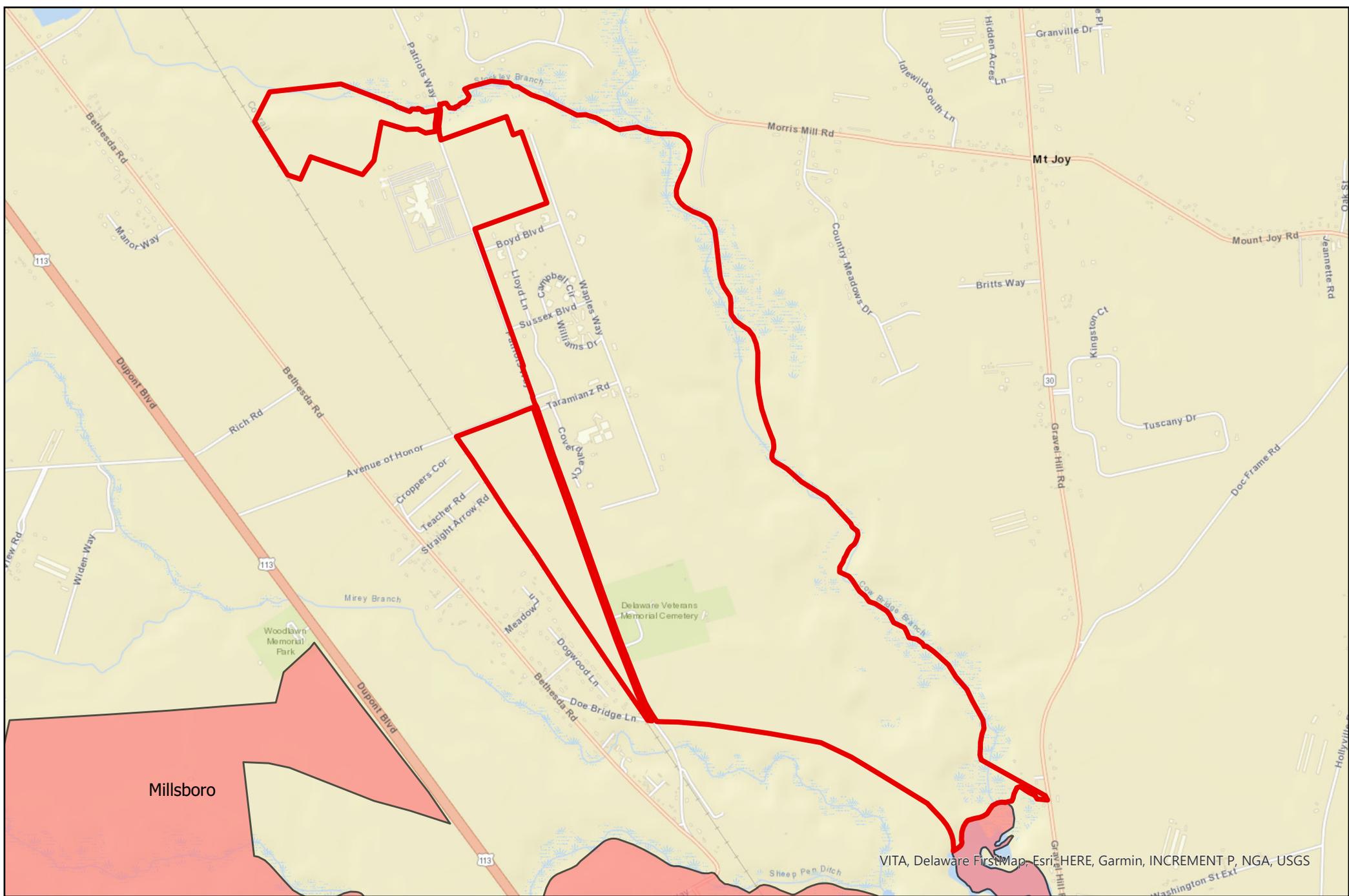
- 1) **Cemetery** (C/U 1178 - (1997))
- 2) **Public School** (C/U 1408 - (2001))
- 3) **State Government Building** (C/U 1628 - (2005))
- 4) **State Health Care Facility** (C/U 1717 - (2006))
- 5) **Police Station** (C/U 2477 - (2024))

Staff have identified a history of seventeen (17) Conditional Use applications within a one (1) mile radius of the application site since 2010. 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.

<b>CU Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>
<b>1844</b>	Brad & Caroline Hawkes	AR-1	<b>Storage facility</b>	<b>Approved</b>	8/10/10
<b>1977</b>	Matthew T. Favinger	AR-1	<b>Doctors Office</b>	<b>Approved</b>	1/7/14
<b>1997</b>	Skip Jack, Inc.	AR-1	<b>Propane/Storage CNG/Propane Office/Warehouse</b>	<b>Approved</b>	10/14/14
<b>2035</b>	Synagro Central, LLC	AR-1	<b>Land application of bio-solids as agricultural fertilizer</b>	<b>Approved</b>	12/15/15
<b>2035</b>	Synagro Central, LLC	AR-1	<b>Land application of bio-solids as agricultural fertilizer</b>	<b>Approved</b>	12/15/15
<b>2211</b>	Indian River School District	AR-1	<b>Special Needs School</b>	<b>Approved</b>	3/17/20
<b>2303</b>	Antonia Lopez	AR-1	<b>Food Vendor</b>	<b>Denied</b>	8/23/22

<b>2411</b>	Joshua Zuppo	AR-1	<b>Tree Business</b>	<b>Approved</b>	5/14/24
<b>2477</b>	State of Delaware	AR-1	<b>Police Station</b>	<b>Approved</b>	1/23/24
<b>2507</b>	Kenneth R. Betts	AR-1	<b>20,000 sq. ft. wrecked car parking lot</b>	<b>WITHDRAWN</b>	N/A
<b>2510</b>	Henry Villegas-Solis	B-1	<b>Auto Repair Shop</b>	<b>Approved</b>	11/18/25
<b>2532</b>	Larry Marshall	AR-1	<b>Propane Tank Storage Facility</b>	<b>Pending</b>	Pending
<b>2534</b>	Hardscapes Jiminez, LLC	GR	<b>Small Business w Office, Showroom, &amp; Parking</b>	<b>Pending</b>	Pending
<b>2540</b>	La Dolce Far Niente, LLC	AR-1	<b>Self-Storage</b>	<b>Pending</b>	Pending
<b>2557</b>	Stockley Materials, LLC	AR-1	<b>Preparation, Processing &amp; Material Storage re: existing borrow pit</b>	<b>Approved</b>	7/15/25
<b>2566</b>	Ismail Sen	AR-1	<b>Tire Repair Shop</b>	<b>Pending</b>	Pending
<b>2580</b>	Toney Floyd Trucking, LLC	B-2	<b>Commercial Hauling, Driveway Installation, Storage of vehicles, equipment &amp; materials</b>	<b>Approved</b>	5/20/25





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

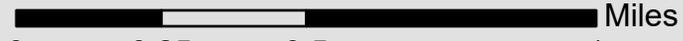
**CU 2607 State of DE**  
**Street Map**  
**TM#s: 133-7.00-8.00**

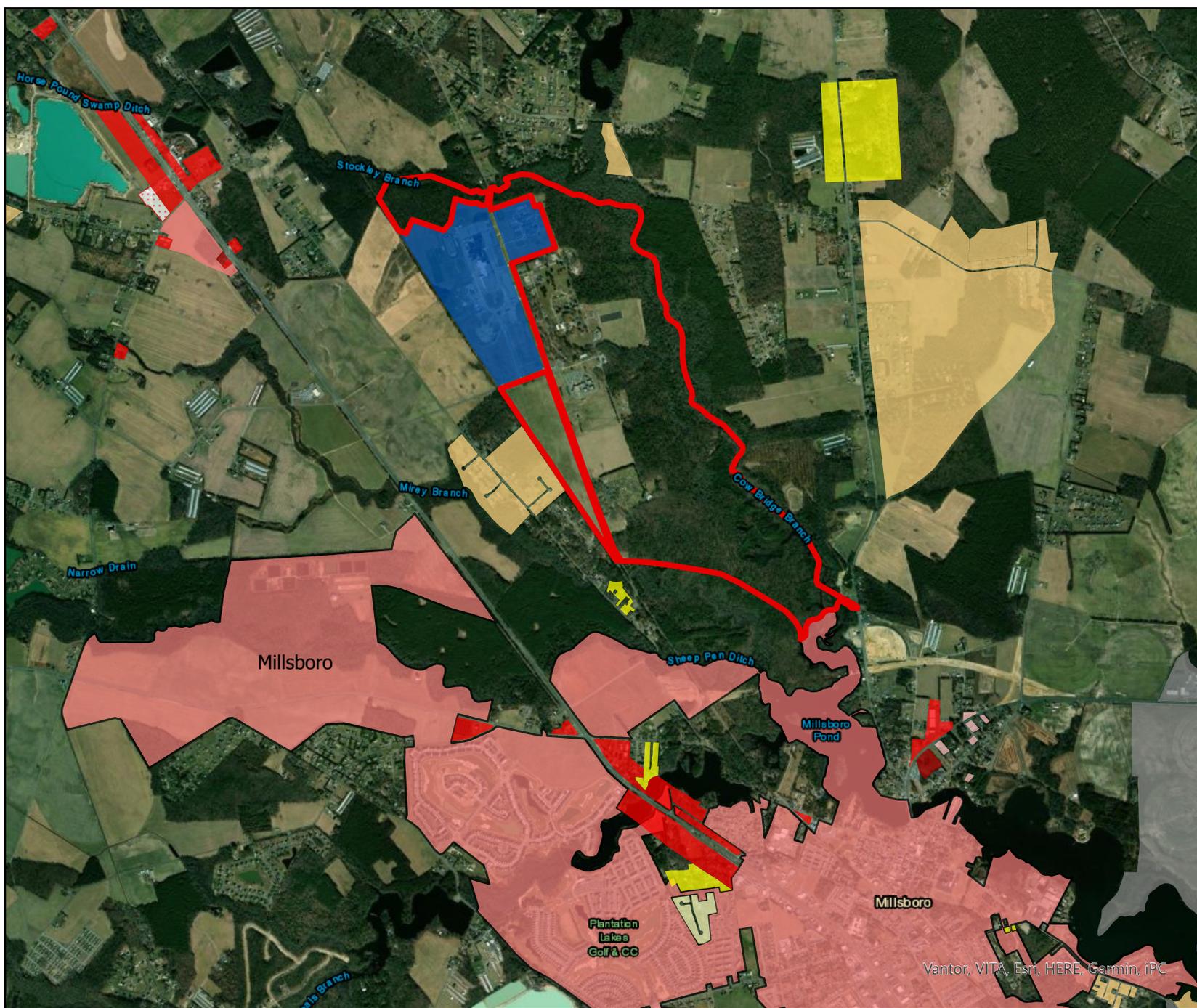
 CU 2607 State of DE  
 Municipal Boundaries

N



0      0.25      0.5      1 Miles



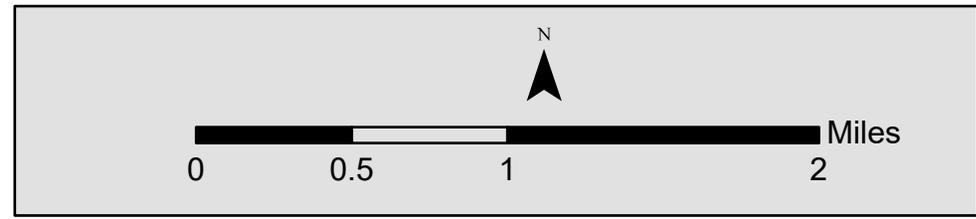



## Zoning

- 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

**CU 2607 State of DE Zoning Map**  
**TM#s: 133-7.00-8.00**

CU 2607 State of DE  
 Municipal Boundaries



**Council District: Mr. Rieley  
Tax I.D. No.: 133-7.00-8.00 (p/o)  
911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EMERGENCY VEHICLE OPERATIONS COURSE, STORAGE, AND PAVILLION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 839.05 ACRES, MORE OR LESS**

**WHEREAS, on the 7th day of August 2025, a Conditional Use application, denominated Conditional Use No. 2607, was filed on behalf of the State of Delaware Office of Management & Budget and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2607 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2607 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the east side of Patriots Way (S.C.R. 318), approximately 0.66 mile south of Zoar Road (S.C.R. 48), and being more particularly described in the attached legal description prepared by Becker Morgan Group Inc. said portion of the parcel containing 21.53 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.**

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



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## 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: February 5, 2026

RE: County Council Report for C/U 2603 filed on behalf of Tidewater Utilities, Inc.

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The Planning and Zoning Department received an application (C/U 2603 filed on behalf of Tidewater Utilities, Inc.) for a Conditional Use for improvements to an existing water treatment facility in a B-1 Neighborhood Business and MR Medium Density Residential Zoning District at Tax Parcel 235-4.13-64.00. The property is located at 103 Maryland Avenue, Milton. The parcel size is 0.91 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 7, 2026. At the meeting of January 7, 2026, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 5 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 7, 2026.

Minutes of the January 7, 2026, Planning & Zoning Commission Meeting

### C/U 2603 Tidewater Utilities, Inc.

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR IMPROVEMENTS TO AN EXISTING WATER TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS.** The property is located south of Maryland Avenue and east of North Bay Shore Drive (Rt. 16), approximately 430 feet north of Broadkill Road (S.C.R. 5). 911 Address: 103 Maryland Avenue, Milton. Tax Map Parcel: 235-4.13-64.00.



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GEORGETOWN, DELAWARE

Mr. Robertson recused himself from the public hearing for C/U 2603 Tidewater Utilities, Inc, and exited Council Chambers.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Conditional Use Site Plan, the DelDOT Service Level Evaluation Response Letter, a copy of prior Conditional Uses for the remainder of the parcel, and the Staff Analysis. Mr. Whitehouse advised the Commission that no comments were submitted in relation to the Application.

The Commission found that Mr. Brian Miller, P.E., with Pennoni, spoke on behalf of the Applicant, Tidewater Utilities, Inc.; that also present were Mr. Bryan Carbaugh, Director of Engineering, Mr. Eugene Catipay, Project Engineer, and Mr. Kyle Betts, District Operations Manager. Mr. Miller stated that their Conditional Use was to request the extension of the existing Conditional Use for the existing water treatment plant; that Tidewater has the goal of updating the water treatment facility to address both the existing need and the projected needs; that currently there is an existing 30,000 gallon, horizontal storage tank, which is the maximum volume permitted to be stored on the site; that with the 731 existing units they are currently serving, they do not have enough storage at the site for their full average of operations, when considering 210 gallons per day as an average for each unit; that they propose a 36 foot diameter storage tank be placed to increase their capacity for storage at the site, in order to meet their future needs for up to approximately 1,040 units, and upwards of 218,000 gallons; that the new tank would be constructed on the site within the required setbacks; that the existing tank would be removed once the other tank was in place and ready for operations; that Mr. Miller presented, via presentation boards, illustrations of the proposed tank; that proposed is an Aqua storage tank, which is a tank style that Tidewater uses often for their systems; that there is an aqua tank located at Grant's Way, which is located down and across from the Rookery Golf Course in a private community, next to one of their other facilities; that he was unsure the exact height of the tank; that he believed it to be approximately 36 feet in height, but stated that the height would be within the required height dimensions and requirements of the Zoning Code; that there will be a dome at the top of the tank, and stated that that the dome would be within the height restriction; that the site plan submitted reflected a 39 diameter tank, with a 42 foot diameter footing to the tank walls, in from the concrete footing that is required; that they potentially could lessen it to a 36 foot diameter; that the largest is a 39 foot diameter tank, and that the basis of their request was to replace the facility to meet the needs of the community.

Madam Chair Wingate questioned the average gallons per day previously stated.

Mr. Miller stated 210 gallons per unit, per day, is the current average; that it was likely more of an in-season figure, because there are seasonal locations there; that there are 731 units currently being served, with the potential for over 1,000 in the future, and they are trying to future-proof to avoid the Applicant needing to return before the Commission in the future.

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.

Mr. Collins moved that the Commission recommend approval of Conditional Use 2603 Tidewater Utilities, Inc. for improvements to an existing water treatment facility, based upon the record and for the following reasons:

1. This project benefits the health, safety, and welfare of the residents in the area.
2. The improvements will provide for water supply to current and future area residents by replacing the existing tank with a larger one that provides the capacity needed for additional fire flow and additional average demand.
3. Fire protection capabilities will be further enhanced to the area.
4. The project will not have an adverse impact on neighboring properties or community.
5. Water utility operations, like those in this project, are subject to substantial regulation by the Public Service Commission, DNREC, Public Health, State Fire Marshal, FAA, and among others.
6. This recommendation for approval is subject to the following conditions:
  - A. The water tank shall remain under 42 feet in height and 40 feet in diameter.
  - B. The tank shall be painted in a neutral color, and no signage or other lettering shall be permitted on it.
  - C. Structural design and operation of the water facility shall comply at a minimum with industry standards, such as the American Water Works Association.
  - D. One lighted ground-level sign shall be permitted, identifying the owner and providing emergency contact information.
  - E. The Site Plan shall be subject to review and approval by the Planning & Zoning Commission, upon receipt of all applicable agency approvals.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2603 Tidewater Utilities, Inc., for the reasons and the conditions stated in the motion. Motion carried 3-0.

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

Mr. Robertson returned to Council Chambers.

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

sussexcountyde.gov  
pandz@sussexcountyde.gov

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: January 7, 2026

Application: CU 2603 Tidewater Utilities, Inc.

Applicant: Tidewater Utilities, Inc.  
1100 South Little Creek Road  
Dover, DE 19901

Owner: Tidewater Utilities, Inc.  
1100 South Little Creek Road  
Dover, DE 19901

Site Location: Lying on the southwest corner of Maryland Ave. and N. Bayshore Drive within Broadkilm Beach

Current Zoning: Neighborhood Business (B-1)

Proposed Use: Improvements to an existing water treatment facility

Comprehensive Land Use Plan Reference: Existing Development Area

Councilmatic District: Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Tidewater Utilities, Inc.

Water: Tidewater Utilities, Inc.

Site Area: 0.91 acres +/-

Tax Map ID.: 235-4.13-64.00



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

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



**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Susan Isaacs Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 1, 2025  
RE: Staff Analysis for CU 2603 Tidewater Utilities, Inc.

---

The purpose of this memo is to provide background analysis for the Planning Commission to consider as a part of application CU 2603 Tidewater Utilities, Inc. to be reviewed at the January 7, 2026 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

**Tax Parcel ID:** 235-4.13-64.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 235-4.13-64.00 to allow for improvements to an existing water treatment facility. The parcel is located on the southwest corner of Maryland Ave. and N. Bayshore Drive, within Broadkill Beach. The project site consists of 0.91 acres +/-.

**Zoning:** The subject property is zoned Neighborhood Business (B-1) and Medium Residential District (MR). The parcels to the north are zoned Medium Residential District (MR), parcels to the south are zoned Neighborhood Business (B-1), Medium Residential (MR) and General Residential District (GR) and the parcels to the east and are zoned Neighborhood Business (B-1).

**Future Land Use Map Designation w/in Comprehensive Plan:** Existing Development Area

Existing Development Areas consist primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map.

The following guidelines apply to future growth in Existing Development Areas:

- Permitted Uses – The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found



in the neighborhood business districts and commercial districts. There is no intention to expand this land use classification.

- **Densities** – The current densities are whatever is permitted in the existing underlying zoning district of the property.
- **Infrastructure** – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, densities should be limited to two units per acre provided a septic permit can be approved.

**Further Site Considerations:**

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas: N/A**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** Staff note that the parcel appears to have existing forest/vegetation cover on the front portion of the subject property.
- **Wetlands Buffers/Waterways:** Staff note that there appears to be Regulatory Tidal Wetlands on the back portion of the subject parcel based on Delaware’s FirstMap Data System in GIS.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “AE” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Fair”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

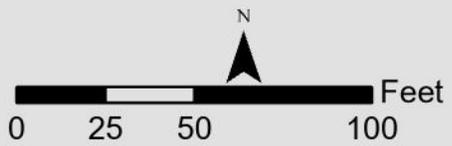
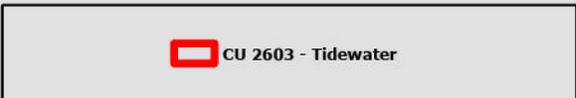
Based on the analysis provided, the Conditional Use to allow for “Improvements to an existing Water Treatment Facility could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

**Existing Conditional Uses within the Vicinity of the Subject Site:** Staff have identified that there are no Conditional Use applications within a one (1) mile radius of the application site.



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

**CU 2603 Tidewater Utilities Inc.**  
**Aerial Map**  
**TM# 235-4.13-64.00**



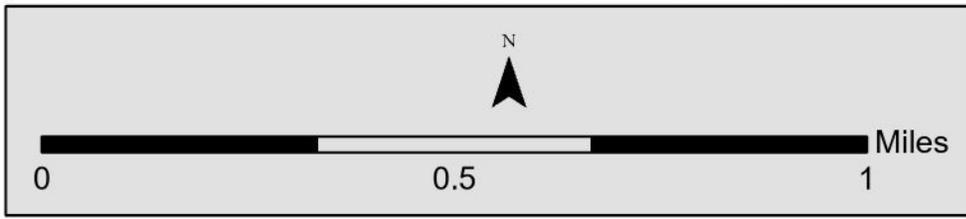


- ### Zoning
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Neighborhood Business - B-1
  - Business Research - B-3
  - General Commercial - C-1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

Source: Vantor, WTA, Esri, HERE, Garmin, IPC

**CU 2603 Tidewater Utilities Inc.**  
**Zoning Map**  
**TM# 235-4.13-64.00**

CU 2603 - Tidewater





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

**CU 2603 Tidewater Utilities Inc.**  
**Street Map**  
**TM# 235-4.13-64.00**

 CU 2603 - Tidewater

  
  
0 250 500 1,000 Feet



Introduced: 12/9/25

Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 235-4.13-64.00  
911 Address: 103 Maryland Avenue, Milton

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR IMPROVEMENTS TO AN EXISTING WATER TREATMENT FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS**

WHEREAS, on the 31<sup>st</sup> day of July 2025, a Conditional Use application, denominated Conditional Use No. 2603, was filed on behalf of Tidewater Utilities, Inc. and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2603 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article X, Subsections 115-71 and Chapter 115, Article V, Subsection 115-31 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2603 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 south of Maryland Avenue and east of North Bay Shore Drive (Rt. 16), approximately 430 feet north of Broadkill Road (S.C.R. 5), and being more particularly described in the attached legal description prepared by Parkowski, Guerke, & Swayze, P.A. said parcel containing 0.91 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.

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## 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: February 5, 2026

RE: County Council Report for C/U 2509 filed on behalf of Juan Edward Johnson

---

The Planning and Zoning Department received an application (C/U 2509 filed on behalf of Juan Edward Johnson) for a Conditional Use for a professional office in an AR-1 Agricultural Residential Zoning District at Tax Parcel 234-29.00-45.00. The property is located at 26406 John J. Williams Hwy. The parcel size is 1.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 10, 2025. At the meeting of January 7, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 9 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of December 10, 2025 and January 7, 2026.

Minutes of the December 10, 2025, Planning & Zoning Commission Meeting

### C/U 2509 Juan Edward Johnson

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS.** The property is lying on the west side of John J. Williams Highway (Rt. 24), approximately 100 feet north of Legion Road (S.C.R. 298). 911 Address: 26406 John J. Williams Hwy., Millsboro. Tax Map Parcel: 234-29.00-45.00.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Property Survey, the Preliminary Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that no written public comments had been received for the application.

The Commission found that Mr. Juan Johnson spoke on behalf of his application. Mr. Johnson stated that he purchased the office because it was located a half mile down the road from his grandparents' home, where he grew up; that he wanted to remain in his home area, so he had the ability to give back to his community; that it turned out, that his proposed service was something needed in the area; that currently there are five to six banks and two grocery stores, located within a two mile radius of the site; that he is an insurance agent; that he was surprised at how much the service was needed, that they had a State Farm Insurance office located in Millsboro, close to the Town of Millsboro; that there was another office located on the other side of the Town of Millsboro, near Plantation Lakes; that the Long Neck and Oak Orchard areas of Millsboro had no representation for any insurance agency; that the area consist of many retired people; that there are still people within the community that want to deliver a check to their State Farm office, discuss concerns in person, or simply talk to someone; that he is proposing an office that would be convenient for them; that the majority, approximately 95%, of his business is provided online, and they perform a lot of video chats with their customers, however, they still want to be there for those customers who want to walk through the doors to a person.

Mr. Mears questioned the number of employees for the business and the approximate average number of customers who visit the site in a week.

Mr. Johnson stated that there are eight employees, which includes his wife, and the average number of customers who come to the site is approximately three to six per day.

Madam Chair Wingate questioned the hours of operation and whether a sign is needed.

Mr. Johnson stated that his team arrives at the site at 8:30 am, the office is only open to the public from 9:00 am until 5:00 pm, Monday through Friday, with occasional Saturday appointments as needed, from 10:00 am until 12:00 pm, and that he would like to have permission for a business sign.

Mr. Robertson requested additional information regarding the surrounding area, community neighborhood, and nearby businesses, and if Mr. Johnson felt his proposed use was consistent with surrounding uses or if it would adversely affect neighboring and adjacent properties.

Mr. Johnson stated that the American Legion is straight across the street from the site; that there is a fence company, who had been in business for the last 30 years, located adjacent to the site; that there is a construction business located across the street; that many of the business owners are his customers; that there is a gentleman who does metal work down the road from the site; that about a quarter mile down from the site is the location of Plaza Mexico Restaurant, Harris Teeter, and Royal Farms, and there is a storage unit company located in between the site and Royal Farms.

Mr. Johnson stated there are no other insurance agency companies in the area, but his proposed use was consistent with the multiple other commercial businesses located along Rt. 24 (John J Williams Highway), and there are more commercial properties than residential properties located within the surrounding area of the site.

Mr. Robertson questioned whether the building was a residential home, which was recently converted into a commercial office.

Mr. Johnson stated yes and that the previous residential dwelling belonged to his cousin.

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 2509 Juan Edward Johnson. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

#### Minutes of the January 7, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since December 10, 2025. Mr. Mears moved that the Commission recommend approval of C/U 2509 for Juan Edward Johnson, for a Professional Office based upon the record made during the public hearing and for the following reasons:

1. There is a home that currently exists on the property. This application seeks to allow the conversion of the existing home into a professional office.
2. The property is located along Route 24 and is to be used by the Applicant in his insurance business. Route 24 is one of the main north-south roadways in Sussex County. It is in an area where a variety of business and commercial uses exist. This location is appropriate for this use as a small professional office.
3. The Applicant has stated that this site will only be used as a small office. There will not be any retail sales or other types of uses that generate excessive traffic to or from the site.
4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.
5. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Professional Offices like this are appropriate in this Area according to the Plan.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
  - A. The use shall be limited to use as a professional office.
  - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.

- C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
- D. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself. No parking shall be allowed in the front yard setback.
- E. All dumpsters shall be screened from view of neighboring properties and roadways.
- F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
- G. The hours of operation shall be limited to 8:30 a.m. until 5:00 p.m., Monday through Friday, and 8:30 a.m. until noon on Saturdays. No Sunday hours shall be permitted.
- H. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2509 Juan Edward Johnson, for the reasons and the conditions stated in the motion. Motion carried 3-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: December 10, 2025

Application: CU 2509 Juan Edward Johnson

Applicant: Juan Edward Johnson  
27948 Roanoke Rapid Landing  
Millsboro, DE 19966

Owner: Juan Edward Johnson  
3138 Country Gardens, D2  
Dagsboro, DE 19939

Site Location: 26406 John J. Williams Highway, Millsboro

Site Location: Located on the west side of John J. Williams Highway (Rt. 24),  
approximately 100 feet north of Legion Road (S.C.R. 298).

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

Proposed Use: Insurance Office

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: District 5 - Mr. Rieley

School District: Indian River School District

Fire District: Indian River Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 1.0-acre(s) +/-

Tax Map ID.: 234-29.00-45.00





## Memorandum

To: Sussex County Planning Commission Members  
From: Ann Lepore, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 3, 2025  
RE: Staff Analysis for C/U 2509 Juan Edward Johnson

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2509 Juan Edward Johnson to be reviewed during the December 10, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

**Tax Parcel ID:** 234-29.00-45.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 234-29.00-45.00 to allow for a Professional Office on a parcel lying on the west side of John J. Williams Highway (Rt. 24), approximately 100 feet north of Legion Road (S.C.R. 298). The parcel is comprised of 1.0 acre +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east, north, west, and south are 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 and thoughtful development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of "Coastal Area." All surrounding Parcels to the north, south, east and west contain a Growth Area Future Land Use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan Update, "Coastal Areas" are "considered Growth Areas, the County encourages only appropriate forms of concentrated new development in these areas, especially when environmental features are in play" (2018 Sussex County Comprehensive Plan, 4-9). Furthermore, the Plan notes that "Coastal Areas" are areas where "retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. 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." (2018 Sussex County Comprehensive Plan, 4-15).

**Further Site Considerations:**

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

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a Professional Office, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

**Existing Conditional Uses within the Vicinity of the Subject Site:** There have been thirty-three (33) Conditional Use applications within a 1-mile radius of the application site.

CU	APPLICANT	Zonin	Proposed Use	CC Decisi	CC Deci	Ord. No.
32	Isaac & Geneva Greene	AR-1	Lingerie Shop	12/21/1971	Approved	
83	Manufactured Homes INC	AR-1	Manufactured home park	11/21/1972	Denied	
179	CATV Sussex Company	AR-1	Cable TV antenna tower & signa	12/11/1973	Approved	
477	William R Watts	AR-1	Mobile home park & public use	6/13/1978	Approved	
537	Tunnell Properties	AR-1	Borrow pit	7/3/1979	Approved	
615	Lawrence E. Mergenthaler	GR	Manufactured Home Park	3/3/1981	Denied	
636	Lawrence E. Mergenthaler	GR	Manufactured Home Park		Withdrawn	
656	Isaac & Geneva Greene	AR-1	Seafood sales	12/1/1981	Approved	
790	Charles Koch T/A Penguina Ice Co.	AR-1	Ice Plant	5/1/1984	Approved	
858	John T. Satterfield & Pauline	AR-1	Public water utility	9/30/1986	Approved	380
990	Charles Coursey	AR-1	Removal of soil for aquaculture		Withdrawn	
1035	Robert L. & Melissa S. Richardson	B-1	Flea market w/outdoor sales		Withdrawn	
1043	Indian River School District	AR-1	Public school	6/29/1993	Approved	902
1111	Trantino Norwood	AR-1	Retail sales of gifts/crafts/colle	4/25/1995	Approved	1023
1172	Charles G. & Patricia A. Wagner	AR-1	Retail sales & professional offi	12/10/1996	Approved	1118
1242	RSC Landscaping, LTD	AR-1	Retail Sales of Landscaping Sup	6/2/1998	Approved	1235
1305	Short's Marine, Inc.	AR-1	Boat storage	10/12/1999	Approved	1343
1417	Boys & Girls Club of Delaware, Inc.	AR-1	Recreation facility for children	10/16/2001	Approved	1494
1435	Chris & Sherry Cheeseman	AR-1	Sales of flooring and related ac	1/29/2002	Approved	1520
1551	Shorts Marine	AR-1	Boat storage yard	9/21/2004	Approved	1718
1575	American Legion Post 28	AR-1	Carnival & circus events	1/4/2005	Approved	1741
1583	Tidewater Utilities, Inc.	MR	Elevated water tank with logo	2/1/2005	Approved	1751
1643	Lloyd Saunders	AR-1	Roofing	3/28/2006	Approved	1839
1663	Toe Tapper, L.L.C.	AR-1	Professional offices	8/8/2006	Approved	1868
1779	Jim & Carla Clark	GR	Spa	6/2/2009	Approved	2050
1893	Toby L. Schlick	AR-1	Lawn/tree service	6/7/2011	Approved	2209
2021	VIII P-Loan Portfolio Holding	CR-1	Multi-family - 288 units		Withdrawn	
2045	Robert & Deborah Reed Remax	B-1	142 Townhouses (Riverview Pla	5/3/2016	Approved	2447
2125	RS Cordrey Farms, LLC	AR-1	Landscaping Business, sales a	5/22/2018	Approved	2578
2148	Sussex Farms, LLC c/o Samuel Conn	AR-1	Ministorage with caretaker resi	11/13/2018	Approved	2615
2315	American Storage of Delaware, LLC	AR-1	140 Multifamily Units	6/14/2022	Approved	2861
2491	St. Michael the Archangel Church	AR-1	Electronic Message Center	1/23/2024	Approved	2976
2509	Juan Edward Johnson	AR-1	Professional Office		Pending	



<p><b>CU 2509 Juan Edward Johnson Conditional Uses within 1 mile TM# 234-29.00-45.00</b></p>	<ul style="list-style-type: none"><li> CU 2509 Juan Edward Johnson</li><li> CU 2509 1-mile buffer</li><li> CU 2509 Vicinity Map</li></ul>	<p style="text-align: center;">N</p>   <p style="text-align: right;">Miles</p>	
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Maxar, Microsoft

**CU 2509 Juan Edward Johnson**  
**Aerial Map**  
**TM# 234-29.00-45.00**

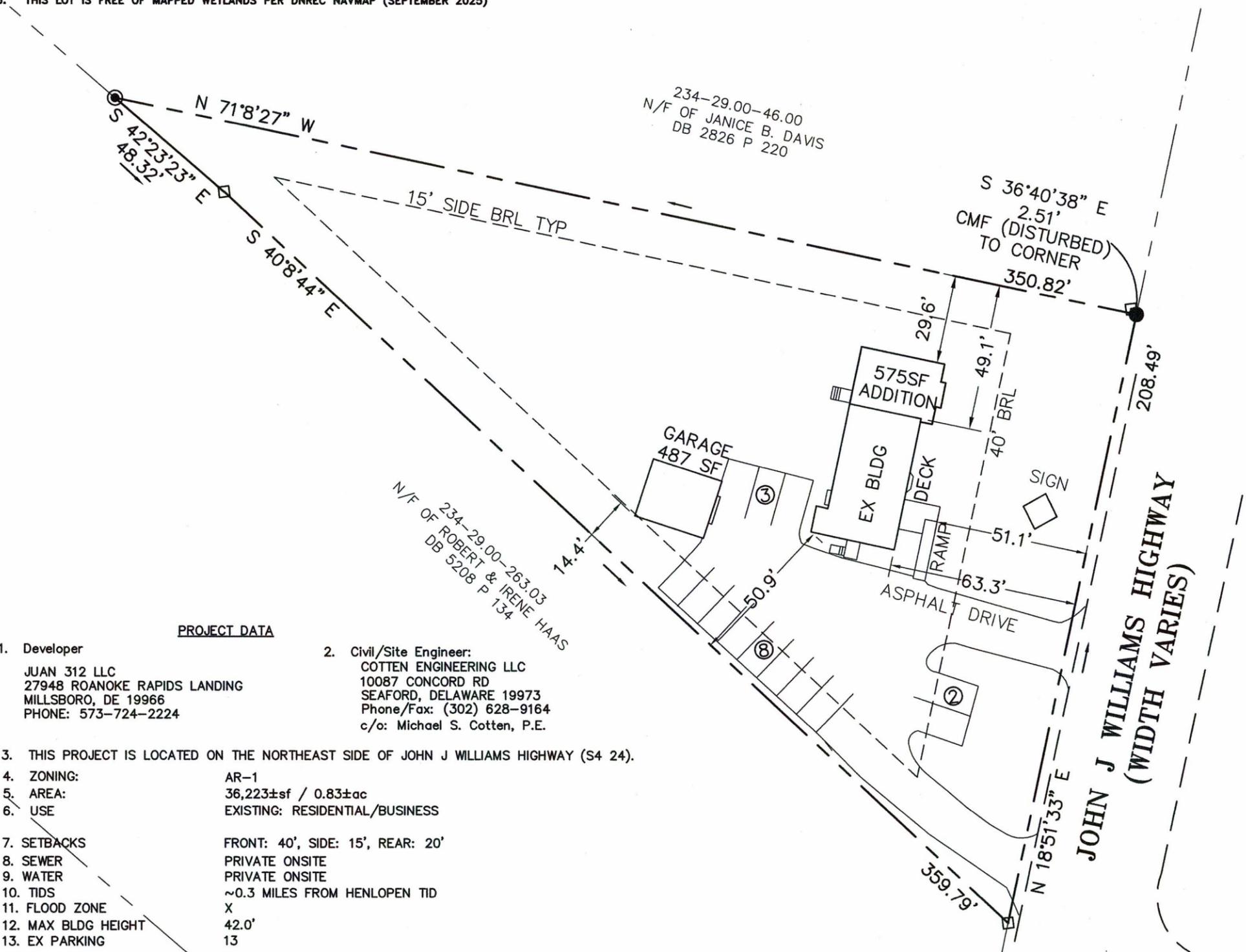


**NOTES**

- TITLE REFERENCED TO DEED BOOK 5695, PAGE 199
- "SUBURBAN" SURVEY.
- SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.
- THIS PLAT DOES NOT CERTIFY THE EXISTENCE OR NON-EXISTENCE OF ANY EASEMENTS OF RIGHT OF WAYS AFFECTING THIS PROPERTY.
- FLOOD ZONE 'X'
- THIS LOT IS FREE OF MAPPED WETLANDS PER DNREC NAVMAP (SEPTEMBER 2025)

**LEGEND**

- POINT
- CONCRETE MONUMENT FOUND
- IRON REBAR SET
- PROPERTY LINE
- - - SETBACK LINE



**PROJECT DATA**

- Developer  
JUAN 312 LLC  
27948 ROANOKE RAPIDS LANDING  
MILLSBORO, DE 19966  
PHONE: 573-724-2224
- Civil/Site Engineer:  
COTTEN ENGINEERING LLC  
10087 CONCORD RD  
SEAFORD, DELAWARE 19973  
Phone/Fax: (302) 628-9164  
c/o: Michael S. Cotten, P.E.
- THIS PROJECT IS LOCATED ON THE NORTHEAST SIDE OF JOHN J WILLIAMS HIGHWAY (S4 24).
- ZONING: AR-1
- AREA: 36,223±sf / 0.83±ac
- USE: EXISTING: RESIDENTIAL/BUSINESS
- SETBACKS: FRONT: 40', SIDE: 15', REAR: 20'
- SEWER: PRIVATE ONSITE
- WATER: PRIVATE ONSITE
- TIDS: ~0.3 MILES FROM HENLOPEN TID
- FLOOD ZONE: X
- MAX BLDG HEIGHT: 42.0'
- EX PARKING: 13

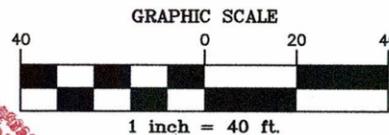
I, MICHAEL S. COTTEN, REGISTERED AS A PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

**SITE PLAN FOR CONDITIONAL USE**  
 FOR JUAN 312 LLC  
 26406 JOHN J. WILLIAMS HIGHWAY  
 MILLSBORO, DE 19966  
 INDIAN RIVER HUNDRED  
 SUSSEX COUNTY, DELAWARE  
 TAX MAP #234-29.00-45.00  
 AREA: 36,223±SF / 0.832±ACRES

**COTTEN ENGINEERING LLC**  
 CIVIL ENGINEERS  
 10087 CONCORD RD.  
 SEAFORD DE 19973  
 PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. REUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENT'S RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.

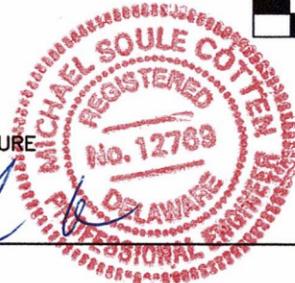
DESIGNED BY: CE	PREPARED BY: CE	JOB # 23-379
DRAWN BY: JCD	DATE: 09/22/2025	SHEET 1 OF 1
CHECKED BY: JCD	SCALE: 1" = 40'	



DESIGNER/ENGINEER SIGNATURE

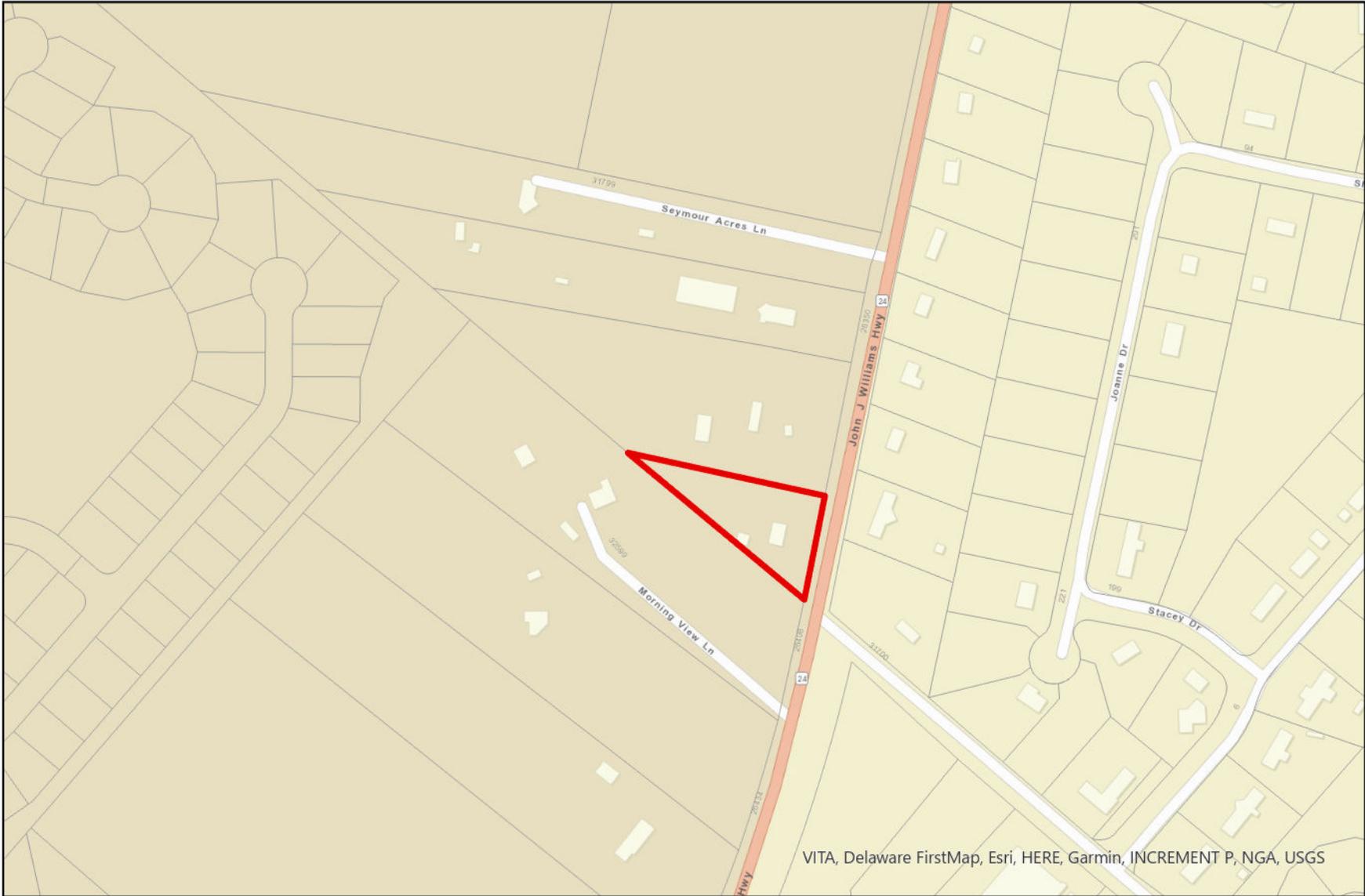
*Michael S. Cotten*

MICHAEL S. COTTEN, P.E.



9/22/25

DATE



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

**CU 2509 Juan Edward Johnson  
Street Map  
TM# 234-29.00-45.00**





-  CU 2509 Juan Edward Johnson
- ### 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 2509 Juan Edward Johnson  
Zoning Map  
TM# 234-29.00-45.00**



**Introduced: 3/4/25**

**Council District 5: Mr. Rieley  
Tax I.D. No.: 234-29.00-45.00  
911 Address: 26406 John J. Williams Hwy., Millsboro**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS**

**WHEREAS, on the 22<sup>nd</sup> day of January 2024, a Conditional Use application, denominated Conditional Use No. 2509 was filed on behalf of Juan Edward Johnson;**

**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. 2509 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. 2509 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Rt. 24), approximately 100 feet north of Legion Road (S.C.R. 298) and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A. said parcel containing 1.00 acre, more or less.**

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



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 6, 2026

RE: County Council Report for C/U 2530 filed on behalf of the Whitney Price

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The Planning and Zoning Department received an application (C/U 2530 filed on behalf of Whitney Price) for a Conditional Use for seasonal bungalows (2-units) for the purpose of short-term rental in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-12.00-379.01. The property is located at 32293 Roxanna Road, Ocean View. The parcel size is 0.8 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 7, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission discussed the application and deferred action on the application for further consideration.

Once a recommendation from the Planning & Zoning Commission is received, it will be reported to the County Council.

Below are the minutes from the Planning & Zoning Commission meeting on January 7, 2026.

### Minutes of the January 7, 2026, Planning & Zoning Commission Meeting

#### C/U 2530 Whitney Price

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS.** The property is located on the east side of Roxanna Road (Rt. 17) and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road (S.C.R. 353). 911 Address: 32293 Roxanna Road, Ocean View. Tax Map Parcel: 134-12.00-379.01.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Property Survey, the Applicant's Exhibits and photographs, the Staff Analysis, and the DelDOT Service Level Evaluation Response Letter. Mr. Whitehouse advised the Commission that six public comments had been received in relation to the Application, and that they were included within the Commission's Paperless Packet.

Mr. Whitehouse advised the Commission that the application was submitted via the Sussex County Constable's Department; that there had been ongoing back and forth from the Constables office and the Applicant leading up to the current public hearing; that Mr. Mark Rogers, Sussex County Chief Constable, was in attendance for the hearing in case the Commission had any questions.

The Commission found that Ms. Whitney Price spoke on behalf of her application. Ms. Price stated that she operates an Airbnb called Bohemian Rhapsody; that she had submitted her Airbnb listing and additional information and photographs of the site; that she only rents to one booking at a time, for up to six people at a time; that the Airbnb is located in her backyard, and is a part of her home; that she does not accept automatic bookings; that her guests must request to stay, at which point she looks to see if they guest has any reviews from Airbnb; that she may, or may not stalk their social media to get an idea and a feel for what kin of folks they are; that the Airbnb is part of her home, and she is concerned about her, her child's and her neighbor's safety; that she only operates from May 1<sup>st</sup> to October 31<sup>st</sup> each year; that it is a summer side hustle; that she was currently in public school education, and had been for 25 years, and she planned for this year to be her final year, which was another reason why it was imperative that she obtain a Conditional Use permit to continue running her Airbnb.

Madam Chair Wingate requested additional information regarding the structure of the buildings, as she was a bit confused when she visited the site, and how the application came before the Commission.

Mr. Whitehouse provided a historical background for the Commission, stating that the process began with the Sussex County Constables Department back in 2023; that at that time, a Notice of Violation was served in November 2023, which led to a back and forth with the Applicant; that in terms of building permit history, the dwelling on the property, being the main house, was permitted in 1989; that the accessory structures have not yet gone through Building Code review; that the first step is to secure land use approval; that if land use approval is received, the Building Code Department will retroactively review the structures; that currently he did not believe the structures had been inspected; that Sussex County would first need a Commercial Building Permit to be applied for, for all structures that are not being use as a single-family dwelling; that the commercial permit would proceed through review and approval, and at that time, inspectors would visit the site to see what needs to be changed retroactively, and all of this would only happen if the Applicant received land use approval.

Mr. Mears questioned Mr. Whitehouse about how any setback violations would be addressed.

Mr. Whitehouse stated that if setback variance are required, and that he believed they would be required, the Applicant would also need to secure any variance approvals as well; that the Applicant

did not currently have a variance(s), building permit(s) or land use approval, and that the current public hearing before the Commission was step one in the process.

Ms. Price stated that she wanted to plead ignorance; that she literally did not know; that she graduated in 2014 with a Master's Degree in school counseling; that, as a surprise gift, her former husband of 25 years, bought her a she-shed, which she had wanted; that she has three sons, who were very involved in sports, and she wanted space in her backyard; that she did not know about setbacks; that all she knew was that she wanted privacy in the shade and did not want to look at the house behind her; that she decorate it like the inside of Jeannie's bottle from *I Dream of Jeannie*; that it was her go-to place; that she purchased a second shed, again, not knowing that she needed permission from the government to stick a shed on my property; that she is a law-abiding citizen; that she did not do anything deliberately; that when 2020 hit she was visiting her friend, Mr. Charlie Lynch, who was changing her oil; that she was discussing her recent divorced, and needed to find a way to supplement her income; that she was too old to wait tables or bartend again; that he suggested she rent out her sheds on Airbnb; that at the time she did not know what Airbnb was; that he got her in contact with a friend, Leslie, who had a yurt in her backyard, located in Ocean View; that Leslie visited her property and the shed, stating that she was sitting on a gold mine; that she questioned who would want to sleep in an Amish-built shed, located in someone's backyard; that Leslie stated she had a beautiful property, an awesome taste in style, and a beautiful garden; that she was told the millennials call it "glamping"; that she then began researching online; that Leslie was her Airbnb mentor; that she did not know anything about a Conditional Use; that she did not know she was located within an AR-1 (Agricultural Residential) Zoning District; that she honestly did not know that she needed a Conditional Use permit or any of the stuff mentioned; that when the Constable visited her property, she had no idea it was her; that it has been quite an eye-opening process since the whole discovery in 2023; that she requested to present to the Commission her visuals and presentation; that engineer-wise, it is legitimately two Amish-built sheds; that the sheds are not insulated or air conditioned, and she provides fans for her guests an visitors, as she also uses the sheds for her friends and relatives who come to visit; that the sheds do not have a bathroom inside of them, which is where the "glamping" comes not play; that she provides an outdoor bathhouse, which is a separate structure with a toilet in it; that the bathhouse is very rustic, and deliberately open at the top; that the plumbing is plumbed into her house; that the black and grey water go into her septic; that DNREC has visited the site twice, as she believed someone called them with a complaint; that DNREC was concerned about my trash situation; that at that time, she showed them her trash, recycle and composting areas; that being environmentally friendly is very important to her; that the second time DNREC visited the site, they came to check the plumbing; that they made sure everything was legit; that the style she provides is very "hippy dippy" as those are the type of folks that she wants to attract; that she wants to attract folks who enjoy nature, who want to be in an outdoor bathhouse naked, taking a great shower with hot water and great water pressure; that she proceeded to show the Commission photographs of the bathhouse, stating that all plumbing goes underneath, into the pan, that then goes into the part of her house; that they had always had the outdoor shower, as her boys would often surf, and they just added the toilet and the sink.

Mr. Mears questioned whether the site was served by public sewer or onsite septic, and if DNREC was ok with the addition of the bathroom.

Ms. Price stated that her site is served by a private septic, and that DNREC was ok with the addition of the bathroom.

Madam Chair Wingate questioned if Ms. Price had documentation from DNREC stating they were ok with the bathroom addition.

Ms. Price stated that she did not have approval documentation from DNREC; that she does have to get her septic pumped; that the area is easy to access; that the average night stay of her guests is about two nights; that in total, since 2020, she had only hosted approximately 190 people; that she had 168 reviews, including five-star reviews; that she showed the Commission a photo of her garden; that she referred to it as the “dead hedge,” and it is pollinator friendly; that her garden is another big part of her property; that it provides the ability to share fruits and vegetables with guests; that the little guests love helping her water the garden, check the butterflies and dragonflies; that music is a big deal in her life; that she attracts a lot of artists and musicians; that John Donato is a local mural artist, and a very good friend of hers; that he had helped contribute to many of the art projects on the property; that when her guests sit around the campfire, they can pick up a handmade instrument and make music; that she showed the Commission a photo view from the bungalows; that looking into her backyard, one can see her house; that when walking through the yard there is a Crepe Myrtle tree, but beyond that is the sand yard, and the other side of that is the bath house; that she had a back patio; that underneath the glass table (in the photograph) is the location of where the septic is pumped, and she showed a photo of this area which reflected its location in relation of the bathhouse.

Madam Chair Wingate requested more information regarding parking and the number of parking spaces.

Ms. Price stated that her property is a part of Townsend Acres; that she has two driveways, and one driveway is located directly off Roxanna Road, and the other is located off Lucinda Drive, being approximately 200 feet from Roxanna Road.

Madam Chair Wingate questioned whether there was a deed for Lucinda Drive, who owned Lucinda Drive, or if it was a shared easement.

Ms. Price stated that Lucinda Drive is a shared easement to serve the residents of Townsend Acres; that the easement information is stated on the survey; that she has parking signs; that she was instructed that she needed a light within a certain area, which was fine with her; that she has a lot of solar lighting around her property, however, she is willing to provide more; that she provided more photos to the Commission for additional outdoor spaces; that she has an area called “Pinky” where her guests use grills to cook, and at times will cook over top of an outdoor fire pit; that her Airbnb is dog friendly; that she has a lot of repeat & returning visitors; that she had made lifelong friends because of this business; that the business had really been a blessing; that she had been used to her kids bouncing balls around the yard, and a lot of energy; that now she gets lonely; that the Airbnb has been therapeutic for her, as well as, financially very helpful; that the Airbnb is part of her retirement plan and is very important to her; that there had been a lot said from guests regarding the care and

consideration she provides; that it is important to be steward of the earth, as we only have one; that she went through photos of backdrops and painted murals on the site; that when starting this process her friend had told her to just be herself, and that is what she did; that she presented to the Commission a photo of the smaller shed; that when guests visit with kids, they often prefer the smaller shed, referred to as the Surf Shack; that it was created with decorations from her boy's bedrooms and a lot of thrifted items; that she is very into recycling and repurposing; that she presented a photo of the interior of her "Grateful Shed" to the Commission; that from the outside, the smaller shed is located to the right and the larger shed to the left; that she submitted a petition from her neighbors; that the petition support reads, "*protect homeowners' rights to earn supplemental income from their property. Reasonable regulation, not prohibition, respects property ownership*"; that additionally, there was a letter of support submitted by her neighbor located directly adjacent to her; that it is a small community; that she has resided at the property for 27 years; that it has been a wonderful place to raise a family; that she is not requesting a rezoning, and that her only request is for some variance and a Conditional Use land permit.

Mr. Mears questioned whether there was a Homeowners Association (HOA) established for the community, if Ms. Price had a list of regulations that clients must agree to, and if so, whether the regulations include a "quiet time" at a certain time of the evening.

Ms. Price stated no, that there was no HOA established for the community; that she does not use the word "rules", but rather refers to them as "guidelines"; that before she accepts an inquiry, her guests must agree that they have thoroughly read the guidelines and willing to be compliant of them, and that her proposed quiet time begins at 10:00 pm and ends at 8:00 am.

Madam Chair Wingate questioned if staff had any further information regarding Lucinda Drive; that she read the letter submitted into the record; that she understood that what was stated may potentially be an opinion and not factual.

Mr. Robertson stated that he reviewed the survey; that the survey reflected the access; however, the survey did not contain the actual easement language for Lucinda Drive, and he requested that the Commission hold the record open to allow him to conduct further research on Lucinda Drive to ensure there are no issues or concerns.

Ms. Price stated that she would like to add that the particular neighbor (who submitted the letter of opposition with comments regarding Lucinda Drive) had been a menace in their community since she moved in; that the neighbor had called the police on her then 8 and 10 year old sons for playing within Lucinda Drive, during a snowstorm, throwing boogie boards, running around and being normal kids; that there was history between the two of them; that when she first began her business, all of her neighbors were aware of what was going on; that she had told them to come to her with any issues or concerns; that she stated her neighbors were her first priority, not the Airbnb guests; that if there was every a worry of guests driving too fast or being too loud, they should come to her; that she had not had issues, because she does not attract those kind of guests, and that it was not until the day before that she saw the submitted opposition.

Madam Chair Wingate stated that either way, everyone was entitled to their own opinion; that the Commission cannot take opinions into consideration, and that the Commission will ensure that the record is clear on the logistics of the roadway (of Lucinda Drive).

Ms. Price stated that when her former husband had a landscape business, he would access the driveway along Roxanna Road, and around the house, and down that back driveway, with his truck and trailer; that they have been using it (Lucinda Drive) since they moved into the house, and there had never been a complaint until recently.

Mr. Collins questioned whether Ms. Price would be willing, if required, to reroute the driveway to bring the driveway in from her main driveway, located off Roxana Road, being the state-maintained roadway.

Ms. Price stated that if it is deemed illegal for her to use Lucinda Drive, then she would; however, it was only because it was a thorn in the side of one neighbor, then she was unsure, and she was unsure if she understood the question.

Madam Chair Wingate stated that she believed Mr. Collins was questioning whether the rerouting of the driveway would be a possibility, if it was imposed as a requirement due to it being not legally acceptable for Lucinda Drive to be used, and if her business could still operate or would that requirement shut her business down.

Mr. Robertson stated that the issue is not opinions, as was stated; that Sussex County will research into what Lucinda Drive's easement states, because it is a private roadway, which may have imposed restrictions against commercial use, being only legally entitled to be used by the owners or occupants of the primary residences that are not rental units, and the Commission wants to ensure they are not placed in a position of approving something that is not in compliance with a potential private roadway agreement.

Ms. Price stated that she was trying to make it legal; that she heard Mr. Robertson make the statement regarding the drive being for primary residents and wanted to mention that the person who filed the opposition is not a primary resident, but a seasonal resident.

Madam Chair Wingate stated the resident may be seasonal, but she is the primary owner of the property.

Ms. Price stated that she found it ironic that her seasonal neighbor was complaining about her out-of-state visitors when she was one herself.

Mr. Robertson stated that this type of issue comes before the Commission all the time; that not necessarily complaints or even Airbnb's, but an issue where someone wants to essentially run a business use off a private road; that whenever this happens, the Commission always look at the easement, to ensure there are no legal restrictions or issues; that the Commission is not attempting to

single Ms. Price out, nor is the Commission providing extra weight to the neighbor in opposition, and it is research that they always perform whenever an application comes in involving a private lane.

Ms. Price stated that she understood and that she would make it work if she was required to do so.

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 2530 Whitney Price. Motion by Mr. Mears to defer action, leaving the record open to allow Counsel to perform research on the private lane of Lucinda Drive, and the DNREC approval letter, seconded by Mr. Collins and carried unanimously. Motion carried 3-0.

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
PLANNING & ZONING -

DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: January 7, 2026

Application: C/U 2530 Whitney Price

Applicant: Whitney Price

Owner: Whitney Price

Site Location: The property is lying on the east side of Roxanna Road (Rt. 17) and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road (S.C.R. 353)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Multi-Family Bungalows (2 Units) for short-term, seasonal rental

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Doug Hudson

School District: Indian River School District

Fire District: (84) Millville Fire Company

Sewer: Proposed Holding Tank

Water: Private (Well)

Site Area: .88 acre (34,656 SF)

Tax Map ID.: 134-12.00-379.01



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Michael Lowrey, Planner IV  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 11<sup>th</sup>, 2025  
RE: Staff Analysis for C/U 2530 Whitney Price

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2530 Whitney Price to be reviewed at January 7<sup>th</sup>, 2026, 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:** 134-12.00-379.01

**Proposal:** The request is for a Conditional Use for Tax Parcel #134-12.00-379.01 to allow for “Seasonal Bungalows (2 Units) for The Purpose of Short-Term Rental” to be located on a Parcel lying on the east side of Roxanna Road (Rt. 17) and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road (S.C.R. 353). The Parcel is comprised of a total of (0.88) acres (34,656 SF).

**Zoning:** The subject property is zoned Agricultural Residential (AR-1) District. The parcels adjacent and surrounding on the east side of Roxana Road are zoned Agricultural Residential (AR-1) with Parcels across Roxana Road to the west within the Agricultural Residential (AR-1 and AR-2) Zoning Districts. Approximately (500) feet to the south at the intersection of Roxana Road and Burbage Road parcels are within the General Commercial (C-1) District parcels or within the jurisdictional boundary of the Town of Millville.

**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 in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Coastal Area”. Parcels immediately adjacent are also categorized as a growth area and a “Coastal Area” with the Parcels immediately across Roxana Road categorized as “Existing Development Area”. Approximately (500) feet to the south at the intersection of Roxana Road and Burbage Road parcels are within the “Commercial” and “Municipalities” categories in the Future Land Use Map.



As outlined within the 2018 Sussex County Comprehensive Plan, *Coastal Areas* are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, “this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna” (2018 Sussex County Comprehensive Plan, 4-15). Additionally, the Plan also notes that *Coastal Areas* “also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region’s various habitats” (2018 Sussex County Comprehensive Plan, 4-15) Additionally the Plan notes challenges in the *Coastal Areas* relating to safeguarding “genuine natural areas and mitigating roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low” (2018 Sussex County Comprehensive Plan, 4-15).

In terms of non-residential development in Coastal Areas, the Plan provides the following guidance: “Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. 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” (2018 Sussex County Comprehensive Plan, 4-15)

**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The Conditional Use Site plan includes vehicular ingress/egress from both Roxana Road (Route 17) and Lucinda Drive (Private Road).
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Mature trees and shrubbery appear to exist along much of the perimeter of the Parcel’s boundaries.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”. A Tax Ditch & Tax Ditch ROW comprises the southern boundary of the Parcel forming the common

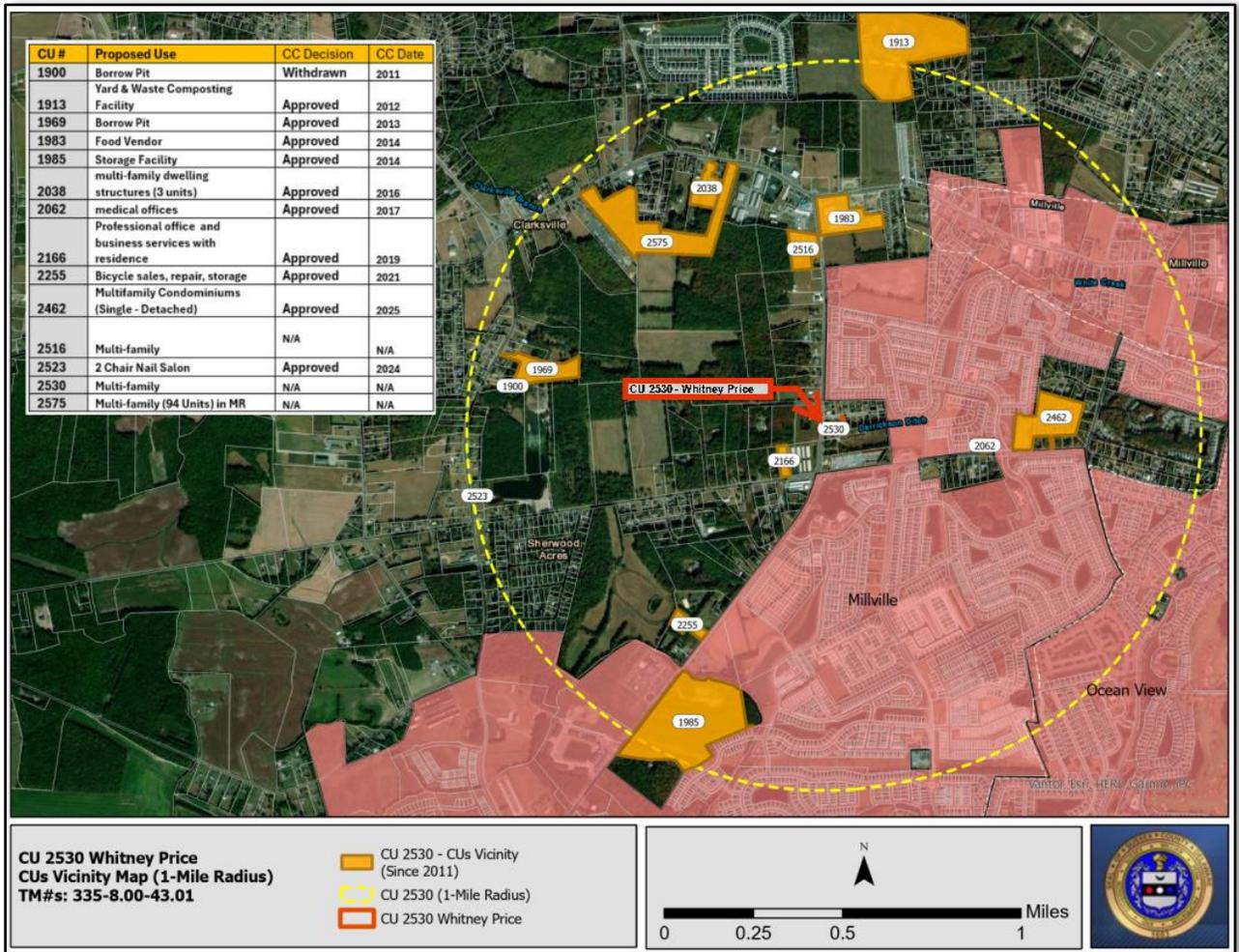
boundary with TM#134-12.00-1585.00. Staff note that the Parcel is classified as within areas of “Poor” and “Fair”, in terms of Groundwater Recharge Potential on the site, per data from the State of Delaware.

Based on the analysis provided, Conditional Use to allow for “Seasonal Bungalows (2 Units) for The Purpose of Short-Term Rental” could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

**Existing Conditional Uses within the Vicinity of the Subject Site:** Staff have identified a history of fourteen (14) Conditional Use applications within a one (1) mile radius of the application site (Since 2011). 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.

<b>Conditional Use Applications</b>						
<b>(Within a 1-mile radius of the subject site)</b>						
<b>CU Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ord. Number</b>
1900	Doris D. Turner	AR-1	Borrow Pit	Withdrawn	6/2/2011	<Null>
1913	Jeremy W. Smith	AR-1	Composting Facility	Approved	2/7/2012	2236
1969	Melvin L. Joseph Construction Co.	AR-1	Borrow Pit	Approved	10/15/2013	2324
1983	Gerald W. & Emily W. Hocker	C-1	Food Vendor	Approved	5/20/2014	2349
1985	Eugenia Athan	AR-1/MR	Storage Facility	Approved	5/20/2014	2350
2038	Good Earth Market, LLC	CR-1	Multi-family (3 units)	Approved	4/5/2016	2440
2062	RDK & A Investments, LLC	AR-1	medical offices	Approved	2/14/2017	2481

2166	Deborah Townsend	AR-1	Professional office	Approved	4/30/2019	2651
2255	John Sommers	AR-1	Bicycle sales, repair, storage	Approved	9/14/2021	2798
2462	Gulf Stream Glen Cove, LLC)	AR-1	Multifamily	Approved	7/15/2025	4007
2516	Roxana Apartments, LLC	CR-1	Multifamily	Approved	12/9/2025	N/A
2523	Tayra Trinidad	AR-1	2 Chair Nail Salon	Approved	10/29/2024	3054
2530	Whitney Price	AR-1	Multifamily	N/A	N/A	N/A
2575	Ocean Sand Holdings	AR-1	Multifamily (94 Units)	N/A	N/A	N/A



Roxana Road (DE 17)

Lucinda Drive



3.12.2025

Roxana Road (DE 17)



3.12.2025



3.12.2025



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

**CU 2530 Whitney Price**  
**Aerial Map**  
**TM# 134-12.00-379.01**

 **CU 2530 Whitney Price**

N

0 25 50 100 Feet



Introduced: 12/9/25

Council District 4: Mr. Hudson  
Tax I.D. No.: 134-12.00-379.01  
911 Address: 32293 Roxanna Road, Ocean View

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SEASONAL BUNGALOWS (2 UNITS) FOR THE PURPOSE OF SHORT-TERM RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.8 ACRE, MORE OR LESS**

WHEREAS, on the 14th day of May 2024, a Conditional Use application, denominated Conditional Use No. 2530, was filed on behalf of Whitney Price; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2530 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2530 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the east side of Roxanna Road (Rt. 17) and the south side of Lucinda Drive, approximately 600 feet north of Burbage Road (S.C.R. 353) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A. said parcel containing 0.8 acre, more or less.

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



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: February 3, 2026

RE: County Council Report for C/U 2544 filed on behalf of Waste Management of Delaware, Inc.

---

The Planning and Zoning Department received an application (C/U 2544 filed on behalf of Waste Management of Delaware, Inc.) for a Conditional Use for the extension of employee parking, self-storage, and container storage in an AR-1 Agricultural Residential Zoning District at Tax Parcel 332-2.00-79.01. The property is located at 32120 Old Stage Rd, Laurel. The parcel size is 5.23 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 7, 2026. At the meeting of January 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons of approval and subject to the 11 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 7, 2026, and January 21, 2026.

Minutes of the January 7, 2026, Planning & Zoning Commission Meeting

### C/U 2544 Waste Management of Delaware, Inc

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 5.23 ACRES, MORE OR LESS.** The property is located on the west side of Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462). 911 Address: 32120 Old Stage Rd., Laurel. Tax Map Parcel: 332-2.00-79.01.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book, the Applicant's Conditional Use Site Plan, the PLUS Comments, the DelDOT Service Level Evaluation Response Letter, and the Staff Analysis. Mr. Whitehouse stated that no comments were received in relation to the Application.

The Commission found that Mr. James Fuqua, Esq., with Fuqua, Willard & Schab P.A., spoke on behalf of the Applicant, Waste Management of Delaware, Inc.; that also present was Mr. Pete Grim, District Manager for Waste Management of Delaware, Inc. Mr. Fuqua stated that an exhibit packet was submitted within information about the application; that the application is requesting a Conditional Use for a 5.2 acre parcel; that the site is located on the northwest corner of the intersection of Trussum Pond Road and Old Stage Road; that the 5.2 acre parcel is located adjacent to a 12 acre parcel that is also owned by Waste Management; that the 12 acre parcel is the location of site for the company's maintenance and repair facility; that the current Conditional Use requests an extension of the existing uses that are located on the 12 acre parcel to allow the business to expand onto the five acre parcel; that the expanded use would basically be for employee parking; that two additional self-storage facilities are proposed; that there are two self-storage facilities currently located on the 12 acre parcel; that the Conditional Use also requests the storage of trucks and containers; that previously, there was a Change of Zone application, relevant to the current application, that was presented to the Commission a few years back; that the previous application proposed a Change of Zone that is identical to the use the Applicant was currently proposing; that the site is located along Trussum Pond Road, just southeast of the Johnny Janosik furniture store; that along the road there are a number of different businesses and commercial uses; that Waste Management purchased the 12 acre parcel in 2018, at which time they converted an existing shop on the site to their maintenance and repair shop; that there are also two storage buildings that were located on the property; that at that time, they operated under the name Trussum Pond Self Storage; that in 2021, the owner of the five acre parcel contacted Waste Management to inquire about their interest in purchasing their property; that Waste Management subsequently purchased the five acre property; that at the time of purchase, there was an old house on the property, which was demolished; that there were very old, large chicken house on the property which were also demolished; that there was a security fence erected around the perimeter of the five acre parcel; that the current application request is for a Conditional Use for the expansion of the existing uses of the 12 acre parcel onto the five acre parcel; that a Zoning Map and Future Land Use Map were submitted as part of the Applicant's Exhibit Book; that when coming down Trussum Pond Road, most of the land located on the south side is zoned C-1 (General Commercial); that basically, all the land on the north side, with the exception of the subject five acre parcel, is zoned C-1 (General Commercial); that the land located directly across the road is zoned AR-1 (Agricultural Residential); that there are two nearby properties to the site designated as an Industrial Area, according to the Sussex County Future Land Use Map; that the property catty-corner from the site is also zoned C-1 (General Commercial); that when Waste Management first contacted him in 2022, they had to decide whether to request for a Conditional Use or a Change of Zone; that the Conditional Use is generally easier, yet a Change of Zone is generally more valuable and adds value to the land; that based on the zoning of the area and the nature of the Future Land Use Map, they felt it was appropriate to request a Change of Zone; that at that time they applied for a C-3 (Heavy Commercial); that they would have requested C-1 (General Commercial) at the time, however the C-1 District is now closed, and can longer be requested for rezoning; that they felt the C-3 (Heavy Commercial) District was the

closest thing to a C-1 (General Commercial) District, and seemed appropriate; that the Change of Zone application was filed, and came before the Commission on December 14, 2023; that at that time the Commission unanimously recommended approval of the C-3 (Heavy Commercial) re-zoning; that the application went before the Sussex County Council on January 24, 2025; that at that time the presented the same information that had been presented to the Planning & Zoning Commission; that he has assumed, based on the information he had just currently presented, that the C-1 (Heavy Commercial) request was very appropriate; that County Council, after deferring for several months, denied the application; that within the Council's denial decision, it was stated that they felt the C-3 (Heavy Commercial) Zoning was too great of a zone, allowing too many permitted uses, and they stated that the C-2 (Medium Commercial) or B-2 (Business Community District) would be appropriate; that they have now returned with a Conditional Use requesting the expansion of parking, self-storage, and the storage area for the trucks and containers; that from the prior record previously submitted, the PLUS review indicated that the rezoning was consistent with the 2020 State Strategies Plan, and that it was an appropriate use to be located within an Investment Level 3, since it was an expansion of an existing business; that DelDOT indicated that even the C-3 (Heavy Commercial) zoning would not have resulted in any traffic impact or at least an impact they considered to be diminutive; that based on the information provided they felt the Conditional Use request was appropriate for the area, and Mr. Fuqua requested to submit proposed Findings and Conditions for the application.

Mr. Robertson stated that he appreciated Mr. Fuqua's reiteration of the prior history and stated that the meeting minutes from both the Planning Commission and County Council hearings were included within the application record.

The Commission found that there was no one present who wished to speak in support, and there were two people present who wished to speak in opposition to the Application.

Ms. Felicia Snead Matthews spoke in opposition to the Application, on behalf of herself and her mother, who resides along Old Stage Road, across from the site. Ms. Snead expressed concerns regarding negative views, trash on the site, the negative impact on the roadway, parking in front of her mother's residential home, and light pollution from the site.

Madam Chair Wingate questioned what the current hours of operation were, if staff were working through the night or after hours, the trucks parking along the roadway, if there was any other access to accommodate the trucks coming in versus the trucks sitting on the road, if there was a regular cleaning schedule for the units on the site, and if he would be able to accommodate a potential condition that may require covers to be placed on all units to eliminate the potential of trash and rats.

Mr. Grimm, Sr. District Manager of Delaware, stated the current business hours are from 4:00 am, at which time the trucks begin launching out; that they wrap up on their shop activities at approximately 11:00 pm; that they currently run commercial, residential and industrial roll-off trucks from the site; that the truck operations close up around 7:00 pm, at which time the trucks are back to the site and off the road, and the maintenance shop activities go until 11:00 pm; that they do not want their trucks sitting on the roadway; that he stated he would personally follow up with that concern on the following

day; that he assumed the trucks were parking to take their break prior to arriving back at the yard on the site; that he will suggest they park at the Royal Farms down the road rather than on the side of the roadway; that they have a regular cleaning schedule set; that county landfills close at 5:00 pm; that occasionally dumpsters would return full from a construction site; that their policy is that those full dumpsters must be removed within 24 hours; that a dumpster may sit throughout the day, but be removed within that day before the landfill closes again, and stated that he would be able to accommodate a potential condition to cover the units on the site.

Mr. Robertson questioned whether trucks are entering the site from Old Stage Road.

Mr. Grimm stated that the trucks were not entering the site from Old Stage Road; that when they had a fence placed around the property, they did place entrance gates along Old Stage Road, however, those gates are padlocked; that the commercial entrance to the site is located from the 12-acre parcel along Trussum Pond Road.

Ms. Wingate stated that there was no reason for the trucks to be sitting along Old Stage Road at all.

Ms. Gwendolyn Gillespie spoke in opposition to the Application on behalf of her mother, with concerns regarding noise, smell, trucks parking on the side of the road, chemicals used to clean the trucks, pests, and unsightly views.

Mr. Grimm stated that all cleaning of vehicles is performed within a wash bay, which is an enclosed facility; that the wash drains into holding tanks, which are pumped out by a septic company.

Mr. Robertson questioned whether the cleaning of vehicles was performed on the subject site, or the 12-acre adjacent property.

Mr. Grimm stated that the cleaning of vehicles is performed on the 12-acre adjacent parcel, and not the five-acre subject site.

Mr. Collins stated he presumed that some of the concerns of the residents relate to uses that are currently permitted on the adjacent 12-acre site, and he was uncertain if the Commission had a complete remedy to stop all of the concerns.

Mr. Robertson stated that because the current request is a Conditional Use, the Commission has the ability to impose conditions that may mitigate some of the concerns; that an example of this would be potential vegetative screening could dissipate some of the odor and other concerns.

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 2544 Waste Management of Delaware, Inc. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 3-0.

Minutes of the January 21, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 7, 2026.

Mr. Allen stated that he had watched the online broadcast of the January 7, 2026, Commission meeting, reviewed the record, and had visited the site. Therefore, he was prepared to vote on the application.

Mr. Allen moved that the Commission recommend approval of Conditional Use 2544 for Waste Management of Delaware, Inc. for the extension of employee parking, self-storage, and container storage based upon the record made during the public hearing and for the following reasons:

1. This property is located along Trussum Pond Road, a short distance from Route 13, one of the most heavily travelled roads in Sussex County. This is an appropriate location for the limited expansion of the Applicant's existing use on the adjacent property through this conditional use.
2. The parcel is in an area where there are many business and commercial zonings and uses. All of the land on the north side of Trussum Pond Road from Route 13 to Old Stage Road, except for this property, is Zoned C-1. All of the land on the south side of Trussum Pond Road is also Zoned C-1. This use will be consistent with the surrounding area and uses.
3. The property is intended as an expansion of the Applicant's uses that currently exist on its adjacent C-1 property just to the west of this site. Although there were comments made during the hearing about the possible impacts of the Applicant's business, these uses can already occur on the Applicant's C-1 land. This conditional use allows a reasonable expansion of the Applicant's use but protects the neighboring properties through appropriate conditions.
4. This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed conditional use is appropriate in this Area according to the Plan.
5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
6. This recommendation is subject to the following uses:
  - A. The use of this site shall be limited to employee parking and empty container storage. No trash trucks or filled containers shall be stored or temporarily parked on the site at any time. No cleaning of equipment, trucks or containers shall occur on this site.
  - B. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
  - C. There is an existing fence with screening installed around the site along Trussum Pond Road and Old Stage Road. This fence, and the screening it provides, shall be maintained at all times. In addition, there shall be a vegetated buffer planted along the outside perimeter of this fence along these roads to further screen the facility from the view of the roadways and the residential properties across the street. This buffer will

also help block noise that may come from the site. These plantings shall comply with the requirements of Section 99-21A A(2) and (3) of the Sussex County Code. The details of the buffer shall be shown on the Final Site Plan.

- D. There shall not be an entrance or exit from this site directly onto either Trussum Pond Road or Old Stage Road. Instead, this site shall be accessed entirely through the Applicant's existing property next to this site.
- E. No signage for the Applicant's business shall be permitted on this site. Any signage for the use shall be limited to the Applicant's adjacent property.
- F. All vehicle parking and container storage areas shall be clearly marked on the final site plan and on the site itself.
- G. No trash or other debris shall be permitted to accumulate on the site.
- H. Any lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- I. No trucks or other vehicles associated with the use or the Applicant's business shall be permitted to park or idle along Trussum Pond Road or Old Stage Road at any time. The Applicant shall install signage along both of these roadways prohibiting such parking or idling. The location of these signs shall be shown on the Final Site Plan.
- J. Failure to comply with any of these conditions may be grounds for the termination of the Conditional Use approval.
- K. 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. Mears, and carried unanimously to recommend approval of C/U 2544 Waste Management of Delaware, Inc. for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
PLANNING & ZONING - DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: January 7, 2025

Application: C/U 2544 Waste Management of Delaware Inc

Applicant: Waste Management of Delaware, Inc.  
11323 Trussum Pond Road  
Laurel, DE 19956

Owner: Waste Management of Delaware, Inc.  
11323 Trussum Pond Road  
Laurel, DE 19956

Site Location: The property is lying on the west side of Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462) in Laurel, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Extension of employee parking, commercial self-storage, and container storage areas.

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: District 1 – Mr. Lloyd

School District: Laurel School District

Fire District: (81) Laurel Fire Company

Sewer: On-Site Wastewater

Water: Private (Well)

Site Area: 5.219 acre +/-

Tax Map ID.: 332-2.00-79.01





Trussum Pond Road ((462))

Old Stage Road ((461))

03.11.2025



Old Stage Road ((461))

03.11.2025



Trussum Pond Road ((462))

Old Stage Road ((461))

Sandy Ridge Drive

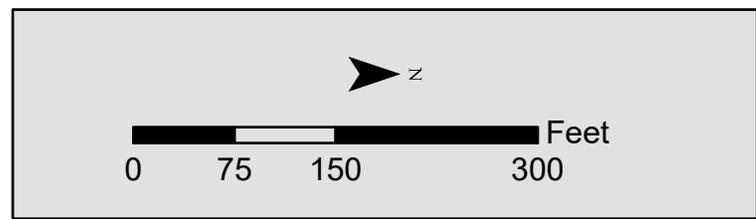
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Microsoft, Vantor, VITA, Esri, HERE, Garmin, iPC

**CU 2544 - Waste MGMT of DE**  
**Aerial Map**  
**TM#s: 332-2.00-79.01**

 **CU 2544 - Waste MGMT of DE**





Trussum Pond Road ((462))

Old Stage Road ((461))

Sandy Ridge Drive

03.11.2025



Trussum Pond Road ((462))

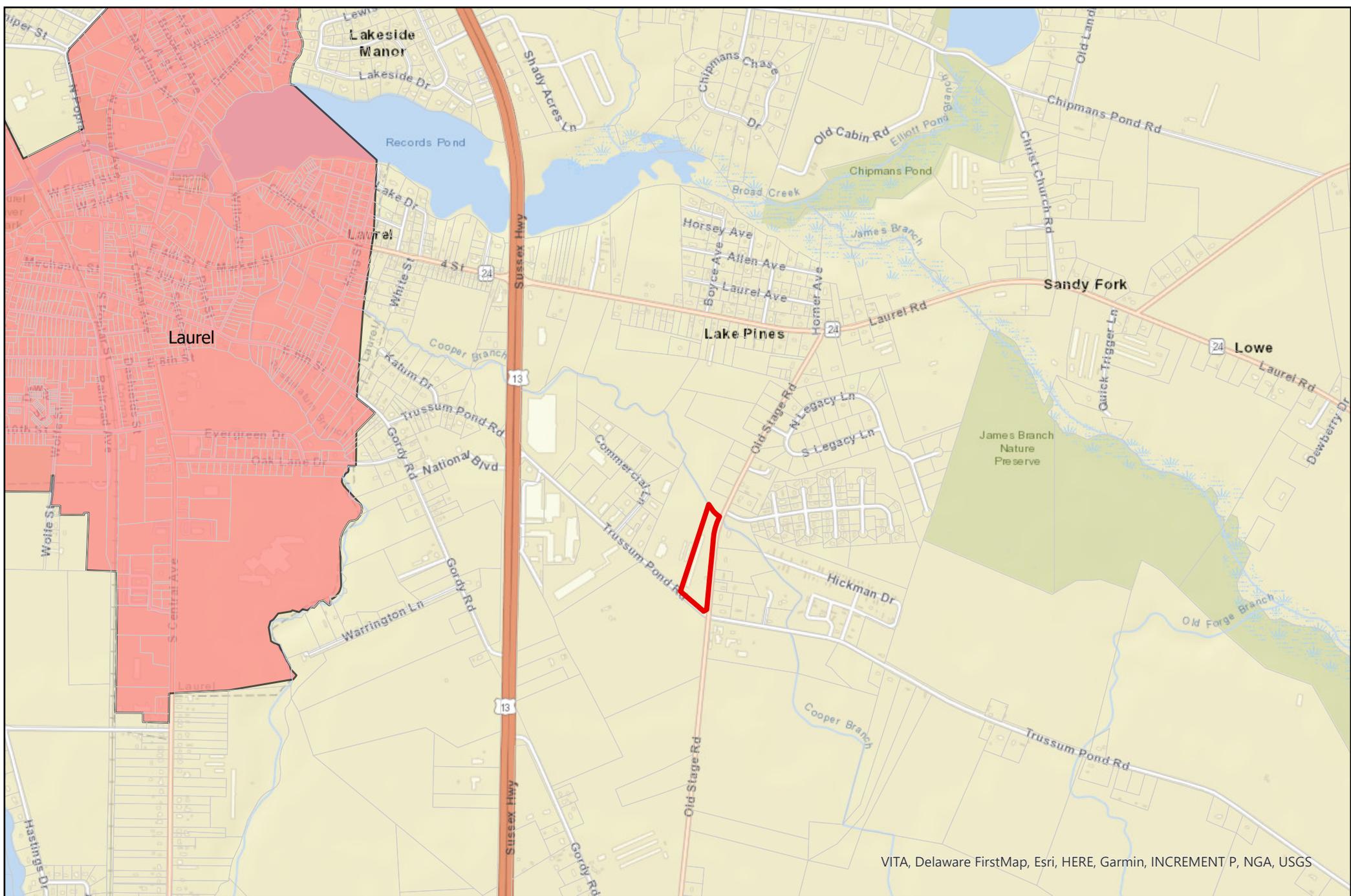
Old Stage Road ((461))

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Old Stage Road ((461))

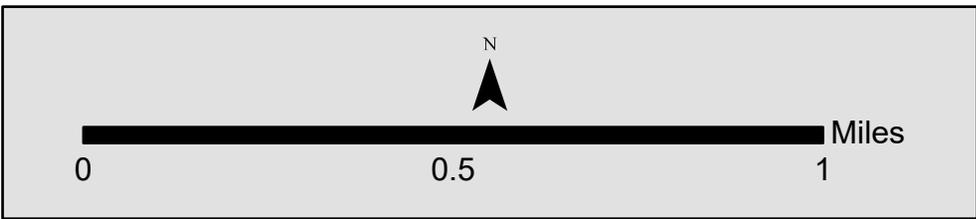
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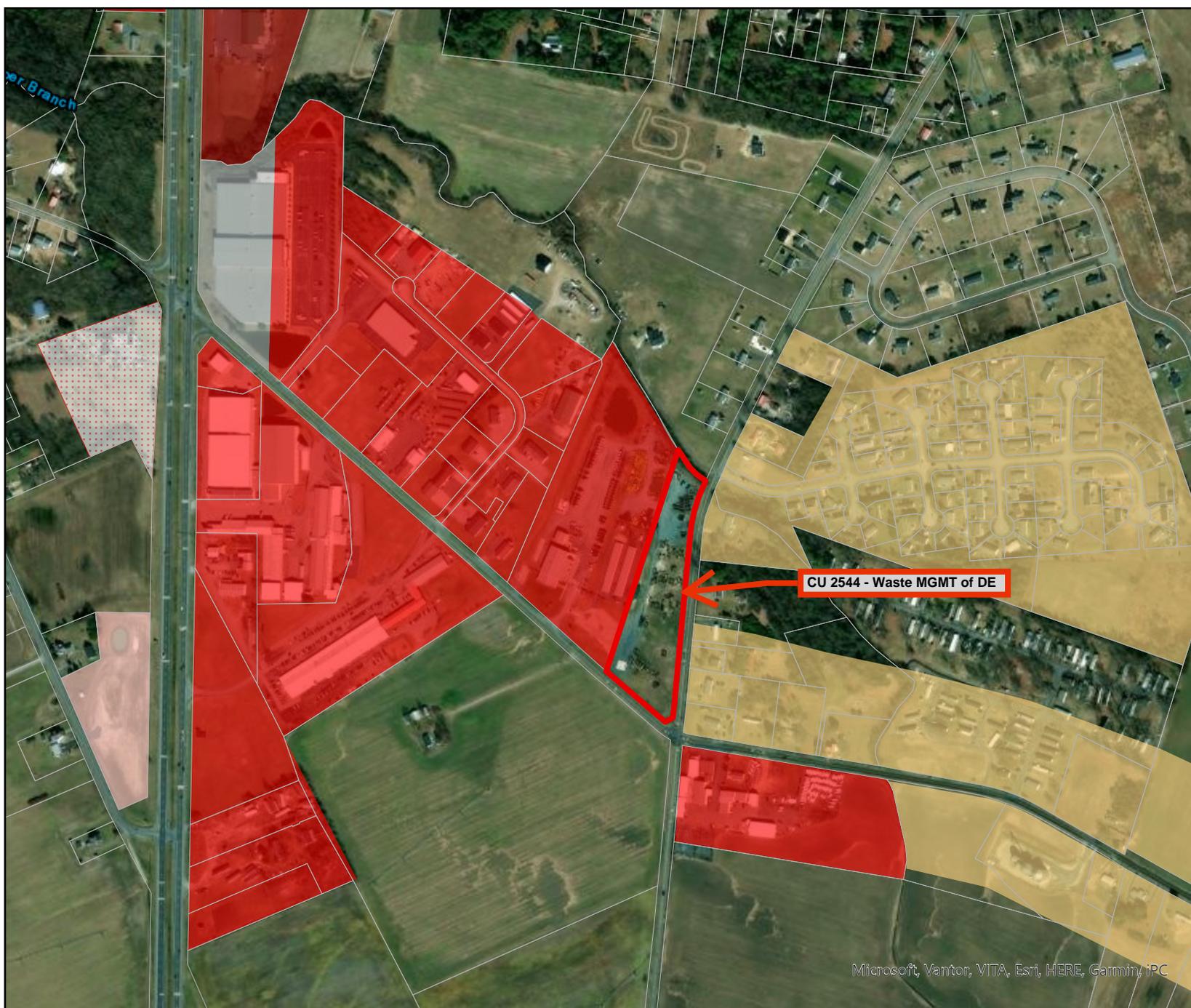


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**CU 2544 - Waste MGMT of DE Streets Map**  
**TM#s: 332-2.00-79.01**

 **CU 2544 - Waste MGMT of DE**





### 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

Microsoft, Vantor, VITA, Esri, HERE, Garmin, IPC

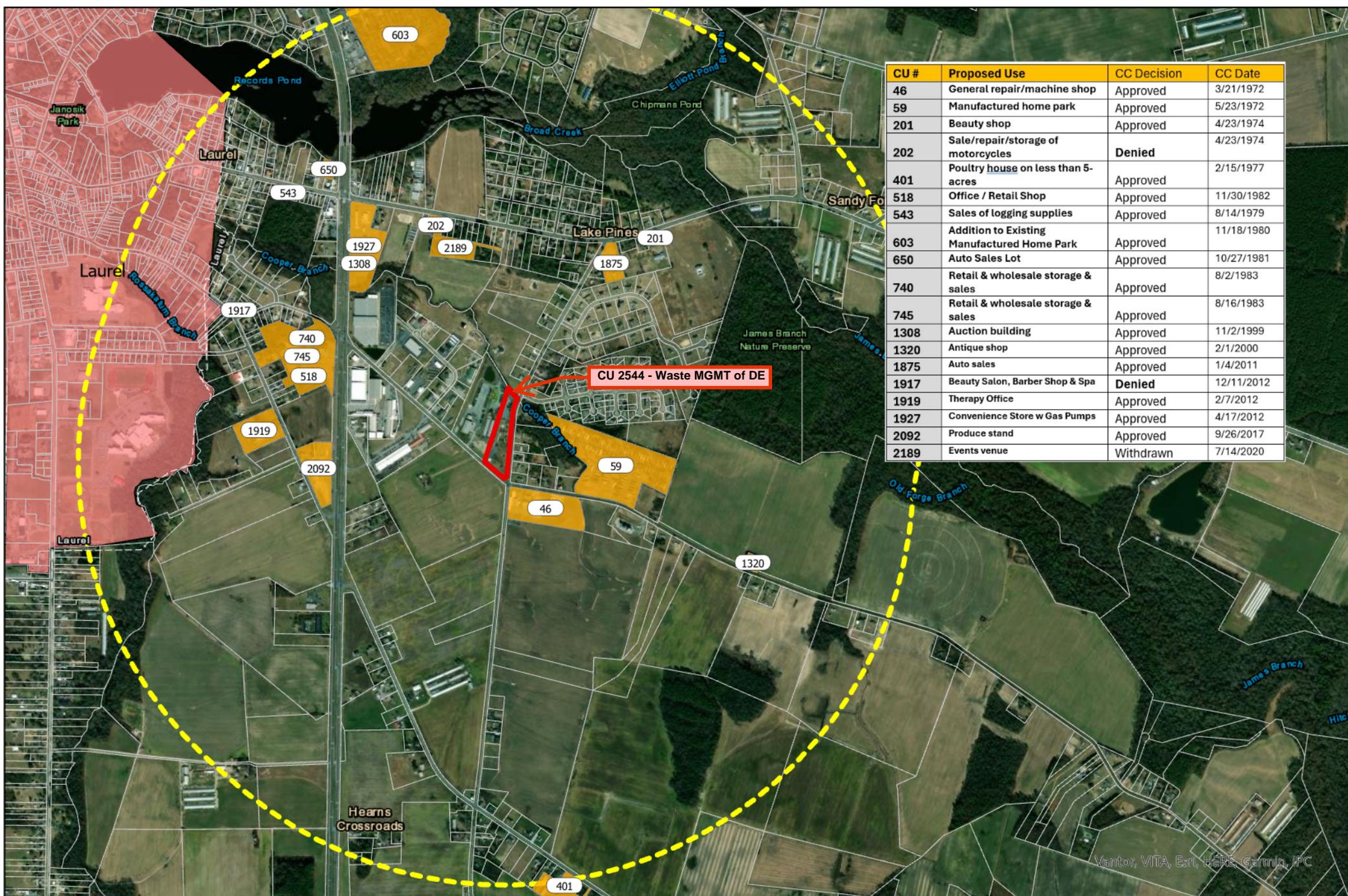
**CU 2544 - Waste MGMT of DE**  
**Zoning Map**  
**TM#s: 332-2.00-79.01**

CU 2544 - Waste MGMT of DE

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CU #	Proposed Use	CC Decision	CC Date
46	General repair/machine shop	Approved	3/21/1972
59	Manufactured home park	Approved	5/23/1972
201	Beauty shop	Approved	4/23/1974
202	Sale/repair/storage of motorcycles	Denied	4/23/1974
401	Poultry house on less than 5-acres	Approved	2/15/1977
518	Office / Retail Shop	Approved	11/30/1982
543	Sales of logging supplies	Approved	8/14/1979
603	Addition to Existing Manufactured Home Park	Approved	11/18/1980
650	Auto Sales Lot	Approved	10/27/1981
740	Retail & wholesale storage & sales	Approved	8/2/1983
745	Retail & wholesale storage & sales	Approved	8/16/1983
1308	Auction building	Approved	11/2/1999
1320	Antique shop	Approved	2/1/2000
1875	Auto sales	Approved	1/4/2011
1917	Beauty Salon, Barber Shop & Spa	Denied	12/11/2012
1919	Therapy Office	Approved	2/7/2012
1927	Convenience Store w Gas Pumps	Approved	4/17/2012
2092	Produce stand	Approved	9/26/2017
2189	Events venue	Withdrawn	7/14/2020

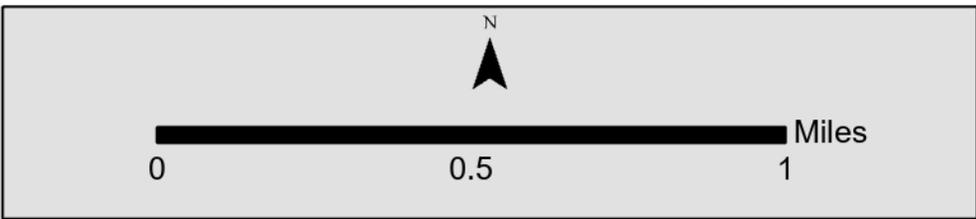
CU 2544 - Waste MGMT of DE

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**CU 2544 - Waste Management of DE  
Previous Conditional Use Application  
Vicinity Map (1-Mile Radius)**

TM#: 332-2.00-79.01

-  CU 2544 - Waste Mgmt of DE
-  CU 2544 - (1 Mile Radius)
-  CU 2544 - Prior CUs (1-Mile Radius)





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**CU 2544 - Waste MGMT of DE**  
**Mailing List Map**  
**TM#s: 332-2.00-79.01**

 CU 2544 - Mailing List  
Parcels

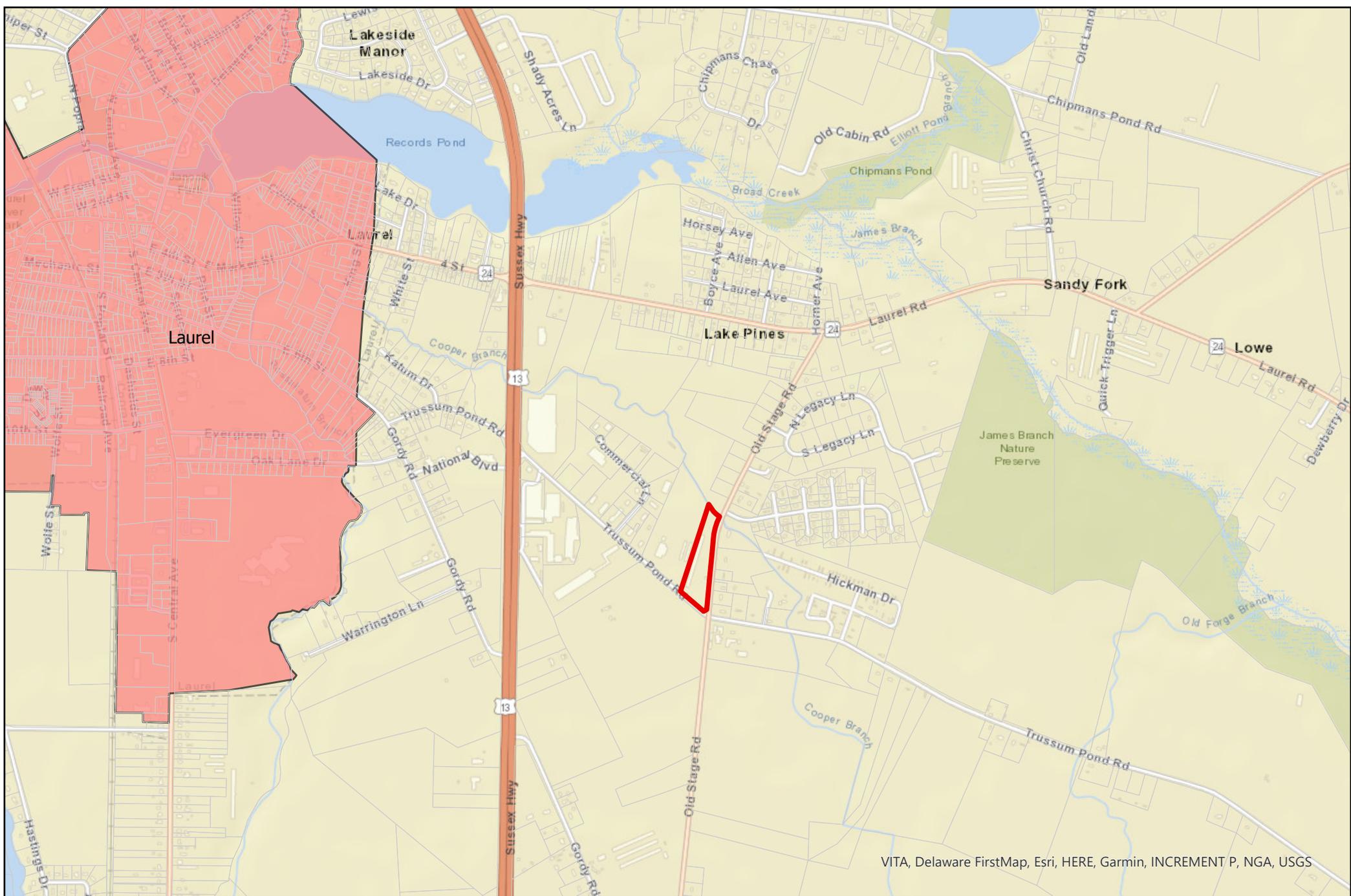
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of DE

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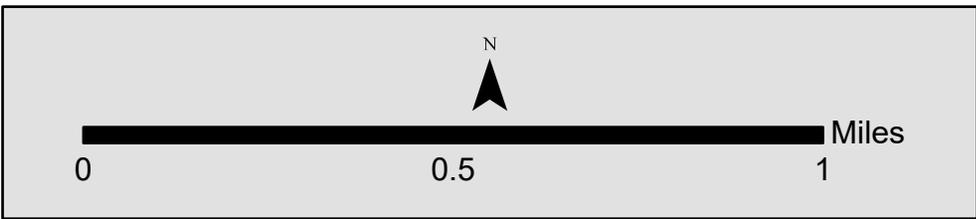


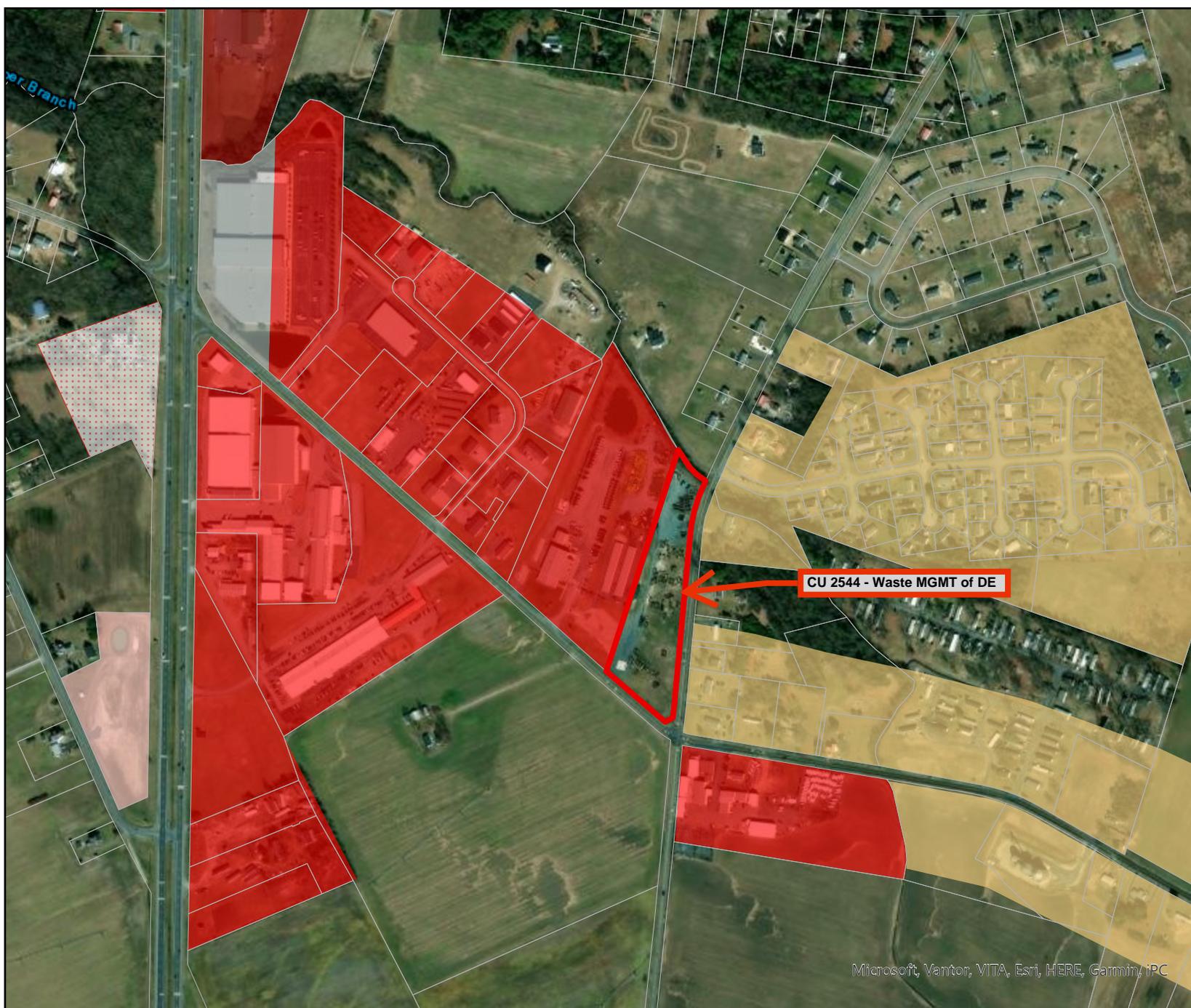


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**CU 2544 - Waste MGMT of DE Streets Map**  
**TM#s: 332-2.00-79.01**

 **CU 2544 - Waste MGMT of DE**





### 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
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- Limited Industrial - LI-1
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- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

Microsoft, Vantor, VITA, Esri, HERE, Garmin, IPC

**CU 2544 - Waste MGMT of DE**  
**Zoning Map**  
**TM#s: 332-2.00-79.01**

CU 2544 - Waste MGMT of DE

N

0      0.13      0.25      0.5 Miles



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Michael Lowrey, Planner IV  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: December 11<sup>th</sup>, 2025  
RE: Staff Analysis for C/U 2544 Waste Management of Delaware, Inc.

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The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2544 Waste Management of Delaware, Inc. to be reviewed at January 7<sup>th</sup>, 2026, 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:** 332-2.00-79.01

**Proposal:** The request is for a Conditional Use for Tax Parcel #332-2.00-79.01 to allow extension of employee parking and container storage for the commercial waste removal business as well as expansion of the existing commercial self-storage business, both existing businesses on the adjacent Parcel #332-2.00-79.00 to be located on a Parcel lying on the west side of Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462) in Laurel, Delaware. The Parcel is comprised of a total of (5.219) acre +/-.

**Zoning:** The subject property is zoned Agricultural Residential (AR-1) District. The parcels adjacent to the west extending on the north side of Trussum Pond Road to Sussex Highway (Route 13) are zoned General Commercial (C-1) and Light Industrial (LI-2). Parcels across Trussum Pond Road are zoned Agricultural Residential (AR-1) District with parcels adjacent across Old Stage Road (S.C.R. 461) zoned both General Commercial (C-1) and General Residential (GR)

**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 Rural Area and has a land use designation of “Developing Area”. The Parcels immediately adjacent are also “Developing Area” with “Industrial Area” classification to the south across Trussum Pond Road on both sides of Old Stage Road to the south.



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). The Comprehensive Plan provides guidelines for commercial uses in *Developing Areas* as follows:

- In selected areas and at appropriate intersections, commercial uses should be allowed
- Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks
- Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

(2018 Sussex County Comprehensive Plan, 4-14).

**Further Site Considerations:**

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X” and “AE” – Special Flood Hazard Area (SFHA - High-risk area designated by FEMA as having a 1% annual chance of flooding). Staff note that the Parcel is not within a Wellhead Protection Area. A majority of the Parcel’s area is classified as within areas of “Good”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware, with limed area of “Excellent” at the far north end of the Parcel and an area of “Fair” Recharge potential at the southeast corner.

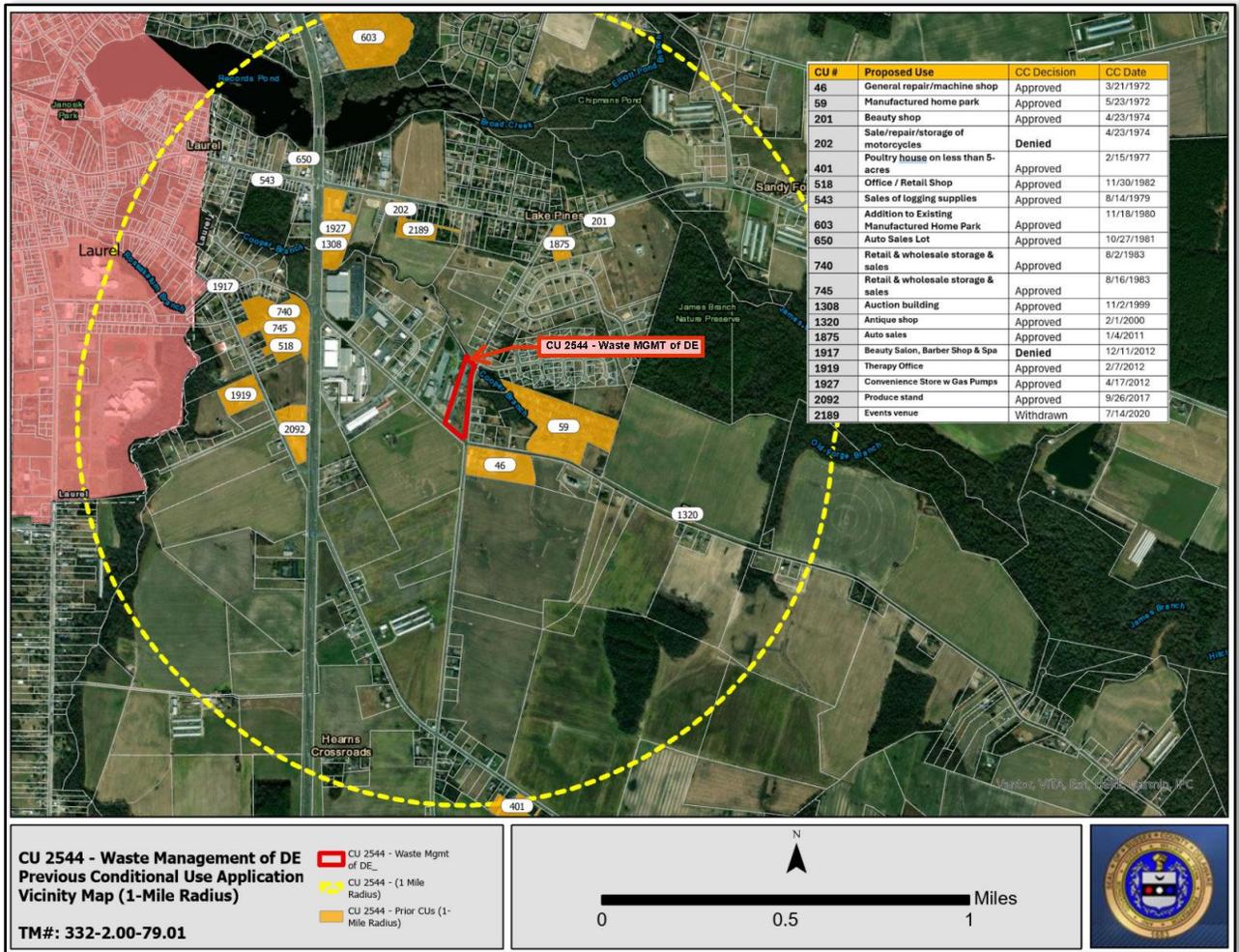
Based on the analysis provided, Conditional Use to allow for an expansion of the existing adjacent commercial uses to include additional parking and container storage for the waste removal business as well as increase in the number of self-storage units

similar to, and extending the uses permitted under C/U 705, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

**Existing Conditional Uses within the Vicinity of the Subject Site:** Staff have identified a history of nineteen (19) 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.

<b>CU Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>
<b>46</b>	Richard Carmine	GR	<b>General repair/machine shop</b>	Approved	3/21/1972
<b>59</b>	Sylvanus P. Baker	AR-1	<b>Manufactured home park</b>	Approved	5/23/1972
<b>201</b>	Jay J. Brittingham	AR-1	<b>Beauty shop</b>	Approved	4/23/1974
<b>202</b>	Triple B Cycle Center	AR-1	<b>Sale/repair/storage of motorcycles</b>	<b>Denied</b>	4/23/1974
<b>401</b>	Robert D Murphy	AR-1	<b>Poultry house on less than 5-acres</b>	Approved	2/15/1977
<b>518</b>	Otis H. Holloway	AR-1	<b>Office / Retail Shop</b>	Approved	11/30/1982
<b>543</b>	Richard & Trudy Hearn	AR-1	<b>Sales of logging supplies</b>	Approved	8/14/1979
<b>603</b>	Larry Willey	AR-1	<b>Addition to Existing Manufactured Home Park</b>	Approved	11/18/1980
<b>650</b>	William Records	AR-1	<b>Auto Sales Lot</b>	Approved	10/27/1981
<b>740</b>	W.B. James	AR-1	<b>Retail &amp; wholesale storage &amp; sales</b>	Approved	8/2/1983

<b>745</b>	W. B. James	AR-1	<b>Retail &amp; wholesale storage &amp; sales</b>	Approved	8/16/1983
<b>1308</b>	Joseph C. O'Neal	AR-1	<b>Auction building</b>	Approved	11/2/1999
<b>1320</b>	David C. Blackwell	AR-1	<b>Antique shop</b>	Approved	2/1/2000
<b>1875</b>	Frederick J. Taylor, Jr.	AR-1	<b>Auto sales</b>	Approved	1/4/2011
<b>1917</b>	Roosevelt Domond	AR-1	<b>Beauty Salon, Barber Shop &amp; Spa</b>	<b>Denied</b>	12/11/2012
<b>1919</b>	Dr. Kerri Kennard	AR-1	<b>Therapy Office</b>	Approved	2/7/2012
<b>1927</b>	Two Farms, Inc.	C-1/AR-1	<b>Convenience Store w Gas Pumps</b>	Approved	4/17/2012
<b>2092</b>	Timothy Robinson	AR-1	<b>Produce stand</b>	Approved	9/26/2017
<b>2189</b>	Grace Malone	AR-1	<b>Events venue</b>	Withdrawn	7/14/2020



Reintroduced: 11/18/25

Council District 1: Mr. Lloyd  
Tax I.D. No.: 332-2.00-79.01  
911 Address: 32120 Old Stage Rd., Laurel

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXTENSION OF EMPLOYEE PARKING, SELF-STORAGE, AND CONTAINER STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 5.23 ACRES, MORE OR LESS**

WHEREAS, on the 1<sup>st</sup> day of August 2024, a Conditional Use application, denominated Conditional Use No. 2544 was filed on behalf of Waste Management of Delaware, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2544 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2026, 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. 2544 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 Old Stage Road (S.C.R. 461) at the intersection of Old Stage Road (S.C.R. 461) and Trussum Pond Road (S.C.R. 462) and being more particularly described in the attached legal description prepared by Wendie C. Stabler, Esquire with Saul Ewing Arnstein & Lehr, LLP for said parcel containing 5.23 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.

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
pandz@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## 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: February 6, 2026

RE: County Council Report for C/Z 2033 filed on behalf of Springpoint at Lewes, Inc.

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The Planning and Zoning Department received an application (C/Z 2033 filed on behalf of Springpoint at Lewes, Inc.) for a Change of Zone from a Medium Density Residential – Residential Planned Community District to a Medium Density Residential – Residential Planned Community District to amend the conditions of approval for Change of Zone No. 1528 and Change of Zone No. 1753 at Tax Parcel 335-8.00-43.01. The property is lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9).. The parcel size is 37.97 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on December 10, 2025. At the meeting of January 21, 2026, the Planning & Zoning Commission recommended approval of the application for the 11 reasons of approval and subject to the 7 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on December 10, 2025, and January 21, 2026.

Minutes of the December 10, 2025, Planning & Zoning Commission Meeting

### **C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND**



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

**FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS.**

The property is and lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9). 911 Address: N/A. Tax Map Parcel: 335-8.00-43.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibits, the Applicant's Master Plan & Revised Master Plan, the Preliminary Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DeDOT Service Level Evaluation Response letter. Mr. Whitehouse advised the Commission that three public comment letters had been received and were included within the paperless packet.

The Commission found that Ms. Mackenzie Peet, Esq. with Saul Ewing, LLP, spoke on behalf of the Applicant, Springpoint at Lewes, Inc.; that also present were Mr. Garrett Midgett, Senior Vice President, Treasurer and Chief Financial Officer of Springpoint at Lewes Inc., Mr. Michael Locurcio, Corporate Director of Project Planning & Facilities Management, Mr. James (Jimmy) Tavormina, Vice President of Operations, and Mr. Steven Fortunato, P.E. with Bohler. Ms. Peet stated that the Applicant proposes an amendment to the Comprehensive Zoning Map of Sussex County, Delaware, for the property located on the northern side of Gills Neck Road, the southern side of East Cadbury Circle, and east of Kings Highway; that property is identified as Tax Map Parcel No. 335-8.00-43.01; that specifically, the Applicant seeks to change the designation from an MR-RPC (Medium Density Residential – Residential Planned Community) to an MR-RPC (Medium Density Residential – Residential Planned Community), with the objective of increasing the total number of units to 273 for a net gain of 56 units, adding new amenities, expanding the community center, and permitting the total number of units within the healthcare center as 85 units; that there is a discrepancy in some of the land use history, which she would later discuss, relating to the number of units located within the healthcare center; that additionally, in connection with the request, the Applicant's proposing amendments to the Conditions of Approval for C/Z 1528, which was approved under Ordinance No. 1679 and C/Z 1753, which was approved under Ordinance No. 2361; that the need for improvements and facilities is evident; that the demand for senior living and care facilities in the County is on the rise, which is driven by demographic trends and the increasing need for specialized care options for an aging population; that several key indicators illustrate the growing demand in the area, and specifically at The Moorings at Lewes; that an example of this is that prospective residents currently wait 12 to 18 months for units, and currently there are 61 households that are waitlisted for existing apartments, and 24 households waitlisted for new cottages and/or apartment; that the Applicant submitted their application materials 10 days in advance of the hearing; that the application was filed last year in 2024; that the submitted Exhibit Booklet included 20 exhibits; that the much of the land has currently been developed; that previously the property had existed within the AR-1 (Agricultural Residential) Zoning District, in relation to the two prior MR-RPC approval requests; that historically, the lands had been agricultural lands; that as part of the approval of C/Z 1528, there was a MR-RPC approval for a total of 95.2 acres, with Parcel A, for the retirement community, which was previously known as Cadbury; that the retirement community is now referred to as The Moorings at Lewes; that Parcel B was approved for a residential development, now known as Breakwater; that the prior Ordinances were included within the submitted record; that on April 5, 2014, the Sussex County

Council approved C/Z 1753 by the adoption of Ordinance No. 2361, which expanded Cadbury at Lewes by five acres, to allow for an additional 32 units, bringing the total number of units to 215; that currently there are 217 units, being two units in excess of what was actually permitted; that when Springpoint acquired Cadbury at Lewes, they inherited one additional unit in the healthcare center; that there was one unit thereafter, which was split in two, as the existing resident wanted a smaller accommodation; that there are currently two units in excess of the 215 number; that ultimately, if the application were approved, the number of excess units would be part of the requested approval; that The Moorings at Lewes, previously known as Cadbury at Lewes, is a life plan community in Sussex County, located near the City of Lewes; that it is a continuing care retirement community (known as CCRC), which offers independent living, assisted living, memory care, skilled nursing, and rehabilitation services; that The Moorings at Lewes is owned and operated by the Applicant; that surrounding uses include area such as Henlopen Gardens, The Lodge, which was recently approved for senior living, Showfield, Jefferson Apartments, Hawkseye, Mitchell's Corner, Governors, and Senators, which are all residential; that there are nearby commercial uses consisting of Lane Builders, Big Oyster Brewery, and across the street from Cape Henlopen High School; that the project consists of approximately 37.97 acres; that the site is zoned MR (Medium Density Residential) with an RPC (Residential Planned Community) overlay; that surrounding properties are zoned similarly, being AR-1 (Agricultural Residential), CR-1 (Commercial Residential), C-1 (General Commercial), C-2 (Medium Commercial), C-3 (Heavy Commercial) and B-1 (Neighborhood Business); that the site is located within the Coastal Area according to the Future Land Use Map; that the Coastal Area is a designated Growth Area; that the site is located within Investment Level 1, and therefore the development is considered consistent with the State Strategies for State Policies and Spending Map; that water is currently provided by Tidewater; that sanitary sewer is currently provided by Sussex County; that electric is provided by Delaware Electric Cooperative; that DelDOT reviewed and completed their Service Level Evaluation, which confirmed the traffic impact of the proposed 56 unit increase, as having a negligible impact, and therefore no TIS (Traffic Impact Study) was required; that the existing entrance and right of way improvements along Gills Neck Road will continue to serve the community; that there is a requirement for a new left turn lane with a shared use path as well; that the project is not located within a Wellhead Protection Area; that there are no wetlands or resources located on the site; that overall, the total increase would be for 273 units; that four single cottages would be removed; that two duplexes, consisting of four units would be removed; that 21 single unit cottages are proposed, as well as 43 apartment units; that the proposed additional units would result in a net increase of 56 units; that the revised total would be 40 duplex units, 21 single cottage units, and 127 multi-family units, along with the 85 healthcare center rooms; that there is no phasing planned for the project, however, there are some residents required to be relocated; that some of those residents were present for the current hearing; that a total of eight families are required to be relocated; that six of the eight families had their relocation finalized and accommodations have been set up; that ongoing discussions continue with the other two families, regarding where they will be relocated, if at all within the community; that her client is currently working through that issue; that one of the cottages will specifically be started first to accommodate a relocation of an existing resident to that space; that the intent is for her client to start with cottage construction in the back of the community, and then continue simultaneously, with the rest of the development being the cottages, apartments units and other amenity improvements; that proposed amenities will include pickleball courts, bocci courts, dog park, and pool area; that regarding the healthcare center, there is not an increase in bed capacity, but

there will be an improvement to the assisted living dining room, activity room, along with a skilled therapy gymnasium; that existing stormwater infrastructure will continue to serve the community, however, there is a required improvement for an infiltration basin; that otherwise, the existing infrastructure will serve the community; that Ms. Peet provided a sample presentation and renderings, which had previously been provided to the current residents; that the purpose of the MR (Medium Density Residential) District is to provide for medium density residential development, in areas that are or are expected to become generally urban in character, where sanitary sewer and public water supplies will be available at the time of construction; that the application is consistent with the stated purpose; that the proposed density complies with the underlying MR (Medium Density Residential) density; that the RPC (Residential Planned Community) District overlay, encourages large scale developments to create a superior living environment through unified development, while protecting existing and future developments, while achieving the goals of the Comprehensive Plan; that the application is consistent with that stated purpose; that the development is located within the Coastal Area on the Future Land Use Map, which is designed as a Growth Area; that the Comprehensive Plan states that the Coastal Area can accommodate development, provided special environmental concerns are addressed; that a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that retail and office uses are also considered appropriate, but larger shopping centers should be located with access on arterial roads; that appropriate mixed-use development should be allowed; that medium and higher densities of four to 12 units per acre can be suitable at locations with central water and sewer, when located near employment centers, when in character with the area, and located along main roads; that both central public water and sewer are provided to the site, currently serving, and will continue to serve the community; that the location is in an area with more urban than rural characteristics, surrounded by numerous existing residential developments; that Mitchell's Corner is located adjacent to the site, and currently under construction; that small and large businesses and public uses are located within close proximity to site; that the property is located in close proximity to Beebe Hospital, and other medical services; that the site fronts along Gills Neck Road, and is near Kings Highway, being within close proximity to Route 1, Five Points, and the City of Lewes; that for these reasons, the proposed amendments to the MR-RPC meet the purpose of the Zoning Ordinance, and the Comprehensive Plan by promoting the orderly growth of the County, in an appropriate location; that the Applicant met and complies with the PLUS requirements, the Staff Review Response requirements, the Chapter 99-9C requirements, as well as the Coastal Area Environmental Assessment and Public Facilities (EAPFR); that the report was included within the presentation packet; that the Applicant also proposed Conditions of Approval and Findings of Fact, which can be found within the submitted exhibit book; that the Applicant is primarily looking to increase the number of units to 273, which is reflected on the submitted Site Plan, consisting of 21 single-family detached dwellings, 20 single-family attached duplexes, 127 multi-family apartment units, and 85 healthcare center rooms; that they proposed updated construction site work and delivery hours, to become more consistent with what Sussex County would require currently; that there is currently a requirement for a 30 foot buffer to run between the site and the Breakwater development; that the Applicant seeks to reduce the buffer to 20 feet, regarding two separate locations specifically; that with respect to the buffer between the site and Mitchell's Corner, the buffer had been set at 30 feet; that this was when Mitchell's Corner existed as an agricultural parcel, and also at the time it was within agricultural preservation; that the Applicant is seeing to reduce the buffer to 20 feet, which would be consistent with the current Mitchell's Corner buffer of 20 feet; that a nearby resident, Mr.

Joseph Pika, submitted a letter requesting additional screening; that after discussions with her client, they are proposing the reduced buffer from 30 feet to 20 feet, but also a single row of evergreens, to provide additional screening; that the proposal was not included within the drafted conditions, but is something the Applicant is willing to agree to and something they would reflected on the updated plan before County Council; that she was aware that Mr. Paul Enterline, Esq. was present on behalf of the owners of Cottage No. 31; that she wanted to be transparent about the fact that the announcement of the redevelopment plans did not align with the Applicant's intentions; that they genuinely meant to inform residents about the plans, before filing their PLUS application; that her client did not receive good advice about the public nature of the PLUS comments; that her Applicant filed the PLUS comments, in an attempt to gain information about what issues may exist, before formally filing an application; that ultimately, the information was publicized, which led to an article in the Cape Gazette, which unfortunately, became the method the residents first became informed; that recognizing his missteps, the Applicant promptly organized a meeting with the community, and has since prioritized transparency and public engagement; that it is worth mentioning, in 2022, there were surveys and general discussions with residents about what might be of interest to residents, regarding improving the common area spaces, but not specific to the units; that the Applicant has made substantial efforts to include all residents in the process; that an official announcement was made following the Cape Gazette article, with initial notifications sent to residents about plans for expansion; that the initial meeting was January 2024; that four town hall meetings have been held since, with the most recent meeting being held in April 2025; that meetings were attended by either the Director of Development Services, the Vice President of Operations or the Chief Financial Officer for Springpoint at Lewes, Inc.; that informative materials, including Q&A materials have been shared in-person and electronically, with residents and a dedicated website had been established as well; that additionally, there is an ad hoc committee of residents that meet more regularly regarding specifics to the discussion of renovation and expansion, which Mr. Michael Locurrcio, Corporate Director of Project Planning & Facilities Management, actively attends and participates in those meetings; that these initiatives reflect the Applicant's commitment to open communication and collaboration throughout the process; that she had spoken Mr. Paul Enterline, Esq., who represents the owners of Cottage No. 31, regarding the his client's concerns; that she was hopeful that they could come up with a constructive resolution, and they had 87 individuals, including residents and staff of The Moorings, who have signed a petition in support, which was submitted and included within the record

Madam Chair Wingate questioned how the number of units was increased with the number of building permits, and how the unit was simply split.

Ms. Peet stated that they split internally, that they caught the issue as part of the current application's review, and would need to be corrected.

Mr. Robertson stated he questioned if, when the unit was split, a building permit was pulled, since it was performed internally; that if the application were to get approved, it would remedy the issue; however, if the application were denied, the number of units would be required to return to 215 units.

Mr. Collins stated that despite the letter from DelDOT, there is always concern regarding traffic when adding residential units, even in an area that is within a Developing Area, and expected to grow,

especially as folks struggle to see DelDOT complete projects which have long been anticipated; that he questioned if there was any phasing that could be introduced in the plan, to require some part of the plan to be contingent on DelDOT completing some of the work they are expected to complete in the area.

Ms. Peet stated that phasing was not a topic they had explored or considered, as the application only proposes an addition of 56 units; that they would certainly consider the idea, and try to work through with discussions with their traffic engineer, who was not currently present, but to answer the question directly, no, it had not been considered.

Madam Chair Wingate stated she was unsure how phasing would work with the placement of multi-family; that she questioned if the Applicant was still continuing to work with the two residents that had not been relocated, if the developer's plan was to place the residents into newer places, or the places they had agreed to move to as first priority, while attempting to accommodate the residents according to their needs.

Ms. Peet stated that four of the eight residents had already been relocated.

The Commission found that Mr. Garrett Midgett, Chief Financial Officer, spoke on behalf of the application. Mr. Garrett stated that of the eight individuals or families, four of them had already been relocated into places that they had selected; that they had moved them recently; that they have another family moving this week, and another moving in January 2026, resulting in six of the eight currently being relocated; that they are in current discussions with another family, who have picked a relocation area in the cul-de-sac area, but they had not signed the agreement; that there was an additional family who they have been in conversations with, however, they are not as far along as they would like to be; that he is doing his best to accommodate them and their needs; that he had spoke to the family two years ago when the Cape Gazette article first came out; that it was it was his fault for not realizing that the information coming out was regarding upgrades to the campus, but not specifically to the cottage units required to be removed in order to build the new apartment buildings; that this was very unfortunate; that they have been moving along with all the residents; that they have provided them with paid costs of moving, provided upgrades to the apartments they are relocating to; that the residents were told that they would get similar accommodation or better than what they have now, and they have stood by that statement; that the idea is to build those new cottages; that they would start at the cul-de-sac first, build it, and then they could relocate the residents, then move over to the apartment buildings, then the common space, and then continue the build out of the cottages from there.

Mr. Allen questioned whether the units were resident-owned or rentals.

Mr. Midgett stated that they are renters, and they have a Resident of Care Agreement, but they pay a monthly service fee and an entrance fee.

Ms. Peet stated for clarification that the units are not governed by Landlord Tenant Codes specifically.

Mr. Robertson requested clarification regarding the proposed row of trees, and stated that if the Application were approved, the proposed Evergreen trees would need to be shown on a Landscape Plan.

Ms. Peet stated they are proposing Evergreen trees, specifically something that could provide screening; that they would gather more information regarding that proposal between the current hearing and the future public hearing before the County Council, and the proposed row of Evergreen trees would be reflected on an updated Site Plan.

Mr. Robertson stated that the Commission had previously dealt with pickleball courts with previous applications; that he anticipated the proposed pickleball courts being an issue in the future, as their proposed location is located adjacent to the Breakwater development; that he suspected that the noise could become an issue operationally for the Applicant's group, which would lead to complaints to Sussex County; that he fully supported recreational amenities; that the amenities proposed appeared appropriate for the proposed development, and questioned if any thought had been given to the placement of the amenities elsewhere, possibly closer to Gills Neck Road.

Ms. Peet stated that she and the Applicant would look into Mr. Robertson's suggestion before their public hearing before the County Council.

Mr. Midgett stated that they had previous conversations regarding pickleball courts that offer a different ball type and a quieter paddle.

The Commission found that one person was present to speak in support of the application, one person was present in opposition, and one person was present to provide a neutral comment to the application.

Mr. Donald Smith, resident of The Moorings, spoke in support of the application. Mr. Smith stated that he currently served on The Moorings ad hoc expansion committee; that he understood the need to keep up with competition within the marketplace, and he supported the expansion and the proposed use of the greenspace, and he felt Mr. Michael Locurrcio for being very transparent with the residents, while working with them on things that they wanted to see within The Moorings.

The Commission found that Mr. Paul Enterline, Esq. spoke in opposition to the application, on behalf of the occupants of Cottage No. 31. Mr. Enterline stated Cottage No. 31 is one of the cottages proposed to be demolished, requiring the residents to be relocated; that the proposal had been exceptionally stressful for his clients, as they are 90 and 85 years old; that his clients were concerned about an incremental approach in an attempt to not be completely transparent; that his clients have concern about a corporate culture or style that may be manifesting; that his clients felt they were victims of a bait and switch, as what was advertised is now being changed; that the agreement his clients signed does not mention any provision for destroying the unit; that his clients had concerns regarding the increase in density which would impact roads, infrastructure and the environment; that when increasing the elder population, there needs to be an increase in the population who can service their needs; that his clients did not feel that the public notice provided by Sussex County was

transparent; that there was a letter, written by the Planning & Zoning staff, dated October 30, 2024, which specified exactly what was proposed, however, the legal notices sent out to the public did not contain that level of detail, and requested that the Commission take into consideration his clients concerns.

Mr. Whitehouse advised the Commission that the application was noticed in accordance with the Delaware Code; that there is no duty on the staff to provide the public with physical copies of text and maps, which would create a very large bundle to provide to every member of the public; that rather, staff send a postcard detailing the hearing dates, times, and location, as well as the short title, as introduced by the Sussex County Council, along with very specific words, text and maps relating to the application; that the large property posting sign contained this information, along with an aerial map, and a QR Code to provide direct access to the application's online website, containing all application documents, and that staff do not provide all application documents by mail as part of the noticing process, as the public is required to make their own inquires beyond that.

Mr. Enterline stated that the staff letter, dated October 30, 2024, contains a brief description of what was being proposed, and he asked why that description could not be included within the public notice documents.

Ms. Peet stated that she believed Mr. Enterline was referring to the Staff Review Letter prepared on October 30, 2024.

Mr. Whitehouse stated that the technical review document, known as the Staff Analysis or Staff Review Letter, lives within the application file and does not go out to residents; that the analysis is not a legal notice; that academically, the Planning staff could place that level of detail into a notice, however that level of detail is not provided within any jurisdiction in Delaware, and had not been provided within Sussex County's jurisdiction in the past; that the requested level of detail to be placed within a legal advertisement would create an advertisement that is colossal in terms of the number of words and letters within the advertisement, and therefore it is not Sussex County's standard practice.

Mr. Mears questioned Mr. Robertson if how a corporation operates or how a corporation staffs its facilities would be relevant to the current application.

Mr. Robertson stated no, but stated that he wanted to acknowledge the importance of it to the members of the public, as well as the Commission; that essentially, it is not relevant to the application in the terms of land use; that the Commission may only consider what is appropriate for land use in terms of property, compliance with the Zoning Code, while protecting the adjacent properties around the subject parcel; that the Commission is not permitted to engage in contractual disputes or negotiations either; that he did appreciate that the topic is an important consideration of the folks in the audience; that he hoped that the Applicant and the residents of The Moorings would be able to work something out, separate and apart from what the Commission must decide on from a land use perspective.

The Commission found that Ms. Vicki Littell, resident of Cottage No. 42 within The Moorings, provided a neutral comment on the application. Ms. Littell stated she had more of a clarification statement; that Mr. Midgett had previously stated that she was to be relocated to the cul-de-sac, however, that is not the location they had planned to relocate to, and she questioned the number of cottages, as there are 21 proposed new cottages, along with 40 existing cottages.

Mr. Midgett stated that the cul-de-sac location was his impression and understanding, and he apologized for any misunderstanding.

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 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters, and carried unanimously. Motion carried 5-0.

#### Minutes of the January 21, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since December 10, 2025.

Mr. Collins stated for the record that his motion, and the action taken on it is a land use decision and has no impact on any ongoing litigation between the Applicant and any other party.

Mr. Robertson stated that the Commission heard a lot of testimony from concerned residents of Springpoint; that depending on Mr. Collins' motion, and how the Commission votes, he did not want anyone to think that the Commission did not take their concerns seriously; that the Commission has certain guardrails of which they are required to stay within regarding what is relevant under the Sussex County Zoning Code; that although the proposal may be important to the residents, who may or may not have an issue with the operator of the facility, it is considered a separate issue from what the Commission is in charge of reviewing.

Mr. Collins moved that the Commission recommend approval of C/Z 2033 for Springpoint at Lewes, Inc. amend conditions of approval for C/Z 1528 (Ordinance No. 1679) and C/Z 1753 (Ordinance No. 2361) based upon the record made during the public hearing and for the following reasons:

1. This is an application seeking to amend an existing MR-RPC Medium Density Residential Planned Community known as The Moorings at Lewes and formerly known as Cadbury at Lewes to increase the number of units to 273, add amenities, and expand the healthcare center and community center. This is an amendment to the conditions of approval imposed by C/Z 1528 (Ordinance No. 1679) and for C/Z 1753 (Ordinance No. 2361).
2. The site is bounded by Gills Neck Road to the South and East, the Breakwater Subdivision to the North, and Mitchell's Corner to the West. Nearby developments include Bay Breeze Estates, Showfield, Senators, Hawkseye, and Governors. A similar project known as the Lodge at Lewes is located across Kings Highway, along with the Cape Henlopen High School.

There are also several commercial uses, including medical offices, contractors' offices, retail, and restaurants in the immediate vicinity. This expansion of the existing MR-RPC is appropriate in this location.

3. On April 6, 2004, Ordinance No. 1679 (C/Z 1528) permitted 48 single and duplex units, 84 apartment units, and an 80-unit Healthcare Center, totaling 212 units. The residential portion was approved for 80 single-family lots and 105 townhome and duplex units. On April 5, 2014, Ordinance No. 2361 expanded the Cadbury at Lewes project by five (5) acres to permit an additional 32 units, bringing the approved total to 215 units. This is a reasonable, limited expansion of this existing MR-RPC.
4. The purpose of the MR Zoning District and RPC overlay is satisfied by this expansion of the development because both central public water and sewer are provided; the area is more urban than rural character with numerous existing residential developments surrounding the site; there are a variety of small and large business, commercial and public uses nearby; and it is in close proximity to Beebe Hospital and other medical services.
5. The development is located within "Coastal Area" on the Future Land Use Map of the Comprehensive Plan. The "Coastal Area" is a designated Growth Area that permits development such as this.
6. DelDOT has determined that the traffic impact of this limited expansion will be "negligible." The existing entrance and roadway improvements along Gills Neck Road will continue to serve the community. In addition, DelDOT is requiring a new left-turn lane at the existing entrance and a shared-use path to be installed.
7. There are no wetlands on the Property, and the site does not lie within a wellhead protection area.
8. The MR-RPC will continue to have active and passive open space areas. The proposed Open Space accounts for 56% of the Property.
9. There will be a landscape buffer of at least 20 feet in width established between the Site and Sussex County Tax Parcel Numbers: 335-8.00-37.00 and 335-8.00-322.00 through 325.00. The proposed 20-foot buffer aligns with the buffer distance already established between Mitchell's Corner and the Site.
10. The Applicant, through its engineers, submitted its Coastal Area Environmental Assessment and Public Facilities Evaluation Report in accordance with Section 115-194.3 of the Code, in support of the Application.
11. With the recommended conditions of approval, there will be no adverse impact on the neighborhood or neighboring property values. The expansion is consistent with the character and trend of development in the immediate area.
12. This recommendation is subject to the following conditions:
  - A. With the exception of the following, the conditions imposed by Ordinance No. 1679 and Ordinance No. 2361 shall apply to this approval and remain in full force and effect.
  - B. The maximum number of units in the MR-RPC shall not exceed 274 units as shown on the Applicant's site plan, and consisting of:
    - i. 21 Single Family Detached Dwelling Units
    - ii. 20 Single Family Attached Dwelling Duplexes (40 units)
    - iii. 130 Multi-Family Apartment Units
    - iv. 83 Healthcare Center Rooms

- C. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. 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.
- D. There shall be a vegetated or forested buffer that is at least 20 feet wide installed between the Site and Sussex County Tax Parcel Nos. 335-8.00-37.00 and 335-8.00-322.00 through 325.00 as more fully shown on the Preliminary Site Plan. As proffered during the public hearing, the buffer area adjacent to Parcels 322.00 through 325.00 shall include an additional row of evergreen plantings to screen the view of the MR-RPC from these neighboring properties. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in the buffer areas. The Landscape Plan shall also identify all “Limits of Disturbance.”
- E. There are pickleball courts shown along Gills Neck Road at the eastern corner of this site, adjacent to the development known as Breakwater. These pickleball courts shall either be relocated to a more centralized location or eliminated from the site plan.
- F. A Revised Master Plan, either depicting or noting these conditions, must be submitted to the Office of Planning & Zoning. This Master Plan shall include the entire Springpoint at Lewes MR-RPC.
- G. The Master Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to recommend approval of C/Z 2033 Springpoint at Lewes, Inc. c/o Garrett T. Midgett, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: December 10, 2025

County Council Public Hearing Date: February 10, 2026

Application: C/Z 2033 Springpoint at Lewes, Inc.

Applicant: Springpoint at Lewes, Inc. c/o Garrett T. Midgett  
4814 Outlook Drive, Suite 201  
Wall Township, New Jersey 07753

Owner: Springpoint at Lewes, Inc. (f/k/a Cadbury at Lewes, Inc.) c/o Garrett T. Midgett  
4814 Outlook Drive, Suite 201  
Wall Township, New Jersey 07753

Site Location: The property is lying on the northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9). 911 Address: N/A.

Current Zoning: MR-RPC  
(Medium Density Residential – Residential Planned Community)

Proposed Zoning: MR-RPC  
(Medium Density Residential – Residential Planned Community)  
Requesting to amend the Conditions of Approval for C/Z 1528 (Ordinance No. 1679), and for C/Z 1753 (Ordinance No. 2361) to increase the number of units from the existing 215 units to 274 units, to add amenities, and expand the healthcare and community centers.

FLUM Reference: Coastal Area

Councilmanic District: District 3 – Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 37.97 acres +/-

Tax Map ID: 335-8.00-43.01



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



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## Memorandum

To: Sussex County Planning Commission Members  
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: November 7<sup>th</sup>, 2025  
RE: Staff Analysis for C/Z 2033 Springpoint at Lewes, Inc.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application Change of Zone 2033 Springpoint at Lewes, Inc. to be reviewed during the Wednesday, December 10<sup>th</sup>, 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.**

### Parcel Application History

The property was previously the subject of two (2) Change of Zone Applications. The first Application was Change of Zone 1528 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 95.20-acre Parcel of land.

The Residential Planned Community was formerly known as “Cadbury at Lewes” and is proposed to be renamed to “Springpoint at Lewes.”

Parcel “A” consists of the Retirement Community, and Parcel “B” consists of the Residential component of the Subdivision. The Application was approved by the Sussex County Council at their meeting of Tuesday, April 6<sup>th</sup>, 2004, through Ordinance No. 1679.

The second Application was Change of Zone No. 1753 for a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) for a 5-acre addition of a 95.20-acre Parcel of land (for a total acreage of 100.20 acres.) The Application was approved by the Sussex County Council at their meeting of Tuesday, August 5<sup>th</sup>, 2014, through Ordinance No. 2361. This addition included 32 units total (29 new units in the rezoning area and three (3) units within the existing Cadbury project).

**Tax Parcel ID(s):** 335-8.00-43.01

**Proposal:** The Applicant seeks a Zoning Map Amendment for a 37.97-acre Parcel of land to change the current MR-RPC Medium Density Residential Planned Community to a MR-RPC Medium Density Residential Planned Community by amending Condition #1 of Change of Zone No. 1528 (Ordinance No. 1679) to increase the number of units from 215 to 274 (an overall



increase of 59 units), to add amenities, to expand the healthcare center and community center, modifying Ordinance No. 1679 (approved 01/13/2004) and Ordinance No. 2361 (approved 08/05/2014).

**Zoning Information:** The subject property is zoned Medium Residential, Residential Planned Community (MR-RPC) District.

The properties to the east and west of the subject property are also zoned Medium Density Residential (MR) District. The property to the south of the property on the opposite side of Gills Neck Road (S.C.R. 267) which comprises the Governors Condominium Community is zoned Agricultural Residential (AR-1) District.

The Parcels to the north of the subject property are located within the incorporated Town limits of the City of Lewes.

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

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
<b>Coastal Area</b>	<p style="text-align: center;">            Agricultural Residential District (AR-1)            Medium Density Residential District (MR)            General Residential District (GR)            High Density Residential District (HR-1 &amp; 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         </p>

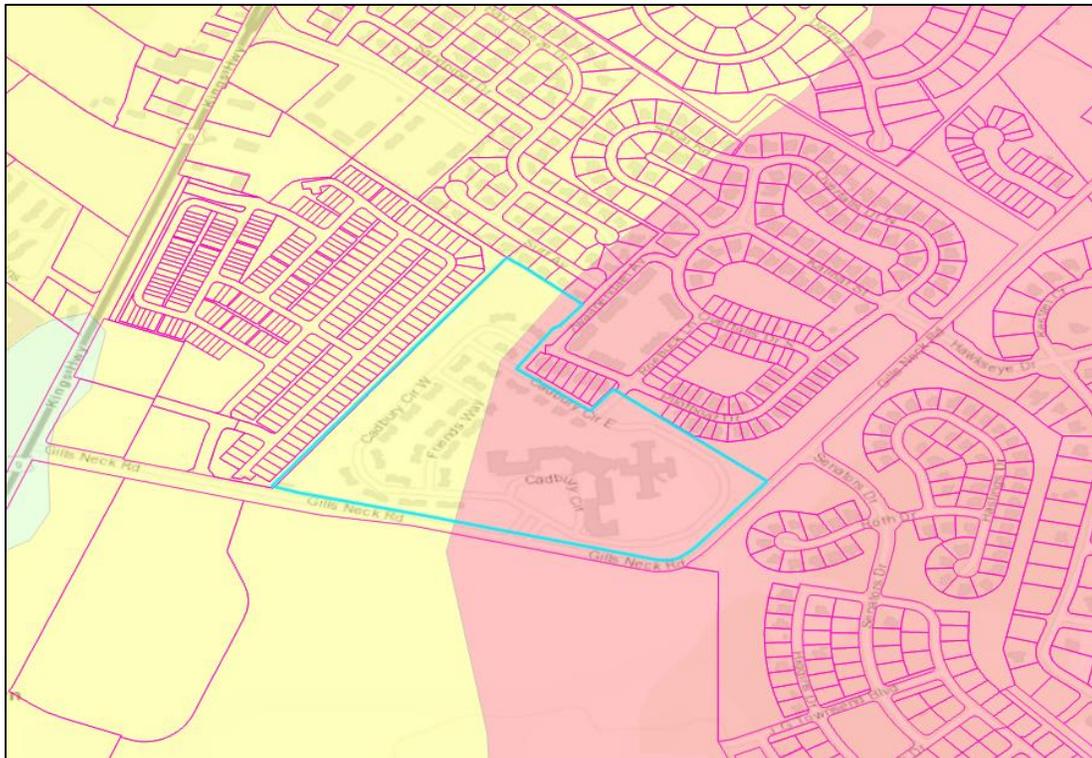
**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** The proposal provides 56% Open Space from the former/original Plan open space proposal of 64%. This still meets the 30% Open Space
- **Agricultural Areas:** N/A
- **Interconnectivity:** The project proposes to utilize existing internal streets.
- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).

- **Forested Areas:** Staff note that the proposal includes a 20-ft landscaped buffer along the western boundary of the property, adjacent to the Mitchell's Corner project. The Mitchell's Corner project also requires a 20-ft landscaped buffer for a total width of 40-ft between the projects. The original approval for former Change of Zone Ordinance (Ordinance No. 2361) required under Condition "C" that the existing 30-ft landscaped buffer be relocated, but it is thought that this was due to the Mitchell's Property Parcel currently being actively farmed at that time.
- **Wetlands Buffers/Waterways:** The County's Online Mapping System does not indicate the presence of any regulatory non-tidal or tidal wetlands on the subject property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Wellhead Protection Areas, Groundwater Recharge Potential, etc.):** The property is not located within any Wellhead Protection Areas.

Additionally, there are no Tax Ditches or associated Tax Ditch Rights-Of-Way (ROW) on the property.

Of particular note, is that the eastern side of the property is located within an "Excellent" Groundwater Recharge Area, with the western side of the property being located within a "Good" Groundwater Recharge Area. Any development within the Excellent Groundwater Recharge Area shall be subject to the provisions of Chapter 89 "Source Water Protection" Section 7 of the Sussex County Code relating to areas of "excellent" groundwater recharge. Details regarding these areas have been included as part of Exhibit "A" below.



**Exhibit "A" - "Good" (Yellow) vs. "Excellent" Groundwater Recharge Map**

**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 in the plan indicates that the subject property is designated as a Growth Area and has a land use designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, “Coastal Areas” are areas where “the County encourages only appropriate forms of new development, especially when environmental features are in play” (2018 Sussex County Comprehensive Plan, Page 4-9).

Furthermore, the Plan notes that this specific designation is intended to recognize two (2) characteristics, in that, it is “among the most desirable locations in Sussex County for new housing,” but that this region also “contains ecologically important and sensitive characteristics” (2018 Sussex County Comprehensive Plan, Page 4-15).

The properties to the east and west on the north and west sides of Gills Neck Road (S.C.R. 267) also have a Future Land Use Map (FLUM) designation of “Coastal Area.” The properties to the south on the opposite side of Gills Neck Road (S.C.D. 267) also lie within the “Coastal Area,” with the Parcel to the north of this Parcel being within the incorporated Town limits of the City of Lewes.

There is one Parcel of 66.22 acres on the west side of Kings Highway that contains a Future Land Use Map (FLUM) designation of “Commercial Area” which currently houses the Cape Henlopen High School campus.

**Existing Changes of Zone within the Vicinity of the Subject Site:** A Supplemental Map (Exhibit “B”) has been supplied which provides further background regarding the approval status of Applications in the area including the location of all other Changes of Zone Applications that are within a 0.50-mile distance from the subject site.

- **Change of Zone 1968** – Agricultural Residential (AR-1) District to Medium Commercial (C-2) District. Approved by Sussex County Council on 7/26/2022 (Ordinance No. 2875).
- **Change of Zone 1967** – Agricultural Residential (AR-1) District to Medium Density Residential (MR) District. Approved by Sussex County Council on 7/26/2022 (Ordinance No. 2874).
- **Change of Zone 1802** – Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District. Approved by Sussex County Council on 8/30/2016 (Ordinance No. 2460).
- **Change of Zone 1851** – Agricultural Residential to Medium Density Residential (MR) District. Approved by Sussex County Council on 8/14/2018 (Ordinance No. 2594).

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for an amendment to Condition #1 of Change of Zone No. 1528 (Ordinance No. 1679) to increase the number of units from 215 to 274, to add amenities, to expand the healthcare center and community center, modifying Ordinance No. 1679 (approved 01/13/2004) and Ordinance No.

2361 (approved 08/05/2014), subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

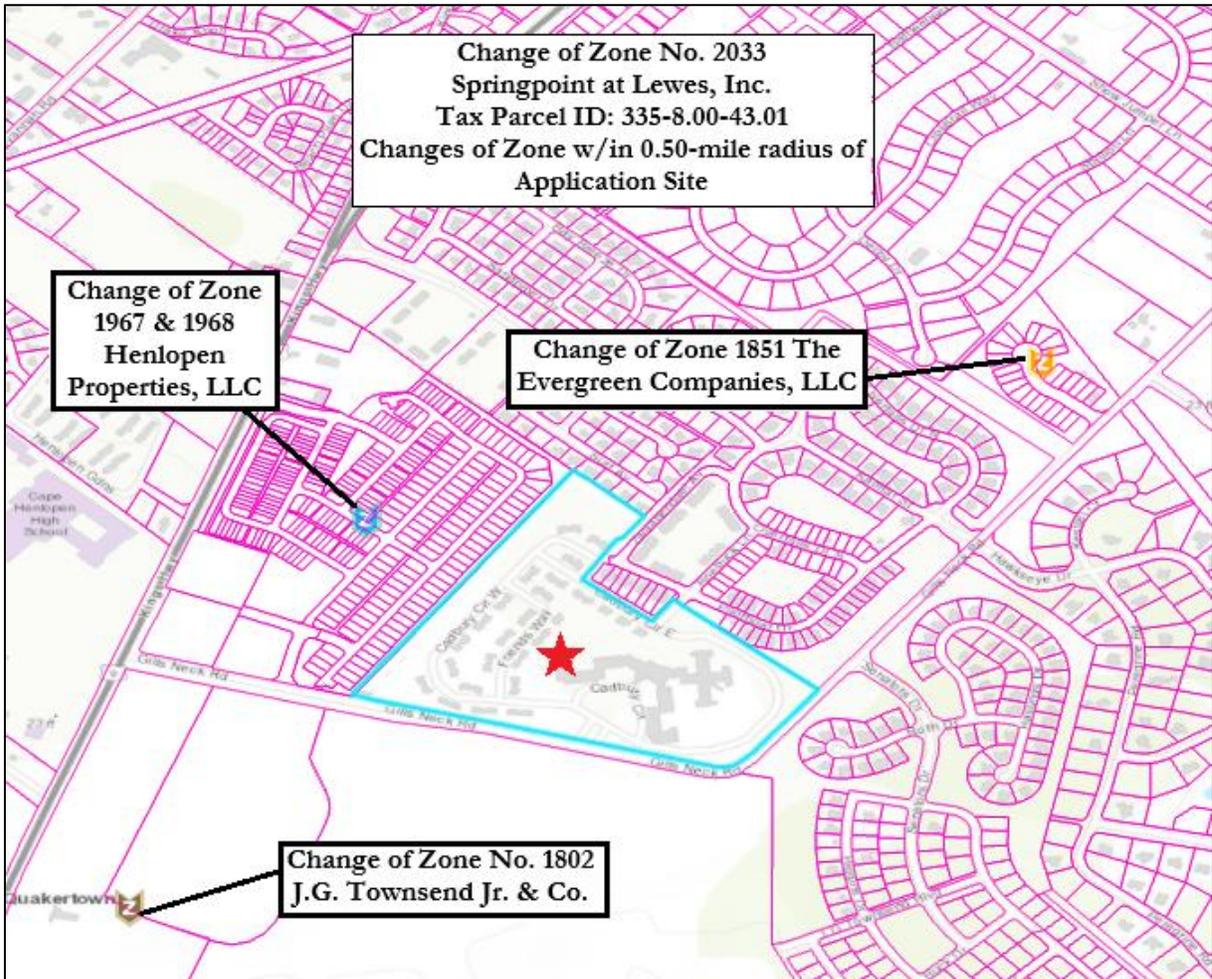


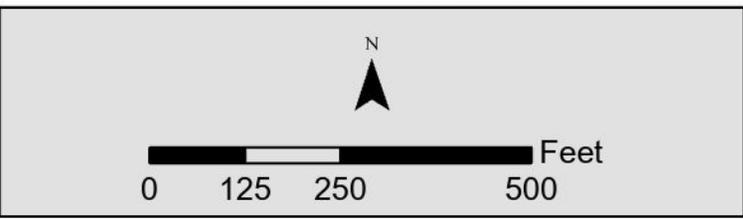
Exhibit “B” – Change of Zone Applications w/in a 0.50 mile radius of Application Site

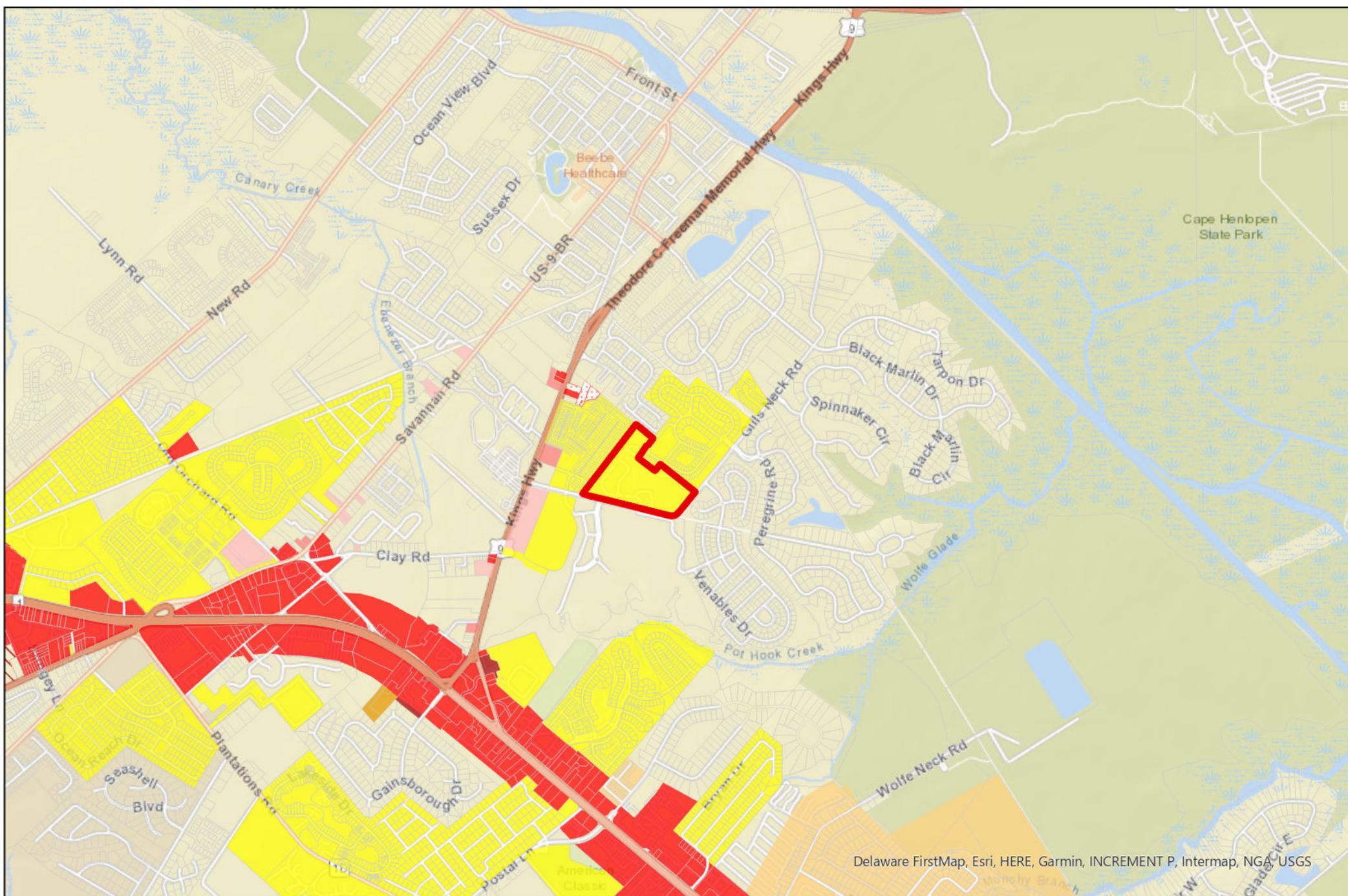


**CZ 2033 Springpoint at Lewes  
Aerial Map  
TM#s: 335-8.00-43.01**



CZ 2033 Springpoint at  
Lewes





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

**CZ 2033 Springpoint at Lewes  
Street Map  
TM#s: 335-8.00-43.01**

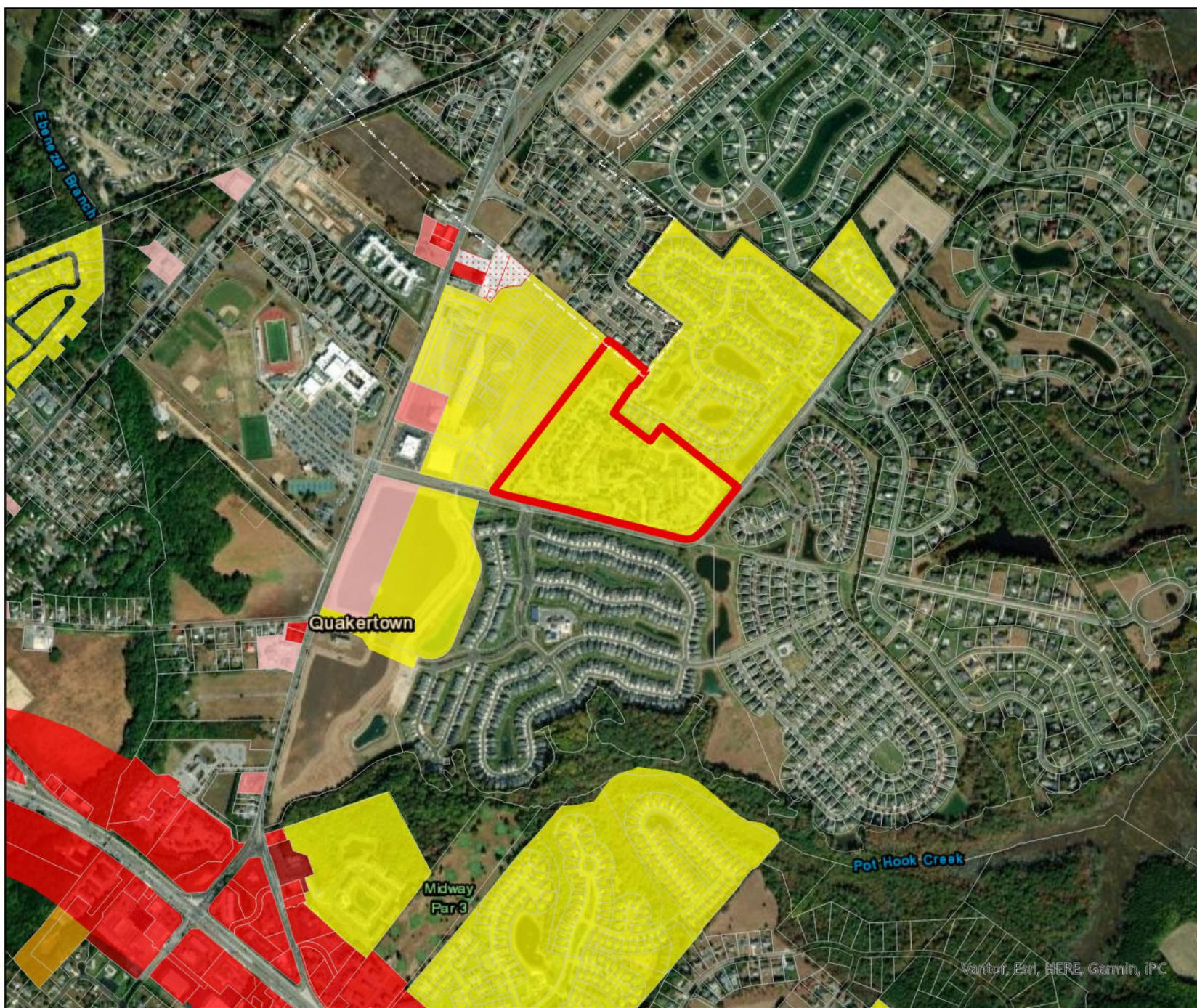
 CZ 2033 Springpoint at Lewes

N



0 0.25 0.5 1 Miles

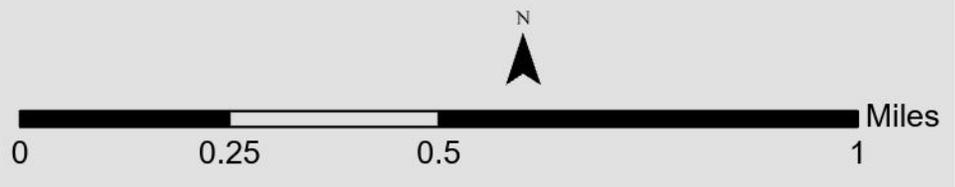




- ### Zoning
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Commercial Residential - CR-1
  - Institutional - 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 2033 Springpoint at Lewes:  
Zoning Map  
TM#s: 335-8.00-43.01**

CZ 2033 Springpoint at Lewes



Introduced: 11/18/25

Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 335-8.00-43.01  
911 Address: N/A

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT AND TO AMEND CONDITIONS OF APPROVAL FOR C/Z 1528 (ORDINANCE NO. 1679) AND FOR C/Z 1753 (ORDINANCE NO. 2361) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 37.97 ACRES, MORE OR LESS**

WHEREAS, on the 16<sup>th</sup> Day of July, a zoning application, denominated Change of Zone No. 2033 was filed on behalf of Springpoint at Lewes, Inc. c/o Garrett T. Midgett; 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. 2033 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 [Medium Density Residential – Residential Planned Community District] and adding in lieu thereof the designation 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 northerly and northwesterly right-of-way line of Gills Neck Road (S.C.R. 267) and approximately 0.20-mile east of Kings Highway (Route 9) and being more particularly described in the attached legal description provided by Bohler Engineering, said parcel containing 37.97 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.