

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

April 21, 2026

12:30 P.M.

*****Members of the Sussex County Council will attend a Ribbon Cutting for the Sussex County Bookmobile at 2 The Circle, Georgetown, Delaware, starting at 12:15 p.m. *****

Call to Order

Approval of Agenda

Approval of Minutes - April 14, 2026

[Draft Minutes 041426](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. Proclamation Request – Fair Housing Month

Presentation – Judson Malone, Springboard Delaware

Todd Lawson, County Administrator

1. Administrator's Report



John Ashman, Director of Utility Planning & Design Review

1. **Permission to Prepare & Post Notices for Northstar Properties Annexation into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)**
[Northstar Properties Annexation](#)
2. **Permission to Prepare & Post Notices for Swann Lake Annexation into the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)**
[Swann Lake Annexation](#)

Brandy Nauman, Community Development & Housing Director

1. **Discussion and Update on the SJR8 initiative**
[DSHA Tech Asst App](#)

Vince Robertson, Assistant County Attorney

1. **Discussion and Possible Introduction of a Proposed Ordinance related to Forest Preservation**
[Forest Preservation](#)

Old Business

1. [Ordinance No. 20-07](#)

“AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00” (properties are lying on the west side of Gravel Hill Rd. [Rt. 30] approximately 309 feet south of Milton-Ellendale Hwy. [Rt. 16]). (911 Address: 14888, 14866 & 14742 Gravel Hill Rd., Milton) (Tax Map Parcels: 235-13.00-29.00, 29.01 & 235-14.00-570.00)

[Old Business Ord No 20-07](#)

Grant Requests

1. **Mariners Bethel Inc. for their ABC Bike Ministry program**
[Mariners Bethel Inc](#)
2. **Bethany-Fenwick Area Chamber of Commerce for their 2026 Ocean to Bay Bike Tour**
[Bethany-Fenwick Area Chamber of Commerce](#)
3. **Nanticoke Indian Association, Inc. for their 48th Annual Nanticoke Indian Powwow**
[Nanticoke Indian Association](#)
4. **Greater Lewes Foundation on behalf of Celebrate Wellness Foundation for their Mental Health programs**
[Greater Lewes Foundation](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2577 CU2592 CZ2032](#)

Council Members' Comments

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. [Conditional Use No. 2612 filed on behalf of Brian P. Lessard](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION “A” OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS” (property is lying on the southeast corner of Argos Corner Road [S.C.R. 14E] and Coastal Highway [Route 1]) (911 Address: 22692 & 22754 Argos Corner Road, Milford) (Tax Map Parcel: 230-7.00-95.00)

[Public Hearing CU2612](#)

2. [Conditional Use No. 2538 filed on behalf of Jeffrey Baughman](#)

“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 10.48 ACRES, MORE OR LESS” (property is lying on the east and west side of September Way, a private lane accessed from the south side of Fitzgeralds Road [S.C.R. 207], approximately 677 feet west of DuPont Boulevard [Route 113]) (911 Address: 8848 September Way, Lincoln) (Tax Map Parcel: 230-5.00-6.00)

[Public Hearing CU2538](#)

3. [Conditional Use No. 2534 filed on behalf of Hardscapes Jimenez, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS” (properties are lying southwest of the intersection of Morris Mill Road [S.C.R. 297] and Zoar Road [S.C.R. 48], approximately 0.6 mile east of Peterkins Road [S.C.R. 371]) (911 Address: N/A & 25064 Morris Mill Road, Millsboro) (Tax Map Parcel: 234-20.00-9.01 & 11.01)

[Public Hearing CU2534](#)

4. [Conditional Use No. 2424 filed on behalf of Oceans Six](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS” (property is lying on the east side of Coastal Highway [Route 1], approximately 278 feet north of Jefferson Bridge Rd [S.C.R. 361-A]) (911 Address: N/A) (Tax Map Parcel: 134-17.07-190.00)

[Public Hearing CU2424](#)

5. [Conditional Use No. 2480 filed on behalf of DJ Tire Center, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS” (property is lying on the east side of Downs Road [S.C.R. 243], approximately 0.45 mile northeast of Wilson Road [S.C.R. 244]) (911 Address: 18651 Downs Road, Georgetown) (Tax Map Parcel: 135-9.00-280.00)

[Public Hearing CU2480](#)

6. [Conditional Use No. 2622 filed on behalf of Tharros Village \(c/o Code Purple at the Cape\)](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS” (property is lying on the south side of Coastal Highway [Rt. 1], approximately 0.2 mile northwest of the intersection of Coastal Highway [Rt. 1] and Dartmouth Drive [Rt. 9]) (911 Address: 17996 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-526.01)

[Public Hearing CU2622](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 14, 2026 at 4:00 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 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, APRIL 14, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 14, 2026, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 117 26
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

Minutes

The minutes from March 17, 2026, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from Bethany-Fenwick Area Chamber of Commerce, Sussex Rotary Can-Do Playground and Heritage Shores Military Club thanking Council for their support.

**Public
Comments**

Public comments were heard, and the following people spoke:

Mr. George Merick spoke about SB159.

Mr. Kevin Goldsborough spoke about SB159.

Ms. Andrea Caggiano spoke about SB159.

Ms. Jen Palowski spoke about SB159.

**M 118 26
Consent
Agenda**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the following items under the Consent Agenda:

**Use of Existing Wastewater Infrastructure Agreement, IUA-20-2025
The Centre at Love Creek (Building 3), Angola North Area**

**Use of Existing Wastewater Infrastructure Agreement
Bethany Bay Wastewater Treatment Plant, Millville Area**

Motion Adopted: 5 Yeas

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

**Opioid
Commission
Update**

Mr. Lawson provided an update on the Opioid Commission Grant Application process and reviewed the timeframe that applications will be received.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Even Tide, effective February 13th; Forest Landing - Phase 1 (Construction Record), effective February 25th; Brookland Farms Phase 1 (Construction Record) effective March 13th; Millville By The Sea – West Village A-1 – Phase A (Construction Record), effective March 16th; Millville By The Sea – West Village C-1 (Plan Review & Construction Record), effective March 16th; Millville By The Sea- West Village – Pump Station Phase C1-2 (Plan Review & Construction Record), effective March 16th and Shore Vista (FKA Browning Farm) – Phase 1 (Construction Record), effective March 25th.

2. Richard “Dickie” Russell

It is with great sadness that we inform you that pension, Richard “Dickie” Russell, passed away on Sunday, April 5, 2026. Mr. Russell began his career with Sussex County Emergency Operations Center as a part-time dispatcher in February 1992, then he moved to a full-time role in March 1993 where he worked until June 2008 for a total of 15 years of service. His last position with the County was Emergency Communications Supervisor. We would like to extend our condolences to the Russell family.

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

1st Quarter Employee Recognition Karen Brewington, Human Resources Director reported that there were 25 submissions received for the first quarter for the shining star employee recognition program. The winners for this quarter are Catherine Jenkins, Treasury, Sherman Littleton, Environmental Services and Thomas VanDyke, Engineering Department.

DE Diamond Fund MOU Brandy Nauman, Community Development & Housing Director presented a MOU for the Delaware Diamond Fund for Council’s consideration.

M 119 26 Approve DE Diamond Fund MOU A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved that Sussex County enter into a Memorandum of Understanding with the Delaware Diamond Fund as presented.

Motion Adopted: 5 Yeas

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

JMT Amendment Mark Parker, Assistant County Engineer, presented amendment no. 6 for airpark water storage tank modifications for Council’s consideration.

M 120 26 Approve Amend No 6 Airpark Water Storage A Motion was made by Mr. Lloyd, seconded by Ms. Greenebaum, be it moved based upon the recommendation of the Sussex County Engineering Department that amendment no. 6 of Johnson, Mirmiran & Thompson base owner engineering agreement be approved in the not to exceed amount of \$18,250.00.

Motion Adopted: 5 Yeas

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

Proposed Ordinance/ Joy Beach General Obligation Bond Paul Mauser, Assistant County Engineer presented an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$239,059 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE JOY BEACH PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Introduction or Proposed Ordinance Mr. Lloyd introduced an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$239,059 OF A GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE JOY BEACH PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Task Order 1 – Design **Bob Bryant, Airport Manager, presented task order 1 – design for construct taxilane and tie downs for Council’s consideration.**

M 121 26 **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved**
Approve **based upon the recommendation of the Sussex County Engineering**
Task Order **Department on behalf of the Delaware Coastal Airport that Sussex County**
1/Construct **Council give approval to Delta Airport Consultants Task Order 1 in the**
Taxilane & **amount of \$275,000.00 for work associated with the construction of two new**
Tie Downs **taxi lanes and tiedowns phase 1 design subject upon Sussex County receiving**
 an airport infrastructure grant application from the FAA in the amount of
 \$285,000.00 for same work.

Motion Adopted: 5 Yeas

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

GHD **Hans Medlarz, Project Engineer, presented GHD’s amendment no. 31 for**
Amendment **Wolfe Neck RWF upgrade and expansion for Council’s consideration.**
31

M 122 26 **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, be it moved,**
Approve **based upon the recommendation of the Sussex County Engineering**
GHD **Department, to approve the modifications to GHD’s amendment 31 in the**
Amend 1/ **amount of \$760,000 and based on the recommendation to adopt the**
Wolfe Neck **implementation approach outlined in the memorandum as presented.**

Motion Adopted: 5 Yeas

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

LBPW **Hans Medlarz, Project Engineer, presented amendment no. 4 and pump**
Amend 4 & **station 4 & transmission agreement for Lewes Board of Public Works –**
Pump **Sussex County Partnership for Council’s consideration.**
Station 4

M 123 26 **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, be it**
Approve **moved, based upon the recommendation of the Sussex County Engineering**
Amend 4 & **Department to approve GMB’s amendment no. 4 and the companion**
Pump **agreement between the Board of Public Works of the City of Lewes and**
Station 4 **Sussex County concerning pump station 4 & transmission improvements.**

Motion Adopted: 5 Yeas

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

SCRWF CO No. IB-012 Hans Medlarz, Project Engineer, presented change order no. IB-012 and approval of a purchase order for SCRWF treatment process upgrade no. 3 – Inland Bays Extension for Council’s consideration.

M 124 26 Approve CO No. IB-012 A Motion was made by Mr. Rieley, seconded by Mr. McCarron, be it moved, based upon the recommendation of the Sussex County Engineering Department, to issue change order no. IB-012 to M.F. Ronca & Sons in the amount of \$2,971,120.00.

Motion Adopted: 5 Yeas

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

M 125 26 PO Approval/ Lagoon Cover SCRWF A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved based upon the Sussex County Engineering Department & GHD, to issue a direct procurement purchase order to R.T.D. Enterprises in the amount of \$617,314.00.

Motion Adopted: 5 Yeas

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

Proposed Ordinance/ Forest Preservation Vince Robertson, Assistant County Attorney, discussed a Proposed Ordinance related to forest preservation. Mr. Lawson reported that the presentation today was a continuation of the Land Use Working Group Recommendations. As approved by all 10 LURWG members, recommendation #13 called for Forest Preservation & provided draft language. Staff developed recommendations along with State Forester Kyle Hoyd who is also present today. The Proposed Ordinance and language was discussed and reviewed and will come back for introduction.

Old Business/ CZ2052 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 MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” filed on behalf of Marlin Cove, LLC.

The County Council held a Public Hearing on the application at the meeting on October 21, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration.

**M 126 26
Approve
CZ2052/
DENIED**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to approve a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission.

Motion DENIED: 5 Nays

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

The Council Members voted nay based on the reasons provided by Mr. Hudson.

**Grant
Requests**

Mrs. Jennings presented grant requests for Council’s consideration.

**M 127 26
Make-A-
Wish
Foundation**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$7,000 (\$750 from Mr. McCarron’s Councilmanic Grant Account, \$5,000 from Countywide Youth Grant Account, \$250 from Mr. Lloyd’s Councilmanic Grant Account, \$500 from Mr. Rieley’s Councilmanic Grant Account, and \$500 from Mr. Hudson’s Councilmanic Grant Account) to Make-A-Wish Foundation of Philadelphia, Delaware & Susquehanna Valley for their Wishes Transforming Lives in Sussex County program.

Motion Adopted: 5 Yeas

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

**M 128 26
Delaware 4-
H, Inc.**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$1,000 from Mr. Hudson’s Councilmanic Grant Account, \$500 from Ms. Gruenebaum’s Councilmanic Grant Account and \$500 from Mr. Rieley’s Councilmanic Grant Account) to Delaware 4-H, Inc. for Country Clovers 4-H National LifeSmarts competition in Florida.

Motion Adopted: 5 Yeas

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

M 129 26

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to give

Delaware Celebration of Jazz, Inc. **\$2,000 (\$1,000 from Ms. Gruenebaum's Councilmanic Grant Account and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to Delaware Celebration of Jazz, Inc. for the Rehoboth Beach jazz festival.**

Motion Adopted: 5 Yeas

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

M 130 26 Delaware Community Foundation **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$1,500 (\$1,000 from Mr. Rieley's Councilmanic Grant Account and \$500 from Mr. McCarron's Councilmanic Grant Account) to Delaware Community Foundation for their Flags for Heroes program.**

Motion Adopted: 5 Yeas

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

M 131 26 DE State Troopers Association **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$1,500 (\$1,500 from Countywide Youth Grant Account) to Delaware State Troopers Association Benevolent Fund Inc. for their scholarship fund.**

Motion Adopted: 5 Yeas

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

M 132 26 First State Community Action Agency **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to First State Community Action Agency for their 11th annual It's a Par-Tee miniature golf tournament.**

Motion Adopted: 5 Yeas

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

M 133 26 IR High School BPA **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant Account) to Indian River High School Business Professionals of America for the National Leadership conference.**

Motion Adopted: 5 Yeas

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

Introduction of Proposed Ordinances Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COIN RETAIL SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.34 ACRE, MORE OR LESS” filed on behalf of Patricia & Frank DiNatale.

Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS” filed on behalf of Seaside Lewes, LLC & Derrickson Properties, LLC.

Mr. Rieley reintroduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS” filed on behalf of La Dolce Far Niente, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM
Comments Ms. Gruenebaum spoke about dark sky week and light pollution.

M 134 26
Recess At 12:29 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to recess until 1:30 p.m. Public Hearings.

Motion Adopted: 5 Yeas

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

M 135 26
Reconvene At 1:30 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to reconvene.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

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

**Public Hearing/
CU2533** **A Public Hearing was held on 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” (property is lying on the south side of Cypress Road [Route 54], approximately 62 feet west of the intersection of Cliff Road ([S.C.R. 380A] and Cypress Road [Route 54]) (911 Address: N/A) (Tax Map Parcel: 533-8.00-10.00) filed on behalf of RWE Clean Energy.**

Jamie Whitehouse, Planning & Zoning Director, presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on February 18, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 10 recommended conditions of approval as outlined.

The Council found that Mr. Joe Shanahan, Senior Project Manager, spoke on behalf of the Applicant, RWE Clean Energy, and also present was Mr. Brian Riley, Professional Engineer with Colliers Engineering & Design. Mr. Shanahan stated that provided a background of RWE Clean Energy; that the project proposed a ground-mounted solar facility to be located along Cypress Road (Route 54) in Frankford; that the overall project site consisted of a little over 69 acres, on land owned by Ellen Scott Anderson Revocable Trust, and was previously owned by Ellen Anderson individually, at the time the Conditional Use application was submitted; that the property has been in the Ellen’s family for three generations; that the land was currently being farmed by a member of the family; that there has been a concern expressed about farmland being lost in Sussex County; that the project is to be constructed in a lease area, which consists of only 24.5 acres of the overall 69 acre property; that the project is proposed to only utilize 35% of the land owned by their landlord, with the remaining 65% to continue to be used as the family had for generations; that the proposed solar facility is a public utility use under the Sussex County Zoning Code; that the project meets the purpose of a Conditional Use because it has a public or semi-public character, that is essential and desirable for the general convenience and welfare of Sussex County residents; that the project is located in the AR-1 (Agricultural Residential) Zoning District; that a public utility use is allowed in the AR-1 District, with the approval of the Sussex County Council; that the access will be by means of a 20 foot wide gravel driveway; that the project will be enclosed by a seven foot fence as is required by the National Electrical

**Public
Hearing/
CU2533
(continued)**

Code; that the fence will be gated with a Knox box at each gate; that the solar project will contain solar arrays, which is a group of solar panels wired together to collect energy from the sun and send it into the solar projects inverter, which converts the power into useable electricity, and distribute it to the Delmarva Power grid; that the panels are hung on posts, being approximately three feet off of the ground, and approximately 12 feet in height; that the ground below and around the panels will be planted with a pollinator-friendly mix that provides more shelter, nesting habitat and food sources for a variety of insect populations that support wildlife species; that the proposed solar project will comply with all the specific requirements of Section 115-172 of the Sussex County Zoning Code; that the project is surrounded by a landscape buffer strip of open space, being a minimum of 100 feet from any street lines, and a minimum of 50 feet from all property lines; that the transformers and similar equipment are centrally located, and located a minimum of 200 feet away from any dwelling or property of other ownership; that as mentioned in detail previously, the project is surrounded by fencing with a gate and an emergency key box; that a Decommissioning Plan and Cost Estimate was submitted into the record.

Mr. Hudson questioned how many of the past approved solar farms, as were referenced, are in service at this time. Mr. Hudson asked about the bonding that has to be put up with the County for the project. He then asked about the setbacks for the property lines and expressed his concerns about the tax ditches that are located on the property. Mr. Hudson asked the applicant why this property was selected as a site. Mr. Moore asked if there was anything in the lease agreement to expand in later years.

Public comments were heard.

Mr. Clifton Parker spoke in opposition to the application.

Ms. Donna Mitchell spoke in opposition to the application.

The Public Hearing and public record were closed.

**M 136 26
Defer
Action/
CU2533**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN 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".

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

**Public
Hearing/
CU2614**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT 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” (property is lying on the north side of Vines Creek Road [Rt. 26], approximately 0.31 mile west of Sandy Landing Road [S.C.R. 342]) (911 Address: 32507 Vines Creek Road, Dagsboro) (Tax Map Parcel: 134-10.00-31.00) filed on behalf of FFT DE Vines Creek, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on February 18, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions of approval as outlined.

The Council found that Ms. Kelsey Crane, Project Manager for Forefront Power, spoke on behalf of Applicant, FFP DE Vines Creek, LLC; that also present was Mr. Richard Roseberry, Professional Engineer with Colliers Engineering & Design. Ms. Crane stated that the application proposes a 1.992 megawatt AC community solar project; that the site consisted of about 24 acres; that the solar project is proposed to use about 10 acres of the total 24 acres; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the project is a fixed tilt, not a tracker; that inverter would be centrally located; that the proposed height is about 12 feet; that they propose to use a pollinator-friendly seed mix with no pesticides or herbicides; that there are no batteries proposed to be used with the project; that there will be vegetative screening at the very front of the project; that the remainder of the project does not propose a vegetative screening, as the remainder of the site provides for existing vegetation; that the project had already obtained Delmarva interconnection approval; that they propose no signs at the project, other than the required 24 hour contact information; that the project proposes no lighting, and that the site is not being actively farmed.

Mr. Hudson questioned the setbacks for the project and how much wood and forest would be removed.

There were no public comments.

The Public Hearing and public record were closed.

**M 137 26
Defer
Action/
CU2614**

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN 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”.

Motion Adopted: 5 Yeas

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

**M 138 26
Go Into
Executive
Session**

At 2:13 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session to discuss 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 2:18 p.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending & potential litigation. The Executive Session ended at 3:06 p.m.

**M 139 26
Reconvene**

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

Motion Adopted: 5 Yeas

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

**M 140 26
E/S Action**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to authorize the Council to continue with the litigation previously authorized.

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**

**M 141 26
Adjourn**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to adjourn at 3:12 p.m.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

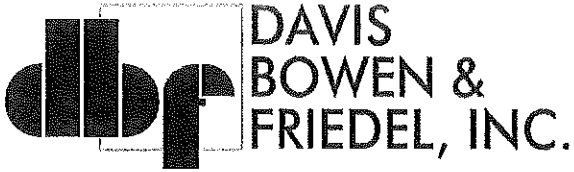
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Northstar Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area)
- The Engineering Department has received a request from Davis, Bowen & Friedel, Inc., on behalf of their client Northstar Property, LLC, the owners of parcel 334-5.00-175.00 to annex the balance of the property into the SCUSSD, West Rehoboth Area.
- The parcel has been recently subdivided and the portion of the parcel south of Beaver Dam Road has been split to parcels 175.05, 175.06 & 175.07
- 175.06 & 175.07 are slated to be single family fee simple residential and have received preliminary approval.
- 175.05 is 37 acres that was not part of the approval and is slated to be developed in the future, so it is not part of this application.
- The project will be responsible for System Connection Charges in place at the time of connection.





ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS

March 11, 2026

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

Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.

Attn: Mr. John Ashman

Re: **Northstar**
Sewer District Annexation Request
Tax Map # 334-5.00-175.00
DBF # 3808C001.D01

Dear Mr. Ashman:

On behalf of the property owner, we respectfully request that the portion of the parcel identified as Tax Map No. **334-5.00-175.00**, commonly referred to as **Northstar**, be annexed into the Unified Sewer District.

The portion of the property to be annexed consists of approximately 150.00 +/- acres and located south of Beaver Dam Road. The remaining portion of the tax parcel is located within the sewer district. A portion of the parcel to be annexed will be single family fee simple residential and the other 37 acres will be developed in the future.

The portion of the property to be annexed is adjacent to existing County sewer infrastructure, and annexation into the Unified Sewer District will allow for orderly and efficient wastewater planning consistent with Sussex County's long-range utility management objectives.

We respectfully request that Sussex County proceed with the required review process, prepare the Engineering Report, and schedule the necessary public hearing for consideration of this annexation.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'Ring W. Lardner'.

Ring W. Lardner, P.E.
President | Senior Civil Engineer

Enclosures

RWL/CYJ
\\dbffpmil01\CIVIL\Chesapeake Reality\North Star\Doc\SCE\2026-03-XX Sewer District Annexation Request\Cover Letter.docx
cc: David Hutt, Northstar Property, LLC

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Swann Lake Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)
- The Engineering Department has received a request from Morris & Ritchie Associates, Inc., on behalf of their client Crosswinds Landing, LLC, the owners of parcels 533-18.00-56.00 & 63.00 to annex the properties into the SCUSSD.
- The project is along Lighthouse Road (Route 54) on the west side of Dickerson Road in Williamsville and proposed for 161 single-family units & 194 Multi-family units.
- The project will be responsible for System Connection Charges in place at the time of connection.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: March 24, 2026
(Originally submitted October 27, 2023)

Sussex County Administrative Office Building
3rd Floor, Room 324
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Attention: Mr. John Ashman,
Director of Utility Planning

Subject: Swann Lake
Tax Parcels 533-18.00-56.00 & -63.00
Sewer District Annexation

Dear Mr. Ashman:

On behalf of the developer for the proposed Swann Lake project, we hereby request annexation of tax parcels 533-18.00-56 & 533-18.00-63.00 into the County Sanitary Sewer District. A Sewer System Concept Evaluation for the project (Agreement 1254) was completed by Mr. Chris Calio, Sussex County Engineering on August 31, 2023, and the associated Preliminary Plan application was submitted to Sussex Planning & Zoning on September 27, 2023. In accordance with the County's policy for extension of sewer district boundaries, the application fee of \$2,500 is included herein.

The 183 acre ± property is located along the south side of Lighthouse Road in an unincorporated portion of Sussex County; per the County GIS mapping, these lands are identified as being within the Tier 2 Sewer Planning Area. The northeasterly corner of the project area directly borders the Fenwick Island SSD in the vicinity of the intersection of Lighthouse Road and Dickerson Road.

If you should require any additional information for consideration of our request, please do not hesitate to contact me to discuss at 302-326-2200.

Very Truly Yours,
MORRIS & RITCHIE ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Chris J. Flathers', is written over a faint, larger version of the signature.

Christopher J. Flathers, P.E.
Associate

Encl. Application Fee - \$2,500 (Check #1292)

Cc: File
D. Sobczak, Crosswinds Landing, LLC
P. Tolliver, MRA

111 Ruthar Drive, Newark, DE 19711 (302) 326-2200 Fax: (302) 326-2399 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ Newark, DE ♦ Purcellville, VA ♦ Raleigh, NC ♦ Wilmington, NC ♦ Orlando, FL
(410) 515-9000 (443) 490-7201 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 994-4047 (984) 200-2103 (910) 523-5065 (407) 317-6288

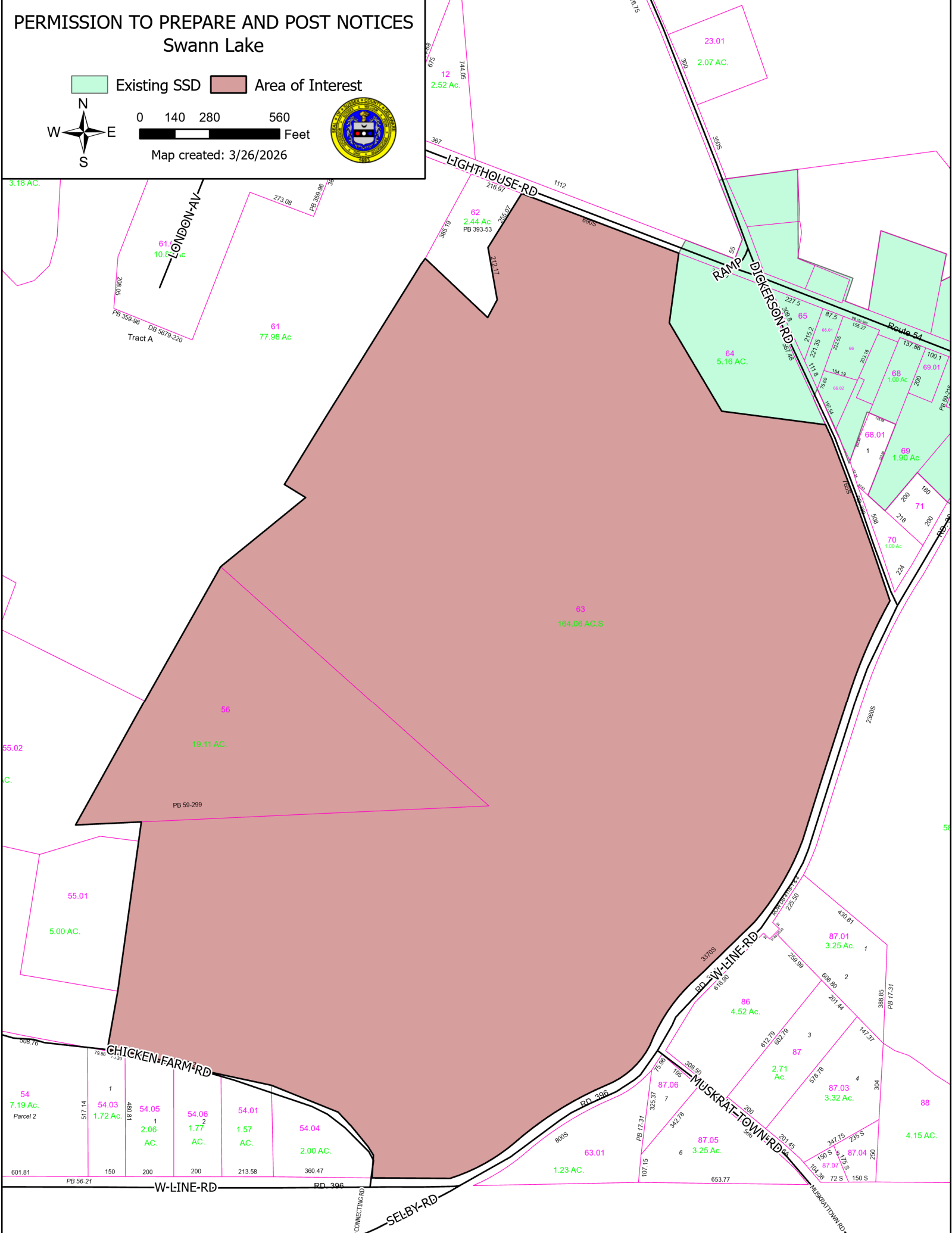
PERMISSION TO PREPARE AND POST NOTICES Swann Lake

Existing SSD Area of Interest



0 140 280 560
Feet

Map created: 3/26/2026



3.18 AC.

LONDON-
AV

Tract A

61
10.6 AC

61
77.98 AC

LIGHTHOUSE-RD

RAMP
DIGERSON-RD

Route 54

62
2.44 AC
PB 393.53

64
5.16 AC.

68
1.00 AC

69
1.90 AC

70
1.00 AC

63
164.06 AC.S

56

19.11 AC.

PB 59-299

55.01

5.00 AC.

55.02

C.

54
7.19 AC.

54.03
1.72 AC.

54.05
2.06 AC.

54.06
1.77 AC.

54.01
1.57 AC.

54.04
2.00 AC.

87.01
3.25 AC.

86
4.52 AC.

87
2.71 AC.

87.03
3.32 AC.

88
4.15 AC.

CHICKEN-FARM-RD

RD 5 W-LINE-RD

MUSKRAT-TOWN-RD

W-LINE-RD

SELBY-RD

MUSKRAT-TOWN-RD

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



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MEMORANDUM

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

FROM: Brandy B. Nauman, Director

RE: **Update- Technical Assistance for Zoning & Land Use Reform (SJR8)**

DATE: April 16, 2026

During Tuesday's County Council meeting, I will provide an update on the County's application to the Delaware State Housing Authority (DSHA) for Technical Assistance for Zoning and Land Use Reform, for which County Council authorized submission in October 2025.

Background:

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

Program Update:

On October 31, 2025, the County received notification from DSHA that it had been selected for the Technical Assistance program. Subsequently, on February 25, 2026, DSHA confirmed the County's Technical Assistance provider match: **McCormick Taylor**.

This match is particularly advantageous. McCormick Taylor served as the planning consultant that guided the County through the Land Use Reform Working Group (LURWG) process, resulting in the Final Report and its 20 recommendations. Given their existing familiarity with the County's land use framework, goals, and stakeholder community, little to no onboarding will be required — allowing the engagement to move forward efficiently and productively.

The technical assistance engagement is expected to run from **April 2026 through March 2027**.



Recommended Focus Areas

Given the County's current focus on implementing the various initiatives stemming from the LURWG recommendations, I am recommending that McCormick Taylor concentrate their technical assistance efforts on two targeted priorities:

1. **Affordable Homeownership Program – Moderately Priced Housing Unit (MPHU) Program:** A review and update of the County's existing program to strengthen its effectiveness in expanding affordable homeownership opportunities.
2. **Tiny Homes:** A review of the County's current code to identify barriers to tiny home development and propose regulatory updates that better accommodate tiny homes as a viable housing option.

These focus areas align directly with the spirit of the LURWG recommendations and represent meaningful, near-term opportunities to advance housing diversity and affordability in Sussex County.

Important Considerations

It is worth noting that the County is under no obligation to adopt or implement any recommendations that result from this process. However, the goal is to make significant headway on both fronts, and the deliverables produced through this engagement will position the County well for future action should Council choose to move forward.

This is also a valuable opportunity to access high-quality, **no-cost planning support** at a time when County planning staff and legal counsel are appropriately focused on other priorities, including the upcoming Comprehensive Plan update. Leveraging this state-funded resource allows the County to advance important housing policy work in parallel, without placing additional burden on internal staff.

Next Steps

Staff will coordinate with McCormick Taylor to initiate the technical assistance engagement and will provide further updates to Council as the work progresses.

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

36 improvements to the Sussex County Code including the protection of
37 existing forest on land to be developed and planting requirements for new
38 development; and

39

40 WHEREAS, this Ordinance is in furtherance of the recommendations of
41 the Land Use Reform Working Group regarding forest preservation and
42 tree planting; and

43

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

47

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

50

51 **Section 1. The Code of Sussex County, Chapter 99, Article I, §99-5**
52 **“Definitions” is hereby amended by deleting the language in brackets**
53 **and inserting the italicized and underlined language as follows:**

54

55 **§ 99-5 Definitions.**

56 For the purpose of this chapter, certain terms and words are hereby
57 defined:

58

59 . . .

60

61 *FOREST - A vegetative community dominated by trees and other woody*
62 *plants covering a land area of 10,000 square feet or greater, including*
63 *land that formally had forest cover and will be naturally or artificially*
64 *regenerated.*

65

66 **FOREST ASSESSMENT** - A method or process, to include a forest
67 inventory/tree survey, for determining the area or areas within a parcel
68 that contain high habitat value and groupings of trees or individual trees
69 to be preserved within the Perimeter Buffer and Perimeter Buffer

70 Protection Area.

71

72 **FOREST ASSESSMENT REPORT** -A report detailing the findings of
73 a Forest Assessment prepared and certified by a licensed landscape
74 architect, certified arborist, or licensed forester or a forester designated by
75 the Society of American Foresters as a "certified forester."]

76

77 FOREST COVER – The area of a site meeting the definition of forest.

78

79 FOREST STAND DELINEATION (FSD) – A plan and narrative report
80 that identifies existing forest cover, vegetation, and environmental
81 features on a proposed development site. A Forest Stand Delineation plan
82 includes an accurate depiction of the forest species, composition, age,
83 condition, location, acreage, and the location of the 100-year floodplain
84 existing on a property. A Forest Stand Delineation shall be prepared by
85 a licensed landscape architect, certified arborist, or licensed forester or
86 forester designated by the Society of American Foresters as a “certified
87 forester.”

88

89 FOREST PRESERVATION – The retention of existing forest or the
90 creation of new forest.

91

92

93 **Section 2. The Code of Sussex County, Chapter 99, Article III, §99-**
94 **21A “Perimeter Buffers” is hereby amended by deleting the language**
95 **in brackets and by inserting the italicized and underlined language**
96 **as follows:**

97

98 **§ 99-21.A Perimeter buffers.**

99 A. Perimeter buffer general standards.

100 (1) There shall be a Perimeter Buffer established along the
101 boundary of every major subdivision or residential planned
102 community. A Perimeter Buffer shall not be required along internal
103 boundaries within a subdivision or residential planned community,
104 such as internal phasing lines.

105 (2) The Perimeter Buffer shall be planted with a variety of trees
106 and shrubs so as to create a visual landscaped screening. All trees
107 and shrubs shall be local and native species. All planting activities
108 shall [adhere to ANSI A300, Planting Standards] comply with the
109 American National Standard Institute (ANSI) A300 Standards.

110 (3) The Perimeter Buffer shall include a mix of 70% deciduous
111 shade trees and 30% evergreen trees as well as shrubs. The
112 Perimeter Buffer shall include at least 15 trees within every 100
113 linear feet of the Buffer. All deciduous and evergreen trees that are
114 planted shall have a minimum height of six feet above ground when
115 planted, shall be a species that typically achieves a height of at least
116 10 feet, and arranged in a staggered natural manner throughout the
117 entire width of the Perimeter Buffer to effectively achieve a visual
118 landscaped screening which will filter views from and into the
119 subdivision. The Perimeter Buffer may include existing
120 [Woodlands] Forest and planted trees to achieve these planting
121 standards.

122 (4) In the event that a Resource Buffer (§ 115-193) is required in
123 the location of a Perimeter Buffer or Perimeter Buffer Protection
124 Area, the Resource Buffer standards shall take precedence over, and
125 shall not be in addition to, the Perimeter Buffer and/or Perimeter
126 Buffer Protection Area requirements for that same location.

127 (5) The Perimeter Buffer shall be marked with permanent, in-
128 ground signage located at 100-foot intervals along the edge of the
129 Perimeter Buffer to confirm the existence and non-disturbance of
130 the Perimeter Buffer. This signage shall be at least five inches by
131 seven inches in size and shall identify the existence of the Perimeter
132 Buffer, the fact that it is a non-disturbance Area and a reference to

133 penalties and/or remediation required if unauthorized disturbance
134 occurs.

135 B. Perimeter buffer standards —[Woodlands] *Forest* requirements.
136 Where a Perimeter Buffer contains existing [Woodlands] *Forest* at the
137 time of application, the following requirements shall apply:

138 (1) Any major subdivision or residential planned community
139 where [Woodlands] *Forest* exist at the time of application shall
140 require a [Forest Assessment Report] *Forest Stand Delineation*. The
141 [Forest Assessment Report] *Forest Stand Delineation* must be
142 submitted as part of the application.

143 (2) The [Woodlands] *Forest* retained within the Perimeter Buffer
144 shall be depicted generally on the Preliminary Site Plan and with
145 detail on the Perimeter Buffer Landscape Plan.

146 (3) Unless otherwise provided for herein, the [Woodlands] *Forest*
147 within the Perimeter Buffer shall remain in its natural state.

148 (4) The Area of the Perimeter Buffer containing [Woodlands]
149 *Forest* shall be bordered by a Perimeter Buffer Protection Area.

150 (5) There shall be protective tree fencing, staking, or continuous
151 ribbon installed along the entire edge of the Perimeter Buffer
152 Protection Area adjacent to the interior of the development to protect
153 the integrity of existing trees within the Perimeter Buffer.

154 (6) Selective clearing of the [Woodlands] *Forest* retained for the
155 use of the Perimeter Buffer may be permitted but at no time shall
156 trees of six-inch diameter at breast height be damaged, removed, or
157 otherwise adversely affected. Dead, dying or unstable live trees that
158 present an imminent danger to persons or property may be removed.

159 (7) Walking trails within the [Woodlands] *Forest* for the purpose
160 of providing access to the Perimeter Buffer may be permitted and
161 shall be depicted on the Perimeter Buffer Landscape Plan.

162 (8) Access points to the [Woodlands] *Forest* for the purpose of
163 Perimeter Buffer maintenance may be permitted and shall be

164 depicted on the Perimeter Buffer Landscape Plan.

165 (9) Any removal or damage of trees within the [Woodlands]
166 Forest, the Perimeter Buffer or the Perimeter Buffer Protection Area
167 (with the exception of the removal of invasive species) shall be
168 subject to the mitigation requirements as well as the violations and
169 penalties located in this Chapter.

170 (10) At no time shall the ground within [Woodlands] the Forest
171 area of a Perimeter Buffer and Perimeter Buffer Protection Area be
172 cleared, graded, regraded, or grubbed. Permitted stump removal
173 shall only occur by stump grinding that does not disturb the
174 surrounding area or vegetation.

175 (11) If [Woodlands] Forest on the land where the Perimeter Buffer
176 is to be located have been cleared for a timber harvest within five
177 years prior to the date of application, the following additional
178 planting requirements shall apply:

179 (a) The cleared area along the Perimeter Buffer shall be
180 measured and known as the "Cleared Area."

181 (b) The Perimeter Buffer shall be planted back with at least
182 15 trees every 50 linear feet of the Buffer.

183 (c) In addition to the Perimeter Buffer, a new [Woodlands]
184 Forest shall be planted that is 2.0 times the size of the Cleared
185 Area and a rate of at least 50 trees per acre.

186 (d) The new [Woodlands] Forest may border the area of the
187 Perimeter Buffer or be in a separate area, but at no times shall
188 the Perimeter Buffer be less than 30' in width measured from
189 the property boundary.

190 (e) The planted Perimeter Buffer and new [Woodlands]
191 Forest comply with the sizes and percentages required by
192 § 99-21A.A(2) and (3).

193 (f) If the applicant chooses to provide replacement plantings
194 on any property other than the one on which the timber harvest

195 occurred or protect an off-site [Woodlands] Forest area, the
196 mitigation plan must be reviewed and approved by the
197 Director, and:

198 [1] The replacement plantings or off-site [Woodlands]
199 Forest area must be located within the same twelve-digit
200 hydrologic unit code as defined by the United States
201 Geological Survey as the proposed development.

202 [2] The replacement plantings or [Woodlands] Forest
203 area located off-site must be protected under a perpetual
204 conservation easement for the benefit of a conservation
205 organization approved by Sussex County.

206 [3] At no time shall the area of the replacement
207 plantings be less than 2.0 times the area of [Woodlands]
208 Forest to be the Perimeter Buffer that was cleared and a
209 rate of at least 50 trees per acre and shall meet the tree
210 and shrub requirements of this Chapter.

211 (12) Removal of any invasive species from the [Woodlands] Forest
212 is permitted.

213 C. Perimeter buffer standards — non-[woodlands] Forest
214 requirements. Where a Perimeter Buffer does not contain existing
215 [Woodlands] Forest at the time of application, the following requirements
216 shall apply:

217 (1) Any major subdivision or residential planned community
218 where [Woodlands] Forest do not exist within the Perimeter Buffer
219 shall comply with the planting requirements of the Perimeter Buffer
220 Standards and Perimeter Buffer Landscape Plan.

221 (2) There shall be protective fencing, staking, or continuous
222 ribbon installed along the entire edge of the Perimeter Buffer
223 adjacent to the interior of the development to protect the integrity of
224 the Perimeter Buffer.

225 (3) There shall be a final grade that contains a minimum of four

226 inches of topsoil and a suitable grass mix or wildflowers planted as
227 sacrificial cover between the buffer trees for soil stabilization until
228 the newly planted trees become larger. Woodchips may substitute
229 for planted grass between the buffer trees around both newly planted
230 and existing trees.

231 (4) Walking trails within the Perimeter Buffer may be permitted
232 and shall be depicted on the Perimeter Buffer Landscape Plan.

233 (5) Access points to the Perimeter Buffer and Perimeter Buffer
234 Protection Area for the purpose of Perimeter Buffer maintenance
235 shall be depicted on the Perimeter Buffer Landscape Plan.

236 (6) The Perimeter Buffer shall have a two-year guarantee secured
237 by bonding from the date that substantial completion is issued for
238 the phase where the Perimeter Buffer is located.

239 D. Perimeter buffer landscape plan.

240 (1) The Perimeter Buffer shall be depicted generally on the
241 Preliminary Site Plan and in detail on a Perimeter Buffer Landscape
242 Plan that is included within a Final Site Plan.

243 (2) The Perimeter Buffer Landscape Plan shall provide sufficient
244 information and detail to clearly demonstrate that all applicable
245 requirements and standards for Perimeter Buffers and Perimeter
246 Buffer Protection Areas are satisfied. The Perimeter Buffer
247 Landscape Plan shall contain, at a minimum, the following:

248 (a) Approximate location and description of the protective
249 tree fencing, staking, or continuous ribbon.

250 (b) The location, spacing, height, and species of existing and
251 new trees and shrubs proposed to meet tree planting
252 requirements.

253 (c) The design and location of the required Perimeter Buffer
254 signage.

255 (d) Measures to be taken to avoid sedimentation intrusions

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and erosion in the Perimeter Buffer.

(e) A summary table of the number of new trees to be planted and minimum number of existing trees to be retained (if any) to meet the tree specification and density requirements with calculations confirming that these requirements have been achieved. The summary table may include example groupings of trees to be planted instead of each new tree labeled on the Perimeter Buffer Landscape Plan.

(f) A note confirming that the developer guarantees the full cost of replacement [Woodlands] *Forest* of the Perimeter Buffer for two years after the determination of substantial completion in accordance with § 99-31.

(g) A planting schedule for the Perimeter Buffer. The planting schedule shall demonstrate the installation of the Perimeter Buffer prior to the issuance of the first residential building permits in the phase where it is located. The Perimeter Buffer shall be planted and inspected prior to the issuance of the first residential building permit within the phase where the Buffer is located. Each phase of the development must include the Perimeter Buffer and Perimeter Buffer Protection Area (as applicable) that is adjacent to that Phase.

(h) Notwithstanding any other provisions of this chapter, the Planning and Zoning Commission shall be authorized, as part of the site plan review process, to grant final approval of a Plan for the roadway frontage of a major subdivision which may include landscape and design features, such as ornamental fences that are not used as screens, berms, landscape plantings of shrubs, non-invasive ornamental grasses and/or trees, multimodal paths required by DelDOT, or a combination of such features which is designed and certified to by a licensed Landscape architect, licensed Forester or Forester designated by the Society of American Foresters as a "Certified Forester," for the purpose of making the subdivision more attractive,

289 more in keeping with the surrounding area and less visible
290 from the roadway, provided said plan will not cause the
291 landscape features contained in the plan to be placed in an area
292 adjacent to the entrance in such a manner as to restrict the view
293 of motorists entering or exiting from the subdivision or
294 restricting the sight lines of motorists in such a manner as to
295 create a potential safety or traffic hazard. This authorization
296 shall only apply to a subdivision's roadway frontage where its
297 entrance is located. All other roadway frontages shall comply
298 with the requirements of Subsections A., B. and C above, as
299 applicable.

300 E. Timing; bonds and guarantees.

301 (1) The Perimeter Buffer Landscape Plan shall include the
302 planting schedule for the entire Perimeter Buffer. The planting
303 schedule shall demonstrate the installation of the Perimeter Buffer
304 prior to the issuance of any residential building permits within the
305 phase. The Perimeter Buffer shall be planted and inspected prior to
306 the issuance of the first residential building permit within the phase
307 where the Perimeter Buffer is located. Each phase of the
308 development must include the Perimeter Buffer and Perimeter
309 Buffer Protection Area (as applicable) that is adjacent to that phase.
310 The Perimeter Buffer for each phase must be planted and inspected
311 before County approvals or permits will be granted to construct the
312 next phase. The portion of any non-[Woodlands] Forest Perimeter
313 Buffer within the entirety of the development that is adjacent to
314 other existing or approved dwellings or lots shall be planted in
315 accordance with the requirements of § 99-21.A.A and C within 12
316 months of the issuance a Notice to Proceed for the first phase of the
317 development.

318 (2) Where [Woodlands] Forest exist in the Perimeter Buffer, the
319 Perimeter Buffer and Perimeter Buffer Protection Area shall be
320 protected and marked as provided herein for the entire development
321 (subject to inspection and approval by Sussex County) prior to the

322 issuance of any notice to proceed for site work. For subdivisions that
323 are to be constructed in phases, the protection and marking of
324 existing [Woodlands] *Forest* shall be maintained and inspected prior
325 to the issuance of any notice to proceed for site work or construction
326 within a subsequent phase.

327 (3) The developer shall be responsible for the removal and
328 replacement of any dead, dying or diseased trees and for the removal
329 from the site of all stakes, guy wires, protective tree fencing, staking,
330 or continuous ribbon upon the conclusion of the two-year guaranty
331 period.

332 (4) The developer shall post a performance bond or other guaranty
333 for the Perimeter Buffer in an amount sufficient to install the
334 Perimeter Buffer and the Perimeter Buffer Protection Area (as
335 applicable) in a form acceptable to the County Attorney. The
336 amount of such bond shall be 125% of the cost of the installation the
337 Perimeter Buffer (including all plantings) and the Perimeter Buffer
338 Protection Area (as applicable) or \$50,000, whichever is greater.
339 The Perimeter Buffer shown on the Perimeter Buffer Landscape
340 Plan may be bonded as a separate phase or phases of the subdivision,
341 provided that all Perimeter Buffers containing [Woodlands] *Forest*
342 must be bonded before a Notice to Proceed is issued for any phase
343 of the development.

344 (5) Bonds posted to ensure the completion and non-disturbance of
345 the Perimeter Buffers shall be posted with the Director of Planning
346 and Zoning.

347 (6) The trees and shrubs located within the Perimeter Buffer shall
348 be in good health prior to the issuance of substantial completion in
349 accordance with § 99-31 of the Code. The Bonds for the Perimeter
350 Buffer shall thereafter remain in place until two years after the
351 determination of substantial completion in accordance with § 99-31.

352 (7) A party may not alter the Perimeter Buffer Area of the
353 development (or any phase thereof) unless an amended Perimeter
354 Buffer Landscaping Plan is approved by Sussex County and a new

355 bond or other guaranty is provided for the alteration.

356 F. Perimeter buffer maintenance.

357 (1) The developer shall be responsible for the health and survival
358 of the Perimeter Buffer, including regular necessary watering until
359 the determination of substantial completion in accordance with
360 § 99-31. This shall include the obligation to replace any trees and
361 shrubs within the Perimeter Buffer that do not survive during this
362 time period.

363 (2) The Perimeter Buffer shall be maintained in perpetuity. The
364 perpetual maintenance of the Perimeter Buffer by a homeowners'
365 association shall be confirmed in the recorded declaration or
366 restrictive covenants for the development with the requirement that
367 any trees or shrubs that do not survive must be replanted with trees
368 or shrubs of the same type and species in accordance with the
369 original Landscape Plan approved by Sussex County. The Perimeter
370 Buffer shall be maintained (and any replacement trees or shrubs
371 planted) according to **[best management practices in the Forestry
372 industry (ANSI A300)]** *the American National Standard Institute
373 (ANSI) A300 Standards*. The applicant and/or developer must
374 provide the Commission with satisfactory proof that the declaration
375 or restrictive covenants include a perpetual maintenance plan which
376 shall be binding upon the applicant and/or developer and thereafter
377 by the homeowners' association. The Commission and its attorney
378 shall review and approve the perpetual maintenance plan prior to the
379 restrictive covenants being recorded and prior to granting final site
380 plan approval.

381 G. Perimeter buffer tree mitigation.

382 (1) In the event that trees, shrubs, **[Woodlands]** *Forest*, Perimeter
383 Buffer or the Perimeter Buffer Protection Area are removed or
384 damaged without authorization, tree mitigation shall be required. In
385 addition, violations and penalties may be assessed.

386 (2) If trees within a Perimeter Buffer (whether **[Woodlands]**

387 Forest or planted) have been damaged or removed (unless such
388 damage or removal is the result of Act of God or natural causes and
389 are therefore subject to the Perimeter Buffer Maintenance
390 Requirements), tree mitigation must occur as follows:

391 (a) A mitigation plan shall be prepared by a licensed
392 Landscape architect, certified arborist, or licensed Forester or
393 Forester designated by the Society of American Foresters as a
394 "Certified Forester."

395 (b) New [Woodlands] Forest shall be created for the area of
396 [Woodlands] Forest in the Perimeter Buffer that was illegally
397 accessed or damaged with at least three replacement trees
398 planted for every tree removed or damaged.

399 (c) The replacement plantings shall meet the tree and shrub
400 requirements of this Section.

401 (d) The developer, property owner and/or party who violates
402 this section shall be responsible for the health and survival of
403 the replacement in accordance with this Section.

404 (e) All tree mitigation plantings must be on the same lot,
405 parcel, or tract on which the illegal activity occurred, except
406 as noted herein.

407 H. Violations and penalties.

408 (1) The developer, owner of the land and any person or
409 corporation who shall violate any provisions of this Section shall be
410 subject to the following penalties in addition to other requirements
411 set forth in this Section. Separate violations or a series of violations
412 may be combined to determine the total area where the violation
413 occurred:

414 (a) A fine of \$10,000 per quarter acre, pro rata, of disturbance
415 within the Perimeter Buffer and Perimeter Buffer Protection Area,
416 as applicable, shall be imposed; and

417 (b) A tree mitigation plan in accordance with the requirements of

418 this Section shall be approved by the Planning and Zoning
419 Commission.

420 (2) Where the developer is the party who has violated the
421 provisions of this Section, no building or zoning permits shall be
422 issued nor shall any inspections occur within the phase where the
423 violation occurred (including, but not limited to building code and
424 utility inspections) until the tree mitigation plan is complete and
425 approved by the Commission.

426
427 **Section 3. The Code of Sussex County, Chapter 99, Article V, §99-26**
428 **“Information To Be Shown” is hereby amended by inserting the**
429 **italicized and underlined language as follows:**

430
431 **§99-26 Information To Be Shown.**

432 The final plat shall be legibly and accurately drawn and shall show the
433 following information:

434 . . .

435 *(23) Protective tree fencing, staking, or continuous ribbon shall be*
436 *installed along the entire edge of any Forest being protected pursuant*
437 *to §115-194.8 and trees planted pursuant to §115-194.9. All work*
438 *conducted pursuant to this subsection shall comply with the American*
439 *National Standard Institute (ANSI) A300 Standards.*

440
441 **Section 4. The Code of Sussex County, Chapter 115, Article I, §115-**
442 **4 “Definitions and Word usage” is hereby amended by inserting the**
443 **italicized and underlined language as follows:**

444
445 **§ 115-4 Definitions and word usage.**

446 . . .

447
448 B. General definitions. For the purpose of this chapter, certain terms
449 and words are hereby defined as follows:

450
451 . . .

452
453 FOREST - A vegetative community dominated by trees and other woody
454 plants covering a land area of 10,000 square feet or greater, including
455 land that formally had forest cover and will be naturally or artificially
456 regenerated.

457
458 FOREST COVER – The area of a site meeting the definition of forest.

459
460 FOREST STAND DELINEATION (FSD) – A plan and narrative report
461 that identifies existing forest cover, vegetation, and environmental
462 features on a proposed development site. A Forest Stand Delineation plan
463 includes an accurate depiction of the forest species, composition, age,
464 condition, location, acreage, and the location of the 100-year floodplain
465 existing on a property. A Forest Stand Delineation shall be prepared by
466 a licensed landscape architect, certified arborist, or licensed forester or
467 forester designated by the Society of American Foresters as a “certified
468 forester.”

469
470 FOREST PRESERVATION – The retention of existing forest or the
471 creation of new forest.

472

473
474 **Section 5. The Code of Sussex County, Chapter 115, Article XXV, is**
475 **hereby amended by inserting a new Section 115-194.8 “Forest**
476 **Preservation” and by adding the italicized and underlined language**
477 **as follows:**

478
479 § 115-194.8. Forest Preservation

480 All residential development including mixed use development (with the
481 exception of minor subdivisions, projects governed by Chapter 72 of this

482 Code and Accessory Dwelling Units) shall be subject to the following
483 requirements related to forest preservation. This section shall not apply
484 to land which is actively managed and used for silviculture or other
485 logging or forestry activities for a commercial purpose which shall
486 remain in forest.

487

488 A. Forest Stand Delineation

489 (1) Where Forest exists at the time of application, the applicant
490 shall develop A Forest Stand Delineation which shall be
491 submitted as part of the application and used to determine the
492 most suitable and practical areas for forest preservation.

493

494

495 B. Minimum Protection Standards of existing Forest.

496

497 (1) Where an existing Forest will be impacted or disturbed within
498 a development, that Forest shall be protected and preserved
499 as follows:

500

501 (a) Developments located in the Growth Area as
502 described within the Land Use Element and as
503 shown on the Future Land Use Map of the adopted
504 Sussex County Comprehensive Plan, shall protect
505 and preserve 30% of the pre-existing Forest as
506 shown on the Forest Stand Delineation (not
507 including the Perimeter Buffer required by Section
508 99-21A).

509 (b) Developments located in the Rural Areas as
510 described within the Land Use Element and as
511 shown on the Future Land Use Map of the adopted
512 Sussex County Comprehensive Plan, shall protect
513 and preserve 50% of the pre-existing Forest as

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shown on the Forest Stand Delineation (not including the Perimeter Buffer required by Section 99-21A).

(2) The following trees, shrubs, plants and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Commission, that reasonable efforts have been made to protect them and the plan cannot be altered:

- (a) Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, perennial nontidal rivers and streams and their buffers, intermittent streams and their buffers; and
- (b) Contiguous Forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.

(4) There shall be protective tree fencing, staking, or continuous ribbon installed along the entire edge of any Forest being protected hereunder to protect the integrity of the existing Forest within the site. All work conducted pursuant to this subsection shall comply with the American National Standard Institute (ANSI) A300 Standards.

(5) Any Forest and limit of disturbance areas designated to be protected shall not be cleared, graded, regraded or grubbed. All work conducted pursuant to this subsection shall comply

543 with the American National Standard Institute (ANSI) A300
544 Standards.

545
546 C. Mitigation of Forest Removal

547 (1) In the event an application proposes removal of Forest in
548 excess of the amounts permitted under § 115-194.8B, the
549 application shall require mitigation in the form of new Forest
550 creation as follows:

551
552 (a) A mitigation plan shall be prepared by a licensed
553 landscape architect, certified arborist, or licensed forester
554 or forester designated by the Society of American Foresters
555 as a “certified forester.” The mitigation plan shall include
556 the following information and shall also comply with the
557 requirements of subparagraph (d) below:

558
559 i. A table that lists the proposed values of the
560 following, in square feet:

561
562 a. The gross Forest area on the entire
563 property prior to an application for
564 development being filed with the
565 Department.

566 b. The area of Forest to be protected
567 and preserved on the entire property.

568 c. The area of Forest that the applicant
569 proposes to remove.

570
571 ii. A site plan with clear graphic indication of the
572 Forest, drawn to scale, showing the Forest to be

573 protected and the Forest to be removed.

574
575 (b) If the application is located in a Growth Area as
576 described within the Land Use Element and as shown on
577 the Future Land Use Map of the adopted Sussex County
578 Comprehensive Plan then the Forest area cleared shall be
579 reforested in accordance with the mitigation plan in an
580 amount equal to 2.0 times the Forest area cleared in excess
581 of the amount required to be preserved under §115-194.8B
582 (measured to the nearest square foot).

583
584 (c) If the application is located in a Rural Area as described
585 within the Land Use Element and as shown on the Future
586 Land Use Map of the adopted Sussex County
587 Comprehensive Plan then the Forest area cleared shall be
588 reforested in accordance with the mitigation plan in an
589 amount equal to 2.5 times the Forest area cleared in excess
590 of the amount required to be preserved under §115-194.8B
591 (measured to the nearest square foot).

592
593 (d) The mitigation plan shall demonstrate reforestation that
594 creates a biological community dominated by native trees
595 and other woody plants that should be planted at a
596 minimum caliper of 2.5” for shade trees, 1.5” for
597 ornamental trees, and six-foot height for multi-stem and
598 evergreen trees and containing at least 100 live trees per
599 acre with a least 50 percent of those trees having the
600 potential of attaining a 2-inch or greater diameter
601 measured at 4.5 feet above the ground within 7 years. The
602 mitigation plan shall demonstrate the location, spacing,

603 height, and species of existing and new trees and shrubs
604 proposed to meet Forest mitigation requirements.

605
606 (e) The mitigation plan shall provide the location protective
607 tree fencing, staking, or continuous ribbon installed along
608 the entire edge of any reforested area, which shall also be
609 installed on the site itself. All work conducted pursuant to
610 this subsection shall comply with the American National
611 Standard Institute (ANSI) A300 Standards.

612
613 D. Timing, bonds and guarantees.

614
615 (1) The Forest must be preserved and inspected and any mitigation
616 areas planted and inspected before County approvals or permits
617 will be granted to construct the next phase of the development.

618
619 (2) Any mitigation plan shall include the planting schedule for the
620 entire mitigation area. The planting schedule shall demonstrate the
621 installation of the trees or vegetation in the mitigation area prior to
622 the issuance of any residential building permits within the phase
623 where the mitigation area is located. The trees and vegetation in the
624 mitigation area shall be planted and inspected prior to the issuance
625 of the first residential building permit within the phase where the
626 mitigation area is located.

627
628 (2) The trees and vegetation located within any Forest or
629 mitigation area shall be free of defects and in good health prior to
630 the issuance of substantial completion in accordance with § 99-
631 31 of the Code for subdivisions and prior to the issuance of
632 individual certificates of occupancy for other residential
633 development.

634

635 (3) The developer shall post a bond or other guarantee for any
636 mitigation area in an amount sufficient to install the plantings in the
637 mitigation area(s) in a form acceptable to the County Attorney. The
638 amount of such bond shall be 125% of the cost of the installation of
639 all plantings in the mitigation area or \$50,000, whichever is greater.
640 The mitigation areas shown on the mitigation plan may be bonded
641 as a separate phase or phases of the development. Such bonds shall
642 be posted with the Director of Planning and Zoning. The bonds
643 shall remain in place until two years after the determination of
644 substantial completion in accordance with § 99-31 of the Code for
645 subdivisions and prior to the issuance of individual certificates of
646 occupancy for other residential development.

647
648 E. Violation and Penalties

649
650 (1) In the event a developer, owner of the land or any person or
651 corporation removes or damages Forests in excess of the amount
652 required to be retained pursuant to § 115-194.8B hereof and as
653 specified in the approved plans for such development, such party
654 shall be responsible for mitigation pursuant to § 115-194.8C at a
655 rate of 2 times the Forest area (measured to the nearest square foot)
656 removed (which may require a reconfiguration of the approved site
657 plan for the development to accommodate the additional planting)
658 and shall pay a fine equal to the Forest area (measured to the
659 nearest square foot) damaged or disturbed multiplied by \$4.356 per
660 square foot. Such fine shall be authorized and approved in the
661 County's annual budget and deposited in the County's open space
662 fund to be used for land and easement acquisitions.

663
664 (2) Where the developer or their agents or contractors are the
665 party who has violated the provisions of this Section, no building or
666 zoning permits shall be issued nor shall any development-related
667 inspections occur (including, but not limited to, Building Code
668 and/or utility inspections) until the mitigation plan set forth in § 115-

669 194.8C is completed, submitted to, and approved by the
670 Commission.

671
672 **Section 6. The Code of Sussex County, Chapter 115, Article XXV, is**
673 **hereby amended by inserting a new Section 115-194.9 “Tree Planting**
674 **Requirements” and by adding the italicized and underlined language**
675 **as follows:**

676
677 **§ 115-194.9. Tree Planting Requirements.**

678
679 All residential development including mixed use development (with the
680 exception of minor subdivisions, projects governed by Chapter 72 of this
681 Code and Accessory Dwelling Units) projects shall be subject to the
682 following requirements related to tree planting.

683
684 A. Tree Planting

685
686 (1) Tree planting shall create a biological community dominated
687 by native trees and other native woody plants free of defects
688 containing at least 100 live, non-containerized, trees per acre.
689 Replacement trees should be planted at a minimum caliper of
690 2.5” for shade trees, 1.5” for ornamental trees, and six-foot
691 height for multi-stem and evergreen trees. At least fifty percent of
692 all planted trees shall have the potential of attaining a 2-inch or
693 greater diameter measured at 4.5 feet above the ground, within 7
694 years. The tree planting plan shall demonstrate the location,
695 spacing, height, and species of existing and new trees and shrubs
696 proposed and shall be incorporated in the Forest Stand
697 Delineation.

698
699 (2) For development in the Growth Areas as described within the
700 Land Use Element and as shown on the Future Land Use Map of
701 the adopted Sussex County Comprehensive Plan, in addition to
702 any preservation, reforestation, mitigation or other requirements

703 found elsewhere in the Code, the developer shall plant, at a
704 minimum:

705
706 (a) one (1) tree per 10,000 square feet of net developed area for
707 residential development;

708
709 (b) one (1) tree per 5,000 square feet of net developed area for
710 non-residential development.

711
712 (3) For development in the Rural Areas as described within the
713 Land Use Element and as shown on the Future Land Use Map of
714 the adopted Sussex County Comprehensive Plan, in addition to
715 any preservation, reforestation, mitigation or other requirements
716 found elsewhere in the Code, the developer shall plant, at a
717 minimum:

718
719 (a) two (2) trees per 5,000 square feet of net developed area
720 for residential development;

721
722 (b) one (1) tree per 3,000 square feet of net developed area for
723 non-residential development.

724
725 (4) The foregoing planting requirements set forth in subsections
726 (1) and (2) hereof may be satisfied by the retention of existing
727 Forest in excess of Forest required to be preserved pursuant to §
728 115-194.8 so long as the Forest Stand Delineation verifies that
729 the remaining Forest demonstrates optimal health for retention.

730
731 (5) Timing; bonds and guarantees.

732
733 (a) The developer shall provide a planting schedule for the
734 trees to be planted in accordance with this section. The
735 planting schedule shall demonstrate the installation of the
736 trees prior to the issuance of any residential building permits
737 within the phase where the trees will be planted. The trees

738 shall be planted and inspected prior to the issuance of the first
739 residential building permit within the phase where the trees
740 are located. The trees must be planted and inspected before
741 County approvals or permits will be granted to construct the
742 next phase.

743
744 (b) The trees shall be in good health prior to the issuance of
745 substantial completion in accordance with § 99-31 of the
746 Code for subdivisions and prior to the issuance of individual
747 certificates of occupancy for other residential development..

748
749 (c) The developer shall post a performance bond or other
750 guaranty for the trees to be planted in an amount sufficient to
751 install the plantings in a form acceptable to the County
752 Attorney. The amount of such bond shall be 125% of the cost
753 of the installation of all trees or \$50,000, whichever is greater.
754 These areas may be bonded as a separate phase or phases of
755 the development. Such bonds shall be posted with the Director
756 of Planning and Zoning. The Bonds shall remain in place until
757 two years after the determination of substantial completion in
758 accordance with § 99-31 of the Code for subdivisions and
759 prior to the issuance of individual certificates of occupancy for
760 other residential development.

761
762
763 **Section 7. The Code of Sussex County, Chapter 115, Article XXVIII,**
764 **§115-221 “Final Site Plan Requirements”, is hereby amended by**
765 **inserting the italicized and underlined language as a new Subsections**
766 **B(19) and E. thereof:**

767
768 **§115-221 Final Site Plan Requirements**

769 . . .

770 B. The final site plan shall show the following:

771

772 . . .

773 (20) Protective tree fencing, staking, or continuous ribbon shall be
774 installed along the entire edge of any Forest being protected pursuant to
775 §115-194.8 and trees planted pursuant to §115-194.9. All work conducted
776 pursuant to this subsection shall comply with the American National
777 Standard Institute (ANSI) A300 Standards.

778

779 (21) The requirements pursuant to §115-194.8 including clear graphic
780 indication of the Forest, drawn to scale, showing the Forest to be
781 protected and the results of the mitigation plan.

782

783 **Section 8. Effective Date.**

784 This Ordinance shall take effect upon six (6) months from the date of
785 adoption by Sussex County Council. Provided however, that it shall not
786 apply to any completed applications on file with the Sussex County Office
787 of Planning & Zoning.

788

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T

jamie.whitehouse@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: April 16, 2026

RE: County Council Report for Ord 20-07 Relating to the Future Land Use Map Element of the Comprehensive Plan (Reed Farms)

The Planning and Zoning Department received an application (C/Z 1923 on behalf of Reed Farms, LLC) for a Change of Zone of Tax Parcels: 235-13.00-29.00, 235-13.00-29.01, & 235-14.00-570.00 from Agricultural Residential Zoning District (AR-1) to Heavy Industrial Zoning District (HI-1). The area of the parcels is 67.31 acres +/-.

As the Future Land Use Map within the adopted 2019 Comprehensive Plan designates the parcels as being within the Low Density Area, which does not permit such HI-1 zoning, an Ordinance was introduced to enable the County Council to consider the potential revision of the Future Land Use Map to change the designation of the parcels to the Developing Area.

The potential revision was submitted to the Office of State Planning Coordination for PLUS review at the meeting of December 16, 2020. The written comments of that meeting are included in the paperless packet.

The Planning and Zoning Commission held a public hearing on December 17, 2020. At the meeting of February 25, 2021, the Commission recommended that the County Council adopt the Ordinance for the 8 reasons outlined within the motion (included below).

The County Council held a Public Hearing on the Ordinance at the meeting on January 6, 2026. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below is a link to the minutes of the January 6, 2026, County Council meeting.

[Link to the Minutes of the January 6, 2026 County Council Meeting](#)



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

Below are the minutes from the Planning & Zoning Commission meetings of December 17, 2020 and February 25, 2021.

Minutes of the December 17, 2020 Planning & Zoning Commission Meeting

Ord. 20-07 - Future Land Use Map

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 29.01 & 235-14.00-570.00

Mr. Whitehouse advised the Commission that submitted into the record for Ord. 20-07 is a copy of the submission to the State's PLUS review service, a copy of the ordinance and a copy of the exhibit map; that the written response has not yet been received from PLUS review but the State did not raise any objection to the Ordinance and noted that it is contained within Level 4 in terms of the States Spending Strategies; that written comments will be available over the next few weeks; and that in relation to C/Z 1923 submitted into the record is a copy of the Applicant's site plan, a copy of the Applicant's exhibit book, comments from the Sussex County Engineering Department Utility Planning Division, a letter from Delmarva Central Railroad, a copy of the Applicant's DelDOT Service Level Evaluation response. Mr. Whitehouse noted that the Office of Planning and Zoning received three comments in opposition to the Application.

Mr. Robertson asked for clarification regarding the PLUS response. Mr. Whitehouse stated that the PLUS response is only for the Ordinance because it is a Comprehensive Plan Amendment.

The Commission found that Mr. David Hutt was present on behalf of the Applicant, Reed Farms, LLC, that also present are Mr. Richard Reed, Mr. Jim Reed, and Ms. Beverly White, principals in the ownership of the subject properties, Mr. Mark Davidson, principal land planner with Pennoni Group; that many of the factors that apply to the change in the land use map also apply to the change of zone application; that an exhibit notebook was submitted as part of the record; that the properties are located between the Milton Ellendale Highway (Rt. 16) and Gravel Hill Road (Rt. 30); that the presentation is divided into two parts; that the first part will focus on the amendment to the Future Land Use Map and the second part on the rezoning request; that section 4.4 of the 2019 Comprehensive Plan states that Future Land Use Plan is the most influential part of this Comprehensive and goes on to describe the basis for the Future Land Use Plan with seven bullet points; that the fourth bullet point states "to encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County."; that as the Future Land Use Plan seeks to encourage commercial and industrial jobs, it is important to look at other sections of the Plan that also speak to those aspects in Sussex County; that Chapter 9 speaks to the four industrial parks and states "while there are some vacancies in some of these business and industrial parks that should be markets to new employers, the County should also continue to look for new business and industrial sites attractive to businesses looking to locate to the County. Sites that will be most attractive to new businesses are those that have access to utilities (natural gas, fiber optic, etc.) as well as low electric rates."; that the subject property has access to utilities including natural gas which is to the south; that this site is in close proximity to the waste water treatment operated by Artesian; that Chapter 13 is the mobility element in the Comprehensive Plan and section 13.2 describes the County's freight network as being an important part of the County's transportation network as well as the County's economy; that the subject properties have extensive frontage onto roadways which are designated by DelDOT as major collectors; that there is room for an entrance on Route 16 and possibly two

entrances on Route 30 in the future; that in addition to having frontage on two collector roads, the southern boundary of the property is adjacent to the Delmarva Central Railroad line; that is mentioned in section 13.2 of the Comprehensive Plan about reducing truck impacts by shifting freight to rail; that Delmarva Central Railroad has submitted a letter of support for the Application; that Ord.20-07 seeks to change the designation of these three properties on the Future Land Use Map from Low-Density to a Developing Area, which is one of the County's seven Growth Areas; that there are ten factors to consider when deciding if a property should be in a Growth Area; that these factors apply equally to Ord. 20-07 and to the Change of Zone application; that the first factor is proximity to an incorporated municipality; that these three properties are located within one mile of the Town of Milton; that this property is across the street from a Growth Area within the Town of Milton boundary; that properties to the north and to the south are currently designated as being in the growth area on the existing Future Land Use Map of Sussex County; that these properties are also located approximately one half mile from the Town Center Area on the Future Land Use Map and is consistent with properties set forth in the Comprehensive Plan for Developing Areas; that developing areas in the Plan are described as being adjacent to municipal areas; that in the developing area of the Comprehensive Plan it states that portions of the developing area with good road access and few nearby homes should allow for business and industrial parks; that the nearby homes are mostly located on the eastern side of

Gravel Hill Road (Rt. 30); that the second factor to consider to designate a property as being in a Growth Area is the presence of public water and public sewer nearby, that the subject properties are in close proximity to the regional sewer treatment plant; that Artesian has an easement across the subject property so connection would be a simple process; that the third factor for consideration is that public sewer will be available within five years, and this is not applicable as Artesian is already providing public sewer in the area; that the fourth factor is location near a major road or intersection which has been previously addressed; that the fifth factor is the character and intensity of surrounding development including proposed development; that there are a number of commercial businesses in the area; that the sixth factor is location relative to major preserved lands; that adjacent to the north of these properties is a tract of land of more than 500 acres which is in an agricultural easement and serves as part of the waste water disposal for Artesian and homes will not be built on this site in the future; that the seventh factor for consideration for a growth area is the location of water bodies and these properties are not adjacent to water bodies; that the eighth factor for consideration is the location of Agricultural and other protected easements which is similar to the sixth factor which has been addressed; that the ninth factor is the area's environmental character and on these properties there are no wetlands, it is not in an excellent recharge area and it is not in a flood plain; that the tenth factor is how the area ranks according to the Delaware's Strategies for State Policies and Spending Document, Level I, II, III, or IV; that the property is identified as being in Investment IV and the Applicant would submit that because the County designated it as being a Low-Density Area; that adjacent to these properties are areas designated as being in Investment Level II and III; that the consideration of these ten factors supports the placement of these properties in a Growth Area; that it also makes sense because immediately to the south is an Industrial Area and to the north and east is also in a Growth Area as is proposed for this property; that the characteristics that apply to the properties in the Growth Area also apply to the subject properties; that many of the same characteristics will apply to the requested change in zone for the property; that the parcels comprise of 67.31 acres and are currently zoned AR-1 and that the application seeks to change the zone to HI-1; that two of the parcels are unimproved and currently used for agricultural purposes and the third parcel is improved with a residence which would be repurposed or removed from the site depending on the future uses; that these properties can comply with the County Code requirements for the HI-1 zoning district; that the

property to the south is zoned LI-2 and to the north properties are zoned C-1; that the properties are surrounded by various zoning categories; that close to these properties the Town of Milton has designated some areas as being in the light industrial area which further demonstrates the nature of this area; that another element for consideration for any change of zone is traffic and when a Service Level Evaluation request is sent to DelDOT for a rezoning, DelDOT will often indicate that a Traffic Impact Study (TIS) is not required until a subdivision or land development plan is proposed; that many of the letters in opposition stated traffic concerns and Mr. Mark Davidson, Principal Land Planner will address those issues.

Mr. Davidson stated DelDOT will require a TIS when the site plan is submitted for the uses within the property; that DelDOT will require additional right-of-way dedication, 15-foot permanent easement and shared use path on both road frontages; that because these roads are major collector roads, the Applicant will have to bring the roads up to major collector standards; that additional expansion of the roads to include right turn lanes and left turn lanes would be required; that some of the letters of opposition had concerns about the entrance being directly opposite to the entrance to the Pemberton Development: that Section 5.2.2 (D) of the DelDOT Coordination Manual it states that all entrances should be located directly across from an entrance on the opposite side of the roadways; that it goes on to mention sight distances and that entrances are at the discretion of DelDOT and distance from adjacent streets; that there were some concerns about the curve in the road which is close to the proposed entrance; and that DelDOT will require that sight distance is maintained so the shrubbery will have to be cleared and possibly some additional right-of-way dedication.

Mr. Hutt stated that there is the opportunity for interconnectivity with other properties; that the purpose statement for HI-1 in the Sussex County Code states that the “purpose of this district is to provide for a variety of industrial operations but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district”; that this is significant because a concern raised was about the nature of commercial and industrial uses but the purpose specifically states to restrict or prohibit those industries likely to produce serious adverse effects and provides a list of approximately 45 uses or categories of uses that are potentially hazardous and these would require a public hearing before the Board of Adjustment prior to a person getting a site plan approved by the Commission; that one of the benefits of changes to the Future Land Use Map and the change of zone is job creation and specifically jobs beyond the tourism that Sussex County is renowned for located along the Eastern Side of the County; that the tourism jobs are seasonal in nature; that the nature of jobs related to industry are full-time year round jobs; that it is expected that the use created on these properties will require a workforce; that the proximity to the Town of Milton should supply the workforce and create a short commute for workers on this site in the future; that the County has a continual demand to build more homes and workspaces and as development occurs there is less vacant land and less industrial area for that land; that development needs to occur in a way that the County grows in a sustainable manner which is the purpose of the Comprehensive Land Use Plan; that often the word industrial makes people think of a low value area, dirty area, noisy area or some other nuisance type factor, however, there are many new innovations that have created industry that can help grow an area in an economical and green manner; that one example would be distribution warehousing which can be done in green and clean environments; that based upon the Application’s consistency with the properties proximity to industrial and commercial areas both existing and proposed, along with the location along two major roadways and adjacent to a rail line and the other features and characteristics set forth in the presentation, the Applicants asks that the Commission recommend approval of the amendment to the Future Land Use Map as well

as the change of zone designation from AR-1 to HI-1; and that the Applicant has proposed Findings of Fact which will be submitted to Staff.

Ms. Stevenson asked if there was a letter from Artesian confirming that they will supply water and sewer to the site.

Mr. Hutt stated that there is not a letter from Artesian.

Mr. Hopkins stated that he thinks it is an ideal location for an industrial site.

Ms. Wingate stated that one of the opposition letters asked about landscaping on Route 30 to eliminate some of the noise and lighting and asked if that is something the Applicant would be willing to accommodate.

Mr. Hutt that there would be room at accommodate screening and other types of landscaping devices to assist in that process and that the HI-1 zoning district has a large front yard setback.

Mr. Mears agreed with Mr. Hopkins that the subject properties is an ideal location for this type of use.

Ms. Stevenson asked if this could be done as a conditional use instead of change of zone.

Mr. Robertson stated that it is difficult to say that because it would depend on what the individual uses would be but it would not be the best way to go as you would have a number of conditional uses that are not related to each other on the property.

Chairman Wheatley stated that there are not many applications for HI-1 zoning; that the most hazardous use on the list is probably the asphalt plant; that it is on the list of things that could go there; that it is also on the list of things that would require Board of Adjustment approval; that HI-1 zoning is being requested for the entire parcel but portions of the site are being designated for light industrial and questioned why HI-1 is being selected for the entire parcel.

Mr. Hutt stated that HI-1 was being requested because of the features on the property and the proximity to the rail access; that the heavier uses would remain close to the rail line and as you get closer to Route 30 there would be the lighter uses.

Chairman Wheatley asked if the Applicant has had conversations with Artesian about the plans for the site.

Mr. Davidson stated that there are easements on the subject properties and the existing force main is already on the property; that access to that line is granted by Artesian and they will allow the future sewer to be connected to the force main.

Chairman Wheatley asked if LI-1 and LI-2 are permitted in the HI-1 district.

Mr. Robertson stated that both categories are permitted in the HI-1 district.

The Commission found that Mr. Keith Steck spoke in opposition to the Application. Mr. Steck stated that he is not opposed to the Applicant using the land; that heavy industry is not appropriate from a safety perspective or from a development perspective; that they should consider a medical facility, grocery store or other services; that jobs are needed in the area which would come with a medical facility; that an industrial operation is a particular concern due to the proximity to Bakers; that putting an industrial site is not consistent with the preserved lands in the area; and that it is not consistent with the long-term growth according to the Comprehensive Plan.

The Commission found that Helen Ralston spoke by teleconference in opposition to the Application. Ms. Ralston stated that it was not known about the change to the Future Land Use Map.

Chairman Wheatley explained that it was correctly advertised and that it is procedural that if the zone is changed it is necessary to also change the map as the two things work together.

Ms. Ralston stated that changing this parcel of land to Heavy Industrial would create a substantial change to the rural, agricultural and residential character of this area; that changes to the roadway would require major construction; that it would be extremely disruptive; that it may be a number of years before sewer service will be available; that she objects to the Railroad Spur unloading from Railroad lines as it is a noisy and messy process as it requires heavy equipment and more trucks; and ask the Commission to consider if this operation were to be placed across the street from their property.

The Commission found that Bob Valihura, Esq. spoke by teleconference in opposition to the Application. Mr. Valihura stated that he represents the Pemberton Property Owners Association; that he was prepared to present an argument for his client; that his client has not had the time to go back and speak with the homeowners to decide how they want to proceed; that the Department of Planning and Zoning recommendation changed on December 8 and did not allow him the time to prepare for tonight; that he opposes the Application because he does not know what the position of the Community is; and that a letter was submitted outlining how the change impacts his clients.

Chairman Wheatley asked Mr. Valihura to detail the change that he is referencing.

Mr. Valihura stated that the original staff analysis stated that “it could be considered to be consistent with the land use area, zoning and surrounding uses” to “it could be considered to having a degree of consistency with the land use area, zoning and surrounding uses”.

Chairman Wheatley asked the Director of Planning and Zoning to respond to Mr. Valihura’s statement.

Mr. Whitehouse responded that Staff do not make a recommendation but do include a helpful analysis; that different staff members use slightly different wording to convey the same meaning; that there was no intent to change any meaning or analysis to the Application.

Mr. Valihura stated that the language that was chosen alerted him and his clients that there was a change; that he will accept the representation of Mr. Whitehouse as he is the author of the staff analysis; that this does not change the fact that the clients believed that there was a change; and that

he would request that the record be held open so he can present his clients position now that he understands that there is not a change in the Department's position on this Application and would ask for 30 days.

Mr. Robertson stated that the underlying application has not changed; that it has always been HI-1; that it was introduced as an ordinance to HI-1; that it went through PLUS for the rezoning as HI-1; that it was advertised as HI-1; that the notices were mailed out as HI-1; that it was placed on the agenda as HI-1; that there was no fundamental change in circumstances; that just like Mr. Hutt has to make a case that HI-1 is appropriate anyone who has concerns about this must make their best case as to why HI-1 is inappropriate if they are in opposition; that a turn of phrase in a staff report does not affect the fundamental issue at hand; that the record will have to be kept open for the PLUS report for the Future Land Use Map; and that it will be up to the Commission if it is limited to just that or to the rezoning also.

Mr. Robertson reminded those present and those listening online that there will be another public hearing in front of County Council so there will be another opportunity for the public to speak regarding this Application.

Mr. Valihura stated that his client thought there was a change in the Application; that now he understands there was no change; and that he would like the opportunity to be able to submit their position in writing as they are a neighboring community.

The Commission found that Anthony Scarpa spoke by teleconference in opposition to the Application. Mr. Scarpa addressed the comment from Mr. Hutt regarding the utilities on the property; that neither well or sewer is available for this property at this time; that the Artesian wastewater system is not yet constructed; that there are a number of water contamination issues with wells in the area; that if the Applicant plans to use a well and septic system to service this property, that will increase the negative impact existing in the area; that he understands the need for jobs in Sussex County and supports agriculture but the health and well-being of the Pemberton residents should take precedence over industrial development where it can impact the neighborhood; that there was a proposed high density development in the area but it was abandoned when the developer could not get a public water and sewer connection to the site; that he has concerns about the safety of children getting off the bus in proximity to the subject property; that this may cause a precedent and there may be others who will also ask for heavy industry; and that for all these reasons he opposes the rezoning.

The Commission found that Larry DiSabatino spoke by teleconference in support to the Application. Mr. DiSabatino stated that he owns the property zoned high-density that the previous caller referenced; that his development has languished; that jobs are very important to the community and believes that if this Application is approved it will bring jobs to the area; and that there will be restrictions on what can be placed at this site; and that it will bring opportunity to the area and mixed uses to the area.

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

At the conclusion of the Public Hearings, the Commission discussed Ord. 20-07. Motion by Mr. Hopkins, second by Ms. Stevenson, to leave the record open to receive PLUS comments and to allow 15 days for the receipt of public comments relating to the PLUS comments following the announcement of receipt (Receipt of comments will be announced at a future meeting). Motion carried 5-0.

The Commission discussed C/Z 1923. Motion by Ms. Stevenson, seconded by Mr. Hopkins, to defer action for further consideration. Motion carried 5-0.

Mr. Robertson stated that C/Z 1923 will not appear on a future agenda until the record is completely closed for Ord. 20-07.

Draft Minutes of the February 25, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 21, 2021.

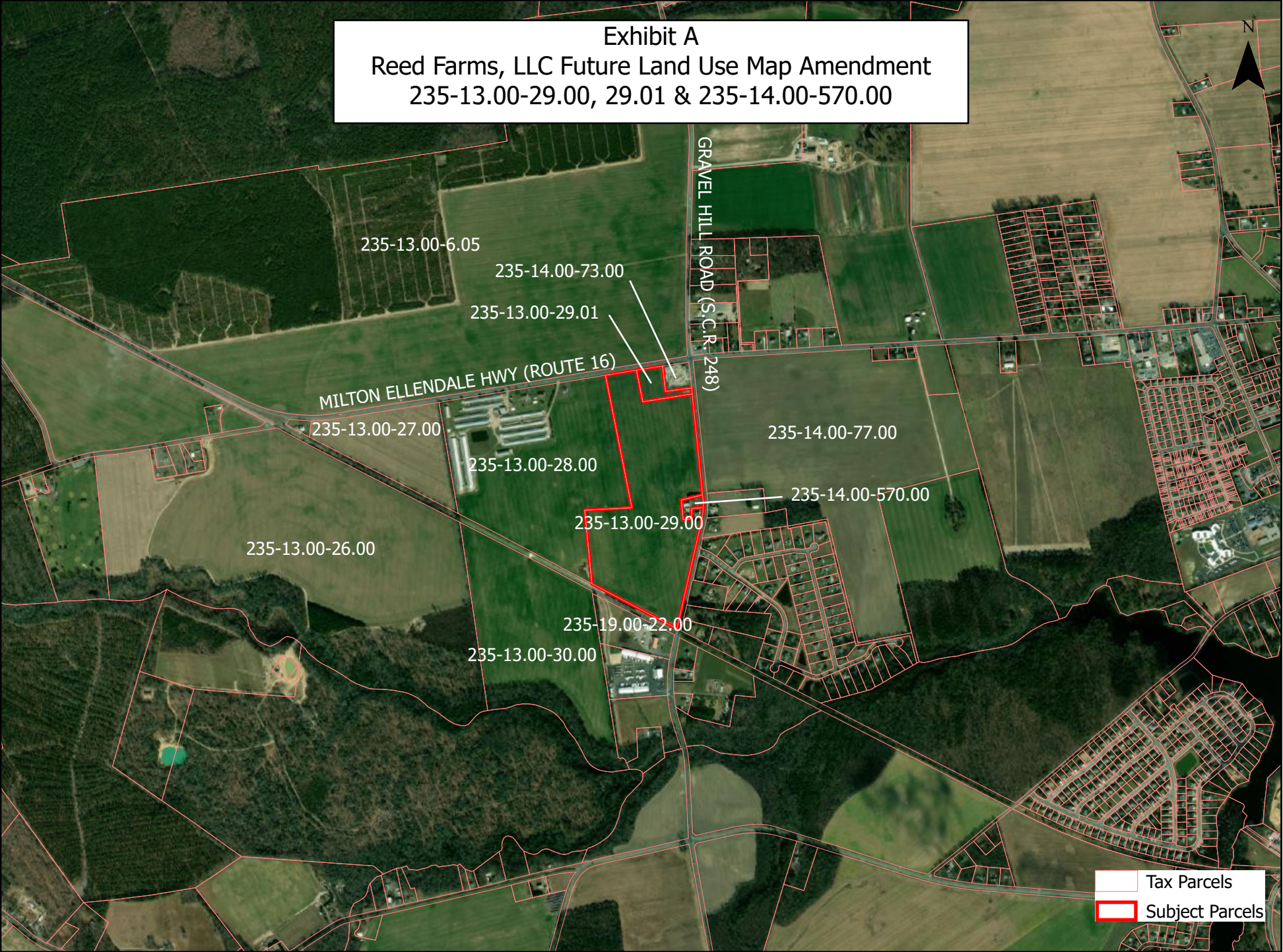
Ms. Stevenson moved that the Commission recommend approval of Ordinance # 20-07 to amend the Future Land Use Map in the current Sussex County Comprehensive Plan for Parcels 235-13.00-29.00 and 29.01 and 235-14.00-570.00 from a Low Density Area to a Developing Area based on the record made during the public hearing and for the following reasons:

1. The parcel is 67.31 acres of land. The property is currently zoned AR-1.
2. The parcel is designated as being in the Low-Density Area according to the Future Land Use Map.
3. Properties to the east of this Parcel are entirely within the Developing Area. Properties to the south of this Parcel are designated as “Industrial”. This revision to a Developing Area on the Future Land Use Map is consistent with the surrounding Map designations.
4. The property has extensive frontage on Route 30, which is designated as a truck route by the State.
5. This revision to the Future Land Use Map will not adversely affect neighboring properties, area roadways or future land-use planning in the area.
6. The Parcel is in close proximity to the intersection of Routes 30 and 16. Given its proximity to this intersection and other properties that have the Developing Area or Industrial classification already, this Map amendment is appropriate.
7. This property has railroad service available to it. This Map amendment promotes the transportation goals in the Sussex County Land Use Plan, which states in Section 13.2.2 that “The County’s goods movement (freight) network is an integral component of the transportation network as well as the economy. The main element of the freight network is the roadway system, which carries trucks (motor freight).” The Plan also states that one way of reducing truck impacts on area roadways is to shift more freight to rail, although opportunities to do that are limited. This site presents an opportunity to achieve this goal. This is also supported in the Comprehensive Plan by Goal 13.5, Objective 13.5.1 and the Strategies attached to this Goal and Objective.

8. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of Ord. 20-07 Future Land Use Map Amendment for the reasons and conditions stated in the motion.
Motion carried 4 – 0.

Exhibit A
Reed Farms, LLC Future Land Use Map Amendment
235-13.00-29.00, 29.01 & 235-14.00-570.00



Introduced 11/17/20

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00

WHEREAS, on March 16th, 2020, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1923; and

WHEREAS, the Sussex County Council will consider Change of Zone No. 1923 from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for certain parcels of land lying and being in Broadkill Hundred, Sussex County, containing 67.31 acres, more or less (the entirety of Tax Parcel No. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00) (the "Property"); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Low Density does not permit such HI-1 Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

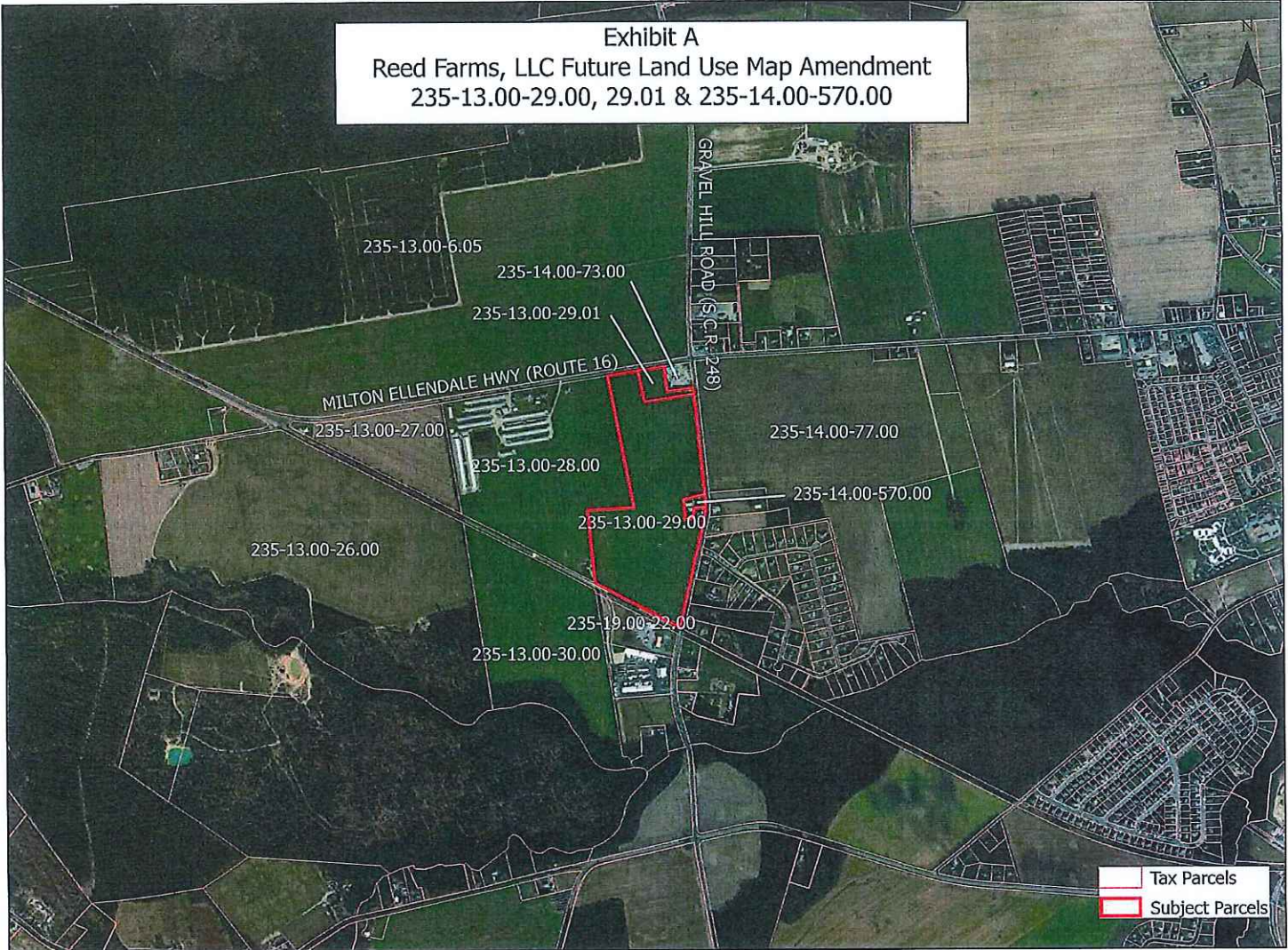
WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning and Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

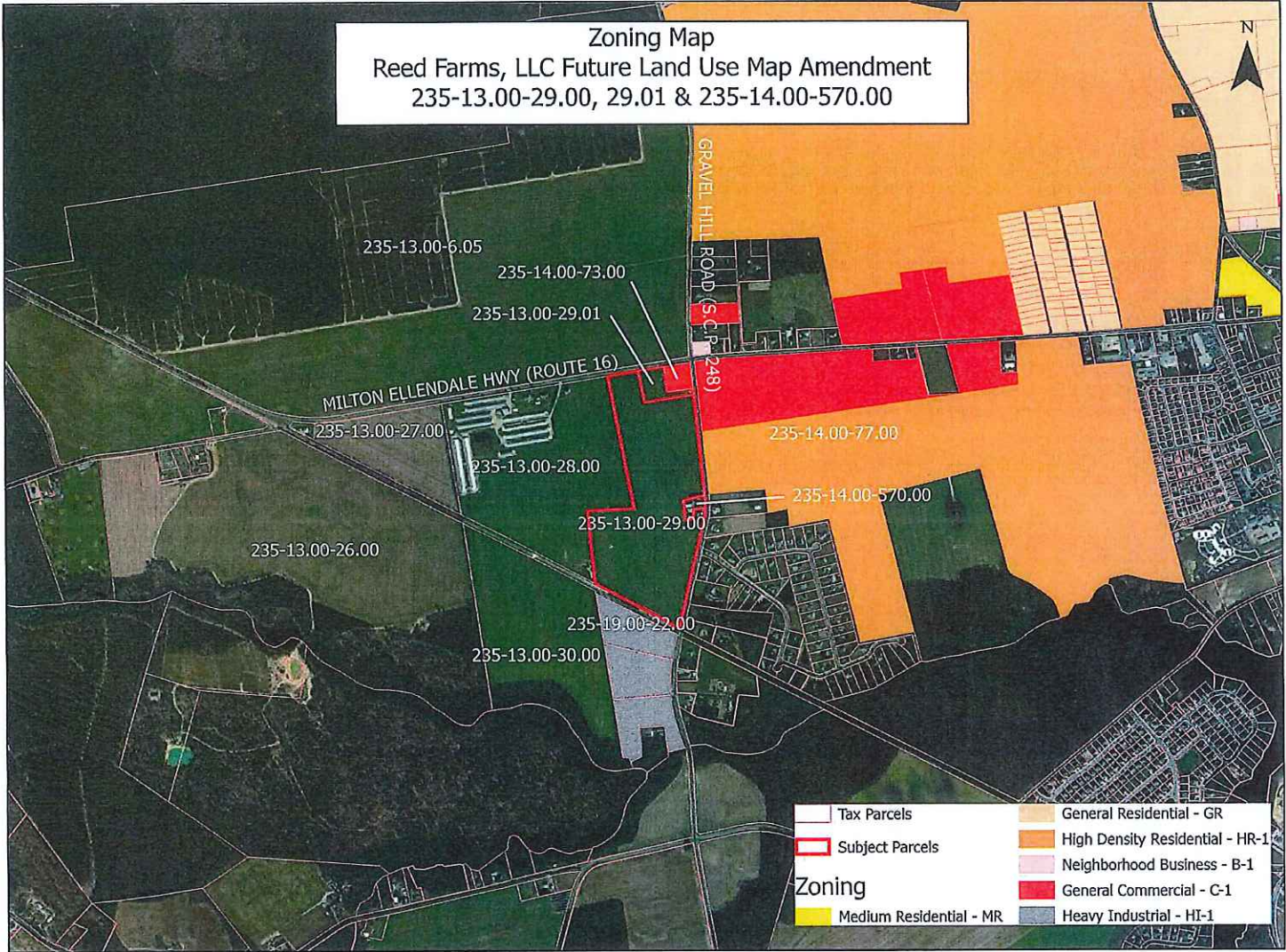
Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel Nos. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00 from the Low Density Area to the Developing Area. The Sussex County Parcel Nos. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

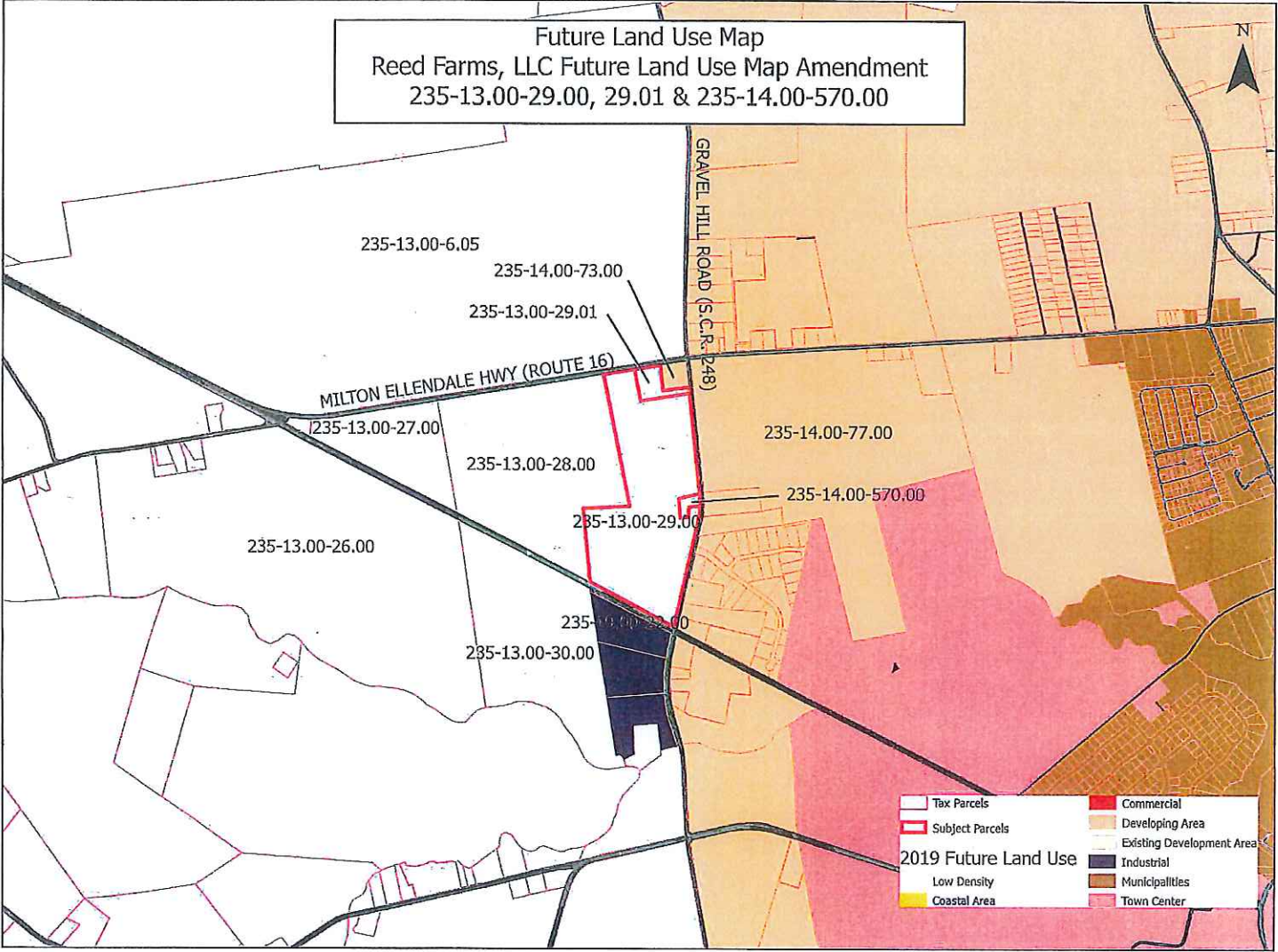
Exhibit A
Reed Farms, LLC Future Land Use Map Amendment
235-13.00-29.00, 29.01 & 235-14.00-570.00



Zoning Map
Reed Farms, LLC Future Land Use Map Amendment
235-13.00-29.00, 29.01 & 235-14.00-570.00



Future Land Use Map
Reed Farms, LLC Future Land Use Map Amendment
235-13.00-29.00, 29.01 & 235-14.00-570.00



Hudson
OK

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, March 25, 2026 7:42 AM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization

Mariners Bethel Inc.
~~ABC Bike Ministry - Mariners Bethel Global Methodist Church~~

Project Name

ABC Bike Ministry

Federal Tax ID

32-0736848 ✓

Non-Profit

Yes

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

Yes

Organization's Mission

Assisting Bicycle Commuters (ABC) is a ministry of Mariners Bethel Global Methodist Church in Ocean View, DE (EUI ZJXJHB54DXA9.)
ABC's non-sectarian mission is to provide bicycles free of charge to anyone in need of transportation to and from work. The program, which began in 2004, has evolved into the primary source of transportation for foreign students who come to work in the Sussex County beach communities of Millville, Ocean View, Bethany Beach, and South Bethany during the busy tourist season. The bicycles we lend are the most viable means of transportation for these young people, since their J-1 work/travel visas restrict them from

operating motorized vehicles. Many students live 4-6 miles from their work site, so walking is impractical.

Address 81 Central Ave.

City Ocean View

State Delaware

Zip Code 19970

Contact Person Michael F. Shriver

Contact Title Director

Contact Phone Number 7042924481

Contact Email Address glfnguy18@gmail.com

Total Funding Request \$1,000

Has your organization received other grant funds from Sussex County Government in the last year? Yes

If YES, how much was received in the last 12 months? 1000

Are you seeking other sources of funding other than Sussex County Council? No

If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other
Beneficiary Category Other	Homeless, people in recovery, low to moderate income, J1 students
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	200
Scope	<p>Although the majority of those our program serves are seasonal foreign exchange students, ABC has a year-round commitment to supporting anyone in the local communities who faces transportation challenges for employment. These may be individuals whose lives are in transition, in recovery, or facing other difficult situations. ABC coordinates with other service organizations and agencies to identify and provide for those in need.</p> <p>Mariners Bethel Global Methodist Church provides ABC with a facility on its campus, with space for a well-equipped; fully functional repair shop. It also has room to store ABC's inventory of nearly 300 bikes, along with parts and supplies. While the bike ministry enjoys this level of support from the church, ABC is a fully self-funded program. We rely on public and private grants, donations, and fundraising efforts, such as our annual bike sale, to fund our mission.</p>

ABC enjoys the patronage of a local bike shop that provides parts and supplies at discounted prices or by donation.

ABC is a 100% volunteer organization with no paid staff. The team comprises nearly 30 volunteers who are retired from professional roles and bike enthusiasts. Most are talented mechanics who work to ensure that all of ABC's bikes are well-maintained, repaired, and safe to ride. Throughout the year, our volunteers work shifts to make sure our repair shop remains staffed Monday through Friday. During our lending season, the team provides on-call service and repairs for all issued bikes. Anyone who experiences a mechanical problem with one of our bikes can text or call our service hotline, and an ABC mechanic will respond seven days a week.

ABC's entire loaner fleet is comprised of bikes we receive as donations. In 2025, the program lent a record number of over 280 bikes to J1 students. And as is typical in most years, the program provided approximately 30 bikes to local individuals facing transportation challenges. Because of the ongoing generous bicycle donations ABC receives, we are able to replenish our inventory and send surplus bikes to other programs. In 2025, we were able to share nearly 100 bikes with other organizations, including a similar J1 bike-lending program in Ocean City, MD; the Code Purple program in Bethany Beach; the DeIDOT bike program in Rehoboth; and the Indian River School District program for families in transition. Bikes that fall below our standards but can be made serviceable with a little repair work are donated to The Shepherd's Office, a program for people experiencing homelessness in Georgetown, DE. ABC donates approximately 70-80 bicycles to Shepherd's Office each year.

ABC's top priority is bicycle safety. Not only do we ensure the bikes are mechanically sound and safe to operate, but we also require all J1 students to adhere to our prescribed safety standards, which include wearing a helmet, using the running lights which we permanently install on each bike issued, participating in our bike safety program, and rodeo.

ABC administers a formal bicycle safety training program, which is mandatory in order for work/travel students to receive one of our bikes. This includes those students returning under the J1 visa program. Our training is provided by 5-6 ABC volunteers, four (3) of whom are nationally certified through the League of American Bicyclists. This 1.5-hour training program includes classroom work and extensive bike rodeo exercises. The goal is for students to understand local traffic laws, rules of the road, and safe riding practices. They must also demonstrate proficiency in riding a bike properly and safely. Students who do not complete the training satisfactorily or refuse a helmet will not be issued a bike.

One of ABC's biggest challenges is to entice participants to adhere to safety practices, especially wearing bicycle helmets. For the 2026 season, ABC will implement a 'contract' for each student, requiring them to affirm their commitment to following the rules of the road, wearing their helmet and using lights, and operating the bike issued to them in a manner consistent with the bike safety training we have provided.

Additionally, we will continue an enhancement we added to our program in 2025 to increase safety awareness and helmet use among J1 students. Our talented volunteer bike safety training team has created a series of 10 60-second videos on safety topics, with an emphasis on wearing a bike helmet while riding. Using our registration app, we will distribute these to each student throughout the season.

ABC maintains close relationships with the three local police departments: Ocean View, Bethany Beach, and South Bethany. Together, we are active partners in advocating bicycle safety. Each department is thoroughly aware of our bike safety program and bicycle inventory and participates in our meetings. The Ocean View Police Department routinely participates in ABC's bicycle safety training courses. In turn, ABC supports police efforts by having a presence at police department-sponsored programs and activities. These include bike safety rodeos conducted by the Bethany Beach and South Bethany Police Departments,

as well as safety checkpoints conducted by the Ocean View Police Department. We have an ongoing dialogue to find areas for improvement, generate new ideas, and assess which policies and practices to "Start, Stop, or Continue." In other safety-oriented civic engagement, ABC is active in the Pedestrian and Bike Safety Coalitions of Bethany Beach, South Bethany, and Ocean City, MD.

Religious Components

The ABC bike ministry is a program of Mariners Global Methodist Church. We operate as a non-sectarian program of the church, supporting anyone needing bicycle transportation for employment.

While the church's services and supports are available to anyone we support through ABC, there is no expectation that, to receive ABC support, one must commit to participating in church services and teachings.

The ABC bike ministry is run by a team of nearly 30 volunteers. We have a leadership team of 7 members, all of whom are volunteers. The leadership team manages the operations of the ABC bike ministry.

We maintain a separate budget and financial statement from the church. We use the church's business office to help maintain our bank accounts, financial statements, accounts payable, and accounts receivable.

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

15,600.00

Amount

0.00

Description

Total expenditures -operating

Amount

8,500.00

Description

Total expenditures - supplies (helmets, lights, parts, etc.)

Amount	9,100.00
TOTAL EXPENDITURES	17,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,000.00
Name of Organization	ABC Bike Ministry - Mariners Bethel Global Methodist Church
Applicant/Authorized Official	Michael F Shriver
Date	03/25/2026
Affidavit Acknowledgement	Yes

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



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Bethany-Fenwick Area Chamber of Commerce ✓

PROJECT NAME: 2026 Ocean to Bay Bike Tour

FEDERAL TAX ID: 51-0203227 ✓ NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Chamber's mission is to develop and implement destination events, participate in advocacy efforts, and provide opportunities for networking, marketing, and education with a goal of improving member success and enhance the quality of life throughout the Quiet Resorts.

ADDRESS: 36913 Coastal Hwy

Fenwick Island DE 19944
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lauren Weaver

TITLE: Executive Director

PHONE: 302-539-2100 ext. 118 EMAIL: lauren@bethany-fenwick.org

TOTAL FUNDING REQUEST: \$2,000

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? \$2,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 2.5%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Off-Season Event</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>Community</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

4+, See 2025 Impact Report

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

On behalf of the Bethany-Fenwick Area Chamber of Commerce, we are writing to request financial support for the 37th annual Ocean to Bay Bike Tour. The event will be hosted April 25, 2026. Our presenting sponsors and key partners, all of whom have agreed to continue their support this year, include the Town of Bethany Beach, La Vida Hospitality Group, Common Ground Hospitality, and Beazer Homes along with numerous first responder companies. The event routes cyclists through Bethany Beach, Ocean View, Millville, Selbyville, Roxana, Fenwick Island, and South Bethany. The Ocean to Bay Bike Tour fulfills a portion of our mission that creates shoulder/off-season events to increase tourism throughout the state and this event specifically provides an early springtime boost for promotion for the business community. In 2025, the Ocean to Bay Bike Tour welcomed visitors from 21 different states. Between 1,500 and 2,000 cyclists are expected this year.

The safety plan of this event requires diligence and numerous first responder assignments as cyclists have the choice between a 30-mile, 50-mile, metric century (62 mile), or century (100 mile) route. Assignments have been confirmed for Bethany Beach VFC, Millville, VFC, Roxana VFC, Selbyville VFC, Sussex County EMS, ARES, as well as Jobs4Blue. All assignments for intersections that see increased traffic or might benefit from increased visibility for the safety of cyclists and drivers.

The Chamber is requesting financial support of up to \$2,000 to be distributed for public safety cost. Support from Sussex County Council will be used towards Jobs4Blue, assisting Fire Department Fees, and DelDOT signage.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	100,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
County EMS Assistance	-\$ 950.00
Road Marking Supplies	-\$ 250.00
Safety	-\$ 6,000.00
Signage	-\$ 1,000.00
Jobs4Blue	-\$ 3,078.00
Primary VFC Service Charge	-\$ 2,000.00
Additional Participating VFC Payments	-\$ 600.00
Event Costs (Shirts, Personnel, Advertising, Entertainment, Food, Licensing/Insurance, Supplies)	-\$ 60,000.00
TOTAL EXPENDITURES	-\$ 73,878.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 26,122.00

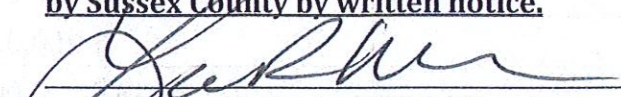
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Bethany-Fenwick Area Chamber of Commerce agrees that:
 (Name of Organization)

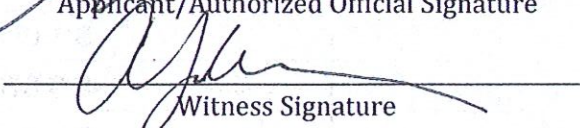
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature



Witness Signature

4/1/2026

Date

4/1/2026

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: The Nanticoke Indian Association, Inc.

PROJECT NAME: The 48th Annual Nanticoke Indian Powwow

FEDERAL TAX ID: 51-0261316 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Our mission is to raise awareness and promote the unique culture of American Indians in rural areas, while also preserving the existence of the Nanticoke Tribe as an aboriginal and indigenous society. We believe that education, cultural awareness, and conservation programs are essential in achieving these goals, and we are committed to making a difference through our efforts.

ADDRESS: 27073 John J. Williams Highway

Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Avery "Leaving Tracks" Johnson

TITLE: Tribal Chief

PHONE: (302)945-3400 EMAIL: info@nanticokeindians.org

TOTAL FUNDING REQUEST: 12,500

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 15

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input checked="" type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

15,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Nanticoke Indian Powwow is an official State of Delaware-recognized event that focuses on preserving indigenous culture and traditions, while singing to the Creator, dancing to the heartbeat of the drum, and welcoming both Native and non-Native participants from the surrounding community. This event raises the much-needed funds to support the daily operation of our community center, historic museum, annual educational scholarships, weekly food pantry service, and elder care programs that positively impact local communities through a variety of additional programs and services. In addition to the Nanticoke Indian Tribe, numerous other Native American tribes, as well as non-indigenous people from across the East Coast, attend our annual event. Based on previous Powwows, we anticipate that up to 15,000 visitors will attend this year. The Powwow is advertised throughout the State of Delaware and the Mid-Atlantic region through a variety of media, including press releases, radio advertisements, brochures, flyers, and more.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	20,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Personnel - State Police, Traffic Control, & Security	-\$ 15,000.00
Insurance, Employees, Fuel, Marketing & Advertising	-\$ 7,000.00
Caterer for Workers, Performers, Paramedics, Merchandise, etc.	-\$ 22,000.00
Land Rent	-\$ 2,500.00
Porta Potties	-\$ 5,000.00
Equipment, Bleachers, Canopies, Generators, etc.	-\$ 14,000.00
Food, Supplies, Merchandise, and Associated Cost	-\$ 15,000.00
TOTAL EXPENDITURES	-\$ 80,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 60,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Nanticoke Indian Association, Inc. agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Chief Avery Johnson

Applicant/Authorized Official Signature

4/6/2026

Date

Kailyn Harmon

Witness Signature

4/6/2026

Date

Completed application can be submitted by:

Email: casey.hall@sussexcountyde.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Chief Avery Johnson
Applicant/Authorized Official Signature

Kailyn Harmon
Witness Signature

Tribal Chief
Title

4/6/2026
Date

Grunebaum
OK

Bobbi Albright

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Monday, April 6, 2026 2:12 PM
To: Bobbi Albright
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization Celebrate Wellness Foundation, under fiscal agency of Greater Lewes Foundation

Project Name Support of Mental Health Programs

Federal Tax ID 51-0400365 ✓

Non-Profit Yes

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

Organization's Mission Celebrate Wellness is a nonprofit organization focused on supporting the mental wellness of hospitality workers. We provide education and outreach, connect individuals to resources and mental wellness professionals, and provide financial assistance to access the help and resources. Hospitality workers are traditionally over-worked and over-stressed leading to poor work/ life balance. They are also generally uninsured or under insured. Celebrate Wellness seeks to fill that gap, connecting workers with mental health services and offering financial support to access those services.
This mission fills a need for an under served community,

thereby supporting the wellness of the community as a whole. In 2025 we were recognized for our work by the DE Restaurant Association with the Industry Impact Award.

Address 19406 Coastal Highway

City Rehoboth Beach

State DE

Zip Code 19971

Contact Person Kathy McDonald

Contact Title Development Director

Contact Phone Number 202.841.3331

Contact Email Address kathy@celebrate-wellness.org

Total Funding Request 2500.00

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent?	8
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Low to Moderate Income
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	70
Scope	<p>According to a WHO study, 80% of hospitality workers struggle with mental health issues created by the fast-paced, high-pressure environment. This study indicated that out of all industries reviewed, hospitality workers had the highest use of illicit drugs, and ranked third in alcohol abuse. No other Delaware group is addressing this need. The majority of clients we serve earn a below-minimum wage as tipped employees. A slow shift with one good tip can actually leave them owing money for taxes. The majority of the remainder are at minimum wage, which as we know in Delaware, is not a living wage for housing, etc. This is incredibly stressful for people who genuinely enjoy serving and interacting with people, and are a big part of most people's experiences as tourists and residents. According to the DE Restaurant Association, there are 53,000 restaurant employees in Delaware, about half in Sussex County.</p>
Please enter the current support your	40,000.00

organization receives
for this project (not
entire organization
revenue if not
applicable to request)

Description Mental Health Therapy-Sussex County Only

Amount 30,000.00

Description Marketing

Amount 1,500.00

Description Fundraising Expenses

Amount 4,520.00

Description Education/Development

Amount 5,000.00

Description Video Production

Amount 3,000.00

Description Processing/Support Fees

Amount 1,200.00

TOTAL EXPENDITURES 45,220.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -5,220.00

Name of Organization Celebrate Wellness Foundation

Applicant/Authorized Official	Kathy McDonald
--------------------------------------	----------------

Date	04/02/2026
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Affidavit Acknowledgement	Yes
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If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 4/21/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-20.00-75.00
911 Address: N/A

ORDINANCE NO. ____

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 32.94 ACRES, MORE OR LESS

WHEREAS, on the 24th day of February 2025, a Conditional Use application, denominated Conditional Use No. 2577 was filed on behalf of Soltage DE DevCo, LLC; 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. 2577 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. 2577 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Millsboro Highway (Route 24), at the intersection of Millsboro Highway (Route 24) and Phillips Hill Road (S.C.R. 472), and being more particularly described in the attached legal description prepared by Paul H. Boswell, Esq., Schmittinger and Rodriguez, P.A. said parcel containing 32.94 acres, more or less.

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

To Be Introduced: 4/21/26

Council District 5: Mr. Rieley
Tax I.D. No.: 133-20.00-51.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 85.3 ACRES, MORE OR LESS

WHEREAS, on the 5th day of May 2025, a Conditional Use application, denominated Conditional Use No. 2592, was filed on behalf of Soltage DE DevCo, LLC; 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. 2592 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. 2592 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the south side of Radish Road (S.C.R. 338) and on the north and south side of Hickory Hill Road (S.C.R. 82) and Indian Town Road (S.C.R. 408), approximately 940 feet east from Mumford Road (S.C.R. 409), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, P.A. said parcel containing 85.3 acres, more or less.

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

To Be Introduced: 4/21/26

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-265.00 & 264.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY (181 DWELLING UNITS) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 63.28 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of July 2024, a zoning application, denominated Change of Zone No. 2032 was filed on behalf of ELU DeLuca Mid-Atlantic, LLC; 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 Change of Zone No. 2032 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 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 [GR General Residential District] and adding in lieu thereof the designation GR-RPC General 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 south side of Legion Road (S.C.R. 298), approximately 0.51 mile south of John J. Williams Highway (Route 24), and being more particularly described in the attached legal description prepared by Haller & Hudson and Moore & Rutt, P.A., said parcels containing 63.28 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: April 17, 2026

RE: County Council Report for C/U 2612 filed on behalf of Brian P. Lessard

The Planning and Zoning Department received an application (C/U 2612 filed on behalf of Brian P. Lessard) for an amendment to Condition A of Conditional Use No. 2129 (Ordinance No. 2773) and for the addition of 41 RV Parking Spaces to the existing mini-storage facility located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 230-7.00-95.00. The property is located at 22692 and 22754 Argos Corner Road, Milford. The parcel size is 11.7 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 7 reasons of approval and subject to the recommended revised conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 21, 2026, and February 4, 2026.

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

C/U 2612 Brian P. Lessard

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS. The property is lying



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

on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). 911 Address: 22692 & 22754 Argos Corner Road, Milford. Tax Map Parcel: 230-7.00-95.00.

The Commission found that Mr. James Fuqua, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mr. Brian Lessard with Lessard Builders, who also was also present. Mr. Fuqua stated that on October 2, 2018, the Sussex County Council approved Conditional Use No. 2129, for a self-storage facility; that the self-storage facility fronts Argos Corner Road, and Route 1; that the approval was subject to imposed Conditions A through O; that has the Planning Commission had also recommended approval of the application; that the facility was constructed, opened for business, and had been operating successfully since that time; that in addition to the self-storage buildings, the Applicant had also requested 80 parking spots for the storage of RVs and boats; that this request was approved, and made as a Condition of Approval; that there had been a greater demand for RV storage spaces than the Applicant had planned; that the approved 80 storage spaces are used up, and there was a significant waiting list for the spaces; that currently, the Applicant proposes to create 41 additional parking storage spaces, which would increase the total of parking storage spaces from 80 to 121; that the new spaces would be located along the fence line, where the existing spaces are, and would not in any way interfere with the vehicle movement on the site; that there are updated, No Objection letters, placed in the record from the State Fire Marshal's office, DelDOT and the Sussex Conservation District; that he requested to submit an Applicant Exhibit into the record; that currently the Applicant is requesting to amend Conditions A and J(5), to delete the number 80 and replaced it with 121 parking storage spaces, for an increased of 41 spaces; that everything else in the Conditions would remain the same, and the proposed use is basically the existing use, just requesting an expansion.

Mr. Collins questioned whether the requested additional parking spaces fall into any of the building setbacks.

Mr. Lessard stated that all parking is within the building setback areas, and they do not plan to go outside of those areas.

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 2612 Brian P. Lessard. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen, and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2612 for Brian P. Lessard to amend Conditions “A” of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773) to allow 41 additional RV parking spaces to the existing mini-storage facility based upon the record made during the public hearing and for the following reasons:

1. Conditions A. previously limited the number of RV parking spaces to 80. This Application seeks to expand that to allow a total of 121 spaces within the existing mini-storage facility.
2. There is a need for the additional spaces, and the Applicant has stated that the existing spaces are at capacity. There are many residential developments in Sussex County that prohibit the storage or parking of RVs within them. This minor expansion of the existing use is an appropriate, convenient location that addresses the need for additional off-site storage of RVs.
3. The minor expansion of the existing use will not have a substantial impact upon area roadways.
4. This minor expansion will not have an adverse impact upon the neighboring properties or community.
5. The use as an RV storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
6. No parties appeared in opposition to this Application.
7. For all of these reasons, it is appropriate to amend Conditions “A” of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773) to delete “80” and substitute “121” in its place to allow 41 additional RV parking spaces.

Mr. Passwaters stated that he was absent at the January 21, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of C/U 2612 Brian P. Lessard, for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Mr. Passwaters – yea, Mr. Allen – yea, Mr. Mears – 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: January 21st, 2026

County Council Public Hearing Date: February 24th, 2026

Application: C/U 2612 Brian P. Lessard (Argos Corner)

Applicant: Mr. Brian P. Lessard
261 East Camden-Wyoming Avenue
Camden, DE 19934

Owner: Mr. Brian P. Lessard
261 East Camden-Wyoming Avenue
Camden, DE 19934

Site Location: The property is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1) in Milford, Delaware.

Current Zoning: General Residential (GR) District & Agricultural Residential (AR-1) District

Proposed C/U: To amend Condition “A” of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773) and for the addition of 41 parking spaces to the existing mini-storage facility.

FLUM Reference: Existing Development Area (w/ a small area of Developing Area on the northwest side of the Parcel.)

Councilmanic District: District 3 – Jane Gruenebaum

School District: Milford School District

Fire District: Memorial Fire Department

Sewer: Tier 4 District – System Optional Areas

Water: w/in Water CPCN Area

Site Area: 11.70 acres +/-

Tax Map ID: 230-7.00-95.00



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



Sussex County

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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 8th, 2025
RE: Staff Analysis for C/U 2612 Brian P. Lessard, Lessard Builders, Inc.

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2162 Brian P. Lessard, Lessard Builders Inc. to be reviewed during the January 21st, 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: 230-7.00-95.00

Proposal: The request is for a Conditional Use filed on behalf of Brian P. Lessard, Lessard Builders, Inc. for Tax Parcel: 230-7.00-95.00 to amend Condition “A” of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773).

Chapter 115, Section 222(B) of the Sussex County Code provides that, “*Any amendment to a condition imposed as part of a conditional use ordinance or residential planned community ordinance shall be treated the same as a new application.*” Therefore, any amendment to a previously approved Conditional Use Application requires the submittal of an updated Conditional Use Application to the Department of Planning and Zoning.

Condition “A” of Conditional Use No. 2129 (Ordinance No. 2603) states, “*No outside storage, except for boats, trailers, campers, recreational vehicles (RVs), and vehicles shall be allowed on the premises. The number of boats, trailers, campers, recreation vehicles (RVs), and vehicles stored on the site shall not exceed 80.*”

Specifically, the amendment is for the addition of striping to create forty-one (41) parking spaces to the existing mini-storage facility to allow for a total of 121 parking spaces.

The property is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1) in Milford, Delaware.

Application Background/History: The Application is the Site of two (2) previous Conditional Use Applications. The first Application was for Conditional Use No. 2129 filed on behalf of Brian P. Lessard, Lessard Builders, Inc. to allow for the establishment of mini-storage buildings within a General Residential (GR) District. The Planning and Zoning Commission recommended approval



of the Application at its meeting of Thursday, June 14th, 2018. The Sussex County Council approved the Application at its meeting of Tuesday, October 2nd, 2018, and the change was adopted through Ordinance No. 2603, subject to twenty-one (21) Conditions of Approval.

The second Application was Conditional Use No. 2235 filed on behalf of Brian P. Lessard, Lessard Builders, Inc. to allow for an amendment to Condition “K” of the previous Conditional Use (Conditional Use No. 2129) to allow for an Electronic Message Center (EMC) on the Site, which previously required, *“One lighted sign with a maximum area of 32 square feet per side [to be] permitted”* on the site and to amend the language to state, *“Two lighted on-premises signs shall be permitted. One of the signs shall have a maximum area of 32 square feet per side, and the other shall be permitted with a maximum area of 82.75 square feet per side.”* The Planning and Zoning Commission recommended approval of the Application at its meeting of Thursday, April 8th, 2021. The Sussex County Council approved the Application at its meeting of Tuesday, June 8th, 2021, and the change was adopted through Ordinance No. 2773, subject to one (1) updated Condition of Approval of the original twenty-one (21) Conditions of Approval.

Furthermore, Staff note that while the previous Applications also included Tax Parcel IDs: 230-7.00-96.00 (0.75 acres +/-) and 230-7.00-97.00 (0.19 acres +/-), a Lot Line Consolidation Plan prepared by Minnich Engineering was approved on August 1st, 2019, and recorded at PB 288, PG 7 which consolidated these Parcels into what is now Parcel 95.00.

Zoning: The Parcel is zoned General Residential (GR) District with a small portion of the property being zoned Agricultural Residential (AR-1) on the northwest side of the Parcel at the intersection of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). The parcels to the north on the opposite side of Argos Corner Road (S.C.R.14E) including the existing Taylor Marine boat sales dealership and adjacent agricultural properties are also zoned Agricultural Residential (AR-1) District.

The Parcel to the southeast of the subject property is also zoned General Residential (GR) District which includes a series of single-family residential lots. Additionally, there are ten (10) Parcels to the south on the opposite side of Coastal Highway (Route 1) along Brick Granary Road (S.C.R. 224), which are also zoned General Residential (GR) District.

Future Land Use Map Designation w/in Comprehensive Plan: Existing Development Area and Developing Area (to consist of a small area on the northwest side of the Parcel.)

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property has Future Land Use Map (FLUM) designation as a Growth Area designation of “Existing Development Area,” with a small remnant in the upper northwest corner of the property having a Future Land Use Map (FLUM) designation of “Developing Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, the “Existing Development Area” *“consists primarily of existing residential development under the current General Residential (GR) and Medium Density Residential (MR) Districts, as well as some commercial uses”* (2018 Sussex County Comprehensive Plan, 4-16). The Plan further notes that this designation is *“scattered*

throughout the County” and “is used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map” and that, “there is no intention to expand this land use classification” (2018 Sussex County Comprehensive Plan, 4-17).

Additionally, the Plan notes that the “Developing Areas” are *“newer, emerging growth areas that demonstrate the characteristics of developmental pressures”* and that *“portions of the Developing Areas with good road access and few nearby homes should allow for businesses and industrial parks”* (2018 Sussex County Comprehensive Plan, 4-14).

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** Staff note that a review of the Sussex County Online Mapping Application confirmed that the Property is within the vicinity of lands which appear to be actively farmed. Staff note that the Parcel is within the vicinity of the “Muncy Expansion” Agricultural Easement which appears to be two (2) Parcels to the northeast of the subject property on the opposite side of Argos Corner Road (S.C.R. 14E).
- **Interconnectivity:** The previously approved Final Site Plan has one (1) approved/primary commercial entrance along the eastern side of the Property on Argos Corner Road (S.C.R. 14E). Interconnectivity to adjacent Parcels is not feasible due to the existing and previously approved landscape buffer planting requirements along the adjacent residential area to the south of the subject Site. DelDOT also generally discourages direct access to Route 1 through their Corridor Capacity Preservation Program (CCPP) and encourages access from internal development streets where feasible. The DelDOT Service Level Evaluation Response Letter notes that *“the main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct access points on the arterial highway”* (DelDOT SLER, Pages 1-2).
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs).

The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” in the context of the County’s Memorandum of Understanding (MOU) with DelDOT and that the land use would generate fewer than 50 vehicle trips per day.

- **Forested Areas:** Staff notes that the Application appears to retain all areas of existing forested portions of the Parcel.
- **Wetlands Buffers/Waterways:** Staff note that there do not appear to be indications of wetlands on the Property based on available data within the FirstMap data system in GIS.

The original Final Site Plan as approved notes that the property is impacted by approximately 0.578 acres +/- of wetlands regulated by the State of Delaware or the U.S. Army Corps of Engineers and that a Wetland Delineation was performed by Mr. Ian R. Kauffman, CPSS/SC on October 13th, 2017.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The subject Property is not located within any Tax Ditch Areas and does not contain any Tax Ditches or Tax Ditch Rights-Of-Way (ROW). There are also no Wellhead Protection Areas on the subject Property.

The Property is located within Flood Zones “AE” and “X” – “0.2 Percent Annual Chance Flood Hazard” Flood Zones. These zones appear to primarily impact the northwestern and middle portions of the Parcel.

The Parcel is primarily located within an area of “Good” Groundwater Recharge Potential, with the center of the Property being located within an area of “Excellent” Groundwater Recharge Potential. (Please see the extent of this area in the Map below.)

However, Staff note that the proposal does not appear to increase the impervious surface cover of the project and only includes adding additional striping to indicate the location of the new forty-one (41) parking spaces that are proposed.

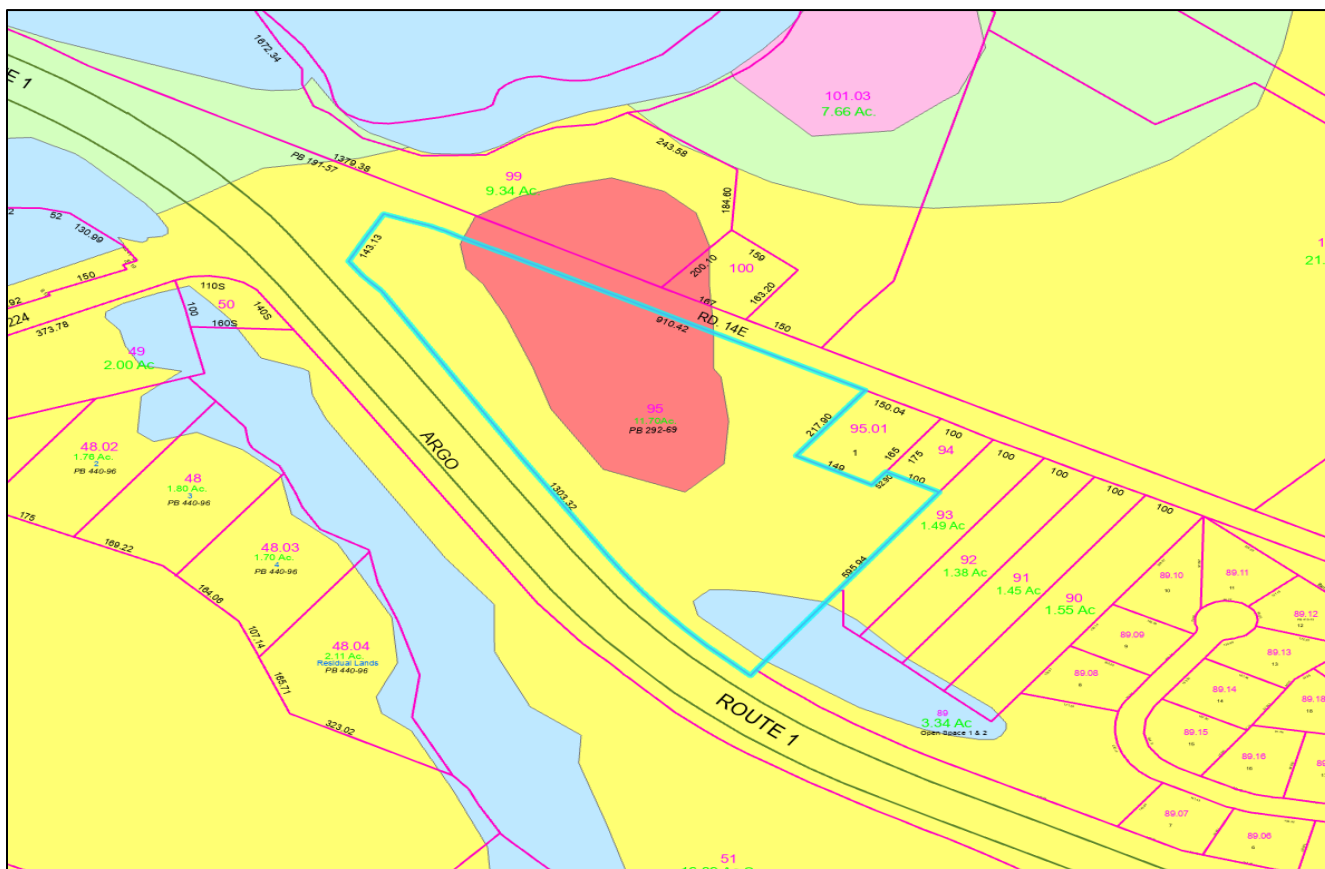


Exhibit “A” – Groundwater Recharge Potential on TMP: 230-7.00-95.00.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been thirteen (13) Conditional Use applications within a 1-mile radius of the Application site.

The current status of those Applications are outlined below:

- **Three (3) Applications, Conditional Use No. 361 Zook for a Convenience Store, Conditional Use No. 880 Moose Lodge of Milford for a Private Club and Conditional Use No. 2281 Blue Camp DE, LLC were Withdrawn.**
- **One (1) Application, Conditional Use No. 2612 Brian P. Lessard, Lessard Builders, Inc (this Application) is currently Pending.**
- **Two (2) Applications (Conditional Use No. 637 Edward F. Klosowski for a Bait and Tackle Shop and Conditional Use No. 1510 Elmer G. Fannin were Recommended Denial by the Planning & Zoning Commission while being approved by the Sussex County Council.**
- **Ten (10) Applications (Conditional Use Nos. 1510, 1182, 1199, 1895, 637, 1607, 1818, 429, 2235 & 2129) were approved by the Sussex County Council.**
- **Two (2) Applications were previous Conditional Uses on the same property (Conditional Use No. 2129 and Conditional Use No. 2235).**

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

Conditional Use Applications w/in a 1 Mile Radius of the Application Site								
Conditional Use Number	Applicant	Tax Parcel #	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance Number
1510	Elmer G. Fannin	230-7.00-47.00	campground	Recommended Denial	11/6/2003	4/6/2004	Approved	1681
1182	Trustees Westley Church	230-14.00-163.00	extend cemetery	Recommended Approval	5/22/1997	6/10/1997	Approved	1143
880	Moose Lodge of Milford	330-16.00-17.00	private club	Withdrawn	N/A	N/A	Withdrawn	N/A
361	Zook	230-8.00-14.00	convenience store	N/A	N/A	N/A	Withdrawn	N/A
1199	Slaughter Neck Cemetery Inc.	230-8.00-21.02	cemetery addition	Recommended Approval	8/28/1997	9/16/1997	Approved	1175
1895	Freedom Worship Center, Inc.	230-7.00-87.00	Private School	Recommended Approval	6/9/2011	6/14/2011	Approved	2202
637	Edward F. Klosowski	230-8.00-46.00	Bait & Tackle Shop	Recommended Denial	N/A	N/A	Approved	N/A
1607	Myra Mitchell & Cliff Burris	230-8.00-44.00	painting contractor business	Recommended Approval	5/12/2005	10/25/2005	Approved	1798
1818	Memorial Volunteer Fire Company, Inc.	230-8.00-11.02	fire dept. substation	Recommended Approval	12/11/2008	1/13/2009	Approved	2025
429	Irene's Trailer Park	230-7.00-73.00	extension of an existing manufactured home park	N/A	N/A	N/A	Approved	N/A
2235	Brian P. Lessard	230-7.00-95.00	Amend Condition "K" of C.U. 2129	Recommended Approval	4/22/2021	6/8/2021	Approved	2773
2129	Brian P. Lessard, Lessard Builders, Inc.	230-7.00-95.00	Mini-Storage	Recommended Approval	6/14/2018	10/2/2018	Approved	2603
2291	Blue Camp DE, LLC	230-7.00-47.01	Expansion of the Existing Campground to include an Amenities Area for the storage of kayaks, canoes and equipment and a proposed campground sign.	Withdrawn	N/A	N/A	Withdrawn	N/A
2612	Brian L. Lessard	230-7.00-95.00	Amend Condition A of CU 2129 & 2235	PENDING APPLICATION	N/A	N/A	N/A	N/A

Exhibit "B" – Conditional Use Applications w/in a 1-Mile Radius of the Application Site

Based on the analysis provided, the Conditional Use to allow for an amendment to Condition “A” of Conditional Use No. 2129 (Ordinance No. 2603) and Conditional Use No. 2235 (Ordinance No. 2773) to allow for an additional forty-one (41) parking spaces to be striped on the Site in this location could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

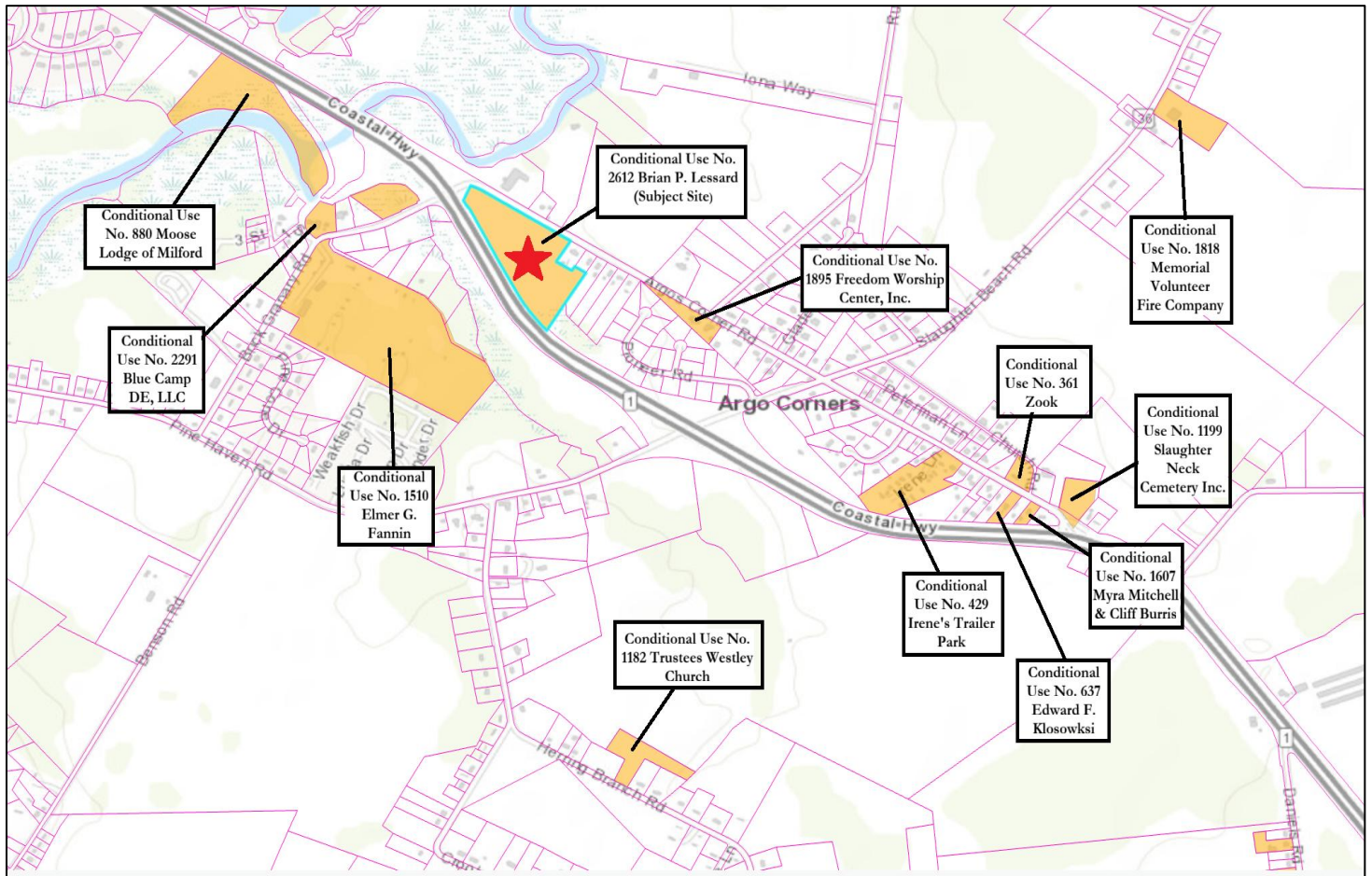
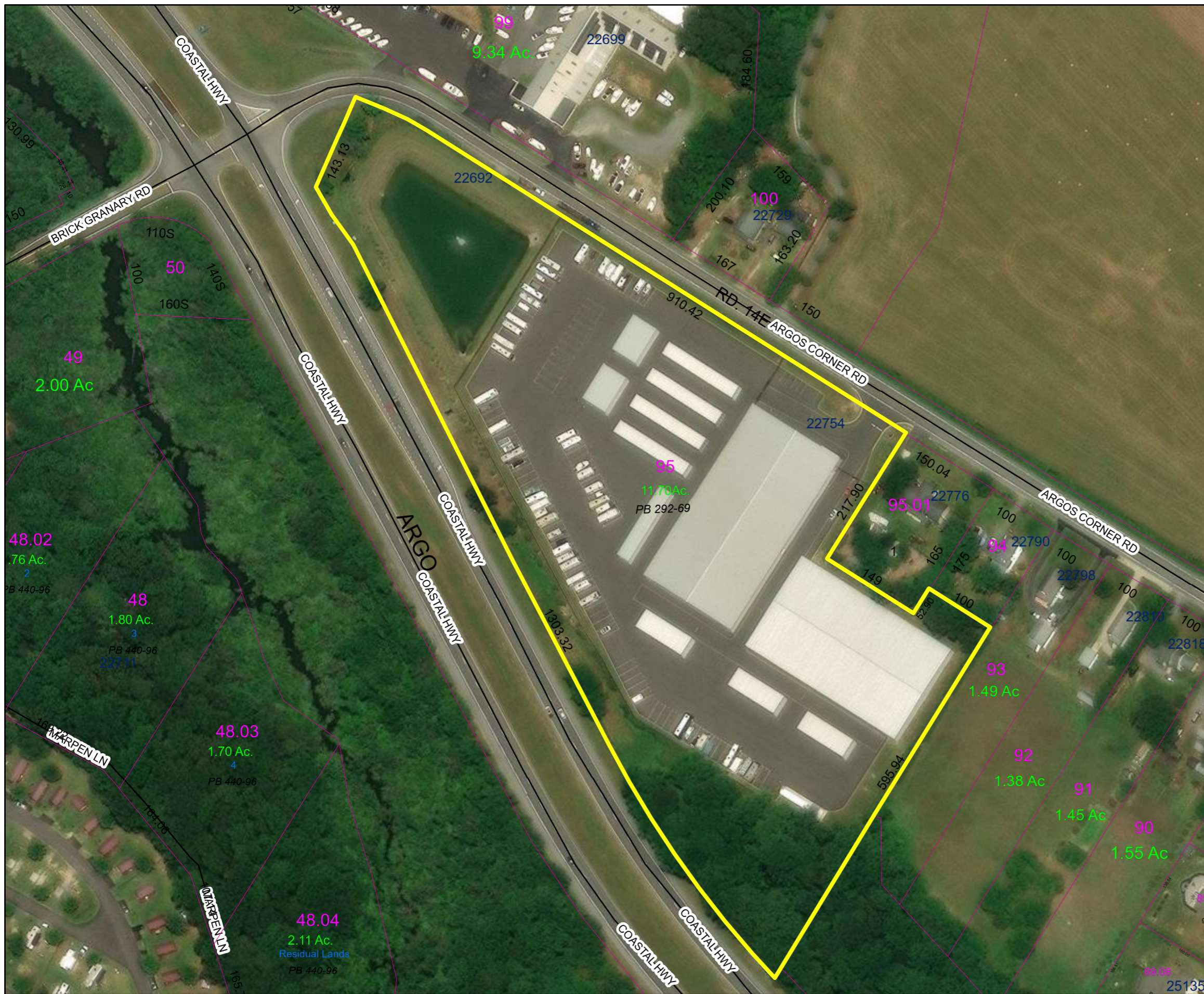


Exhibit “C” – Conditional Use Applications w/in 1-Mile Vicinity of the Application Site.

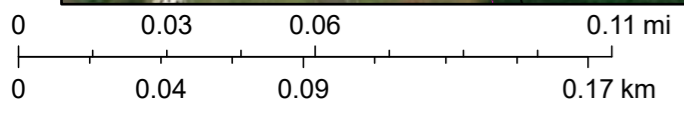


A3 Landscape Parcel Details



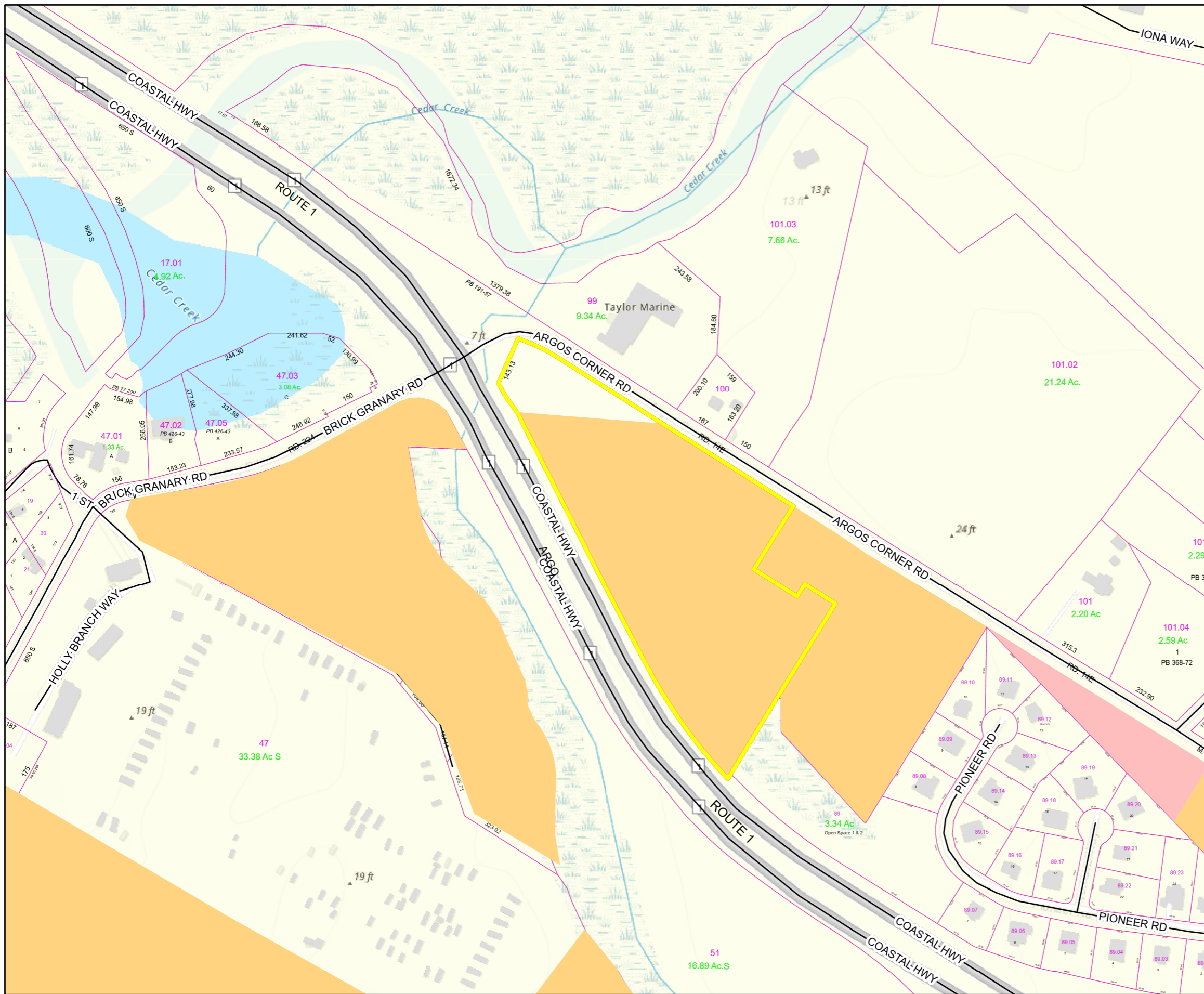
PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



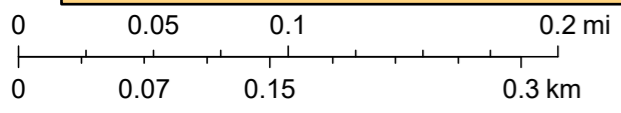


A3 Landscape Parcel Details



PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- Citations



December 8, 2025

Introduced: 1/6/26

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 230-7.00-95.00
911 Address: 22692 & 22754 Argos Corner Road, Milford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITION "A" OF CONDITIONAL USE NO. 2129 (ORDINANCE NO. 2603) AND CONDITIONAL USE NO. 2235 (ORDINANCE NO. 2773) AND FOR THE ADDITION OF 41 RV PARKING SPACES TO THE EXISTING MINI STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 11.70 ACRES, MORE OR LESS

WHEREAS, on the 6th day of October 2025, a Conditional Use Application, denominated Conditional Use No. 2612, was filed on behalf of Brian P. Lessard; 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. 2612 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 VI, Subsections 115-22 and 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2612 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 southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Bonnie M. Benson, P.A. said parcel containing 11.70 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: April 17, 2026

RE: County Council Report for C/U 2538 filed on behalf of Jeffrey Baughman

The Planning and Zoning Department received an application (C/U 2538 filed on behalf of Jeffrey Baughman) for a professional office to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 230-5.00-6.00. The property is located at 8848 September Way, Lincoln. The parcel size is 10.48 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 5 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 January 21, 2026, and February 4, 2026.

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

C/U 2538 Jeffrey Baughman

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 10.48 ACRES, MORE OR LESS. The property is lying on the east and west side of September Way, a private lane accessed from the south side of Fitzgeralds Road (S.C.R. 207), approximately 677 feet west of DuPont Boulevard (Route 113). 911 Address: 8848 September Way, Lincoln. Tax Map Parcel: 230-5.00-6.00.



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

The Commission found that Mr. Jeffrey Baughman spoke on behalf of his application. Mr. Baughman stated that the property consists of 10.5 acres; that currently it is being used as an Equine Assisted Psychotherapy facility; that they provide assisted psychotherapy and learning, where they incorporate horses into a traditional talk therapy kind of model; that they are proposing to convert the four bedroom house into four office spaces for the therapist, when needed or during weather conditions; that they currently operate Monday through Friday from 9:00 am until 5:00 pm; that on rare occasions, they have lessons on the farm that lasts until 7:00 pm; that for the four proposed office spaces, everyone is proposed to be out of the house by 5:00 pm; that the site is approximately 600 feet west of Fitzgeralds Auto Salvage; that September Way is accessed off of Fitzgeralds Road; that there is someone who sells homegrown produce up the road, and Bob's Auto Body is located approximately 1,000 feet down the road from the site.

Mr. Allen questioned whether Mr. Baughman anticipated any further construction at the site.

Mr. Baughman stated he does not propose any further construction on the site; that they recently built an accessory dwelling unit, where his daughter is currently residing, and if the current Conditional Use requested is approved, that is where he and his wife plan to reside.

Mr. Robertson stated that it sounded as if the majority of the use would be considered agricultural, and the request for office space is ancillary to the existing agricultural use, and therefore not expanding the existing use.

Mr. Baughman stated that the program is unique; that they do not perform therapeutic riding; that all of their work is groundwork; that they invite the horses into a traditional talk therapy model, which is brought out onto a field; that a licensed mental health professional is present, along with an equine specialist with the horses; that the horses become metaphoric in a person's journey working toward treatment goals, and the addition of the office space will not increase traffic onto the property, it will simply allow them more space for what they are currently doing.

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 2538 Jeffrey Baughman. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Passwaters stated that he was absent at the January 21, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Mr. Passwaters moved that the Commission recommend approval of Conditional Use No. 2538 for Jeffrey Baughman, a Professional Office, based upon the record made during the public hearing and for the following reasons:

1. This application seeks to allow the conversion of the existing home on the property into a professional office. The site is currently used as a horse farm where the horses are used in equine-assisted psychotherapy. This conditional use is in furtherance of the predominantly agricultural use of the property.
2. The property is located along Fitzgerald's Road near the intersection with Route 113. It is in an area where other business and commercial uses exist, including the large Fitzgerald's Auto Salvage operations. This location is appropriate for this use as a small professional office associated with the equine facility.
3. The Applicant has stated that the office will primarily be used for operations that already occur on the site. This office will simply allow a more organized and efficient operation of the equine facility and the therapy services that occur there.
4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties.
5. No parties appeared in opposition to the application.
6. This recommendation is subject to the following conditions:
 - A. The use shall be limited to use as a professional office that is ancillary to the agricultural and equine psychotherapy uses of the property.
 - 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 associated with the office use 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. The hours of operation shall be limited to 9:00 a.m. until 7:00 p.m., Monday through Friday.
 - F. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
 - G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Passwaters, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2538 Jeffrey Baughman, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 21, 2026

Application: CU 2538 Jeffrey Baughman

Applicant: Jeffrey Baughman
8848 September Way
Lincoln, DE 19960

Owner: Jeffrey & Rosemary Baughman
8848 September Way
Lincoln, DE 19960

Site Location: Located on the east and west side of the private lane, September Way located on the south side of Fitzgeralds Road (S.C.R. 207), approximately 677 feet west of DuPont Boulevard (Route 113).

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

Proposed Use: Professional Office

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 4 - Mr. McCarron

School District: Milford School District

Fire District: Ellendale Volunteer Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 10.48-acre(s) +/-

Tax Map IDs.: 230-5.00-6.00





Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 14, 2026
RE: Staff Analysis for C/U 2538 Jeffrey Baughman

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2538 Jeffrey Baughman to be reviewed during the January 21, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 230-5.00-6.00

Proposal: The request is for a Conditional Use for Tax Parcel 230-5.00-6.00 to allow for a Professional Office on a parcel lying on the east and west side of the private lane, September Way located on the south side of Fitzgeralds Road (S.C.R. 207), approximately 677 feet west of DuPont Boulevard (Route 113). The parcel is comprised of 10.48 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, west, and south are zoned Agricultural Residential (AR-1) District. The adjacent parcel to the east is zoned Heavy Industrial (HI-1) District.

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

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

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).



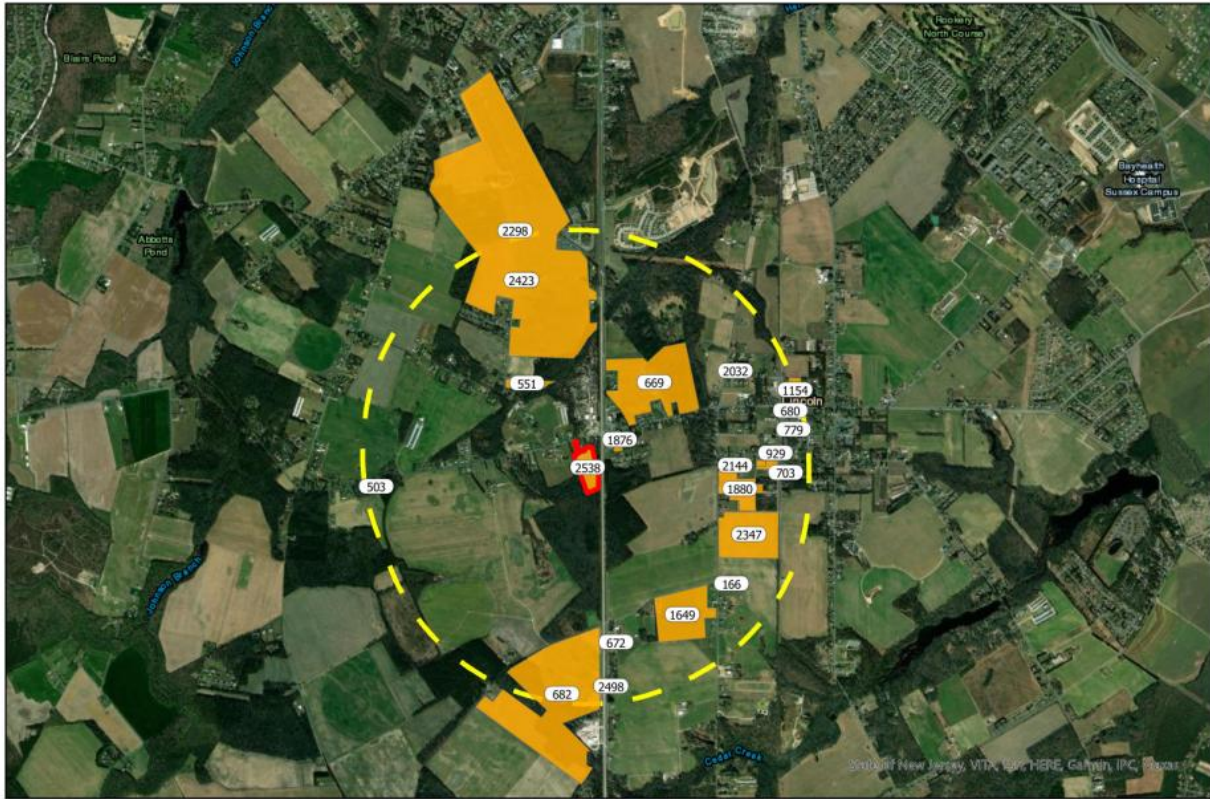
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The 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: Since 2011, there have been twenty-five (25) Conditional Use applications within a 1-mile radius of the application site.

CU No.	APPLICANT	Zoning	Proposed Use	CC Date	CC Decision	Ord. No.
166	David Wilson	AR-1	Sales of farm equipment, snack	10/9/1973	Approved	
397	Dillard Winstead	AR-1	Guitar repair, arts & crafts & refi	2/1/1977	Approved	
503	Sylvia & Norman Williamson	AR-1	Refinish furniture in a mobile ho	12/5/1978	Approved	
551	Richard and Virginia Roop	AR-1	Automobile sales & repair shop	10/23/1979	Approved	
669	Paradee Oil Co		Oil bulk plant		Denied	
672	David Wilson	AR-1	Furniture sales /car sales	7/6/1982	Approved	
680	Richard Johnson & Son Inc	AR-1	Clerical office	6/1/1982	Approved	
682	Flossie Jefferson	AR-1	Flea market	6/1/1982	Approved	
703	Peninsula Oil Co.	AR-1	Expand petroleum sales storage	1/17/1984	Approved	
779	R. Calvin Clendaniel	AR-1	Architect office	2/14/1984	Approved	
929	Samuel J. Passwaters III	AR-1	woodworking shop	3/27/1990	Approved	669
1154	Michael D. Swain	AR-1	Office/apartment		Withdrawn	
1649	Ronald W. Morgan	AR-1	Garage & parking of trucks & tra	9/12/2006	Denied	
1809	Curtis McDonald	AR-1	Produce/meats/butcher	2/2/2010	Approved	2100
1876	Douglas R. Morgan	AR-1	Auto repair	1/4/2011	Approved	2172
1880	Ellendale Vol. Fire Dept., Inc.	AR-1	Fire company substation	1/4/2011	Approved	2174
1892	Revocable Trust of Donald F. Claycomb	AR-1	Investment/Insurance Office	6/7/2011	Approved	2198
2032	Guillermo Vasquez t/a F & N	AR-1	Construction company office, ec	12/8/2015	Denied	
2144	William Caldwell	AR-1	Tree company operation	10/30/2018	Approved	2611
2205	Frank Passwaters	AR-1	Auto-motorcycle repair	2/18/2020	Approved	2707
2298	Freeman Solar, LLC	AR-1, GR &	Solar Farm - to include 75 MW A	6/14/2022	Approved	2864
2347	TPE DE SU94, LLC	AR-1	Community Solar Facility	6/20/2023	Approved	2933
2423	Jennifer C. Attix	AR-1	Commercial Kitchen (for takeou	7/18/2023	Approved	2940
2498	Curtis McDonald	AR-1	Retail Sales, Professional office, food service		Withdrawn	
2538	Jeffrey Baughman	AR-1	Professional Office		Pending	



CU2538 Jeffrey Baughman
CU Vicinity Map
TM#230-5.00-6.00

-  CU 2538 Jeffrey Baughman
-  CU 2538 CU Vicinity Map
-  CU 2538 1-mile radius




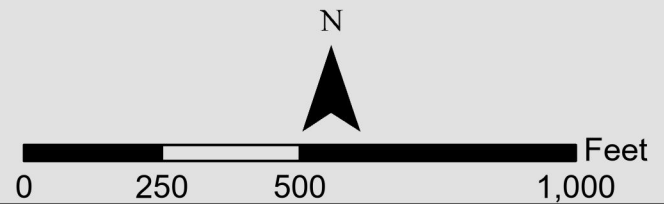
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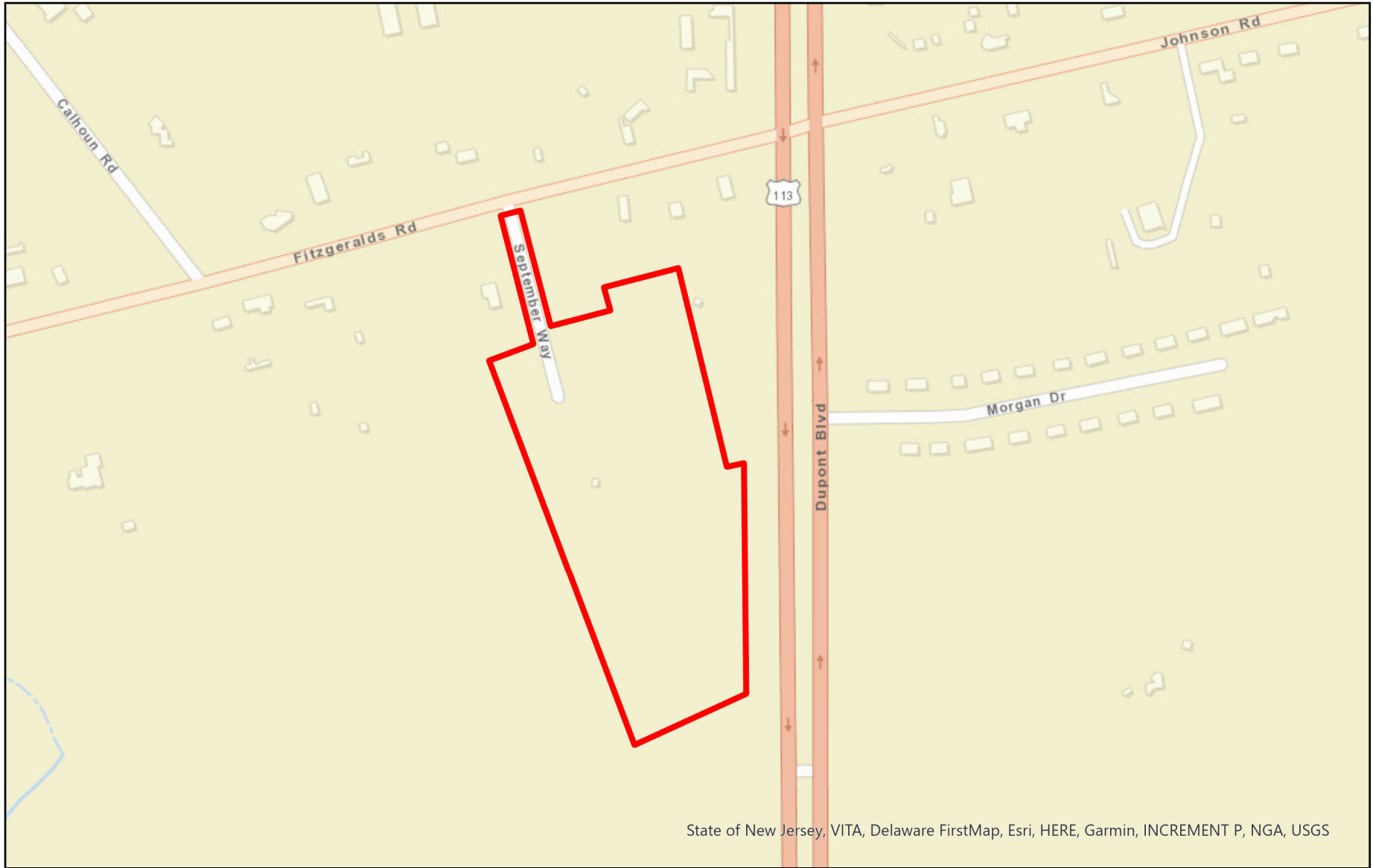





CU 2538 Jeffrey Baughman
Aerial Map
TM# 230-5.00-6.00

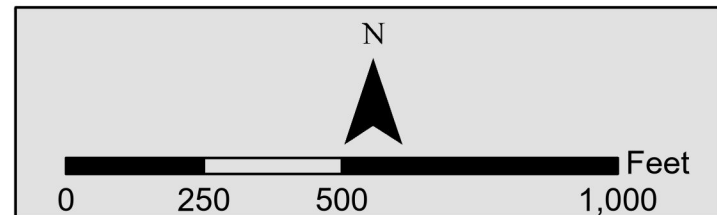
 CU 2538 Jeffrey Baughman

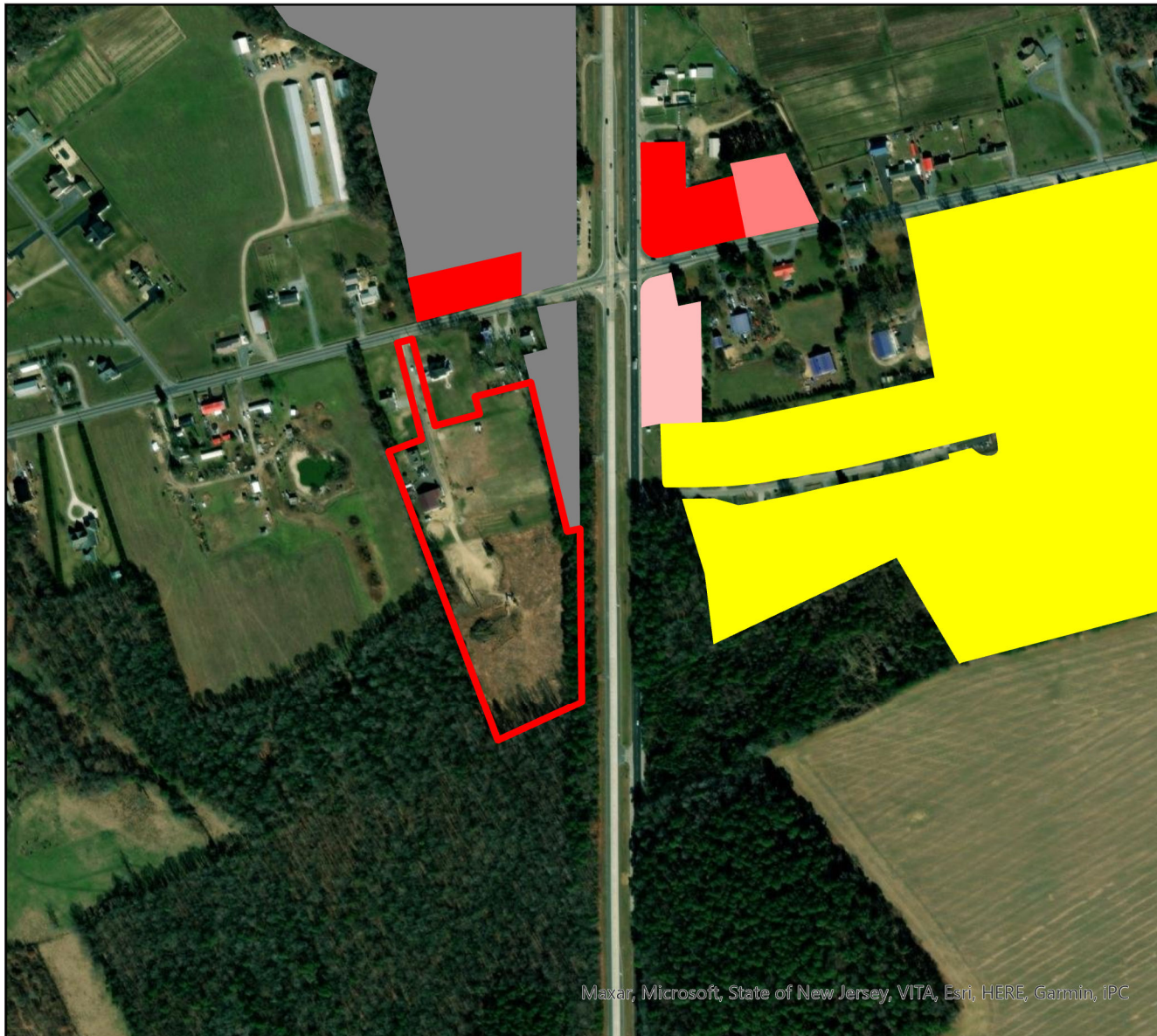




CU 2538 Jeffrey Baughman
Aerial Map
TM# 230-5.00-6.00

 CU 2538 Jeffrey Baughman





Maxar, Microsoft, State of New Jersey, VITA, Esri, HERE, Garmin, iPC

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 2538 Jeffrey Baughman
Zoning Map
TM# 230-5.00-6.00

CU 2538 Jeffrey Baughman



0 250 500 1,000 Feet



Introduced: 6/17/25

**Council District 2: Mr. McCarron
Tax I.D. No.: 230-5.00-6.00
911 Address: 8848 September Way, Lincoln**

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 SUSSEX COUNTY, CONTAINING 10.48 ACRES, MORE OR LESS

WHEREAS, on the 26th day of June 2024, a Conditional Use application, denominated Conditional Use No. 2538 was filed on behalf of Jeffrey Baughman; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2538 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. 2538 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 and west side of September Way, a private lane accessed from the south side of Fitzgeralds Road (S.C.R. 207), approximately 677 feet west of DuPont Boulevard (Route 113), and being more particularly described in the attached legal description prepared by Adkins Law Firm, P.A. said parcel containing 10.48 acres, more or less.

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



Memorandum

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

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

CC: Everett Moore, County Attorney

Date: April 17, 2026

RE: County Council Report for C/U 2534 filed on behalf of Hardscapes Jimenez LLC

The Planning and Zoning Department received an application (C/U 2534 filed on behalf of Hardscapes Jimenez LLC) for a hardscape business with an office, showroom, storage and parking, to be located in a GR General Residential Zoning District at Tax Parcel 234-20.00-9.01 & 11.01. The property is located at 25064 Morris Mill Road, Millsboro. The parcel size is 3.14 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons of approval and subject to the 15 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 21, 2026, and February 4, 2026.

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

C/U 2534 Hardscapes Jimenez, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS. The properties are lying southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371). 911 Address: N/A & 25064 Morris Mill Road, Millsboro. Tax Map Parcel: 234-20.00-9.01 & 11.01.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's property survey, the Applicant's Conceptual Site Plan, the property Deed, a letter received from the Sussex County Engineering Department's Utility Planning Division, and the DelDOT Service Level Evaluation Response. Mr. Whitehouse advised the Commission that no public comments were received regarding the application.

The Commission found that Mr. Eric Gorsch spoke on behalf of the Applicant, Mr. Elmer Jimenez, the owner of Hardscapes Jimenez, LLC. Mr. Gorsch stated that the proposed use is for an outdoor living, hardscape business in Sussex County and most of Delaware; that the site consists of the house they purchased, which was refinished into a three-bedroom, with a showroom, and office; that there is parking provided for up to seven cars, which will accommodate the seven work vehicles; that the business has three small cap machines parked on site as well; that they do move those machines periodically throughout Sussex County during projects; that they have 17 employees who will park their personal vehicle on site while working; that their business hours run from 8:00 am until 4:00 pm, Monday through Friday; they store various pallets of concrete pavers, and have approximately five tons of crushed concrete, and a bin for sand, which is used for as a bedding for paver patios.

Mr. Mears questioned Mr. Whitehouse whether sheds or containers located within the setback were an issue.

Mr. Whitehouse stated that containers could always be moved, but are considered structures, and therefore would be required to comply with the same rules, and anything located within the setback would require a variance, which he did not believe had previously been obtained.

Mr. Mears questioned whether the employees arrive at the site, park their personal vehicles on the site, and take the work vehicles to the job site, and questioned whether cutting of pavers or materials is proposed, or anything other than loading of materials and employees, and if materials or excavated soils are brought back to be stored onsite.

Mr. Gorsch confirmed that employees do arrive to the site, leaving their personal vehicles onsite while they take work vehicles to the job sites; that they are not proposing to cut pavers; that if they did it would be minor, being potentially one cut; that they do not propose to cut or install anything on the site; that they only store clean soil on the site; that a lot of soil picked up from communities have more trash in them, and are taken for disposal in Georgetown, and that river rocks, boulders and sod are also kept onsite, however those materials are in pallets that are wrapped in wire, and in their own confined areas.

Mr. Collins questioned whether maintenance of vehicles was performed onsite.

Mr. Gorsch stated that vehicle maintenance is only performed at the dealerships, and no maintenance is performed onsite.

Madam Chair Wingate questioned if the parking shown on the site plan was for 17 employees.

Mr. Gorsch stated the business has 17 employees; however, there are not 17 vehicles on the site, and that at most there are approximately nine vehicles on the site at one time, as the majority of the employees ride together.

Mr. Robertson questioned what the surrounding area was like, and if there were any other businesses in the nearby area.

Mr. Gorsch the site is located on the corner of Zoar Road and Morris Mill Road; that further down Morris Mill Road, there is another landscape company, located closer to Gravel Hill Road, with the next closest would be East Coast Garden Center, located further down Mount Joy Road and there are other businesses in the area, however, they are not for landscaping.

Mr. Whitehouse questioned whether any of the buildings or structures on the site were built without a permit.

Mr. Gorsch stated that there are no structures on the site that were placed without building permits.

Madam Chair Wingate questioned whether a condition could be imposed to relocate any container found encroaching on required setbacks or if a variance would be required before the Board of Adjustment.

Mr. Robertson stated he believed that a condition could be imposed to remedy the issue, and that a variance would not be required.

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 2534 Hardscapes Jimenez, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2534 for Hardscapes Jimenez, LLC, for a hardscape business with an office, showroom, storage, and parking based upon the record made during the public hearing and for the following reasons:

1. The Applicant is seeking a conditional use for his hardscape business and related uses along Morris Mill Road on a 3.14-acre parcel of land.

2. This use is appropriate for this location, and it will not generate a significant amount of traffic on area roadways. For the most part, it is a staging yard for employees and materials associated with the business. The work associated with the business will largely occur off-site.
3. The property is zoned GR General Residential, and it is within the Existing Development Area according to the Sussex County Comprehensive Plan. This type of small business use is appropriate as a conditional use in this Area according to the Plan.
4. According to the Staff Analysis prepared for this application, there are a variety of other business, commercial, and institutional uses within 1 mile of this location. This application is consistent with those other uses.
5. There is nothing in the record to indicate that this use will adversely affect the neighborhood or area roadways.
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 a hardscape business and the showroom and storage of materials associated with the use. No other types of sales shall occur on the property.
 - B. The parking area for the business vehicles, equipment, and trailers shall be shown on the Final Site Plan and clearly shown on the site itself.
 - C. All vehicle and equipment maintenance shall only occur within the existing pole building.
 - D. The hours of operation shall be limited to 8:00 am until 5:00 pm, Monday through Friday.
 - E. No grinding, shredding, mulching, or dyeing of materials shall occur on the site.
 - F. No hardscape materials shall be brought onto the site for dumping. All materials, including crushed concrete, rocks, sand, boulders, clean soils, and similar materials shall be stored in bins on the site. The location of these bins shall be shown on the final site plan. No storage shall be located within the setbacks on the property.
 - G. Any outside displays of hardscapes or materials used in the Applicant's business shall not be located in the setbacks on the property. The location of these display areas shall be shown on the Final Site Plan.
 - H. Signage shall be limited to one lighted sign along the roadway, not to exceed 32 square feet in size per side.
 - I. Any lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - J. Prior to the Final Site Plan approval, the Applicant shall confirm with County Staff that all buildings have commercial certificates of occupancy.
 - K. There are several storage containers or structures on the site that appear to encroach into the setbacks. These shall be relocated so that they do not encroach into the setbacks, and their conforming location shall be shown on the Final Site Plan.
 - L. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
 - M. All entrances shall be subject to all DelDOT requirements.
 - N. The failure to abide by any of these conditions of approval may be grounds for termination of this Conditional Use.
 - O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Mr. Passwaters stated that he was absent at the January 21, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2534 Hardscapes Jimenez, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Allen – yea, Mr. Collins – yea, Mr. Passwaters – yea, Mr. Mears – 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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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 21, 2026

Application: CU 2534 Hardscapes Jimenez, LLC

Applicant: Hardscapes Jimenez, LLC
214 S Railroad Avenue
Georgetown, DE 19947

Owner: Elmer F. Jimenez
214 S Railroad Avenue
Georgetown, DE 19947

Site Location: Located on the southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371).

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Hardscape Business with an office, showroom, storage, & parking

Comprehensive Land Use Plan Reference: Existing Development Area

Councilmanic District: District 3 - Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 3.14-acre(s) +/-

Tax Map IDs.: 234-20.00-9.01 & 11.01





Memorandum

To: Sussex County Planning Commission Members
From: Ms. Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 14, 2026
RE: Staff Analysis for C/U 2534 Hardscape Jiminez, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2534 Hardscape Jiminez, LLC to be reviewed during the January 21, 2026, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

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

Tax Parcel IDs: 234-20.00-9.01 & 11.01

Proposal: The request is for a Conditional Use for Tax Parcels 234-20.00-9.01 & 11.01 to allow for an office, showroom, storage and parking to be located in a General Residential (GR) District. The property is lying southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371). The parcels consist of 1.59 acres +/-.

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

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the "Existing Development Area" as outlined in the Sussex County's 2018 Comprehensive Plan. The adjacent parcels to the south are located within the Existing Development area and the adjacent parcels to the east, north, and west are in the "Low Density Area" as outlined in the Sussex County's 2018 Comprehensive Plan.

Existing Development Areas consists of 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. (Sussex County Comprehensive Plan 4-17).

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 “Existing Developing Area.” All adjacent properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

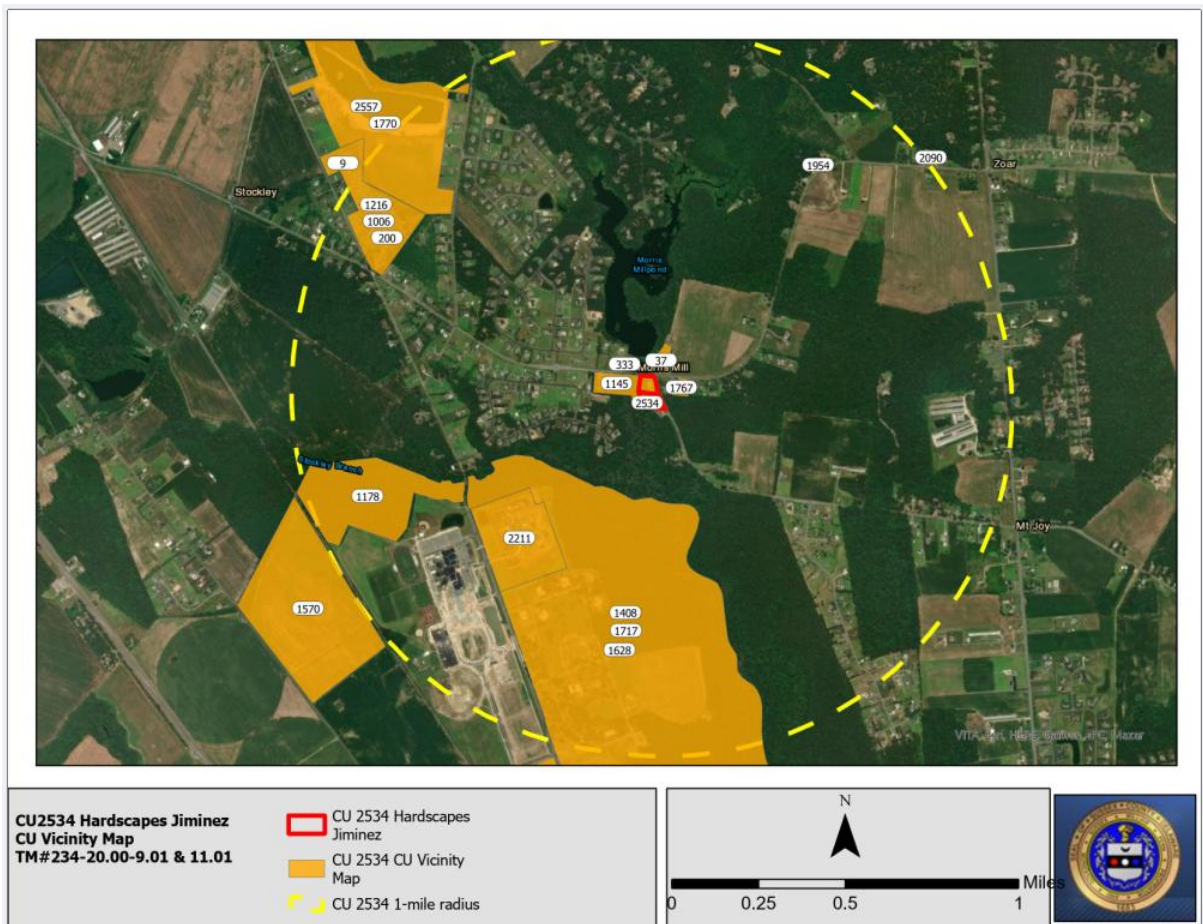
Further Site Considerations:

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

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

Since 1970, there have been nineteen (19) Conditional Use Applications within a 1-mile radius of the Application Site.


CU No.	APPLICANT	Proposed Use	CC Date	CC Decision	Ord. No.
9	R Dale Short	Manufactured home park/Fish Hook	4/27/1971	Approved	
37	Merrill G Calloway	Manufactured home park	1/4/1972	Approved	
200	R Dale Short	Extend Manufactured Home Park	4/9/1974	Approved	
333	Preston L. McIlvaine Inc.	Office Warehouse & Retail Sales	4/13/1976	Approved	
1006	Briggs Enterprises, Inc.	14 Lot Expansion of Existing MHP	8/17/1992	Approved	852
1145	Preson Louis McIlvaine	Professional services & repairs	2/13/1996	Approved	1078
1178	Delaware Commission of Veterans	Cemetery	5/13/1997	Approved	1134
1216	Briggs Family Enterprises	25 Lot Expansion to MHP	12/30/1997	Approved	1200
1408	Indian River School District(Stockley	Public school	7/24/2001	Approved	1481
1570	Mountaire (Colony Tract)	Biosolids from wastewater treatment		Withdrawn	
1628	State of Delaware	Government Building	6/14/2005	Approved	1782
1717	State of Delaware Division of Facilities	State Health Care Facility	12/5/2006	Approved	1880
1767	Advanced Fiberglass Tech.	Boat Repair	2/10/2009	Approved	2030
1770	Stockley Materials, LLC	Borrow Pit Expansion	4/21/2009	Approved	2045
1954	Robert A. Hermanson	Commercial/Retail Shop (Handcrafted Fur	2/5/2013	Approved	2293
2090	Edgar Reyes Hernandez	Shop for painting business and storage	10/10/2017	Approved	2525
2211	Indian River School District	Special Needs School	3/17/2020	Approved	2711
2534	Hardscapes Jiminez, LLC	Small Business with Office, Showroom, Commercial Inv		Pending	
2557	Stockley Materials, LLC	Preparation, Processing & Material Storage in relation t		Pending	

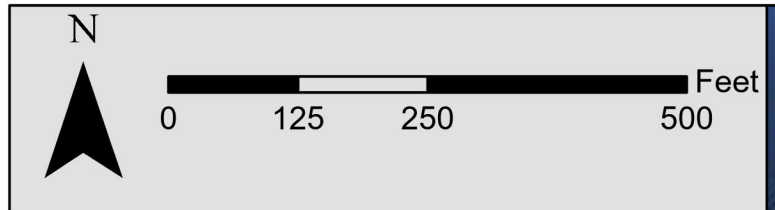


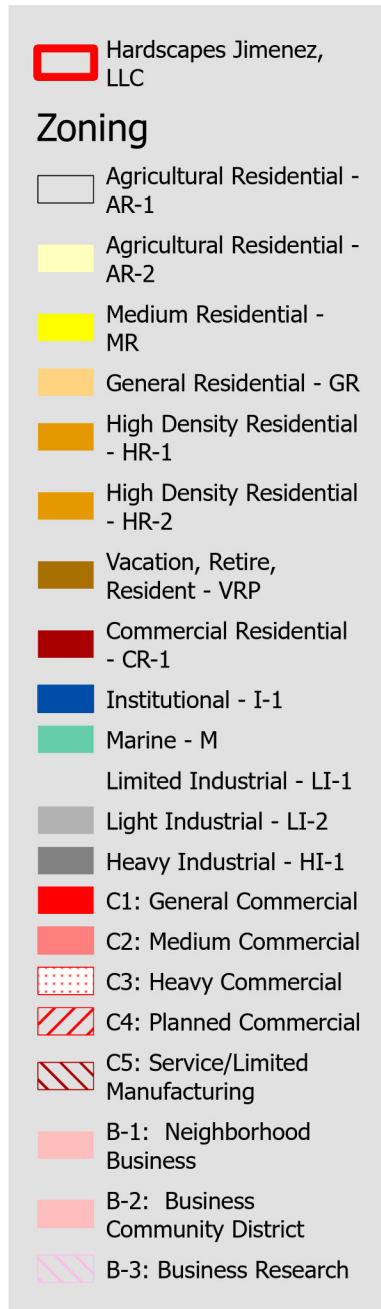
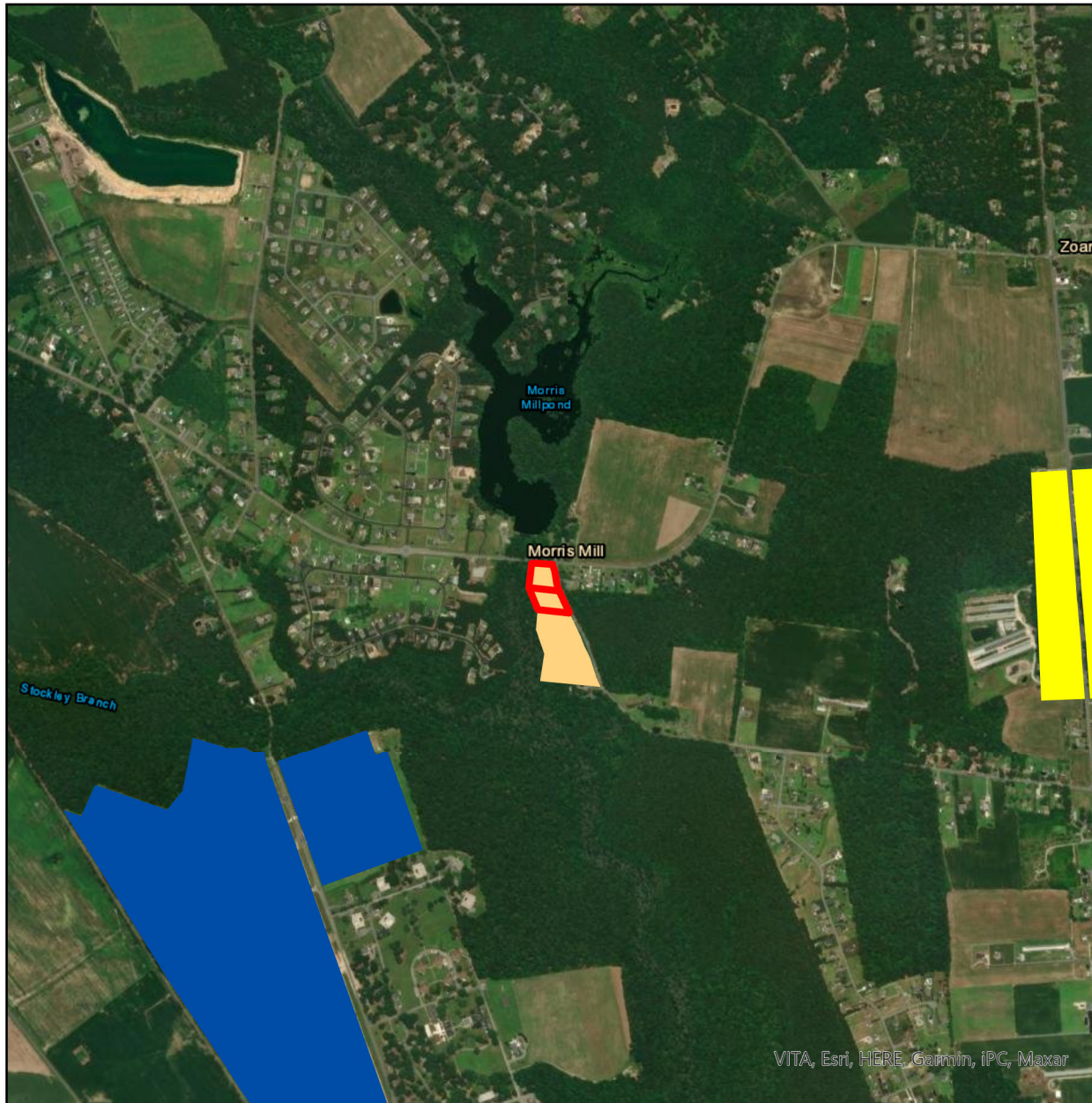
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a landscaping business and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding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



CU 2534 Hardscapes Jiminez, LLC
Street Map
TM# 234-29.00-9.01 & 11.01

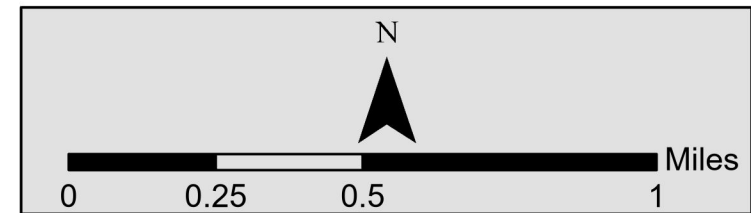
 Hardscapes Jiminez,
LLC





CU 2534 Hardscapes Jimenez, LLC
Zoning Map
TM# 234-20.00-9.01 & 11.01

Hardscapes Jimenez, LLC



Introduced: 3/4/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-20.00-9.01 & 11.01
911 Address: N/A & 25064 Morris Mill Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2024, a Conditional Use application, denominated Conditional Use No. 2534 was filed on behalf of Hardscapes Jimenez, LLC and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2534 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsections 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2534 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcels of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying southwest of the intersection of Morris Mill Road (S.C.R. 297) and Zoar Road (S.C.R. 48), approximately 0.6 mile east of Peterkins Road (S.C.R. 371) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC and Aleman & Associates Attorneys At Law said parcels containing 1.59 acres, more or less and 1.55 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: April 17, 2026

RE: County Council Report for C/U 2424 filed on behalf of Oceans Six

The Planning and Zoning Department received an application (C/U 2424 filed on behalf of Oceans Six) for a Conditional Use for multi-family dwellings (6 units) in an MR Medium Density Residential Zoning District at Tax Parcel 134-17.07-190.00. The property is located on the east side of Coastal Highway (Route 1), approximately 278 feet north of Jefferson Bridge Road. The parcel size is 0.61 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 4, 2026. At the meeting of March 18, 2026, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated within the motion and subject to the 10 recommended conditions of approval (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of March 4, 2026, and March 18, 2026.

Minutes of the March 4, 2026, Planning & Zoning Commission Meeting

C/U 2424 Oceans Six

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.61 ACRES, MORE OR LESS. The property is lying on the east side of Coastal Highway (Route 1), approximately 278 feet north of Jefferson Bridge Rd. (S.C.R. 361-A). 911 Address: N/A. Tax Map Parcel: 134-17.07-190.00.



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 Applicant's presentation materials, the Applicant's Exhibit Booklet, the DelDOT Service Level Evaluation Response letter, the DelDOT Entrance Approval Letter, the Applicant's Drainage Assessment, the Staff Analysis Report, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of Applicant, Oceans Six; that also present were Mr. William Buchanan, Jr. Principal of Buchanan Corporation, also being the Applicant and owner, and Mr. Michael Kaszyski, Professional Engineer with Atwell, LLC. Mr. Hutt stated that the subject application had two characteristics; that he felt, in every manner possible, that the application fit the characteristic of infill development; that the second characteristic was that this was the third time Sussex County would be considering a land use application for the subject property; that the first Conditional Use was known as C/U 1494, which the County Council adopted as Ordinance No. 1632 on September 16, 2003, approving the property for seven multi-family dwellings under the Sussex County Code §115-74; that the Conditional Use approval expired; that in 2009, on March 17th, the County Council adopted Ordinance No. 2033, which approved Conditional Use No. 1764, again approving a multifamily project of seven units on the property, however, the Conditional Use was never developed; that this resulted in a second expiration for the property; that the only difference between the two previous Conditional Use approvals, and the current Conditional Use application is the number of proposed units have been reduced from seven to six units, and the Conditional Use name has been changed from Oceans Seven to Oceans Six; that approximately 40% of the one mile radius surrounding the site, encompassed the Atlantic Ocean; that the municipal boundary for the Town of Bethany Beach is located north of the site; that the municipal boundary for South Bethany; that the site is located along Coastal Highway (Route 1), and within proximity to Pennsylvania Avenue; that Sea Pines Village multifamily condominium is located between the subject site, and Pennsylvania Avenue; that across from Pennsylvania Avenue is the location of the Sea Colony tennis courts and buildings associated with Sea Colony; that Sea Pines Village Condominium wraps around along Pennsylvania Avenue and down Jefferson Bridges Road; that on the other side of that road is the Hotel Bethany; that next to Hotel Bethany is Mickey's Family Crab House; that just south of that is the location of Nick's Mini-Golf; that north then, on Route 1, at the corner of the intersection is Perfect Furnishings; that next to that is PepUp, which used to have a Arby's, and is now Pony Donuts; that the next property is the location of the subject Conditional Use; that the next property, being the last property located within Sussex County's jurisdiction is the location of Taggart Professional Center; that the property is a little more than 0.6 acre; that the property has a vacant and somewhat dilapidated home and shed, which is proposed to be removed as part of the application; that when the application was submitted, the 2020 State Strategies Map was in effect; that the 2025 State Strategies Map was just recently adopted in 2026; that the site was located within Investment Level 2, where the State investments and policies in 2020 would support and encourage a wide range of uses; that the site is currently located within Investment Level 1, according to the 2025 State Strategies Map, which had been signed by the Governor a few weeks prior to the current hearing; that in 2020, the Office of State Planning Coordination described Investment Level 1 as reflecting area that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected to and encouraged by State projects or policies; that the 2025 State Strategies document does not have the same narrative and paragraph format; that now it contains a chart where it describes each of the levels, along with characteristics of the levels; that there were three characteristics he wished to highlight from within the 2025 characteristics for Investment

Level 1; that one characteristic is higher density development with mixed uses; that the second characteristics is a variety of housing and transportation options; that the third characteristics is walkable communities, which again describes the area, being along Route 1, Bethany Beach and South Bethany; that within the chart, promulgated with the State Strategies Map, is a policy focus for the State in Investment Level 1; that the policy focus includes a wide range of uses and densities, and significantly also includes infill and redevelopment, which matches the propose use of the site; that in short, regardless whether it is the 2020 or 2025 version of the State Strategies Map, the site is a location where the State expects and encourages growth to occur; that the site is located within the Coastal Area, according to the 2045 Future Land Use Map found within the Sussex County's 2018 Comprehensive Plan; that the site is located within the MR (Medium-Density Residential) Zoning District of Sussex County; that the site is near four different zoning classifications, being HR-2 (High Density Residential) District of Sussex County, which extends from the ocean over to the Assawoman Canal, additional MR (Medium-Density Residential) zoned properties within Sussex County, the C-1 (General Commercial) District of Sussex County, and the B-1 (Neighborhood Business) District of Sussex County; that the Planning Commission was very familiar with multifamily Conditional Use applications within the MR (Medium-Density Residential) Zoning District; that Conditional Uses, pursuant to §115-219 of the Sussex County Code are uses that are generally of a public or semi-public character, being essential and desirable for the general convenience and welfare; that due to the nature of the proposed use, the importance of the relationship to the Comprehensive Plan, and the possible impact, not only on neighboring properties, but on a larger section of the County, requires the exercise of planning judgement on location and site plan; that the County Code defines multifamily as a Conditional Use in the MR (Medium-Density Residential) Zoning District; that certainly housing is a public or semi-public character; that there are many Conditional Uses for multifamily dwellings; that the submitted Site Plan proposes six (6) units, and is fairly straightforward; that the plan offers a right-in and right-out entrance off Route 1, just north of the PepUp; that about two-thirds of the way back into the site, is a location for the fire and emergency responders to turn around; that located at the end of the drive aisle, is the location of the dumpsters, which are proposed to be screened from the surrounding properties, and are distant from the roadway itself; that the Sussex County Code requires two (2) parking spaces per dwelling unit; that the plan provides three (3) parking spaces per dwelling unit; that two spaces are provided internal to each home, with one space located on the outside; that per the FEMA mapping, the property is located within Flood Zone X, which is located outside of the 500 Year Floodplain; that there are no wetlands located on the property; that the property is not located within a Source Water Protection Area, Wellhead Protection Areas or Excellent Groundwater Recharge Areas; that the property does not have any resources as the term is defined in §115-4 of the County Code; that when the Sussex County Engineering Department reviewed the Drainage Assessment Report, it requested that there be an easement along the common drainage swale to the south of the property, with the PepUp station; that the most recent Site Plan filed did include the requested easement from the Sussex County Engineering Department; that central water will be provided by the Town of Bethany Beach; that central sewer will be provided by the Sussex County Engineering Department; that a letter was submitted by the Sussex County Engineering Department which indicated that the property is located within the Tier 1 Sewer District Area, and that there was capacity for the proposed six units; that DelDOT responded to the Service Level Evaluation request, which indicated the proposed impact for the six units was diminutive, as that term is described in the Memorandum of Understanding between Sussex County and DelDOT; that the term means 50 vehicle trips or less, per day; that while Ocean Six has been waiting in the queue, it had put its wait to good use; that Atwell have been working with DelDOT; that DelDOT issued a Letter of No Objection to Recordation (LONOR) for the application, should the County Council act favorably on the application; that in the last two weeks, DelDOT approved the entrance reflected on the plan, should

the County Council act favorably upon the application; that the property proposes a density of 9.8 units to the acre, which is consistent with the density of the surrounding properties; that the Sea Pines Village Condominium, immediately to the east and south of the project has a density in the nature of 12 units to the acre; that Sea Colony is in the same area of density requirements; that the site is consistent with with the HR-2 (High Density Residential) Zoning classification that exists between the Atlantic Ocean and the Assawoman Canal in the area; that the Comprehensive Plan provides guidance on when medium and higher densities, things such as four to 12 units to the acres can be appropriate; that there is a list of several considerations, which include locations where central water and sewer are provided, when the property is near a significant number of commercial uses and employment centers, when it is in keeping with the character of the area, and when it is situated along a main road, or at/near a major intersection; that the application checks every one of those boxes; that the site is provided central water and sewer; that many commercial uses and employment centers exist along Route 1, and along a portion of the Route 1 corridor; that the site is located along the major road of Coastal Highway (Route 1); that the application is truly an infill development, as the term is described; that the property had been granted approval on two separate occasions being in 2003 and 2009; that because of how long all the businesses and development had been in the area, the application was considered infill in 2003, as well as in 2009, and that Mr. Buchanan would request that the Commission agree to those prior two Ordinances and agree that the project continues to be considered infill development, which would reflect the character of the area.

Mr. Hutt requested to submit Proposed Findings of Fact into the record for the application.

Mr. Collins questioned why interconnectivity was not provided in the event of an emergency within the surrounding area, and whether there was potential that the application would return before the Planning Commission again.

Mr. Hutt stated that there was no opportunity for interconnectivity because all surrounding properties had already been developed, and that he hoped the application would not return before the Commission, and the reason the application was changed from Ocean 7 to Ocean 6 was due to changes in regulations requirements for things like stormwater management.

Mr. Allen questioned whether the provided turn-around was large enough for emergency fire apparatuses to turn around.

Mr. Hutt stated that the provided turnaround was located about two-thirds of the way down the property; that on the submitted plan, it appears there are parking spaces within that area, as it appeared that parking bumpers were placed in that area; that parking spaces are not being provided in that area; that the purpose was only to keep the area open; that this will be required by the fire company, and the area is also provided as place for persons to turn around should they accidentally turn, and realize it is a dead-end street.

Mr. Passwaters questioned what the width of the turnaround area was.

Mr. Kaszyski, P.E. stated that the turnaround area had been designed in accordance with the State Fire Marshal's regulations; that the width itself was about 20 feet in width, and the driveway, at the front, was about 24 feet, which was the standard for fire lanes.

Mr. Robertson stated that should the application be approved, the Final Site Plan would still be required to go through State Fire Marshal Office review again to confirm compliance and approval.

The Commission found that no one was present 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 2424 Oceans Six. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

Minutes of the March 18, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since March 4, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2424 for Oceans Six for six (6) Multi-Family Units in an MR Medium Density Residential District based on the record made during the public hearing and for the following reasons:

1. This application seeks the approval of six (6) multi-family structures on approximately 0.61-acres of land.
2. Six (6) new multifamily units in this location will not overburden this property and will be similar to the other multifamily and townhouse developments and densities around this site. It is one of the last vacant properties in this area and it is reasonable to allow it to be developed in a similar way to its surroundings. This is an appropriate location for a small multifamily residential development.
3. This site was the subject of two prior approved conditional uses in 2003 and 2009 for the same multi-family use, with the only difference being the number of units. In the prior applications 7 units were approved while this application seeks approval for only 6 units.
4. This site is between the Towns of Bethany Beach and South Bethany. It is surrounded by properties that are zoned B-1, HR-2, and C-1 and it has frontage on Route 1. In addition to fairly intensive commercial uses, there are the high-density residential developments of Sea Colony and Sea Pines Village close by. This development is appropriately located within this mixture of zoning districts and uses.
5. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high densities when a site is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.
6. The proposed development will not have an adverse impact on the neighboring properties or community.
7. DelDOT has stated that the development will have a “Diminutive” impact upon area roadways. The proposed development will not have an adverse impact upon traffic or roadways.
8. The development will be served by central sewer provided by Sussex County.

9. The development will be served by central water.
10. No parties appeared in opposition to this application.
11. This recommendation is subject to the following conditions:
 - A. The maximum number of residential units shall be six (6).
 - B. The developer and then a condominium shall be responsible for the perpetual maintenance of the project's stormwater management facilities, erosion and sedimentation control facilities, roadways and other common areas.
 - C. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer as required by DelDOT.
 - D. Any dumpsters on the Property are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
 - F. The project shall be served by central water to provide drinking water and fire protection.
 - G. Construction activities, including site work and deliveries, shall only occur between 7:00 am and 6:00 pm Monday through Saturday. There shall be no construction activities at the site on Sundays. 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.
 - H. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities. The system shall be designed and maintained using best management practices.
 - I. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued 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.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Passwaters and carried unanimously to recommend approval of C/U 2424 Oceans Six for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

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

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

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

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

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

PLANNING & ZONING COMMISSION

HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
DAVID PETTYJOHN
JOHN PASSWATERS



Sussex County

DELAWARE
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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 4th, 2026

Sussex County Council Hearing Date: April 21st, 2026

Application: C/U 2424 Oceans Six

Applicant: Mr. William Buchanan, Jr.
30911 Cricket Street
Dagsboro, DE 19958

Owner: Mr. William Buchanan, Jr.
30911 Cricket Street
Dagsboro, DE 19958

Site Location: The property is lying on the east side of Coastal Highway (Route 1), approximately 278 feet north of Jefferson Bridge Road in Bethany Beach, Delaware.

Current Zoning: MR (Medium Density Residential District)

Proposed Zoning: MR (Medium Density Residential District)

Proposed Use: Multifamily (6 Units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 - Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire Company

Sewer: Sussex County (Public Sewer)

Water: Town of Bethany Beach (Public Water)

Site Area: 0.61 acres +/-

Tax Map ID.: 134-17.07-190.00



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



Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 5th, 2026
RE: Staff Analysis for C/U 2424 Oceans Six

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2424 Oceans Six to be reviewed during the March 4th, 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: 134-17.07-190.00

Proposal: The request is for a Conditional Use for Tax Parcel ID: 134-17.07-190.00 for the establishment of six (6) multifamily units, associated parking and other related site improvements to be located on a 0.61-acre Parcel of land lying on the east side of Coastal Highway (Route 1), approximately 278 feet north of Jefferson Bridge Road in Bethany Beach, Delaware.

Zoning: The Parcel is zoned Medium Density Residential (MR) District and is located just one Parcel south of the municipal boundary of the Town of Bethany Beach. The parcel to the north contains the Taggart Professional Center Condominiums and is zoned Neighborhood Business (B-1) District. To the rear of the subject Parcel are further multifamily condominiums which are zoned High-Density Residential (HR-1) District.

To the south of the Property is a Parcel zoned General Commercial (C-1) which includes the Sandy Pony Donuts and Acai Bowls drive-thru restaurant facility. Two Parcels south of the subject Property is also zoned General Commercial (C-1) District and contains the Perfect Furnishings Furniture Store.

The Parcels on the opposite side of Coastal Highway (Route 1) to include the Compass Investment Advisors, Wilgus Associates Office uses are also zoned General Commercial (C-1) District.

Application History/Background Information: Staff note that there were two (2) previous Conditional Use Applications for the subject Site (Tax Parcel ID: 134-17.07-190.00.)

The first Application was Conditional Use No. 1494 Buchanan Builders, Inc. for the establishment of Multifamily (single-family Condominium Units) within a Medium Density Residential (MR) District. The Planning and Zoning Commission recommended approval of the Application at their meeting of Thursday, July 10th, 2003, subject to ten (10) Conditions of Approval. The Conditions



of Approval limited the proposal to seven (7) single-family condominium units. The Sussex County Council approved the Application at their meeting of Tuesday, September 16th, 2003, and the change was adopted through Ordinance No. 1632.

The second Application was Conditional Use No. 1764 Buchanan Developers, Inc. for the establishment of Multifamily (7 units) within a Medium Density Residential (MR) District. The Conditions of Approval limited the proposal to seven (7) single-family condominium units. The Planning and Zoning Commission recommended approval of the Application at their meeting of Thursday, February 26, 2009, subject to nine (9) Conditions of Approval. The Sussex County Council approved the Application at their meeting of Tuesday, March 17th, 2009, and the change was adopted through Ordinance No. 2033.

According to “Period of Validity Approval” for Conditional Uses within the Sussex County Code, *“Approval of a conditional use shall be valid for a period of three (3) years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any conditional use shall expire upon abandonment or expiration of the use. Construction shall be deemed to be “substantially underway” if the right-of-way has been cleared, the roadways, internal streets and/or parking areas have been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded, and erosion and sediment control measures are in place and being actively maintained”* (§115-174).

Staff note that the previous two (2) Applications on the Property expired and were rendered null and void as they were not substantially underway within a three (3) year period, requiring the submittal of a new Conditional Use Application.

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

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property has a Growth Area Future Land Use Map (FLUM) designation of “Coastal Area.” All adjacent and surrounding Parcels, to include the Parcels on the opposite side (west side) of Coastal Highway (Route 1) and the large Parcel to the east containing the Sea Colony Resort all have a Future Land Use Map (FLUM) designation of “Coastal Area.”

One (1) Parcel to the north includes all properties which are within the incorporated town limits of the Town of Bethany Beach.

The Coastal Area is one of the County’s seven (7) Growth Areas. According to the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas where, *“the County encourages only appropriate forms of concentrated new development”* and *“especially when environmental features are in play”* (2018 Sussex County Comprehensive Plan, 4-9).

Furthermore, the Coastal Area designation recognizes two characteristics: 1.) *“This region is among the most desirable locations in Sussex County for new housing”* and 2.) *“This region contains ecologically important and sensitive characteristics”* and that, *“these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy”* (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that medium and higher density (4-12 units per acre) can be appropriate in certain locations where:

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

Further Site Considerations:

- **Density:** The proposed density of 9.83 dwelling units/acre (for 6 units on a 0.61-acre Parcel of land) meets the Medium Density Residential (MR) District density requirements, which permits a base density of up to 4 dwelling units/acre by-right and 12 dwelling units/acre through a Conditional Use Application (§115-34(A)).
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that there are no Agricultural Areas within proximity to the subject Parcel.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts (TIDs). The DelDOT Service Level Evaluation Response (SLER) noted that the anticipated traffic impact of the proposed use would be “diminutive” in the context of the County’s Memorandum of Understanding (MOU) with DelDOT and that the land use would generate fewer than 50 vehicle trips per day.
- **Forested Areas:** Staff notes that the Parcel is currently fully forested and that the Plans appear to propose the clearing of all existing trees.
- **Wetlands Buffers/Waterways:** Staff note an area of Terrene Wetlands (ie: wetlands that are relatively isolated and not connected to adjacent wetlands or waterbodies by surface water or overflow) have been indicated on the Property on the County’s Online Mapping Application. An image of the associated wetlands has been included in the image below as Exhibit “A.”

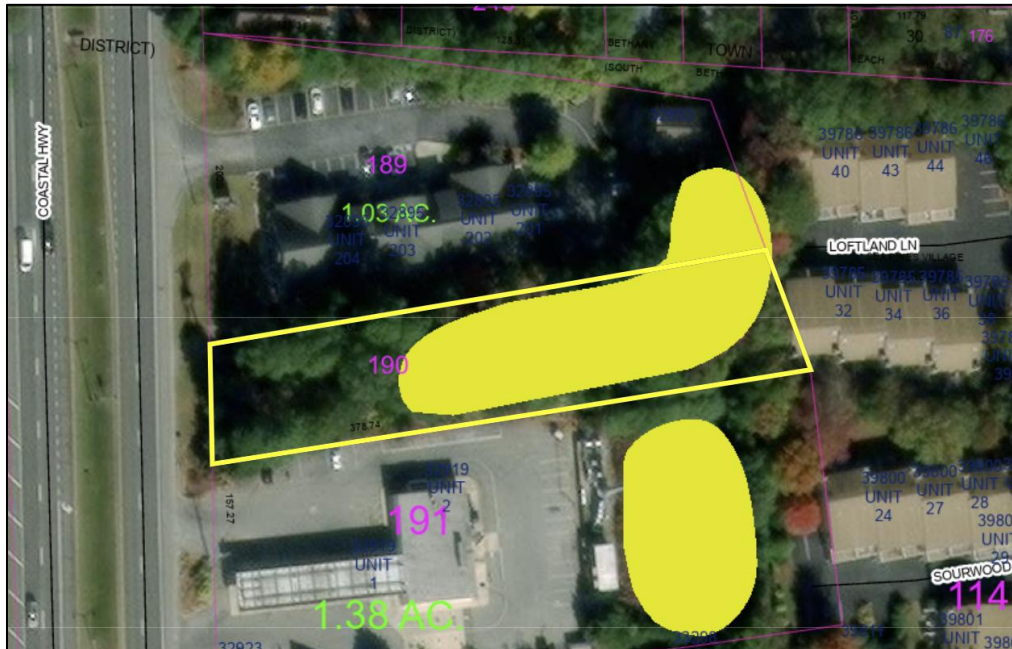


Exhibit “A” – Terrene Wetlands Indicated on the Parcel

- Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The subject Property is not located within any Tax Ditch Areas and does not contain any Tax Ditches or Tax Ditch Rights-Of-Way (ROW). There are also no Wellhead Protection Areas on the subject Property. The Property is almost entirely located within Flood Zone “X” – “0.2 Percent Annual Chance Flood Hazard” Flood Zone. The project will have to adhere to FEMA requirements regarding flood-proofing and building within flood prone areas/within the floodplain. An image has been included below showing the Flood Zone on the Property. The Parcel is primarily located within an area of “Good” Groundwater Recharge Potential.

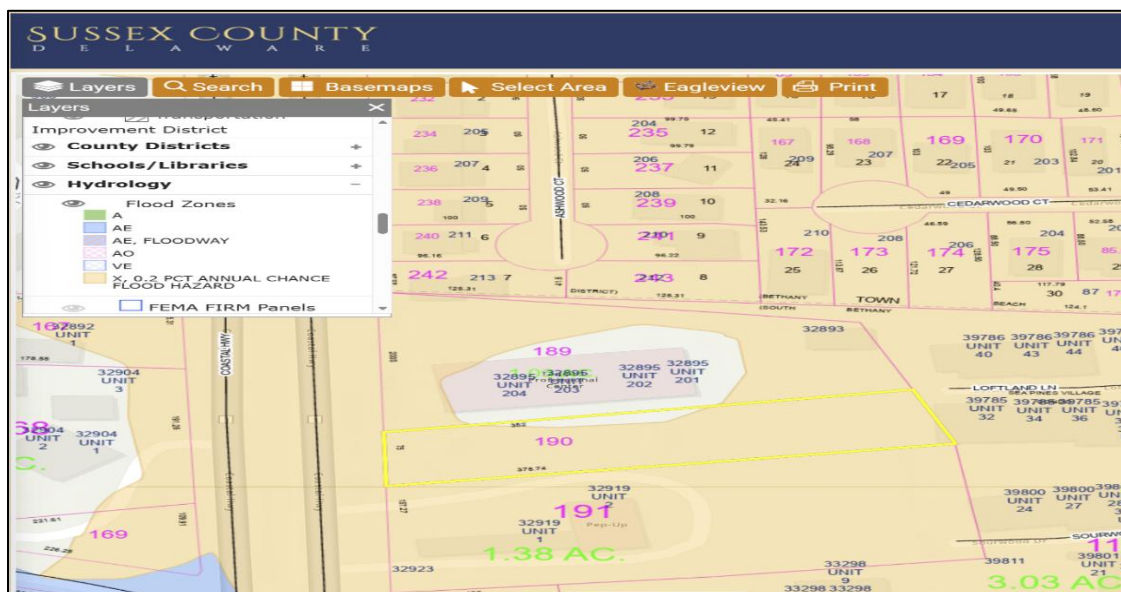


Exhibit “B” – Flood Zone “X” – Areas within 0.2 percent annual chance flood hazard

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been thirteen (11) Conditional Use Applications within a 0.5-mile radius of the Application site. A Supplemental Table has been provided showing the approval status of all Conditional Use Applications within a 0.5-mile radius of the Application Site.

Conditional Uses w/in a 0.5-mile Radius of the Application Site									
Conditional Use Number	Applicant	Tax Parcel #	Current Zoning	Proposed Use	P&Z Decision	P&Z Decision Date	CC Decision Date	CC Decision	Ordinance Number
62	George Knox	134-17.00-53.00	MR	beauty salon	N/A	N/A	N/A	Approved	N/A
1764	Buchanan Developers Inc.	134-17.07-190.00	MR	Multi-Family	Recommended Approval	2/26/2009	3/17/2009	Approved	2033
2222	Jessica F. Peake	134-17.11-40.00	C-1	Mini Golf Course	Recommended Approval	3/26/2020	6/9/2020	Approved	2713
44	Wilgus Associates Inc	134-17.07-168.00	MR	office/storage & sample homes	N/A	N/A	N/A	Approved	N/A
1802	Mary P. Kelly	134-17.11-5.00	MR	multi-family	Recommended Approval	1/14/2010	10/5/2010	Approved	2151
1177	Bertie E. Dawson	134-17.00-49.00	MR	multi-family	Recommended Approval	4/10/1997	7/30/1997	Approved	1158
1387	Preston L. Dyer	134-17.11-35.00	C-1	miniature golf & family entertainment	Withdrawn	2/20/2001	2/20/2001	Withdrawn	<Null>
1494	Buchanan Builders Inc.	134-17.07-190.00	MR	Multi-Family	Recommended Approval	7/10/2003	9/16/2003	Approved	1632
2279	Ron Sutton	134-17.11-6.00	MR	Multi-Family (11 Units)	Withdrawn	N/A	N/A	Withdrawn	N/A
2333	Kent Walston	134-17.07-173.02	AR-1/MR	Multi-Family	Withdrawn	N/A	N/A	Withdrawn	N/A
2400	Kent Walston	134-17.07-173.02	AR-1/MR	Multi-Family (5 Units)	Recommended Approval	7/13/2023	N/A	Approved	2947
2424	William Buchanan, Jr.	134-17.07-190.00	MR	Multifamily Dwelling Units (6)	Pending	Pending	Pending	Pending	PENDING APPLICATION

Exhibit “C” – Conditional Use Applications w/in a 0.5-Mile Radius of the Application Site

Based on the analysis provided, the Conditional Use to allow for six (6) multifamily dwellings to be constructed on the Site in this location could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

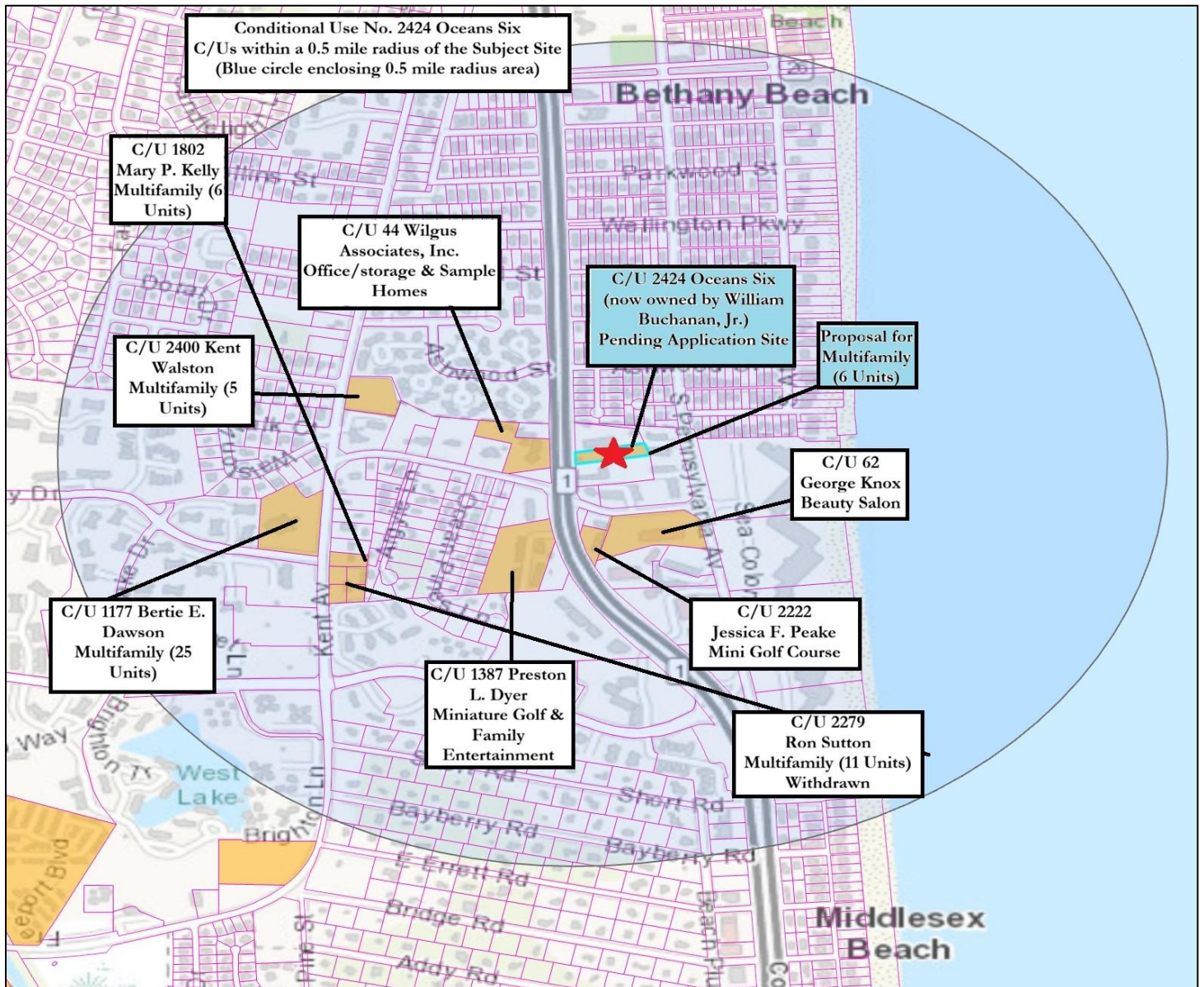
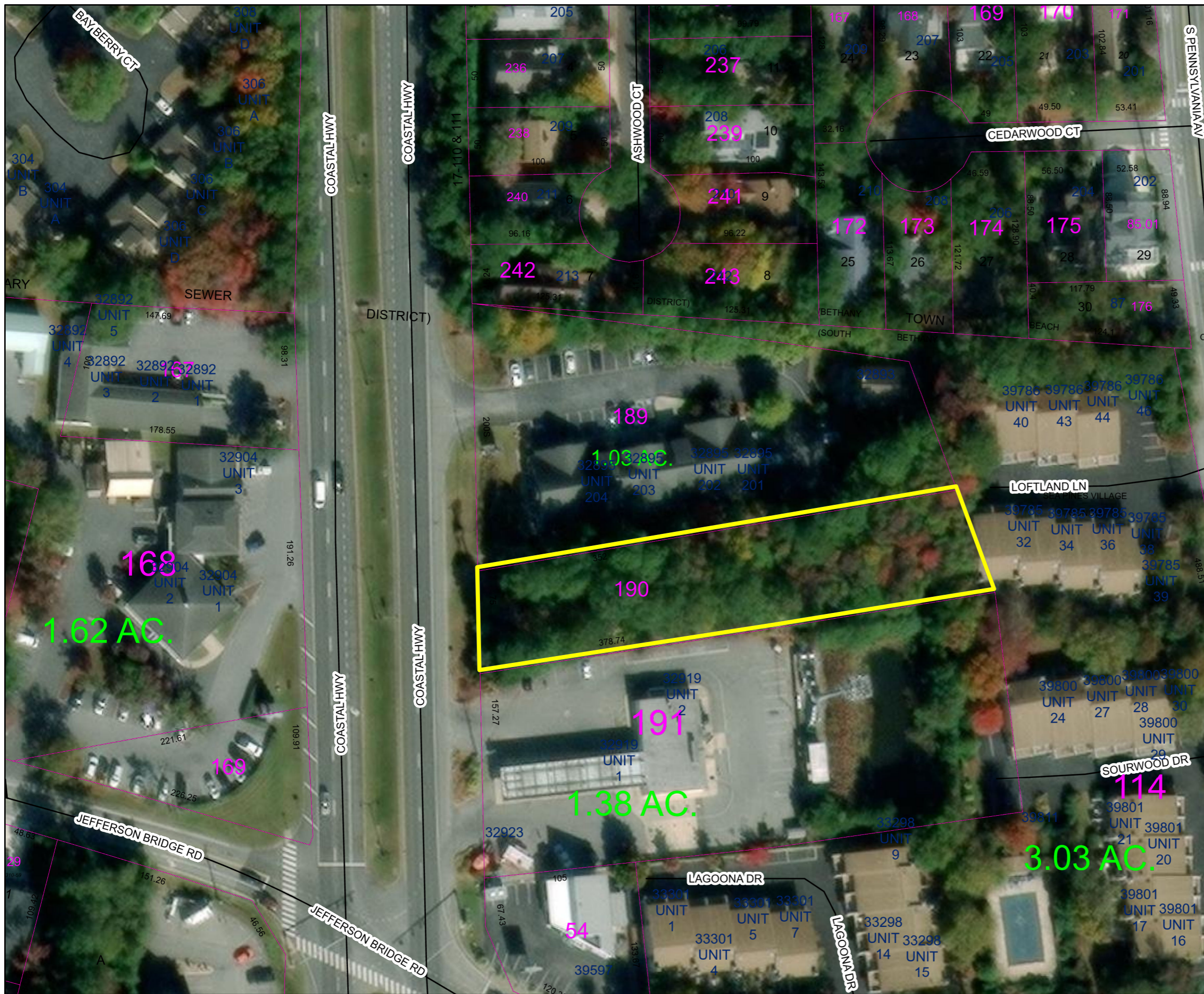


Exhibit "D" – Conditional Use Applications w/in a 0.5-Mile Vicinity of Application Site

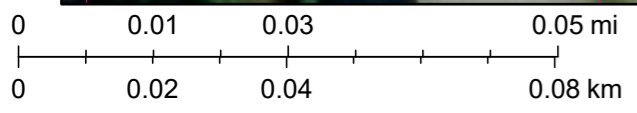


A3 Landscape Parcel Details



PIN:	134-17.07-190.00
Owner Name	BUCHANAN CORP
Book	2865
Mailing Address	30911 CRICKET ST
City	DAGSBORO
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 30cm Resolution Metadata



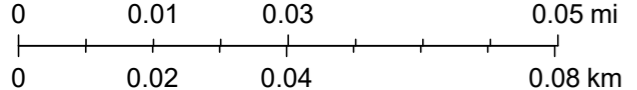


A3 Landscape Parcel Details



PIN:	134-17.07-190.00
Owner Name	BUCHANAN CORP
Book	2865
Mailing Address	30911 CRICKET ST
City	DAGSBORO
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- 911 Address
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World_Hillshade



Introduced: 8/29/23

Council District 4: Mr. Hudson
Tax I.D. No. 134-17.07-190.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.614 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2023, a conditional use application, denominated Conditional Use No. 2424 was filed on behalf of Oceans Six; and

WHEREAS, on the ____ day of _____ 2023, 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. 2424 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2424 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 Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Coastal Highway, approximately 278 feet north of Jefferson Bridge Rd and being more particularly described in the attached legal description prepared by Joseph C. Raskauskas, P.A., said parcel containing 0.614 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: April 17, 2026

RE: County Council Report for C/U 2480 filed on behalf of DJ Tire Center, LLC

The Planning and Zoning Department received an application (C/U 2480 filed on behalf of DJ Tire Center, LLC) for a Conditional Use for an auto tire center in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-9.00-280.00. The property is located at 18651 Downs Road, Georgetown. The parcel size is 1.0 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended **denial** of the application for the 8 reasons stated within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of January 21, 2026, and February 4, 2026.

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

C/U 2480 DJ Tire Center, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS. The property is lying on the east side of Downs Road (S.C.R. 243), approximately 0.45 mile northeast of Wilson Road (S.C.R. 244). 911 Address: 18651 Downs Road, Georgetown. Tax Map Parcel: 135-9.00-280.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Survey, the DelDOT Service Level Evaluation Response Letter, Applicant Exhibits, a letter received from the



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

Sussex County Engineering Department Utility Planning Division, and the Applicant's Conceptual Conditional Use Site Plan. Mr. Whitehouse advised the Commission that no public comments were received regarding the application.

The Commission found that Mr. Danny Perez spoke on behalf of the Applicant, Mr. Javier Chilel Garcia, owner of DJ Tire Center, LLC. Mr. Perez stated that DJ Tire Center, LLC, is an operating tire replacement and tire changing center; that the majority of the information was included within the packet; that the site is less than an acre; that there will not be a large number of vehicles located on the site; that at most, maybe three vehicles would be on-site; that they do not operate seven days a week; that they operate Monday through Friday; that the Applicant is unsure of when, but plans to apply for a construction permit to place a dwelling on the property.

Madam Chair Wingate questioned the hours of operation for the business.

Mr. Perez stated the proposed hours of operation would be from 8:00 am until 4:00 pm, Monday through Friday, and that no weekend hours are proposed.

Mr. Perez stated that the Applicant applied for disposal of the tires; that the tires are unique, as they were basically for trucks, and not so much for passenger vehicles; that the Applicant had some equipment, which is required in the business; that the Applicant was trying to specialize in the tire changing business; that for old tires removed, the Applicant has a container; that there is a photo of the container within the submitted packet; that the container is about 30 feet, and is fireproof; that the old tires will be placed in the container, and a licensed recyclable company from Maryland come to the site to pick up the tires; that the Applicant is not in the business of oil changing, but should the Applicant need to change oil, the fluids would be environmentally disposed, and the Applicant has a company that would remove the oil from the site.

Madam Chair Wingate questioned if Crystal Clean was the disposal company being used.

Mr. Perez stated yes, Crystal Clean was the disposal company, and he requested to submit additional site photographs for the record.

Mr. Allen questioned whether the site would also be used as a mechanic shop, offering service work, or mainly for tire service only.

Mr. Perez stated that no oil changes are proposed to be performed on the site; that with heavy duty trucks, a little bit of fluid may be required to be replaced, and in this case, the fluid would be disposed of environmentally.

Mr. Mears questioned whether all tire changes are proposed to be performed inside a building, or if any tire changes are proposed to be performed outside.

Mr. Perez stated that all tire changes are proposed to be performed inside a building; that everything, such as tools, tires, and the lift, will be contained inside the building; that in the summer, when the

temperature is 90 degrees, the Applicant may want to change the tire outside very quickly, or potentially half of the vehicle inside, and half of the vehicle outside, and when working on a specialty tire, it requires special tubes, which should be kept inside, as it will require an electric generator.

Madam Chair Wingate stated the Commission wanted to ensure a clear understanding of where the work was proposed to be performed, as there were not many other businesses within the immediate area, and the Commission did not want adjacent residences to be impacted by the proposed use.

Madam Chair Wingate questioned the number of proposed employees.

Mr. Perez stated that two employees are proposed, being the Applicant and his nephew.

Mr. Whitehouse advised the Commission that the building permit pulled in 2023 was for a residential accessory structure, at which time it went through residential plan review; that currently a commercial use is being proposed, and he questioned if the Applicant would be willing to go through Commercial Plan Review, as there may be modifications required to the building as part of that.

Mr. Perez stated the Applicant's plan was to leave it the way it was for now; that the Applicant does good things for the community on the other side of his property, by providing children's soccer on the weekends, and he did not believe the Applicant would be applying for anything residential any time soon.

Mr. Robertson stated that the current building was approved as a residential pole building; that they are a different set of construction and inspection standards for a commercial building; that he stated that if the Conditional Use were approved, the Applicant will be required to get the building permit modified and inspected for commercial use, and he requested additional information regarding the surrounding neighborhood, and any other commercial businesses in the area.

Mr. Perez stated that the road is pretty much isolated and rural; that approximately ¼ mile from the site is the State park, and that adjacent to the parcel, there is a property owner performing something similar, however, their parcel is much larger.

Madam Chair Wingate questioned whether the mentioned soccer field was located on the site or another parcel, as she was concerned about trucks coming and going while kids play on the soccer field.

Mr. Perez stated that the children play in the vacant area located to the left of the building, and it is a small league of kids from the Applicant's church, who come to play on the weekends, however, they do not play in the winter.

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

Mr. Michael Calloway spoke in opposition to the application and requested permission to submit his written opposition along with photographs. Mr. Calloway expressed concerns regarding traffic, quality of life, negative impact on property values and quality of life, the amount of vehicles located on the site, a previous complaint from the Georgetown Fire Company, and questions regarding the ability to place a pole building without the placement of a dwelling.

Mr. Ismael Torres, Jr., spoke in opposition to the application and requested to submit his written opposition. Mr. Torres, Jr., expressed concerns regarding negative impacts to adjacent properties, setting precedence for future commercial businesses, environmental health concerns, breeding of mosquitoes and rodents, noise and air quality, traffic safety, and the negative impact on property values.

Mr. Whitehouse advised the Commission that he was unable to locate an approved Conditional Use for Parcel No. 7.08; that there was no approval for a use aside from a residential dwelling, and that the Commission may want to investigate the issue further.

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 2480 DJ Tire Center, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Passwaters stated that he was absent at the January 7, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Mr. Passwaters moved that the Commission recommend denial of Conditional Use No. 2480 for DJ Tire Center, LLC, for a tire and auto repair shop based upon the incompatibility with the area, the lack of a sufficient record, and for the following reasons:

1. During the public hearing, the Applicant did not make an adequate record to support this Application. He did not sufficiently address the factors that the Commission must consider when acting upon a conditional use such as this.
2. The Applicant has also not presented sufficient evidence to show that this conditional use application is consistent with the AR-1 Zoning of this property, the area where the use would be located, the Zoning Code, or the County's Comprehensive Land Use Plan.
3. The Applicant has proposed to operate a tire and auto repair shop in an existing pole building. This is a fairly intensive use.
4. This conditional use is not compatible with the properties and land uses in the immediate vicinity. The location is very rural, across from the Redden State Forest and agricultural and

residential uses. There are no other permitted compatible business or commercial uses in the immediate vicinity.

5. There was evidence in the record suggesting that vehicles, vehicle parts and tires will be stored outside all around the site. There are few places in Sussex County where such a use may be appropriate, but these are within industrial or heavily commercial areas. Not an extremely rural location like this site.
6. There was substantial opposition in the record from neighboring residents and landowners that this use would not be compatible with the area or its roads; that the roads could not handle the additional truck traffic; that the noise from the use would be objectionable; that their property values would be reduced by the impact of the use and other concerns. I find all of these concerns to be valid, and they support a denial of this Application.
7. According to information in the record, the pole building constructed on their site by the Applicant was not built to commercial standards. This is not compatible with the potential use and the fire hazards associated with automobile repairs.
8. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use Application.

Motion by Mr. Passwaters, seconded by Mr. Collins, and carried unanimously to recommend denial of C/U 2480 DJ Tire Center, LLC, for the lack of a sufficient record, and for the reasons stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Passwaters – yea, Mr. Collins – yea, Mr. Allen – yea, Mr. Mears - 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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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: October 15, 2025

Application: C/U 2480 DJ Tire Center, LLC

Applicant: DJ Tire Center, LLC
18651 Downs Road
Georgetown, DE 19947

Owner: Javier Chilel Garcia
16 Gadwall Drive
Georgetown, DE 19947

Site Location: 18651 Downs Road, Georgetown

Site Location: Located on the east side of Downs Road (S.C.R. 243), approximately 0.45 mile northeast of Wilson Road (S.C.R. 244).

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

Proposed Use: Auto Tire Center

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 5 - Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private Septic

Water: Private Well

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

Tax Map ID.: 135-9.00-280.00



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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 14, 2026
RE: Staff Analysis for C/U 2480 DJ Tire Center, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2480 DJ Tire Center, LLC to be reviewed during the January 21, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 135-9.00-280.00

Proposal: The request is for a Conditional Use for Tax Parcel 135-9.00-280.00 to allow for an Auto Tire Shop on a parcel lying on the east side of Downs Road (S.C.R. 243), approximately 0.45-mile northeast of Wilson Road (S.C.R. 244). The parcel is comprised of 1.0 acres +/-.

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: Low Density Area

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

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).



Further Site Considerations:





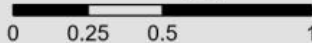

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested 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 an Auto Tire Shop, 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: Since 2011, there has been seven (7) Conditional Use applications within a 1-mile radius of the application site.

CU No.	APPLICANT	Tax Parcel #	Zoning	Proposed Use	CC Date	CC Decision	Ord. No.
230	Harvey Donovan Sr	135-9.00-82.00	GR	Storage bldgs for non-conforming salvage	8/24/1974	Approved	N/A
288	Frank Warrington Jr	135-10.00-28.00	GR	Manufacture precast steps, lawn ornamen	9/2/1975	Approved	N/A
578	Cordia W. Warrington	135-10.00-27.01	GR	Automotive Repair Shop		Approved	N/A
1234	The Jefferson School	135-10.00-16.00	AR-1	Elementary School	3/31/1998	Approved	1224
2410	Nicasia Chavez Reyes	135-9.00-122.00	GR	Grocery Store	2/27/2024	Deferred	
2478	George Bailey	135-10.00-6.01	AR-1	Multi-family		WITHDRAWN	
2480	DJ Tire Center, LLC	135-9.00-280.00	AR-1	Auto Tire Shop		Pending	



<p>CU 2480 DJ Tire Center, LLC Conditional Uses within 1 mile TM# 135-9.00-280.00</p>	<ul style="list-style-type: none"> CU 2480 DJ Tire Center, LLC CU 2480 1-mile Buffer CU 2480 CU Vicinity Map	<p style="text-align: center;">N</p>   <p style="text-align: right;">Miles</p> <p>0 0.25 0.5 1</p>	
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<p>CU 2480 DJ Tire Center, LLC Conditional Uses within 1 mile TM# 135-9.00-280.00</p>	<p> CU 2480 DJ Tire Center, LLC</p> <p> CU 2480 1-mile Buffer</p> <p> CU 2480 CU Vicinity Map</p>	<p>N</p>   <p>Miles</p> <p>0 0.13 0.25 0.5</p>	
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VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2480 - DJ Tire Center
Street Map
TM# 135-9.00-280.00

 **CU 2480 DJ Tire Center**

  Feet





Zoning

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

**CU 2480 - DJ Tire Center
Zoning Map
TM# 135-9.00-280.00**

CU 2480 DJ Tire Center

N


0 0.13 0.25 0.5 Miles






State of Delaware, Maxar, Microsoft


CU 2480 - DJ Tire Center
Aerial Map
TM# 135-9.00-280.00

 **CU 2480 DJ Tire Center**

N



0 25 50 100 Feet



Reintroduced: 11/18/25

Council District 5: Mr. Rieley
Tax I.D. No.: 135-9.00-280.00
911 Address: 18651 Downs Road, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO TIRE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 24th day of August 2023, a conditional use application, denominated Conditional Use No. 2480, was filed on behalf of DJ Tire Center, LLC.; 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. 2480 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. 2480 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 Downs Road (S.C.R. 243), approximately 0.45 mile northeast of Wilson Road (S.C.R. 244) and being more particularly described in the attached legal description prepared by Aleman Echevarria Attorneys at Law, said parcel containing 1.0 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: April 17, 2026

RE: County Council Report for C/U 2622 filed on behalf of Tharros Village (c/o Code Purple at the Cape)

The Planning and Zoning Department received an application (C/U 2622 filed on behalf of Tharros Village (c/o Code Purple at the Cape)) for an amendment to condition K of Conditional Use No. 2583 (Ordinance No.4003) to allow for year-round outdoor storage to remain on the property as part of a campground for the unhoused, be located in a C-1 General Commercial Zoning District at Tax Parcel 334-6.00-526.01. The property is located at 17996 Coastal Highway, Lewes. The parcel size is 7.16 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 21, 2026. At the meeting of February 4, 2026, the Planning & Zoning Commission recommended approval of the application for the 4 reasons of approval and subject to the recommended revised conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 21, 2026, and February 4, 2026.

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

C/U 2622 Tharros Village (c/o Code Purple at the Cape)

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND



BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS. The property is lying on the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9). 911 Address: 17996 Coastal Highway, Lewes. Tax Map Parcel: 334-6.00-526.01.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Request to Amend Conditions letter, the Applicant's Preliminary Conditional Use Site Plan, the property deed, and the Applicant's Exhibits. Mr. Whitehouse advised the Commission that no public comments have been received regarding the application.

The Commission found that Mr. Frank Arena, a volunteer at Tharros Village, spoke on behalf of the Applicant, Tharros Village (c/o Code Purple at the Cape). Mr. Arena stated the request was regarding Ordinance No. 4003 for Conditional Use No. 2583, which granted approval for a campground for the unhoused individuals of Sussex County; that he thanked the Commission for their previous support and approval of Tharros Village; that the previous Conditional Use No. 2583 carried 15 separate Conditions of Approval; that he was happy to announce, that since the opening of the campground on July 7, 2025, which ran through November 30, 2025, they had fully complied with all of the imposed Conditions of Approval; that the guidance of the imposed Conditions, really helped guide them through the course of their operations; that their intent is to maintain full transparency, as well as safety, and the establishment of trust; that the amendment request was for Condition K, which refers to the retention and removal of structures and elements of the campground during the off-season; that on November 30, 2025, Tharros Village and the State OMB met to discuss the matter; that it has previously been discussed on multiple occasions, reaching an agreement on which structures, and which components of the campground would be removed upon closure, and which elements could remain stored on the site; that OMB and Tharros Village are in full agreement, regarding the maintenance of those materials, and the removal of those materials; that it is their belief, now that a separate agreement was reached on December 8th, 2025, which, in a way, supersedes or replaces the need for Condition K; that due to this, they request the elimination of Condition K, based on the separate agreement with the State OMB and Tharros Village regarding the maintenance of the property during the off-season components, which would be December through February of a calendar year; that they believed there were a number of added benefits that would go along with moving in the request direction; that it would simplify; that by approving their request, it would bring a reduction of administrative time, and burden for both Tharros Village and Sussex County, by avoiding repeated filings and reviews; that they believed their was a benefit by eliminating the need for calendaring, meeting and hearings, regarding the off-season property arrangements and storage, which had already been agreed upon with the State; that lastly, they felt there was a benefit of cost savings, as there are always costs associated with the requested kind of adjustment; that they believed their request would work as a benefit for both sides, and again requested the amendment of the Conditions of Approval, to removed Condition K, in light of the new agreements reached with the State on how to manage the campground during off seasons.

Madam Chair Wingate thanked Mr. Arena for his volunteer work, providing an opportunity for people in need, and questioned Mr. Whitehouse whether the Applicant's agreement with the State was submitted into the record.

Mr. Whitehouse stated that he believed the Applicant had submitted the agreement as an exhibit, and that it was an email provided by Ms. Jennifer Coverdale.

Mr. Collins questioned whether, rather than eliminating Condition K, he contemplated if there was a modification to the Condition that would allow items, which were agreed upon with the State, to be reasonably stored on site in a way that is tidy and out of view of the public; that he believed that the Commission could come up with some language that would replace Condition K, but would prohibit elements to be left exactly as they were, or by creating additional conditions, and that he suggested this for the sake of protecting the interests of the County and the residents.

Mr. Arena stated that he understood Mr. Collins' concerns; that they closed the village on November 30, 2025, at which time all of their guests were relocated; that many of their guests went to Code Purple men and women shelters that opened on December 1, 2025; that with approximately 72 hours, they had completely cleared the property as per the agreement with the State; that the clean up included sanitation facilities, trash containers, tents, pallets underneath tents; that currently it is a completely barren field; that they had an agreement with the State OMB and DelDOT to neatly store reusable components for the campsite behind the salt barns; that they are wrapped in tarp, and do not create an eyesore, and that this was agreed upon by DelDOT and the State OMB.

Mr. Collins questioned if that is effectively what the Applicant was requesting Condition K to be amended to allow.

Mr. Arena stated that, in an effort to be completely transparent, they felt and believed the State would agree that once they have this conversation on an annual basis with the State, it does not seem productive to come back to the Planning Commission and the County Council to have the same conversation that the State would have already agreed to, and therefore was their reasoning in requesting the elimination of Condition K.

Mr. Wingate stated she believed Mr. Collins' point was to ensure that at the end of each season, residents would not ride by seeing trash, tents, and other items still sitting on the site; that she did not believe that was the Applicant's intention, and that the request was only for storing materials needed for reopening.

Mr. Collins stated that the people currently running the project have good faith and good intent, and that his point is that, should the project change in the next five to 10 years, what Sussex County has put in place would ensure there are enforceable conditions.

Mr. Robertson stated that he agreed with Mr. Collins; that had Tharros Village requested this their first time through, it would have been totally fine, and the Planning Commission would have made that condition at the point, requesting the location to be shown on the site plan, and noting whether it is to be encased or enclosed; that this would provide clarity to everyone by an adopted Ordinance, should anyone have question to how items are being stored on the site; that it would give the Applicant

an Ordinance to state that they are entitled to store the items in the way it was approved and would provide protection for everyone.

Mr. Allen stated that the application requested a modification of the existing condition.

Mr. Arena stated that it may have been bold of him to request the elimination of Condition K; that he wanted the Commission to understand their perspective in anticipation of the public hearing conversation, and he requested to submit proposed language for the Commission to consider regarding the requested amendment change.

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 2622 Tharros Village (c/o Code Purple at the Cape). Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the February 4, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since January 21, 2026.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2622 for Tharros Village (c/o Code Purple at the Cape) for an amendment to Condition K of Conditional Use No. 2583 and Ordinance No. 4003 based on the record made during the public hearing and for the following reasons:

1. Tharros Village received approval for a campground for the unhoused on June 17, 2025, as part of Conditional Use No. 2583 that was approved by County Council as Ordinance No. 4003.
2. Tharros Village has satisfied the requirements of Condition O of Ordinance No. 4003 that required a report to be sent to the Commission and County Council in early 2026. That report has been received by the County.
3. As part of that prior approval, and based upon information available at that time, the site used by Tharros Village was to be seasonal, with all items associated with the Conditional Use removed from the property in the colder months so that the State of Delaware could utilize the property for its DelDOT equipment and material storage.
4. Tharros Village has now advised the County that it has reached an agreement with the State of Delaware to allow certain items to remain on the site year-round, even while the camping area is unoccupied. This will enable the more efficient and convenient use of the site by Tharros Village, its volunteers, and the people who utilize the site.

5. For these reasons, it is appropriate to amend Condition K of Conditional Use No. 2583 and Ordinance No. 4003 so that it now states as follows:

“The entire facility may open no earlier than March 1st of each year, and it shall close no later than November 30th of each year. However, during the time that the site is unoccupied, the operators of the facility may store items or materials associated with the use as permitted by the State of Delaware. Any such items or materials shall be securely stored and screened from the view of neighboring properties and roadways. The applicant shall provide The Office of Planning & Zoning with an updated site plan showing where any items or materials associated with the use will be stored.”

Mr. Passwaters stated that he was absent at the January 21, 2026, Commission meeting; however, he had watched the broadcast, reviewed the record, and therefore was prepared to vote.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/U 2622 Tharros Village (c/o Code Purple at the Cape), for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 21, 2026

Application: CU 2622 Tharros Village

Applicant: St. Jude the Apostle Church D/B/S Code Purple
152 Tulip Drive
Lewes, DE 19958

Owner: State of Delaware
122 Martin Luther King Jr. Blvd. S
Dover, DE 19901

Site Location: Located on the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9).

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Request to Amend Condition K of Conditional Use No. 2583 to allow for year-round outdoor storage.

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District: District 3 – Ms. Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 7.16-acre(s) +/-

Tax Map ID.: 334-6.00-526.01



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 Commission Members
From: Mrs. Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 3, 2025
RE: Staff Analysis for C/U 2622 Tharros Village

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2622 Tharros Village to be reviewed during the January 21, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 334-6.00-526.01

Proposal: The request is to Amend Condition K of Conditional Use No. 2583 for Tax Parcel 334-6.00-526.01 to allow for year-round outdoor storage on a parcel lying on the south side of Coastal Highway (Route 1), approximately 0.2 -mile northwest of the intersection of Coastal Highway (Route 1) and Dartmouth Drive in Lewes. The property is comprised of 7.16 acres +/-.

Zoning: The Parcel is zoned General Commercial (C-1) District. The surrounding parcels of the subject property are all General Commercial (C-1) District with parcels to the south, east and west being zoned High Density (HR-1) Residential District, Agricultural (AR-1) Residential District and Medium (MR) Residential District.

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

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

Recommendations/Guidelines for land categorized as *Commercial Area* per the Future land Use Classification in the Comprehensive Plan – Page 4-17

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are



often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (Sussex County Comprehensive Plan, 4-17).

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are “areas that can accommodate development provided that special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15.) The Plan further notes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” and that “appropriate mixed-use development should all be allowed” (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 areas to the north.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.
- **Wetlands Buffers/Waterways:** There are potential wetlands located on the property per the Sussex County on-line mapping site, and the property is not adjacent to any waterways.
- **Other Site Considerations (ie: Flood Zones, Tax Ditch, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X”, within an area of “Good” Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

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

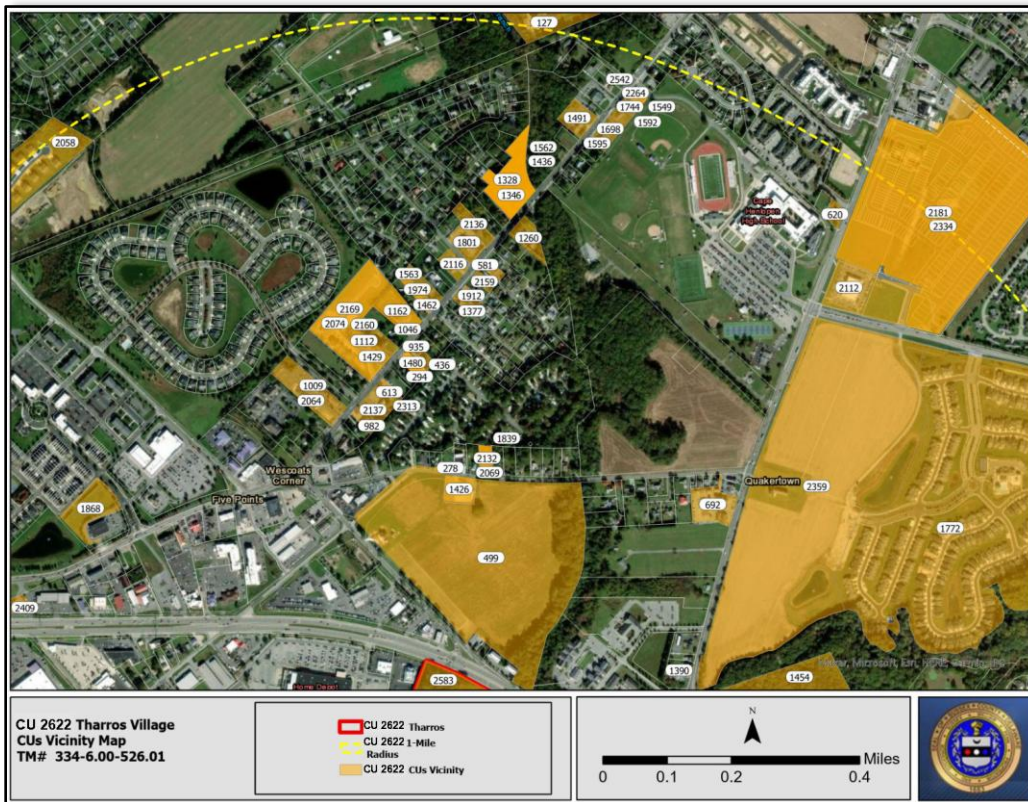
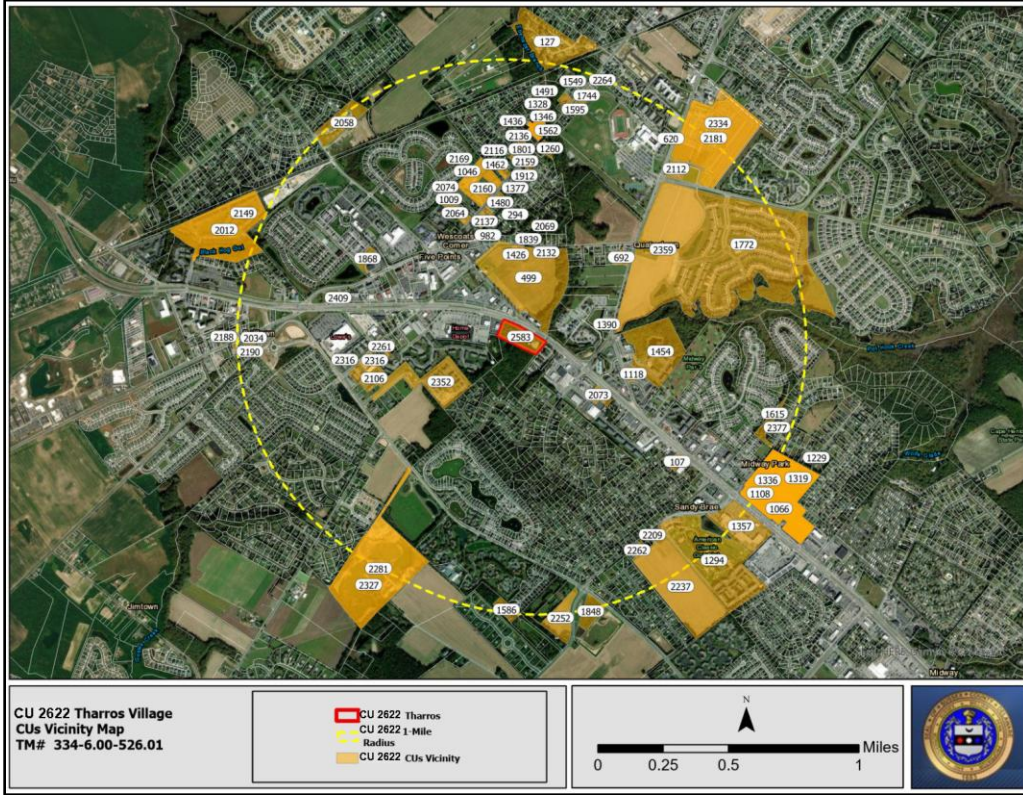
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table has been supplied which provides further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.

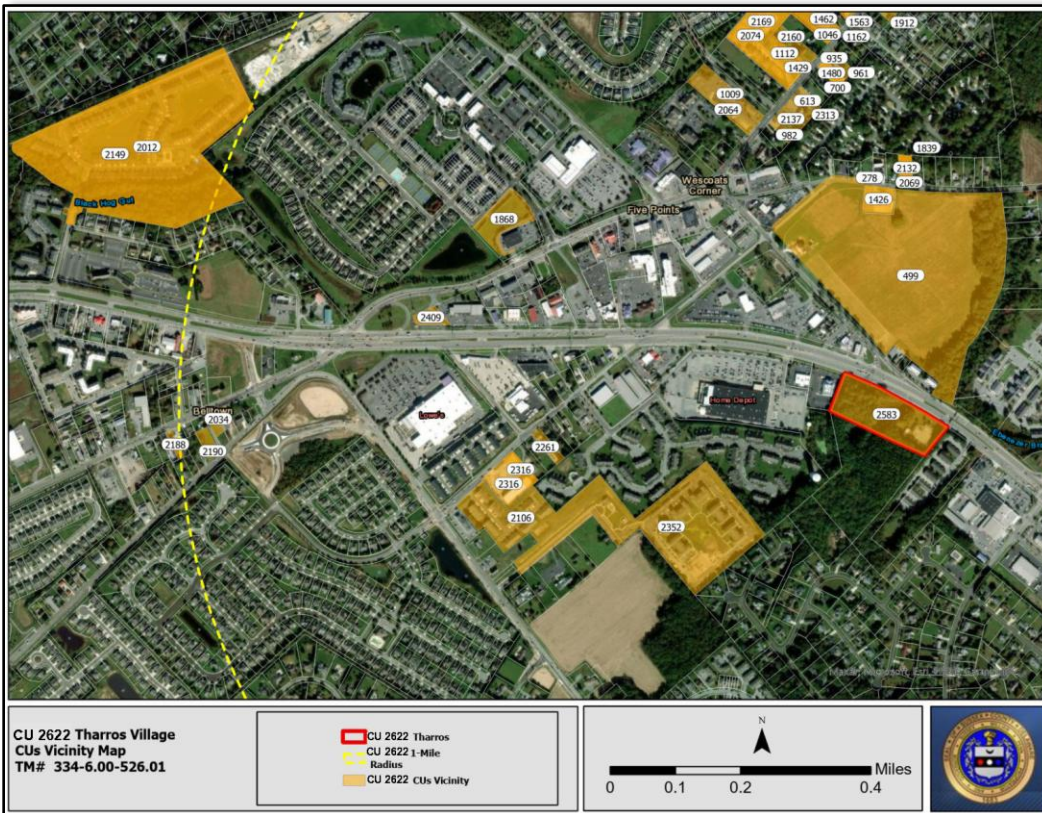
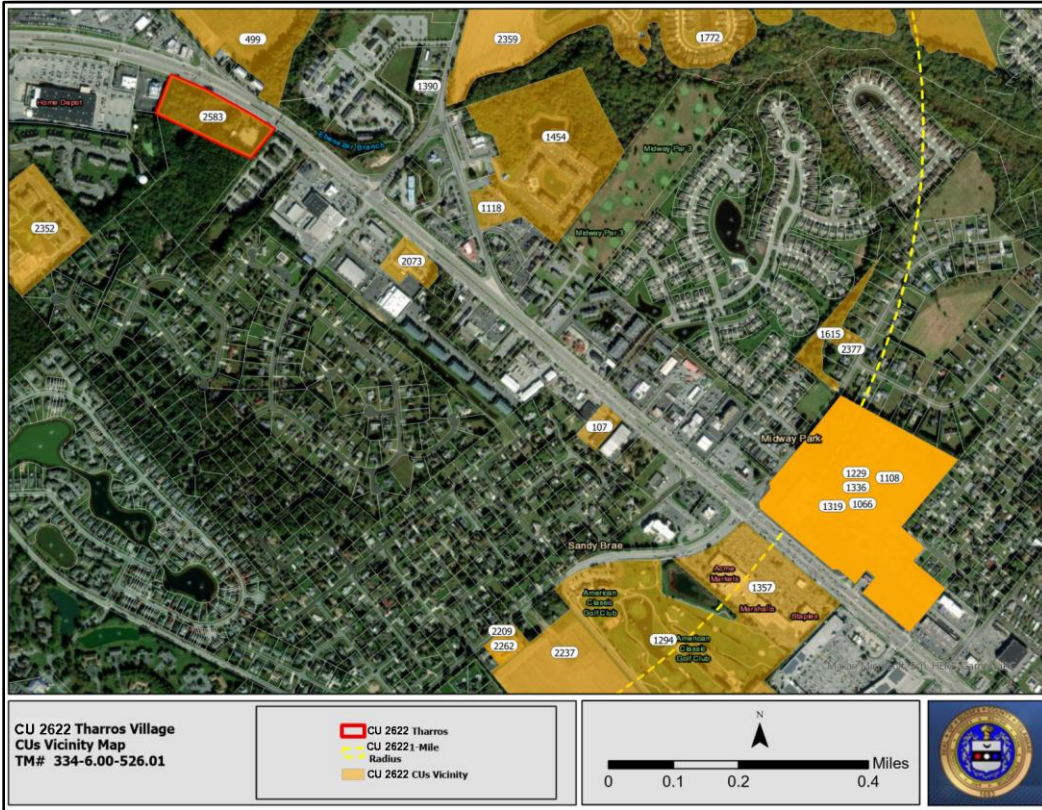
Conditional Use Applications						
(Within a 1-mile radius of the subject site) (Since 2010)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
1848	Todd Bariglio	B-1	Business/Office Complex	Approved	3/16/2010	2108
1868	Old Towne Pointe, L.L.C.	AR-1	Pharmacy/Community Service	Approved	5/24/2011	2196
1912	Wm. A. Bell & Kathleen M. Sperl-Bell	AR-1	Professional Office	Approved	11/8/2011	2226
1974	Sara Kay I. Phillips	AR-1	Hair Salon	Approved	1/14/2014	2334
2012	Ocean Atlantic Communities (Covered Bridge Trails)	MR	Multi-Family - Townhouses and Condo Units	Approved	12/15/2015	2430
2034	Beachfire Brewery Co., LLC	AR-1	Restaurant And Brewery	Approved	3/8/2016	2438
2058	Old Orchard Ventures - Oyster Cove	MR	Multi-Family (Duplex) Dwelling Structures (24 Units)	Approved	10/25/2016	2472
2064	R & K Partners	AR-1	Medical Offices	Approved	3/7/2017	2484

2069	Rudolph Joseph Johnson	AR-1	Workout Studio	Approved	4/25/2017	2494
2073	Delmarva Power & Light Co.	C-1	Expansion To an Existing Electrical Station	Approved	3/7/2017	2486
2074	Quail Valley 1525, LLC (Midway Fitness)	AR-1	Commercial Use as A Therapy and Fitness Center	Denied	8/8/2017	N/A
2106	MDI Investment Group, LLC (C/O Doug Compher)	MR	Multi-Family (52 Townhouses)	Approved	3/20/2018	2566
2112	Mitchell Family Limited Partnership	AR-1	Medical Office and Ancillary Medical Uses	Approved	3/20/2018	2567
2116	William and Stacey Smith	AR-1	Professional Offices	Approved	3/20/2018	2569
2132	Dorothy Darley	AR-1	Hair Studio	Approved	7/31/2018	2590
2136	Christine Degnon	AR-1	Medical Offices	Approved	10/23/2018	2608
2137	John W. Ford	AR-1	Professional Offices	Approved	7/31/2018	2592
2149	Covered Bridge Trails, LLC	MR	Amended Condition of Approval of CU 2012	Approved	7/24/2018	2588
2074	Elisabeth Ann Burkhardt	AR-1	Professional Office	Approved	1/15/2019	2628
2106	Procino, Wells, and	AR-1	Professional Office	Approved	3/19/2019	2638

	Woodland, P.A.					
2169	Robert & Debora Reed	AR-1	Multi-Family	Approved	6/18/2019	2663
2181	Mitchell Family, LLC	MR	Multi-Family (209)	Withdrawn	Withdrawn	N/A
2188	Donovan's Painting and Drywall, LLC	AR-1	Contractor's Office with Storage	Approved	10/29/2019	2686
2190	Steven & Helene Falcone	AR-1	Office	Approved	1/7/2020	2699
2209	Matthew C. Hete	MR	Multi-Family (14 Units)	Denied	7/28/2020	N/A
2237	Sam Warrington II	AR-1	Outside Boat & Rv Storage	Approved	12/1/2020	2756
2252	Delaware Electric Co- Op	MR	Substation	Approved	7/13/2021	2788
2169	What Is Your Voice, Inc.	AR-1	Use Existing Garage for Office Uses and One-Story Pole Building for Rental Storage Facilities (4 Units) In Connection W/ Applicant's Non-Profit Corporation	Approved	9/14/2021	2800
2181	Matthew Hete	AR-1	Multi-Family (4-Units)	Approved	11/16/2021	2812
2188	Laudan Investments, LLC	AR-1	General Office Use	Approved	11/16/2021	2813
2281	Susan Riter	AR-1	Borrow Pit	Withdrawn	6/8/2021	N/A
2313	John Ford	AR-1	Realty Office	Approved	9/20/2022	2885

2316	Lighthouse Construction, Inc.	AR-1	Office Building	Approved	9/27/2022	2888
2316	Southern Delaware Medical Center	AR-1	Medical Office Building	Approved	9/27/2022	2888
2327	Howard L. Ritter & Sons, Inc.	AR-1	Expansion of a Non-Conforming Borrow Pit	Approved	1/24/2023	2901
2334	Henlopen Properties, LLC	MR	Multi-Family	Approved	7/26/2022	2876
2352	CB Lewes, LLC	MR	Multi-Family (30 Units)	Approved	6/14/2022	2866
2359	JG Townsend Jr. & Co.	Ar-1	Multi-Family (102 Units)	Approved	12/5/2023	2964
2377	John W. Hocker, IV	AR-1	Amendment of Subdivision Plan	Withdrawn	Withdrawn	N/A
2409	Bryan Stewart	C-1	Crab Shack Vendor	Approved	2/24/2024	2991
2542	Lauden Investments, LLC	AR-1	Professional Office	Approved	12/17/2024	3067



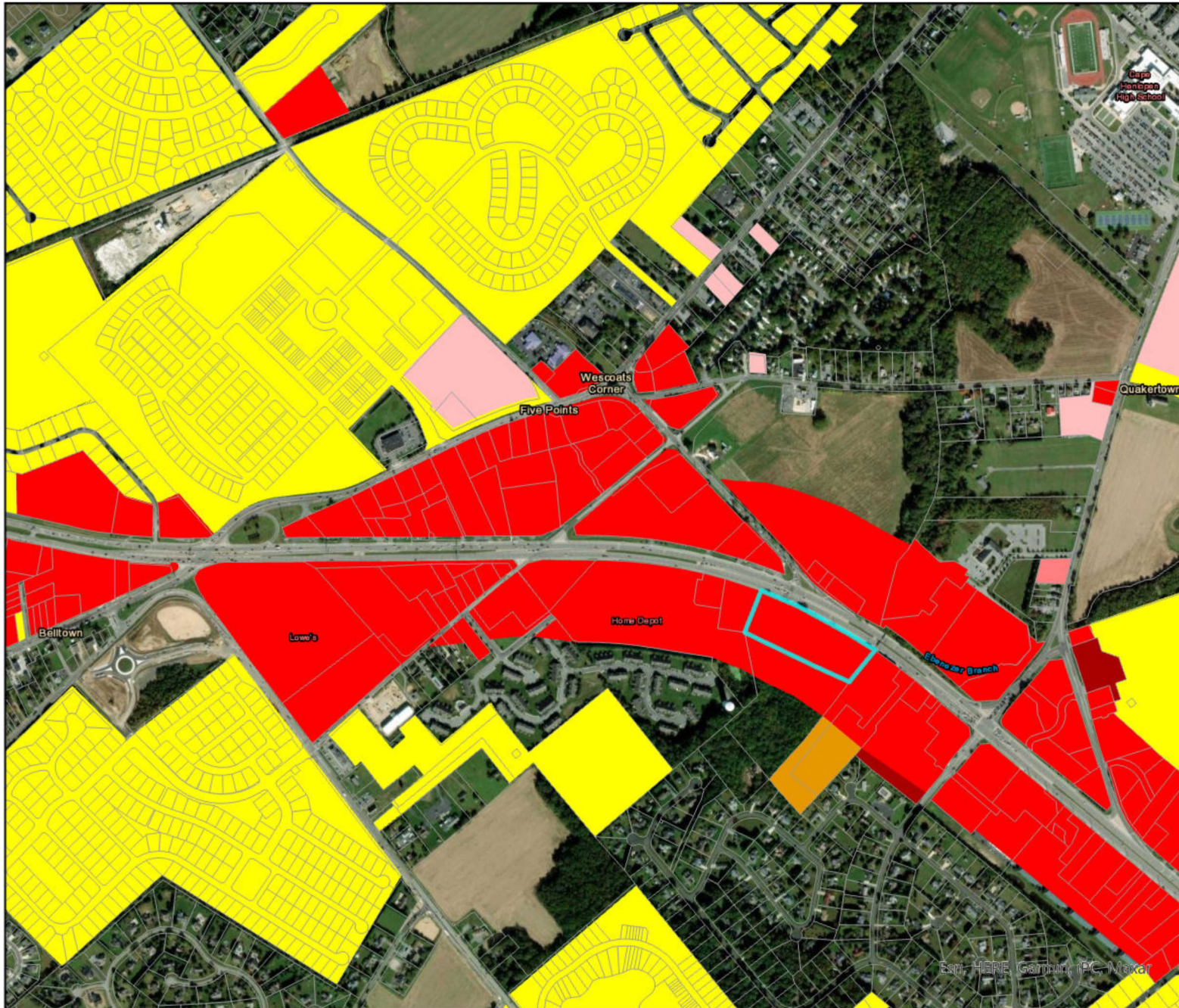






CU 2622 Tharros Village
Street Map
TM# 334-6.00-526.01

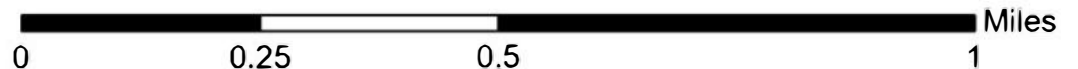




Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
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-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
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CU 2622 Tharros Village
 Zoning Map
 TM# 334-6.00-526.01





CU 2622 Tharros Village
Aerial Map
TM# 334-6.00-526.01



Introduced: 12/16/25

Council District 3: Ms. Gruenebaum
Tax I.D. No.: 334-6.00-526.01
911 Address: 17996 Coastal Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION K OF CONDITIONAL USE NO. 2583 (ORDINANCE NO. 4003) TO ALLOW FOR YEAR-ROUND OUTDOOR STORAGE TO REMAIN ON THE PROPERTY AS PART OF A CAMPGROUND FOR THE UNHOUSED TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.16 ACRES, MORE OR LESS

WHEREAS, on the 21st day of November 2025, a Conditional Use application, denominated Conditional Use No. 2622, was filed on behalf of Tharros Village (c/o Code Purple at the Cape); and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2622 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 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2622 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying the south side of Coastal Highway (Rt. 1), approximately 0.2 mile northwest of the intersection of Coastal Highway (Rt. 1) and Dartmouth Drive (Rt. 9), and being more particularly described in the attached legal description prepared by St. Jude the Apostle Church D/B/A Code Purple said parcel containing 7.16 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.