

**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**

**June 9, 2026**

**12:30 P.M.**

**\*\*\* AMENDED on June 3, 2026 at 11:00 a.m.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes - June 2, 2026**

[Draft Minutes 060226](#)

**Reading of Correspondence**

**Public Comments**

**Consent Agenda**

1. **Proclamation Request – Cape Henlopen High School Girls Lacrosse State Champions**

**Todd Lawson, County Administrator**

1. **Administrator's Report**

**Andrea Wall, Manager of Accounting**

1. **FY27 Insurance Renewal Recommendation**  
[FY27 Insurance Renewal Recommendation](#)



## Old Business

1. [Ordinance No. 26-01](#)

**“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRIP) PROGRAM”**

[Old Business ORD 26-01](#)

2. [Ordinance No. 26-03](#)

**“AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” AND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”**

[Old Business ORD 26-03](#)

3. [Conditional Use No. 2631 filed on behalf of Zion Church Ventures, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) TO ANNOUNCE P&Z RECOMMENDATION**

[Old Business CU 2631](#)

4. [Conditional Use No. 2554 filed on behalf of E. Johnson Holdings, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS” (property is lying on the north and west side of the intersection of Central Avenue [S.C.R. 84] and Lizard Hill Road [S.C.R. 367A]) (911 Address: N/A) (Tax Map Parcel: 134-19.00-12.00 [P/O])**

[Old Business CU 2554](#)

5. [Conditional Use No. 2555 filed on behalf of Bittersweet Investments, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS” (property is lying on the southeast corner of the intersection of Central Avenue [S.C.R. 84] and Old Church Cemetery Road [S.C.R. 367]) (911 Address: 34555 Central Avenue, Frankford) (Tax Map Parcel: 134-19.00-25.00 [P/O])

[Old Business CU 2555](#)

**Jamie Whitehouse, Planning & Zoning Director \*\*\***

1. **Presentation & Discussion Related to Solar Arrays**

[Solar Arrays](#)

**Grant Request**

1. **Downtown Milford Inc. for their Independence Day Celebration**

[Downtown Milford](#)

**Introduction of Proposed Zoning Ordinances**

[Ord Intros CU2570](#)

**Council Members' Comments**

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

**Possible action on Executive Session Items**

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

1. [Change of Zone No. 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC](#)

“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” (properties are lying on the northeast side of Coastal Highway [Rt. 1], directly north of Cave Neck Road [S.C.R. 88]) (911 Address: N/A) (Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 [P/O])

[Public Hearing CZ 2053](#)

2. [Conditional Use No. 2540 filed on behalf of La Dolce Far Niente, LLC](#)

“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” (property is lying on the west side of DuPont Boulevard [Route 113], approximately 0.19 mile north of East Piney Grove Road [S.C.R. 329]) (911 Address: N/A) (Tax Map Parcel: 133-11.00-1.02)

[Public Hearing CU 2540](#)

3. [Conditional Use No. 2604 filed on behalf of Alvaro E. Perez Roblero](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (property is lying on the west side of Cedar Corners Road [S.C.R. 638], approximately 410 feet south of Redden Road [Rt. 40]) (911 Address: 16694 Cedar Corners Road, Bridgeville) (Tax Map Parcel: 430-17.00-23.01)

[Public Hearing CU 2604](#)

**Adjourn**

**\*\*\* Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 2, 2026 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

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

**Conference Code: 570176**

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

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

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

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 2, 2026**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 2, 2026, at 10:00 a.m., in Council Chambers, with the following present:**

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

<b>Call to Order</b>	<b>The Invocation and Pledge of Allegiance were led by Mr. Hudson.</b> <b>Mr. Hudson called the meeting to order.</b>
<b>M 221 26 Approve Agenda</b>	<b>A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, to approve the Agenda, as presented.</b> <b>Motion Adopted: 5 Yeas</b> <b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b>
<b>Minutes</b>	<b>The minutes from May 19, 2026, were approved by consensus.</b>
<b>Correspondence</b>	<b>Mr. Moore reported that correspondence was received from Delaware State Troopers Association thanking Council for their support.</b>
<b>Public Comments</b>	<b>Public comments were heard.</b> <b>Ms. Lisa Wright spoke about density and land value.</b>
<b>M 222 26 Approve Consent Agenda</b>	<b>A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the following items under the Consent Agenda:</b> <b>Use of Existing Wastewater Infrastructure Agreement, IUA20-2025</b> <b>The Centre at Love Creek (Building 5) Royal Farms Project, Angola North Area</b> <b>Use of Existing Wastewater Infrastructure Agreement</b> <b>Dockside Bar &amp; Grill Project, Angola North Area</b>

**Motion Adopted: 5 Yeas**

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

**Presentation A presentation was given by Ms. Patti Grimes, Executive Director, Joshua M. Freeman Foundation updating Council on their programs.**

**Presentation A presentation was given by Mr. Ring Lardner, Board Chair, Sussex County Land Trust updating Council on their work for land preservation.**

**Adminis- Mr. Lawson read the following information in his Administrator's Report:  
trator's  
Report**

**1. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Convenience Store w/Gas- Wawa #0894, effective April 28<sup>th</sup>; Black Oak West (FKA Glenwood) - Phase 1 (Construction Record), May 4<sup>th</sup>; Village Center Cottages (AKA Lightkeeper's Village) – Phase 2 (Construction Record), effective May 22<sup>nd</sup>; and Village Center Cottages (AKA Lightkeeper's Village) – Phase 3 (Construction Record) effective May 27<sup>th</sup>.**

**2. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for April 2026 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of April.**

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

**Dewey Mike Harmer, County Engineer presented a recommendation to award for  
Water Tank Dewey Water tank recoating for Council's consideration.**

**M 223 26 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd that be it moved  
Approve based upon the recommendation of the Sussex County Engineering  
Dewey Department that contract G26-14, Dewey Beach tank recoating, be awarded  
Water Tank to U.S. Tank Painting for their total bid price in the amount of  
Recoating \$2,171,000.00.**

**Motion Adopted: 5 Yeas**

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

**Business Park Water Tower** Mark Parker, Assistant County Engineer, presented a recommendation to award for Business Park Water Tank for Council's consideration.

**M 224 26 Approve Business Park Water Tower Project** A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved based upon the recommendation of the Sussex County Engineering Department that contract A26-09, Business Park water storage tank modifications, be awarded to A-Del Construction, Inc. for their bid amount of \$634,000.00.

**Motion Adopted: 5 Yeas**

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

**Kings Highway CO No. 5** Mark Parker, Assistant County Engineer, presented change order no. 5 for Kings Highway from SR1 to Freeman Highway, DelDOT State contract for Council's consideration.

**M 225 26 Approve CO No. 5/ Kings Highway** A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 5 for Christiana Excavating Company be approved in the not-to-exceed amount of \$63,518.00, subject to final DelDOT funding approval.

**Motion Adopted: 5 Yeas**

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

**CU2354 Ext Request** Jamie Whitehouse, Planning & Zoning Director, presented a request for an extension for Conditional Use No. 2354 filed on behalf of Sussex CSG, LLC for Council's consideration.

**M 226 26 Approve Time Ext Request** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that Sussex County Council approve the time extension request for Conditional Use No. 2354.

**Motion Adopted: 5 Yeas**

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

**Mr. Hudson, Yea**

**On-Call Planning Services**      **Jamie Whitehouse, Planning & Zoning Director, presented an update and request for approval for vendor contracts for on-call planning services for the Comprehensive Plan for Council’s consideration.**

**M 227 26 Approve On-Call Services/ Comp Plan**      **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved that Sussex County Council approves the award of contract to McCormick Taylor, Inc. for on-call planning services RFP.**

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

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

**Old Business/ Ordinance No. 26-01**      **Under Old Business, Mr. Lawson, Mr. Robertson and Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM”.**

**Mr. Lawson led a discussion related to the Proposed Ordinance. He reported that based on feedback, there have been requests made related to making the following changes:**

- **Building Height – increase current limits**
- **Building Length Caps – remove building length caps**
- **Building Setbacks – adjust building setback distances according to neighboring property uses**
- **Building Separation Distance – reduce building separation distance**
- **SCRP Rents – adjust rent limits**

**Old Business/ Ordinance No. 26-02**      **Under Old Business, Mr. Lawson, Mr. Robertson and Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, “PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL” AND CHAPTER 115, ARTICLE IV, §115-25 “HEIGHT, AREA AND BULK REQUIREMENTS” OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS”.**

**Mr. Lawson led a discussion related to the Proposed Ordinance. He reported that based on feedback, there have been requests made related to making the following changes:**

- **Add references to applicable County Code**

- Clarify interconnectivity requirement so that language indicates it must be designed (as opposed to being fully built in certain cases)

**Grant  
Requests**

**Mrs. Jennings presented grant requests for Council's consideration.**

**M 228 26  
Town of  
Greenwood**

**A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to give \$2,000 (\$2,000 from Mr. McCarron's Councilmanic Grant Account) to Town of Greenwood for their National Night Out event.**

**Motion Adopted: 5 Yeas**

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

**M 229 26  
Sussex  
County  
Land Trust  
Foundation**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to give \$2,000 (1,000 from Ms. Gruenebaum's Councilmanic Grant Account and \$1,000 from Mr. McCarron's Councilmanic Grant Account) to Sussex County Land Trust Foundation Inc. for their Dogfish dash event.**

**Motion Adopted: 5 Yeas**

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

**M 230 26  
Friends of  
Georgetown  
Public  
Library, Inc.**

**A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$750 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$250 from Mr. Lloyd's Councilmanic Grant Account) to Friends of the Georgetown Public Library Inc. for their annual 5K race.**

**Motion Adopted: 5 Yeas**

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

**M 231 26  
Town of  
Georgetown**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000 (\$1,000 from Mr. Rieley's Councilmanic Grant Account and \$1,000 from Mr. Hudson's Councilmanic Grant Account) to the Town of Georgetown for Delaware 250 events.**

**Motion Adopted: 5 Yeas**

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

**M 232 26**      **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give**  
**Rehoboth**      **\$1,625 (\$1,625 from Countywide Youth Grant Account) to Rehoboth**  
**Summer**      **summer children’s theatre for their Jungle Book summer tour.**  
**Children’s**  
**Theatre**

**Motion Adopted:    5 Yeas**

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

**Intro Ord**      **There were no Proposed Ordinance for Introductions.**

**CM**              **There were no Council Member comments.**  
**Comments**

**M 233 26**      **At 11:56 a.m., a Motion was made by Mr. McCarron, seconded by Mr.**  
**Go Into**      **Rieley to go into Executive Session for the purpose of discussing matters**  
**Executive**      **relating to land acquisition and pending & potential litigation.**  
**Session**

**Motion Adopted:    5 Yeas**

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

**Executive**      **An Executive Session was held in the Basement Caucus Room to discuss**  
**Session**      **matters relating to land acquisition & pending & potential litigation. The**  
**Executive Session ended at 1:28 p.m.**

**M 234 26**      **At 1:30 p.m., a Motion was made by Mr. McCarron, seconded by Mr.**  
**Reconvene**      **Rieley to come out of Executive Session back into Regular Session.**

**Motion Adopted:    5 Yeas**

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

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

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

**Public**            **A Public Hearing was held on Proposed Ordinance entitled “AN**  
**Hearing/**      **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-**  
**CU2563**      **1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE**  
**WITH BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN**  
**PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY,**  
**CONTAINING 13.48 ACRES, MORE OR LESS” (property is lying on the**  
**south side of Omar Road [S.C.R. 54], approximately 0.23 mile east of Dukes**

Public  
Hearing/  
CU2563

(continued)

Road [S.C.R. 354]) (911 Address: N/A) (Tax Map Parcel: 433-7.00-20.00) filed on behalf of George Herker.

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

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of May 6, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 13 recommended conditions of approval as outlined.

The Council found that Mr. Richard Polk, Civil Engineer with Vista Design, Inc., spoke on behalf of the applicant, Mr. George Herker. Mr. Polk stated that as indicated, the Applicant was requesting Conditional Use for the development of a commercial mini storage facility to contain thirty-one (31) 40' x 60' storage buildings and sixty-two (62) storage spaces; that the property is comprised of 13.4 acres, and located on the south side of Omar Road, approximately 2,500 feet west of the Route 20 intersection, and approximately 2/3 mile east of the Town of Frankford; that the property is currently zoned AR-1 (Agricultural Residential); that the site is located within the Coastal Area per the 2019 Future Land Use Map; that the property is not located within a DelDOT Transportation Improvement District (TID); that the site was not located within a Wellhead Protection Area; that the site was located within an area of poor groundwater recharge potential; that the site was located within Investment Levels 2 and 3 per the Delaware State Strategies; that the property had 460 feet of frontage along Omar Road; that the site was currently a mixture of active agricultural fields on the northern half, and forested lands on the southern half; that most of the property's eastern and western property lines, along the existing agricultural fields are comprised of a single or double row of mature trees with various amounts of understory; that only the northernmost part of the site, being near Omar Road, did not have the forested buffer along the agricultural field; that the southern boundary of the property ran along Vines Creek, where areas of regulated wetlands had been identified; that portions of the southern area are also mapped within Flood Zone A per the FEMA Flood Maps; that topography on the site ranges from high of approximately 25 elevation along Omar Road, to a low of near 9 in Vines Creek; that the agricultural fields, and the first area of woods are relatively flat with most of the fall in the topography, occurring immediately adjacent to the Vines Creek; that the property is located within Tier 2 being the Sewer Planning Area by the Sussex County Engineering; that although no plans currently exist to extend service to the area; that the property is located almost directly across Omar Road, from the Applicant and the Owner's current property management facilities, where they have provided services for property owners throughout Sussex County for the last 15 years; that the proposed development program contains thirty-one (31) 40' x 60' single-story buildings and sixty-two (62) parking spaces; that a single point of ingress and egress from

**Public  
Hearing/  
CU2563  
(continued)**

Omar Road is proposed; that DelDOT reviewed the application and responded that the proposed use would create a negligible traffic impact; that there will be no development nor disturbance within the regulated wetlands or the FEMA floodplain areas; that the development portions of the site is to be completely fenced; that the site's entrance will be key or card activated; that the entrance will also include a provision for turnarounds; that if someone were to pull off Omar Road for any reason, or were not authorized to get in, they will be able to perform a three-point-turn and pull back out onto Omar Road; that there will be no personnel intended to work on the property; that therefore, there are no well or septic facilities; that the signage will be located at the entrance; that should there be a problem, a telephone number for a 24-hour service line will be included, as well as direction to Herker Property Management Facility office, located across the street; that because no personnel are intended to work from the site, no well or septic facilities are proposed; that the site is to be lighted for security purposes; that lighting is to be fully shielded to prevent light from bleeding onto adjacent properties; that 30 foot forested buffers are proposed along both sides of the majority of the site's frontage, as well as along both sides of the property, and along the majority of the site's frontage; that the only place there will not be a 30 foot buffer will be at the site's primary means of ingress, egress and a small area set aside for the sign; that the majority of the development is proposed within the existing agricultural land; that the site preserves or reforests 80% of the existing on-site forest; that in summary, the proposed Herker mini-storage site proposes 31 single-story storage buildings, and 62 surface parking storage spaces; that the development had been designed to minimize impacts on surrounding properties and is proposed to retain or reforest over 80% of the existing on-site forested lands, equating to over 51% open post development; that access to the site had been designed to ensure safe ingress and egress to Omar Road; that while the property would not be staffed 24 hours a day, signage would be installed directing patrons to the existing Herker Property Management Facility, located immediately across Omar Road should any issue arise, and that the development would adhere to all Sussex County, DelDOT and the State of Delaware regulations.

There were no public comments.

The Public Hearing and public record were closed.

**M 235 26  
Adopt  
Ordinance  
No. 4058/  
CU2563**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4058 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 13.48 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

**M 235 26  
Adopt  
Ordinance  
No. 4058/  
CU2563  
(continued)**

- 1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 2. The use will be located along Omar Road, and it is in an area where several small businesses and commercial uses exist within one mile of the site, including the Applicant's property management business across the road. This is an appropriate location for this type of low-intensity use.**
- 3. The use will be a storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted on this site. The management of the use will occur from the Applicant's existing property management company on the opposite side of Omar Road.**
- 4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use complements the residential development that is occurring in Sussex County and the newer residential developments that do not allow sheds or long-term parking of boats and RVs on lots.**
- 5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.**
- 6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. This recommendation for approval is subject to the following conditions and stipulations:**
  - a. The use shall be limited to 31 mini-storage buildings and the outside storage of boats and RVs. The buildings on the site shall be no larger than 40 feet by 60 feet in size and 20 feet in height. The buildings shall be separated by a minimum separation distance of 24 feet. None of the buildings shall have water or sewer connections.**
  - b. Security lighting shall be screened with downward illumination so that it does not shine on any neighboring properties or roadways.**
  - c. The perimeter of the storage area shall be fenced and gated with electronic access. The location and type of fencing shall be shown on the Final Site Plan. The entrance gate shall be located at least 40 feet from the Omar Road right-of-way so that waiting vehicles do not line up on that roadway.**
  - d. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.**
  - e. There shall be only one lighted sign allowed on the site. It shall not be larger than 32 square feet per side.**
  - f. Stormwater management shall be maintained on site, using Best Management Practices.**
  - g. A 30-foot-wide perimeter landscape buffer shall be established along the perimeter of the site with the exception of the entrance and sign areas. This buffer shall include existing trees to the**

**M 235 26  
Adopt  
Ordinance  
No. 4058/  
CU2563  
(continued)**

- greatest extent possible. The Final Site Plan shall include the details of this perimeter landscape buffer.
- h. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.
  - i. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself.
  - j. The use shall be subject to all DeDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
  - k. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
  - l. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
  - m. Th Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

**Motion Adopted: 5 Yeas**

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

**Public  
Hearing/  
CU2631**

**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 STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00) filed on behalf of Zion Church Ventures, LLC.**

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

**The Planning & Zoning Commission held a Public Hearing on the**

**Public  
Hearing/  
CU2631  
(continued)**

**application on April 15, 2026. At the conclusion of the Public Hearing, the Commission deferred action on the application for further consideration, leaving the record open until April 22nd for receipt of any additional written comments. The item is scheduled to be considered under Old Business at the meeting scheduled for June 3, 2026.**

**It was found that nobody was in attendance to present the application.**

**M 236 26  
Allow  
Continuous/  
CU2631**

**A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to continue the hearing until after the next Public Hearing.**

**Motion Adopted: 5 Years**

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

**Public  
Hearing/  
CU2551**

**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 AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.45 ACRES, MORE OR LESS” (property is lying on Morning Glory Farms Road on the northwest side of Portsville Road [S.C.R. 492], approximately 0.84 mile east of S. Shell Bridge Road [S.C.R 492A]) (911 Address: 8982 Morning Glory Farms Road, Laurel) (Tax Map Parcel: 432-3.00-41.06) filed on behalf of Sarah Peterson.**

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

**The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 10 recommended conditions of approval as outlined.**

**The Council found that Ms. Sarah Peterson spoke on behalf of her application along with her daughter, Sophia Peterson. Ms. Peterson stated that she was the owner of the property; that the property was originally a horse farm; that they turned the horse farm into a venue; that there is about 9 acres of property; that they want to do retreats, wedding and special occasions; that they are located on the water; that they are the only ones out there with no neighbors within a mile of the property; that they live on the property and they run the business together; that they use the barn for their events; that they maintain the property; that they have placed a new driveway, which is a mile long and in an area that is completely wooded; that establishing the new driveway was quite an undertaking; that they have a bridal suite, a man cave and they wanted**

**Public  
Hearing/  
CU2551  
(continued)**

**access to everything there right on the property; that they wanted to be different than other venues; that their goal is to have one event a weekend; that they have contractors that help them with the events.**

**A discussion was held about the condition for the installation of a fence.**

**Public comments were heard.**

**Ms. Grace Peterson spoke in opposition to the application.**

**The Public Hearing and public record were closed.**

**M 237 26  
Delete  
Condition  
7G/  
CU2551**

**A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to delete Condition 7G which currently read “A solid wooden or vinyl fence at least six feet in height shall be installed along the eastern boundary of the site along lands of Grace S. Peterson. The type and location of this fencing shall be shown on the Final Site Plan”.**

**Motion Adopted: 5 Yeas**

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

**M 238 26  
Adopt  
Ordinance  
No. 4059/  
CU2551**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 4059 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 8.45 ACRES, MORE OR LESS” for the reasons and conditions given by Planning & Zoning as follows and as amended by this Council:**

- 1. The site is an 8.45-acre parcel of land owned by the Applicant with direct access to Portsville Road.**
- 2. This use was previously the subject of Conditional Use #2373 for a similar event venue. That Conditional Use was denied for lack of a detailed site plan, improper access via a private easement and a property line dispute. All of those issues are now resolved, including a dedicated entrance drive to Portsville Road on land owned by the Applicant.**
- 3. The Applicant intends to hold events that include weddings, baby showers, birthday parties and similar events.**
- 4. The site will have an area available for at least 141 parking spaces based on the site plan that was submitted with the Application.**
- 5. With the conditions and limitations placed upon the Conditional Use, it will not adversely affect neighboring or adjacent properties or area roadways.**

**M 238 26  
Adopt  
Ordinance  
No. 4059/  
CU2551  
(continued)**

- 6. This use promotes tourism and hospitality activities in Sussex County.**
- 7. This recommendation is subject to the following conditions:**
  - a. All events shall end no later than 11:00 p.m.**
  - b. Food and beverage service and music or similar entertainment is permitted.**
  - c. As stated by the Applicant, there shall be no more than 200 people at any event.**
  - d. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads or adjacent properties.**
  - e. All access to the site for this use shall be via the Applicant's fee simple roadway connecting to Portsville Road. There shall not be any access for this use via the 10- foot-wide easement shown on the site plan.**
  - f. One unlighted sign shall be permitted on the Applicant's property at the entrance along Portsville Road. It shall not be larger than 32 square feet per side.**
  - g. All entrance locations shall be subject to the review and approval of DelDOT.**
  - h. Any violation of these conditions of approval may be grounds for the termination of this Conditional Use.**
  - i. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas**

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

**Close Public  
Hearing/  
CU2631**

**Mr. Whitehouse reported that his staff was not able to contact the applicant for Conditional Use No. 2631 filed on behalf of Zion Church Ventures, LLC. The Public Hearing was closed and there was no testimony taken today.**

**M 239 26  
Adjourn**

**A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to adjourn at 2:26 p.m.**

**Motion Adopted: 5 Yeas**

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

**Respectfully submitted,**

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

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

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

MEMORANDUM:

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

FROM: Andrea M. Wall  
Manager of Accounting

SUBJECT: **INSURANCE RECOMMENDATION**

DATE: June 5, 2026

As we approach the July 1 renewal of the County's insurance program, our broker, Alliant, recommended marketing all lines of coverage to ensure the County continued to receive competitive pricing and appropriate coverage options. Through this process, Alliant secured competitive renewal terms across all lines of coverage, resulting in an overall premium increase of only 1.5%. The final renewal costs were below budgeted estimates.

One notable outcome of the renewal process was a reduction in the County's cyber insurance premium. This year, the County had the option to obtain full coverage limits through AmTrust at a lower premium cost, while also increasing the sublimit for e-crime coverage. Because the proposal from AM Trust was favorable to the County from both a financial and coverage perspective, we will be transitioning the cyber coverage to that carrier. All remaining lines of coverage will remain with the incumbent carriers.

Included in your packet are detailed renewal summaries for each line of coverage, including both expiring premiums and FY27 renewal premiums.

Highlights of the FY27 insurance renewal include:

- Decreased premiums for property, equipment breakdown, and cyber coverage
- Increased e-crime sub-limits under the County's crime policy
- Year two of a two-year rate guarantee for Workers Compensation coverage

On Tuesday, I will recommend renewal with the insurers identified in the attached materials and listed below. This recommendation is supported by both our insurance consultant, Angela Tennis, and our broker, Alliant.



The coverage details for each line of coverage are as follows:

- Package Policy (Property, Inland Marine, Auto, and Liability)-*Glatfelter*
- Equipment Breakdown-*CNA*
- Workers' Compensation-*Liberty Mutual*
- Airport Liability-*Chubb*
- Public Officials-*Indian Harbor/RSUI*
- Crime-*Great American*
- Cyber-*AmTrust*
- Pollution-*Chubb*
- Fiduciary-*Hudson*
- Volunteer- *Beazley*
- Crisis Response - *AIG*

I will be available to discuss the renewal and answer any questions.

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: May 29, 2026

RE: County Council Report for Ord 26-01 in Relation to Affordability and the Sussex County Rental Unit (SCRP) Program

---

On March 10, 2026, the County Council introduced an Ordinance to consider potential changes to the Code of Sussex County in relation to Affordability and the Sussex County Rental Unit (SCRP) Program.

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission recommended approval of the Ordinance for the 8 reasons of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the Ordinance at the meeting on May 19, 2026. At the conclusion of the public hearing, the Council closed the public hearing, leaving the record open.

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

[Minutes of the April 1, 2026, Planning & Zoning Commission Meeting](#)

### **ORD 26-01**

**AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM.**



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

Mr. Robertson stated the Sussex County currently had the SCRP (Sussex County Rental Program); that it was an affordable housing rental program available within Sussex County; that the Ordinance came directly out of Recommendation No. 10; that he requested to highlight some of the recommendations that are suggested within the Ordinance; that it was to reduce the affordable unit set aside from 25%, which was what Sussex County Code currently required, and reduce it to 15% of the units; that the next recommendation was to revise the AMI (Area Median Income) target from 50% to 80% AMI; that currently 80% was the cap for whether one would qualify for an SCRP unit or not; that representatives, Ms. Brandy Nauman, and Ms. Tyesia DuPont-Palmer, were present from the Sussex County Community Development and Housing Department; that the next recommendation was to reduce the open space requirement from 50% to 30% because they heard that the projects geometrically were not buildable at 50% open space; that the next recommendation was to align rents with certain established rents; that they have changed the amount of the base rent; that he presented an example of Coastal Tide, a current development in the Sussex County's SCRP development program; that there were 85 households that are on the waiting list with the SCRP; that applicants are pre-screened for a minimum income; that the average length of time tenants reside there is nearly three years, with seven of them having been there since 2021; that all the SCRP units are occupied with no vacancies; that the predominant AMI range for households at the time of application was 40% to 70% AMI, which had remained consistent through the recertification process; that this shows the majority of the SCRP participants fall within the 40% to 70% range; that currently rent is based on 50% AMI, which equals to \$765 per month for rent, for a one bedroom rental; that because they are hearing that it does not pencil at 50% AMI; that it is not enough rental income and revenue to make the projects worth it; that the Ordinance increased it to 60%, which gets it to \$915 per month in rent, which would be a fixed rental; that if one is at 40% AMI, one is still paying the 60% AMI rent; that the same thing goes with 50%, it is still 60%; that because we all know they have to do budgets, this will allow the developer to know what the rent will be, allowing Sussex County to know whether it pencils or not; that the goal is to make the projects happen, so Sussex County will have more affordable rental units; that there was a request in one of the letters to increase it to 80%; that there were two issues with that; that it was staff's thoughts that 80% gets close to market rate; that at \$1,220 per month, it prices it out of the affordability for the majority of current SCRP participants, who are at 40, 50, and 60%; that if the rent is fixed at \$1,220, it would become a stretch for someone who could only afford \$915, \$765 or \$610 rent per month; that whereas, if it is kept at 60%, it gets the top end of the people that Sussex County is currently serving, and it is closer to the lower end of the 40% and 50%; that with regard to specific developments, the Ordinance will reduce the number of units, down from 25% to 15%; that it makes a terminology change to reflect Sussex County resources and resource buffers; that it reduces the setbacks from 100 feet to 50 feet; that there was some concern about the way in which setbacks were calculated and whether that was a one-size-fits-all setback that should not be there in the event that development is next to land that is within agricultural preservation, land that is commercial or land that could be higher density developed; that there is language that was pulled directly from what is in the current Code regarding Sussex County's residential planned communities that stated if the height exceeds 42 feet, and the site is adjacent to land that is or could become developed residentially, the building shall include a setback design above 42 feet, and/or an increased setback to ensure an appropriate relationship between the higher density SCRP project and uses of flow intensity or height, existing or future, outside the proposed SCRP project; that this was not pulled from thin air, as it already existed within the Sussex County Code for

Residential Planned Communities (RPC), which provide design flexibility, but still protect how an RPC interacts with existing or future development next door; that another major change was decrease of open space from the current requirement of 50% to 30%; that the Ordinance involved several developers; that Mr. Matt Padrone, with Volker, submitted a letter into the record that stated the changes work and enable them; that they had done the Chapel Farm development, and they were in this; that they also worked with Mr. Preston Schell who deal with these types of projects; that when Mr. Schell looked at the Ordinance, he initially had some concerns, but said that the numbers worked; that it is an improvement; that Sussex County want to get these types of units built, and he felt it was a good step forward, while still following the recommendations of the working group .

The Commission found that there were five people present who wished to speak on the Ordinance.

Mr. David Hutt, Esq. with Morris James, LLP provided comment to the Ordinance, provided a presentation, and submitted documents into the record to accompany his comments. Mr. Hutt stated that affordable housing is a difficult topic to discuss; that it is not difficult because there is opposition to the concept of providing affordable housing; that is fairly universally accepted fact that housing should be affordable to as many people as possible; that makes it difficult is that it is sort of a technical, nuanced subject matter with different factors, calculations, and analysis, with many different types of programs out there; that one of the best examples of the difficulty in this is the term affordable housing itself; that he questioned whether they were discussing affordable housing with a lowercase A or an uppercase A; that they are defined terms; that at times, when one refers to affordable housing, they may just be using a generic reference to the word, which references how much a person can spend on a given portion of their lifestyle, including housing; that Mr. Robertson referred to the Ordinance well, as the Ordinance, as it was written, as an improvement; that the reduction from 25% of the required number of units to 15% is significant; that the increased from 50% to 60% certainly is a step in the right direction; that however, he would like to explain how the Sussex County Rental Program could be even better, providing greater opportunities for affordable housing throughout Sussex County; that he questioned why there are not more SCRP units being built; that he believed this was a question that the Land Use Working Group was trying to answer; that he knew Ms. Brandy Nauman's office had been working to answer the question; throughout the program, which was created in 2008, Coastal Tide apartments, located off Plantation Road, constructed 32 Sussex County Rental Program units; that currently, Coastal Tide is the only completed project in Sussex County under the Sussex County Rental Program; that Mr. Robertson had referred to the second project being Chapel Branch, which had not yet been completed; that when completed, he believed the project would provide 24 Sussex County Rental Program units; that between the 24 units of Chapel Branch, and the 32 units of Coastal Tide, Sussex County has had 56 units created for the Sussex County Rental Program since 2008; that this had not been from a lack of effort; that Sussex County had hired an outside consultant, being LSA Consulting, who produced a report in 2018 or 2019, which is commonly referred to as the "Home Report" (Housing Opportunities and Market Evaluation; that even that report resulted in changes over time; that in 2022, there were updates and changes to the Sussex County Rental Program; that there was also the creation of a Housing Trust Fund, that resulted from that; that within the very back of that report, the executive summary for the report, the very first strategy from that was to modify the Zoning Code to promote housing affordability in Growth Areas identified within the Comprehensive Plan; that given Sussex County's low base zoning, the

County should revise existing ordinances to better incentivize below market rate housing with changes appropriately scaled to meet both housing needs of lower income households, and the economic realities of developing housing in Sussex County; that appropriate scaling and balance of trying to determine the rents to be charged, the percentage to go out, purchase land, undertake the vertical construction and still be able to finance the development or that community is exactly what was mentioned as the first strategy or priority back in the Home Report; that frankly, it is why it is what was discussed during the Land Use Working Group, and why this Ordinance was crafted; that given the 56 units is all that exists, it appeared that the appropriate scaling and balance had not yet been met; that the purpose of the current Ordinance was to try to find that scaling and balance; the based on the current program, the maximum rent that can be changed for a three-bedroom unit is \$1,060, based on 50% AMI; that if one would be at 80% of AMI, the rent would be \$1,690; that this would allow the developer who wanted to build the homes, to go out and be able to obtain financing, indicating that the rental income would satisfy that; that the gap between those two numbers is \$630, which was significant over the expanse of a project when you multiply that out by each unit and factor that into the financing; that in 2022, when the Ordinance was changed, he felt it was believed that those changes would be enough; that under the Sussex County Rental Program, there are density bonuses, there is expedition of the review of the application by Mr. Whitehouse and staff; that unfortunately, that appropriate balance or scale had not apparently been met based on the fact that there is only one project that is under construction, being the Chapel Branch community; that this demonstrates that it is still not often possible to finance those projects, without the intervention of other housing programs; that even the Chapel Branch community uses the Sussex County Rental Program, but also uses specialized funding through the Delaware State Housing Authority, to help accomplish the financing of the project; that he did not say this to diminish the importance of those types of projects; that the Low Income Housing Tax Credit projects are those communities exist throughout Sussex County and have been very successful in developing housing that is affordable to many people; that however the Sussex County Rental Program, was developed so that it could stand alone, that you would not have to stack other types of assistance for financing help through the Delaware State Housing Authority; that there is nothing wrong with using multiple programs, however, the intent, of the Sussex County Rental Program was that it would be used solely to develop a project using those parameters that are found within that; that one should bear in mind, that if a person uses those other types of funding that are available through the Delaware State Housing Authority, they often come with a cap of the maximum amount of AMI that a person can make; that generally speaking, that is 60%; that for most of the Low Income Housing Tax Credit projects that a developer is building, a person's income cannot exceed 60% of AMI; that there is a gap between them and the Sussex County Rental Program, which in order to be eligible, there is a defined term called eligible income; that one would have to equal 80% of AMI; that if a builder were to utilize one of the State programs, such as the Low Income Housing Tax Credit, no one in that community would be able to be in the eligible income above the 60% threshold that exists for the program; that when looking at the charts, the individuals who would fall within the 70% to 80% range are teachers, nurses and individuals who under the Eligible Income Standard for the County are people that the County has indicated that it wanted to assist in that; that to have the Sussex County Rental Program provide as many opportunities as possible within the defined terms, such as eligible income, there are three things that they would propose; that first would be to right-size the number of required units at 15%; that this is within the Ordinance, and therefore that box is checked; that the second, is that they would

propose that the Ordinance should be modified so that it is not 25% of 50%, but rather 30% of 80% of AMI; that this would require two changes to the Ordinance; that Line 77 contains both of those numbers, so it would be a matter of striking 25, and inserting 30; that on the same line then striking 50, for what is proposed to be 60, but make it 80 instead; that he would assume one would question why 30%; that largely because other locations have been successful in developing hundreds of affordable units at that 30% threshold; that one example would be Howard County, over a very similar time period to the Sussex County Rental Program, it created more than 800 units within that range and also within a range for AMI of 60 to 80%; that the next question would be why 80%; that the Land Use Reform Working Group's recommendation was 80%; that this number was fairly consistent throughout the opportunity; the Governor created the Affordable Housing Production Task Force when he entered office; that one of the co-chairs of that was local senator, Senator Russell Huxtable; that in the report, where it tried to define who to target for affordable housing, the report stated for the purpose of expediting or incentivizing affordable housing development, the task force recommends defined affordable housing developments as those in which units are prices to be affordable to renter households making up to 80% AMI; that this recommendation was consistent with the Sussex County's Eligible Income up to 80%; that he believed this was why the Land Use Reform Working Group targeted 80% as well; that the third category was to reduce fees on units in the SCRP; that all units cost the same to build, whether a developer is constructing units that are market rate units, or they are Sussex County Rental Program units; that they have the same land cost, the same infrastructure cost, the same vertical construction cost; that they propose an additional way to incentivize increasing the number of SCRP units in the County, would be to reduce or waive fees for those SCRP units; that this proposed recommendation is not currently within the proposed Ordinance; that in the past on other ordinances, it might be something that was almost a narrative comment, when the Planning Commission send its recommendation to County Council, that the Commission recommends that in addition to whatever changes are contained in the ordinance itself; that the County look to develop a program to incentivize in other ways, such as the waiver or reduction of fees and costs; that within Howard County, there are reductions in water and sewer connection fees, with exemption from certain impact fees, in addition to density increases for affordable housing; that last year he had circulated a paper to Sussex County, separate and apart from what the Land Use Reform Working Group was doing, which specifically targeted the Sussex County Rental Program, and ways to help make it expand the use of the program to provide more affordable housing units within the County; that as part of that, there was a proposal to reduce the number of required units to 15%, which is something that is now within the current Ordinance; that another proposal was to have a tiered methodology for the percentage of AMI; that his proposed changes related to Line 77, where the number would move from 25 to 30; that for Line 78, instead of 50, which is now proposed to be 60, it would be a tiered approach to AMI for 60%, 70% or 80%; that within his submitted exhibit, it included a chart that reflected a schedule showing eligible income levels and rent as a percentage of AMI for all three categories of 60%, 70%, and 80%; that they could have no more than 5%, and no less than 80%, and no more than or no less than 5% of 60%; that this tries to allow the greatest amount of flexibility within that; that if one were to look on the Sussex County webpage, for its Housing Section, one would find a statement that states as follows, "*in the most recent housing needs assessment from 2023, published by the Delaware State Housing Authority, data shows that Delaware has a shortage of 19,400 affordable rental units for renters with incomes below 50% of AMI. The assessment further outlines that Sussex County has a projected need of 2,643 affordable rental units by 2030*"; that certainly

that is a call that the Sussex County Rental Program needs to start being more inclusive, and to allow for a greater number of communities to utilize its tools that include density; that there needs to be units built in order to approach that number; that currently there is only one completed project; that the rents are just simply too low to be able to build SCRP units; that even when reviewing the charts, our teachers, nurses, trades and vocational workers are excluded from the rental program if the rents get too low; that he felt this was one of the important components of the changes currently being proposed; that currently, one would have to pay full fees on the SCRP units, just like one would do on a market rate unit; that this is not a unique problem to Sussex County; that affordable housing is an issue throughout the United States and other countries as well; that with the proposed changes, more projects are financially viable; that the rents would be based on more realistic AMI; that with the fees, permits, and costs being adjusted, it would help as well; that he knew the Planning Commission regularly hear about the need for people to be able to work close to where they live, not living in western Sussex County, but needing to drive to eastern Sussex County for their employment; that what he proposed for the Ordinance would allow that to occur, and that this was his plea to the Planning Commission regarding the Sussex County Rental Program.

Mr. Robertson stated that the SCRP shows up as a permitted use in each zoning district, and therefore that is why the ordinance is longer than what he initially described; that Sussex County does not talk about fees, and if the Commission were inclined to have County Council consider waiving fees for the SCRP units, it would be more of a general recommendation, as it would be part of the budget process where Council establish fees each year.

Mr. Hutt stated that last year, there were a number of fees, and impact fees, which were increased by the County to cover other costs, which further put the Sussex County Rental Program units out of reach, and that he understood the County's need to collect those monies for its system, but if to incentivize the production or creation of the Sussex County Rental Program units, a reduction or waiver of those fees would be significant.

Mr. Jon Horner, Esq. provided comment to the Ordinance, on behalf of the Home Builders Association of Delaware. Mr. Horner stated that it was the position of many members of the Land Use Reform Working Group, of which he had been a member, that the Ordinance need to move forward as a package; that this was for multiple reasons, part of it was that the incentives, particularly regarding the SCRP, all needed to go together to make the program work properly; that the other piece was that if things did not move together, there was concern from both sides including the Sussex Preservation Coalition and some of the environmental groups, that if we were to move forward with the SCRP, increasing density in all the growth zones, and rezoning, but not move forward with some of the recommendations that dealt with tree preservation or sprawl in AR-1, that these issues would fall by the wayside; that conversely, his group, as well as many of the other housing advocacy groups, lamented that if we move forward in this political environment, with the down zoning or anti-development type measures that help to stymie the growth of housing; that the political will would not exist ultimately to follow through with the remaining portions of the recommendation that need to be address the housing affordability and availability crisis; that this would include up-zonings in growth areas, such as the increase of density in certain areas, such as the various missing middle housing types which were identified as needed; that the list goes on and on; that as stated within his

submitted letter, their concern is not that they oppose the concepts of the ordinances, but rather that there are number of things they felt needed to be looked at and addressed; that they do oppose the concept of the ordinances moving forward piecemeal; that he understood that it was complicated; that he understood that some of the issues needed to be addressed as part of the Comprehensive Plan; that there have been several pathways and discussions had about how the process could be done in a manner that protected the interests of all sides; that they welcomed the opportunity to have more discussions related to how the process could be; that he did not come prepared with all of his case law prepared, however, he disagreed with Mr. Robertson's take; that he had submitted into the record why he felt this way, and he felt the Cluster Subdivision Ordinance and the Open Space Ordinance violate the Delaware law.

Mr. Robertson stated that he understood what Mr. Horner was stating; that he knew Mr. Horner was on the Land Use Reform Working Group; that he felt it appeared that Mr. Horner only had one side of the equation, and that he felt Mr. Horner was suggesting that the Cluster Ordinance violates Farmers for Fairness, however, he was agreeable to up-zoning and increasing density within growth areas.

Mr. Jon Horner stated that Mr. Robertson left out something very important in his argument; that within Recommendation No. 2, it very clearly identifies what zoning districts would be permitted in the growth areas, and what zoning districts would be permitted within the non-growth areas; that is the distinction, because it was all supposed to happen as part of the comprehensive rezoning; that the reason why Recommendation No. 2 was to say only these zoning districts in the non-growth area was exactly because of this uniformity requirement; that the uniformity requirement, broadly stated, states that if you have a zoning district, it had to be treated the same; that one could not have an AR-1 zoned property sitting next to another AR-1 zoned property, stating that certain things could be allowed on one property, but would not be allowed on the other property; that this was codified in Delaware Code within Title 9; that the package of recommendations, specifically Recommendation No. 2, dealt with that issue by recommending a comprehensive rezoning; that as part of the comprehensive rezoning, we do not have zoning districts that straddle both the Growth Area and the Preservation Area, and if the zoning district does not straddle both, there is no issue with saying something would be permitted on one property, but not on another property; that this was the reason the issue was not raised, because when the recommendations are taken into account, the issue goes away.

Mr. Robertson stated that he disagreed with Mr. Horner; that for the SCRP, which allowed for AR-1 to be within the Growth Area, but not the Rural Area; that Mr. Horner was instrumental in drafting the Forest Preservation ordinance, which was about to be introduced; that the ordinance will address what tree preservation is within the Growth Area, which is lower than what the tree preservation would be within the Rural Area; that his intention was not to split hairs or point fingers, and he was stating that it was across the board in the recommendations; that to do them as a whole, they have to be considered as a whole, and he did not want to get hung up on Farmers for Fairness and kill the remainder of the recommendations.

Mr. Horner stated that to his point, the issue with uniformity is the zoning district; that if he had an AR-1 zoned property, located within the Growth Area and a non-growth area, treating those

differently violates the uniformity as set forth in Delaware Code; that if he had a tree preservation ordinance that stated in a growth zone there are certain rules, and outside of the growth zone, there were a different set of rules, it would not violate uniformity when the recommendations are taken in tandem; that there would not be, for example, an AR-1 zoned property located within a growth zone, and an AR-1 zone property outside of the growth zone; that this was the important distinction; that when the recommendations are put all together, they do not permit zoning districts in both areas to cross; that this was the reason why there is no overlap in the zoning districts within Recommendation No. 2; that the Statue of Repose is codified in Delaware law; that it states after a rezoning, there is a 60 day period to bring forth a challenge; that if a challenge is not brought, that is the law of the land; that there are plenty of things in codes across the state on zoning codes that if they were timely challenged, would not stand; that Farmers for Fairness is one of a series of five cases; that in a later Farmers for Fairness case, that failed on Statue of Reposed grounds, it was stated very clearly that it would not stand withstand scrutiny; that however, the challenge was filed more than 60 days late; that the overlay districts had existed for a very long time; that however, if they were to change, it would open up a new 60 day Statue of Repose; that in his opinion, that would absolutely open a challenge to the ordinances on that ground; that according to the interpretation of Mr. Robertson, the districts have existed, and therefore, they are there permanently, not being subject to challenge to a logical extreme; that an example of this would be if he were to create a district, where 50% of the county was overlaid with no restrictions; that 60 days pass, and the district is good go; that all of sudden, it is stated that no development could be had within the district at all; that he questioned, within this situation, why he would not have the right to challenge the decision under a 60 day Statute of Repose, and stated that he did not believe the courts would agree with Mr. Robertson's interpretation.

Mr. Robertson stated that no one was stating that development could not take place; that he understood Mr. Horner's statements; that it had struck him, and others, that Mr. Horner was on the Land Use Reform Working Group, as a recommendation of the Home Builders Association; that the recommendations of the Land Use Reform Working Group were a result of a lot of time spent by a lot of people, of which Mr. Horner was involved in; that it boiled down to a smaller group of four people, who were really helpful in getting them done; that there was a draft of the ordinance, and to now raise the issue of Farmers for Fairness cases after all of that, also in light of, trying to move all the recommendations forward seemed confusing.

Mr. Horner stated that Mr. Robertson was misconstruing the situation; that when he had put forth the recommendation, he stated very clearly that Sussex County should not have zoning districts that are in both the growth area, and the non-growth area; that he personally stated this; that he did not take the time in the Land Use Reform Working Group to give a dissertation about the state of the law in the State of Delaware and the uniformity requirements; that instead, he stated how it should be done, because this is the proper way to do it, because in the Farmers for Fairness case, the second paragraph of what he cited was Chancellor Chandler laying out how it should be done properly; that he brought up this issue by putting forth recommendations that would comply; that to Mr. Robertson's point, he disagreed; that regarding the SCRP, he was concerned as history appears to be repeating itself; that within every single iteration of the SCRP, the development community had said it would not work; that they could not build those things; that everyone listened to them for a part in time; that then, the writing comes out, and people think they are doing the right thing with proposing

more units and lower rents; that everyone wants to have lower rents for people, and want to provide more units because that is the right thing societally to do; that if Sussex County wants to have more units involved within the SCRP, the ordinance does the exact opposite of what the SCRP is needing to do; that the Ordinance is preventing units from being created because the projects are not financeable; that this is the simple, end of story; that Mr. Preston Schell had submitted the email; that Preston Schell's email stated that the program was great, if Sussex County only wanted him to build it; that Mr. Schell had a \$400 to \$500 home builder back him up, using their sub-contractors, using Schell Brother's sub-contractors, and using Schell Brothers suppliers; that he had vertically integrated with a management company that charged, at most, a 3% fee when market is 6%; that Mr. Schell would state this, and he had talked to him, because he was Mr. Horner's client.

Mr. Robertson stated that the Ordinance was sent; that there was concern about both the number of SCRP units required, and the rent that was going to be charged for the units; that there was some confusion about it being one or the other; that it is both; that at that point, Mr. Schell's comment was that it would work; that Mr. Schell made the comment that he was going to let folks know that it worked; that he understood there was a desire to increase the amount of rent, and decrease the number of units, because it would make the project more viable to build; that at the same time, Sussex County wanted to make sure that they were not giving away the farm on these projects either, and there is always going to be a balance.

Mr. Horner stated that Sussex County had made sure of that twice, and there are no projects; that he wanted to be very clear, and requested to read exactly what Mr. Preston Schell texted him appropriately 15 minutes prior; that Mr. Schell had stated, "*yeah, feel free to say he can do it because he always buys land right and can build for less than anybody else out there, but no one else can do it*"; that "*also I use my own asset management company at a cost of 3%, but that's not market; that market starts at 5% and goes up to 6%, so my operating costs are also unusually low.*"; that Mr. Schell's letter was stating that it works for him; that Mr. Schell can do this because he has a vertically integrated company; that if the goal is to only have one developer building the SCRP projects in Sussex County, than the proposed Ordinance will do that he would be incentivized for this, as he is the general counsel for Mr. Schell's company; that however, they do not wish to do that; that they desire an SCRP that actually works, and puts units on the ground; that he questioned what the worse case would be; that maybe Sussex County may build too many units, which potentially could cause market rents to come down; that it might just help affordability across the board; that this would be the worst case outcome; that ultimately, he felt better about 60% because lower rents are just going to be affordable to more people; that rents in apartments that do not exist are not affordable to anyone; that Mr. Matt Pedrone with Volker Development, sat on the mainstream working group; that Volker Development is a low-income, housing tax credit developer, who uses special financing from DSHA; that ultimately, the rents that they are having to charge, by virtue of those programs, are lower than SCRP; that the financing available, by virtue of those rents, is not something a market rate developer has access to, and frankly, nor should they; that this is intended to be a workforce housing program; that it is intended to be an affordable housing program that is really subsidized by the State; that absolutely, Mr. Pedrone supporting this made all the sense in the world, because for what he does, it would word, but he is not a market rate developer; that if we are going to only rely on using this program with the LIHTC (Low-Income Housing Tax Credit), which is severely underfunded and does not have close to the amount of money to address

this, we are not going to get where we need to be; that the working group recommended 80% because that was where they felt projects were financeable, and felt we would get a significant number of projects; that Mr. Hutt identified, that it aligned with the Affordable Housing Production Task Force, of which Mr. Horner sat on a subcommittee; that it aligns with the Governor's recent Executive Order No. 18, which talked about the Governor's priority projects being products that included 15% of units at 80% of AMI; that there is all this momentum behind 80%; that the State is saying if you hit this 80%, we are going to move forward; that the Affordable Housing Task Force, the Land Use Reform Working Group, and developers are all saying 80%; that we out with 60%; that within the entire development community, other than one person, and a low-income housing developer saying it does not work; that he would suggest Sussex County go with something that works; that when it was suggested to take the recommendations as a whole, the recommendations included an upzoning; that this was not called out in his submitted letter, but the recommendations included an increase in height and building length; that this would help the project's viability; that Sussex County is saying 60%, with no increase to height or density, despite these things being super crucial for the projects to move forward; that the recommendations gave a pathway up to 24 units per acre; that this was the reasoning they wanted everything to go as a whole; that Sussex County also needs to take a deep look at buffers; that buffers make sense when abutting residential development; that you will not hear him say that Chapel Branch should not have buffers, as it absolutely should; that infill projects that are next to commercial or industrial development, or when located next to open space, a 50 foot buffer on either side kills an infill project; that if Sussex County's desire is to see these projects along Route 1, even at a 20 unit project, it would not happen with the required buffers; that he felt there was a way to balance it; that if a SCRP project was being proposed next to Walmart, he did not feel a need for a 50 foot buffer was appropriate to preserve the views of Walmart; that there is language in the Code being utilized to talk about the buffer going up if it is adjacent to these types of projects; that he felt the buffer should go down to 10 feet when located adjacent to commercial, permanent open space and all those things; that Sussex County needs to maximize the buildable area in the growth areas for these project, to increase viability, particularly if Sussex County is not going to do the upzoning in conjunction with this; that he also suggested raising the height on the SCRP to 60 feet; that it is in the recommendations to raise the height in the growth areas; that SCRP projects are growth area projects by nature; that raising the heigh and adjusting the buffer scaling next to projects related to that; that there had been a lot of talk regarding building length; that the current building length limits the projects, and really hurts affordability; that we have got a 170 foot arbitrary length on buildings, that then requires a minimum separation to the next building; that on the infill projects, this requirement kills them; that these are not suggestions by Jon Horner; that these are placed within the recommendations that could plug into the Ordinance and apply just to the SCRP, and be really good things; that he encouraged the Commission to take a bold step and understand that if Sussex County is going with a lower percentage of rent it will make the units unable to be built, and that we will be back in the future to address the problem.

Mr. Robertson stated that Mr. Horner made a fair point regarding the height limit, building length and building separation, which was made as a recommendation; that the issue is, that it would be an across-the-board change; that Sussex County was going to look at doing that 100%, by increasing heights, reducing or eliminating the building separation for townhouses and multi-families, and building length; that rather than do that in a one-off thing with the SCRP, the decision was made to

do that as a whole across the board, because it is in every zoning district; that he did not want there to be an impression that it was not happening or that it is not being considered; that it would be something across the board and not limited to the SCRP, and Sussex County would address heights throughout the Code, which would include the SCRP.

Mr. Horner stated that there is nothing preventing Sussex County from doing that right now, with the SCRP amendment to the current Ordinance; that is what he was encouraging, because of all those things; that he was concerned that 60 foot everywhere might suffer to political whims; that Sussex County can do it right now, as it related to the SCRP, allowing everyone to know the timeline on the Ordinance; that when Sussex County were to address it all later, it would be a matter of striking a couple lines in this section because it will apply everywhere else, and nothing was stopping Sussex County from doing it right now, to make the SCRP projects more forward faster within this crisis.

Madam Chair Wingate questioned how many stories a 60-foot height would equate to.

Mr. Whitehouse stated that, depending on the roof construction, five stories could be constructed.

Mr. James Grant, owner of Sun Building Group in Milton, provided verbal and written comments to the Ordinance. Mr. Grant stated that he had been a resident of Delaware for 50 years, and had served in the Marine Corps; that he saw the Not In My Backyard syndrome all the time; that the government is now paying out \$1300 per person to pay for housing; that he questioned if by allowing the changes, by changing the by-right, would affect any other court cases that were already in place, with an example being Ashburn vs. Kent County; that he questioned whether the by-right use would change with the property; that he mentioned this because of the appealable process; that it is actually 60 days from the newspaper posting is appealable, not from when the decision was made; that it is critical that posting to the newspaper be done in a timely manner; that University of Delaware did a study where it was stated that 18,000 affordable workforce housing needs to happen to keep up with the current pace of the houses being built in the area; that we have less land and a higher cost, it will only going to make a higher cost; that Mr. Grant requested to read his letter, which had been submitted into the record and stated that as Sussex County continue to experience significant growth, he was concerned that the increasing number of regulations and development restrictions are driving up infrastructure and construction costs in way that directly undermine our shared goal of providing affordable and workforce housing; that many of the requirements are well intended, the cumulative impact adds substantial cost, time, and uncertainty to house projects across the County; that in Sussex County, affordable and workforce housing already faces unique challenges due to rising land values, infrastructure expansion requirements, transportation improvements, impact fees, and compliance with multi-layers of County regulation and review processes; that these projects operate on very tight financial margins; that each additional mandate, whether related to road utility, stormwater management, design standards, or fees, further reduce feasibility; that when costs increase, they are either passed on through higher housing prices and rents or the project does not move forward at all; that either outcome works against the County's stated goal of providing housing opportunities for teachers, healthcare workers, service employees, and others who are essential to our local economy and community; that limiting housing supply though regulatory cost burdens only intensify affordable challenges; that the success of the County is serious about addressing housing affordability; that it is

critical to strike a balance between necessary protections and practical cost-conscious policies; that streamlining review processes, reducing duplicate requirements, allowing flexibility in design an infrastructure standards, providing targeted relief for affordable workforce housing can help reduce without compromising public safety or quality of the development; that he respectfully encourage County officials, the Planning & Zoning Commission, and the County Council to carefully consider how regulatory decisions impact project visibility and to prioritize policies through support housing affordable rather than intentionally working against it, especially at the time of substance growth, and increased demand; that when he was growing up, a farmer used to always tell him never sign that document to give your rights away; that he was mostly referring to water and sewer rights; that it is happening a lot right now; that essentially, the farmer was trying to say someone will not tell him what to do with his land; that Sussex County needs to do responsible growth; that Sussex County also needs to look at the land rights as a property owner, and questioned who Sussex County was to tell someone they could no longer sell their farm to a developer for what they would have gotten if they had sold a year ago, and wanted to offer these comments as food for thought.

Ms. Jill Hicks, resident of Chapel Green in Lewes, provided comments on the Ordinance. Ms. Hicks stated that she agreed with a lot of what Mr. Hutt had said; that she questioned how many units are needed at 60%, 80%, 100% or even 120% AMI; that even in the chart shown, she questioned how many of those at 50%, how many were rented at 50%, how many were rented at 40% and how many were rented at 60%; that she questioned how many are needed within each of those tiers; that the scenario being discussed reminded her of the phrase, “Ready, Fire, Aim”; that it felt like we are on a fishing expedition and hoping we get a strike; that she also agreed with 30% AMI, rather than 25%; that she felt it was likely a standard that is used a lot nationally; that from what she had read, they are using 30% of wage earner’s income goes towards housing costs, not 25%, and therefore she agreed with Mr. Hutt’s statement, which she felt he made well; that if Sussex County were able to scale things for 60%, 80%, 120% AMI, she questioned if the result would be more feasible units; that she was concerned that Sussex County is jumping from 25% of the units, all the way down to 15% of the units; that if there were a tiered approach, she questioned if Sussex County could go to 20% of the units being part of the SCRP program; that to add to the dilemma; she questioned the ratio of workforce housing to market rate housing; that Sussex County needed to break even, or even dig out of the hole that it is in; that for example, the U.S. Census reports that about 10% of the working population is in public service jobs, such as teachers, emergency services, law enforcement, postal services etc.; that it is sage to say that in Sussex County, we need at least 10% of all new housing to be affordable to the workforce, just to maintain this insufficient level of status quo; that if she build a mixed-use community, comprised of rental apartments, townhomes, and single-family homes, and only 15% of the apartments are required to meet SCRP; that it would be safe to say, that the project will dig the hole deeper; that a hypothetical example would be if she had a project with 2,000 total units consisting of 350 apartments, 750 single-family homes, and 1,000 duplex homes; that 15%, or 52 units, of the apartments are located within the SCRP program; that unless 200 apartments, which equates to 10% of the total projects, are in the SCRP, the project would dig the hole deeper; that as Sussex County continues to keep adding housing units into the pipeline, the hole becomes deeper; that she questioned what we were aiming for; that she questioned why Sussex County would wait two years to reevaluate; that she recommended that the Planning & Zoning Commission and Sussex County Council has a dashboard, which would show exactly how many housing units are in the

pipeline, and how many of them were SCRP; that as time moved one, one could reference the dashboard as it was refreshed; that it is said that we need 7,000 workforce units; that she assured the Commission that number would increase, as Sussex County already had at least 14,000 single-family homes already in the pipeline; that she questioned what AMI is being aimed for; that she questioned if the AMI should be on a sliding scale based on actual needs and what the ratio of market rate that workforce housing we should be striving to for in an effort to close the gap; that the answer was scary when looking at the ratio; that she felt it need to be known, despite it being overwhelming, and that knowing this would give Sussex County better direction, helping to show how intense Sussex County needs to make the program.

Mr. Robertson stated that the review scheduled for January 1, 2028, was in the Code currently; that they had proposed taking it out; that he assumed Ms. Hicks would like that put back in, or made sooner; that at the Council level there are reports regarding when the SCRP projects are being received, how much, and how many units are being constructed and occupied; that Ms. Brandy Nauman's office (Community Development) had the information, and it is something that can be evaluated at any time, however, was proposed to come out as proposed in the current Ordinance.

Ms. Hicks stated that she was suggesting that a dashboard be implemented; that it could refresh every month, or every quarter; that it would be a dashboard that would state exactly where Sussex County was, not only with the SCRP program, but the overall housing in general, regardless of single-family or townhomes; that they had to do a lot of digging to reach the 14,000 single-family homes, and stating that just as the Commission was sitting before her, that they should be able to access a report that reflected the kind of progress or not, Sussex County was making.

Mr. Robertson stated that Sussex County had that information.

Madam Chair Wingate stated that the Commission were talking about that, and in regards to solar farms, and that the Commission had previously had a lot of different conversations regarding trying to stay on top of what is being approved, and what is being developed.

Mr. Collins questioned if the Economic Development Office have anything that would provide leading indicators of where demand might be for these kinds of units, based on job openings or whatever the case may be or where the demand for this workforce housing would be, and how many units might be needed.

Ms. Brandy Nauman, Director of Sussex County Community Development & Housing, stated that it is hard geographically, because the intent of the program is just to make it so that opportunities are made available throughout the County; that employment centers exist all over the County, and that right now, people are traveling to the east side from the west side, because that is where it is more affordable to build or rent.

Mr. Collins stated that it was taking affordable housing units offline in western Sussex County and dedicating them to eastern Sussex County.

Ms. Nauman stated that it would also increase the demand and increase traffic burden of our major roadways, such as Route 9 and Route 24; that she would look into trying to identify specific areas of the County, where the demand is, but she did not have the information off the top of her head, and it is more just, in Sussex County specifically, we need this.

Mr. Robertson stated that Sussex County also had that information, which would be presented at the Council level, as to what the average incomes are for various types of careers; that it was surprising where those average incomes were in relation to the AMI percentages and affordable rent; that they tend to be higher than what Sussex County was talking about; that it was an eye opener, and the discussion generally refers to teachers and nurses, however they are at the affordable rate on rents.

Ms. Nauman stated that oftentimes Sussex County had always used state that they wanted to help nurses and teachers, but really, nurses, physical therapy assistants, and others are on the upper scale of the AMI; that it is not easy, but they can afford market rate rents; that she did not want to go into the details of what had been recommended, but it would change the affordability significantly based on what some of the commentary that was proffered; that she did want that to be a component; that she could not speak on the land use specifics; that currently a three-bedroom at Coastal Tide was rented at \$1,060 based on 25% of 50% AMI; that if the formula were to change to 30% of 80% AMI, it would equate to a \$2,030 rent for a three bedroom unit; that she felt that price was significantly above market rate rents; that she was advocating for the tenants and the applicants that come through, and she understood the need to make viable projects, but recommended to keep in mind that sometimes the numbers, while different percentages are thrown out, they can be very significant.

Ms. Nauman stated that a \$2,000 monthly rent was market rate rent.

Madam Chair Wingate stated that it was not affordable for the people they were trying to reach.

Mr. Horner stated that the monthly rent for a two-bedroom unit at Beach Plum Dunes was currently \$2,200.00.

Mr. Robertson stated that it is a scale; that it comes down to which side does Sussex County want to balance; that he questioned do we want to serve people that are in 40% to 70% at rents that are at 60%, which they can afford, or have more projects; that they are trying to find a balance because Sussex County also does not want to have more projects that freeze out the people who are currently on the wait list.

Madam Chair Wingate stated that she felt like that was what would happen.

Mr. Collins stated that there was always a risk that nothing would be built.

Ms. Nauman stated that she agreed that was the current balance, and that she understood that it was the current position Sussex County was in.

Mr. Collins questioned if depending on where the units were located, a \$2,000 per month rent for a two-bedroom condo in Rehoboth would not currently be unreasonable.

Mr. Collins stated that maybe Sussex County needed a better partnership with Beebe Healthcare, other major medical providers and the school districts to understand what their hiring needs are.

Mr. Joseph Pika, President of the Sussex Preservation Coalition (SPC), provided comment on the Ordinance. Mr. Pika stated that the Sussex Preservation Coalition had a member, being one of the 10 Land Use Reform Working Group members, which was Ms. Jill Hicks; that while Mr. Horner may have dominated the discussion on the issues, Ms. Hicks was there as well; that Ms. Hicks had been actively involved in all of the discussions; that they had prepared a detailed line by line presentation, raising questions and providing comments on all of the Ordinances; that he was a retired faculty member and administrator from the University of Delaware; that Mr. Steve Sinclair, who would be speaking later on Chapter 99, was a retired state forester from Vermont; that the SPC had about 20 to 25 different organizations who are allied with them; that they have 4,300 supports who are on their email list and regularly receive communications from them; that the SPC is countywide; that the track issues very closely; that he, as well as four other SPC members, had attended every session of the Land Use Working Group along with Ms. Hicks; that their members always equaled 80% to 90% of the public attendees of every session, consisting of approximately 12 people; that they had been working on Chapter 99 for more than two years; that on the third page of his handout, he had highlighted one item, which inserted references in the County Code of the Chapter and Article; that he felt it would be useful throughout all of the Ordinances to reference the relevant sections in the rest of the County Code that could have a bearing on those; that on the fourth page of the handout, it stated Ordinance No. 2601 and at the end of that introductory, it stated that Page 2, under the comments section, he wanted to echo Ms. Hicks and Mr. Hutt's comments; that he had found Mr. Hutt's presentation very thoughtful and helpful; that what had puzzled them is that the terminology was very mushy and very difficult; that they talk about affordable housing with an upper case "A", and a lower case "a" to differentiate the specific definition that the Delaware State Housing Authority uses in reference to affordable housing, which is a capital "A", versus the lowercase "a" which means housing that people can afford; that the DSHA director, in his testimony to the Joint Finance Committee, was asked the question, of the definition by one of the senators; that his response was that he did not want to be nailed down to a definition, and it was whatever somebody's income enabled them to afford; that he believed for Sussex County the question was for people, who are priced out of the market, who could not afford market rates for their housing, which was the scope of what Mr. Hutt had been referring to; that there needed to be a way of coming up with a numerical definition of the size of the problem and how that problem might vary by different income levels; that the other term, which had been bandied about, was workforce housing, by which people think of nurses, technicians, physical therapists, physical therapists assistants, and teachers; that when you look at the salaries of those professionals, and what can be afforded, it was remarkable the difficulty they have in getting into the market; that it was very difficult for them to pay market rates given their salaries; that Dr. Tam, who did a presentation to the County Council earlier in the year, gave an example of four people working in healthcare professions, and who needed to be able to find housing; that of the four, only one of them, a nursing supervisor, was at 80% Area Median Income; that the

crisis is real; that DSHA (Delaware State Housing Authority) had stated that Sussex County needed 13,000 housing units by 2030; that of the 13,000 units, 7,000 of those units would need to be affordable units; that this is an enormous lift, particularly when the projects will only have to have 15% affordable units included in them; that the 7,000 affordable units would be a combination of both rentals and purchase units; that Sussex County is trying to formulate a plan of how do they get to the 2,600 units, which Mr. Hutt had referred, to be affordable units; that there needed to be a realistic plan; that the realism is, what will get built, what can people afford to build, and what developers can afford to get financing to build; that at 3%, one would have to build seven times the number of units at 15% to get to the affordable number Sussex County is trying to reach; that the same is true for the other numbers; that the entire county is invested in this, and want to see it work; that he believed Sussex County needed to be very mindful of dimensions, and questioned is Sussex County was nibbling away or trying to find answers that provided real solutions.

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

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

In relation to ORD 26-01. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 5-0.

#### Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since April 1, 2026.

Mr. Collins moved that the Sussex County Planning & Zoning Commission recommend approval of Ordinance 26-01 regarding the Sussex County Rental Unit (SCRP) Program for the following reasons:

1. The need for affordable housing in Sussex County is well-documented and supported by the Sussex County Comprehensive Plan.
2. The current SCRCP Program has been in effect for many years, but at this point only two (2) developments have been built under the Program.
3. Sussex County Council commissioned a Land Use Reform Working Group that created multiple recommendations about housing and land use. The Group recommended an update to the SCRCP program that are included in the Ordinance, such as:
  - a. A reduction of the required percentage of affordable units in the development from 25% to 15%.
  - b. A reduction of the required Open Space in the development from 50% to 30%.
  - c. Create a better alignment of the rent to household incomes and the amount necessary to make a project viable.
4. The County's Office of Community Development and Housing was involved in the drafting of this Ordinance and supports it.

5. Under the current SCRP Program, rent is fixed at 50% AMI for all SCRP Units. Projects are not viable with that fixed rent for the SCRP Units, even if the number of Units is reduced from 25% to 15% of the SCRP Project. Based on information provided during the hearing, most of the residents served by the SCRP program fall within the 40% to 70% AMI range. For these reasons, the increased rent at 60% AMI for the SCRP Units provided by this Ordinance is appropriate.
6. Although there was testimony about increasing the SCRP rent to 80% AMI, that would be unaffordable for the residents to be served by the SCRP Program who can only afford to pay between 40% and 70% based on the current data available from the Program.
7. During its hearings, Council should consider this rental rate information carefully, including the suggestion of a tiered approach to the SCRP rental rates, as long as the target population is still served by the Program.
8. One of the Working Group’s recommendations was to “offer impact fee reductions proportionate to the share of affordable units.” Since that is a fiscal question and not one of land use, it should not be considered as part of an amendment to the Zoning Code and is outside of the Commission’s area of responsibility. Instead, that should be considered by County Council as part of its fee structure and budget process to determine if such reductions can be an additional tool used to make SCRP Projects more viable.

Motion by Mr. Collins, seconded by Mr. Allen, and carried unanimously to recommend approval of ORD 26-01 regarding the Sussex County Rental Unit (SCRUP) Program for the reasons 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

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115,**  
3 **ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-**  
4 **37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED**  
5 **RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT**  
6 **(SCRIP) PROGRAM.**

7  
8 WHEREAS, Sussex County Council has adopted the 2018  
9 Comprehensive Development Plan (the “Plan”); and

10  
11 WHEREAS, The Housing Element of the Plan contains the following  
12 “Housing Vision”: To ensure the provision of decent, safe, affordable and  
13 safe housing opportunities to improve communities and quality of life for  
14 the residents of Sussex County; and

15  
16 WHEREAS, The Housing Element of the Plan recognizes that “the  
17 shortage of affordable housing remains a very real problem for low to  
18 moderate-income households in Sussex County, including many with  
19 full-time, year-round jobs”; and

20  
21 WHEREAS, Goal 8.2 of the Housing Element within the Plan states that  
22 Sussex County should “Ensure that a diversity of housing opportunities  
23 are available to meet the needs of residents of different ages, income  
24 levels, abilities, national origins and household configurations”; and

25  
26 WHEREAS, Objective 8.2.1 and Strategy 8.2.1.1 of the Housing Element  
27 within the Plan state that Sussex County will “Affirmatively further  
28 affordable and fair housing opportunities in the County to accommodate  
29 the needs of all residents” and in so doing “improve the County’s SCRIP  
30 and MPHU Programs to provide incentives to properly reflect the housing  
31 market and incentivize developers to participate in the provision of  
32 affordable housing”; and

34 WHEREAS, Strategy 8.2.1.3 of the Housing Element within the Plan  
35 states that Sussex County should “explore ways for private developers to  
36 provide multi-family and affordable housing opportunities; and

37

38 WHEREAS, Strategy 8.3.1.1 of the Housing Element within the Plan  
39 states that Sussex County should “evaluate current County Code on an  
40 on-going basis to determine if any regulatory barriers exist that impede  
41 the development of multi-family and affordable housing”; and

42

43 WHEREAS, Sussex County Council, with the assistance of the Office of  
44 Community Development and Housing, has determined that the current  
45 Sussex County Rental Program has been underutilized based upon  
46 impacts to such developments; and

47

48 WHEREAS, Sussex County Council commissioned a Land Use Reform  
49 Working Group that developed multiple recommendations for  
50 improvements to the Sussex County Code regarding housing and land use  
51 and one of the recommendations included an update to the Sussex County  
52 Rental Unit program as reflected in this Ordinance; and

53

54 WHEREAS, Sussex County Council, with the assistance of the Office of  
55 Community Development and Housing, has determined that the current  
56 Sussex County Rental Unit program contained in Chapter 72 of the Code  
57 of Sussex County requires an update based upon lessons learned in the  
58 implementation and application of that Chapter to the single rental project  
59 in Sussex County that has utilized the Program; and

60

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

64

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

67 **Section 1. The Code of Sussex County, Chapter 72, Article II, §72-24**  
68 **“SCRP Units” is hereby amended by deleting the language in**  
69 **brackets and inserting the italicized and underlined language as**  
70 **follows:**

71

72 **§ 72-24 SCR P Units.**

73

74 A. Rent.

75

76 (1) Rent shall be established and updated annually by the  
77 Department based upon 25% of household income for ~~50~~60%  
78 of the area median income adjusted for household size and unit  
79 size and shall not include trash services, parking, water and  
80 sewer utilities and any other charges to be paid by the tenant.

81

82 . . . .

83

84 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-**  
85 **20 “Permitted Uses”, is hereby amended by deleting the language in**  
86 **brackets and inserting the italicized and underlined language as**  
87 **follows:**

88

89 **§115-20 Permitted Uses.**

90

91 A. A building or land shall be used only for the following purposes:

92

93 . . .

94

95 (17) A Sussex County Rental Program, or SCR P, ~~townhouse or~~  
96 ~~multi-family~~ development governed by, and subject to, Chapter  
97 72, where at least ~~25~~15% of all dwelling units are SCR P Units

98 pursuant to Chapter 72. The SCRP development must satisfy the  
99 following criteria:

100 (a) The site must be located within a Town Center, a Developing  
101 Area, the Commercial Area or the Coastal Area as described  
102 within the Land Use Element and as shown on the Future Land  
103 Use Plan of the adopted Sussex County Comprehensive Plan.

104  
105 (b) The site shall be located within 2,640 feet of a principal arterial  
106 road, minor arterial road or major collector road as classified by  
107 the Delaware Department of Transportation. In addition, an  
108 Applicant should make every effort to coordinate with DART for  
109 transit access to and from the site.

110  
111 (c) The site must be served by a central sewer system and a central  
112 water system.

113  
114 (d) The total maximum number of dwelling units (including both  
115 SCRP Units and non-SCRP Units) that may be permitted shall be  
116 determined by dividing the gross area by 3,630 square feet.  
117 "Gross area" shall exclude any area designated as a [tidal tributary  
118 stream or tidal wetlands] *Tidal Waters or Tidal Wetlands* by § 115-  
119 193.

120 (e) There shall be a [one-hundred] *fifty* foot wide setback around  
121 the entire site, which shall incorporate the perimeter buffers and  
122 perimeter buffer protection areas (if Perimeter Buffer Protection  
123 Areas are required) set forth in §99-21.A. This setback may  
124 include walking and biking trails.

125 (f) The height of any [townhouse or multi-family] buildings shall  
126 not exceed 52 feet or four stories, whichever is greater; provided,  
127 however, [that if the height does not exceed 42 feet, then the

128 setback described in this subsection shall be reduced from 100  
129 feet to 50 feet] that if the height exceeds 42 feet and the site is  
130 adjacent to land that is, or could become, developed residentially,  
131 the building(s) shall include a stepback design above 42 feet  
132 and/or an increased setback to ensure an appropriate  
133 relationship between the higher density SCRCP project and uses of  
134 low intensity or height, existing or future, outside the proposed  
135 SCRCP project.

136 (g) There shall be sidewalks on at least one side of all streets,  
137 roadways and parking areas, with interconnectivity to adjacent  
138 walkway systems wherever possible.

139 (h) There must be interconnectivity with any adjacent property  
140 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3  
141 wherever appropriate as determined by the Commission.

142 (i) There shall be open space that exceeds [50]30% of the gross  
143 area of the entire site.

144 [(j) Sussex County shall commence a comprehensive review of  
145 the provisions of this SCRCP program as set forth herein on or  
146 before January 1, 2028.]

147  
148 **Section 3. The Code of Sussex County, Chapter 115, Article V, §115-**  
149 **29 “Permitted Uses”, is hereby amended by deleting the language in**  
150 **brackets and inserting the italicized and underlined language as**  
151 **follows:**

152  
153 **§115-29 Permitted Uses.**

154  
155 A building or land shall be used only for the following purposes:

156  
157 . . .  
158

159 M. A Sussex County Rental Program, or SCRP, [townhouse or  
160 multi-family] development governed by, and subject to, Chapter  
161 72, where at least [25]15% of all dwelling units are SCRP Units  
162 pursuant to Chapter 72. The SCRP development must satisfy the  
163 following criteria:

164 (1) The site must be located within a Town Center, a Developing  
165 Area, the Commercial Area or the Coastal Area as described  
166 within the Land Use Element and as shown on the Future Land  
167 Use Plan of the adopted Sussex County Comprehensive Plan.  
168

169 (2) The site shall be located within 2,640 feet of a principal arterial  
170 road, minor arterial road or major collector road as classified by  
171 the Delaware Department of Transportation. In addition, an  
172 Applicant should make every effort to coordinate with DART for  
173 transit access to and from the site.  
174

175 (3) The site must be served by a central sewer system and a central  
176 water system.  
177

178 (4) The total maximum number of dwelling units (including both  
179 SCRP Units and non-SCRP Units) that may be permitted shall be  
180 determined by dividing the gross area by 3,630 square feet.  
181 "Gross area" shall exclude any area designated as a [tidal tributary  
182 stream or tidal wetlands] Tidal Waters or Tidal Wetlands by § 115-  
183 193.

184 (5) There shall be a [one-hundred] fifty foot wide setback around  
185 the entire site, which shall incorporate the perimeter buffers and  
186 perimeter buffer protection areas (if Perimeter Buffer Protection  
187 Areas are required) set forth in §99-21.A. This setback may  
188 include walking and biking trails.

189 (6) The height of any [townhouse or multi-family] buildings shall  
190 not exceed 52 feet or four stories, whichever is greater; provided,  
191 however, [that if the height does not exceed 42 feet, then the  
192 setback described in this subsection shall be reduced from 100  
193 feet to 50 feet] that if the height exceeds 42 feet and the site is  
194 adjacent to land that is, or could become, developed residentially,  
195 the building(s) shall include a stepback design above 42 feet  
196 and/or an increased setback to ensure an appropriate  
197 relationship between the higher density SCRP project and uses of  
198 low intensity or height, existing or future, outside the proposed  
199 SCRP project.

200 (7) There shall be sidewalks on at least one side of all streets,  
201 roadways and parking areas, with interconnectivity to adjacent  
202 walkway systems wherever possible.

203 (8) There must be interconnectivity with any adjacent property  
204 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3  
205 wherever appropriate as determined by the Commission.

206 (9) There shall be open space that exceeds [50]30% of the gross  
207 area of the entire site.

208 [(10) Sussex County shall commence a comprehensive review of  
209 the provisions of this SCRP program as set forth herein on or  
210 before January 1, 2028.]

211

212 **Section 4. The Code of Sussex County, Chapter 115, Article VI, §115-**  
213 **37 “Permitted Uses”, is hereby amended by deleting the language in**  
214 **brackets and inserting the italicized and underlined language as**  
215 **follows:**

216

217 **§115-37 Permitted Uses.**

218

219 Permitted uses are as follows:

220 . . .  
221

222 C. A Sussex County Rental Program, or SCRP, [townhouse or  
223 multi-family] development governed by, and subject to, Chapter  
224 72, where at least [25]15% of all dwelling units are SCRP Units  
225 pursuant to Chapter 72. The SCRP development must satisfy the  
226 following criteria:

227 (1) The site must be located within a Town Center, a Developing  
228 Area, the Commercial Area or the Coastal Area as described  
229 within the Land Use Element and as shown on the Future Land  
230 Use Plan of the adopted Sussex County Comprehensive Plan.

231  
232 (2) The site shall be located within 2,640 feet of a principal arterial  
233 road, minor arterial road or major collector road as classified by  
234 the Delaware Department of Transportation. In addition, an  
235 Applicant should make every effort to coordinate with DART for  
236 transit access to and from the site.

237  
238 (3) The site must be served by a central sewer system and a central  
239 water system.

240  
241 (4) The total maximum number of dwelling units (including both  
242 SCRP Units and non-SCRP Units) that may be permitted shall be  
243 determined by dividing the gross area by 3,630 square feet.  
244 "Gross area" shall exclude any area designated as a [tidal tributary  
245 stream or tidal wetlands] Tidal Waters or Tidal Wetlands by § 115-  
246 193.

247 (5) There shall be a [one-hundred] fifty foot wide setback around  
248 the entire site, which shall incorporate the perimeter buffers and  
249 perimeter buffer protection areas (if Perimeter Buffer Protection

250 Areas are required) set forth in §99-21.A. This setback may  
251 include walking and biking trails.

252 (6) The height of any [townhouse or multi-family] buildings shall  
253 not exceed 52 feet or four stories, whichever is greater; provided,  
254 however, [that if the height does not exceed 42 feet, then the  
255 setback described in this subsection shall be reduced from 100  
256 feet to 50 feet] that if the height exceeds 42 feet and the site is  
257 adjacent to land that is, or could become, developed residentially,  
258 the building(s) shall include a stepback design above 42 feet  
259 and/or an increased setback to ensure an appropriate  
260 relationship between the higher density SCRP project and uses of  
261 low intensity or height, existing or future, outside the proposed  
262 SCRP project.

263 (7) There shall be sidewalks on at least one side of all streets,  
264 roadways and parking areas, with interconnectivity to adjacent  
265 walkway systems wherever possible.

266 (8) There must be interconnectivity with any adjacent property  
267 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3  
268 wherever appropriate as determined by the Commission.

269 (9) There shall be open space that exceeds [50] 30% of the gross  
270 area of the entire site.

271 [(10) Sussex County shall commence a comprehensive review of  
272 the provisions of this SCRP program as set forth herein on or  
273 before January 1, 2028.]

274

275 **Section 5. The Code of Sussex County, Chapter 115, Article VII,**  
276 **§115-45 “Permitted Uses”, is hereby amended by deleting the**  
277 **language in brackets and inserting the italicized and underlined**  
278 **language as follows:**

279

280 **§115-45 Permitted Uses.**

281  
282  
283  
284  
285  
  
286  
287  
288  
289  
290  
  
291  
292  
293  
294  
295  
  
296  
297  
298  
299  
300  
301  
  
302  
303  
304  
  
305  
306  
307  
308  
309  
310

Permitted uses are as follows:

. . .

F. A Sussex County Rental Program, or SCRP, [townhouse or multi-family] development governed by, and subject to, Chapter 72, where at least [25] 15% of all dwelling units are SCRP Units pursuant to Chapter 72. The SCRP development must satisfy the following criteria:

(1) The site must be located within a Town Center, a Developing Area, the Commercial Area or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan.

(2) The site shall be located within 2,640 feet of a principal arterial road, minor arterial road or major collector road as classified by the Delaware Department of Transportation. In addition, an Applicant should make every effort to coordinate with DART for transit access to and from the site.

(3) The site must be served by a central sewer system and a central water system.

(4) The total maximum number of dwelling units (including both SCRP Units and non-SCRP Units) that may be permitted shall be determined by dividing the gross area by 3,630 square feet. "Gross area" shall exclude any area designated as a [tidal tributary stream or tidal wetlands] Tidal Waters or Tidal Wetlands by § 115-193.

311 (5) There shall be a [one-hundred] *fifty* foot wide setback around  
312 the entire site, which shall incorporate the perimeter buffers and  
313 perimeter buffer protection areas (if Perimeter Buffer Protection  
314 Areas are required) set forth in §99-21.A. This setback may  
315 include walking and biking trails.

316 (6) The height of any [townhouse or multi-family] buildings shall  
317 not exceed 52 feet or four stories, whichever is greater; provided,  
318 however, [that if the height does not exceed 42 feet, then the  
319 setback described in this subsection shall be reduced from 100  
320 feet to 50 feet] *that if the height exceeds 42 feet and the site is*  
321 *adjacent to land that is, or could become, developed residentially,*  
322 *the building(s) shall include a stepback design above 42 feet*  
323 *and/or an increased setback to ensure an appropriate*  
324 *relationship between the higher density SCRCP project and uses of*  
325 *low intensity or height, existing or future, outside the proposed*  
326 *SCRCP project.*

327 (7) There shall be sidewalks on at least one side of all streets,  
328 roadways and parking areas, with interconnectivity to adjacent  
329 walkway systems wherever possible.

330 (8) There must be interconnectivity with any adjacent property  
331 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3  
332 *wherever appropriate as determined by the Commission.*

333 (9) There shall be open space that exceeds [50] 30% of the gross  
334 area of the entire site.

335 [(10) Sussex County shall commence a comprehensive review of  
336 the provisions of this SCRCP program as set forth herein on or  
337 before January 1, 2028.]

338  
339 **Section 6. The Code of Sussex County, Chapter 115, Article VIII,**  
340 **§115-53 “Permitted Uses”, is hereby amended by deleting the**

341 **language in brackets and inserting the italicized and underlined**  
342 **language as follows:**

343

344 **§115-53 Permitted Uses.**

345

346 A building or land shall be used only for the following purposes:

347

348 . . .

349

350 K. A Sussex County Rental Program, or SCRP, [townhouse or  
351 multi-family] development governed by, and subject to, Chapter  
352 72, where at least [25] 15% of all dwelling units are SCRP Units  
353 pursuant to Chapter 72. The SCRP development must satisfy the  
354 following criteria:

355 (1) The site must be located within a Town Center, a Developing  
356 Area, the Commercial Area or the Coastal Area as described  
357 within the Land Use Element and as shown on the Future Land  
358 Use Plan of the adopted Sussex County Comprehensive Plan.

359

360 (2) The site shall be located within 2,640 feet of a principal arterial  
361 road, minor arterial road or major collector road as classified by  
362 the Delaware Department of Transportation. In addition, an  
363 Applicant should make every effort to coordinate with DART for  
364 transit access to and from the site.

365

366 (3) The site must be served by a central sewer system and a central  
367 water system.

368

369 (4) The total maximum number of dwelling units (including both  
370 SCRP Units and non-SCRP Units) that may be permitted shall be  
371 determined by dividing the gross area by 3,630 square feet.

372 "Gross area" shall exclude any area designated as a [tidal tributary  
373 stream or tidal wetlands] *Tidal Waters or Tidal Wetlands* by § 115-  
374 193.

375 (5) There shall be a [one-hundred] *fifty* foot wide setback around  
376 the entire site, which shall incorporate the perimeter buffers and  
377 perimeter buffer protection areas (if Perimeter Buffer Protection  
378 Areas are required) set forth in §99-21.A. This setback may  
379 include walking and biking trails.

380 (6) The height of any [townhouse or multi-family] buildings shall  
381 not exceed 52 feet or four stories, whichever is greater; provided,  
382 however, [that if the height does not exceed 42 feet, then the  
383 setback described in this subsection shall be reduced from 100  
384 feet to 50 feet] *that if the height exceeds 42 feet and the site is*  
385 *adjacent to land that is, or could become, developed residentially,*  
386 *the building(s) shall include a stepback design above 42 feet*  
387 *and/or an increased setback to ensure an appropriate*  
388 *relationship between the higher density SCRIP project and uses of*  
389 *low intensity or height, existing or future, outside the proposed*  
390 *SCRIP project.*

391 (7) There shall be sidewalks on at least one side of all streets,  
392 roadways and parking areas, with interconnectivity to adjacent  
393 walkway systems wherever possible.

394 (8) There must be interconnectivity with any adjacent property  
395 that is zoned C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3  
396 *wherever appropriate as determined by the Commission.*

397 (9) There shall be open space that exceeds [50] *30%* of the gross  
398 area of the entire site.

399 [(10) Sussex County shall commence a comprehensive review of  
400 the provisions of this SCRIP program as set forth herein on or  
401 before January 1, 2028.]

402

403 **SECTION 7. Effective Date.** This Ordinance shall become effective on  
404 the date of its adoption by Sussex County Council.



## Memorandum

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

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

CC: Everett Moore, County Attorney

Date: May 29, 2026

RE: County Council Report for Ord 26-03 in Relation to Height, Area, and Bulk Requirements and the Design Criteria for all Subdivisions

---

On March 10, 2026, the County Council introduced an Ordinance to consider potential changes to the Code of Sussex County in relation to Height, Area, and Bulk Requirements, and also the design criteria for all Subdivisions

The Planning & Zoning Commission held a Public Hearing on the application on April 1, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission recommended approval of the Ordinance for the 6 reasons of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the Ordinance at the meeting on May 19, 2026. At the conclusion of the public hearing, the Council closed the public meeting but left the public record open.

Below are the minutes from the Planning & Zoning Commission meeting on April 1, 2026, and April 15, 2026.

Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

### **ORD 26-03**

**AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" AND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS.**



Mr. Robertson stated that Chapter 99-9C had been in the Sussex County Code for at least 30 years; that there were 17 items that had to be considered as part of a subdivision; that a couple years ago, concern was expressed by the Planning & Zoning Commission, as well as the County Council, regarding what the applicant's responses of "consider" mean; that one can say they considered it, disregard it and move on; that at that point, there was an effort to redo Chapter 99-9C to provide the section to have more teeth, by placing the burden on a developer to speak to all 17 times, and how they were being satisfied within the design of the subdivision; that an applicant can submit it into the record, but is also required to show it, and how they addressed it, not just that they had considered it; that candidly, it got watered down at the last minute; that the more directive language in it was taken out; that there had been some misunderstanding of what was in the Code currently versus the proposed changes; that he did not want people to think the requirements were brand new, because they were not; that the Ordinance places the burden on an applicant to show and demonstrate how the preliminary plan is consistent with the Sussex County Code and the Comprehensive Plan, which they are required to do anyway; that most good presenters already do this; that the applicant would be required to demonstrate that the criteria was satisfied and the manner in which each one was satisfied; that the first one proposed subdivisions integrated into existing terrain and surrounding landscape; that this requirement had been untouched, and had been in the Code for decades; that the second one required that all resources and resource buffers are protected in accordance with Chapter 99 and Chapter 115 herein, which had been unchanged; that was updated because it refers to resources and resource buffers, which Sussex County had taken a lot of time to improve and protect with previously made Code changes; that the next item required that the cultural landscape, including scenic views and cultural and historical features are identified and protected as appropriate in the preliminary plat; that this one was partially moved up from an existing one that was deleted, which stated that open space and scenic view are preserved; that they had deleted the part about open space because there were requirements for open space elsewhere in the Code already; that there was no need to restate it in Chapter 99-9C; that an existing one that was getting a lot of attention from submitted written comments, was regarding the requirement that the supply of potable water to future residents of the proposed subdivision as safe and adequate for their use; that again, this requirement had been within in the Code forever; that they could change it; that they could take it out; that they could refer to State standards if they wanted to; that for context, this requirement had been in the Code, and had not changed; that it was the same situation for the means and methods of sewage disposal to be adequately addressed; that they knew that sometimes people stand before them, and do not state whether the lots are on wells or on central water; that they do not state what kind of septic is proposed, such a mound system, or what type of sewer is proposed and who the provider would be; that the Ordinance would not require an applicant to show the Commission how they are doing it, as part of the record they are making; that the next one requires that all lots be configured to be completely outside of all wetlands and that the proposed subdivision will not pollute surface water or groundwater; that the requirement to be configured outside of all wetlands is part of the clustered standard subdivision requirements currently; that this went along with the other in the Ordinance, as well as the Open Space Ordinance; that the County Council, in conversations with staff, questioned why we should have a superior design for just cluster subdivisions and why all subdivisions in Sussex County did not have to be a superior design; that the reasoning behind the Ordinance was to pull those cluster subdivision superior design standards up into the requirements for all subdivision; that the next recommendation was to add the

recent modifications performed on Chapter 90, regarding erosion and sedimentation control measures and identifications; that this refers to the groundwater levels; that it is existing and unchanged; that the next would be that area property values would not be adversely affected, which had been within the Code since day one; that they had taken out one, and he really wanted people to understand why; that the requirement had stated that any active farmland and tree farming adjacent to the proposed subdivision would be adequately preserved through the design and construction of the proposed subdivision; that the reason that it was taken out was not because it was not important, but because it would be addressed in the future Forest Preservation Ordinance, scheduled to come before the County Council soon; that it did not need to be duplicated if it was going to be located within another portion of the Code; that the next requirement addresses objectionable features, including but not limited to utility infrastructure, parking areas, loading zones, and outdoor storage areas, be screened from the view of neighboring properties and roadways; that this was a design requirement that had been added in; that currently within the Code, it states that the applicant must notified the local school district of where the proposed subdivision will be located; that there was a lot of comment in the information submitted, stating that the requirement does not go far enough; that Sussex County should get a reply from the school district, which should be part of the record and acted on; that he did not disagree with this statement; that the problem was that the school districts did not always respond; that mainly there were only one to two school districts who provided responses; that if Sussex County required a school district response, but the school district do not respond, then everyone becomes stuck, and become held up; that potentially there is some middle ground by allowing a school district a certain amount of time to respond within the letter that would come out of TAC (Technical Advisory Committee); that this was not included because it was not important, but rather because the school districts do not always respond, which would create an issue; that if that were a requirement, and the school district did not respond, the record would be considered incomplete, but Sussex County does not have the authority to compel the school districts to respond; that the next requires that public buildings and community facilities not be adversely affected; that this was a standard requirement; that the next one was a result of the most recent update regarding whether a subdivision is in a Transportation Improvement District (TID) or the service level remains a certain level; that there had been concerns that had created issues with DelDOT; that they wanted language in the Ordinance that would close the loophole, and he requested that Mr. Whitehouse provide additional information regarding that language.

Madam Chair Wingate questioned that she understood the issue but questioned what would happen to the districts who do provide a response and questioned whether the Commission could consider their responses.

Mr. Robertson stated that if a school district's response was submitted into the record, that 100% the Commission could consider their response.

Mr. Whitehouse that the County Council had updated and add this section of Code in December 2024; that the text reflected in green clarified what had already been placed in the Code; that when the text was added to the Code, the Delaware Department of Transportation (DelDOT) did not participate in the 2024 Ordinance; that staff had made DelDOT aware if the current ordinance as well; that they had been discussing this ordinance with DelDOT; that the confusion is that the intent was

to increase the quality of the information before the Planning & Zoning Commission; that the question then arose with the engineering community, in their conversations with DelDOT; that they questioned, in a scenario where one has a subdivision, and DelDOT states that the applicant is permitted to take more part in the Area Wide Study Fee (AWSF); that the applicant would pay a sum of money, and would not be required to perform any site-specific analysis; that he questioned what happens when this standard applies and this is the highest standard; that applicants and DelDOT were saying that all one would have to do is pay the Area Wide Study fee; that yes, one would have to meet the highest standard; that one must give the Commission data, but we would want to clarify that the analysis being requested by the Commission was not necessarily a full Traffic Impact Study (TIS); that a Traffic Impact Study is a very large, complex document; that they wanted to add specific transportation terminology, which was Segment Analysis; that a segment analysis is an analysis of what is going on in the road, street or intersection immediately adjacent to the development; that a Traffic Impact Study would go out to three or four intersections; that they wanted to clarify the scope of this; that there are cases where this could be a higher standard than what DelDOT requires; that the Area Wide Study fee would be an example; that the language is designed to mitigate that issue; that DelDOT had signed off on the proposed language, and when the Ordinance goes before the County Council, DelDOT will be invited to attend the public hearing.

Mr. Robertson stated that the next one was language about safe and efficient vehicular and pedestrian movement with interconnectivity where appropriate; that they added in compliance with Section 99-17(D) because that gave the Commission discretion for example, if one had interconnectivity with farmland that was in agricultural preservation; that one would not want to run a stub street to that parcel; that Section 99-17(D) also talks about issues previously had with County Engineering regarding ensuring those stub streets actually go to the property line; that there is cross access easements, so that they can be connected from the other side at some point, as well as construction easements; that again, pulled from the cluster subdivision requirements, that sidewalks are required on at least one side of a street, subject to the Planning & Zoning Commission approval; that the thought on that is that we should require them, but provides flexibility to the Commission; that there may be situations in larger lots or more rural developments, where the Commission may not want sidewalks or no one wants to pay for them because no one will use them; that no lot shall have direct access to any State maintained roads, which was taken from the cluster subdivision requirements; that No. 17 and No. 18 talk about the design process for how a preliminary site plan is developed; that generally, it was pulled right from Section 115-25, being the Cluster Subdivision requirements; that currently, when developing a cluster subdivision, the applicant has the burden of showing when the subdivision was designed that it looked at lands to be preserved first, including wetlands, wooded areas, waterways, water bodies, natural drainage area, and other important features, such as tree lines, scenic views, historic buildings, etc.; that following that, developable land should be identified, with the most appropriate locations for development being chosen to minimize impact on the features previously mentioned; that roads and trails are identified third, where a road connecting all the lots could be located; that lot lines are located fourth; that these are the current requirements for cluster subdivisions; that currently applicants will provide the information within the written materials, describing the exercise they went through, or present it at the hearing; that this Ordinance will require applicants to provide this for all subdivisions, not just the cluster subdivisions; that within Section 99-17 for street layout, states Sussex County wants interconnectivity, and that it shall be fully engineered to be compatible with the topography of the

adjacent tract; that the Commission had seen situations where people build up elevation, so that it would never be interconnected, or vice versa, or the road may be stubbed out 10 feet from the property line, so one would not be able to interconnect; that the proposed Ordinance addresses these issues; that the last part deletes the superior design requirements from Section 115-25, as they will now be located within Chapter 99-9C; that there are a lot of moving parts to this Ordinance, and he wanted to go through the history of it, as it did attract a lot of attention.

The Commission found that there were five people present who wished to provide comment on the Ordinance.

Mr. Steve Sinclair, resident of Millsboro, and current member of the Sussex Preservation Coalition and former Director of Forest and State Forester for Vermont, provided comment on the Ordinance. Mr. Sinclair stated that he had previously spoke before the Commission and County Council regarding perimeter buffers in Chapter 99-9C and on open space; that that the Sussex Preservation Coalition had always felt that Chapter 99-9C was a really important element to the County Code as it relates to coming up with criteria that all developments are required to go through in the submission of their final plans; that SPC appreciated that the Commission and Council reviewed these, and recognized that the Working Group identified this as a significant needed to move forward; that they would like to recognize the fact that the opening statement changed to include, demonstrate and satisfy versus the previous wording, which was vague; that now the onus is placed on the developer to demonstrate and/or satisfy that the 18 criteria put forward in Chapter 99-9 are being met; that they mostly had questions regarding some of the existing language, which they felt was still vague and inconsistent; that they propose some changes as well; that under Criteria No. 1, regarding the subdivision being integrated into the existing terrain and surrounding landscape; that they question, what constituted as terrain and landscape; that he questioned if it was referring to topography, elevation changes, vegetation cover, and questioned what was being implied; that they would suggest that it state the subdivision should be incorporated into the existing FLUM (Future Land Use Map); that under Item No. 2, they questioned why floodplains had been removed from the language; that he questioned if this would be addressed somewhere else in the plat approval process; that everyone recognized how important wetlands are in our landscape and the need to preserve the areas by trying to direct growth and development away from those area; that the next language they questioned was the existing language where it talked about protect as appropriate; that they were unsure that requirement would be satisfied or demonstrated by an applicant; that he questioned if perhaps some other language would be better suited in its place; that some of the text was removed from Item No. 3, particularly relating to Forest Assessments; that this will be addressed in future criteria; that in Item No. 4 and Item No. 5 deal with portable water a sewage disposal; that they wanted to reiterate that it was their understanding that the County had a Technical Advisory Committee (TAC) that worked with the County Engineer in reviewing proposals, making recommendations to the Planning & Zoning and County Council in terms of whether the application meets the criteria; that he suggested that inserted language state that these areas had been met as approved by the Technical Advisory Committee; that this would hold true for both water supply and sewage disposal; that they felt it would be good to codify the role and responsibility of the Technical Review Committee and them identified in the Ordinance; that this will continue to confirm that the conditions have been met; that they questioned if there would be any value to inserting, where appropriate, where these things are also identified in

other areas of the County Code's Chapters and Articles; that this would refer back to Chapter 115; that perhaps by having this element, it would provide better clarification that those two are interrelated; that next, they would proposed a word change when talking about affecting improved visibility and screening from the view of neighboring properties and roadways; that their suggestion was to add the work from view of interior and neighboring properties; that it suggests that objectionable features be screened from the neighboring properties; that he questioned what about the view of the homeowners within the subdivision, who have views to those same features; that next they had proposed new language for several criteria dealing with school districts, public buildings, facilities and transportation; that they believed that it was critical for the County to use Chapter 99-9 to address the capacity issues regarding infrastructure; that it was one of the goals of the Land Use Working Group; that except for transportation, it really was never fully addressed; that they feel this Ordinance is a change to do that; that they suggested there be an opening statement that would be applied to both 11, 12, and 13, providing assurances that the area be served by adequate existing and planned infrastructure for new additional upgrades of existing public facilities, including roads, schools, sewers, and emergency services, which are necessary to prevent development from exceeding the existing carrying capacity; that they proposed to removed sewage and add roads; that regarding school districts, they suggested that school districts must certify that it is adequate capacity; that he understood Mr. Robertson's previous comments regarding this, however, questioned that if it were made a requirement in the County Code, would it carry more weight, and therefore creating more responsiveness, and if not, perhaps a second phone call should go out to them.

Mr. Robertson stated that it was surprising, and one would think the school districts would respond.

Madam Chair Wingate stated there was one school district who was very good about responding.

Mr. Joseph Pika, President of the Sussex Preservation Coalition (SPC), provided comment on the Ordinance. Mr. Pika stated that currently, the school districts are informed by notification that a response requirement would provide more clout and certification by giving the districts a role in the process.

Madam Chair Wingate stated that she felt the Commission was already providing the school districts a role; that the Commission is requesting their feedback, yet the Commission is not receiving any feedback, and that there was one school district who was always very good about responding, but there were several others who never respond.

Mr. Whitehouse stated that Delaware Code requires that with any major subdivision, the local school district must be notified; that staff send out notifications to the school district; that within the last year, the Planning department saw three responses to approximately four large-scale applications, and that was it.

Mr. Robertson questioned what was stated in the notifications provided.

Mr. Whitehouse stated that staff summarize that there is a major subdivision being proposed as a public hearing, being held on this application, for this amount of units; that staff provide a link to the

application details, which provide the number of units and the location, and staff additionally share the link to the Online Application Docket, the same way they would with the public.

Ms. Paugh stated for the past year, when processing major subdivision applications and notifying the Technical Advisory Committee, notice is also provided to the local school district; that a public hearing date is not provided at that time, as the application would not yet have a date; that the notice includes the number of units, the site plan the application, which is all provided with the short title description; that only one district has every responded to the provided notifications; that the assigned Planner may reach out again with the scheduled public hearing date prior to the public hearing.

Mr. Pettyjohn questioned what the school district's usual responses are, based on the number of units and the potential number of students.

Madam Chair Wingate stated that she felt the school district responses have been very honest; that they have sometimes stated that they are at capacity, and other times have stated that they are reaching capacity.

Mr. Robertson stated that sometimes the responses vary; that more recently responses have been along the lines Madam Chair Wingate expressed; that the responses are only being received from one school district, and other times the responses have been nebulous, thanking staff for the information, and stating that the district could handle whatever they have to handle.

Mr. Pettyjohn stated he felt that public education in a way was like that; that they could not plan ahead; that it was almost like an afterthought, and they would just make things work; that they will be in a mobile office, or do what they can, and the next step that they have is the Board of Education, who serves the whole State, not necessarily Sussex County.

Mr. Robertson stated that he did not understand why the Commission does not receive responses, particularly with all the conversations regarding impacts on school and the development that is occurring in Sussex County; that he feels the Commission was open on how to handle it best, but to require a certification that the Commission may never get based on past performance; that he understood that it may push them into responding, but the requirement would jam everyone up if no one could proceed without the receipt of a certification; that other thing would be a pocket veto for a school district to purposefully not certify it in an effort to hold up the development, and there must be a safety valve as well.

Mr. Collins questioned whether the Commission could make it incumbent on the developer or applicant to acquire a response from the school district and leverage their influence to get what they need.

Mr. Pettyjohn stated that requirement would not affect funding, and that it would be from the State, not from the County.

Madam Chair Wingate stated that she would rather see the Commission's energies spent trying to be an advocate to obtain funding for them, for everything that is being placed before the Commission.

Mr. Sinclair stated that they propose the same thing for EMT, fire and medical services; that they recommended that they also certify the adequacy of current dispatch services and the levels to accommodate anything generated by the proposed residential development; that same thing for properties related to the Transportation Improvement District (TID) and transportation level; that the only thing they added was the last line, which they recommended should state that the County shall impose conditions regarding phasing and timing of building permits, concurrent with the completion of necessary road improvements; that Mr. Pika, as well as many others from SBC, had previously provided testimony on specific developments, with concerns regarding the phasing and capacity issue; that they felt the Ordinance was an opportunity to place the requirement in the Code, and it could be referred to if necessary; that they had a question on No. 14, stating that the subdivision is compatible with other land uses; that it was unclear what the subdivision must be compatible with; that their alternative language would require that it be complementary to the Future Land Use Map; that he was very please to see the additions place in Chapter 99, and now understood that it was taken from the cluster subdivision regulations and transferred; that this was something that the Sussex Preservation Coalition had been talking about; that all too often it seemed with developments that occur, streets are place, then stormwater, then roads, then lots, and whatever was left became open space; that whether is had any natural resource values in it left or not was up for question; that the proposed Ordinance would set up a system that looked at how to make the developments fit in well with the landscape; that previously, the Sussex Preservation Coalition was referred to as an anti-growth organization; that he stated that was not the case; that the SPC was a smart growth organization, and had never been anti-growth; that the SPC want to make things done better; that the proposed Ordinance was a great example of moving in that direction; that the forest assessment was removed; that the way it is currently worded, is that land should be preserved or identified first; that he questioned how do you identify the lands that are preserved first, if you have not done any mapping; that it is stating that one should identify the areas that we want to map; that the SPC's thought was, why do we not map the entire parcel; that the SPC suggested that the entire parcel be mapped and an assessment of worthy areas, being areas worth of preservation, including wetlands, woodlands, waterways and so on; that if a parcel was mapped first, one could identify those areas through an assessment, those areas that demand conservation and preservation; that as a forester, he knew that not all forest are equal; that some forest are really valuable and beneficial by providing wildlife habitat and water features; that other areas of forest are common; that you want to preserve the good pieces, and maybe not fall on your sword on some of the other pieces; that when mapping takes place, allowing for an assessment of areas to preserve, allowing for a ranking process and then allowing the other steps of considering the development.

Mr. Robertson stated that the Forest Preservation Ordinance would be introduced to County Council on April 14<sup>th</sup>, 2026; that the County is working with a State Forester on the ordinance; that one of the requirements of the ordinance will be a Forest Stand Delineation, which is a defined term that they had worked on, in conjunction with the State Forester, and would provide a whole site mapping that Mr. Sinclair had referred to.

Mr. Sinclair stated that the SPC had been in consultation with Mr. Kyle Hoyt, Delaware State Forester, and had been providing him their thoughts as well; that the SPC had questions regarding the sequence and process following the identification of and mapping; that there is no mention of areas to be preserved or out of bounds, merely that they be considered and minimized for impact, which is once again not very clear, and that with the language it is hard to know the criteria is being considered or being met.

Mr. Collins questioned what level of specificity the Sussex Preservation Coalition was looking for.

Mr. Sinclair stated that the Sussex Preservation Coalition would like to defer that until they see what the Forest Preservation Ordinance looks like.

Mr. Jon Horner, Esq. with Home Builders Association of Delaware, provided comment on the Ordinance. Mr. Horner stated that his submitted comments largely cover the issues; that the main issue with Ordinance 99-9C had been something that they agree on with the Sussex Preservation Coalition; that there is a lack of clarity, and there are standards that are inconsistent; that when it states to minimize stormwater runoff, but there is a Code that specifically is required to be conformed to, it creates a situation where we comply with one standard, but one could argue that we do not comply with another; that the public get to state that they do not think the applicant is minimizing stormwater, and that the applicant could do this and that to minimize the stormwater more, and maybe that would meet the technical issue under Chapter 99-9; that currently there is a Code to follow, and it is inconsistent; that they just want consistency; that they want cross-references to Code; that their letter outlines all of those things; that we need smart growth; that smart growth was the whole premise of the Land Use Reform Working Group; that he found it hard to say that the Sussex Preservation Coalition was a smart growth organization, when he could not think of a single project that they had ever supported; that a lot of the language they had just advocated for would not be smart growth; that it would stop all growth dead in its tracks; that if all infrastructure is required to be placed before a project can move forward, the answer is it will not happen; that it would not be smart growth; that it would equal zero growth; that the fundamental flaw in that logic and rationale is all of the things that all of the things that they stated we need the infrastructure from, all of it would be funded by future development; that we know the school impact fees and funding are coming; the State legislature passed it last year; the Sussex County Council is planning to act on it; that the Home Builders Association supports it; that fire impact fees are funded by building permits; that he questioned how all of the things being stated that we need more of would be funded; that there is a funding issue with roads; that he hoped the State would address that, and look for legislation, potentially a statewide impact fee; that there is a chicken and egg problem, which he believed everyone recognized; that if all the infrastructure is required first, nothing will get built; that the only way infrastructure gets built is with funding from development; that when it comes to school capacity, it would be a pocket veto for school districts; that the legislature recognizes the issue when they did the voluntary school assessment; that they are live in New Castle County; that Sussex County had them pass, and then they sunset it; that Sussex County and Kent County would rather do VSA's (Voluntary School Assessment), and they moved in favor of the building permit surcharge; that one of the things being built into the VSA's is, if one has a VSA, and if a builder is required to pay an impact fee for schools, you are not allowed to deny a project for lack of school capacity; that this is the concept of a VSA, and is how we

are funding our schools; that it is not candidly built into the Sussex County or Kent County program, but it should have been; that the same concept still applies; that when one looks at the language in the cluster design subdivisions for superior design, he felt it important to point out that a lot of the resources being discussed are already protected, under the wetlands protections of the Code; that there are buffering, wetlands, Statewide wetland protection being introduced potentially within the next two weeks for freshwater wetlands from Senator Hansen, which would additionally protect those resources; that protection for trees would be coming within the next few weeks; that the standards currently provided require them to identify those areas and then move forward; that the language the SPC proposed would basically say, that if you have these on your property, your property is completely worthless from any sort of development potential; that under their proposed language, if he had a fully wooded parcel, he would have zero development potential; that this would be a constitutional taking in many instances, and his submitted letter provides line by line comments regarding the lack of specificity and things.

Mr. James Grant, owner of Sun Building Group in Milton, provided comments on the Ordinance. Mr. Grant stated that he wanted to discuss the land use breakdown for Sussex County; that there are 625,966 acres in Sussex County; that agricultural and undevelopable land is 523,558 acres (83%); that 35,000 acres was preserved farmland; that 2,428 acres was open space through subdivision approvals; that developed residential land was 79,000 acres (12.62%), consisting of single-family homes, multi-family homes, and mobile home parks; that 72,238 acres was available for potential future growth; that commercial and industrial made up only 7,200 acres (1.15%); that infrastructure and public use made up 16,200 acres (2.59%), being utilities, recreation, and industrial lands; that the Investment Level 1 District is 27,655 acres; that we have 523,558 acres at 83%; that he wished he could write a handout on what it take to do a development, and the process it is required to go through; that it takes 18 to 24 months to get before the Planning & Zoning Commission; that the development then has to receive preliminary approval; that once preliminary approval has been granted, then one must go through all the State agencies; that the amount of work they must do to specify what SCD (Sussex Conservation District) wants, when it came to stormwater management, and DNREC was well beyond; that agency approval was a six to eight month process; that DelDOT just announced that they are going to work on it, and that their field goalpost would not keep moving; that it used to take a year to go through DelDOT's process; that every entrance is a custom entrance; that overall it is a three year process for a developer; that he did not want to see a more burdensome regulation where it is already addressed and potentially not in the Sussex County Code, but rather in the State Code; that the EPA (Environmental Protection Agency) is now getting involved in; that when you do pre-construction meetings with Sussex County, they verbatim tell you what the EPA is requiring; that previously someone had taken a picture of a bald eagle near a subdivision, however there was no bald eagle near the subdivision; that it was a shame people have stooped to that level; that the Milford School District's enrollment had gone down; that they just received a \$2,500 fee for the funding of schools; that they are currently discussing affordable housing, and currently, on average, it takes between \$75,000 to \$100,000 a lot to build a subdivision, however, the Commission was currently discussing affordable housing.

Ms. Jill Hicks, resident of Chapel Green in Lewes, provided comments on the Ordinance. Ms. Hicks stated that this was a golden opportunity for the Planning & Zoning Commission to get what they

needed to feel comfortable, providing the confidence in their decisions, regardless if is to approve or deny, or even how many times they have to look at a site plan; that this would eliminate the Commission being forced to make decisions based on the lack of legal foundation to stand on if challenged; that three years ago, previous Commissioner, Ms. Kim Hoey-Stevenson, stepped down because she became frustrated that she could not make the decisions she felt she needed to make, because she did not have the protections within the Code to do it; that she wrote recommendations, and Chapter 99-9C was one of them, and she urged the Commission to think back on applications that they may have wished they had the ability to change, and how the proposed recommendations could have help them.

Mr. Whitehouse stated that the cultural landscape requirement and recommendation to revisit that wording as appropriate; that the wording is very deliberate and important; that it is because cultural assets and historical features can be very different in the field; that there can be historic features in development that are very significant; that there are some features that may not necessarily require protection; that an example of this would be a historic coin; that yes, they coin has historic features, and should be identified, especially if they are known to the State in development; that if they had the word protected, and do not have the appropriate words afterwards, it automatically means that the land is sterilized and preserved around that coin; that those coins could not be explored by archaeologists because they are protected; that there may be certain types of historic features and artifacts that can be moved or relocated in a site; that coins are a common example of this, and otherwise the land above them would never be touched; that the words “as appropriate” are to allow the Commission to consider specific historic artifacts.

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 ORD 26-03. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Passwaters and carried unanimously. Motion carried 5-0.

#### Minutes of the April 1, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Ordinance which had been deferred since April 1, 2026.

Mr. Passwaters the Sussex County Planning & Zoning Commission recommend approval of Ordinance 26-03 regarding Section 99-9C of the Subdivision Code and interconnectivity requirements of Section 99-17 of the Subdivision Code for the following reasons:

1. Sussex County Council commissioned a Land Use Reform Working Group that created multiple recommendations about housing and land use. Recommendation No. 18 specifically addressed an update and improvement to Section 99-9C of the Subdivision Code.
2. As part of this initiative, Sussex County Council also asked staff to incorporate the “superior design” requirements for cluster subdivisions in to Section 99-9C and make them applicable to the design of all subdivisions in Sussex County.

3. This Ordinance proposes to eliminate redundant requirements in 99-9C that are addressed with more specificity elsewhere. For example, the Forest Assessment and Forest Preservation requirements have been removed since they are being specifically addressed through a new ordinance that will appear elsewhere in the Code. Similarly, the requirements about open space have been removed because open space is addressed in a separate section of the Code.
4. This Ordinance will be an improvement over what currently appears in Section 99-9C since it will compel an applicant to explain how each listed item is satisfied in the design of the subdivision site plan and will give applicants, the public and the Commission better guidance for the design of a subdivision.
5. The improvements to the existing interconnectivity requirements of Section 99-17 will enable better alignment and design of adjacent subdivisions so that actual interconnectivity occurs.
6. Although this is a recommendation for approval, County Council should still carefully consider all of the comments made to the Commission and those that will be made to Council during its hearing.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn and carried unanimously to recommend approval of Ordinance 26-03 regarding Section 99-9C of the Subdivision Code and interconnectivity requirements of Section 99-17 of the Subdivision Code for the reasons 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



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

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

37  
38 **Section 1. The Code of Sussex County, Chapter 99, Article II, §99-9**  
39 **“Public hearing on preliminary plat approval or disapproval” is**  
40 **hereby amended by deleting the language in brackets and by**  
41 **inserting the italicized and underlined language in Subsection 99-9.C**  
42 **thereof as follows:**

43  
44 **§ 99-9 Public hearing on preliminary plat approval or**  
45 **disapproval.**

46  
47 . . .

48  
49 C. In addition to the other provisions contained within this article, an  
50 Applicant for approval of a preliminary plat shall *demonstrate how the*  
51 *preliminary plan is consistent with the Code of Sussex County and the*  
52 *Comprehensive Land Use Plan and that the following criteria are*  
53 *satisfied and the manner in which each one is satisfied* [provide that the  
54 following criteria are incorporated and addressed in the plat and the  
55 manner in which each one is incorporated and addressed] through the  
56 design of the preliminary plat:

57  
58 (1) That the proposed subdivision is integrated into existing terrain and  
59 surrounding landscape.

60  
61 (2) That all resources and resource buffers are protected in accordance  
62 with Chapters 99 and 115 herein [and that floodplains are minimally  
63 used].

64

65 (3) [That natural and historic features are preserved and forest  
66 fragmentation and vegetation and soil removal is minimized. In addition,  
67 a forest assessment shall be conducted with a forest assessment report  
68 provided with the preliminary plat. If woodlands or mature forests that  
69 contain high habitat value are found, these areas shall be conserved to the  
70 maximum extent possible.] That the cultural landscape, including scenic  
71 views and cultural and historic features, are identified and protected as  
72 appropriate on the preliminary plat.

73

74 [(4) That open space and scenic views are preserved.]

75

76 ([5]4) That the supply of potable water to future residents of the proposed  
77 subdivision is safe and adequate for their use.

78

79 ([6]5) That the means and method of sewage disposal are adequately  
80 addressed for the proposed subdivision.

81

82 (6) That all lots shall be configured to be contained completely outside  
83 of all wetlands and that [That] the proposed subdivision will not pollute  
84 surface water or groundwater.

85

86 ([8]7) That the anticipated method of minimization of erosion and  
87 sedimentation are adequately identified and that the proposed subdivision  
88 complies with the requirements of Chapter 90 of the Code of Sussex  
89 County.

90

91 ([9]8) That changes to the groundwater levels will be minimized and  
92 that groundwater recharge is maximized as a result of the proposed  
93 subdivision and that the methods of both are adequately identified. In  
94 addition, that there will not be increased rates of runoff or increased risk  
95 of flooding onto adjoining properties from the design and construction of  
96 the proposed subdivision, and the anticipated methods used to achieve  
97 these criteria are adequately identified.

98

99 ([10]9) That area property values will not be adversely affected.

100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134

[(11) That any active farmland and tree farming adjacent to the proposed subdivision is adequately preserved through the design and construction of the proposed subdivision.]

(10) That objectionable features, including but not limited to, utility infrastructure, parking areas, loading zones and outdoor storage areas are screened from view of neighboring properties and roadways.

[[12]11) That the Applicant has notified the local school district where the proposed subdivision will be located.

[[13]12) That public buildings and community facilities will not be adversely affected by the proposed subdivision.

[[14]13) That the subdivision is either within an established Transportation Improvement District or the subdivision endeavors to maintain the current Delaware Department of Transportation Level of Service on all adjacent roads and intersections after the subdivision is completed and in no event will allow the Level of Service to degrade below a Level of Service D. A segment analysis of the adjacent roads and intersections may be submitted in cases where the subdivision does not warrant a Traffic Impact Study.

[[15]14) That the proposed subdivision will be compatible with other area land uses.

[[16]15) That there will be safe and efficient vehicular and pedestrian movement within the site and to and from adjacent developed properties with interconnectivity where appropriate in compliance with Section 99-17D. Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.

(16) No lots shall have direct access to any state-maintained roads.

135 (17) That lots are located on the environmentally suitable portions of the  
136 tract, specifically those portions of the tract least encumbered by sensitive  
137 environmental features, including but not limited to wetlands, mature  
138 woodlands, waterways and other water bodies.

139  
140 (18) That the following sequence and process was followed in the site  
141 design of the preliminary plan:

142  
143 (a) Lands that should be preserved are identified first. First, areas  
144 worthy of preservation should be mapped, including wetlands,  
145 wooded areas, waterways, other water bodies, and natural drainage  
146 areas. Then, other features that are important should be mapped,  
147 such as tree lines, scenic views, historic buildings, and prime  
148 farmland. The areas with the fewest important natural, scenic and  
149 historic features should be considered the "potential development  
150 area."

151  
152 (b) Developable lands should be identified second. The most  
153 appropriate locations for development should be chosen to minimize  
154 the impact to the most important features mapped in (18)(a).

155  
156 (c) Roads and trails should be identified third. After the  
157 developable areas are determined, a road system should be  
158 designed to serve those homes. A trail system that links homes to  
159 destinations outside of the tract should be designed.

160  
161 (d) Lot lines should be located fourth. The last step is to configure  
162 lot lines and make necessary adjustments to satisfy the various  
163 reviewing agencies' comments.

164  
165 **Section 2. The Code of Sussex County, Chapter 99, Article III, §99-**  
166 **17 “Street Layout” is hereby amended by deleting the language in**  
167 **brackets and by inserting the italicized and underlined language in**  
168 **as follows:**

169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197

§ 99-17 Street layout.

...

D. Proposed collector streets in the subdivision shall provide for the interconnectivity with [and continuation of existing, planned, or platted streets on] adjacent tracts unless such continuation shall be prevented by preservation easement, topography or other physical condition or unless such extension is found by the Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tracts. When deemed advisable, the Commission may restrict access to proposed collector streets from abutting properties.

E. Where [the Commission deems it desirable or necessary to provide access] interconnectivity is required to adjacent tracts that are not presently subdivided, proposed collector streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided within the subdivision at the ends of such streets, by means of temporary easements or otherwise. Such interconnectivity shall be fully engineered to be compatible with the topography of the adjacent tract and shall be shown to the property boundary or boundaries on the Final Site Plan. Whenever possible, such interconnectivity shall be designed at a perpendicular alignment to the property boundary. No buildings, structures or stormwater management features shall be located within the areas of interconnectivity. The Final Site Plan shall also include a Temporary Construction Easement for the benefit of the adjacent tract to be used to facilitate the completion of the fully constructed interconnectivity.

198 **Section 3. The Code of Sussex County, Chapter 115, Article IV, §115-**  
199 **25 “Height, Area and Bulk Requirements” is hereby amended by**  
200 **deleting the language in brackets as follows:**

201

202 § 115-25 Height, area and bulk requirements.

203 . . .

204 [E. Design requirements for cluster development.

205 (1) All development shall be in accordance with the latest  
206 amendment to the community design standards.

207 (2) Housing types in the low-density area, as shown on the Sussex  
208 County Comprehensive Plan, are limited to single-family detached  
209 dwellings and manufactured homes where permitted by ordinance.

210 (3) The perimeter buffer and perimeter buffer protection area as  
211 required by § 99-21.A.

212 (4) No lots shall have direct access to any state-maintained roads.

213 (5) All lots shall be configured to be contained completely outside  
214 of all wetlands.

215 (6) Any development using the option in Subsection B(2) shall  
216 have central water and wastewater systems operated and maintained  
217 by companies authorized by the State of Delaware to perform such  
218 services. Wastewater collection and treatment systems must be  
219 designed in accordance with the requirements of Sussex County  
220 ordinances and conform to the requirements for a central sewer  
221 system as defined in § 115-194A of the Sussex County Zoning  
222 Ordinance.

223 F. Review procedures for cluster development.

224 (1) The developer shall submit an application for a cluster  
225 development in accordance with Chapter 99, Subdivision of Land,

226 of the Sussex County Code and which shall include, at a minimum,  
227 a sketch plan showing the location and uses of all open spaces, the  
228 extent of existing wooded areas and wetlands and the location of any  
229 historical or cultural resources. The Director of Planning and Zoning  
230 may waive this requirement when the proposed development does  
231 not contain significant natural features or resources.

232 (2) The information submitted shall include a plan for the  
233 management of all open space.

234 (3) The Planning and Zoning Commission shall determine that the  
235 following requirements are met before approving any preliminary  
236 plan and such application shall be reviewed on an expedited basis.

237 (a) The cluster development sketch plan and the preliminary  
238 plan of the cluster subdivision provides for a total environment  
239 and design which are superior, in the reasonable judgment of  
240 the Planning Commission, to that which would be allowed  
241 under the regulations for the standard option. For the purposes  
242 of this subsection a proposed cluster subdivision which  
243 provides for a total environment and design which are superior  
244 to that allowed under the standard option subdivision is one  
245 which, in the reasonable judgment of the Planning  
246 Commission meets all of the following criteria:

247 [1] Homes shall be clustered on the environmentally  
248 suitable portions of the tract, specifically those portions  
249 of the tract least encumbered by sensitive environmental  
250 features, including but not limited to wetlands, mature  
251 woodlands, waterways and other water bodies. This does  
252 not inhibit the development of wooded parcels.

253 [2] (Reserved)

254 [3] Required open space shall comply with the  
255 following criteria:

256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284

[a] All required open space must meet the official definition of acceptable open space contained in § 115-4.

[b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.

[c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:

[i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.

[ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.

[iii] Existing farmland and/or woodlands.

[iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.

[v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners'

285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314

association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.

[vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.

[4] The preliminary plan shall comply with the requirements of § 115-193.

[5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.

[6] Removal of healthy mature trees shall be limited.

315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344

[7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.

[8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:

[a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."

[b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.

[c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.

[d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.

[9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.

345  
346  
347  
348  
349  
350  
351

(b) The cluster development plan will preserve the natural environment and any historic or archeological resources.

(c) All of the items in Ordinance Number 1152 (see § 99-9C) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.

**Section 4. Effective Date.**

353  
354  
355  
356  
357  
358  
359  
360

This ordinance shall become effective upon adoption. Provided however, that it shall not apply to subdivision or residential planned community district applications that have had a Preliminary Conference pursuant to §99-7 of the Code of Sussex County and that have submitted a PLUS application to the Office of State Planning Coordination and received a PLUS comment letter from the Office of State Planning Coordination following the PLUS meeting on the application.

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: June 5, 2026

RE: County Council Report for C/U 2631 filed on behalf of Zion Church Ventures, LLC

---

The Planning and Zoning Department received an application (C/U 2631 filed on behalf of Zion Church Ventures, LLC) for a Conditional Use to amend the conditions of approval for Conditional Use No. 2581. The Tax Parcel ID is 533-11.00-23.00. The property is located at 36054 Zion Church Road. The parcel size is 29.55 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the conclusion of the Public Hearing, the Commission deferred action on the application for further consideration, leaving the record open until April 22<sup>nd</sup> for receipt of any additional written comments. On June 3, 2026, the Commission recommended a **partial approval/partial denial** of the Applicant's request to modify conditions of approval.

The County Council held a Public Hearing on the application at the meeting on June 2, 2026. As the Commission had not yet made a recommendation at the time of the County Council meeting, the Council left the record open to allow for receipt of the Commission's recommendation.

Below are the minutes from the Planning & Zoning Commission meeting on April 15, 2026 and June 3, 2026

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

### C/U 2631 Zion Church Ventures, LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION "D" AND CONDITION**



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

**“N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS.** The property is lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00.

Mr. Whitehouse advised the Commission that submitted into the record were the DelDOT Service Level Evaluation Response Letter, the Applicant’s Conditional Use Site Plan, the Staff Analysis Report, a letter received from the Sussex County Engineering Department’s Utility Planning Division, a copy of the previous application’s PLUS comments, the Applicant’s Request to Amend Conditions Letter, and copies of the previous application’s Notice of Decision Letters relating to the existing Conditional Use of the property. Mr. Whitehouse advised the Commission that no written comments were received regarding the application.

The Commission found that Mr. Brad Absher, Professional Surveyor with TrueNorth Land Surveying, spoke on behalf of the Applicant, Zion Church Ventures, LLC. Mr. Absher stated that the Applicant respectfully requested approval of the application, due to the request of limited and practical amendment, to an already approved use; that Sussex County approved a Conditional Use (C/U 2581) in 2025, and the proposed use remains the same in nature; that they were currently requesting to make two operation conditions work in practice; that the first request was to allow and office space to be permitted within the warehouse units; that the second request was to remove the requirement for separate on-site management office; that the amendment should be approved because this does not change the fundamental character of the project; that Condition D, as currently written, stated that the unit was to be used for business, and could be used for business purposes; that that the unit may only be used for climate control storage; that the units could not be used for manufacturing or industrial purposes; that no unit can be primarily used as an office; that the property could not be used for meeting customers, showrooms, customer pickup, or a delivery or mail drop location; that it also stated that office space cannot be isolated or walled off from remaining units; that their request was not to remove the business use limits; that their request was to allow a practical, internal office within the unit, while preserving the core protection against retail, traffic, customer visits, etc.; that they felt the request change was reasonable as explained in the submitted application materials; that a separate office within the same unit can improve organization, productivity, and safety for the tenants who need an administrative workspace tied directly to their storage and the warehouse use; that the request was not to create standalone office units, but rather to allow office space that would be an accessory use to the warehouse and storage function; that they felt the request to change the Condition was reasonable; that the current Condition required a separate on-site management office to be open during regular business hours; that they requested for the Condition to be removed because the management could still handle responsibility without mandating a standalone office on the property; that removing the office requirement does not create a more intense use, would not increase traffic,

and would not remove any of the operational safeguards that have already been imposed on the site; that the County's own prior findings on the site, support approval of these amendments; that when the Commission recommended C/U 2581, it found that the use was compatible with the surrounding zoning; that the traffic would be minimal; that DelDOT stated the traffic impact would be minor; that the property was in the Coastal and Development Areas, which are considered Growth Areas within the County; that the use would not adversely affect neighboring and adjacent properties; that those findings still currently apply; that the property still served as a practical need for climate controlled storage and office space for the area and property owners and businesses; that existing conditions still prevent the kind of impacts Sussex County wanted to avoid, and that the request was a modest operational adjustment, not just a change in the overall use of the property.

Mr. Collins questioned what specific activities will take place in the office spaces and whether individual or shared restrooms facilities were proposed.

Mr. Absher stated the restroom facilities had already been addressed in the previous Conditional Use approval.

Madam Chair Wingate stated that the previous Conditional Use approval for restroom facilities was only for the office.

Mr. Absher stated that there was a shared restroom room per unit.

Mr. Robertson stated that previously there was one office that had a restroom; that there was an issue of offices not being allowed within the individual units, as they did not want the use to become an office park versus a storage facility; that the original Conditional Use was presented to the Commission as a storage facility; that stated within the conditions were the Commission's findings, which spoke to climate-controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that there was also an area for a car wash to serve the individuals in the area that did not have room at their home or their property to work on such things, along with a pool amenity as well; that he questioned what the proposed use was; that it appeared that the use had evolved; that there was concern about the use going from an accessory use to residential, where one would store their car or RV, or to something that is more intensive such as an office and commercial use with increased traffic and everything else.

Madam Chair Wingate stated that she was present for the previous public hearings; that she had been under the assumption that the use was for storage, with a pool and a car wash; that she was perplexed of why the Commission was again considering a change of the Conditions of Approval; that the Commission had imposed the conditions for a reason, and if the Commission were to change to the condition, to allow all the units to have offices, it would result in a totally different look than a storage warehouse in her opinion.

Mr. Absher stated that the reason they returned before the Commission last time, which was completely annihilated, as it was not relayed to what the Applicant was actually trying to do; that when they returned before the Commission the second time, it was to request the individual offices for the

units, and instead they were approved for bathrooms to be placed within each unit as part of the second approved Conditional Use.

Madam Chair Wingate stated that she reviews a storage building as being a storage building, not to be used for offices and bathrooms.

Mr. Pettyjohn questioned how many storage units were proposed for one storage building, and whether bathrooms would be included within each of the offices.

Mr. Absher stated that potentially nine offices would be proposed for one storage building, and that he believed the bathrooms were already approved and established as part of the previously approved Conditional Use.

Mr. Collins requested that Mr. Absher go back and repeat the original intent of the very first Conditional Use.

Mr. Absher stated that the original vision was twofold; that it is similar to some other Applicant's that presented before the Commission earlier that evening with contractor warehousing and storage; that the other vision was to provide a man cave for residential guys, which included facilities for people to clean up after themselves should they perform work on a project car; that one could have their RV in their bay; that one would be permitted to work within that bay; that they had a sewer clean out, where one could come back from camping, dump the RV, putting it in one's bay, and additionally, there would be car guys who would use their car, place their car collections in their bay, which was the reasoning for the carwash.

Mr. Pettyjohn stated that he understood Mr. Absher vision; that he knew it could get dangerous as "man cave" was not defined within the Code; that he knew often people would fall asleep there, and he was unsure what could happen.

Madam Chair Wingate stated that Mr. Pettyjohn's statement was part of the concern, as it could easily turn into a trade, having people spending the night at the site, and she questioned who would monitor that situation.

Mr. Absher stated that the issue was covered within the original Conditional Use, as they would be able to monitor by having gate codes with the people going in and out.

Madam Chair Wingate questioned how the Applicant would monitor people spending the night on the site.

Mr. Absher stated that the site would be monitored by a security system, and a gate code keypad; that it was not a new concept as this type of use is all over Florida and Texas, and they have restrictions.

Mr. Pettyjohn stated that it was not that the Commission did not think that the Applicant had the best of intentions, however, they had seen a lot and knew how quickly it could go south.

Mr. Collins stated that the Commission did not want to create conditions that Sussex County had an obligation to police, as Sussex County did not currently have the resources to do that.

Mr. Absher stated that the only two conditions he was present to request were the potential for an office area, and the removal of the on-site management, and he felt the bathrooms had already been addressed within the previously approved Conditional Use.

Mr. Robertson questioned the number of individual units proposed.

Mr. Absher stated that the accurate number was reflected on the Site Plan, and that he believed it was around 172 individual units.

Mr. Collins questioned whether the Commission was considering a 172-office park.

Mr. Passwaters questioned the difference the Applicant was proposing; that the bay already consisted of four-walls, with an approved bathroom, and he questioned whether the Applicant was proposing to build another room inside of the bay unit, which could be considered an office anyway.

Mr. Robertson stated that the Commission's concern was based on what they had previously seen done in Sussex County; that a storage unit would generate one person coming in and one person going out on an intermittent bases; that once one something becomes an office, depending on what happens, many office staff could begin accessing the site; that customers could begin dropping off payments, or sub-contractors may begin accessing the site; that this in turn blows up the DeIDOT traffic counts, and the on-site parking requirements; that he felt the bigger trigger for the proposed offices was that there likely would not be enough parking for 172 offices with multiple employees and people visiting them; that the office alone was not the issue, and it was the spider web out of the office use that could create issues and was the bigger concern.

Mr. Absher stated that it was his understanding that business was already permitted as a result of the existing Conditional Use.

Mr. Pettyjohn questioned whether Mr. Absher was referring to a service business already being permitted for the site.

Mr. Absher stated yes that he was referring to service businesses already being permitted.

Mr. Robertson stated that he felt the Commission required better staff clarification regarding what was currently permitted; that the Commission was making assumptions of what was approved and not approved; that he did not want to approve or not approve something in fairness to the Applicant; that the Commission was going to need to defer the application, due to the IT issues; that the application could be placed to the next meeting agenda with a report from staff confirming exactly what was permitted under the currently approved Conditional Use, and this would provide for a clean record and a better understanding for everyone.

Mr. Collins apologized, stating that the Commission would like to assume positive intent, however, there were previous examples within Sussex County where people pushed boundaries and had gotten out of control.

Mr. Absher stated that the prohibited uses would never happen, as the Commission had already stipulated what is permitted on the site from a business sense, which was part of the existing Conditional Use, and he was only present for the two requested amendments.

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 2631 Zion Church Ventures, LLC. Motion by Mr. Allen, seconded by Mr. Passwaters, and carried unanimously to defer action, leaving the record open to allow for the receipt of an additional report from staff on the application history and permitted activities/uses per the previous approval, and for the receipt of written public comment, with the record to close on April 22, 2026. Motion carried 5-0.

#### Minutes of the June 3, 2026, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since April 15, 2026.

Mr. Allen moved that Zion Church Ventures, under application C/U 2631, has requested an amendment to Condition D and the deletion of Condition N of Conditional Use No. 2581 and Ordinance No. 4009.

Condition D prohibited any walled-off offices within individual units, and Condition N required a central on-site office within the project.

The prohibition against an internal, walled-off office within any individual unit is consistent with the manner in which this application was presented- that it would primarily be used for personal storage purposes and not for more intensive business uses. In furtherance of this, there is also a prohibition in Condition D against the use of a unit for manufacturing or industrial purposes, or as a mail drop or for food preparation. Condition A also prohibits the use of units for gyms, food service, retail or other more intensive uses. These prohibitions were included to prevent the facility from being converted to more intensive uses than what was presented during the public hearings and creating unanticipated issues with parking, traffic, utility services, and other factors. There was also a concern that the units might be converted in part for use as temporary residences for employees. The inclusion of the prohibition against internal, walled-off offices is consistent with these other existing prohibitions in the Conditional Use. For that reason, it is my recommendation that the Applicant's request to amend Condition D be denied.

Condition N is less of a concern. As originally presented, this use would have a variety of amenities, including a pool and car wash, which would suggest that a central office is appropriate. Although

central offices are typically included in a storage facility as part of the design and operation of it, they are not always included as a condition of approval. For that reason, I recommend that Condition N requiring a central office be deleted from the prior approval. By removing this condition, the Applicant will still be able to install a central office, if necessary, it will just not be a County requirement.

In summary, Mr. Allen moved that the request to amend Condition D be denied, and the request to delete Condition N be granted by the Commission.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend partial approval for C/U 2631 Zion Church Ventures, LLC, by recommending denial of the requested amendment for Condition D, regarding individual unit offices, and recommended approval of the requested deletion of Condition N, regarding the requirement for a central on-site office, as required within the Conditions of Approval for Conditional Use No. 2581 (Ordinance No. 4009), for the reasons stated in 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 stated in the motion.

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

Mr. Collins vote yea, for the reasons stated in the motion.

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

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

**PLANNING & ZONING COMMISSION**

HOLLY J. WINGATE, CHAIR  
JEFF ALLEN  
G. SCOTT COLLINS  
DAVID PETTYJOHN  
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: April 15<sup>th</sup>, 2026

Sussex County Council Hearing Date: June 2<sup>nd</sup>, 2026

Application: C/U 2631 Zion Church Ventures, LLC

Applicant: Mr. Bradley A. Absher  
35322 Bayard Road  
Frankford, DE 19945

Owner: Zion Church Ventures, LLC  
35322 Bayard Road  
Frankford, DE 19945

Site Location: Lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) at 36054 Zion Church Road.

Current Zoning: MR (Medium Density Residential District)

Proposed Zoning: MR (Medium Density Residential District)

Proposed Use: Amendment to Existing Conditional Use No. 2581 (Ordinance No. 4009) to allow for office spaces within units & removal of an on-site Office.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 - Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Company

Sewer: Sussex County (central sewer)

Water: Tidewater (central water)

Site Area: 29.55 acres +/-

Tax Map ID.: 533-11.00-23.00



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## 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: March 13<sup>th</sup>, 2026  
RE: Staff Analysis for C/U 2631 Zion Church Ventures, LLC

---

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2631 Zion Church Ventures, LLC to be reviewed during the April 15<sup>th</sup>, 2026, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

**Tax Parcel ID:** 533-11.00-23.00

**Proposal:** This Application is for a previously approved Conditional Use for Tax Parcel: 533-11.00-23.00 for storage/warehouse/office buildings and a car wash. The proposal is to be located within an Agricultural Residential (AR-1) District on a 29.55-acre parcel of land lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

**Specifically, the request is to amend Conditions “D” and “N” of the Conditions of Approval for Conditional Use No. 2581 (Ordinance 2009) to allow for office spaces within the warehouse units and to remove the requirement that an on-site management Office be established for the maintenance and operation of the warehouse units.**

**Staff note that this Application is a revision to two (2) previous Applications (Conditional Use No. 2581 & 2392 Zion Church Ventures, LLC) which was for 19, 9,500 square foot climate-controlled buildings (180,500 square feet), one 2,500 square foot car wash building with parking and a 6,400 square foot clubhouse with pool and patio and related parking.**

**Conditional Use No. 2392 Zion Church Ventures, LLC was approved by the Sussex County Council at their meeting of Tuesday, April 9<sup>th</sup>, 2024, and the change was adopted through Ordinance No. 2999 subject to seventeen (17) Conditions of Approval.**

**Staff further note that the changes to the originally approved Conditional Use Site Plan through Conditional Use No. 2581 included the addition of an ancillary Office, removal of the clubhouse and exclusion of a portion of Tax Parcel IDs: 533-11.00-23.00, 23.03 & 23.04.**



**Conditional Use No. 2581 Zion Church Ventures, LLC was approved by the Sussex County Council at their meeting of Tuesday, July 22<sup>nd</sup>, 2025, and the change was adopted through Ordinance No. 4009 subject to twenty (2) Conditions of Approval.**

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north, east and west of the subject properties on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20).

The property to the south of Deer Run Road (S.C.R. 388) consisting of the Deer Run Acres Subdivision and the Hampden Park Subdivision are zoned General Residential (GR) District. There is a single parcel to the south of Deer Run Road and Zion Church Road that is zoned Neighborhood Business (B-1 & B-2). There are also commercially zoned properties on the north side of Zion Church Road to the southwest of the subject properties.

**Future Land Use Map Designation w/in Comprehensive Plan:** Coastal Area and Developing Area and a small portion appears to be within the Low Density Area.

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

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

The Comprehensive Plan states that Developing Areas are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures” (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that, “a careful mixture of homes with light commercial uses can be appropriate to provide convenient services and allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-14).

### **Compliance with Comprehensive Plan**

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the Coastal Area, Developing Area and Low Density Area Future Land Use Map designations (Sussex County Comprehensive Plan, 4-25).

### **Further Site Considerations:**

- **Density:** N/A

- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use. This includes the Parcels to the north.
- **Interconnectivity:** Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur on the Parcel. Please add an easement or other means of providing alternative access to the property.

Staff note that §115-221 “Final Site Plan Requirements” notes that interconnectivity be provided where proposed development of “*business and office buildings, commercial buildings or industrial buildings*” is “*occurring or may occur in the future*” (§115-221(B)(16)).

- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that there is an existing forested area on the northeast portion of the subject property. Though not Conditional Use for single-family or multi-family dwellings, Staff request that a 30-ft buffer be provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note per the County’s Online Mapping System that there appears to be a large area of lotic wetlands on the Property that also appear to exist in conjunction with the existing agricultural ditch which appears to bisect the property and run to the southeast of the property between Parcels 24.00, 23.03, 24.01 and 23.04. (This information has been included in a Supplemental Map for the Commission and Council’s review.)
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcel is classified as within an area of “Fair” Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that there are two (2) Tax Ditch Areas (the Batson Branch Tax Ditch Area and the Bear Hole Tax Ditch Area) and a related Tax Ditch Right-Of-Way (ROW) which runs along the northeast side (along Parcels 22.00 and 22.01) which is measured 80-ft from the centerline (CL) of the Tax Ditch and another Tax Ditch Right-Of-Way (ROW) which runs along the southeast side of the property which is measured 50-ft from the Top of Bank (TOB) of the Ditch which was reduced through Court Order Change No. 16. ((This information has been included in a Supplemental Map for the Commission and Council’s review.)

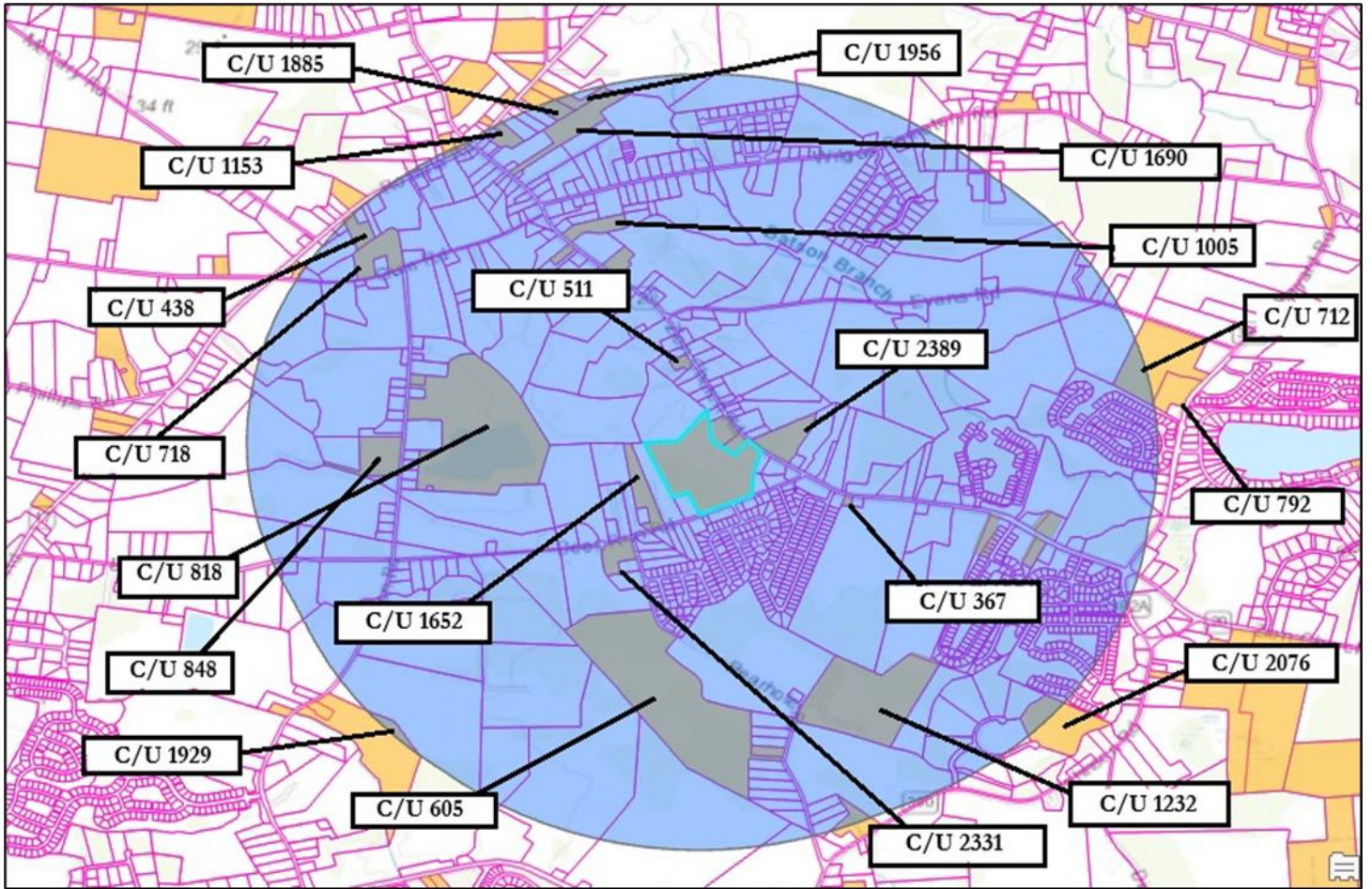
Based on the analysis provided, the Conditional Use to amend Conditions “D” and “N” of the Conditions of Approval for Conditional Use No. 2581 (Ordinance 2009) to allow for office spaces within the warehouse units and to remove the requirement that an on-site management Office be

established for the maintenance and operation of the warehouse units at the site, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

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

Staff notes there have been forty-one (41) Conditional Use Applications within a one (1) mile radius of the Application site. Four (4) Applications were denied, twenty-nine (29) were approved, six (6) were withdrawn and two (2) are Pending Public Hearings. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all other Conditional Use Applications since 2011 that are less than 1 mile distance from the subject site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Conditional Use Number	APPLICANT	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
12	Fenwick Properties	AR-1	manufactured home park	N/A	Approved	N/A
1929	Everett Dennis & David Harbin	AR-1	Farm Tractor and Auto Repair	6/5/2012	Approved	2258
605	Cee Bee, Inc.	AR-1	Borrow Pit	N/A	Approved	N/A
438	Jessie E Bivens	AR-1	poultry house on less than 5-acres	N/A	Approved	N/A
718	Hazel J. Lynch	AR-1	antique sales & storage shop	4/12/1983	Approved	N/A
367	George P. Fountain	GR	automobile & truck repair shop	N/A	Approved	N/A
1329	John & Mary Frey	AR-1	used car sales	4/11/2000	Denied	N/A
1232	William D. & Karen L. Simpson	AR-1	Recreational Vehicle Park/Campground & Boat Storage	3/17/1998	Approved	1222
848	Bruce G. & Mary Jane Bennett	AR-1	borrow pit	7/29/1986	Approved	372
1885	James Mershon	AR-1	Bait/tackle shop	4/12/2011	Approved	2187
1956	Mark A. Giblin	AR-1	Towing Service and Landscape Business	3/19/2013	Approved	2297
1804	Wayne Drywall	AR-1	office/warehousing	1/5/2010	Approved	2093
916	James W. Ward	AR-1	multi-family	10/9/1990	Denied	N/A
1153	Mark Beam & Keith Smith	AR-1	storage	N/A	Withdrawn	N/A
1641	Carroll & Diane Brusure	AR-1	service vehicles parking	3/28/2006	Approved	1838
1812	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	12/7/2009	Withdrawn	N/A
2088	Billy Banning Enterprises, LLC	AR-1	dance studio	N/A	Withdrawn	N/A
818	Cygnat Construction Corp	AR-1	borrow pit expansion	5/7/1985	Approved	246
1914	Steven Krebs & Barbara Krebs	AR-1	Barbeque Prep and Sales	1/17/2012	Approved	2233
1005	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	7/14/1992	Approved	843
426	Ronald Chandler & Kathleen	AR-1	repair & service all type of motor vehicles	N/A	Approved	N/A
511	Charles & Holly Carmack	AR-1	drywall contractor, building material sales & warehouse of building materials	N/A	Approved	N/A
1704	PMP Associates	GR	Health Care & Medical Offices	1/8/2008	Approved	1950
1273	Roxana Vol. Fire Company	AR-1	expansion of fire station	3/30/1999	Approved	1296
712	Harvey C. Becker, etux.	AR-1	manufactured home park	5/17/1983	Denied	N/A
1690	Delmar Plumbing, Inc.	AR-1	Plumbing	8/7/2007	Approved	1917
2087	John F. and Brenda L. Fegelein, Trustees	AR-1	Auto Repair Shop	8/22/2017	Approved	2517
1713	Keith Smith	AR-1	Commercial Storage Building	4/1/2008	Approved	1961
1652	Ken Gillam & Joan Gillam	AR-1	boat storage	6/5/2006	Withdrawn	N/A
2076	Joseph Mark Zdurienic	AR-1	event facility/center	6/13/2017	Approved	2504
156	Roxana Volunteer Fire Co	AR-1	Equipment Storage	8/21/1973	Approved	N/A
365	Gladys Swann	AR-1	Manufactured Home Park	9/7/1976	Denied	N/A
517	Cygnat Construction Corp.	AR-1	Borrow Pit	3/17/1981	Approved	N/A
808	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
816	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
1795	Steven Krebs (Kreative Garden Center)	B-1	Garden Center	11/10/2009	Approved	2087
1933	Mark A. Giblin	AR-1	Towing Service and Landscape Business	12/11/2012	Approved	2283
2331	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. overnight accomodations	1/10/2023	Approved	2899
2389	AWH Properties, LLC	AR-1	Boat/RV Storage	4/9/2024	Approved	2998
2493	Rennie Hunt	AR-1	operation of a Site Development business office w/ employees	PENDING	PENDING	PENDING
2546	James Mershon	AR-1	Boat Storage	PENDING	PENDING	PENDING



Introduced: 3/3/26

Council District 4: Mr. Hudson  
Tax I.D. No. 533-11.00-23.00  
911 Address: 36054 Zion Church Road, Frankford

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION “D” AND CONDITION “N” OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS**

WHEREAS, on the 19<sup>th</sup> day of December 19, 2025, a Conditional Use Application, denominated Conditional Use No. 2631, was filed on behalf of Zion Church Ventures, 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. 2631 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, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2631 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 situated in Sussex County, Delaware, and lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 29.55 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: June 5, 2026

RE: County Council Report for C/U 2554 filed on behalf of E. Johnson Holdings, LLC

---

The Planning and Zoning Department received an application (C/U 2554 filed on behalf of E. Johnson Holdings, LLC) for a Conditional Use for a self-storage facility in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-19.00-12.00. The property is located at on the north and west side of the intersection of Central Avenue (SCR 84) and Lizard Hill Road (SCR 367A). The parcel size is 12.5 ac. +/-

Please note that the Public Hearing before the Planning & Zoning Commission, originally scheduled for March 18, 2026, could not be held due to a newspaper noticing error beyond the County's control. The public hearing was rescheduled and re-noticed for a new Planning & Zoning Commission meeting date of April 15, 2026.

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission deferred action on the application, leaving the public record open until the close of business on April 22, 2026, for receipt of any additional written comments.

At the meeting on May 6, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 13 recommended conditions of approval (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of April 15, 2026, and May 6, 2026.



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

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

**C/U 2554 E. Johnson Holdings, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS.** The property is lying on the north and west side of the intersection of Central Avenue (S.C.R. 84) and Lizard Hill Road (S.C.R. 367A). 911 Address: N/A. Tax Map Parcel: 134-19.00-12.00 (P/O).

Mr. Whitehouse summarized the documents submitted into the Public Record for the application, including the Applicant's conceptual site plan and a copy of the staff analysis, and noted that there was one letter of opposition.

The Commission found that Mr. Brenton Archut spoke on behalf of his application; that also present was his father, Mr. Russell Archut, who wished to present in support of the application. Mr. Archut summarized the application and stated that the parcel is 12 acres, but the area proposed is about 170 feet wide at the eastern end and about 150 feet wide at the middle; that 40' setbacks would be met; that the initial phase is for contractor usage for them to store equipment and materials; that everything would be housed inside; that there is no boat or trailer storage and strictly for housed storage facilities; that they know a number of contractors are looking for convenient storage space in the coastal area; that the parcel is irregularly shaped and could not be used for housing development; that the applicant was approached by a pool business looking for a centrally located space for pool equipment storage; that he wished to send his workers out to maintain pools; that the property has been in family ownership for 40-50 years; that DelDOT states that the use would generate less than 50 trips per day and that the use is a low impact use; that the property is located in the Coastal Area between two existing commercial uses (Wilson's Welding about 150 feet away) and a heating and cooling business; that the applicant's exhibits show all the other conditional uses in the area which are similar to the proposed use; that the exhibits show all the development in the area including Crescent Place and Sycamore Chase which is now in its second phase; that the use will provide service to the area; that the applicant is not focusing on self-storage at this time, but the applicant is focusing on commercial storage; that some of the buildings might have 2 units in the them and some might have 3; that the proposed use is consistent with neighboring uses; that there are no proposed offices and no proposed septic system; that there is no proposed fabrication in the units; and no residential living in the units; that the applicant believes the use is a good use considering the irregular shape of the land/

Mr. Brendon Archut added that the use is not a business park type of use; that there are no bathrooms in the units; that there would be a gate that could only be opened by gate code or RFID.

Madam Chair Wingate questioned the distance the gate would be located off the roadway and raised concerns about potential vehicle stacking, especially with tractor-trailers. Mr. Archut stated that it would be at least 20 feet for a standard car, but could be amended for tractor-trailers.

Mr. Pettyjohn asked about the size of the buildings, and the applicant stated that the building size would allow for potential self-storage for nearby developments like Lillyvale, which is also on the same

meeting agenda. Mr. Archut stated that having locally available self-storage would limit traffic in the area.

Mr. Pettyjohn asked about the commercial aspect of the use. Mr. Archut said that there is a lot of demand for building material storage and contractor storage, which would likely be Phase 1 of the project; that there would be self-storage in 10'x10' units; that the commercial units would be 20' x 40' and that there would be a fire-Code compliant separation; that the site does not have a well and is not in a CPCN area; that the site does have access to Tidewater for any needed water supplies for fire fighting purposes; that the hours of operation would be 6 am to 9 pm to match the construction hours of contractors; that the hours need not be 24 hours; that the use would be just for storage;

Mr. Collins questioned the operation days of the week, and the Applicant stated that the hours stated would be daily – i.e., every day, including Saturday and Sunday. Mr. Collins also asked about the potential for on-site renewable generation. The Applicant stated that the parcel is wooded and the orientation of the sun means that there is not sufficient exposure for solar to make sense.

The Commission asked about the paving, and the applicant confirmed that crush and run would be used. The applicant confirmed that the access would accommodate emergency vehicles and tractor-trailers; that loading zones would be provided of sufficient size to accommodate a fire truck.

The Commission found that there was no one present in support and one person present in opposition to the application.

Ms. Greta Muirhead, spoke in opposition to the application. Ms. Muirhead lives in the Milos Haven development and spoke with concerns regarding the nature of the use and whether the storage would be for pool chemicals or other chemicals that could be flammable or explosive; Ms. Muirhead asked about the signage and the design of the buildings, including their color and materials;

Ms. Wingate and Mr. Roberston confirmed that a 32-square-foot size could be sited and that the entrance would be subject to DelDOT design requirements;

Ms. Muirhead raised concerns about traffic and the incompatibility of commercial uses with the residential uses in the area; she believes that the storage business is likely to be more impactful than the existing welding business in the area. Ms. Muirhead questioned the security arrangements for the site and objected to the proposed hours of operation, raising concerns in relation to buffering of the site.

The Commission found that no one else present wished to speak in opposition to the application.

Mr. Robertson explained that there is C-1 Zoning that currently exists in the vicinity of the site and that this Zoning District can be developed commercially by right. Mr. Robertson also explained to the Commission that a Conditional Use application has the benefit of allowing conditions to be imposed in relation to the use.

Mr. Archut and Mr. Archut spoke as part of the permitted 5-minute rebuttal in support of the application; that the use is not a commercial business, that the pool contractor previously mentioned had found another location, and that setbacks of 40' would be met from the two roads; that a sign is shown on the corner of the site on the site plan under 32 square feet; that DelDOT states that the traffic has been deemed by DelDOT to be diminutive; that commercial storage would have leases that govern what materials can be stored there; that specific hazardous chemicals cannot be stored; that lighting would be downward facing; that there are commercial businesses in the area; that the chicken houses in the area could be converted to storage; that sightlines for traffic have determined the entrance location due to the speed of traffic; that in terms of construction the buildings would have neutral colors and would look like a pole barn in keeping with the area; that a conditional use is very limited to specific activities that could be controlled.

In relation to C/U 2554 E. Johnson Holdings, LLC. Motion by Mr. Pettyjohn, seconded by Mr. carried unanimously to defer action, leaving the record open to allow for the receipt of written public comment, with the record to close on April 22, 2026. Motion carried 5-0.

Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2554 for E. Johnson Holdings, LLC to operate a self-storage facility based upon the record made at the public hearing and for the following reasons:

1. The use as a self-storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use is to be located along Central Avenue near an area where other small business uses exist. There is also a large commercially zoned tract of land nearby. This is an appropriate location for this type of low-intensity use.
3. The use will be a self-storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted. As stated by the Applicants, no plumbing facilities will be provided to individual units.
4. There was testimony in the record that there is a need for small business storage facilities in Sussex County. The Applicant has testified that they routinely get requests for this type of use by small businesses and contractors.
5. This type of storage facility generates a relatively minor amount of traffic. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be diminutive.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:
  - A. The use shall be limited to no more than five (5) self-storage buildings. None of the buildings shall have water or sewer connections.
  - B. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.

- C. The perimeter of the Storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.
- D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
- E. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Central Avenue and the other on Lizzard Hill Road.
- F. Stormwater management shall be maintained on site, using Best Management Practices.
- G. The hours of operation and access to the facility will be as follows: gate access will be available daily from 6:00 A.M. to 9:00 P.M., seven days per week.
- H. The site shall be fenced on all sides with a controlled access gate. The gate shall be located at least 40 feet from the Lizzard Hill Road right-of-way so that waiting vehicles do not line up on that roadway.
- I. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.
- J. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- K. No maintenance of vehicles or equipment shall occur on the site. No hazardous materials or fuel shall be stored on the site. No junked or unregistered vehicles or trailers shall be stored on the site.
- L. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- M. The Final Site Plan shall clearly depict the portion of the larger property that is being occupied by this Conditional Use, and it shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2554 E. Johnson Holdings, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Mr. Michael Lowrey, Planner IV  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 26<sup>th</sup>, 2026  
RE: Staff Analysis for C/U 2554 E. Johnson Holdings, LLC

---

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2554 E. Johnson Holdings, LLC to be reviewed at the April 15<sup>th</sup>, 2026, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

**Tax Parcel ID:** 134-19.00-12.00

**Proposal:** The request is for Conditional Use for a portion of Tax Parcel #134-19.00-12.00 to allow for a commercial self-storage business to include five (5) commercial self-storage buildings totaling (17,600) square feet of storage use, and internal access with the office proposed on the parcel across Central Avenue. A corollary Application (C/U 2555 Bittersweet Investments, LLC) accompanies this application to provide for the proposed (1,600) square foot office for the storage business on TM# 134-19.00-25.00 directly across Central Avenue (Route 84). Staff note the Parcels are under separate ownership. The Parcel is located on the western corners of the intersection of Central Avenue (Route 84) and Lizard Hill Road (S.C.R.367A) and the improvements are proposed on a (4.4) acre portion of a Parcel comprised of a total of (12.05) acres +/-.

**Zoning:** The subject property is zoned Agricultural Residential (AR-1) District.

The parcels adjacent to the west are zoned Agricultural Residential (AR-1) District and Medium Residential (MR) with parcels across Central Avenue within the Agricultural Residential (AR-1), Medium Residential (MR), or General Residential (GR) Zoning Districts. The jurisdictional boundaries with Millville and Ocean View lie approximately (1) mile to the north of the site.

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

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be



zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Coastal Area”. All Parcels adjacent and surrounding are also “Coastal Area”.

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

In terms of non-residential development in Coastal Areas, the Plan provides the following guidance: “Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15)

#### **Further Site Considerations:**

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID): N/A**
- **Forested Areas:** A majority of the rear of the portion of the parcel south of Lizard Hill Road is wooded. Staff appreciate efforts to preserve as many mature trees as possible on the site.
- **Wetlands Buffers/Waterways:** Isolated non-tidal wetlands appear to be present on the western area of the portion of the Parcel south of Lizard Hill Road. If the Conditional Use were to be approved, Staff recommend the Applicant perform an investigation of the wetland types and acreage via the Army Corps or a wetland scientist to ensure no improvements are proposed in any regulatory wetlands prior to submission of a site plan for review by the Planning & Zoning Commission.

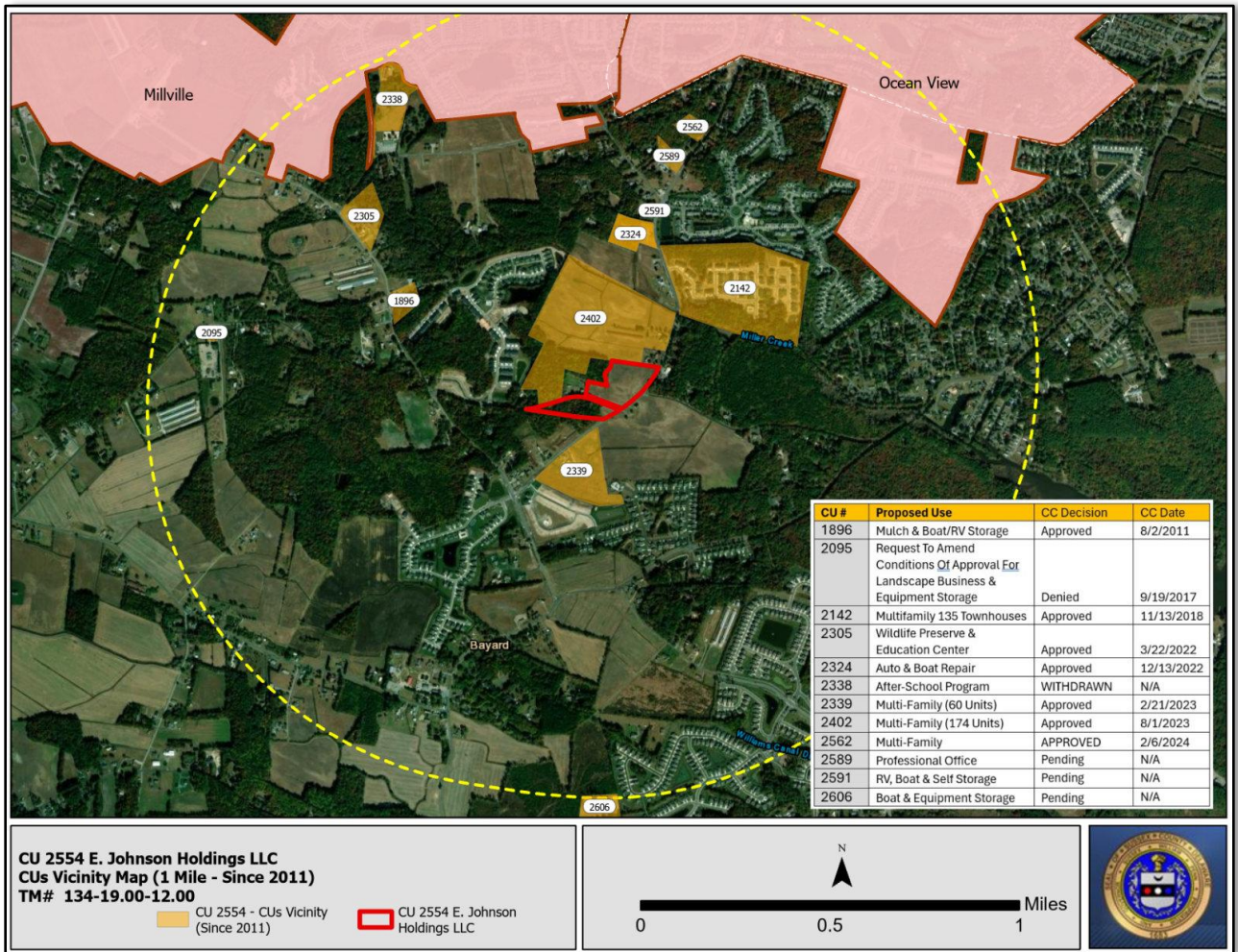
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”. Staff note that the Parcel is not within a Wellhead Protection Area. A majority of the Parcel’s area is classified as within areas of “Good”, in terms of Groundwater Recharge Potential on the site per data from the State of Delaware.

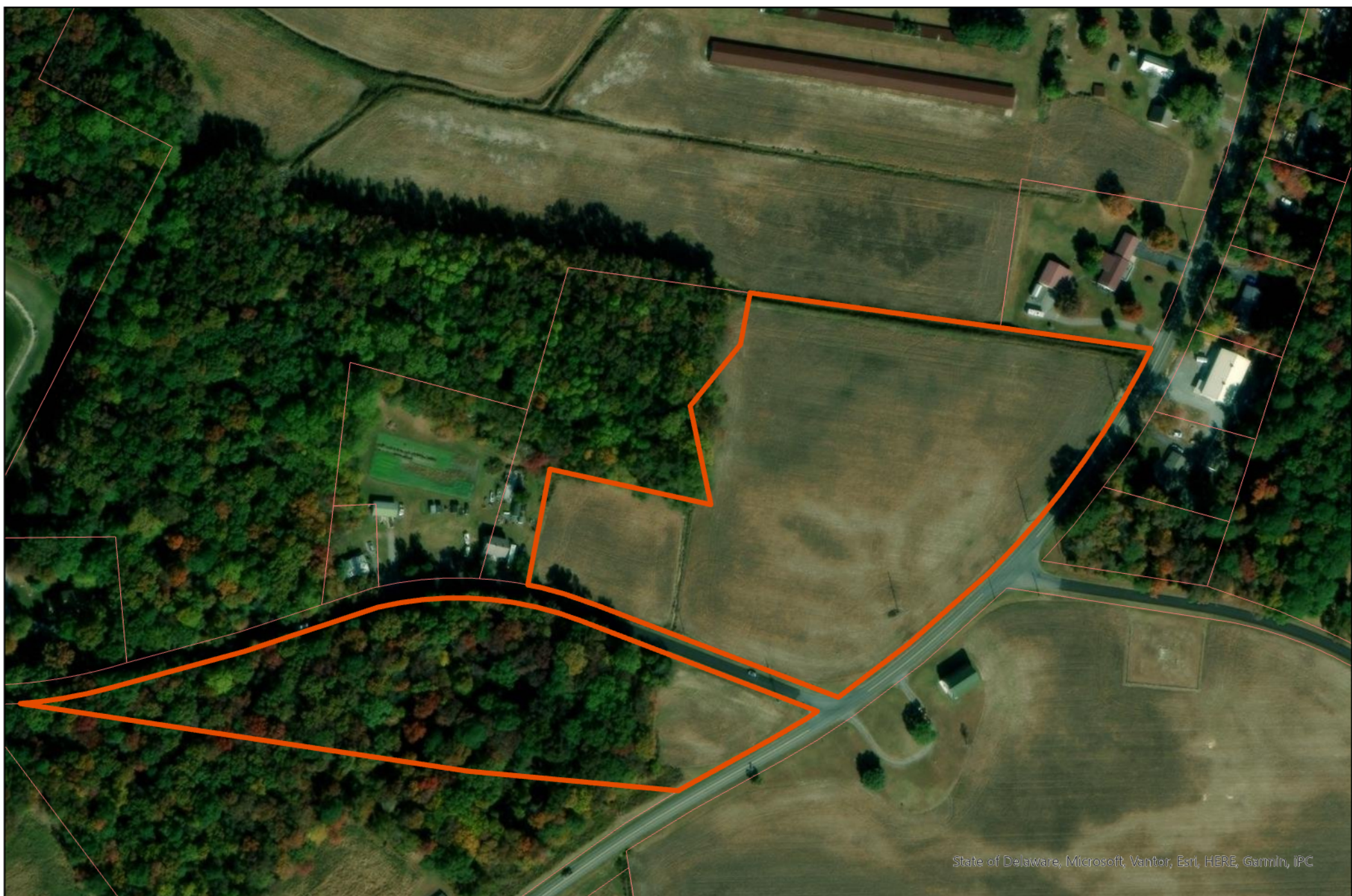
Based on the analysis provided, a Conditional Use to allow for a commercial self-storage business could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale, impact, and the design for vehicular access.

**Existing Conditional Uses within the Vicinity of the Subject Site:** Staff have identified a history of twelve (12) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site.

CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date
1896	Timothy S. Miller	AR-1	Mulch & Boat/RV Storage	Approved	8/2/2011
2095	Sposato Investment, LLC	AR-1	Request To Amend Conditions of Approval for Landscape Business & Equipment Storage	Denied	9/19/2017
2142	RH Orr, LLC c/o Ribera Development, LLC	GR	Multifamily 135 Townhouses	Approved	11/13/2018
2305	Barnhill Preserve of DE, LLC	AR-1	Wildlife Preserve & Education Center	Approved	3/22/2022
2324	Zachary Bedell	AR-1	Auto & Boat Repair	Approved	12/13/2022
2338	Lora Collins	AR-1	After-School Program	WITHDRAWN	N/A
2339	Ron Sutton	MR	Multi-Family (60 Units)	Approved	2/21/2023
2402	McKee Builders, LLC	AR-1	Multi-Family (174 Units)	Approved	8/1/2023


2562	John L. Hnatishion	AR-1	Multi-Family	APPROVED	2/6/2024
2589	Linda Schroeder	AR-1	Professional Office	Pending	N/A
2591	Michael Tussie	AR-1	RV Boat & Self Storage	Pending	N/A
2606	Sheila Marie Rose	AR-1	Boat & Equipment Storage	Pending	N/A

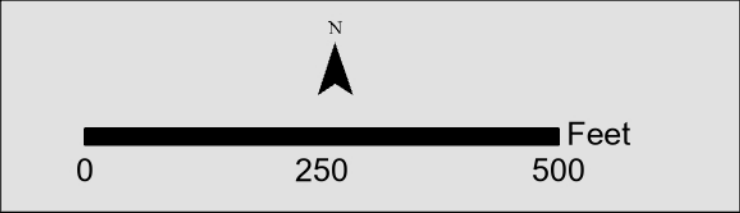


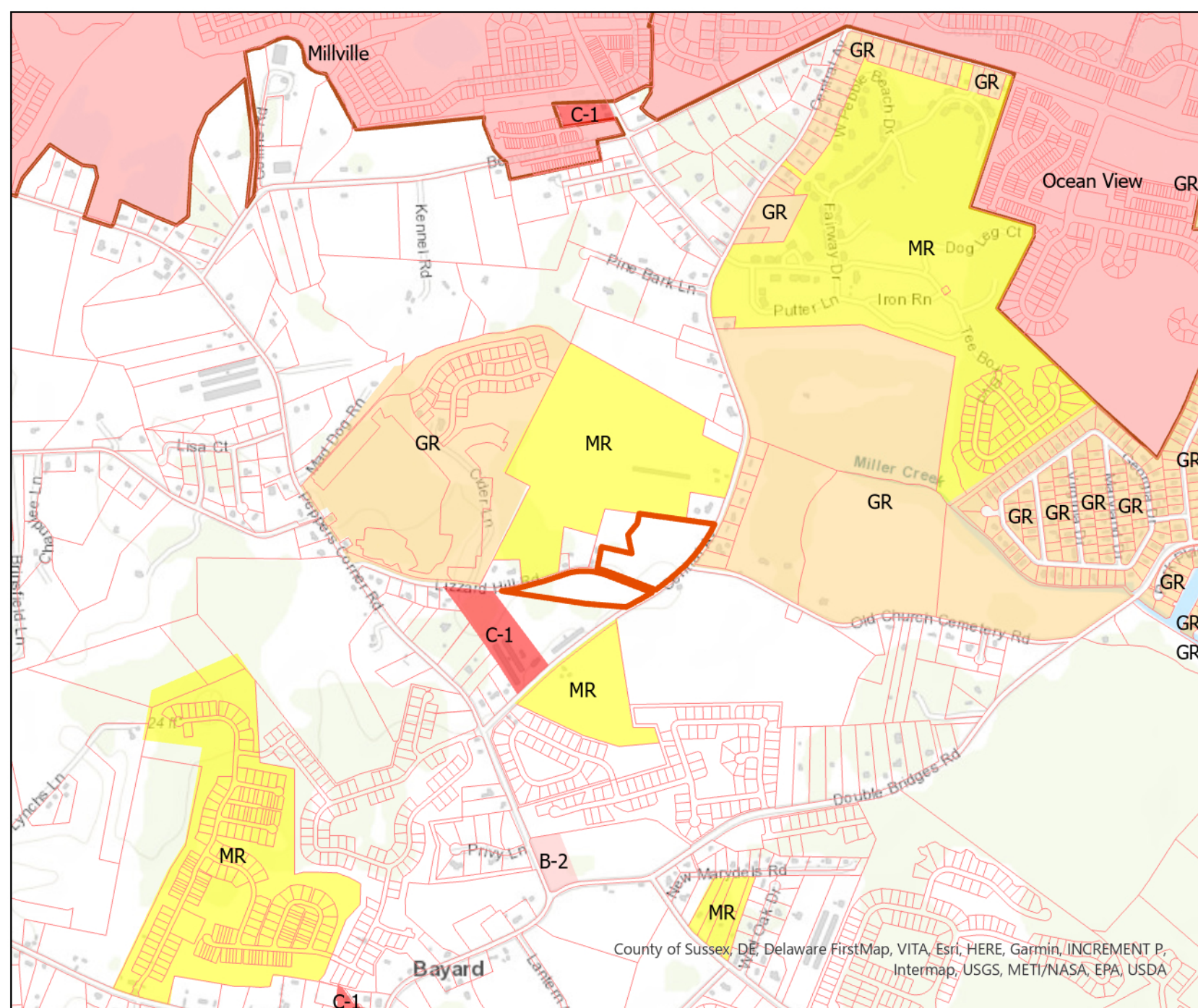


State of Delaware, Microsoft, Vantor, Esri, HERE, Garmin, IPC

**CU 2554 E. Johnson Holdings LLC**  
**Aerial Map**  
**TM# 134-19.00-12.00**

 CU 2554 E. Johnson Holdings LLC

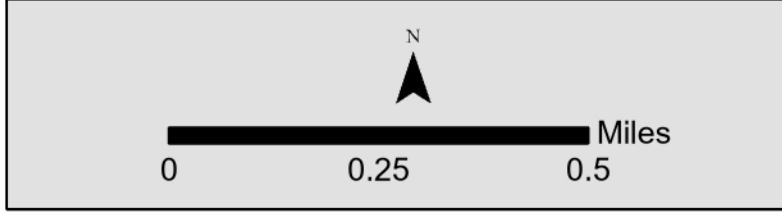




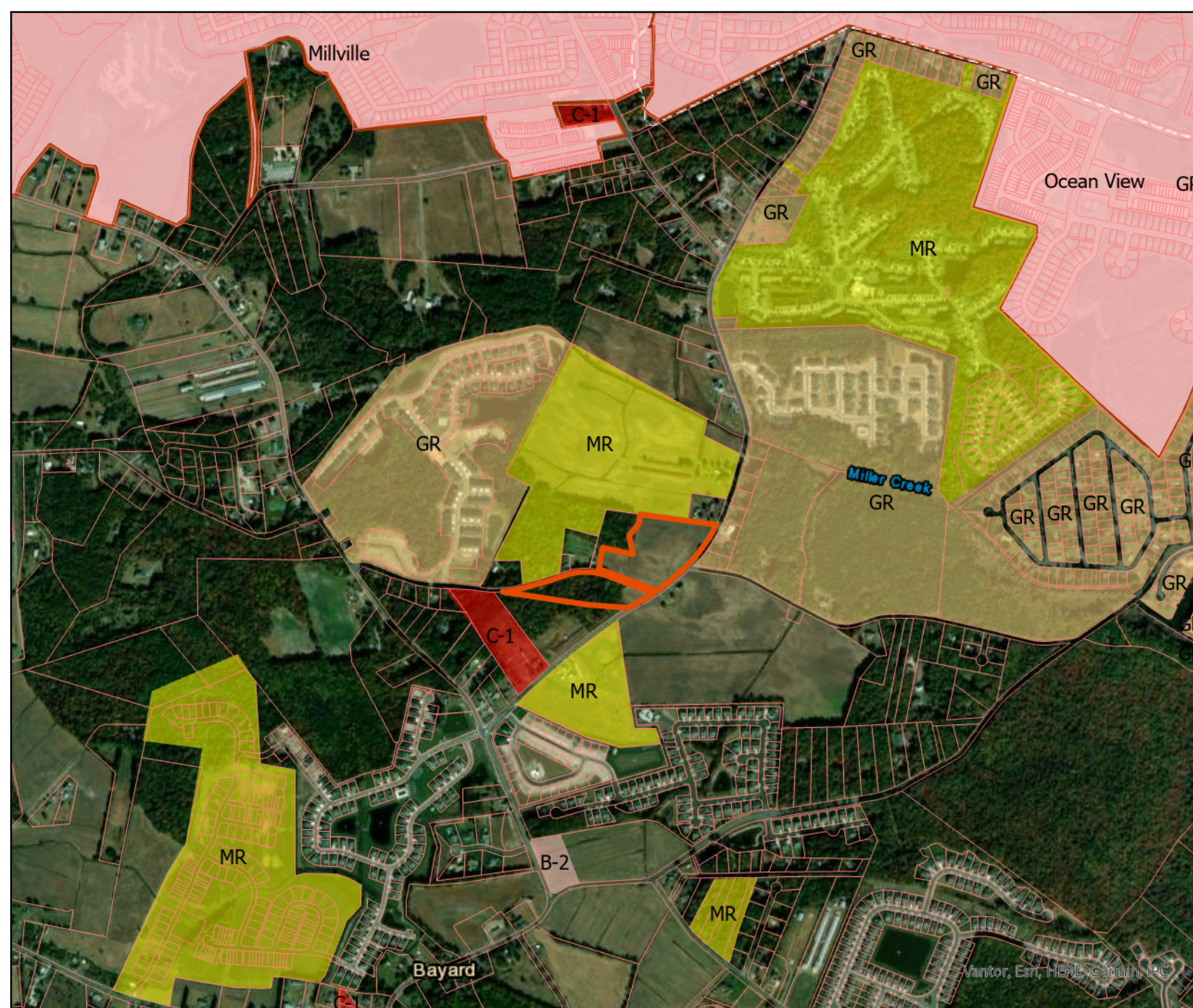
- ### Zoning
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Commercial Residential - CR-1
  - Institutional - 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 2554 E. Johnson Holdings LL**  
**Zoning Map**  
**TM# 134-19.00-12.00**















CU 2554 E. Johnson Holdings LLC




County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

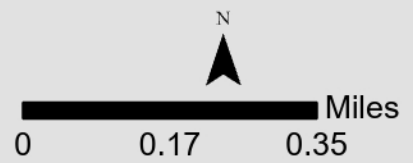


### Zoning

-  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 2554 E. Johnson Holdings LL**  
**Zoning Map**  
**TM# 134-19.00-12.00**

 CU 2554 E. Johnson Holdings LLC



**Introduced: 3/3/26**

**Council District 4: Mr. Hudson  
Tax I.D. No.: 134-19.00-12.00 (P/O)  
911 Address: N/A**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL SELF STORAGE TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS**

**WHEREAS, on the 25th day of September 2024, a Conditional Use application, denominated Conditional Use No. 2554, was filed on behalf of E. Johnson Holdings, 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. 2554 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. 2554 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north and west side of the intersection of Central Avenue (S.C.R. 84) and Lizard Hill Road (S.C.R. 367A) and being more particularly described in the attached legal description prepared by James J. Gallagher, Esq. said parcel containing 12.05 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: June 5, 2026

RE: County Council Report for C/U 2555 filed on behalf of Bittersweet Investments, LLC

---

The Planning and Zoning Department received an application (C/U 2555 filed on behalf of Bittersweet Investments, LLC) for a Conditional Use for an office and storage in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-19.00-25.00. The property is located at 24555 Central Avenue. The parcel size is 45.78 ac. +/-

Please note that the Public Hearing before the Planning & Zoning Commission, originally scheduled for March 18, 2026, could not be held due to a newspaper noticing error beyond the County's control. The public hearing was rescheduled and re-noticed for a new Planning & Zoning Commission meeting date of April 15, 2026.

The Planning & Zoning Commission held a Public Hearing on the application on April 15, 2026. At the meeting of April 15, 2026, the Planning & Zoning Commission deferred action on the application, leaving the public record open until the close of business on April 22, 2026, for receipt of any additional written comments. At the meeting on May 6, 2026, the Commission recommended approval of the application for the 8 reasons of approval and subject to the 9 recommended conditions of approval as outlined in the motion (included below).

The County Council held a Public Hearing on the application at the meeting on April 28, 2026. As the Commission had not made a recommendation at the time of the Council Public Hearing, the Council left the Public Record open to receive a recommendation.

Below are the minutes from the Planning & Zoning Commission meeting of April 15, 2026, and May 6, 2026.



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

Minutes of the April 15, 2026, Planning & Zoning Commission Meeting

**C/U 2555 Bittersweet Investments, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS.** The property is lying on the southeast corner of the intersection of Central Avenue (S.C.R. 84) and Old Church Cemetery Road (S.C.R. 367). 911 Address: 34555 Central Avenue, Frankford. Tax Map Parcel: 134-19.00-25.00 (P/O).

Mr. Whitehouse advised the Commission that the documents submitted into the record were the applicant's conceptual site plan, staff analysis report, letter from County engineering, and a copy of the DelDOT Service Level Evaluation Response.

Mr. Robertson stated that, due to the location of the site adjacent to application C/U 2554, heard prior to this application, the testimony from that application relating to the location description and the area would be incorporated into the record by reference.

The Commission found that Mr. Brenton Archut spoke on behalf of his application; that also present was his father, Mr. Russell Archut, was also present. Mr. Brenton Archut stated that the proposal is for an office building and to use the existing barn structure for storage; that they are not looking to add any additional storage; that Mr. Archut mentioned that he had been approached whilst mowing the property with requests to rent the barn; that approaches had been made from landscapers wishing to keep their trucks on site; that he had been approached by several people wishing to do this; that Mr. Archut has an office already at the beach; that Mr. Archut is looking to put his office in this location to keep an eye on his other properties in the area; that there are many developments within a mile of the site including Lilyvale with 174 homes with a need for services such as landscaping, plowing and HVAC; that he is aware of residents with storage struggles locally, including struggles with cost and availability; that there is very little available storage near the beach; that the proposal would generate revenue to help preserve the barn; that there is a viable septic system on the parcel; that Crescent Place 58 home development allows for a sewer easement to enable annexation and connection to the sewer district; that there is a Tidewater line to the property and an available well; that offices are one of the least intensive uses in terms of traffic; that DelDOT states that the use would be diminutive; that this use would be in the Coastal Area as shown on the Future Land Use Map, which is where growth should occur; that retail and office uses are appropriate in this area to provide convenience services to local residents; that there is a welding business nearby and a C-1 Zoned Parcel nearby; that there are residential developments under construction; that the Woodlands development is directly behind this parcel; that there are no plans to develop the remainder of the parcel; that the office space and storage would be confined to 1 acre of the parcel; that commercial service is lagging behind residential growth in the area.

Mr. Pettyjohn questioned whether the barn would be occupied for other activities, such as retail, and whether conditions could overcome this; he supports small businesses in the right place and right setting.

Mr. Brenton Archut stated that he had been approached by those wishing to have an office space with storage for equipment and etcetera; that conditions could control the storage, that if not used as an office, this could be called out and enforced, that there would be no retail sellers, and that a landscape business would not be able to run a retail landscape center.

Mr. Collins asked about the potential for clients of the business to visit the office. Mr. Archut said that customers could visit as part of the service uses there, but that the office would not be a doctor's office, for example, but that customers could come and make payment for work at the office; that the office is limited to 1600 square feet; and that a prohibition on medical offices would be acceptable.

Mr. Robertson confirmed that it is possible to add conditions to limit the types of office that would be permitted and to limit the office to the 1,600 square feet proposed.

Mr. Whitehouse provided a summary of why the applications were not heard on March 18<sup>th</sup>; that this was due to an error beyond the County's control, and thanked the public for their patience for anyone tracking these applications through the process.

Madam Chair Wingate questioned the hours and days of operation. Mr. Brenton Archut stated that 6:00 am until 9:00 pm, seven days per week, is typically associated with service uses. That 24-hour uses was not sought.

Mr. Robertson suggested that the office hours match the storage use proposed next door and that this would make any conditions easier to enforce.

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

Mrs. Scheinholtz spoke in opposition to the application. Mrs. Scheinholtz spoke with concerns regarding their dwelling facing the barn; that it is very quiet and peaceful in the area; that they are concerned with artificial lighting and traffic, and potential noise; that they would like to see a buffer of trees planted; that trees have fallen in the last storm; and that they live in the Woodlands at Bethany development.

Mr. Scheinholtz spoke in opposition to the application. Mr. Scheinholtz spoke with concerns regarding noise and disturbance, as they are concerned with customers coming and going at all hours of the night. Mr. Robertson confirmed that it was not proposed to be a 24-hour use and that the hours of operation could be controlled through conditions of approval, should the use be approved. Mr. Robertson also confirmed that the storage was to be in the existing barn.

Mrs. Greta Muirhead spoke in opposition to the application. Mr. Muirhead questioned the number of offices proposed for the 1,600 square foot building, and what the exterior would look like.

Mr. Robertson stated that the exterior design is not regulated by the Planning & Zoning Commission.

Mr. Russell Archut stated that there would be just two offices and that the exterior design would be tailored to be just right.

In relation to C/U 2555 Bittersweet Investments, LLC. Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to defer action, leaving the record open to allow for the receipt of written public comment, with the record to close on April 22, 2026. Motion carried 5-0.

#### Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since April 15, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2555 for Bittersweet Investments, LLC, to operate a small storage facility with an office building based upon the record made at the public hearing and for the following reasons:

1. The use as a small storage facility with office space is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. Although the entire property is about 45 acres in size, only about one (1) acre of the property will be used for the Conditional Use.
3. The Applicant and its subsidiaries own and operate several commercial rental properties in the area. This small 1,600 square foot office building will provide a convenient, centralized location for the Applicant's business.
4. The storage will occur in the existing barn on the site. This is an adaptive re-use of this agricultural building that has become an informal landmark in this neighborhood.
5. The use will be a storage facility with an office. No manufacturing, assembling, fabrication, or similar activities will be permitted.
6. There was testimony in the record that there is a need for storage facilities for small businesses and contractors in this area.
7. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be diminutive.
8. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
9. This recommendation for approval is subject to the following conditions and stipulations:
  - A. The use shall be limited to storage within the existing barn and an office building that will be 1,600 square feet in size. The area set aside from the larger parcel for this Conditional Use shall be clearly shown on the Final Site Plan.
  - B. Security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.

- C. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
- D. There shall be only one lighted sign allowed on the site. It shall be no larger than 32 square feet per side.
- E. Stormwater management shall be maintained on site as required.
- F. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- G. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- H. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- I. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Pettyjohn, seconded by Mr. Allen, and carried unanimously to recommend approval of C/U 2555 Bittersweet Investments, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

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: Susan Isaacs, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 10, 2026  
RE: Staff Analysis for C/U 2555 Bittersweet Investments LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2555 Bittersweet Investments LLC to be reviewed during the March 18, 2026, Planning & 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:** 134-19.00-25.00 P/O

**Proposal:** The request is for a Conditional Use for Tax Parcel 134-19.00-25.00 P/O to allow an office and storage within an Agricultural Residential (AR-1) District on a parcel lying on the southeast corner of the intersection of Central Avenue (S.C.R. 87), and Old Church Cemetery Road (S.C.R. 367). The subject property is located at 34555 Central Avenue in Frankford. The parcel consists of 45.78acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcel to the north is zoned General Residential (GR) District. The adjacent parcels to the south are zoned Agricultural Residential (AR-1) District and Medium Residential (MR) District. Staff further note that much of the surrounding lands are also zoned Agricultural Residential (AR-1) District.

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

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated has a Growth Area designation of “Coastal Area.” The adjacent properties to the north, south, east and on the opposite side of Central Avenue (Route 84) and west of the subject property also have a Future Land Use Map designation of Coastal Area.

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



Additionally, the Plans notes that, *“This region is among the most desirable location in Sussex County for new housing”* but also *“contains ecologically important and sensitive characteristics”* (2018 Sussex County Comprehensive Plan, 4-15).

The Plan further notes that, *“Medium and higher density (4-12 unit per acre” can be appropriate in areas:*

- *Where there is central water and sewer;*
- *Near sufficient commercial uses and employment centers;*
- *Where it is in keeping with the character of the area;*
- *Where it is along a main road or at/or near a major intersection;*
- *Where there is adequate Level of Service”* (2018 Sussex County Comprehensive Plan, 4-16).

### **Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Aerial imagery of the property shows that the site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within any established Transportation Improvement Districts.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate the presence of wetlands on the subject property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – “Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. The Parcel is not located within any Wellhead Protections Areas. The County’s Online Mapping System indicates the presence of a Tax Ditch Right-of-Way on the subject property. The property is also located within an area of “Good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for an office and storage, 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 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.

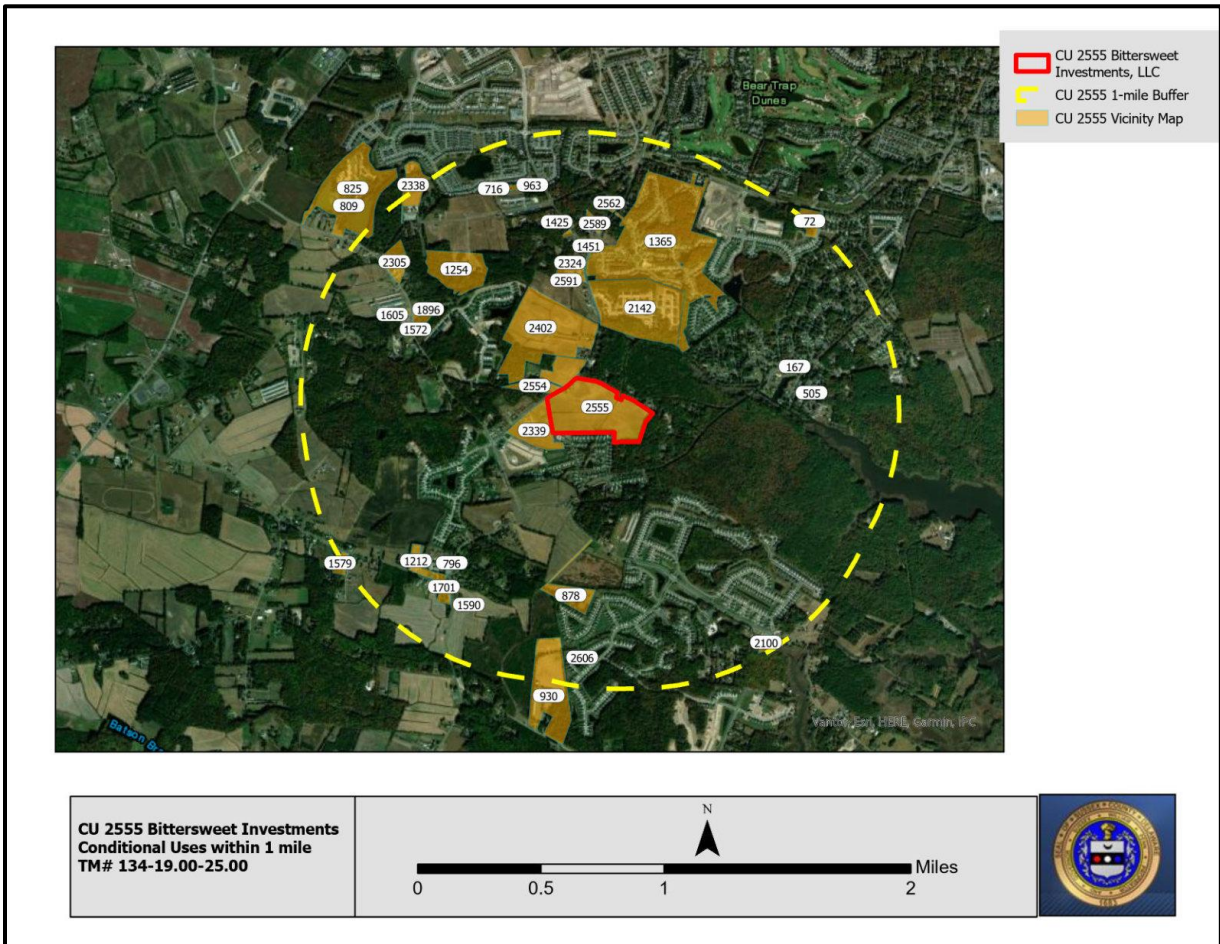
**Existing Conditional Uses within the Vicinity of the Subject Site:** Staff have identified a history of thirty-four (34) Conditional Use applications within a one (1) mile radius of the application site. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications in the area to include the location of all current or previous Conditional Use Applications that are less than 1 mile distance from the subject site. The current status of those Applications are outlined below:

- **Three (3) Applications were Withdrawn.**
- **Two (2) Applications were Denied by the Sussex County Council.**
- **Twenty-Five (25) Applications were Approved by the Sussex County Council.**
- **Four (4) Applications are Pending.**

CU Number	Application Name	Proposed Use	CC Decision	CC Decision Date	Ord. Number
72	Kauffman & Rickards	Manufactured Home Park	Approved	8/8/1972	N/A
167	Fuhrmann Brothers	Manufactured Home Park	<b>Withdrawn</b>		
505	Harold P Evans Jr	Beauty salon	12/19/1978	Approved	N/A
716	Dogwood, Inc	Borrow Pit	4/12/1983	Approved	N/A
789	Emmon & Anna Bayless	Custom Furniture Manufacturing	5/1/1984	Approved	N/A
796	Malcolm T. Laurlee Chandler	Buy/repair/refinish & sell antiques	5/29/1984	Approved	N/A
809	Morris E. Justice	Borrow Pit		Withdrawn	
825	Morris E. Justice	Borrow pit	7/23/1985	Approved	280

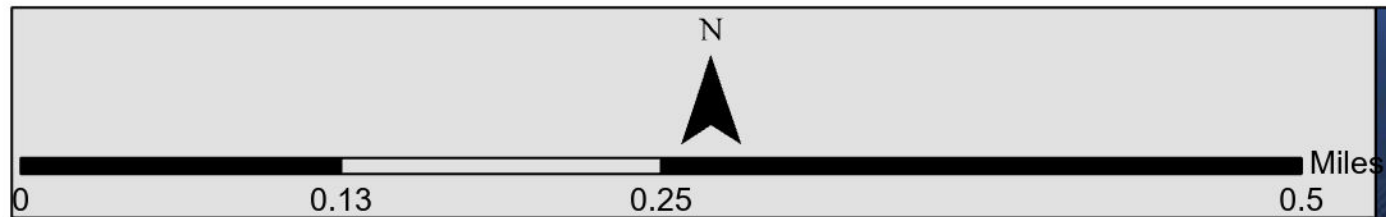
878	Herbert W. Murray	Private air strip	7/5/1988	Approved	518
930	Daniel G. McMunn	Hunting/fishing equipment store	4/24/1990	Approved	677
963	Bonard Timmons, Jr.	Borrow pit for 2 wildlife ponds	4/30/1991	Approved	762
1212	Glen & Patti J. Roberts	HVAC Workshop	12/9/1997	Approved	1210
1254	Bethany Beach Kennels	Pet Crematory	12/8/1998	Approved	1275
1365	Chesapeake Utilities Corp.	Bulk propane storage	12/19/2000	Denied	
1425	Brice & Wanda M. Butler	Storage/office for plumbing business	11/27/2001	Approved	1608
1451	Rickie L. Clogg	Auto/boat & small engine repair	7/30/2002	Approved	1557
1572	Donald K. Miller	Guest House / Survey Office	11/30/2004	Approved	1731
1579	Jody Sweetman	Upholstery shop	1/18/2005	Approved	1745
1590	Peninsula Oil Co., Inc.	Mini-storage	3/15/2005	Approved	1762
1605	Loyal Order of Moose, Inc.	Family center	5/11/2005	Denied	
1701	Bridget M. Nicholson	New and Used Furniture Sales, Thrift Shop & Office	12/18/2007	Approved	1948
1896	Timothy S. Miller	Mulch & boat/RV storage	8/2/2011	Approved	2206
2100	Catherine Schultz	Retail flower shop	10/31/2017	Approved	2530
2142	RH Orr, LLC c/o Ribera Development, LLC (John Stamato)	Multifamily 135 Townhouses	11/13/2018	Approved	2612

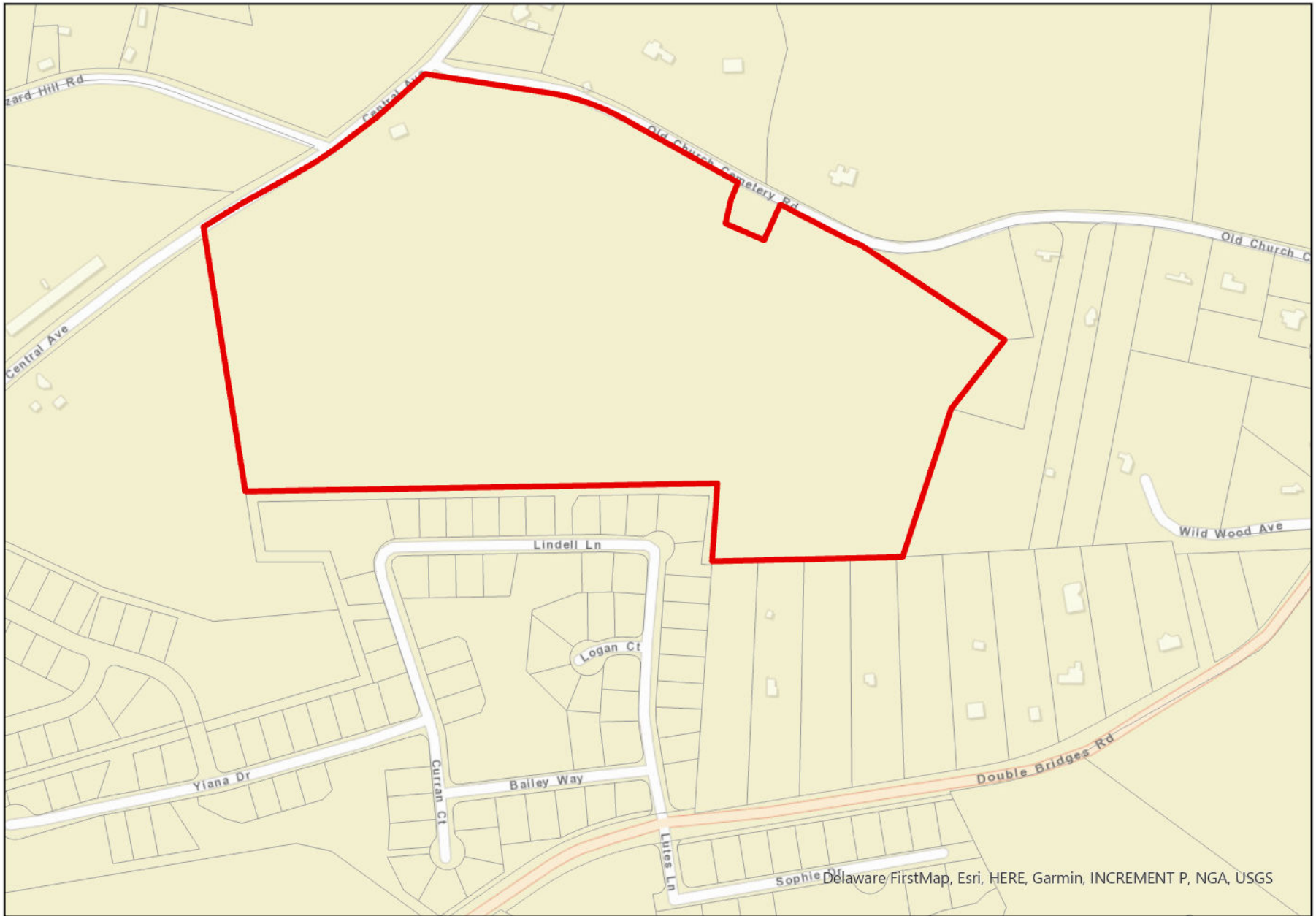
2305	Barnhill Preserve of DE, LLC (Attn: Joshua Mueller)	Wildlife Preserve & Education Center	3/22/2022	Approved	2843
2324	Zachary Bedell	Auto & Boat Repair	12/13/2022	Approved	2897
2338	Lora Collins	After-school program		WITHDRAWN	
2339	Ron Sutton	Multi-Family (60 units)	2/21/2023	Approved	2903
2402	McKee Builders, LLC	Multi-Family (174 Units)	8/1/2023	Approved	2945
2554	E. Johnson Holdings, LLC	Commercial & Self Storage		Pending	
2562	John L. Hnatishion	Multi-family	12/16/2025	Approved	4037
2589	Linda Schroeder	Professional Office		Pending	
2591	Michael Tussie	RV, Boat & Self Storage		Pending	
2606	Sheila Marie Rose	Boat & Equipment Storage		Pending	





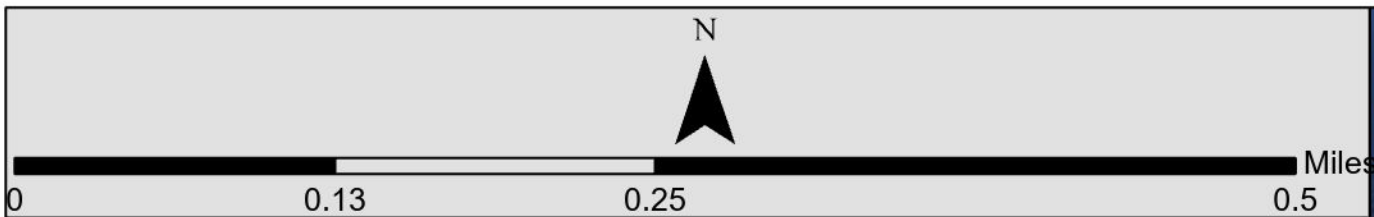
**CU 2555 Bittersweet Investments  
Aerial Map  
TM# 134-19.00-25.00**

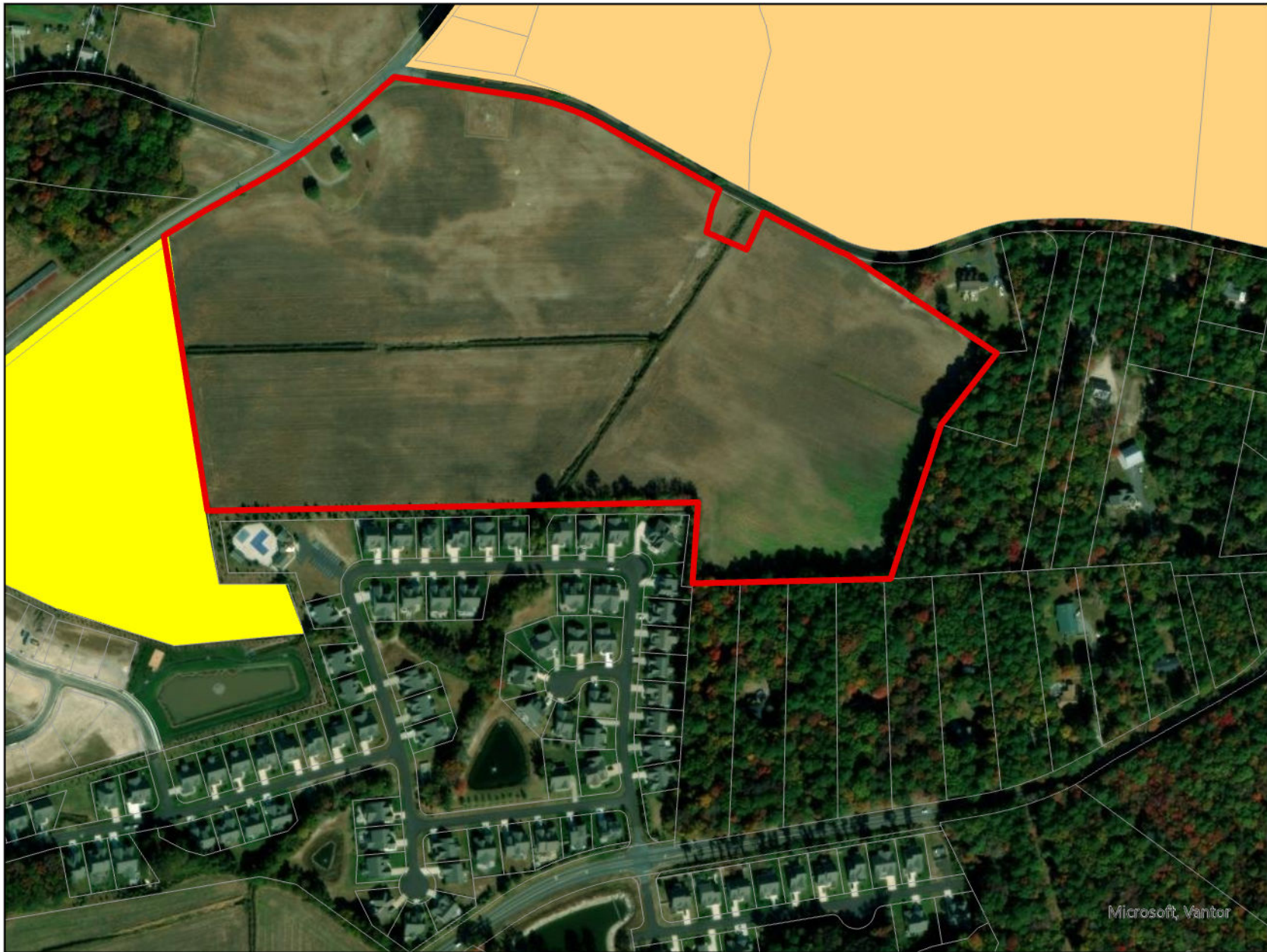




Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

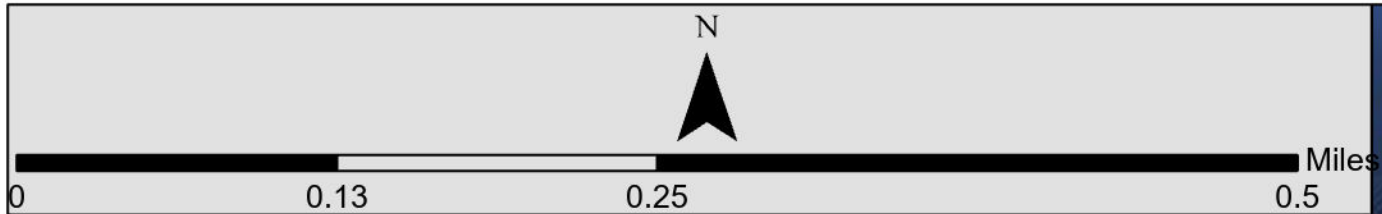
**CU 2555 Bittersweet Investments  
Street Map  
TM# 134-19.00-25.00**





- CU 2555 Bittersweet Investments**
- Zoning**
- CU 2555 Bittersweet Investments
  - 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 2555 Bittersweet Investments  
Zoning Map  
TM# 134-19.00-25.00**



**Introduced: 10/29/24**

**Council District 4: Mr. Hudson  
Tax I.D. No.: 134-19.00-25.00  
911 Address: 34555 Central Avenue, Frankford**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS**

**WHEREAS, on the 25th day of September 2024, a Conditional Use application, denominated Conditional Use No. 2555 was filed on behalf of Bittersweet Investments, 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. 2555 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. 2555 as it applies to the property hereinafter described.**

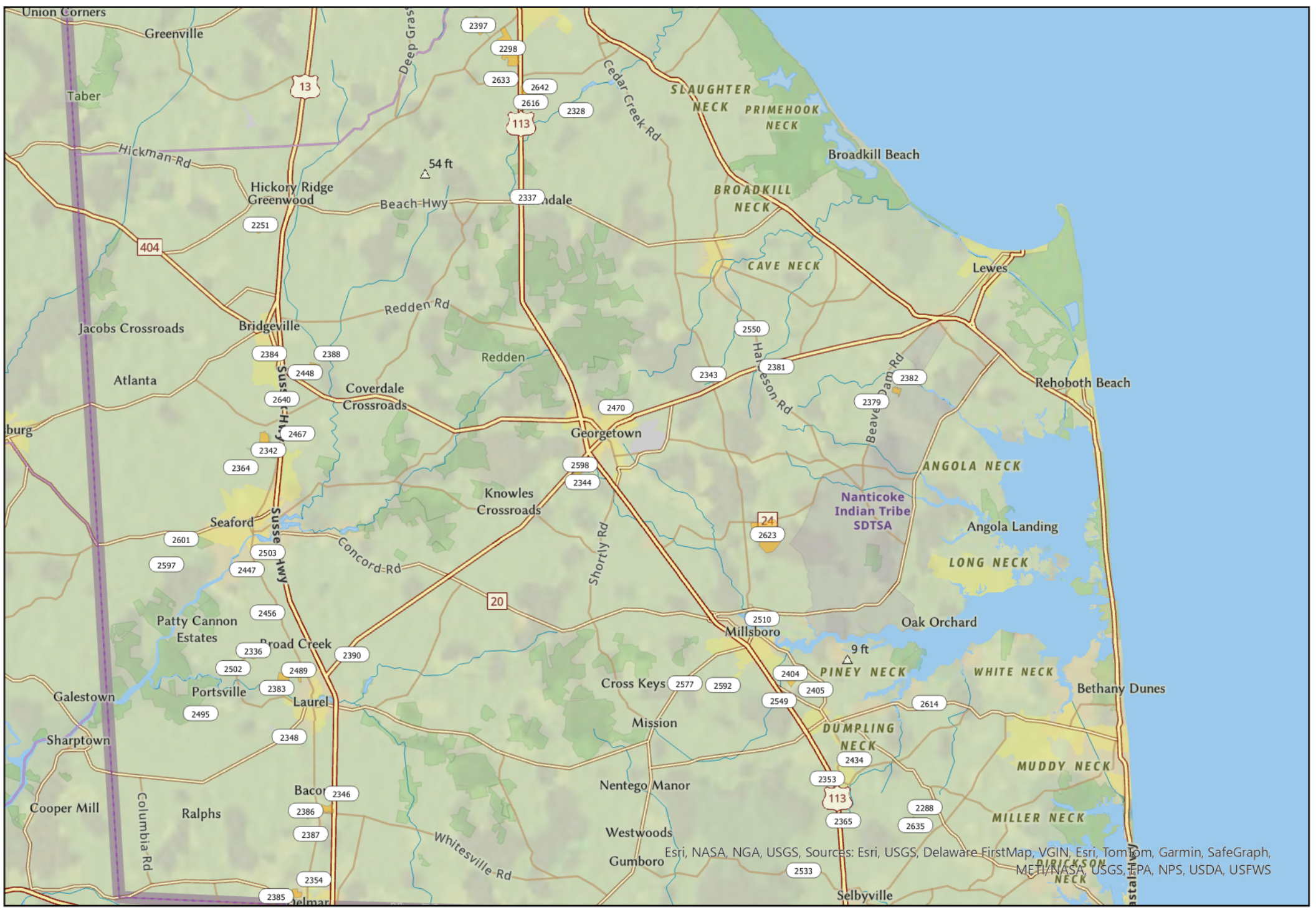
**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the on the southeast corner of the intersection of Central Avenue (S.C.R. 84) and Old Church Cemetery Road (S.C.R. 367) and being more particularly described in the attached legal description prepared by James J. Gallagher, Esq. said parcel containing 45 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.**

Conditional Use Number	Tax Parcel	APPLICANT	Address_Road_Name	Proposed Use	Application_Recvd_Date	PZ_Initial_Hearing_Date	PZ Decision	PZ_Decision_Date	CC_Initial_Hearing_Date	CC_Decision_Date	CC_Decision	Acreage	Solar_Acreage	Building_Permi_Issued?
2642	230-12.00-39.00	TPE DE SU94B, LLC	Solar Arrays	Solar Arrays	3/19/2026							39.7	13.95	no
2640	131-19.00-3.00	TPE DE SU646, LLC	Sussex Hwy, Bridgeville	Solar Arrays	3/6/2026							19.74	13.14	no
2639	232-12.00-100.00	Sunrise Solar, Inc. (Dan Baugher)	11279 Sycamore Rd, Laurel	Solar Arrays	3/9/2026							47.2	47.2	no
2635	533-5.00-38.00	RWE DCE Development, LLC (c/o Joseph Shanahan)	McCary Rd, Frankford	Solar Arrays	2/4/2026							57.02	57.02	no
2633	230-12.00-19.00	TPE DE SU95A, LLC & TPE DE SU95B, LLC	8850 N. Old State Rd, Lincoln	Solar Arrays	1/15/2026							185.96	59.61	no
2623	234-21.00-138.00	TPE DE SU300A, LLC, TPE DE SU300B, LLC & TPE DE SU300C, LLC (Attn Abe Bennett)	Zoar Rd, Georgetown	Solar Arrays	10/30/2025							498.53	80.27	no
2616	230-12.00-22.00	TPE DE SU519, LLC (Attn Abe Bennett)	9074 N Old State Rd	Commercial Solar Farm	10/16/2025							31.3	18.71	no
2614	134-10.00-31.00	FFP DE Vines Creek, LLC	32507 Vines Creek Rd, Dagsboro	Commercial Solar Farm	9/30/2025	2/18/2026	Recommended Approval	3/18/2026	4/14/2026	4/14/2026	Deferred	24.97	10.5	no
2601	531-12.00-84.01	Woodpecker Road Community Energy Initiative LLC	5063 Woodpecker Road	Solar Energy Facility	7/2/2025							39.28	21.82	no
2598	135-19.00-43.00	TPE DE SU245, LLC	E Trap Pond Rd	Solar Arrays	6/18/2025							67.23	18.81	no
2597	531-12.00-92.02	Lonesome Road Community Energy Initiative LLC	Lonesome Rd	Solar Arrays	5/30/2025							28.64	17.52	no
2592	133-20.00-51.00	Soltage DE DevCo, LLC - Hickory Hill Rd	Hickory Hill Rd	Solar Arrays	5/5/2025	5/20/2026	Deferred					85.3	85.3	no
2550	235-26.00-17.01	Milton DE Solar CSS LLC	17204 Harbeson Road	Solar Facility Arrays	9/10/2024	5/20/2026	Deferred		6/26/2026			30.55	13.49	no
2577	133-20.00-75.00	Soltage DE DevCo, LLC	Millsboro Hwy & Phillips Road	Solar Arrays	2/24/2025	5/20/2026	Deferred							
2549	233-5.00-146.00	GreenTek, LLC	30836 DuPont Blvd	Solar Facility	8/28/2024	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	84.76		
2533	533-8.00-10.00	RWE Clean Energy, C/O Joe Shanahan	Cypress Rd, Frankford	Solar Facility	6/3/2024	2/18/2026	Recommended Approval	3/18/2026	4/14/2026	5/19/2026	DENIED	69.03	30.33	no
2503	132-1.00-11.00	Hastings Community Energy Initiative, LLC	Normandy Lane, Seaford	Solar Energy Facility	12/21/2023	4/16/2025	Recommended Approval	5/21/2025	6/17/2025	9/23/2025	APPROVED	33.69	10.37	no
2502	232-11.00-4.00	Hopkins Solar 1, LLC (C/o New Leaf Energy, Inc.)	7781 Main St, Bethel	Community Solar Energy Generating Facility	12/20/2023	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	29		
2495	432-6.00-8.05	Lucky Lane Solar 1, LLC (c/o New Leaf Energy, Inc.)	6425 Lucky Lane, Laurel (off of Mt. Pleasant Rd)	Community Solar Energy Generating Facility	11/14/2023	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	54.96		
2489	232-12.00-2.05	Woodland Ferry Solar 1, LLC	9071 Woodland Ferry Road	Community Solar Energy Generating Facility	10/23/2023	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	39.6		
2470	135-15.00-8.00	Cl Solar DP, LLC (Luke Smith)	Savannah Road	Solar Farm	7/24/2023	10/12/2023	Recommended Approval	10/26/2023	11/14/2023	11/14/2023	Approved	64.59	64.59	No (Performance Bond Signed 4/15/2026)
2467	331-4.00-30.03	Soltage DE DevCo, LLC	Esbridge Road	Solar Farm	7/17/2023	WITHDRAWN	8/2/2024	WITHDRAWN	WITHDRAWN	8/2/2024	WITHDRAWN	16.4		
2456	132-6.00-92.01	Elk Development, LLC (Oneals Road)	28970 Oneals Road	Solar Farm	6/6/2023	11/9/2023	Recommended Approval	11/9/2023	1/9/2024	5/7/2024	Approved	67.38	27.31	yes
2448	131-15.00-34.00	TPE DE SU75, LLC	Seashore Highway	Solar Farm	5/4/2023	10/12/2023	Recommended Approval	10/12/2023	11/14/2023	11/14/2023	Approved	78.73	35.00	no
2447	132-1.00-5.00	Elk Development, LLC (c/o Robert McNeill)	River Road	Solar Arrays	5/3/2023	11/9/2023	Recommended Approval	1/24/2024	12/12/2023	5/7/2024	Approved (Conditions were revised) - Request Withdrawn 5/5	28		no
2434	433-6.00-37.00	New Leaf Energy - Murray Road Solar 1, LLC	30018 Got Moore Drive	Solar Farm	3/27/2023		Withdrawn	8/15/2023		8/15/2023	Withdrawn	82.12		
2510	533-18.00-39.00	Chaberton Energy (Biggins Creek)	38510 Marilyn Lane	Solar Farm	3/27/2023	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	2/20/2024	Approved	50.5	26.16	no
2405	233-5.00-187.01	Elk Development, LLC	30423B Thorogoods Road	Solar Farm	10/31/2022	11/9/2023	Recommended Approval	11/9/2023	1/9/2024	2/20/2024	Approved	22.97	11.2	yes
2404	233-5.00-69.00	Elk Development, LLC	30423A Thorogoods Road	Solar Farm	10/31/2022	11/9/2023	Recommended Approval	11/9/2023	1/9/2024	2/20/2024	Approved	19.97	16.32	no
2398	533-17.00-187.00	Chaberton Energy (Blue Hen Solar)	Hudson Road	Solar Farm	9/30/2022	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	2/20/2024	Approved	61.15	19.9	no
2397	130-3.00-63.00	Mispillion Solar Farm, LLC	7152 Shawnee Rd	Solar Farm	9/23/2022	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	2/20/2024	Approved	122	30	no
2393	532-6.00-8.00	Sunrise Solar, Inc	10198 R& Lane, Delmar	Solar Farm	8/11/2022	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	5/7/2024	Approved	134.61	22	no
2390	232-7.00-3.00	Taylor Mill Road Solar 1, LLC	Taylor Mill Road/County Seat Hwy/Firetower Road	Solar Farm	7/19/2022	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	5/7/2024	Approved	79.49	20	yes
2388	131-15.00-51.00	Rifle Range Road Solar, LLC	Rifle Range Road	Solar Farm	7/1/2022	10/26/2023	Recommended Approval	10/26/2023	12/12/2023	1/23/2024	Approved with Conditions	93.66	42.75	no
2387	532-13.00-22.00	Consolidated Edison Development, Inc	10311 Hastings Lane	Solar Farm	6/30/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	5/7/2024	Approved (Conditions revised.)	57.14	17.39	no
2386	532-6.00-32.00	Consolidated Edison Development, Inc	35204 Cast Rite Drive	Solar Farm	6/30/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	5/7/2024	Approved	53.88	24.53	no
2385	532-19.00-57.00	Consolidated Edison Development, Inc	8517 West Line Road	Solar Farm	6/30/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	2/6/2024	Approved	30.51	18.28	no
2384	131-14.00-29.00	Consolidated Edison Development, Inc	18374 South Main Street	Solar Farm	6/30/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	2/6/2024	Approved	74.55	18.74	no
2383	232-12.00-4.00	Consolidated Edison Development, Inc	8734 Woodland Ferry Road	Solar Farm	6/29/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	2/6/2024	APPROVED	143.09	30.1	no
2382	234-2.00-18.00	Consolidated Edison Development, Inc	31440 Kendale Road	Solar Farm	6/29/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	2/6/2024	Approved	37.04	14.77	no
2381	235-30.00-61.00	Consolidated Edison Development, Inc	26628 & 26772 Lewes Georgetown Highway	Solar Farm	6/29/2022	9/28/2023	Recommended Approval	10/12/2023	12/5/2023	2/6/2024	Approved	43.27	25.9	no
2380	233-5.00-187.00	Dagsboro Thorogoods Solar 1, LLC	30561 Thorogoods Road	Solar Farm	6/28/2022	8/24/2023	Recommended Approval	9/14/2023	10/10/2023	12/12/2023	Approved with Conditions	28.81	11.5	yes
2379	234-6.00-6.02	Lewes Saddle Ridge Solar 1, LLC	30862 Saddle Ridge Way	Solar Farm	6/28/2022	8/24/2023	Recommended Approval	9/14/2023	10/10/2023	12/12/2023	Approved with Conditions	15.97	6.41	no
2365	533-4.00-23.00	Frankford Community Energy Initiative II, LLC	Route 113	Solar Farm	4/11/2022	7/13/2023	Recommended Approval	7/27/2023	8/15/2023	8/19/2023 & 4/16/2024	Approved	42.95	13.84	yes
2364	331-3.00-138.00	Seaford Community Energy Initiative, LLC	Conrail Road	Solar Farm	4/11/2022	7/13/2023	Recommended Approval	7/27/2023	8/15/2023	8/29/2023	Approved	40.97	22.99	yes
2354	532-20.00-14.00	Sussex CSG 1, LLC	8880 Old Racetrack Road	Solar Farm	2/23/2022	5/11/2023	Recommended Approval	5/25/2023	6/6/2023	10/10/2023	Approved - Revised Condition I	21.42	23.58	no
2353	433-6.00-18.00	Sussex CSG 2, LLC	34112 DuPont Blvd	Solar Farm	2/23/2022	5/11/2023	Recommended Approval	5/25/2023	6/6/2023	Approved	8/29/2023	28.09	14.64	yes
2348	432-8.00-11.00	TPE DE SU124, LLC	Sharptown Road	Solar Farm	2/7/2022	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN	50.71	22.63	
2347	230-12.00-39.00	TPE DE SU94, LLC	North Old State Road	Solar Farm	2/7/2022	3/9/2023	Recommended Approval	3/23/2023	4/25/2023	6/20/2023	Approved	39.76	14.2	yes
2346	332-7.00-19.00	TPE DE SU114, LLC	N RT 64/W RT 13	Solar Farm	2/7/2022	3/9/2023	Recommended Approval	3/23/2023	4/25/2023	6/20/2023	Approved	63.86	7.52	no
2344	135-22.00-23.00	TPE DE SU113, LLC	East Trap Pond Rd	Solar Farm	1/18/2022	12/15/2022	Recommended Approval	1/12/2023	2/21/2023	2/21/2023	Approved	35.01	28.82	yes
2343	135-11.00-48.00	TPE DE SU163, LLC	Gravel Hill Rd	Solar Farm	1/18/2022	12/15/2022	Recommended Approval	1/12/2023	2/21/2023	2/21/2023	Approved	41.08	23.64	yes
2342	331-1.00-15.01	TPE DE SU07, LLC	Elks Rd	Solar Farm	1/18/2022	12/15/2022	Recommended Approval	1/12/2023	2/21/2023	2/21/2023	Approved	27.5	21.32	yes
2337	230-26.00-39.00	Community Power Group, LLC (AKA Beach Highway Solar 1 LLC)	Beach Hwy	Solar Farm	1/11/2022	1/12/2023	Recommended Approval	1/26/2023	2/28/2023	2/28/2023	Approved	52.23	26	yes
2336	232-5.00-11.03	Community Power Group, LLC (AKA Woodland Jade Solar 1 LLC)	Bethel Rd & Woodland Ferry Rd	Solar Farm	1/11/2022	11/17/2022	Recommended Approval	12/15/2022	1/24/2023	6/6/2023	Approved	39.45	25	yes
2328	230-13.00-121.00	Sunrise Solar	Clendaniel Pond Rd	Solar Farm	11/24/2021	11/3/2022	Recommended Approval	11/17/2022	1/10/2023	1/10/2023	Approved	62.39	20.92	yes
2298	130-3.00-246.00	Freeman Solar, LLC	Calhoun Road (S.R. 621)	Solar Farm - to include 75 megawatts of alternate current as a photovoltaic electric generation facility	7/2/2021	5/12/2022	Recommended Approval	5/26/2022	6/14/2022	6/14/2022	Approved	350.96	350.96	no
2288	533-5.00-47.00	Broom Solar Partners	Frankford School Road	Solar Farm	6/1/2021	2/10/2022	Recommended Approval	3/10/2022	3/22/2022	3/22/2022	Approved	72	25.97	no
2251	530-13.00-10.00	Heimlich Solar Partners, LLC	Mile Stretch Rd	35.4 Acre Solar Field	11/12/2020	3/11/2021	Recommended Approval	3/25/2021	4/13/2021	4/13/2021	Approved	142.8	35.4	yes

Total projects: 3682.68 1550.39



Esri, NASA, NGA, USGS, Sources: Esri, USGS, Delaware FirstMap, VGIN, Esri, TomTom, Garmin, SafeGraph, METI, NASA, USGS, EPA, NPS, USDA, USFWS

 **SOLAR CUs**



0 2.5 5 10 Miles

---

**Form submission from: Council Grant Form**

---

**From** notifications=d3forms.com@mg.d3forms.com <notifications=d3forms.com@mg.d3forms.com>  
on behalf of  
Sussex County DE <notifications@d3forms.com>  
**Date** Mon 2026-06-01 16:08  
**To** Morgan C. Stokes <morgan.stokes@sussexcountyde.gov>

**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***

<b>Legal Name of Agency/Organization</b>	Downtown Milford Inc.,
<b>Project Name</b>	Independence Day Celebration
<b>Federal Tax ID</b>	510364402
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Downtown Milford Inc. is an organization powered by volunteers with a passionate commitment to infuse new life into downtown as a united community.
<b>Address</b>	17 N Walnut Street
<b>Address 2</b>	PO Box 12
<b>City</b>	Milford
<b>State</b>	DE

**Zip Code** 19963

**Contact Person** Sade Truiett

**Contact Title** Executive Director

**Contact Phone Number** 302-393-6808

**Contact Email Address** [director@downtownmilford.org](mailto:director@downtownmilford.org)

**Total Funding Request** 5000.00

**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?** 6

**Program Category (choose all that apply)** Cultural

**Primary Beneficiary Category** Disability & Special Needs

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

2000

**Scope**

We are offering a laser light show on July 3 in Bicentennial Park rather than fireworks. This show is pet-friendly. Because there are no loud noises, those with sensory issues and PTSD are able to enjoy the show as well.

**Religious Components**

N/A

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

0.00

**Description**

Light Show

**Amount**

30,000.00

**Description**

Entertainment

**Amount**

5,000.00

**Description**

Portable Restrooms

**Amount**

2,000.00

**Description**

Insurance

**Amount**

2,000.00

**TOTAL EXPENDITURES**

39,000.00

<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-39,000.00
<b>Name of Organization</b>	Downtown Milfford Inc.
<b>Applicant/Authorized Official</b>	Terry Rogers
<b>Date</b>	06/01/2026
<b>I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding</b>	Yes
<b>I understand that, if awarded grant funding, I will be required to provide receipts and/or supporting documentation showing how the funds were spent. Failure to provide the required documentation may result in ineligibility for future grant funding from Sussex County.</b>	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](mailto:clientservices@d3corp.com) with any questions.

To Be Introduced: 6/9/26

Council District 4: Mr. Hudson  
Tax I.D. No.: 134-7.00-1.00, 1.01 & 2.00  
911 Address: 30075 Sussex Road, Dagsboro & N/A

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM- DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING UNITS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN, SUSSEX COUNTY, CONTAINING 61.67 ACRES, MORE OR LESS**

WHEREAS, on the 9<sup>th</sup> day of December 2024, a Conditional Use application, denominated Conditional Use No. 2570 was filed on behalf of Greens Rentals, 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. 2570 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 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2570 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in, Sussex County, Delaware, and lying on the north and south sides of Sussex Road (S.C.R. 342A), approximately 0.18 mile east of Sandy Landing Road (S.C.R. 342), and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A. said parcel containing 61.67 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: June 5, 2026

RE: County Council Report for C/Z 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC

---

The Planning and Zoning Department received an application (C/Z 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC) for a Change of Zone of Tax Parcel ID 235-23.00-1.04 and 1.00 from an AR-1 Agricultural Residential Zoning District to a C-2 Medium Commercial Zoning District. The property is located on the northeast side of Coastal Highway (SR.1), directly north of Cave Neck Road. The parcel size is 29.97 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and May 20, 2026.

### Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

Mr. Robertson recused himself and left Council Chambers.

Mr. Whitehouse advised the Commission that the documents submitted into the record were the Applicant's Conceptual Site Plan, the property deed, the Applicant's exhibit booklet, the Applicant's exhibits and presentation materials, an Artesian Willing to Serve letter, the Staff Analysis Report, the DelDOT Service Level Evaluation Response (SLER), and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission the no written public comments had been received regarding the application.



The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant and property owners, Seaside at Lewes, LLC and Mr. Joe Reed; that also present were Mr. Brent Reed, and Mr. Ring Lardner, Professional Engineer with Davis Bowen & Friedel, Inc. (DBF).

Mr. Hutt stated that in all the advertising for the property identified the property owners as Seaside at Lewes, LLC and Derrickson Properties, LLC; that about a month prior to the meeting, Mr. Joe Reed individually purchased Derrickson Properties, LLC's property, and is now the owner of both properties; that Mr. Joe Reed was also one of the principals of Seaside at Lewes, LLC; that another principal was his son, Mr. Brent Reed; that the application was to request that the 29.97 acres be rezoned from AR-1 (Agricultural Residential) District to C-2 (Medium Commercial) District; that many of the Commissioners knew that the subject property, and the area located behind it, had previously been the subject of many different ideas, applications, and concepts over the years; that there had been a Change of Zone application (C/Z 1770), which sought to change the zoning classification of 114.50 acres from AR-1 (Agricultural Residential) to CR-1 (Commercial Residential); that this application was known as Overbrook Town Center; that another application followed, which was major subdivision application, (2018-10) Overbrook Meadows West; that this application was for 135 lots on 65 acres; that another major subdivision application followed that known as Overbrook Meadows, which requested another 105 lots on 50 acres; that then, the fourth time the property was considered by an application, filed by the prior owner, which requested to change the designation of the properties on the Future Land Use Map; that in 2008, they were shown on the Future Land Use Map as being within a growth area; that the 2018 Future Land Use Map removed them from the growth area, and the former property owner brought a petition or application, known as Ordinance No. 21-09 to change it; that the Planning Commission voted 3-2 in favor of restoring the properties to be within the growth area; that the County Council did not adopt that recommendation, and there was subsequent litigation over the issue; that the most recent application, being (2023-07) was a cluster subdivision, consisting of 359 single-family homes on 241 acres; that the Planning Commission approved the application on January 9, 2025; that the subdivision had a density of 1.49 units to the 8<sup>th</sup> acre; that the location of the subject application needed no introduction, as it was located just before the speed camera recently placed for all the construction on Route 1, just south of Cave Neck Road; that the site was located along Route 1; that DelDOT had planned a future project for the Cave Neck Road Grade Separate Intersection project, which had been referred to in the submitted project materials; that he was referencing all of the parcel located along Route 1, and a portion of Parcel 1.00, located behind it; that the other portions of Tax Parcel 235-23.00-1.00 were either part of the cluster subdivision, located behind the subject properties, or they are areas that were anticipated to be acquired by DelDOT as part of the right-of-way acquisition for the Grade Separated Interchange; that during the public hearing for the subdivision, those areas were referred to as future development, and were still referred to as future development, because at the moment, it was still unknown what the future use for those properties would be; that should the County act favorably on the current application, it was anticipated that the use of the property would be for consumer goods, and service-related businesses and offices, such as a grocery store, restaurant, boutique, retail shop, coffee shop, medical or other professional offices; that this would be a continuation of businesses and commercial uses that exist along the corridor already; that when going from Cave Neck Road, down to the Minos Conaway Road intersection, being around the Nassau area, when staying on the western side of Route 1, is the location of Heritage Antiques, followed by Harvard Business, and then Red Mill Inn; that

there was a brand new multi-story storage called American Storage, also being the home of Graulich Builders; that just past that, was the location of the Delaware Guidance Services office and Beach Babies; that right before one would reach Red Mill Pond, there was a cardiovascular medical office; that after that, there was more residential uses on the other side of Red Mill Pond, along Route 1; that beginning just north of the Nassau Bridge, is the location of Tyndall's Casual Furniture; that as one were to move further north on the eastern side of Route 1, is the location of Patriots Plaza, the Lighthouse of Lewes, the Meineke Car Servicing Garage, the Surfing Crab, Estate Farm, then the Red Mill Center, which contained Floors & More; that as one moved north, closer to the site, was the location of Willow Creek Plaza, being located right off Willow Creek Road, where one would see all of the residential development that had happened, particularly along Cave Neck Road, as one would move west away from Route 1; that per the 2020 State Strategies Map, the property was located within the Investment Level 4; that when this map was compared to the 2025 State Strategies Map, one could see a bit of an increase in the State Strategies Level for a number of properties; that for instance, the property on the northwest corner of the intersection between Cave Neck Road and Route 1; that in addition, there were a number of instances where one could see that the State had indicated that the area had intensified in its use, because things that were once designated Level 3, were currently designated Level 2 and Level 1; that when going back to 2020, one could see the amount of area designated as Level 2 versus Level 3, and even Level 1; that all of that had increased, and he wanted to recognize the growth that had occurred within the area; that when thinking about the State Strategies Map, oftentimes people talk about funding; that the State was presently in the design stage for a Grade Separated Intersection at Cave Neck Road; that according to the DelDOT CTP's (Capital Transportation Program) Development Plan for fiscal years 2025 to 2030, it was currently a \$62,32,005.00 project; that while this was a Level 4 area, the impact of the intersection and the corridor had been noted by the State, regarding the uses of the property; that on the 2045 Future Land Use Map, the property was designated as being within the Low Density Area; that in the Low Density Area, there are business and commercial uses that the Comprehensive Plan would indicated are appropriate; that those include business development that was confined to businesses addressing the needs of the two uses, being agricultural activities and homes, which predominated the rural areas; that within Chapter 4, the focus of retail and office uses should be providing convenience goods and services to nearby residents; that this was the purpose of the proposed application; that Table 4.5-2 provided applicable zoning districts to various designations on the Future Land Use Map; that the C-2 (Medium Commercial) Zoning District was an applicable zoning district in the Low Density Area; that the next tool the Planning Commission often used to consider applications was the Sussex County Zoning Map; that the property and the surrounding area on the eastern side of Route 1 were zoned AR-1 (Agricultural Residential); that the property immediately north of the site was within an Agricultural Preservation District, known as the Cedar Tree Farms District; that south of the site, along the eastern side of Route 1, one would see all of the various shades of red being the C-1 (General Commercial) Properties; that the darker shade of red indicated CR-1 (Commercial Residential) zoning; that there was also C-2 (Medium Commercial) mixed in as one would get closer to the Nassau Bridge; that if he were to realign the uses with the map, those were the locations where all the previously mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General

Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodated community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly typical of a Change of Zone application, where the

use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented the Commission with an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time, Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider with respect to stormwater management, parking, and other details of the site, being how it would interact with the subdivision behind it; that all of those things that are going to be designed in accordance with the Sussex County Zoning Code; that Mr. Hutt requested to conclude following a few points; that the site was located within a growing area, and the nature of the growth was reflected

in the State Strategies Map changes presented to the Commission; that there were more recent Change of Zone applications that had been approved by the County; that in addition, it had been recognized that the growth in the area had been recognized by DelDOT; that DelDOT would be investing more than \$62 million at the intersection of Cave Neck Road and Route 1, and was anticipated to include both residential and commercial uses on the eastern side of the future overpass; that once the future overpass was completed, hopefully in 2029, it will be much more difficult to farm the area between the residential subdivision that would be constructed, Route 1, and the interchange that exists; that this would make farming a much less convenient use between the subdivision and the new, more easternly Route 1; that the Cave Neck Road overpass created concurrency for the application, as in order for there to be a commercial entrance for any future use of the project, the Grade Separate Interchange would need to be completed; that the application just made sense; that he had reviewed how the application matched the Comprehensive Plan and the purposes for the Low Density Area; that he reviewed how the C-2 (Medium Commercial) Zoning District was consistent with the uses in the area, and with the purpose of the C-2 (Medium Commercial) District; that certainly the land planning tools were helpful and instructive, but basic principles of land use planning state that more intense uses should be placed closer to the highway; that as one moves away from the highway, the intensity should decrease; that is what the application proposed; that the commercial area would be located immediately adjacent to a major arterial, leading back and away from that would be less intense uses, with a subdivision of low density; that this highlighted the common sense of the application; that when one would think of it practically, it stood out even more; that the future residents of Seaside at Lewes, being the future subdivision, would not want to jump onto Route 1 to pick up groceries; that it would be much more convenient if the residents could do these things right in front of their subdivision; that the subdivision was limited to 359 units; that all of the hundreds, potentially thousands, of units that are on Cave Neck Road, would not have to venture out onto Route 1; that if one lived within Vincent Overlook, they would come onto Cave Neck Road, go over top of Route 1, and go around the roundabout to turn into whatever future commercial area they would be; that they would never need to enter the Route 1 corridor, particularly during the summer or busy weekends; that if a person did not live on Cave Neck Road, and wanted to access the site, they would not have to drive on any smaller road, other than those required to get out of their community; that eventually they would end up on a major arterial, and once they get on that major arterial, being Route 1, their access would be to take an exit ramp off the Cave Neck overpass, enter a roundabout, and then get access whatever commercial use they wanted; that many people had indicated, even in recent public hearings, that they would like to see commercial development off the major highways, and the locations being improved by DelDOT; that the common sense of the application demonstrated that the parcels are an appropriate location for the C-2 (Medium Commercial) Zoning classification, based upon the Comprehensive Plan, the Zoning Code, and the nature and character of the area; that Mr. Hutt requested to submit a proposed set of findings for the application record, and he requested that the Planning Commission recommend to the County Council that the requested Change of Zone from the properties to the C-2 (Medium Commercial) District be approved.

Mr. Collins stated that the application was consistent with what he expected to be proposed for the property, and questioned whether it was anticipated that there may be a connector that ran north to the other development, with the presumption that the rest of the land, that adjoined the parcels, would become developed.

Mr. Hutt stated that no, and the reason was that there was agricultural preservation.

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

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

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

In relation to C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Mr. Robertson returned to Council Chambers.

#### Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 6, 2026.

Mr. Collins moved that the Commission approve C/Z 2053 for Seaside at Lewes, LLC & Derrickson Properties, LLC for a change in zone from AR-1 to C-2 (Medium Commercial) based upon the record from the public hearing and for the following reasons:

1. The Applicant is seeking a change in zone from AR-1 to C-2 (Medium Commercial). The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This property is located along the northbound lanes of Route One across from the intersection with Cave Neck Road. Route One is designated as a “Principle Arterial” roadway by DelDOT and a “Major Arterial Roadway” by the Sussex County Zoning Code. This is also the location of a new grade-separated intersection or overpass serving Cave Neck Road and this property and the large residential development to be built behind it. Both of these projects were taken into account by DelDOT during the design of the overpass project. This is an appropriate location for the C-2 Zoning District and the uses that are permitted within it.
3. There is a mixture of zoning classifications in this general area, including C-1, CR-1, B-1, C-2 and C-3 Districts nearby. This rezoning and the uses permitted within the C-2 Zone are consistent with the other zoning districts and uses in this area, particularly at the location of the new overpass.
4. This rezoning and the permitted uses within it will provide a convenient, nearby shopping and service location for residents of the adjacent residential development as well as other residents of the Cave Neck Road and Route One area north of Nassau. This will eliminate the need for these residents to travel further to Milton or Nassau and Lewes for such services which will reduce traffic on area roadways.
5. There is no evidence in the record that rezoning will significantly and adversely impact

- neighboring properties or roadways.
6. The property will be served by central water and Sussex County Sewer.
  7. There are no wetlands on the property, and it is not located in a Wellhead Protection Area.
  8. Any development that occurs on the property will require site plan review by the Sussex County Planning & Zoning Commission after taking into account all required agency reviews, including DelDOT, State Fire Marshall and the Sussex Conservation District.
  9. No parties appeared in opposition to this rezoning application.
  10. This rezoning promotes the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County.
  11. For all of these reasons it is appropriate to rezone this property from AR-1 to C-2 Medium Commercial.

Motion by Mr. Collins, seconded by Mr. Passwaters, and carried unanimously to recommend approval of C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC for the reasons stated in the motion. Motion carried 5-0.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 6, 2026

Application: C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

Applicant: Seaside at Lewes, LLC & Derrickson Properties, LLC  
28855 Lewes-Georgetown Highway  
Lewes, Delaware 19958

Owner: Seaside at Lewes, LLC & Derrickson Properties, LLC  
28855 Lewes-Georgetown Highway  
Lewes, Delaware 19958

Site Location: The properties are lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88). 911 Address: N/A.

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 3 – Jane Gruenebaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Tidewater

Water: Artesian

Site Area: 29.97 acres +/-

Tax Map ID: 235-23.00-1.04 & 235-23.00-1.00 (P/O)



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: Mr. Michael Lowrey, Planner IV

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

Date: April 24<sup>th</sup>, 2026

RE: Staff Analysis for C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC to be reviewed during the May 6<sup>th</sup>, 2026, Planning & 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.

**Tax Parcel IDs:** 235-23.00-1.04 & 235-23.00-1.00 (P/O)

**Proposal:** The request is for a Change of Zone for Tax Parcels 235-23.00-1.04 & 235-23.00-1.00 (P/O) from Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District. The Parcels are located on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88) with the portions of the Parcels requesting the change of zone being comprised of a total of 29.97 acres +/-.

**Zoning:** The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties on the east side of Coastal Highway (Route 1) are also zoned Agricultural Residential (AR-1) District with parcels to the west across Coastal Highway (Rt. 1) within the Medium-Density Residential (MR), General Commercial (C-1), and Heavy Commercial (C3) Districts.

Staff have highlighted below some of the uses permitted by-right within the proposed Medium Commercial (C-2) Zoning District from (§ 115-83.11) [\(C-2\) Permitted Uses:](#)

- Residential uses: Bed-and-breakfast (tourist homes)/Hotel, motel or motor lodge
- Commercial uses: Convenience store, Fuel station, Retail (< 75,000 sq ft), Restaurants, Brew Pub, Winery, Brewery/Distillery (< 7,500 sq ft), Pharmacy
- Self-Storage, Warehouse, Funeral Home, Animal Hospital
- Office Uses: Professional Office, Bank, etc.
- Institutional Uses: Assisted Living, Extended Care, Day Care, Medical Clinic, etc.



**Future Land Use Map Designation - (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 parcel has a designation of “Low Density Area”. All adjacent parcels on the east side of Coastal Highway also have a Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, “The primary uses envisioned in Low Density Areas are agricultural activities and homes” (2018 Sussex County Comprehensive Plan, 4-19). The Comprehensive Plan notes that *Low Density Areas* are “areas currently zoned AR-1” and where “Sussex County hopes to retain the rural environment and set aside significant open space”.(2018 Sussex County Comprehensive Plan, 4-14). The Plan further stipulates that, “Business development should be largely confined to businesses addressing the needs of these two uses” (2018 Sussex County Comprehensive Plan, 4-19). In terms of guidelines, the Plan notes that “Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses” (2018 Sussex County Comprehensive Plan, 4-18)

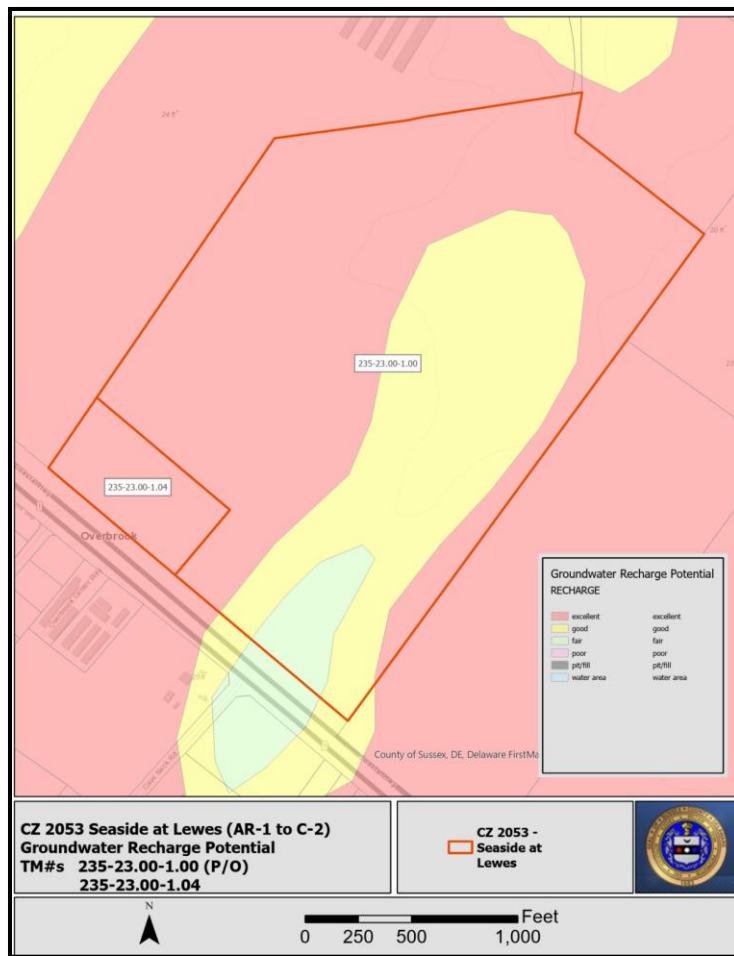
Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (C-2) in an applicable Zoning District within the “Low Density Area” per the Future Land Use Map Designation.

**Site Considerations**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The parcels are in the vicinity of active agricultural uses. Adjacent Parcel TM#235-22.00-56.00 is within and Agricultural Easement District (Cedar Tree Farms District).
- **Interconnectivity:** The Applicant’s Concept plan does not provide for connectivity. Staff recommend the any site plan submitted as part of any result of this Application include stubs/easements for connection to adjacent parcels to the south on the Route 113 corridor to accommodate potential future development.
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A

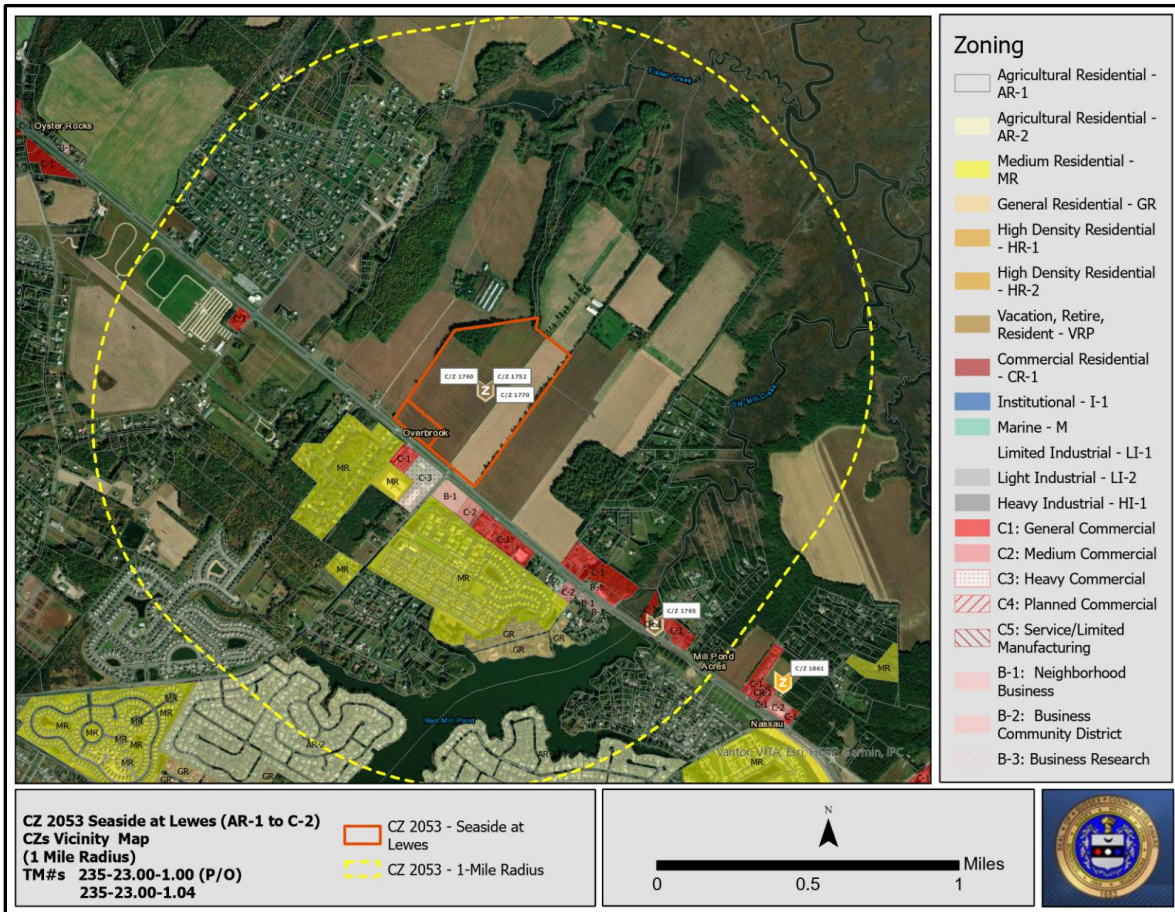
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone and is located within an area of “Excellent” groundwater recharge. Staff note that a significant portion of the Parcels’s area included in this application is within an Excellent Groundwater Recharge Area and any future improvements on the site will be required to meet CH 89 – Source Water Protection - Excellent groundwater recharge areas ([§ 89-7\(A-F\)](#)) .

### Groundwater Recharge Potential Map

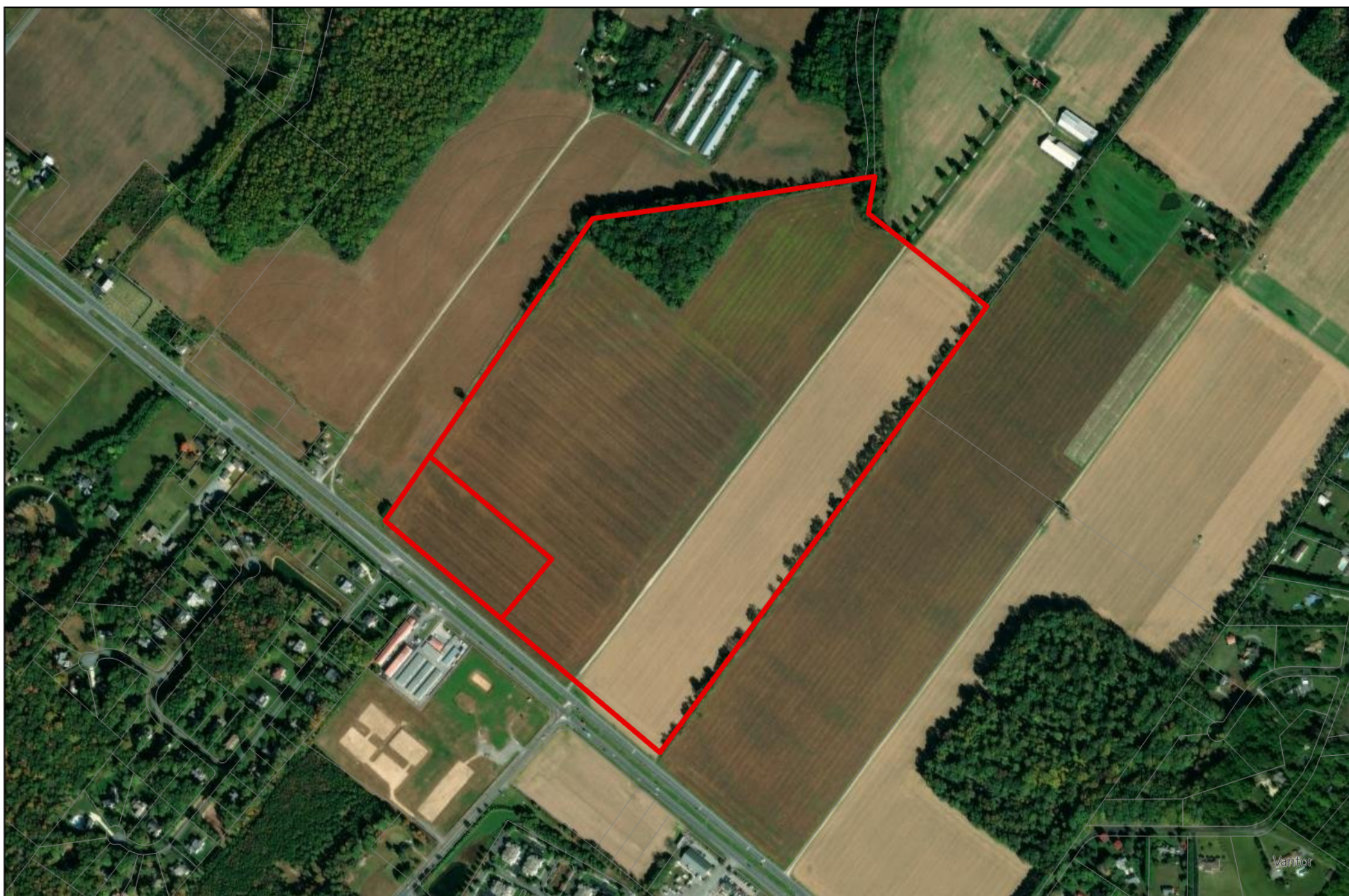


Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



**Existing Changes of Zone within the Vicinity of the Subject Site:** There have been no historic Changes of Zone within a 1-mile radius of the site.

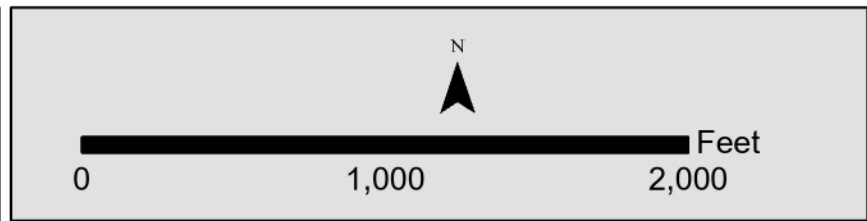


Change of Zone Applications (Within a 1-mile radius of the subject site)						
Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
CZ 1752	TD Rehoboth, LLC	AR-1	CR-1	WITHDRAWN	N/A	N/A
CZ 1760	TD Rehoboth, LLC	AR-1	CR-1	WITHDRAWN	N/A	N/A
CZ 1765	Red Mill Pointe, LLC	AR-1	CR-1	DENIED	2/2/2016	N/A
CZ 1770	TD Rehoboth, LLC	AR-1	CR-1	DENIED	4/12/2016 5/1/18	N/A



**CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC**  
**(AR-1 to C-2)**  
**Aerial Map**  
**TM# 235-23.00-1.04**  
**235-23.00-1.00 (P/O)**



 CZ 2053 - Seaside  
 Tax Parcels

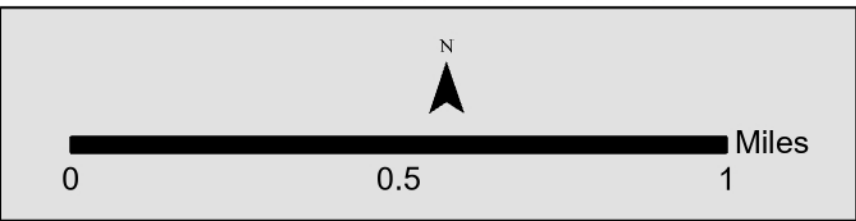




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

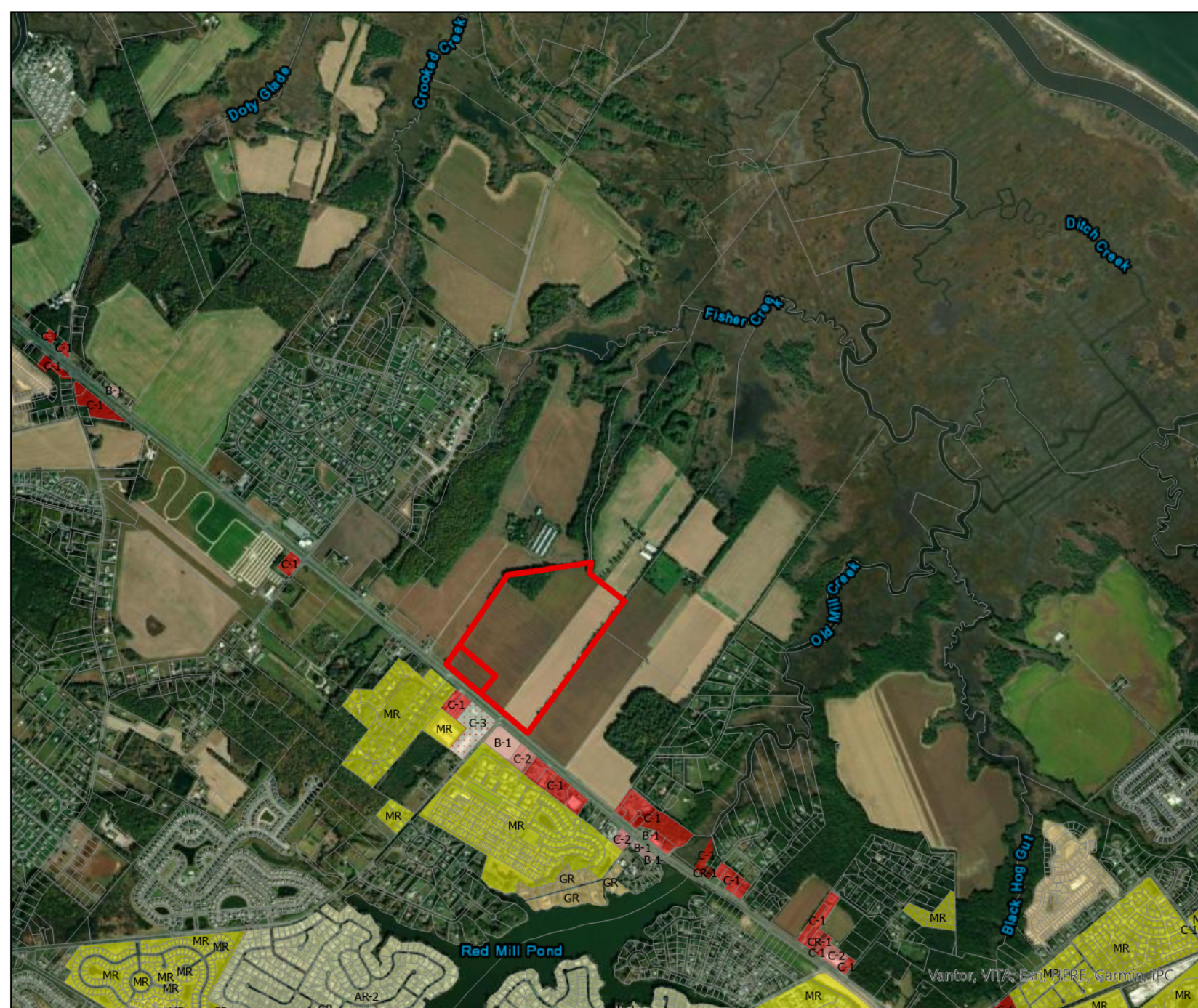
**CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC**  
**(AR-1 to C-2)**  
**Streets Map**  
**TM# 235-23.00-1.04**  
**235-23.00-1.00 (P/O)**

 CZ 2053 - Seaside  
 Tax Parcels





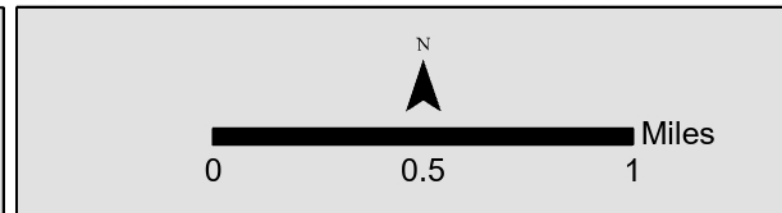
# Zoning

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



**CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC**  
**(AR-1 to C-2)**  
**Zoning Map**  
**TM# 235-23.00-1.04**  
**235-23.00-1.00 (P/O)**

 CZ 2053 - Seaside  
 Tax Parcels

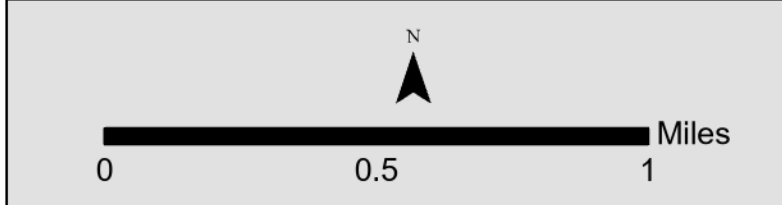


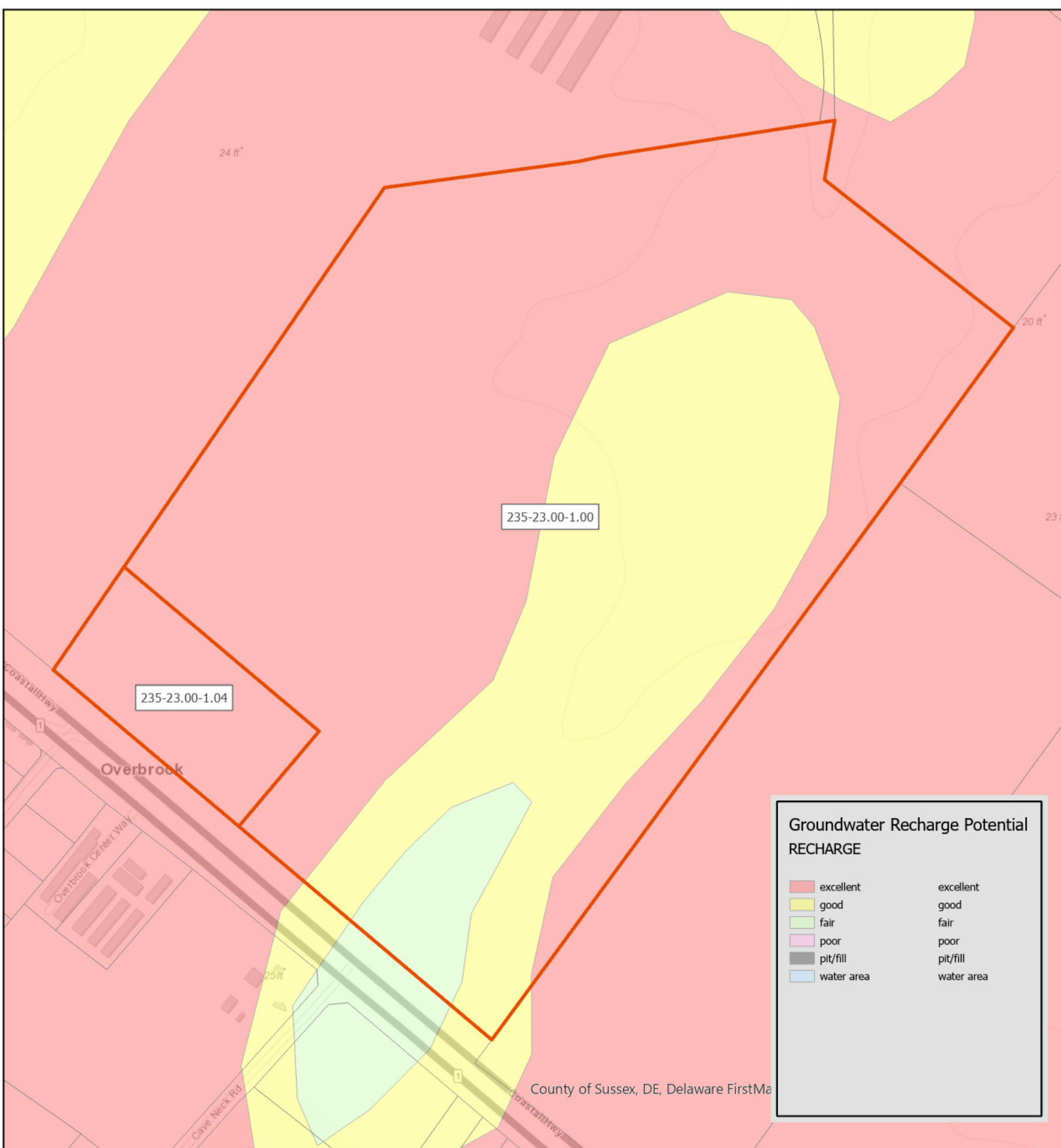


- ### Zoning
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Commercial Residential - CR-1
  - Institutional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







**CZ 2053 Seaside at Lewes (AR-1 to C-2)**  
**CZs Vicinity Map**  
**(1 Mile Radius)**  
**TM#s 235-23.00-1.00 (P/O)**  
**235-23.00-1.04**

- CZ 2053 - Seaside at Lewes
- CZ 2053 - 1-Mile Radius




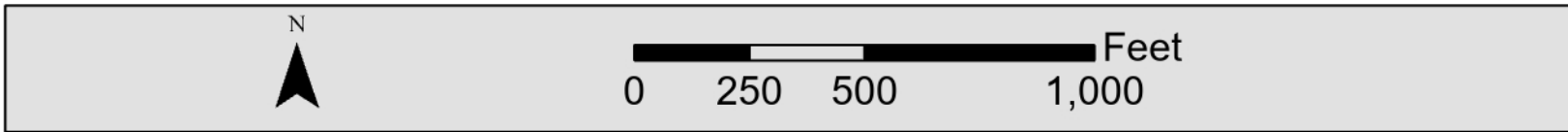


**Groundwater Recharge Potential**  
RECHARGE

	excellent	excellent
	good	good
	fair	fair
	poor	poor
	pit/fill	pit/fill
	water area	water area

**CZ 2053 Seaside at Lewes (AR-1 to C-2)**  
**Groundwater Recharge Potential**  
**TM#s 235-23.00-1.00 (P/O)**  
**235-23.00-1.04**

 **CZ 2053 - Seaside at Lewes**



Introduced: 4/14/26

Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 235-23.00-1.04 & 235-23.00-1.00 (P/O)  
911 Address: N/A

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS**

WHEREAS, on the 30<sup>th</sup> day of May 2025, a zoning application, denominated Change of Zone No. 2053 was filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2053 be \_\_\_\_\_; and

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

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

**Section 1.** That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

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

ALL that certain tract, piece or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88) and being more particularly described in the attached legal description prepared by Morris James, LLP, said parcels containing 29.97 acres, more or less.

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

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: June 4, 2026

RE: County Council Report for C/U 2540 filed on behalf of La Dolce Far Niente, LLC

---

The Planning and Zoning Department received an application (C/U 2540 filed on behalf of La Dolce Far Niente, LLC) for a Conditional Use for a self-storage facility, office and outdoor storage in an AR-1 Agricultural Residential District. The Tax Parcel ID is 133-11.00-1.02. The property is located on the west side of DuPont Boulevard (Rt. 113) approximately 0.19 mile north of East Piney Grove Road (SCR 329). The parcel size is 7.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 12 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and May 20, 2026.

### Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

#### **C/U 2540 La Dolce Far Niente, LLC**

**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.** The property is lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329). 911 Address: N/A. Tax Map Parcel: 133-11.00-1.02.



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

Mr. Whitehouse advised the Commission submitted into the record were the Applicant's Conditional Use Plan, the Applicant's exhibits and presentation materials, the property deed, 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 comments had been received regarding the application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant and Owner of the property, La Dolce Far Niente, LLC; that also present were Mr. Matt Kirks and Mr. Carter Kirks, Principals of La Dolce Far Niente, LLC, and Mr. Eric Wahl, Registered Landscape Architect and Land Planner with Pennoni, and President of the Native Plant Society of Delaware.

Mr. Hutt stated that the application proposed self-storage with boat, trailer and RV parking, until full buildout of all the various buildings; that the property was located on the western side of DuPont Boulevard, being a short distance north of the intersection of Route 113, with East Piney Grove Road, which was the location of the Sharp Energy Buildings; that the Sharp Energy Building was the adjacent neighbor of the site; that currently, the site was completely vacant, and was currently being used for agricultural purposes; that the 2025 State Strategies Map identified the property as being within Investment Level 4; that there were three things that were interesting regarding the excerpt from the State Strategies Map; that first, he found it curious to how Investment Level 3 could completely surround the site's seven acres, and a bit of the Sharp Energy property, which had been placed on an island designated as Investment Level 4; that secondly, and probably more important, the State Strategies Map designated the property as being part of the State's Key Planning Area; that the Key Planning Area extended from Georgetown to Millsboro, along the Route 113 corridor; that the same designation of Key Planning Area also existed along Route 9, from Georgetown to Lewes, around the Five Points area; that thirdly, the application would not involve any public funds for the proposed use; that for example, the application would not add any children to a school district; that the application would not need additional services for people; that the application proposes the opposite, as it would provide a use and service for existing residents or businesses in the area who need storage, and would do so within minimal traffic impact; that on the 2045 Future Land Use Map in the 2018 Comprehensive Plan, the property was identified as being part of the Low Density Area, which is one of the County's two rural areas; that the proposed Conditional Use was consistent with the guidelines found in Chapter 4, regarding Low Density Areas; that as Low Density Areas are identified, as areas where the primary activities are agricultural activities and homes; that within the same section of the Comprehensive Plan, it goes on to describe the types of business and commercial uses that are appropriate in Low Density Areas; that in doing so, the Comprehensive Plan stated that business development should be largely confined to businesses addressing the needs of the two uses, agriculture activities and homes; that the focus of retail and office uses should be providing convenience goods and services to nearby residents, which is exactly on point with what a self-storage facility is trying to do; that the properties surrounding the site to the north, south, east, and west, located on the same side of DuPont Boulevard or Route 113, were all in the same Low Density Area; that the properties across Route 113, were located within municipalities areas, which was a growth area within Sussex County; that the site is located within the AR-1 (Agricultural Residential) Zoning District; that the

surrounding properties to the site were also within the AR-1 (Agricultural Residential) Zoning District; that north of the site, closer to Governor Stockley Road, there were a series of commercially zoned properties, being zoned C-1 (General Commercial), CR-1 (Commercial Residential), and C-3 (Heavy Commercial), with C-2 (Medium Commercial) zoning located on the western and a bit of the eastern site of Route 113; that also within the general location of the site was the Sussex Central School, which was zoned LI-2 (Light Industrial); that he did not feel that the Sussex County Zoning Map reflected the Key Planning Area that the State and County identified when the Office of State Planning Coordination when the 2025 State Strategies Map was developed; that due to this, he requested that Pennoni put together the Key Planning Area Corridor; that within the southern limits of the Town of Georgetown, there were Highway Commercial and Institutional uses; that the Town of Georgetown's Future Land Use Map even identified areas to annex in the future as being institutional and utility uses along Route 113; that there were some light industrial uses at the southern end of Georgetown, as well as a mixture of residential types of zoning; that immediately after leaving the Town of Georgetown, was the location of the Georgetown Speedway, being on the east side of Route 113; that right around the speedway, there was a section of land, located on the eastern side that was currently zoned C-2 (Medium Commercial), which was intended for some future retail businesses; that right adjacent to that property, was a larger portion of land that was zoned LI-1 (Limited Industrial); that when traveling further south along the Route 113 corridor, one becomes closer to Governor Stockley Road; that within this area, there were a number of zoning classifications again being C-1 (General Commercial), CR-1 (Commercial Residential), C-3 (Heavy Commercial), and C-2 (Medium Commercial), which businesses such as Melvin Joseph Construction Company, Stockley Materials, Stonegate Granite & Marble, Herc Equipment Rental, David A. Banks, Peninsula Homes, and Pep Up; that all of those businesses were located along the Route 113 corridor, between the Georgetown Speedway and Governor Stockley Road; that as one would travel further south past Governor Stockley Road, the same commercial zoning designation continues, with properties zoned as C-1 (General Commercial), CR-1 (Commercial Residential), and C-2 (Medium Commercial); that there was a DIY tool supply store located on the western side of Route 113; that when staying along Route 113, Stockley Tavern was located just north of the site; that when heading south the site was located adjacent to Sharp Energy; that when continuing south, one would reach the outer boundaries of the municipal limits of the Town of Millsboro, within the northernmost boundary of the Town of Millsboro being HC (Highway Commercial) Zoning classification; that once going past that site, was the property, currently under construction for Tidal Health's future 30 acre healthcare campus; that just past that location, at the next intersection, was the location of Beebe Healthcare's future medical use; that §115-219 of the Sussex County Code provided a good description of a Conditional Use; that the Code stated that the uses are generally of public or semi-public character, and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the AR-1 (Agricultural Residential) Zoning District allows Conditional Uses for something that the Planning Commission considered on a somewhat regular basis for self-storage; that there were application for self-storage uses that had been recommended for approval just earlier that evening by the Commission; that through those, the County had established that self-storage was a use that was of a public or semi-public character, being essential and desirable for the County; that another example of a Conditional Use on AR-1 (Agricultural Residential) property would be the Sharp Energy building

itself, located immediately adjacent to the site; that the Sharp Energy application was a previous Conditional Use for commercial propane storage, CNG propane dispensing and for an office and warehouse, designated as Conditional Use No. 1997; that the Sussex County Council adopted the use as Ordinance No. 2370 on October 14, 2014; that planning judgement on location and site plan, referred to in the Code's definition of what a Conditional Use was, could be described in a number of ways; that five factors that the Planning Commission and County Council evaluate were things like the compatibility of the proposed conditional use, regarding traffic impacts, any environmental considerations, public safety concerns, and the overarching orderly growth of the County; that the application's primary use was a self-storage facility, with buildings and indoor self-storage; that the plan proposed single-story buildings, to be fully enclosed units; that on the right-hand side, there was an amendment to the Conditional Use application to add a temporary use, being boat, trailer, and RV parking, while the site is being built out; that it was anticipated that not all of the buildings, for financial reasons, would be constructed at once; that the portions of the property that did not have storage buildings on them would be able to be used for storage purposes; that this would be done through a Phasing Plan, which was a part of the submitted application files; that within Phase 1, two storage buildings are proposed at the entrance, as well as the stormwater management; that Phase 2 was located in the center of the site; that Phase 1 would provide the initial storage buildings, the site access, and the temporary boat and RV storage surrounding that; that Phase 2 would add approximately four buildings in the middle of the site; that Phase 3, as well as the other various phases, would continue to add storage buildings around the perimeter of the site; that the timing would be based on demand for those buildings; that as reflected on the Phasing Plan, Phases 1 and 2 showed storage buildings within those areas; that then what was proposed, was trailer, boat and RV parking to be located within Phases 3, 4 and 5; that as the demand increased for the indoor storage, the parking would be eliminated and reduced with the various phasing provided; that reflected within the Key Notes of the Site Plan, there were letters and numbers that applied to each one of those things; that Building A, regarding Key Note No. 1, reflected the location of where the office would be located; that the office would not be staffed at all times; that the office would only be staffed when an appointment was made for a customer who wanted to meet on site; that generally, there would not be a person on the site; that Key Note No. 2 related to gated access; that Key Note No. 3 indicated that there would be a fence around the entire perimeter; that Key Note No. 4 referenced parking spaces, which related to the office use, and customers who would want to meet onsite; that to the left of proposed Building A, there would be a water tank and pump house, to provide fire suppression for all the buildings; that next to the water tank was an area for septic; that out by the road, there would be an area for a sign; that the buildings would be single-storage buildings of neutral color; that there would be fenced screening around the entire perimeter of the site; that in addition, due to the size of the buildings, all buildings would be fully sprinkled, which would require Fire Marshal approval and coordination with the local fire company; that a DelDOT Service Level Evaluation Request (SLER) was filed with DelDOT, which stated that the traffic impact would be "negligible" and would generate minimal traffic, being fewer than 50 vehicle trips in any hour, and fewer than 500 vehicle trips in any day; that access to the site would be located from East Piney Grove Road; that there was a recorded easement across the Sharp Energy parcel that provided access to the subject parcel; that the subject parcel had the same recorded easement that extends access to the next parcel; that this easement was performed through a subdivision process; that the property is not located within a floodplain; that the area is designated as Zone X on the FEMA Flood maps; that there are no Federal or State Jurisdictional

wetlands on the site; that the property does not have any Wellhead Protection or Excellent Groundwater Recharge Areas located on the site; that the stormwater management will meet or exceed the requirements of the Engineering Department and the Sussex Conservation District; that with respect to compatible use with the surrounding area, he believed that the Commission typically thought of nuisance factors, such as sound, light, and smells; that self-storage was a quiet, low-impact use; that the nearest neighbor to the site was Sharp Energy, being commercial use; that the nearest residence was located more than 1,000 feet away, along Route 113; that there was a community benefit derived from storage, as it provided a location for businesses and homes to safely store things in a secure area; that the Commission regularly heard stories regarding homeowners' associations not allowing storage of what many people think of as their treasures, to be located on their property; that because of this, it was necessary to have storage; that many businesses use storage facilities as well; that the site's location was particularly noteworthy in that regard, as the location was an area located along a major arterial road, being Route 113; that it was something that had been identified as a growth corridor or a Key Planning Area throughout the State Strategies process; that the site was located between two growing towns within Sussex County, being Georgetown and Millsboro; that the individuals who live in either town would have ready access off Route 113 to the facility; that as a Conditional Use, the Commission would likely recommend conditions; that he requested to submit for the record, proposed Findings of Fact and Conditions of Approval; that the proposed Conditions of Approval began on Page 3; that the first one provided a description of the concept of what was being proposed, which was indoor self-storage, but with the boat, trailers and recreational vehicle storage, with the phased process, until the buildings are completed; that the second condition, indicated that no one can perform work on the boats, trailers, or RVs; that the use was not intended to be a mechanical yard; that it was only intended to be a storage facility; that the third condition, stated that the site was proposed to have 24 hour, gated access for its customers; that the site was located right along Route 113; that there are no nearby neighbors; that the site was not located adjacent to any residential community; that Condition D related to perimeter fencing and gate access; that Condition E spoke upon security lighting; that Condition F stated that signage for the property shall comply with the sign requirements for the C-2 (Medium Commercial) Zoning classification stated in Article 21 for signs of that Zoning Code; that generally the Commission would allow a 32 square foot sign, however, those signs are often located on smaller, local roads, when located in a more residential and rural type setting; that the property is situated along a major arterial, being Route 113; that the proposed signage would be similar to the same signage that would be permitted amongst all those other various commercial uses, and zoning classifications previously identified; that the requested allowable signage, would be the same as the Sharp Energy Conditional Use, located next door to the site; that the only difference would be that the Sharp Energy signage requirements were for the B-1 (Neighborhood Business) District, which had become a closed district, and requested that the Commission recommend approval for the application.

Mr. Pettyjohn questioned the height of the one-story proposed building.

Mr. Matt Kirks stated the one-story building was proposed to be within the 20-foot range, standard gable roof, with 8 ft ceilings and to be climate controlled.

Mr. Collins questioned whether the entrance design was consistent with a future entrance, and how far the gate will be located off the easement road.

Mr. Hutt stated that the entrance is the same as all other minor subdivision plans; that it would not create a service road per se; that it would not be a DelDOT service road; that it was access for Sharp Energy to the backside of their property, the subject property and the property behind it; that it was only for the benefit and access of those three properties

Mr. Eric Wahl, with Pennoni, stated that the gate would be located about 50 feet off the edge of road paving.

Madam Chair Wingate stated that when looking at the layout and the proximity of the buildings, it appeared that when trying to access Storage Building M, she would assume one would unload or load between Building M and Building Q; that there was 24 feet between Building M and Building I, with what appeared to be a 10 foot separation, and she questioned whether 24 feet would be enough room for someone in a pickup truck, pulling a trailer to turn around.

Mr. Eric Wahl stated that the plan was designed traffic-wise to go around the buildings; that 24 foot wide access ways were provided around the buildings; that the areas where it became shallower were at the sides of the buildings, where there would not be any real access; that the traffic would be required to go around the site through the 24 foot wide spaces; that when going through Phase 1 to get to Phase 2, one would go up to the left of Building I and Building M; that if one were in a larger vehicle, they would not have to back out, they could go around Building M, between Building M and Building N, and make a loop to exit.

Madam Chair Wingate questioned whether the plan had been reviewed for acceptance by the State Fire Marshal to ensure that fire trucks and first responders could maneuver through the site.

Mr. Wahl stated yes, and that he had worked with their civil engineer also to ensure the accessibility provided was adequate.

Mr. Robertson questioned whether the buildings would have septic systems, water connections, or plumbing, aside from the office.

Mr. Eric Wahl stated only for fire safety reasons.

The Commission found that no one was 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 2540 La Dolce Far Niente, LLC. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

Minutes of the May 20, 2026, Planning & Zoning Commission Meeting

The Commission discussed the application which had been deferred since May 6, 2026.

Mr. Pettyjohn moved that the Commission recommend approval of C/U 2540 for La Dolce Far Niente, LLC to operate a mini-storage facility with outdoor boat and RV storage and an office based upon the record made at the public hearing and for the following reasons:

1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use will be located along Route 113 which is a major arterial road with access via East Piney Grove Road. It is in an area between Georgetown and Millsboro where several business and commercial uses exist, including a large Sharp Energy facility next door. This is an appropriate location for this type of low-intensity use.
3. The use will be a storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted on this site.
4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use compliments the residential development that is occurring in Sussex County, which do not have their own on-site parking for boats and RVs. It is also a benefit for small businesses that do not have their own on-site storage.
5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:
  - A. The use shall be limited to 19 mini-storage buildings and the outside storage of boats and RVs phased as the storage buildings are constructed. None of the buildings shall have water or sewer connections except for Building A, which will contain the central office for the site.
  - B. Security lighting shall be screened with downward illumination so that it does not shine on any neighboring properties or roadways.
  - C. The perimeter of the storage area shall be fenced and gated with electronic access. The location and type of fencing shall be shown on the Final Site Plan. The entrance gate shall be located at least 40 feet from the East Piney Grove Road right-of-way so that waiting vehicles do not line up on that roadway.
  - D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
  - E. Because this site has frontage on Route 113, which is a major arterial roadway, the signage for this use shall comply with the sign requirements of the C-2 Zoning District. This is also consistent with the signage allowed next door at the Sharp Energy site.

- F. Stormwater management shall be maintained on site, using Best Management Practices.
- G. Any trash receptacles associated with the use shall be screened from neighboring properties and roadways.
- H. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself.
- I. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
- J. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
- K. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
- L. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission. The Final Site Plan shall include a Phasing Plan depicting the boat and RV storage areas that will exist until all of the phases and buildings are completed.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2540 La Dolce Far Niente, LLC, 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



## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Christin Scott, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 29, 2026  
RE: Staff Analysis for C/U 2540 La Dolce Far Niente, LLC

---

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2540 La Dolce Far Niente, LLC to be reviewed during the May 6, 2026, Planning and Zoning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the public hearing.

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

**Tax Parcel ID:** 133-11.00-1.02

**Proposal:** The request is for a Conditional Use for Tax Parcel: 133-11.00-1.02 to allow for an indoor self-storage with temporary outdoor boat, trailer, and RV storage on-site within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the southwest side of DuPont Boulevard (Rt. 113), approximately 0.19 miles north of East Piney Grove Road (S.C.R. 329). The property contains 7.00 acres more or less in Georgetown, Delaware.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west 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 parcel is adjacent to and in the vicinity of lands used for Agricultural Use.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is adjacent to Mirey Branch. The property is located within an area of “Good/Fair” groundwater recharge protentional. There are no wellhead protection areas located within the property. The property is located within Flood Zone “X”.

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

Since 1970, there have been twenty-three (23) Conditional Use Applications within a 1-mile radius of the Application Site.

CU No.	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ordinance
2086	133-10.00-9.07	Marlin Cove, LLC	AR-1	Beauty Shop	7/27/2017	Approved	2516
1570	133-7.00-7.00	Mountaire (Colony Tract)	AR-1	biosolids from wastewater treatment		Withdrawn	
14	133-6.00-44.00	William Adams	AR-1	poultry house on less than 5 acres		Approved	
770	133-11.00-3.00	Estate of G.T. White	AR-1	borrow pit	1/10/1984	Approved	
1656	133-6.00-125.04	M. L. Joseph Construction	AR-1/C-1	grinding vegetated material	6/13/2006	Approved	1851
1251	133-6.00-154.00	Dale J. & Mary Gray T/A Gray's Paving, Inc.	AR-1	Paving Business with Equipment Storage	7/14/1998	Approved	1249
131	133-6.00-36.00	Shoremont Inc	AR-1	manufactured home park		Denied	
1844	133-10.00-37.00	Brad & Caroline Hawkes	AR-1	storage facility	8/10/2010	Approved	2141
1798	133-11.00-2.00	First State Crematory Center, Inc.	AR-1	Crematory	8/12/2008	Approved	1993
1997	133-11.00-1.00	Skip Jack, Inc.	AR-1	Commercial Propane/Storage and CNG/Propane Dispensing Office/Warehouse	10/14/2014	Approved	2370
444	133-10.00-39.02	Bartleson Truck Repairs	AR-1	motor vehicle repair shop		Approved	
1717	133-7.00-8.00	State of Delaware Division of Facilities	AR-1	State Health Care Facility	12/5/2006	Approved	1880
1537	133-6.00-260.00	Jeff Springfield Computer Service	AR-1	computer repair & training facility	8/10/2004	Approved	1712
1829	133-6.00-53.00	M. L. Joseph Sand & Gravel	AR-1	ext. borrow pit	6/8/2010	Approved	2122
1178	133-7.00-8.00	Delaware Commission of Veterans Affairs	AR-1	cemetery	5/13/1997	Approved	1134
1282	133-11.00-2.00	Woodlawn Memorial Park	AR-1	cemetery	6/8/1999	Approved	1313
1366	133-11.00-2.00	Melvin L. Joseph Construction Co.	AR-1	borrow pit	7/24/2001	Approved	1480
1408	133-7.00-8.00	Indian River School District (Stockley Site)	AR-1	public school	7/24/2001	Approved	1481
1628	133-7.00-8.00	State of Delaware	AR-1	Government Building	6/14/2005	Approved	1782
2566	133-6.00-154.00	Ismael Sen	AR-1	Tire Repair Shop		Pending	
2507	133-6.00-148.00	Kenneth R. Betts	AR-1	20,000 sq. ft. wrecked car parking lot		Withdrawn	
2477	133-7.00-8.00	State of Delaware	AR-1	Police Station	1/23/2024	Approved	2975
2607	133-7.00-8.00	State of Delaware	AR-1	Emergency Vehicle Operations	2/10/2026	Approved	4040

Based on the analysis provided, the Conditional Use to allow for an indoor self-storage with temporary outdoor boat, trailer, and RV storage on-site could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.

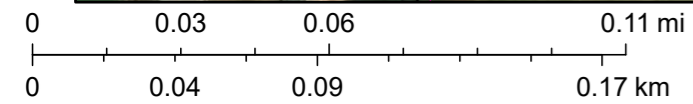


# A3 Landscape Parcel Details



<b>PIN:</b>	133-11.00-1.02		
<b>Owner Name</b>	LA	DOLCE	FAR
	NIENTE LLC		
<b>Book</b>	6040		
<b>Mailing Address</b>	614 6TH ST		
<b>City</b>	BETHANY BEACH		
<b>State</b>	DE		
<b>Description</b>			
<b>Description 2</b>			
<b>Description 3</b>			
<b>Land Code</b>			

- 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



<b>PIN:</b>	133-11.00-1.02		
<b>Owner Name</b>	LA	DOLCE	FAR
	NIENTE LLC		
<b>Book</b>	6040		
<b>Mailing Address</b>	614 6TH ST		
<b>City</b>	BETHANY BEACH		
<b>State</b>	DE		
<b>Description</b>			
<b>Description 2</b>			
<b>Description 3</b>			
<b>Land Code</b>			

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

# Sussex County



April 1, 2026

polygonLayer

 Override 1


 Override 2

Zoning

 General Residential - GR

 Institutional - I-1


 C1: General Commercial

 C2: Medium Commercial

 Tax Parcels

TaxParcel

Encumbrance

 Streets

 County Boundaries

World Imagery

Low Resolution 15m Imagery

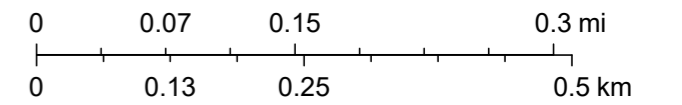
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata

1:9,028



VGIN, Vantor, Sussex County, Sussex County Government

Reintroduced: 4/14/26

Council District 5: Mr. Rieley  
Tax I.D. No.: 133-11.00-1.02  
911 Address: N/A

ORDINANCE NO. \_\_\_\_

**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.**

WHEREAS, on the 11th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2540 was filed on behalf of La Dolce Far Niente, 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. 2540 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. 2540 as it applies to the property hereinafter described.

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

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A. said parcel containing 7.00 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: June 4, 2026

RE: County Council Report for C/U 2604 filed on behalf of Alvaro Perez Roblero

---

The Planning and Zoning Department received an application (C/U 2604 filed on behalf of Alvaro Perez Roblero) for a Conditional Use for a landscaping business in an AR-1 Agricultural Residential District. The Tax Parcel ID is 430-17.00-23.01. The property is located at 16694 Cedar Corners Road, Bridgeville. The parcel size is 5.00 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of June 3, 2026, the Planning & Zoning Commission recommended **denial** of the application for the 10 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and June 3, 2026.

Minutes of the May 6, 2026, Planning & Zoning Commission Meeting

### C/U 2604 Alvaro E. Perez Roblero

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS.** The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40). 911 Address: 16694 Cedar Corners Road, Bridgeville. Tax Map Parcel: 430-17.00-23.01.



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conditional Use Site Plan, the Staff Analysis, the DelDOT Service Level Evaluation Response Letter (SLER), a letter received from the Sussex County Engineering Department Utility Planning Division and the property deed. Mr. Whitehouse advised the Commission that two written public comments had been received regarding the application.

The Commission found that Mr. Alvaro Perez spoke on behalf of his application. Mr. Perez stated that he was requesting to store his equipment and store leftover materials on the site; that for example, he may have 10 yards of mulch in his truck; that he may return with a yard of mulch left; that he is requesting permission to place his leftover material until another job comes along where he may use it; that the storage bins would be used for yard waste, and would be located near the bottom of the property, and there would be 10 parking spaces provided for his employees.

Madam Chair Wingate questioned whether any grinding of trees or other material would take place on the site and questioned whether the storage was only for the storage of mulch.

Mr. Perez stated no; that no grinding of material was proposed to take place on the site; that the storage would not only be for mulch, and the storage would be for any landscaping material that he may have left over, such as dirt, gravel, river rocks, so that he may use them on the next job.

Mr. Collins questioned whether Mr. Perez's business involved any fence installation or any kind of large construction materials.

Mr. Perez stated no; that his business was not involved in any fence installation or storage of larger construction materials.

Mr. Pettyjohn questioned whether materials were delivered to the site, and whether those vehicles would consist of tractor trailers or dump trucks.

Mr. Perez stated that if it were possible, yes, he would like to have materials delivered to the site; that he currently had mulch delivered to the site; that he generally used his own vehicles to pick up the materials from the suppliers and would dump it there when he needed it.

Mr. Collins questioned whether dumps trucks were being used to perform the work.

Mr. Perez stated yes that he used a small dump truck to perform the work.

Madam Chair Wingate questioned where the material was proposed to be stored, as the area she thought was assigned for storage was actually the area assigned for parking.

Mr. Perez pointed out that the storage area for the Commission on the presentation screen in the room.

Madam Chair Wingate stated that according to what Mr. Perez was pointing out, the location referenced as truck and trailers parking was actually the proposed location of the storage bins.

Mr. Pettyjohn stated that just to the right of that location, the plan reflected a rectangle which stated “Open Storage Area.”

Mr. Perez stated the rectangle area labeled as “Open Storage Area” was the proposed location for material storage; that he would need an area, approximately 10’ x 40’ to allow him to space them out, and right next to that area he would have two dumpsters for yard waste.

Madam Chair Wingate questioned what the purpose would be for the proposed pole shed.

Mr. Perez stated he intended to keep his lawn mowers, and other stuff to keep them out of the cold weather and rain.

Mr. Allen questioned whether any mechanical work would take place within the pole shed.

Mr. Perez stated that no mechanical work would take place in the pole shed.

Mr. Collins questioned whether any grinding of material happened on site, whether mulch was produced by a woodchipper, and if any chemicals, such as pesticides, were stored on the site.

Mr. Perez stated that no grinding material would be carried out on the site, and that no chemicals were stored on the site.

Madam Chair Wingate questioned whether any other commercial uses were located within the surrounding area.

Mr. Perez stated that he did not know of many, and there were some businesses, but he did not know whether they were deemed commercial or not.

Mr. Collins questioned whether there were any other landscape businesses or any other kind of business that may have dump trucks coming to and from their property located within a couple of miles of the site.

Mr. Perez stated probably on the opposite end of the street.

Mr. Pettyjohn questioned how Mr. Perez handled his fuel for his equipment, such as the mowers and tractors, and whether there was a bulk tank.

Mr. Perez stated that generally he would purchase fuel as he needed it; that every couple days, he would stop at the gas station to fill everything up; that did not have a bulk tank, and he would only keep a couple of gallons.

Mr. Robertson questioned whether the employees come to the site in the morning, get into company vehicles and leave for the job site with trailers hauling their lawn equipment.

Mr. Perez stated that he had a total of four employees; that two employees were full-time; that the business was seasonal; that in season, he may have four or six employees as he needed them; that it was 50-50; that about 50% of the time the employees would drive to the site, and other times he would pick the employees up.

Madam Chair Wingate questioned what the hours of operation would be.

Mr. Perez stated that the hours of operation would be from 7:00 am until 5:00 pm; that they start at 7:00 am, but his employees generally show up about 7:15 am.

Mr. Allen questioned whether they would work on weekends, and what the weekend hours would be.

Mr. Perez stated that they would work on weekends every now and then; that he would usually pick his employees up on the weekends to finish a job that they maybe did not finish on a Thursday or Friday, and the weekend hours of operation would be 7:00 am to 5:00 pm.

Madam Chair Wingate questioned whether snow removal services were provided.

Mr. Perez stated that his business did not provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Perez lived in the existing home on the site.

Mr. Perez stated yes, he lived in the existing home on the site; that he was trying to fence in the whole three acres for all the equipment.

Mr. Pettyjohn questioned whether Mr. Perez serviced his own equipment or performed oil changes.

Mr. Perez stated that he did not perform service or oil changes to his equipment, and if the oil was running low, he would add oil but usually took it to the shop.

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

Mr. Brian Clairmont spoke in opposition to the application. Mr. Clairmont expressed concerns regarding noise, the negative impact of view from the proposed fence, and expressed the desire to keep the existing tree line.

Ms. Rita Fasano spoke in opposition to the application. Ms. Fasano expressed concerns regarding increased traffic, and the safety issues the increased traffic may cause, decrease in quality of life, and the negative impact on property values.

Mr. Anthony Fasano spoke in opposition to the application. Mr. Fasano expressed concerns regarding increased traffic and the impact on safety the increased traffic may cause.

Madam Chair Wingate questioned whether the application submission was initiated by an issued Notice of Violation or complaint.

Mr. Robertson stated he wanted to ensure the Applicant's testimony was accurate; that when looking at the Eagle View pictures from the County, it appeared that there was mulch on the site, however, it also appeared that trees were being grinded in the ground; that there appeared to be a grinding machine located on one corner of the property, despite being told that there was no grinding happening.

Mr. Perez stated that the grinder was not used on the property, and that he had been clearing the whole property.

Mr. Collins questioned whether Mr. Perez was indicating that the grinding was for the sake of his personal clearing of the property, and that the grinding was not for the sake of the business.

Mr. Perez stated exactly, yes; that there are big trees; that he got the grinder about a year ago; that with being busy he had not finished everything; that it was a very large property; that a neighbor had mentioned the property notice sign had been moved, but he had not touched it, and that the sign had remained in its place since Sussex County posted it.

Mr. Collins stated that he had visited the site a few days prior, at which time he did recall seeing the sign posting.

Madam Chair Wingate questioned whether the application was submitted as a result of an issued Notice of Violation.

Mr. Perez stated that he received a violation regarding having a lot of stuff in his yard; that he had been cleaning it up, and there was a lot of trash located on the site when he moved there.

Mr. Whitehouse advised the Commission that there was a Constable's case opened for the property dating back to June 2023.

Mr. Robertson stated that the Constables date was also consistent with the testimony regarding the tax sale.

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 2604 Alvaro E. Perez Roblero. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the June 3, 2026, Planning & Zoning Commission Meeting

Mr. Passwaters stated that he had reviewed the public hearing audio and the Application's public record, and therefore, was prepared and eligible to vote.

The Commission discussed the Application which had been deferred since May 6, 2026.

Mr. Passwaters moved that the Commission recommend denial of Conditional Use No. 2604 for Alvaro E. Perez Roblero for a landscaping business with outdoor storage and parking based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a 5.00-acre lot in an area adjacent to other residential properties.
2. The Planning & Zoning Commission is generally supportive of small businesses when they are appropriately located and operated. However, the record indicates that the Applicant has been operating his landscaping business from this property without the proper approvals in a location that is adversely affecting the area.
3. In addition, the Applicant has not satisfied the burden of creating an adequate record in support of the Application.
4. There was opposition to the Application from a neighboring property owner describing the current bad condition of the Property, and the neighbor expressed concerns that this would only get worse if the use is allowed to continue with a conditional use approval.
5. Photographs entered into the record show that there is a large accumulation of trash, logs, mulch and shredded wood and other materials throughout the property and along the boundary with neighboring properties. Under these conditions, it is not appropriate to grant a conditional use on this property.
6. There is testimony in the record that there is a title dispute as to a significant portion of the property. This should be resolved before further disturbance of the property can occur through the approval of a conditional use at this site.
7. There is evidence in the record that the existing condition of the property and proposed use and the materials, equipment and vehicles associated with it, adversely affects the neighboring and adjacent properties.
8. The current condition of the property and the proposed conditional use does not promote the health, safety and welfare of Sussex County and its residents and the record made by the Applicant is not sufficient to support an approval of the Application on these grounds.
9. Based on the record, the Applicant has not shown that the proposed use in this location will satisfy the purpose of a conditional use under the Sussex County Zoning Code. The record does not confirm that the use will be well-adjusted to its environment with full protection of the neighboring properties and that it is desirable in this location for the general convenience and welfare of Sussex County residents and businesses.
10. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to recommend denial of C/U 2604 Alvaro E. Perez Roblero, for the reasons 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 to recommend denial, for the reasons stated in the motion.

Mr. Passwaters voted yea to recommend denial, for the reasons stated in the motion.

Mr. Collins voted yea to recommend denial, for the reasons stated in the motion.

Mr. Pettyjohn voted yea to recommend denial, for the reasons stated in the motion.

Madam Chair Wingate voted yea to recommend denial, for the reasons stated in the motion.

**PLANNING & ZONING COMMISSION**

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



**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: May 6, 2026  
Sussex County Council Public Hearing Date: June 9, 2026

Application: CU 2604 Alvaro E. Perez Roblero

Applicant: Alvaro E. Perez Roblero  
16694 Cedar Corners Road  
Bridgeville, DE 19933

Owner: Alvaro E. Perez Roblero  
16694 Cedar Corners Road  
Bridgeville, DE 19933

Site Location: 16694 Cedar Corners Road, Bridgeville

Site Location: Located on the west side of Cedar Corners Road (S.C.R. 638), approximately 0.35 mile south of Redden Road (Rt. 40).

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

Proposed Use: Landscaping Business with Outdoor Storage and Parking

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 2 – Mr. McCarron

School District: Woodbridge School District

Fire District: Bridgeville Fire Company

Sewer: Private Septic

Water: Private Well

Site Area: 5.0-acre(s) +/-

Tax Map ID.: 430-17.00-23.01





## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ann Lepore, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 29, 2026  
RE: Staff Analysis for C/U 2604 Alvaro E. Perez Roblero

---

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 2604 Alvaro E. Perez Roblero to be reviewed during the May 6, 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:** 430-17.00-23.01

**Proposal:** The request is for a Conditional Use for Tax Parcel: 430-17.00-23.01 to allow for a Landscaping Business within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 300 ft. south of Redden Road (Rt. 40). The property contains 5.00 acres more or less and is located at 16694 Cedars Corners Road in Bridgeville, Delaware.

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

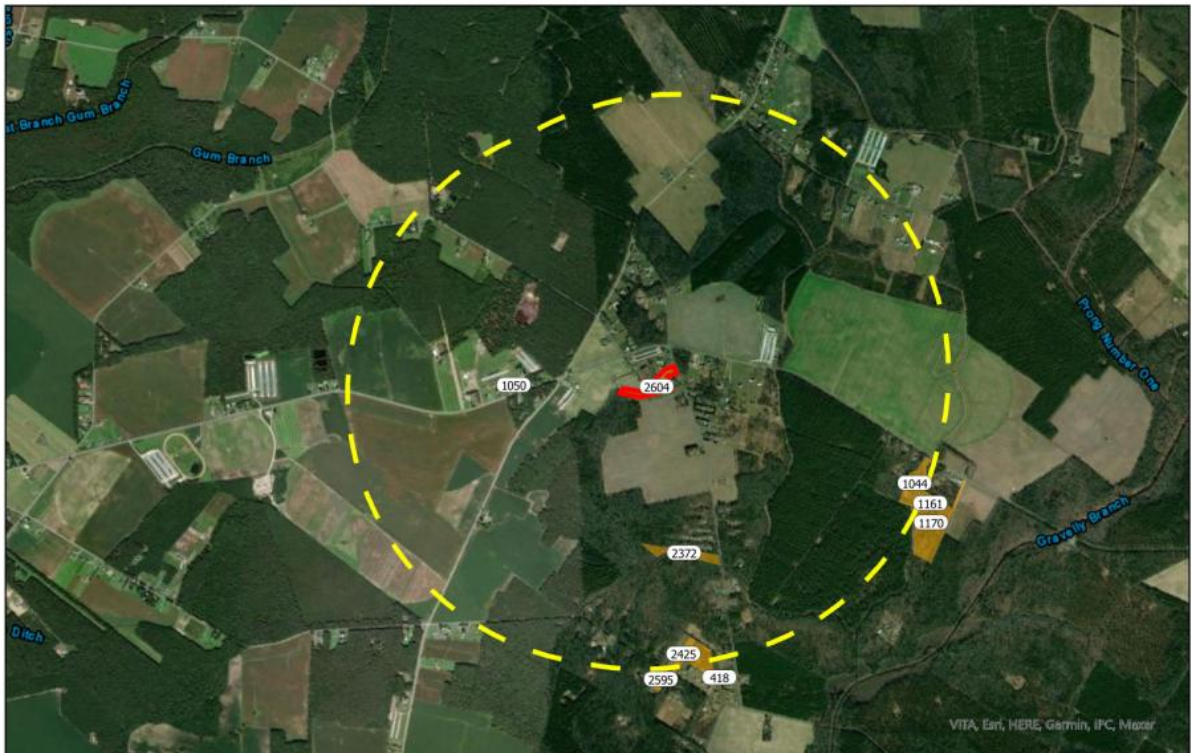
**Further Site Considerations:**

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




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

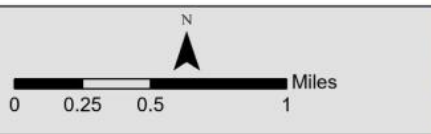
Since 1970, there have been nine (9) Conditional Use Applications within a 1-mile radius of the Application Site.

CU No.	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ord. No.
418	Thurman Hicks & Carol	430-17.00-15.00	AR-1	Mobile home sales lot	7/26/1977	Approved	N/A
1044	Thomas & Elizabeth Johnson	430-17.00-34.00	AR-1	assembly of small products & sales	7/13/1993	Approved	908
1050	Harvey & Betty Warrington	430-17.00-1.06	AR-1	seasonal retail archery business	8/31/1993	Approved	917
1161	Joel & Nancy Kroeger	430-17.00-35.00	AR-1	recycling		WITHDRAWN	
1170	Joel & Nancy Kroeger	430-17.00-35.00	AR-1	recycling	11/12/1996	Approved	1115
2372	Augusto Morales Morales	430-17.00-62.00	AR-1	Landscaping Business	6/6/2023	Approved	2925
2425	Nasir Mahmood	430-17.00-15.17	AR-1	Multi-Family (5 units)		WITHDRAWN	
2595	The Restoration Group	430-17.00-15.10	AR-1	Construction Company		Pending	
2604	Alvaro E. Perez Roblero	430-17.00-23.01	AR-1	Landscaping Business		Pending	



**CU 2604 Alvaro E. Perez Roblero**  
**Conditional Uses within 1 mile**  
**TM# 430-17.00-23.01**

-  CU 2604 Alvaro E. Perez Roblero
-  CU 2604 1-Mile Buffer
-  CU 2604 CU Vicinity Map



Based on the analysis provided, the Conditional Use to allow for a Landscaping Business could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.



Maxar

CU 2604 Alvaro E. Perez Roblero  
Aerial Map  
TM# 1430-17.00-23.01





CU 2604 Alvaro E. Perez Roblero  
Street Map  
TM# 1430-17.00-23.01





 CU 2604 Alvaro E. Perez Roblero

### 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 2604 Alvaro E. Perez Roblero  
Zoning Map  
TM# 1430-17.00-23.01**



Introduced: 3/3/26

Council District 2: Mr. McCarron  
Tax I.D. No.: 430-17.00-23.01  
911 Address: 16694 Cedar Corners Road, Bridgeville

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS**

WHEREAS, on the 4th day of August 2025, a Conditional Use application, denominated Conditional Use No. 2604, was filed on behalf of Alvaro E. Perez Roblero; 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. 2604 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. 2604 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40), and being more particularly described in the attached legal description prepared by Aleman & Associates Attorneys at Law said parcel containing 5.0 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.