MINUTES OF THE REGULAR MEETING OF JULY 2, 2025

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, July 2, 2025**,** in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Bruce Mears, and Mr. Scott Collins. Mr. Brian Butler was absent. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Mr. Michael Lowrey – Planner III, Ms. Ann Lepore – Planner I and Ms. Ashley Paugh – Recording Secretary.

ADDITIONAL BUSINESS

Annual Administration of Oaths – Mr. Robertson administered Oaths to the Planning and Zoning Commission Members.

REORGANIZATION

Chairman Wheatley announced that Mr. Whitehouse, Planning & Zoning Director, would act as Chair for the purpose of electing a Chair, Vice-Chair, and electing Officers.

Mr. Whitehouse opened nominations for the Chairperson.

Ms. Wingate nominated Mr. Wheatley as Chairman. There were no other nominations for Chairman.

Ms. Wingate motioned to close nominations for Chairman, seconded by Mr. Collins, and carried unanimously. Motion carried 4-0.

Motion by Ms. Wingate to elect Mr. Wheatley as Chairman, seconded by Mr. Collins. Motion carried 4-0.

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

Mr. Whitehouse opened nominations for Vice-Chair.

Mr. Mears nominated Ms. Wingate as Vice Chair. There were no other nominations for Vice-Chair.

Motion by Mr. Collins, seconded by Chairman Wheatley, and carried unanimously that the

nominations for Vice-Chair be closed. Motion carried 4-0.

Motion by Mr. Mears, seconded by Mr. Collins, to elect Ms. Wingate as Vice-Chair. Motion carried -0.

Vote for Ms. Wingate as Vice-Chair by roll call: Mr. Mears – yea, Mr. Collins – yea, Mr. Wheatley -yea, Ms. Wingate – yea

Mr. Whitehouse announced that the Chairman designation was handed back to Chairman Wheatley.

Motion by Ms. Wingate to authorize the Planning & Zoning Director, the Director of Planning and Zoning, or the Assistant Director of Planning & Zoning, and his or her designees to sign Record Plans on behalf of the Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the authorized Plan signers as stated in the motion. Motion carried 4-0.

Vote to approve the authorized Plan signers by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Agenda as circulated. Motion carried 4-0.

Motion by Ms. Wingate, seconded by Mr. Mears, to approve the Minutes of May 7, 2025, and June 4, 2025, of the Planning and Zoning Commission Meetings as circulated. Motion carried 4-0.

PUBLIC COMMENT

The Commission found that no one was present who wished to provide public comment.

OTHER BUSINESS

2021-05 Turnberry (F.K.A. Unity Branch)

Final Subdivision & Landscape Plan

This is a Final Subdivision Plan and Landscape Plan for Turnberry, a cluster subdivision on a 135.524-acre Parcel of land to consist of one-hundred and ninety-six (196) single-family lots, private roads, sidewalks, open space and proposed amenities to include a walking trail, mailbox facility, an in-ground pool and a pool house. The Preliminary Subdivision Plan for the development as approved by the Planning and Zoning Commission at their meeting of Thursday, January 27th,

2022, subject to nineteen (19) Conditions of Approval. Additionally, the Sussex County Council approved a 6-month time extension for the Subdivision at their meeting of Tuesday, March 4th, 2025, which extended the Preliminary Subdivision Plan approval until Friday, July 27th, 2025. The Final Subdivision Plan and Landscape Plan comply with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. Tax Parcels: 234-10.00-199.00, 234-16.00-1.01, 1.02, 3.00, 4.00 & 5.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Final Subdivision Plan and Landscape Plan approval. Motion carried 4-0.

2021-36 Wynford Preserve

Final Subdivision & Landscape Plan

This is a Final Subdivision Plan and Landscape Plan for Wynford Preserve, a cluster subdivision on a 50.499-acre Parcel of land to consist of one hundred (100) single-family lots, private roads, sidewalks, open space and proposed amenities to include a walking trail, an in-ground pool and a pool house. The Preliminary Subdivision Plan for the development as approved by the Planning and Zoning Commission at their meeting of Thursday, January 26th, 2023, subject to nineteen (19) Conditions of Approval. The Final Subdivision Plan and Landscape Plan comply with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is located on the south side of Prettyman Road (S.C.R. 254) and to the east of Prettyman Road (S.C.R. 255) in Georgetown, Delaware. Tax Parcel: 235-29.00-25.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Collins, and carried unanimously to approve the Final Subdivision Plan and Landscape Plan approval. Motion carried 4-0.

2018-18 Channel Pointe & S-25-06 Townes at Channel Pointe

Revised Subdivision Plan (Installation of Gates)

On May 15th, 2025, the Planning and Zoning Department received a request to clarify whether the installation of gates at the Channel Pointe Subdivision, approved as part of Subdivision Reference 2018-18, and the related but separate Townes at Channel Pointe townhouse development, approved as part of Site Plan Reference S-25-06 would constitute a *"substantial change to the intent of the original Plat"* under the provisions of §99-13(B) of the Sussex County Code and necessitate a Public Hearing. Due to the unclear nature of the Exhibits which were submitted to the Department of Planning and Zoning, the Commission determined at its last meeting of Wednesday, June 18th, 2025 that a Revised Final Site Plan showing the number, character, location of the proposed gates would be required in order for the Planning and Zoning Commission to make a formal determination on the addition of the gates, and the request was deferred. Staff note that in response

to the Commission's request, a Revised Final Subdivision Plan has been provided showing the addition of two (2) gates – one (1) gate being located at the entrance to the Channel Pointe Subdivision and one (1) gate being located at the entrance to the Townes at Channel Pointe townhome development off of Bennett Avenue. Additionally, Staff note that the Director's Memo dated June 11th, 2025, which was provided at the last Commission Meeting, notes that a total of 7 Building Permits and 1 Certificate of Occupancy have been issued for the Subdivision. The Commission's determination will decide whether a Public Hearing will be required or whether the Revised Subdivision Plan and Final Site Plan may be approved as proposed. The properties lie on the north side of Lighthouse Road (Route 54) and the west side of Bennett Avenue, approximately 200-ft west of Deer Run Road (S.C.R. 388) in Selbyville, Delaware. Tax Parcels: p/o 533-20.00-20.00, 533-20.00-22.00 & 20.02. Zoning: AR-1 (Agricultural Residential District) and MR (Medium Density Residential District).

Ms. Wingate stated that one of the considerations of §99-9C is the provision for a safe vehicular and pedestrian movement within the site and to adjacent roadways; that she believed a gate installed at the subject location would be inconsistent with the criteria; that she visited the site several weeks ago, unknowing of the proposed gate; that when she arrived to the entrance of the project, she found that the entrance was blocked; that she was required to perform a several point turnaround, with two additional cars behind her that were required to do the same; that she was afraid with the already congested traffic along Bennett Avenue, and the short run of the street, installing a gate at the proposed location will create a backup on Bennett Avenue, which could ultimately impact cars turning off Route 54; that in addition to her concerns previously stated, the Commission considered the impact of deliveries that can and will be made by FedEx, UPS, DoorDash, Uber Eats, as well as EMS and first responders; that such a deliver would be stuck at the gate, and given the tight area to move traffic around, it could become severely congested because of other activities on the roadway; that since there are gated communities, without interconnectivity elsewhere, her decision is specific to the subject location and the configuration of the circle and heavy traffic that already uses the street for businesses and homes; that the subject location is very different to the gates that have been permitted along Route 1 developments, where there is a clear turn lane for entry into those types of locations, and she motioned to deny the request to install a gate at the entrance of the Channel Pointe project.

Motion by Ms. Wingate to deny the Revised Subdivision Plan and Revised Site Plan for the installation of gates, seconded by Mr. Collins. Motion carried 3-1.

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

S-24-65 Con Edison Development, Inc. Delmar "B" (C/U 2385)

Preliminary Site Plan

This is a Preliminary Site Plan for an 18.28-acre ground-mounted solar array farm, transformers, fencing with interwoven screening, a knox box, and other site improvements. Staff note that the site was the subject of a previous Conditional Use Application (Conditional Use No. 2385) for the establishment of a solar facility to be located within a General Residential (GR) District which was approved by the Sussex County Council at their meeting of Tuesday, February 6th, 2024, and the use was established through Ordinance No. 2984. Staff further note that the Conditional Use Site Plan was submitted prior to (6/30/2022) the approval of the County's Solar Farm Ordinance No. 2920), which was approved by the Sussex County Council at their meeting of Tuesday, April 25th, 2023. Therefore, though not a requirement, Staff continue to encourage the application of the minimum standards required through the Ordinance in §115-172(I) (1-8) of the Sussex County Code in this Plan. The property is located on the north side of West Line Road (S.C.R. 512), approximately 0.67 miles west of Delmar Road (Route 54) in Delmar, Delaware. The Applicant has provided details of the proposed financial security package for decommissioning, for review by the Commission. Subject to the Commission's review of the Applicant's proposed financial security, the Preliminary Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Staff would further note that this item was last reviewed by the Commission at its meeting of Wednesday, March 5th, 2025, where the Plans were deferred pending changes to the Decommissioning amount, as the stated amount was deemed too low to adequately cover the site restoration once the panels are removed. The amount has increased from approximately $45k to approximately $91k. Tax Parcel: 532-19.00-57.00. Zoning: GR (General Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Preliminary Site Plan as a preliminary and a final. Motion carried 4-0.

S-25-05 Woodland Ferry Road Solar (F.K.A. Community Power Group)

Revised Final Site Plan

This is a Revised Final Site Plan and Landscape Plan for the construction of a solar facility and other related site improvements. Conditional Use No. 2336 to permit the use at the site was approved by the Sussex County Council at their Meeting of Tuesday, June 6th, 2023, via Ordinance No. 2924. The Final Site Plan previously received Final Approval from the Planning & Zoning Commission at their meeting of Wednesday, February 19th, 2025. This Revised Plan includes revisions to the location of the solar arrays, transformers, and access roads on the site. The fenced area containing the solar arrays occupies 25.012 +/- acres of the Parcel which is comprised of a total of 39.45 +/- acres. The Parcel is lying on the north side of Woodland Ferry Road (S.C.R. 78)

0.15 miles east of the intersection of Woodland Ferry Road (SCR 78) and Bethel Road (SCR 493) and on the east side of Bethel Road (SCR 493) 0.2 miles north of the intersection of Woodland Ferry Road (SCR 78) and Bethel Road (SCR 493). The Revised Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcel: 232-5.00-11.03. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals. A Decommissioning Plan has also been included which addresses the financial security component of the Conditions of Approval; therefore, the Plan is eligible for both Preliminary & Final Approval.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Revised Final Site Plan as a preliminary and final. Motion carried 4-0.

2018-18 Channel Pointe (F.K.A. Bishops Pointe & Cannon Property)

Amenities Plan

This is an Amenities Plan for the construction of a proposed 4,700 square foot +/- clubhouse with a great room, game room, library, screened porch, restroom facilities and a patio, a 1,200 square foot +/- in-ground pool, hot tub, fire pit, kayak launch on the beach, 2,760 square foot +/- bocce lawn, pickleball resort court and player terrace, gardens, a boat marina facility with 25 boat slips, open space, bike racks, parking and other ancillary improvements. The property is located off of Channel Watch Lane within the previously approved Channel Pointe Subdivision in Selbyville, Delaware. The Amenities Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval for the Subdivision. Tax Parcels: 533-20.00-20.00 & 20.01. Zoning District: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Amenities Plan as a preliminary, with final approval to be given by the staff subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Ellis Family Investments, LLC

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 5 will consist of 0.76 acre +/-, proposed Lot 6 will consist of 1.52 acres +/-, proposed Lot 7 will consist of 0.76 acre +/-, proposed Lot 8 will consist of 0.76 acre +/-, and the residual lands will contain 302.59 acres +/-. A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Shiloh Church Road (S.C.R. 74), approximately 0.37 ft +/- west of E. Trap Pond Road (Route 62). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 232-8.00-44.01. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the plans are eligible for both preliminary and final approvals.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to approve the Minor Subdivision Plan off a proposed 50 ft. easement as a preliminary and final. Motion carried 4-0.

Lands of Griffin

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.583-acres +/-, proposed Lot 2 will consist of 1.605-acres +/-, proposed Lot 3 will consist of 1.524-acres +/-, proposed Lot 4 will consist of 1.812-acres +/-, and the residual lands will contain 4.477-acres +/-. A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Scotts Store Road (Route 32), approximately 90 feet +/- east of Mile Stretch Road (S.C.R. 590). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 530-9.00-42.04. Zoning: AR-1 (Agricultural Residential District) and GR (General Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Minor Subdivision Plan off a proposed 50 ft. easement as a preliminary, with final approval to be given by the staff subject to the receipt of all agency approvals. Motion carried 4-0.

Lands of Passwaters Stonework, LLC

Minor Subdivision Plan off a proposed 50-ft easement

This is a Minor Subdivision Plan for the creation of four (4) lots plus residual lands with access off a proposed 50-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.841 acres +/-, proposed Lot 2 will consist of 1.602 acres +/-, proposed Lot 3 will consist of 1.398 acres +/-, proposed Lot 4 will consist of 1.130 acres +/-, and the residual lands will contain 3.875 acres +/-. A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the north side of Rabbit Run Road (S.C.R. 566), approximately 400 feet +/- west of Progress School Road (S.C.R. 562). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 131-13.00-69.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the plans are eligible for both preliminary and final approvals.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to approve the Minor Subdivision Plan off a proposed 50 ft. easement as a preliminary and final. Motion carried 4-0.

Lands of Warfel

Minor Subdivision Plan off an existing 65-ft easement

This is a Minor Subdivision Plan for the creation of one (1) lot plus residual lands with access off an existing 65-ft wide ingress/egress access easement. Proposed Lot 2 will consist of 2.327-acres +/-, and the residual lands will contain 6.445-acres +/-. A shared use maintenance agreement shall

be established for the use of the shared access road. The property is located on the north side of Beach Highway (Route 16), approximately 1/2 mile, east of Mennonite School Road (S.C.R. 631). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-6.00-19.01. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that preliminary and final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to approve the Minor Subdivision Plan off a proposed 65 ft. existing easement as a preliminary, with final approval to be given by the staff subject to the receipt of all agency approvals. Motion carried 4-0.

S-25-42 Citation 49 Farms Solar Photovoltaic Facility (C/U 2470)

Final Site Plan

This is a Final Site Plan for the construction of a Solar Facility and related site improvements which was last reviewed by the Commission at their meeting of Wednesday, June 18th, 2025, at which action on the Plan was deferred. Conditional Use No. 2470 to allow for the use of the site as a solar farm was approved by the Sussex County Council at their meeting of Tuesday, March 20th, 2024, through Ordinance No. 2961. The property is located on the east side of Savannah Road (S.C.R. 246), approximately 0.85-mile(s) south of Rudd Road (S.C.R. 245). Staff note that the Applicant proposes the fencing fabric to be a dark color, gray or black. Staff note that a full buffer meeting the provisions of §99-5 has been shown adjacent to and fronting the area along Savannah Road with a partial buffer around the remainder of the Site to consist of supplemental plantings in existing vegetated areas (consisting of 2 trees and 10 shrubs per 100 linear feet of buffer) as outlined as part of Condition "H" of the Conditions of Approval. Subject to the Commission's review of the Applicant's proposed financial security, the Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2470). Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 135-15.00-8.00. Staff are in receipt of all agency approvals and the Plan is eligible for Final Approval.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Final Site Plan subject to the plan meeting the buffer planting requirements of §99-5, and the required woven fencing. Motion carried 4-0.

S-24-72 Frankford Community Energy Initiative II LLC (C/U 2365)

Preliminary Site Plan

This is a Preliminary Site Plan for the construction of a Solar Facility including fencing with interwoven screening, and related site improvements which was last reviewed by the Commission at their meeting of Wednesday, June 18th, 2025, at which action on the Plan was deferred. Conditional Use No. 2365 to allow for the use as a solar facility at the site was approved by the

Sussex County Council at their meeting of Tuesday, April 16th, 2024, through Ordinance No. 3000. The property is located on the east side of DuPont highway (Rt. 113), approximately 244-feet south of the intersection of Laze Lagoon Road (S.C.R. 380) and DuPont Highway (Rt. 113). Staff note that the Applicant has proposed an alternative tree planting buffer yard detail which includes a total of 10 trees per 100 linear feet of buffer. The current planting requirement for Perimeter Buffers is a minimum of 15 trees per 100 linear feet of buffer. Additionally, the Applicant has provided details of the proposed financial security package for decommissioning for review by the Commission. Subject to the Commission's review of the Applicant's proposed financial security and the proposed Landscape Plan, which includes 5 less trees per 100 linear feet of buffer than current Code requirements under §99-5, the Final Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2365). Zoning: C-1 (General Commercial District) & AR-1 (Agricultural Residential District). Tax Parcel: 533-4.00-23.00. Staff are in receipt of all agency approvals, and the Plan is therefore eligible for both Preliminary and Final Approval.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to approve the Preliminary Site Plan as a preliminary and final subject to the plan meeting the buffer planting requirements of §99-5, and the required woven fencing. Motion carried 4-0.

S-25-31 Chaberton Energy (Blue Hen Solar) (C/U 2398)

Preliminary Site Plan

This is a Preliminary Site Plan for a 20.50-acre ground-mounted solar array facility, transformers, fencing with interwoven screening, a knox box and other site improvements which was last reviewed by the Commission at their meeting of Wednesday, June 18th, 2025, at which action on the Plan was deferred. Staff note that the site was the subject of a previous Conditional Use Application (Conditional Use No. 2398) for the establishment of a solar facility to be located within an Agricultural Residential (AR-1) District. The Application was approved by the Sussex County Council at their meeting of Tuesday, February 20th, 2024, and the use was established through Ordinance No. 2986. Staff note that the Applicant has proposed an alternative tree planting buffer yard detail which includes a total of 10 trees per 100 linear feet of buffer. The current planting requirement for Perimeter Buffers is a minimum of 15 trees per 100 linear feet of buffer. Additionally, the Applicant has provided details of the proposed financial security package for decommissioning for review by the Commission. Subject to the Commission's review of the Applicant's proposed financial security and the proposed Landscape Plan, which includes 5 less trees per 100 linear feet of buffer than current Code requirements under §99-5, the Final Plan complies with the Sussex County Zoning Code and all Conditions of Approval for (C/U 2398). Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 533-17.00-187.00. Staff are in receipt of all agency approvals. Therefore, the Plan is eligible for both Preliminary and Final approvals. Staff would also request that approval of any Plan be subject to the Applicant's inclusion of a Planting Schedule into the proposed Landscape Plan for the solar facility.

Motion by Mr. Mears, seconded by Ms. Wingate, and carried unanimously to approve the Preliminary Site Plan as a preliminary and final, subject to the plan meeting the buffer planting requirements of §99-5, woven fencing, and the inclusion of a Planting Schedule into the proposed Landscape Plan for the solar facility. Motion carried 4-0.

OLD BUSINESS

Ord. 23-07

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00. The properties are lying on the north and south side of Log Cabin Hill Road (S.C.R. 247), the east and west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Addresses: N/A, 28645 Log Cabin Road, Lewes, & 16915 Hudson Road, Milton. Zoning: AR-1 (Agricultural Residential).

The Commission discussed the application, which had been deferred since May 7th, 2025.

Ms. Wingate moved that the Commission recommend approval of ORD. 23-07 to amend the Future Land Use Map within Sussex County's Comprehensive Development Plan based on the record made during the public hearing and for the following reasons:

1. This is an application to amend the Future Land Use Map of the Comprehensive Plan in relation to five tax map parcels containing approximately 637 acres of land with road frontage on Route 9, Cool Spring Road, Log Cabin Hill Road, Josephs Road, and Hudson Road. The properties affected by this request are Sussex County Tax Map and Parcel Numbers 235-27.00-11.00, 12.00, 13.00, 14.00, and 334-4.00-34.00.
2. The subject land is currently designated as a "Low Density Area" on the Future Land Use Map. This application requests that the designation be amended to the "Coastal Area."
3. The area near the subject property contains numerous residential developments and the Route 9 commercial corridor. To the west of the land are the residential developments of Lazy Lake, Shoreview Woods, Hunter's Mill Estates, The Trails of Beaver Creek, and The Meadows of Beaver Creek. To the north are The Communities of Oakridge Acres, Compass Point, Sweet Briar, and The Villages of Red Mill Pond on Sweet Briar Road, and Vincent's Overlook, Overbrook Shores, and other residential developments on Cave Neck Road. In addition, the Sussex Consortium School serving special needs students from all over Sussex County is located on the south side of Sweet Briar Road. To the east, the land is adjacent to the Tall Pines Campground Resort. To the south, the land borders Route 9, the Lewes-Georgetown Bike Trail, and is adjacent to an 18-acre parcel at the northeast corner of Route 9 and Hudson Road, zoned I-1/Institutional, which is the site of the Bayhealth Emergency and Urgent Care Center. On the south side of Route 9, there is a commercial corridor of land zoned C-1, C-2, and CR-1 with a variety of business,

commercial, retail, medical, and office uses. West of Fisher Road on Route 9 is the Cool Spring's Storage facility and an 11-acre parcel zoned C-2, that is proposed to be developed as a 75,000 square foot retail and office complex. On the opposite side of Route 9 is the Stephen Hudson Park being developed by the Sussex County Land Trust as a park with connection to the Lewes-Georgetown Bike Trail. Along Fisher Road are the Cool Spring Farm, Cool Spring Manor, and recently approved Monarch Glen residential developments. All of these nearby uses indicate that this area of Sussex County is more appropriately designated as being within the Coastal Area, a Growth Area, than the current Low Density Area designation. These circumstances also satisfy Objective 4.4.1 of the Comprehensive Plan in that the amendment "Ensures that new development compliments the character of the existing surrounding communities."

4. The subject property's main road frontage is on Route 9. Route 9 is a major Sussex County Road defined in Sections 99-5 and 115-4(B) of the Sussex County Code as the only east/west "Major Arterial Roadway" in eastern Sussex County.
5. This property is serviced by public transportation via a year-round Delaware Transit Corporation DART bus route from Georgetown to the Lewes Park and Ride that connects to the entire DART bus network. This connection into the greater Sussex County public transportation system justifies the map amendment to the Coastal Area.
6. The subject property is served with central public sewer and central public water by Artesian Wastewater Management, Inc.
7. The subject property is adjacent to the location of a Conditional Use granted to Artesian Water Company, Inc. for a one million-gallon, 150 foot tall water tower. The water tower has been constructed and is located on the east side of Cool Springs Road. The subject property surrounds this water facility.
8. The subject property is adjacent to the Bayhealth Emergency and Urgent Care Center located at the intersection of Route 9 and Hudson Road. The Bayhealth facility is designated to serve the greater Milton region, providing a free-standing hybrid Emergency and Urgent Care Center. The center is open 24 hours a day, 7 days a week. The existence of this medical facility at this location is consistent with the Coastal Area designation and the types of uses permitted in that Area.
9. The subject property is within an "Area of Opportunity" as designated by the Delaware State Housing Authority. An "Area of Opportunity" is a strong, high-value market with close job proximity and economic opportunity, high-performing schools, amenities, and supportive infrastructure that help households succeed. DSHA noted that the need for affordable housing, particularly in the Coastal Resort Area, is acute and well-documented. This need for affordable housing is supported in this location, under these circumstances, by the Future Land Use Map amendment to the "Coastal Area." On the other hand, such an "Area of Opportunity" is inconsistent with the current Low Density Area designation, and this change to the Future Land Use Map promotes Goal 8.2 of the Comprehensive Plan by "Ensuring that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations."

10. The northeast portion of the land has an extensive, contiguous boundary with land designated as being in the "Coastal Area," and most of the land to the east is in the "Coastal Area." This map amendment is consistent with the "Coastal Area" designation of these adjacent and nearby properties.
11. The land is currently zoned AR-1. With the current "Low Density" designation, a cluster subdivision with a density of two lots per acre could be developed as a permitted use under Section 115-25 of the Zoning Code and Chapter 4 of the County Comprehensive Plan. A cluster subdivision development of this property could currently result in 1,260 single-family residential lots. The amendment to the Coastal Area designation would allow this property to be more appropriately developed as a master-planned, mixed-use development that provides a variety of housing types and uses. This is also in furtherance of Strategy 4.4.1.5 of the Plan because it "encourages master planning for large-scale development of large parcels."
12. The "Coastal Area" is a "Growth Area" according to the Comprehensive Plan. This proposed Map amendment satisfies the criteria set forth in Section 4.4.2.1 of the Comprehensive Plan for a Growth Area, since: (a) the properties are in proximity to areas where significant commerce and employment exist; (b) the properties will be served by central water and sewer; (c) the properties are adjacent to the Route 9 corridor which is the only "Major Arterial Roadway" running from east to west in eastern Sussex County; (d) the map change will enable development that is in character with what exists or may occur in the area (including the adjacent "Coastal Area"); and (e) the Map change will not adversely impact any major preserved lands.
13. While the Office of State Planning Coordination has stated its objections to this proposed Amendment, the County in its Comprehensive Plan "is signaling that selected new growth areas may be needed to accommodate future development in places the State does not currently view as growth centers according to its 'Delaware Strategies for State Policies and Spending' document". Given all of the circumstances that exist with respect to these properties, and particularly the location along Route 9, this is an appropriate location for the State to recognize that the "Coastal Area" designation is appropriate.
14. By the terms of the Delaware Strategies for State Policies and Spending document, all land use authority remains vested with Sussex County. This is reiterated within the current Sussex County Comprehensive Plan. While the County certainly takes into account the State's recommendations with regard to a Map amendment, the circumstances that have been presented with this application justify this amendment to the Map.
15. This revision of the Future Land Use Map is appropriate given the particular circumstances involved at this location. When several factors like these exist, the consideration and approval of an amendment to the Future Land Use Map is appropriate.
16. For all of the reasons stated, it is the recommendation of the Sussex County Planning and Zoning Commission that the Future Land Use Map designation of the land (Tax Map Parcel Numbers 235-27.00-11.00, 12.00, 13.00, 14.00, and 334-4.00-34.00) be amended from "Low Density" area to "Coastal Area."

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval of ORD 23-07 for the reasons stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

C/Z 2010 CMF Cool Spring, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an MR-RPC Medium Density Residential District – Residential Planned Community for certain parcels of land lying and being in Sussex County, containing 637 acres, more or less. The properties are lying on the north and south side of Log Cabin Hill Road (S.C.R. 247), the east and west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Addresses: N/A, 28645 Log Cabin Road, Lewes, & 16915 Hudson Road, Milton. Tax Map Parcels: 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00.

The Commission discussed the application, which had been deferred since May 7th, 2025.

Ms. Wingate moved that the Commission recommend approval of C/Z 2010 CMF Coolspring, LLC for a change in zone from the AR-1 Agricultural Residential District to an MR-RPC Medium Density-Residential Planned Community District based on the record made during the public hearing and for the following reasons:

1. This is an application to rezone a nearly 637-acre site of land along Route 9, Log Cabin Hill Road, Cool Spring Road, and Hudson Road in eastern Sussex County to an MR-RPC. The purpose of an RPC is "to encourage large-scale developments as a means of creating a superior living environment through unified developments and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan." This purpose is satisfied with this application.

2. This Application also includes a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. The stated purpose of the MR District is satisfied for this site. Both central water and central sewer are available. It is also in an area that is continuing to develop with a more urban character, including nearby large and small business, commercial, retail, and office uses. It is adjacent to the Bayhealth Medical and Surgical Center that provides healthcare and surgical services for all of eastern Sussex County. It is adjacent to Artesian Water Company's 1-million gallon water tower. It is also located along one of DART's bus routes. This rezoning is consistent with the zoning and land uses in the area.
3. Route 9 is classified by DelDOT and County Code as a Major Arterial Roadway. The development complies with the updated Memorandum of Understanding between Sussex County and DelDOT addressing the traffic impacts of a rezoning application. In compliance with the MOU, Century Engineering was retained to perform a Traffic Impact Study, or TIS, to determine the impact of the development under the scope and parameters established by DelDOT. The TIS reviewed the impact at all proposed development access points and at approximately 48 intersections in the area surrounding the development. The TIS, dated June 30, 2022, was reviewed by DelDOT, and DelDOT issued its TIS Review Letter on January 10, 2023. After the TIS Review Letter was issued, the Applicant made changes to the RPC Plan to reduce the number of proposed dwellings and to reduce the number of access points onto area roads from ten to six. These changes reduced the daily and pm peak hour trips associated with the RPC. DelDOT then required an updated review of the TIS based on these changes and required a supplemental sensitivity analysis to identify when recommended road improvements should be implemented. A final revised TIS Review Letter was issued by DelDOT on January 14, 2025. The revised Review Letter requires the Applicant to be responsible for 22 specific roadway and intersection improvements and contribution to existing DelDOT projects that are identified in detail on pages 17 through 24 of the revised TIS Review Letter. The Applicant will be responsible for the improvements and contributions as determined by DelDOT in accordance with the Sussex County-DelDOT MOU as well as the timing of their construction. Recognizing that the buildout of this MR-RPC will occur over a 10-to-25-year period, the timing of construction of these improvements will be identified as part of the MR-RPC's Master Plan as a condition of approval.
4. While the site is currently designated "Low Density" on the Future Land Use Map of the Comprehensive Plan, the Applicant is simultaneously requesting a Future Land Use Map amendment to the "Coastal Area" designation. The Planning and Zoning Commission is recommending approval of this amendment.
5. With the amendment to the Comprehensive Plan's Future Land Use Map, the Comprehensive Plan states that MR Zoning is appropriate in the Coastal Area and that a higher density of 4 to 12 units per acre can occur. The Plan also states that "[a] range of housing types should be permitted, including single-family homes, townhouses, and multi-family units... Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office, and institutional uses can be

appropriate to provide for convenient services and to allow people to work close to home." This project satisfies this objective.

6. For the reasons set forth in this Recommendation, the Applicant has satisfactorily addressed the criteria set forth in §99-9C of the Sussex County Subdivision Code. Additionally, the Applicant has addressed possible archeological and historical impacts of the project through an Archeological Assessment Report and with comments supplied by the State's Historic Preservation Office. This includes the preservation of a small cemetery on the site. The Applicant has also provided a report prepared by the Sage Policy Group regarding the impact of this development on the local school district and including economic benefits through increased tax revenue to the school district as a result of the MR-RPC.
7. Although Sussex County has not yet adopted a Master Plan Ordinance, master planning is a long-standing goal of the County. A development of this size and scope includes residential villages with single family and multi-family housing options; an "affordable" village of 700 multi-family dwellings of various types with 175 units participating in the Sussex County Rental Program, providing work force housing units; a "Town Center" containing retail, service, educational and recreational uses; and an assisted living facility with a medical office building. County staff has confirmed that the plan includes 18.52 acres of commercial uses, which is within the maximum acreage of "commercial uses of convenience and necessity to the development as a whole" in accordance with §115-119(B) of the County Zoning Code. This variety of uses essentially creates a master planned community. This single, large, and interconnected MR-RPC development with an integrated design is preferable to multiple, unrelated single-family subdivisions.
8. The Sussex County Comprehensive Plan states that master planning should be encouraged for large-scale developments on large parcels or groups of parcels with higher density and mixed-use developments to provide flexibility in site design. The 2020 Delaware Strategies for State Policies and Spending also advocates development of "complete communities" that typically include an integrated pedestrian and bike network, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within developments.
9. The development is consistent with the Goals set forth in Chapter 8 of the Comprehensive Plan regarding Housing. The following are examples of Goals, Objectives, and Strategies within Chapter 8 of the Plan that are addressed by this development:

    a. Goal 8.2: "Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations."
    b. Objective 8.2.1: "Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents."
    c. Strategy 8.2.1.3: "Explore ways for private developers to provide more multi-family and affordable housing opportunities."
    d. Objective 8.2.3: "Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure."

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

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

10. The MR-RPC includes site plan review within the rezoning process. The Applicant has provided a master-planned mixed-use site plan with a variety of housing types and commercial uses. Because of this variety, the site plan's design is superior to an exclusively residential or exclusively commercial development. For example, County Staff has noted that the design includes "the provision of Middle Housing units, at various locations through the Plan's Villages and with walkable connections to day-to-day services and open space." The MR-RPC design is substantially better than one more cluster subdivision adding to Sussex County's sprawl – something the County is currently working to reduce. In this case, such a cluster subdivision could include 1,200 homes on 7,500 square foot lots. Instead, the mixed-use design will allow residents to use and enjoy a variety of retail, educational, restaurant, food service, and other varied uses near their homes without having to travel outside of their community. This benefits the residents of this community and County residents by reducing the need to travel on area roadways for these uses.
11. The use will be served by central water and sewer by a publicly regulated utility company.
12. Even though this project is adjacent to a Bayhealth medical facility, Dr. David Tam, the President and CEO of Beebe Healthcare testified in support of this project. Dr. Tam testified that this type of development and housing is needed in eastern Sussex County to recruit and maintain appropriate staffing levels within area healthcare services. Terry Murphy, the President and CEO of Bayhealth also provided a letter supporting this Application, stating that, "Workforce housing in this area of Sussex County is critical as we recruit the clinical and support team members providing services at our Route 9 campus. I feel that [this application] will have the needed impact to ensure that expansion of healthcare services and workforce housing to this population." Without more affordable and varied housing options like what is proposed for this project, it is difficult to recruit support staff and physicians for the entire area healthcare system, whether Beebe, Bayhealth or others.
13. The multi-family residential portion of this development will provide an affordable rental housing option for current and future Sussex County residents. The high price of homes and rentals in much of eastern Sussex County makes housing unaffordable for a lot of the workforce in this area. People cannot afford to live where they work. The Applicant will provide 175 units that will be included in, and administered under, the Sussex County Rental Unit Program governed by Chapter 72 of the Sussex County Code.
14. Sussex County Council declared in Chapter 72, Section 18 of the County Code that it is the public policy of the County to:

a. Encourage the creation of a full range of housing choices, conveniently located in

suitable living environments, for all incomes, ages, and family sizes.

b. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
c. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
d. Encourage developments in Growth Areas as defined within the County's Comprehensive Plan and Areas of Opportunity as defined by DSHA to include a minimum percentage of affordable rental units on public water and sewer systems.

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

15. The Future Land Use Element of the Comprehensive Plan states that Sussex County should "expand affordable housing opportunities, particularly in areas near job centers and the Delaware State Housing Authority's 'Areas of Opportunity'." DSHA has indicated that this project is in an Area of Opportunity where diverse housing types should be supported. This means that the area has high-quality schools, supportive infrastructure, and the capacity to support diverse and affordable housing types. DSHA noted that the need for affordable housing in the coastal resort area of Sussex County is acute and well-documented. This was affirmed by a letter from the Housing Alliance Delaware stating that there is an acute need for affordable housing options near the eastern coast of Sussex County and supporting this project. The Alliance noted that the project is "a step towards addressing the pressing housing needs in our community while also promoting a vibrant, inclusive environment."
16. The site is located along a bus transit route operated year-round by DART from Georgetown to the Lewes Park and Ride and connections to the entire DART bus network.
17. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
18. Surface and groundwater pollution will be prevented through the design and construction of the development and its stormwater management facilities using an erosion and sediment control plan in accordance with the requirement of and under the jurisdiction of the Sussex County Conservation District and DNREC. Conversion of the property from Agricultural use to the proposed development will decrease the nitrogen and phosphorus loading on the property.
19. The property currently contains approximately 217 acres of woodlands. Approximately 114 acres or 53% of the existing woodlands will be preserved within approximately 295 acres of open space that will exist throughout the site. The majority of the woodlands being removed are in areas that have been timbered in the past and contain tree species typical of prior timbered land. The majority of the woodlands being preserved are mature woodlands and will be preserved and protected as part of a Conservation Area.
20. The eastern boundary of the site contains a single perennial stream, Martin Branch, and

associated non-tidal wetlands containing 29.6 acres. The stream and non-tidal wetlands will be preserved and protected as part of a Conservation area.

21. The buffers required by the Sussex County Resource Buffer Ordinance as to Martin Branch and the adjacent non-tidal wetlands will provide a Resource Buffer 45 feet in width containing 13.73 acres of forested land. Adjacent to the Resource Buffers, the Applicant is creating an additional preservation and conservation area containing 61.61 acres of forested land with the exception of a 2.6 acre open field area that will be maintained as a Natural Meadow. This additional Conservation Area substantially increases the width of the wetland buffer to an average 130 feet. The required 30-foot Resource Buffer would contain 9.24 acres. The actual buffer provided within the proposed design expands the total Buffer area to 75.34 acres, over eight times the area of the required Resource Buffer.
22. All of the area comprising Martin Branch, the adjacent non-tidal wetlands, the expanded Resource Buffer and the voluntary Conservation Area, totaling approximately 104.93 acres or over 16% of the site, will be subject to a Declaration of Restrictions permanently preserving it as a Conservation Area and a Buffer Management Plan providing for the management and stewardship of the Area.
23. With conditions imposed, including the affordable housing units administered under the County's SCRP Program, this mixed-use, master-planned project meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
24. This recommendation is subject to the following conditions:

    A. There shall be no more than 1,922 residential units within the MR-RPC comprised of 534 single family homes on individual lots and 1,388 multi-family units. The units shall be phased in pursuant to a phasing plan submitted as part of the Final Site Plan review. 175 of the Village A units shall be subject to the Sussex County SCRP Program administered under Chapter 72 of the Sussex County Code. Village A shall be constructed as part of the first phase of the residential development of this project.

    B. The MR-RPC Master Plan shall provide a tabular breakdown of all types of residential units and commercial floor areas within it. This tabular breakdown shall also identify the number of SCRP and Workforce Housing (Accelerator Fund) units included in the project and identify the distribution and location of these units throughout the project. Given the size and complexity of this RPC, any future requests to revise its site plan shall be accompanied by a revised Master Plan showing the requested updates to the tabular breakdown, including a table summarizing the date and nature of each revision.

    C. The RPC Town Center commercial uses shall conform to the uses shown on the Preliminary Site Plan, and the land dedicated to these commercial uses shall not exceed 19.22 acres. The Applicant proffered that the YMCA will have a location within the Town Center. Under a separate conditional use, there is an educational facility with the RPC as well. Both of these facilities shall be constructed within the first phase of the Town Center.

D. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the Applicant in accordance with the final revised TIS Review Letter dated January 14, 2025, along with any additional requirements that DelDOT may impose. There shall be interconnectivity provided to the Bayhealth property adjacent to the Town Center, with signage on the site indicating that pedestrian and vehicular interconnectivity will occur at this location. The design and location of this signage shall be shown on the Final Site Plan, and the signage shall be installed when sitework first begins within the MR-RPC. This interconnectivity shall be fully constructed and open for use by residents prior to the issuance of the first Certificate of Occupancy for the first commercial unit within the Town Center.

E. As stated by the Applicant, there will be a clubhouse with a minimum of 7,500 square feet of floor area, including a refreshment area, a fitness center, space for group fitness exercise, a children's play area, meeting and gathering rooms, casual areas, staff offices, restrooms, and storage. Adjacent to the clubhouse, there shall be an outdoor resort-style swimming pool, a hot tub area, and a separate children's pool and splash play area. All of these pool areas shall be surrounded by an expansive deck with shaded and unshaded areas. The amenities shall also include tennis/pickleball courts, bocce courts, and a green space picnic area with fire pits, grills, seating, and open space for special events and entertainment. The MR-RPC Master Plan shall include a description of the types and frequency of special events and entertainment that will occur in this area and identify the specific area utilized as part of these events. There shall be 4 additional outdoor pools with bathhouses located in Village B, D & G, and between Villages E & F. The site will also include larger village parks, smaller neighborhood parks, and recreational features to be determined at the time of site plan approval for each phase of the RPC. All amenities shall be constructed and open for use in accordance with §115-194.5 of the Zoning Code.

F. The development shall be connected to Artesian Water Company's sanitary sewer system.

G. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.

H. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Master Plan and each site plan for each phase of the RPC shall contain the approval of the Sussex Conservation District.

I. The internal main roads that intersect with Hudson Road, Log Cabin Road, and Route 9 (being the main roads that separate and serve the various Villages within the RPC) shall be constructed to DelDOT specifications and dedicated to DelDOT. For the remainder of the internal roadways, the street design shall comply with or exceed Sussex County standards. There shall be sidewalks on both sides of all streets with interconnection between the sidewalks and DelDOT-mandated multi-modal paths. The roads to be dedicated to DelDOT in accordance with this condition shall be identified

as such on the Master Plan for the MR-RPC.

J. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.

K. The Applicant shall consult with the local school district's transportation manager to determine school bus stop locations. The location of these bus stops shall be shown on the Master Site Plan.

L. As shown on the Preliminary Site Plan, Resource Buffers required by Sussex County Code Section 115-193 shall be created to include waters, wetlands, their associated Resource Buffers and the additional areas shown on the Preliminary Site Plan, all of which shall be permanently protected, delineated and described on the RPC's Master Site Plan and within a recorded Declaration of Covenants and Buffer Management Plan for the community. This area shall be protected as part of a dedicated Conservation Area, with the location and details of this Conservation Area shown on the RPC's Master Plan.

M. There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of the MR-RPC in accordance with Sections 99-5 and 115-25 of the Sussex County Code. This buffer shall utilize existing forest or similar vegetation that exists within it. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. Signage identifying this buffer as a "non-disturbance area" shall be installed along the buffer at 300-foot intervals. This buffer area shall expand to a width of 50 feet in areas along other land used for agricultural purposes, as shown on the Preliminary Site Plan. These buffer areas shall be completed within each phase prior to the issuance of any Certificates of Occupancy for homes within that phase.

N. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and between 8:00 am and 2:00 pm on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrances during construction.

O. Approximately 114 acres of the existing 217 acres of woodlands shall be preserved. The RPC's Master Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.

P. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.

Q. As proffered by the Applicant, each residential unit shall be obligated to make an annual payment of $50.00 to the Milton Volunteer Fire Company and $50.00 to the Lewes Volunteer Fire Company beginning with the issuance of a residential Certificate of Occupancy for each residential unit in the RPC. These fees shall be collected and paid by the applicable homeowners' or condominium association within the RPC. As

also proffered by the Applicant, there shall also be an annual contribution in the total amount of $58,000.00 to these two fire companies in correlation with the construction of the commercial space within the Town Center. These contribution requirements shall be set forth on the MR-RPC's Master Plan. A copy of this Ordinance shall also be provided to the two Fire Companies as a condition of Master Site Plan approval. However, if the State or County enacts a separate law governing the mandatory payment or contribution to Fire/EMS service applicable to the residential units or Town Center, then this condition shall no longer apply.

R. The Cape Henlopen School District has commented that its schools are at capacity and that new development should contribute to the district's need to expand its facilities to accommodate the additional students that will enroll as a result of the development. Therefore, Sussex County Council should consider establishing a contribution to the Cape Henlopen School District to be paid by the Developer to the District upon completion of each residential unit within the development.

S. There will be many entrances, off-site roadways, and intersection improvements constructed to provide safe vehicular and pedestrian access to the development and within area roadways. Given the location and size of the development, the Applicant shall coordinate with DelDOT and provide a phasing schedule that shall establish the timeframe and phasing of the construction of the commercial buildings, mixed-use buildings and residential buildings and the construction of the off-site entrance and roadway improvements that DelDOT will require as a result of this development. The phasing schedule shall be coordinated between the Applicant and DelDOT, and it shall be presented to the Planning and Zoning Commission for consideration as part of the RPC's Master Site Plan.

T. The Applicant shall continue to coordinate with DelDOT and other state agencies, Sussex County, and the Sussex County Land Trust to establish an improved and safe pedestrian and bicycle crossing of Route 9 for the Georgetown-Lewes Trail in conjunction with the interconnection of that trail to the internal roads and pathways within the RPC. The details and design of this crossing, along with all access points from the RPC to the trail, shall be provided as part of the RPC's Master Site Plan.

U. The Master Plan and each phase's site plan with the RPC and the recorded restrictive covenants shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice along with a similar notice that hunting activities may also occur on nearby properties.

V. There is a cemetery located on the eastern side of Village A within the RPC. The Master Plan shall include an area for visitor parking with access to the cemetery area.

W. Each phase's site plan shall include a grading plan for the RPC. No building permit shall be issued for individual lots or residential units until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to and the Building Code Department demonstrating general conformity with the individual lot grading plan.

X. The Master Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffers and open space areas throughout the RPC.

The Landscape Plan shall clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.

Y. A revised Preliminary Site Plan shall either depicting or noting these conditions must be submitted to the Office of Planning and Zoning. In addition, these conditions shall be noted within the RPC's Master Plan and the site plan for each phase of the RPC.

Z. The Master Site Plan shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Mr. Collin stated he would have loved to have a proposal before the Commission to place the subject land within land preservation, to reforest the part of the land that is currently agricultural; however, that is not the application currently placed before the Commission; that he is not permitted to vote solely on his personal preference; that the current application will allow for preservation of more land, forest and open space than Sussex County Code currently requires; that the plan provides affordable workforce housing, and the plan meets many requirements that Sussex County has set to what is preferred to be developed.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval of C/Z 2010 CMF Cool Spring, LLC for the reasons stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

C/U 2441 CMF Cool Spring, LLC

An Ordinance to grant a Conditional Use of land in an MR-RPC Medium Density Residential District – Residential Planned Community for an educational facility to be located on a 2.65 acre portion of a certain parcel of land lying and being in Sussex County, containing 194.17 acres, more or less. The property is lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290) and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and Lewes Georgetown Highway (Rt. 9). 911 Address: N/A. Tax Map Parcel: 235-27.00-11.00.

The Commission discussed the application, which had been deferred since May 7th, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2441 CMF Coolspring, LLC for a Conditional Use within an MR-RPC Medium Density-Residential Planned Community District for an educational facility based on the record made during the public hearing and for the following reasons:

1. For the reasons and with conditions stated in its Motion, the Planning & Zoning Commission has recommended approval of C/Z 2010 to create a Medium Density-Residential Planned Community District on a 637-acre site of land along Route 9, Log Cabin Hill Road, Cool Spring Road, and Hudson Road in eastern Sussex County. That motion recognized that this is an area that is continuing to develop with nearby large and small business, commercial, retail, and office uses. It is adjacent to the Bayhealth Medical and Surgical Center, which provides healthcare and surgical services for all of eastern Sussex County. It is adjacent to Artesian Water Company's 1-million-gallon water tower. It is also located along one of DART's bus routes that interconnects with Lewes, Milton, Georgetown, and the statewide public transportation system. The site is also located along Route 9, which is classified by DelDOT and County Code as a Major Arterial Roadway.
2. For the reasons stated in its Motion, the Planning & Zoning Commission has also recommended that the land area designation be changed from the "Low Density Area" to the "Coastal Area" within the Future Land Use Map of the County's Comprehensive Plan.
3. Based upon those prior recommendations and the circumstances of this location, it is appropriate to also recommend approval of an education facility within the MR-RPC. This facility will be located within the Town Center of the MR-RPC, and it will consist of two buildings with classrooms and administrative offices. One building would be for college-level instruction, offering associate degree courses and professional certifications. The second building would be used for adult learning courses.
4. These proposed educational uses are of a public or semi-public character and are essential and desirable for the general convenience and welfare of Sussex County and its existing and future residents and visitors.
5. With the conditions imposed on the MR-RPC and this conditional use, these facilities will not adversely affect neighboring properties or area roadways. Since they are located within the MR-RPC, they will be subject to the extensive roadway improvements and financial contributions required by DelDOT as part of its TIS Review Letter for the MR-RPC dated January 14, 2025.
6. This recommendation is subject to the following conditions:

    A. This recommendation is conditioned on the approval of Ordinance No. 23-07 to amend the Future Land Use Map within the Comprehensive Plan from the current "Low Density" Area designation to the "Coastal Area" designation for this property. It is also

conditioned upon the approval of C/Z 2010 to create the MR-RPC within which this assisted living facility and medical office building would be located.

B. These uses are subject to the applicable conditions of approval imposed upon C/Z 2010, and those conditions of approval are incorporated herein by reference.
C. The uses shall be limited to an educational facility providing college-level and professional certification-type courses, along with adult education courses within two buildings. Building One shall not exceed 45,000 square feet in size, and Building Two shall not exceed 30,000 square feet in size.
D. All parking shall be shown on the Final Site Plan for this conditional use. The Final Site Plan shall also contain a tabular description of the parking spaces required for these uses as they relate to the parking calculations for the entire MR-RPC that is the subject of C/Z 2010.
E. All dumpsters or trash receptacles associated with this use shall be screened from the view of neighboring properties and roadways within the MR-RPC. The location of these items shall be shown on the Final Site Plan.
F. The Final Site Plan for this conditional use shall identify the timing of its construction in relation to the phasing and construction of the overall MR-RPC, including the timing and phasing of roadway improvements required for the MR-RPC. This information shall align with the timing and phasing information for these improvements that is also required to be shown on the Master Site Plan for the MR-RPC as part of the approval of C/Z 2010.
G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2441 CMF Cool Spring, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and stipulations stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and stipulations stated in the motion.

C/U 2442 CMF Cool Spring, LLC

An Ordinance to grant a Conditional Use of land in an MR-RPC Medium Density Residential District – Residential Planned Community for an assisted living facility and medical offices to be located on a 13.86 portion of a certain parcel of land lying and being in Sussex County, containing 194.17 acres, more or less. The property is lying on the south side of Log Cabin Hill Road (S.C.R. 247), the west side of Cool Spring Road (S.C.R. 290), the east side of Hudson Road (S.C.R. 258), and the north side of Lewes Georgetown Highway (Rt. 9) at the intersection of Cool Spring Road (S.C.R. 290) and Lewes Georgetown Highway (Rt. 9). 911 Address: N/A. Tax Map Parcel: 235-27.00-11.00.

The Commission discussed the application, which had been deferred since May 7th, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2442 CMF Coolspring, LLC for a Conditional Use within an MR-RPC Medium Density-Residential Planned Community District for an assisted living facility and medical office based on the record made during the public hearing and for the following reasons:

1. For the reasons and with conditions stated in its Motion, the Planning & Zoning Commission has recommended approval of C/Z 2010 to create a Medium Density-Residential Planned Community District on a 637-acre site of land along Route 9, Log Cabin Hill Road, Cool Spring Road, and Hudson Road in eastern Sussex County. That motion recognized that this is an area that is continuing to develop with nearby large and small business, commercial, retail, and office uses. It is adjacent to the Bayhealth Medical and Surgical Center, that provides healthcare and surgical services for all of eastern Sussex County. It is adjacent to Artesian Water Company's 1-million-gallon water tower. It is also located along one of DART's bus routes that interconnects with Lewes, Milton, Georgetown, and the statewide public transportation system. The site is also located along Route 9, which is classified by DelDOT and County Code as a Major Arterial Roadway.
2. For the reasons stated in its Motion, the Planning & Zoning Commission has also recommended that the land area designation be changed from the "Low Density Area" to the "Coastal Area" within the Future Land Use Map of the County's Comprehensive Plan.
3. Based upon those prior recommendations and the circumstances of this location, it is appropriate to also recommend approval of an Assisted Living and Medical Office Building within the MR-RPC. Both of these facilities will be located within the Town Center of the MR-RPC, each within its own separate building.
4. These uses compliment the Bayhealth Emergency and Urgent Care Center adjacent to the MR-RPC. Terry Murphy, the President and CEO of Bayhealth, provided a letter in support of the MR-RPC, which includes these uses. Likewise, Dr. David Tam, the President and CEO of Beebe Healthcare, also supported the MR-RPC. There is an undisputed need for more healthcare facilities throughout all of Sussex County, and these two facilities will help address that need by serving not only the residents of the MR-RPC but also residents throughout eastern Sussex County.

5. These proposed medical and healthcare uses are of a public or semi-public character and are essential and desirable for the general convenience and welfare of Sussex County and its existing and future residents and visitors.
6. With the conditions imposed on the MR-RPC and this conditional use, these facilities will not adversely affect neighboring properties or area roadways. Since they are located within the MR-RPC, they will be subject to the extensive roadway improvements and financial contributions required by DelDOT as part of its TIS Review Letter for the MR-RPC dated January 14, 2025.
7. This recommendation is subject to the following conditions:

    A. This recommendation is conditioned on the approval of Ordinance No. 23-07 to amend the Future Land Use Map within the Comprehensive Plan from the current "Low Density" Area designation to the "Coastal Area" designation for this property. It is also conditioned upon the approval of C/Z 2010 to create the MR-RPC within which this assisted living facility and medical office building would be located.
    B. These uses are subject to the applicable conditions of approval imposed upon C/Z 2010, and those conditions of approval are incorporated herein by reference.
    C. The uses shall be limited to an assisted living facility and a medical office building. Each use shall be located within its own building. The Assisted Living Facility shall not exceed 71,500 square feet of floor area, and the medical office building shall not exceed 25,000 square feet of floor area.
    D. The Assisted Living Facility shall not house more than 100 residents at any one time.
    E. All parking shall be shown on the Final Site Plan for this conditional use. The Final Site Plan shall also contain a tabular description of the parking spaces required for these uses as they relate to the parking calculations for the entire MR-RPC that is the subject of C/Z 2010.
    F. All dumpsters or trash receptacles associated with this use shall be screened from view of neighboring properties and roadways within the MR-RPC. The location of these items shall be shown on the Final Site Plan.
    G. The Final Site Plan for this conditional use shall identify the timing of its construction in relation to the phasing and construction of the overall MR-RPC, including the timing and phasing of roadway improvements required for the MR-RPC. This information shall align with the timing and phasing information for these improvements that is also required to be shown on the Master Site Plan for the MR-RPC as part of the approval of C/Z 2010.
    H. The Final Site Plan shall be subject to the review and approval and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2442 CMF Cool Spring, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

C/U 2565 F & N Vazquez Concrete, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential and a GR General Residential District for a concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products, including crushing operations to be located on a certain parcel of land lying and being in Sussex County, containing 32.95 acres, more or less. The property is lying on the west side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224). 911 Address: N/A Tax Map Parcel: 230-13.00-36.00.

The Commission discussed the application, which had been deferred since April 16th, 2025.

Mr. Collins moved that the Commission recommend approval of C/U 2565 F & N Vazquez Concrete, LLC for a concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products and crushing operations on land zoned AR-1 and GR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a conditional use approval for the operation of a concrete/masonry business that includes the following uses: (a) the recycling of aggregate products such as concrete and asphaltic concrete; (b) a crushing operation that processes nonmetallic mineral products for private and public construction industries; (c) topsoil screening to separate materials delivered to the site; (d) construction industry retail sales; (e) an office; (f) the operation of a concrete and masonry business and (g) storage areas for the proposed uses and materials.
2. The property is the subject of Conditional Use No. 492 for a borrow pit. That Conditional Use remains in effect and will be supplemented by these additional uses.
3. The adjacent property to the north and east is a large, wooded property. The adjacent properties to the south and east are wooded along Cedar Creek, with the area beyond that used for agricultural purposes. The adjacent property to the west is a railroad, and the elevation of the railroad tracks is approximately 15 feet higher than the subject property,

providing a berm-like screen from the residential properties on the other side of the railroad tracks. In addition, the Applicant has proposed a 50-foot-wide vegetated buffer of native species along the northern and western boundaries of the site, along with a 50-foot-wide buffer area along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. Under these circumstances, the proposed uses in addition to those permitted under the current borrow pit approval will not adversely impact neighboring properties, roadways, or the community.

4. The use as a recycling and crushing facility for concrete and similar materials will benefit the citizens and the environment of Sussex County. By recycling and reusing this material, there will be a reduction of materials going to the landfills.
5. The property is currently landlocked and is accessed via a recorded easement. This current easement is utilized for the borrow pit operations and will continue to be used for these additional operations on the site.
6. DelDOT has determined that the proposed conditional use will have a "negligible" impact on area roadways and traffic.
7. The property is primarily located in the Low-Density Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. A small portion of the site is located within the Existing Development Area according to the Plan. This Conditional Use is consistent with these Area designations, since the use provides a location to recycle aggregate and asphaltic concrete materials with a minimal need for infrastructure or other government-related services.
8. This recommendation is subject to the following conditions:

   A. Conditional Use No. 492 shall remain in effect on this site unless specifically modified by these conditions.
   B. In addition to the uses permitted under Conditional Use No. 492, this approval shall allow the following uses to occur on the site:

      (i) Storage of aggregate products such as concrete and asphalt millings;
      (ii) a crushing operation that processes concrete for private and public construction industries;
      (iii) topsoil screening to separate materials delivered to the site;
      (iv) construction industry retail sales of stone, concrete, and asphaltic construction products and products used for these construction materials;
      (v) an office;
      (vi) the operation of a concrete and masonry business; and
      (vii) storage areas for the proposed uses and materials.

   C. No wood or metal chipping or grinding shall occur on the site, and no organic waste shall be brought to or from the site. No milling activities shall occur on the site. While concrete and asphalt millings may be brought to the site, they may only be temporarily stored on the site. The location of the temporary storage area for millings brought to

the site shall be shown on the Final Site Plan.

D. Crushing operations shall only occur between the hours of 9:00 a.m. through 4:00 p.m., Monday through Friday. No Saturday or Sunday hours shall be permitted.
E. Materials may only be accepted at the site or delivered from the site between the hours of 7:00 am and 5:00 pm, Monday through Friday. In addition, no trucks, trailers, or other vehicles shall be permitted to wait or "stack" within the access easement or along area roadways outside of these permitted hours. There shall be signages confirming this prohibition installed at the site's entrance and along the easement. The details of this signage shall be shown on the Final Site Plan.
F. The crushing machine shall be located no less than 250 feet from all property boundary lines. This limited area of use shall be shown on the Final Site Plan.
G. A 50-foot-wide vegetated buffer planted with native species shall be installed along the northern and western boundaries of the site. The number and details of the vegetation to be planted shall comply with the requirements for vegetated buffers contained in Section 99-5 of Chapter 99 of the County Code. In addition, a 50-foot-wide buffer area shall be established along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. These buffer areas shall be shown on the Final Site Plan and clearly marked with signage on the site itself declaring them as non-disturbance areas. The vegetation and trees to be planted shall also be shown on the Final Site Plan.
H. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
I. Fuel may be stored on the site. The location of this fuel storage area shall be shown on the Final Site Plan. The fuel storage shall comply with all state and federal requirements.
J. Water or a water truck shall be available and used at all times to control dust within the site. The specific dust-control measures shall be identified on the Final Site Plan.
K. One lighted sign shall be permitted. It shall not be greater than 32 square feet per side.
L. The only entrance to the property shall be via the existing recorded easement providing access to and from the site via Greentop Road. The entrance to the site via this easement shall be secured when the business is not in operation. The applicant shall also comply with any and all roadway and entrance improvements required by DelDOT as a result of this use or at the point where the easement intersects with Greentop Road.
M. The Applicant shall comply with all State and County erosion and sedimentation control regulations.
N. A violation of these conditions may result in the termination of this Conditional Use.
O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to recommend approval of C/U 2565 F & N Vazquez Concrete, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

2023-12 Windscape Farms

A cluster subdivision to divide 26.4 acres +/- into forty-nine (49) single-family lots, to be located on a certain parcel of land lying in Sussex County. The property is lying on the northwest side of Pettyjohn Road (S.C.R. 255) approximately 0.75-mile northeast of Prettyman Road (S.C.R. 254). 911 Address: N/A. Tax Map Parcel: 235-25.00-45.01. Zoning District: AR-1 (Agricultural Residential).

The Commission discussed the application, which had been deferred since June 4th, 2025.

Chairman Wheatley advised the Commission that although he was not present at the public hearing held on June 4, 2025, he had reviewed the record and listened to the live stream of the public hearing and believed himself to be qualified to vote on the application.

Mr. Collins moved that the Commission grant preliminary approval for 2023-12 Windscape Farms Subdivision with conditions and limitations based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision of 49 single-family lots upon 26.4 acres. This results in a density below the maximum density permitted within the AR-1 Zoning District. All of the lots will have a minimum size of 7,500 square feet.
2. This application complies with the Subdivision and Zoning Codes. Therefore, it is appropriate to approve the subdivision with conditions.
3. The subdivision is located within the Low-Density Area according to the Future Land Use Map that is contained in the Sussex County Comprehensive Plan. The subdivision is permissible in the Low-Density Area according to the Plan, which states that homes should be permitted with densities of up to two units per acre. This subdivision complies with the directives of the Comprehensive Plan.
4. The project will be served by central water and central wastewater.

5. DelDOT has determined that the proposed subdivision would be considered to have a minor impact on the local area roadways. DelDOT has determined that in this case it is appropriate for the Applicant to pay an Area Wide Study Fee instead of performing a Traffic Impact Study. In addition to this fee, DelDOT has stated that at a minimum, Pettyjohn Road in front of the site will need to be improved in both travel lanes. These road improvements will be funded and performed entirely by the Applicant. As the site plan for this subdivision is finalized, DelDOT will also be required to approve all entrance and roadway designs and construction to ensure that safe vehicular and pedestrian movement within the site and onto the road network occurs. Although there were opinions expressed about area traffic and roadways during the hearing, DelDOT did not object to the development or its impact upon area roadways or traffic, or state that there are any deficiencies that would be created or impacted by this subdivision.
6. This subdivision has a design that is superior to that of a standard subdivision for many reasons, including the following:

    A. The lots and amenities are clustered on the most environmentally suitable portions of the property. The Applicant explained that an inspection of the property occurred, and the most appropriate areas for preservation were identified. Then, the roads and lots were laid out.
    B. The design includes substantial tree preservation by preserving approximately 5.5 acres of existing woodlands. These would likely be clear-cut if this development were designed as a standard subdivision instead of this cluster design.
    C. The design includes approximately 13.5 acres of land that will be open space. This represents approximately 51% of the site, which significantly exceeds the Code's 30% open space requirement. This also substantially exceeds the amount of open space that would exist within a standard subdivision of ¾ acre lots.
    D. There will be a buffer that is at least 30 feet in width around the subdivision. This buffer expands to at least 50 feet in width along adjacent properties that are in agricultural use.

7. Section 99-9C of the Subdivision Code requires the Commission to review 17 different items relating to the site plan. The Applicant has addressed the requirements of Section 99-9C of the Code.
8. As a result of all of these reasons and based upon the record that was presented, this application complies with the standards of the Sussex County Subdivision and Zoning Codes and the development will not have an adverse impact on area properties, roadways, or public/community facilities.
9. This subdivision will be interconnected with the existing Four Winds Farm subdivision as well as Subdivision No. 2024-12 known as Symphony Glen. As stated by the Applicant, this subdivision will share the amenities within Symphony Glen.
10. This preliminary approval is subject to the following conditions:

    A. There shall be no more than 49 lots within the subdivision.

B. The Final Site Plan shall confirm that approximately 13.49 acres, or roughly 51.2% of the site, will remain as open space. Within this open space, there will be approximately 5.5 acres of preserved woodlands. The areas of woodlands to be preserved shall be shown on the Final Site Plan as "Non-Disturbance Areas." Silt fencing shall be installed along the perimeter of these wooded areas to avoid disturbance during sitework and construction.
C. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, conservation areas, buffers, stormwater management facilities and other common areas.
D. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
E. There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of this subdivision in accordance with Sections 99-5 and 115-25 of the Sussex County Code. This buffer shall utilize existing forest or similar vegetation that exists within it. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. The vegetated area of this buffer may be reduced to 20 feet along the northeast side of the site to accommodate the existing utility easement in that area. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. Signage identifying this buffer as a "non-disturbance area" shall be installed along the buffer at 300-foot intervals. This buffer area shall expand to a width of 50 feet in areas along other land used for agricultural purposes, as shown on the Preliminary Site Plan.
F. The development shall comply with all DelDOT entrance and roadway improvement requirements.
G. The street designs shall meet or exceed Sussex County's standards. There shall also be sidewalks installed on at least one side of all streets, along with a connection to the DelDOT multi-modal path. A streetlighting system that provides lighting in a downward direction with minimal uplighting shall be provided.
H. As stated by the applicant, this subdivision shall share the recreational amenities within Subdivision No. 2024-12 (Symphony Glen) next door. These shared amenities shall be referenced on this development's Final Site Plan and recorded covenants as well as those for Subdivision No. 2024-12 (Symphony Glen). There shall also be a small, landscaped park with a gazebo and benches located within this Subdivision.
I. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
J. Street design shall meet or exceed Sussex County standards.
K. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.

L. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 2:00 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
M. The Applicant shall coordinate with the local school district regarding the location of school bus stops within the subdivision. The location of the bus stop areas shall be shown on the Final Site Plan.
N. The Final Site Plan and Recorded Restrictive Covenants shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice. These documents shall include a similar notice that hunting activities may also occur on nearby properties.
O. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffers and open space areas. The Landscape Plan shall clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.
P. The Final Site Plan shall include a Grading Plan for each phase of the subdivision. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
Q. Prior to the issuance of a building permit for each lot, the developer shall make a contribution in the amount of $500.00 to the Milton Fire Company. This contribution requirement shall be set forth on the Final Site Plan.
R. This subdivision shall have roadway interconnection with Subdivision No. 2024-12 (Symphony Glen) and the Four Winds Farm Subdivision (Subdivision No. 2021-25). These points of interconnection shall be marked with signage at all times during construction and during the initial sales of the lots within the subdivision. The interconnectivity shall remain open at all times to vehicular traffic. In addition, the Final Site Plan shall provide pedestrian interconnectivity in the form of a paved pathway or sidewalk between this subdivision and Subdivision No. 2024-12 (Symphony Glen), providing direct access to the amenities within Subdivision No. 2024-12 (Symphony Glen). This pathway or sidewalk shall be shown on the Final Site Plan for this subdivision.
S. A revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.
T. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to grant preliminary subdivision approval for 2023-12 Windscape Farms, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

2024-12 Symphony Glen

A cluster subdivision to divide 109.65 acres +/- into two hundred and nineteen (219) single-family lots, to be located on a certain parcel of land lying in Sussex County. The property is lying on the northwest side of Pettyjohn Road (S.C.R. 255) approximately 0.20-mile northeast of Prettyman Road (S.C.R. 254). 911 Address: N/A. Tax Map Parcel: 235-25.00-44.00. Zoning District: AR-1 (Agricultural Residential).

The Commission discussed the application, which had been deferred since June 4th, 2025.

Chairman Wheatley advised the Commission that although he was not present at the public hearing held on June 4, 2025, he had reviewed the record and listened to the live stream of the public hearing and believed himself to be qualified to vote on the application.

Mr. Collins moved that the Commission grant preliminary approval for 2024-12 Symphony Glen Subdivision with conditions and limitations based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision of 219 single-family lots upon 109.65 acres. This results in a density within the maximum density permitted within the AR-1 Zoning District. All of the lots will have a minimum size of 7,500 square feet.
2. This application complies with the Subdivision and Zoning Codes. Therefore, it is appropriate to approve the subdivision with conditions.
3. The subdivision is located within the Low-Density Area according to the Future Land Use Map that is contained in the Sussex County Comprehensive Plan. The subdivision is permissible in the Low-Density Area according to the Plan, which states that homes should be permitted with densities of up to two units per acre. This subdivision complies with the directives of the Comprehensive Plan.

4. The project will be served by central water and central wastewater.
5. DelDOT has determined that the proposed subdivision would be considered to have a major impact on the local area roadways. A Traffic Impact Study was required, and one was prepared. A Traffic Impact Study Review letter was issued by DelDOT on May 27, 2025. The TIS considered 10 different nearby intersections and 11 different committed developments in addition to existing traffic. Existing and projected traffic data was evaluated with and without the project being built. In light of all of this information, DelDOT will require substantial off-site roadway and intersection improvements to be constructed or funded by the developer. As the site plan for this subdivision is finalized, DelDOT will also be required to approve all entrance and roadway designs and construction to ensure that safe vehicular and pedestrian movement within the site and onto the road network occurs. Although there were opinions expressed about area traffic and roadways during the hearing, DelDOT did not object to the development or its impact upon area roadways or traffic.
6. This subdivision has a design that is superior to that of a standard subdivision for many reasons, including the following:

    A. The lots and amenities are clustered on the most environmentally suitable portions of the property. The Applicant explained that an inspection of the property occurred, and the most appropriate areas for preservation were identified. Then, the roads and lots were laid out. Almost every lot backs up to open space.
    B. The site is mostly used for agricultural purposes at this time. However, the design includes substantial preservation of the existing trees by preserving approximately 4.76 acres of woodlands. These would likely be clear-cut if this development was designed as a standard subdivision instead of this cluster design.
    C. The design includes approximately 52.9 acres of land that will be open space. This represents approximately 48.2% of the site, which significantly exceeds the Code's 30% open space requirement. This also substantially exceeds the amount of open space that would exist within a standard subdivision of ¾ acre lots.
    D. There will be a buffer that is at least 30 feet in width around the subdivision. This buffer expands to at least 50 feet in width along adjacent properties that are in agricultural use.

7. Section 99-9C of the Subdivision Code requires the Commission to review 17 different items relating to the site plan. The Applicant has addressed the requirements of Section 99-9C of the Code.
8. There are Resources on the site as that term is defined in the Zoning Code. The Applicant has submitted a Drainage Assessment Report and a Resource Buffer Management Plan for

these Resources and the Resource Buffers. The Resource Buffers will meet or exceed what is required by Section 115-193 of the Zoning Code.

9. As a result of all of these reasons and based upon the record that was presented, this application complies with the standards of the Sussex County Subdivision and Zoning Codes and the development will not have an adverse impact on area properties, roadways, or public/community facilities.
10. This subdivision will be interconnected with the existing Four Winds Farm subdivision as well as Subdivision No. 2023-12 known as Windscape Farms. As stated by the Applicant, this subdivision will share its amenities with Windscape Farms.
11. This preliminary approval is subject to the following conditions:

    A. There shall be no more than 219 lots within the subdivision.
    B. The Final Site Plan shall confirm that approximately 52.9 acres, or roughly 48.2% of the site, will remain as open space. Within this open space, there will be approximately 4.76 acres of preserved woodlands. The acres of woodlands to be preserved shall be shown on the Final Site Plan as "Non-Disturbance Areas." Silt fencing shall be installed along the perimeter of these wooded areas to avoid disturbance during sitework and construction.
    C. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, conservation areas, buffers, stormwater management facilities, and other common areas.
    D. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
    E. There shall be a vegetated or forested buffer that is at least 30 feet wide installed along the perimeter of this subdivision in accordance with Sections 99-5 and 115-25 of the Sussex County Code. This buffer shall utilize existing forest or similar vegetation that exists within it. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area. Signage identifying this buffer as a "non-disturbance area" shall be installed along the buffer at 300-foot intervals. This buffer area shall expand to a width of 50 feet in areas along other land used for agricultural purposes as shown on the Preliminary Site Plan.
    F. A Resource Buffer at least 30 feet in width and in compliance with Section 115-193 of the County Code shall be preserved and maintained. Where trees and similar

vegetation exist within these Resource Buffers, cutting, stump removal or any other activities that disturb the existing grade shall be prohibited. A Resource Buffer Management Plan shall be included as part of the development's recorded Restrictive Covenants.

G. The development shall comply with all entrance and roadway improvement requirements and/or contributions required by the TIS of TIS Review Letter, as well as any future requirements imposed by DelDOT.

H. The street designs shall meet or exceed Sussex County's standards. There shall also be sidewalks installed on at least one side of all streets, along with a connection to the DelDOT multi-modal path. A streetlighting system that provides lighting in a downward direction with minimal uplighting shall be provided.

I. As stated by the applicant, this subdivision shall share its recreational amenities with subdivision #2023-12 next door. These amenities shall include a 1,500 square foot clubhouse, a pool, and a tot lot. These shared amenities shall be referenced on this development's Final Site Plan and recorded covenants, as well as those for Subdivision No. 2023-12. This shall also be noted on signage installed within the amenities. They shall be completed prior to the issuance of the 160th total residential building permit between the two subdivisions.

J. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.

K. Street design shall meet or exceed Sussex County standards.

L. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.

M. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and 8:00 a.m. and 2 p.m. on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.

N. The Applicant shall coordinate with the local school district regarding the location of school bus stops within the subdivision. The location of the bus stop areas shall be shown on the Final Site Plan.

O. The Final Site Plan and Recorded Restrictive Covenants shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice. These documents shall include a similar notice that hunting activities may also occur on nearby properties.

P. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffers and open space areas. The Landscape Plan shall clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.

Q. As stated by the Applicant and as confirmed by Sussex County Habitat for Humanity, Inc., nine (9) of the lots shall be built as affordable owner-occupied homes as part of Sussex County Habitat for Humanity's homeownership program. These nine (9) Habitat for Humanity lots shall be designated on the Final Site Plan, and they shall be included in the initial phases of the development's build-out.

R. Prior to the issuance of a building permit for each lot, the developer shall make a contribution in the amount of $500.00 to the Milton Fire Company. This contribution requirement shall be set forth on the Final Site Plan.

S. This subdivision shall have roadway interconnection with Subdivision No. 2023-12 (Windscape Farms), and the Four Winds Farm Subdivision (Subdivision 2021-25). These points of interconnection shall be marked with signage at all times during construction and during the initial sales of the lots within the subdivision. The interconnectivity shall remain open at all times to vehicular traffic. The Final Site Plan shall include the street design of this interconnectivity, including the elements of the street design and paving all the way to the subdivision's boundaries and connection with the adjacent subdivision. In addition, the Final Site Plan shall provide pedestrian interconnectivity in the form of a paved pathway or sidewalk between this subdivision and Subdivision No. 2023-12 (Windscape Farms), providing direct access to the amenities within this subdivision. This pathway or sidewalk shall be shown on the Final Site Plan for this subdivision.

T. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.

U. A revised Preliminary Site Plan, either depicting or noting these conditions, must be submitted to the Office of Planning and Zoning.

V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Mr. Mears, and carried unanimously to grant preliminary subdivision approval for 2024-12 Symphony Glen, for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

2025-09 Lands of Fernandez Subdivision

A standard subdivision to divide 14.07 acres +/- into four (4) single-family lots, to be located on a certain parcel of land lying and being in Sussex County. The property is lying on the southwest side of Frankford School Road (S.C.R. 92), approximately 830 feet northwest of Shockley Town Road (S.C.R. 375). 911 Address: N/A Tax Map Parcel: 533-5.00-7.00 Zoning District: GR (General Residential).

The Commission discussed the application, which had been deferred since June 18th, 2025.

Mr. Collins moved that the Commission grant preliminary approval for Subdivision 2025-09 Lands of Fernandez Subdivision based on the record made during the public hearing and for the following reasons:

1. The Applicant is seeking approval of a four (4) lot subdivision on land zoned GR. The lots will be large in size and will be served by on-site wells and septic systems.
2. There are extensive wetlands on this property, and the lots are unusually shaped as a result. In addition, the fourth lot, identified as "Residual Lands" on the plot, requires a wetlands crossing for access.
3. This preliminary site plan approval is only for the three (3) lots shown on the site plan. The fourth lot, identified as "Residual Lands" on the site plan, is not approved as a lot as part of this approval. Instead, it shall remain undeveloped as open space. There are several reasons for this denial of a fourth lot in this location. As stated, it requires a crossing of the wetlands for access, having a greater impact on the environment than the other lots. In addition, the only turnaround point within the subdivision is located at the end of this roadway after the wetlands are crossed. Anyone needing to turn around and exit the subdivision, including EMS, fire, first responders, deliveries, and others, would unnecessarily be required to travel across the wetlands and into this fourth lot to safely exit the subdivision. This can be eliminated by keeping the area of the fourth lot as open space and terminating the roadway before the wetlands crossing. Lastly, the Applicant stated that there was no current intention to develop the area of the fourth lot, so there is no basis for establishing this land area as a buildable lot.
4. With the elimination of the fourth lot, the proposed subdivision meets the purpose and standards of the Subdivision Code, and the Applicant has addressed the requirements of Section 99-9C of the Code.
5. With the elimination of the fourth lot, the remaining lots are large enough to eliminate any adverse impacts on the wetlands that exist within the site.

6. The subdivision generally meets the purpose of the Zoning and Subdivision Codes and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County.
7. This approval is subject to the following conditions:

   A. There shall be no more than three (3) lots within the subdivision. The area where the fourth lot is identified as "Residual Lands" as shown on the Site Plan shall remain undeveloped as open space. It shall be designated as Open Space on the Final Site Plan.
   B. The developer shall establish a homeowner's association or maintenance agreement establishing responsibility for the shared maintenance of the open space, roadway, and any other common areas.
   C. If required, the stormwater management system shall meet or exceed the requirements of the State and County, and the Final Site Plan shall contain the approval of the Sussex Conservation District. The system shall be maintained and operated using Best Management Practices.
   D. Given the small size of this subdivision, a waiver from the street design, perimeter buffer, and lot grading requirements is appropriate.

   E. The lots within the subdivision shall be served by on-site wells and on-site septic systems.
   F. The Final Site Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to grant preliminary subdivision approval for 2025-09 Lands of Fernandez Subdivision for the reasons and conditions stated in the motion. Motion carried 4-0.

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

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

C/U 2584 Martin Pacheco & Agustin Lee Pacheco-Quillen

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an outdoor athletic field and concession trailer/food truck to be located on certain parcels of land lying and being in Sussex County, containing 8.07 acres, more or less. The properties are lying on the west side of Camp Road (S.C.R. 532), approximately 915 ft. north of Eskridge Road (S.C.R. 531). 911 Address: 20924 Camp Road, Bridgeville. Tax Map Parcels: 331-2.00-18.19 & 18.20

The Commission discussed the application, which had been deferred since June 18th, 2025.

Mr. Collins moved that the Commission recommend approval of Conditional Use No. 2584 Martin Pacheco & Agustin Lee Pacheco-Quillen for an outdoor athletic field and a concession trailer/food truck based upon the record made during the public hearing and for the following reasons:

1. The use will be an outdoor field used for athletic activities like soccer games. The concession trailer or food truck will be limited to providing food and beverages to the participants in the games on the field.
2. The property is 8.07 acres in size. The outdoor soccer field will be located several hundred feet from Camp Road and the backs of the residential lots located on that road. It is also in an area of the property that is adjacent to land that is commercially zoned, and it is adjacent to the commercial corridor of Route 13.
3. The Applicants stated that they only desire one outdoor field. With this limitation, the property will not become a large-scale sports facility.
4. The Applicants have stated that there is a need in this area of Sussex County for soccer fields for use by residents of Sussex County.
5. While there were concerns expressed by residents of the area, these concerns can largely be resolved through appropriate conditions imposed on the use, including hours of operation, signage, limitations on lighting, and other factors.
6. With the conditions imposed as part of this recommendation, the use will not have an adverse impact upon traffic, area roadways, or the community.
7. This recommendation is subject to the following conditions:

    A. The use shall be limited to a single outdoor athletic field. One food truck or concession trailer shall also be permitted exclusively for people using the field or watching the games there. The food truck or trailer shall not be used when the field is not in use.
    B. The Final Site Plan shall clearly show the location of the outdoor field, and all parking areas shall be clearly marked on the site. In addition, the driveway shall be paved to control dust.
    C. The Applicants shall comply with all DelDOT entrance and roadway improvement requirements.
    D. One unlighted sign shall be permitted to clearly designate the entrance to the field from Camp Road. It shall not exceed 32 square feet in size. The location of the sign

shall take into account how it may affect neighboring properties. The location and details of the sign shall be shown on the Final Site Plan.

E. The hours of operation shall be limited to 8:00 a.m. through 10:00 p.m., 7 days per week. The entrance to the site shall be gated to prevent access when the field is not in use.
F. The outdoor field may be lighted for nighttime use. The lights shall not be mounted higher than 12 feet, and they shall not shine on neighboring properties. The lights must be turned off no later than 10:00 p.m. The location of the lights shall be shown on the Final Site Plan.
G. The entrance drive and the perimeter of the property where the parking and field is located shall be fenced with a solid fence to screen the noise, light, and sporting events from neighboring properties. The location and type of fencing to be installed shall be shown on the Final Site Plan.
H. Any violation of these conditions may be grounds for termination of the conditional use.
I. Because this case is the result of a zoning violation investigation, the Final Site Plan must be submitted to the Office of Planning & Zoning within 6 months of the date that this Conditional Use is approved by Sussex County Council. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to recommend approval of C/U 2584 Martin Pacheco & Agustin Lee Pacheco-Quillen for the reasons and conditions stated in the motion. Motion carried 4-0.

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

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and stipulations stated in the motion.

RECESS
5:11 pm – 5:22 pm

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

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

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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Site Plan, the DelDOT Service Level Evaluation Response, a Soil Evaluation Report, comments received from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis Report, and the property deed. Mr. Whitehouse advised that Commission that one public comment was received for the Application, which was included in the paperless packet.

The Commission found that Mr. Doug Wade, owner of Breeze-A-Bella Land Group, LLC, and the subject property, spoke on behalf of his application. Mr. Wade stated that the property is located along Park Avenue in Sussex County; that the property is within the AR-1 (Agricultural Residential) Zoning District; that he was requesting Conditional Use approval for the 10.896 acre portion of the property for the construction of a distribution warehouse facility; that he selected the property based on the fact that it was the furthest away from the neighbors, and would not require the destruction of the forested area of the property; that the warehouse would serve as a relocation and expansion of the of their existing e-commerce operations located at multiple locations within Georgetown; that their main facility is located along Governor Stockley Road, at the intersection of Bunting Road and Governor Stockley Road, behind Melvin Joseph's; that they also rent several properties in the Rt. 9 Industrial Center, located not far from the subject site; that they have struggled to find ample space in Georgetown to accommodate their growing business in an efficient manner, over the past several years; that they are committed to their roots in Georgetown, and do not wish to seek space outside of the Georgetown area; that the proposed facility will include product storage, shipping and packaging space, administrative offices, and equipment and materials that are essential to their daily operations; that he owns and operates several businesses that are interconnected by their commitment to quality and local integrity; that they do Freedom Farms, which is were they produce and package non-GMO garden seed for local and national sales; that they produce and package high quality hay for all livestock and small pets; that he owns and operates DIY Tool Supply, which is their flagship e-commerce business, were they sell both private label and name brands through Amazon, Walmart and other online platforms; that Breeze-A-Bella Land Group is where they manage several rental properties, as well as, over 100 acres of agricultural hay fields throughout the Georgetown area; that they also have a cattle operation, where they raise grass fed, grass finished beef; that they sell these animals as quarters,

halves and directs at local farmers markets; that they produce and sell beef jerky and beef sticks, locally and nationally online; that the main herd is on the subject property, along Park Avenue and Cedar Lane; that they will remain there; that the section of the property, located closest to the residential houses, is the pasture; that the pasture is currently fenced; that the pasture runs the whole length behind all neighbors, going down the whole length of the property with a fence; that there is approximately 40 acres of existing woodlands on the property; that this was their reasoning for selecting the 10 acres opposition of their house; that the pasture will remain in it current location; that the pasture generally holds approximately 50 cows; that some cattle are also kept on the property located at Hardscrabble Road and Shortly Road; that a lot of their hay is produced from this same location; that his personal residence is located along Pettyjohn Road, where another herd is also kept; that they currently employ 24 individuals, of which the vast majority are full-time employees; that their business offers health insurance, retirement plans, and educational assistance reimbursement; that they anticipate by receiving approval for their Conditional Use, they will create additional local jobs, as they expand their warehouse, as it will function as a distribution and logistics hub; that they receive trucks in from their suppliers; that the average number of trucks is approximately 10 commercial trucks a month, averaging to about two per month; that once truckloads come in, they unload them, being to repackage, relabel, repalletize them; that generally once per week Amazon will send a truck, where they load up the truck; that the truck then takes the load to their distribution center; that the bulk majority of their business is through Amazon's fulfillment centers; that customers will place and order from their company, but Amazon is the company performing the last mile delivery; that Amazon picks, packs and sends the product; that they do a very small amount of this from their facilities; that generally at most, UPS and USPS comes to their locations daily to pick up a handful of packages; that they surrounding area of the site features a mix of residential, agricultural and industrial uses, including a nearby industrial warehouse facility located just to the northeast of the subject property along Park Avenue; that the site is located within the Developing Area, being designated as a growth area, under the current Sussex County Comprehensive Plan; that this is an area where the Comprehensive Plan anticipates and encourages commercial and industrial development, seeks to support employment opportunities, and provides a strategic buffer between fully residential and industrial zoned parcels; that they believe the proposed Conditional Use aligns precisely with both the County Code and the Comprehensive Growth Plan for the County; that they believe approval of the facility will offer several meaningful advantages being, job creation by adding local full-time positions across logistics, warehousing, administration, warehouse management, and administration graphic design; that many of their employees are trained to build listings, promote content and fulfillment; that another benefit would be fulfillment support for agriculture; that their business is a lot like their farm; that a lot of their products are for agriculture, they just push them on a national scale; that these products consist of hay for small pets such as rabbits or hamsters, as well as the products they grow locally, but ship throughout the country; that the proceeds from the expansion will help to sustain their grass fed cattle operations and the seed production; that they have also partnered with Russell White and Four Corners Farm to aggressively grow our position in the hay market, by investing in new agricultural land leases for the production of multiple species of hay; that they are able to take a 50 lb. bale of hay, break it down into one pound and five pound packages, selling thousands of packages nationally; that their seed business is their largest

segment of their overall business; that they are a locally owned company, not a national chain; that the proposed application is a strategic and responsible expansion, which remains in harmony with the community values; that the proposed use will have minimal environmental impact with the private septic and well systems, which have been approved by DNREC, and with no hazardous materials on site; that their operations maintain a low ecological footprint; that DelDOT conducted a response stating that the traffic impact would be negligible; that they are following DelDOT's strict access requirements using what will remain of Cedar Lane; that they originally felt it would be easier to have an entrance along Park Avenue; that DelDOT decided that Park Avenue was not the best flow for traffic because of their completion of their project; that DelDOT felt it would be best for the traffic to come behind the existing single-family home, connecting back to Cedar Lane; that Cedar Lane will be going away as part of DelDOT's Phase 2 project; that they propose orderly and quiet operations; that their hours are limited from 8:00 am until 6:00 pm, with limited weekend operations; that there is no excessive noise and no outdoor storage; that the expansion will generate additional tax revenue; that this will help to fund schools, infrastructure and public services; that they worked closely with DelDOT from the beginning; that their site plan was developed in close coordination with DelDOT and in response to their Phase 2 Park Avenue Relocation Plan; that they will not proceed with construction until the Phase 2 DelDOT improvements, including the Cedar Lane rerouting are substantially complete; that they will wait for DelDOT to complete their project before they would break ground for construction of the Conditional Use; that there is a lack of public utilities in the area, and therefore the site is served by an on-site septic and well system which will be installed; that DNREC has reviewed and approved the necessary septic guidelines; that there will be stormwater management; that it will be a 22,000 square foot retention area that will be constructed during their Phase 1, to manage runoff and prevent environmental impact; that they have received approval from the FAA for the site; that none of the buildings are proposed to be taller than the existing trees; that Phase 1 on their project would include the entrance construction via Cedar Lane, per DelDOT's guidance, the initial parking area, warehouse building 1 and warehouse building 2, the stormwater retention system, the septic installation, and the DelDOT easement; that Phase 2 of their project will consist of construction of the additional warehouse buildings, extended parking and the setback and screening buffers as shown on the site plan; that all developments will adhere strictly to all Sussex County Codes, building requirements, and setback regulations; that to minimize the community impact, they propose the self-imposed operational standards being, normal hours of operation from 8:00 am until 6:00 pm, Monday through Friday; that delivery and pickups are to be between 9:00 am and 4:00 pm on weekdays; that they will limit weekend operations, based on the seasonality of their business; that at times they may be required to work on a Saturday, but traffic would only be employees; that no truck traffic would be permitted on Saturdays; that no hazardous martial storage is proposed; that no outdoor stockpiling or debris will be stored onsite; that they will have security systems installed; that they will have a designated dumpster area, with professional site maintenance and landscaping; that the proposed Conditional Use is a strategic and responsible expansion of a locally owned business, which has been in operation for nearly two decades; that the proposed use aligns with the County's Comprehensive Plan, designating Developing Areas as growth areas; that the proposed use serves the best interests of the community by bringing jobs, preserving local agriculture, and enhancing economic opportunities; that they had taken a careful and deliberate

approach, working closely with DelDOT, DNREC and their engineers to ensure that the proposed project is safe, efficient, and respectful of the surrounding neighborhood and he kindly requested the Commission to approve the requested Conditional Use so that they could continue building a sustainable, community-minded business for Sussex County.

Ms. Wingate questioned work hours for occasional Saturday operations, the number of employees, if parking will be established before the building improvements, and if hazardous substances will be stored on the site.

Mr. Wade stated that he would request Saturday operation hours to remain as 8:00 am until 6:00 pm; that that the main distinction would be that there would be no commercial traffic to the site on Saturdays; that there would be no operations on Sundays; that the total number of current employees is 24; that the 24 employees are split between the location at the Rt. 9 Industrial Park and the location along Governor Stokely Road; that with the approval of the Conditional Use it will allow for double the space; that he anticipates to hire an additional eight to ten people immediately; that parking spaces will be established on the site prior to the building improvements; that there will be no hazardous substances on the site and there will be no outside storage on the site.

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

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

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

In relation to C/U 2395 Breeze-A-Bella Lang Group, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/U 2511 Paulina Owedyk

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTOR AND CONSTRUCTION BUSINESS WITH AN OFFICE, SHOWROOM, AND STORAGE INCLUDING VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS. The property is lying the north side of Clay Road (S.C.R. 269), approximately 0.43 mile west of Kings Highway (Rt. 9). 911 Address: 33847 Clay Road, Lewes. Tax Map Parcel: 335-12.06-56.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book and presentation slides, a property survey, the DelDOT Service Level Evaluation Response letter, a letter from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis, and the property deed. Mr. Whitehouse advised the Commission that zero public comments had been received for the Application.

The Commission found that Mr. David Hutt, Esq., with Morris James LLP, spoke on behalf of the Applicant, Ms. Paulina Owedyk, who was also present with her husband, Mr. Marek Pachut. Mr. Hutt stated that the application seeks to allow the operation of a general contractor and construction business with a pole building used for a garage and storage area, and office, a showroom, and vehicle storage; that the property is located across the street from Poores Propane and Clean Delaware; that the Applicant purchased the property in 2021, where she immediately began making improvements to the property; that she cleaned up the property, renovated the residential home, constructed a pole building located behind the residential home, and various other improvements; that there is a parking area and fencing located on the site; that the site is located within Level 1 according to the State Strategies Map, being an area where the State investments and policies support and encourage a wide range of uses; that the site is located within the County's Coastal Area, according to the Future Land Use Map, and as are the properties immediately adjacent to the site; that in the direction of Wescoats Corner, there are C-1 (General Commercial) zoned properties, which are located within Commercial Areas of the Future Land Use Map; that the zoning classification of the subject property is AR-1 (Agricultural Residential), as are the properties located immediately adjacent to the site; that to the left of the site, being about three properties down, there is a property located along Clay Road that is zoned B-1 (Neighborhood Business); that this property is the location of Progar & Company., P.A., a professional accounting office, as well as payroll professionals; that as one travels down Clay Road, towards Wescoats Corner, there are a host of C-1 (General Commercial) zoned properties; that in addition to those businesses and commercial uses, Sussex County staff identified 38 Conditional Use applications within a one mile radius of the site since 2011; that 31 of the applications were reported as approved; that there were two Conditional Uses not included within the 38, as their approvals predated 2011; that the location where Clean Delaware is located was approved as Conditional Use No. 278 on July 1, 1975, for an office and storage building; that in 2001, Conditional Use No. 1426 was adopted by County Council as Ordinance No. 1509 to add bulk propane storage to the same location; that there are two additional Conditional Uses along Clay Road, that were referenced by staff, being Conditional Use No. 2069, adopted by Ordinance 2494 in April 2017; that this Conditional Use was approved for a workout, exercise or yoga studio, located about three properties down from the site; that there currently is a hair artistry business in that location via Conditional Use No. 2132, adopted by Ordinance No. 2590 in July 2018; that there are no wetlands located on the property; that there is a rear portion of the property located within a Wellhead Protection Area, and therefore subject to Chapter 89; that per the FEMA Flood Maps, the property is located within Flood Zone X, being outside of the 500 year floodplain; that water is provided through an on-site well; that the Sussex County Engineering Department evaluated the application, and identified the property as being within a Tier 1 sewer district, currently being served by Sussex County Unified Sanitary Sewer District; that DelDOT responded with a Service Level Evaluation Response, indicating that the traffic impact would be diminutive, being less than 50 vehicle trips per day; that presently, there are no employees of Basement Unlimited, other than the Applicant; that the business uses subcontractors as part of their general contracting business; that occasionally, the subcontractors will visit the site to pick up or drop off things at the site; that the business takes place in the building located behind the residential building on the site; that there is large garage

door and one single access door on the right of the building, and two access doors located on the left of the building, leading to the proposed office area; that there is a vinyl fence surrounding the property, which separates the residential portion from the remainder of the site; that the fencing extends down both side line boundaries, and across the rear boundary line; that the fencing separates the use from the adjacent properties; that the same fencing provides screening for the dumpster area; that there are designated parking spots; that the proposed use is of public character by providing services to the area, similar to the other commercial Conditional Uses in the area; that within the project book materials, there were six letters of support provided; that the three neighbors immediately to the right, and the two neighbors immediately to the left of the property have signed letters of support; that Progar & Company., P.A., provided a letter of support, as well as another neighbor located further down Clay Road; that all of these letters came from properties located within close proximity to the site, who appreciated the improvements that were performed on the property by the Applicant; that he requested to submit into the record, proposed Findings of Fact and proposed Conditions of Approval; that proposed Condition B it stated there will be no outside storage; that the site is very clean and tidy in appearance; that proposed Condition C stated that all parking areas will be shown on the Final Site Plan and designated on the site; that proposed Condition D stated that the fence would be maintained through the duration of the of the Conditional Use, and would be shown on the Final Site Plan; that proposed Condition E stated the hours of operation would be Monday through Friday from 6:00 AM until 6:00 PM, and Saturdays from 7:00 AM until 3:00 PM; that it is unlikely that those time periods would be fully occupied; that the Applicant wanted to make sure there was enough shoulder room to avoid being in violation; that no Sunday hours are proposed; that proposed Condition H requested approval for two signs, with one sign being a 32 sq. ft. indirectly illuminated on premise sign, which is fairly typical for conditional use approvals by the Commission; that the second sign request was for a on-premise wall sign, located on the pole building, which was proposed not to exceed 150 sq. ft.; that a maximum of 150 sq. ft. sign requirement was derived from the Sign Code for the B-1, B-2 and B-3 zoning areas, which is the same zoning as the property located two parcel down from the site; that the remainder of the proposed conditions are standard to what the Commission would generally see with applications similar to what was proposed, and based on the Comprehensive Plan, the Zoning Code, the nature and character of the area, including the mentioned support letters from immediate neighbors, the Applicant requested that the Commission recommend approval of the application with the proffered conditions.

Mr. Collins questioned whether there had been any complaints filed with the County regarding the property.

Mr. Whitehouse stated that Sussex County had visited the site in 2022 in relation to building without a building permit, but to his knowledge there have been no specific complaints filed, and no Notice of Violation had been issued.

Mr. Hutt stated that all current structures on the site have now been permitted.

Ms. Wingate questioned if the sign approvals were for existing signs or additional signs.

Mr. Robertson questioned if the sign located on the building was proposed to be lighted.

Mr. Hutt stated that the existing sign does not have a sign permit; that the Conditional Use must be granted with conditions to allow a sign before a sign permit is permitted to be issued, and that the sign on the building is not proposed to be lit.

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

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

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

In relation to C/U 2511 Paulina Owedyk. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

C/U 2537 Ryan Brower

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL TRADE CONTRACTING BUSINESS WITH OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.73 ACRES, MORE OR LESS. The property is lying the southeast side of Pettyjohn Road (S.C.R. 255), approximately 0.65 mile northeast of Prettyman Road (S.C.R. 254). 911 Address: 18113 Prettyman Road, Milton. Tax Map Parcel: 235-25.00-45.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Exhibit Book, the Preliminary Site Plan, the DelDOT Service Level Evaluation Response letter, a letter from the Sussex County Engineering Department Utility Planning Division, the Staff Analysis report, the property deed and property legal description. Mr. Whitehouse advised the Commission that zero comments had been submitted for the application.

Mr. Whitehouse advised the Commission that the application was submitted as a result of a violation through the Constable's Department; that a complaint was filed of a business operating without approval which resulted in an inspection that took place in January 2024; that a Notice of Violation was issued; that the Applicant responded to the notice, and appointed their engineer, which resulted in the submitted application.

The Commission found that Mr. Mark Davidson, with Pennoni, spoke on behalf of the Applicant, Mr. Ryan Brower, who was also present. Mr. Davidson stated that there was a Notice of Violation issued for the property; that the Applicant immediately filed the Conditional Use application; that the property is located within the AR-1 (Agricultural Residential) Zoning District; that the application is requesting approval to operate a general trade contracting business with an office and storage; that the parcel is located on the east side of Pettyjohn Road, approximately 1.2 miles south of Harbeson Road, and approximately one mile north of Rt. 30; that the property contains

1.73 acres; that the Applicant and his wife have owned the property since 2017, however the home on the property has been in their family since the 1900s; that it is the original T. Walker Family Farm dwelling; that the dwelling is registered n the Bureau of Archaeology and Historic Preservation; that within the submitted exhibits was information provided by the Historic Preservation Office regarding the existing house; that the dwelling is for their family; that their business is located immediately behind the existing house; the property is currently improved with the existing dwelling, two outbuildings, driveways, parking areas, trash containment, landscaping, domestic well and septic system; that the site is bordered on the north, east and south by existing agriculture lands owned by the Tyndall, who are family members of the Browers; that the Browers are related to the majority of the residents along Pettyjohn Road; that the site is located directly across the street from a recently approved Conditional Use No. 2496 for Mr. and Mrs. Wade Hudson; that the site is located within a one mile radius of several other Conditional Uses; that according to the 2045 Future Land Use Map of the Sussex County Comprehensive Plan, the property is identified as being within the Low Density area, which is a rural area; that the proposed use is consistent with the guidelines of the Low Density area, as it provides a place to be primarily for personal service uses, proposing to be developed to serve the needs of a relatively small area, for primarily low density and medium density areas; that according to the 2020 Delaware Strategies for State Policies, the site is located within a Level 4 area; that the proposed use would provide services for developments located within Investment Levels 1, 2, and 3, being nearby areas located within Milton; that the application is subject to the provisions of Articles 4 through 24 and Section 115-22 of the Sussex County Zoning Code; that Mr. and Mrs. Brower have been in business for over 10 years, offering high quality heating and air conditioning services to Sussex and Kent County areas; that they have 10 employees, and are looking to add an additional five employees to their team; that the Site Plan reflects two accesses; that there is a private access that is paved with a driveway that leads to their residence and garage; that on the opposite side, there is an old farm easement that was deeded to the farmlands to allow access for the tractors; that Mr. Brower had designated the area as an access for the rear of the site; that the easement is made of crushed concrete; that the pole building for the business has been placed as far to the rear of the property that it could possibly be placed; that in that location, there are some existing parking spaces for employees; that he does have two office employees, who answer phones and take business orders; that there is an existing trash containment area which contain two dumpsters; that one dumpster is designated for the larger boxes that the air conditioning and heating systems arrive in, along with a smaller dumpster; that the dumpster area is proposed to be fenced, to provide screening to adjacent properties; that heating and air conditioning sale services and repair businesses are generally of a public or semi-public character, being essential and desirable for the general convenience of and welfare; that because of the nature of the use, the importance of its relationship to the Comprehensive Plan, and the possible impact on neighboring properties, it requires the exercise of the planning, judgement on the location and Site Plan; that everything on the Site Plan is existing, that nothing is being proposed; that the proposed use will not alter the character of the surrounding area, in any manner that substantial limits impairs or precludes the use of surrounding properties; that the property will have access from Prettyman Road; that there are no wetlands located on the property; that there are no endangered species on the property; that central water and sewer will be available in the future for the property; that Mr. Brower currently

has an existing private well and septic system, which he will continue to use; that the property is not located within any Excellent Groundwater Recharge Areas; that the site is not located within a floodplain; that the site is located within the Milton Fire Department Service Area; that an Exhibit Book was submitted into the record, with proposed Conditions of Approval, which state that the use shall be limited to the general trade contracting business with an office and storage; that all business and storage will be located within the existing one-story building in the back; that there will be no outside storage of equipment or materials, to prevent pollution and environmental harm; that all used HVAC condensers and equipment, as well as the removing and recycling of air conditioning units will follow all Delaware State laws to ensure proper freon removal and responsible disposal of the unit components; that Mr. Brower has an existing sign, being less than 32 square feet in size; that he requested approval for one un-lit sign, two faced sign being 32 square feet on both sides be approved; that the hours of operation are proposed to be Monday through Friday from 7:30 am until 5:00 pm, and Saturdays from 8:00 am until 12:00 pm; that there will be no operations on Sundays; that all security lighting will be downward screened; that the site is surrounded by family lands, with no proposed development in the future, as the family does not intend to develop the farms; that in the event the adjacent property would be developed, the Applicant would be willing to place a fence or landscaping to minimize impacts on neighbors; that there are woodlands located on the adjacent parcel to the rear of the property; that Mr. Brower hunts, and would request that he be permitted to keep the view of the farmland and woodlands behind him, and that this would allow him and his family would still be able to walk the land and the woods.

Chairman Wheatley stated in relation to the proposed fencing for future development, that if Mr. Brower's use existing first, the screening should be on the future development not the Applicant and he questioned how Sussex County staff would enforce that condition.

Mr. Mears questioned whether any HVAC equipment was stored outside while waiting to be recycled; that he stated that he had heard multiple positive comments regarding Top Flight Heating & Air on the radio and he stated that Mr. Brower has an excellent reputation.

Mr. Davidson stated that no equipment or material would be stored outside.

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

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

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

In relation to C/U 2537 Ryan Brower. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

Meeting adjourned at 6:22 p.m.

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