COUNTY COUNCIL

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



Sussex County
DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

November 4, 2025

12:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - October 21, 2025

Draft Minutes 10 21 25

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Discussion related to the Land Use Reform Working Group Recommendations & Comprehensive Land Use Plan**

2. **Administrator's Report**

EQUAL HOUSING OPPORTUNITY

Old Business

1. **Conditional Use No. 2395 filed on behalf of Breeze-A-Bella Land Group, LLC**

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

   Old Business CU2395

2. **Change of Zone No. 2001 filed on behalf of Belmead Farm, LLC**

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

   Old Business CZ2001

3. **Change of Zone No. 2024 filed on behalf of The Christopher Companies**

   "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS" (properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road [S.C.R. 373], and the west side of Horse Play Way, accessed from the west side of Roxanna Road [Rt. 17], approximately 0.48 mile south of Peppers Corner Road [S.C.R. 365]) (911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945) (Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18)

   Old Business CZ2024

Council Members' Comments

12:00 p.m. Public Hearings

1. **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" (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])

   Public Hearing Ord. 23-07

2. **Change of Zone No. 2010 filed on behalf of 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS" (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)

   Public Hearing CZ2010

3. **Conditional Use No. 2441 filed on behalf of 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" (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)

   Public Hearing CU2441

4. **Conditional Use No. 2442 filed on behalf of 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" (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)

Public Hearing CU2442

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 28, 2025 at 3:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036
Conference Code: 570176

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

The Council meeting materials, including the "packet", are electronically accessible on the County's website at: https://sussexcountyde.gov/agendas-minutes/county-council.

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 21, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 21, 2025, at 10:00 a.m., in Council Chambers, with the following present:

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

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

Call to Order **Mr. Hudson called the meeting to order.**

M 425 25 Approve Agenda **A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, to approve the Agenda as presented.**

Motion Adopted: **5 Yeas**

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

Minutes **The minutes from October 7, 2025, and October 14, 2025, were approved by consensus.**

Correspondence **There was no correspondence.**

Public Comments **Public comments were heard.**

Ms. Judy Rose Siebert spoke about how Proposed Zoning Ordinances are listed on the agenda.

Ms. Pier Felton spoke about noise issues near her home.

Presentation UD Carvel Research **A presentation was given by James Adkins, Interim Director, University of Delaware Carvel Research and Education Center updating Council on their programs.**

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

1. **<u>Delaware State Police Activity Report</u>**

Administrator's Report (continued)

The Delaware State police year-to-date activity report for September 2025 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of September.

2. <u>Council Meeting Schedule</u>

A reminder that Council will not meet on Tuesday, October 28th. The next regularly scheduled Council meeting will be held on Tuesday, November 4th.

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

Resolution/ DSHA Application

Brandy Nauman, Director of Community Development & Housing presented a Proposed Resolution entitled "TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS" for Council's consideration.

M 426 25 Adopt Resolution No. R 021 25

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to Adopt Resolution No. R 021 25 entitled "TO SUPPORT AND APPROVE AN APPLICATION BEING SUBMITED TO DELAWARE STATE HOUSING AUTHORITY TO PROVIDE A TECHNICAL ASSISTANCE PROVIDER TO FACILITATE AT LEAST ONE ZONING/LAND USE REFORM THAT EXPANDS AFFORDABLE HOUSING OPTIONS".

Motion Adopted: **5 Yeas**

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

Kings Hwy CO No. 2

Mark Parker, Assistant County Engineer, presented change order No. 2 for King's Highway from SR1 to Freeman Highway – advanced utility relocation for Council's consideration.

M 427 25 Approve CO No. 2/Kings Hwy

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, that be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments, that change order No. 2 for Christiana Excavating Company's base contract for the Kings Highway advanced utility relocation project be approved, increasing the contract amount by $69,375.00 with said amount to be adjusted if needed based on monthly

pump rental rates, and being contingent upon DelDOT's final concurrence.

Motion Adopted: **5 Yeas**

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

Warwick Park Amendment No. 3

Patrick Brown, Project Engineer IV presented a recommendation to award and GMB Amendment No. 3 for Warwick Park Sewer – Phase 1 for Council's consideration.

M 428 25 Approve Award/ Warwick Park Sewer

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering Department that contract S24-13, Warwick sewer project Phase 1, be awarded to A-Del Construction, for their total bid amount of $1,387,948.00, contingent upon DNREC concurrence.

Motion Adopted: **5 Yeas**

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

M 429 25 Approve Amendment No. 3/ Warwick Park

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, that be it moved based on the recommendation of the Sussex County Engineering Department that Amendment No. 3 to the base contract for George, Miles and Buhr be approved in the not-to-exceed amount of $35,000.00.

Motion Adopted: **5 Yeas**

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

Sediment Control & Stormwater Manage-ment Ordinance

Hans Medlarz, Project Manager, presented an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9 AND 90-10; TO AMEND CHAPTER 99, ARTICLES I, II, IV, V AND VI, §§99-5, 99-7, 99-9, 99-23, 99-26 AND 99-29; TO AMEND CHAPTER 110, ARTICLES I AND III, §§110-1 AND 110-12; AND TO AMEND CHAPTER 115, ARTICLES I AND XXV, §§115-4 AND 115-193 OF THE CODE OF SUSSEX COUNTY REGARDING SEDIMENT RELEASES AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT" for Council's consideration.

Introduction of Proposed

Ms. Gruenebaum introduced an Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 90, §§90-3, 90-6 AND TO ADD NEW §§90-8, 90-9

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

Old Business/ CZ2001 **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS" filed on behalf of Belmead Farm, LLC.**

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

Old Business/ CU2568 **Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS" filed on behalf of Unitarian Universalist Society of Southern Delaware.**

M 430 25 Add Reason No. 8 **A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to add Condition No. 8 to read "This approval is subject to the sign being turned off at 10:00 p.m. each evening through 7:00 a.m. the next morning".**

Motion Adopted: 5 Yeas

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

M 431 25 Adopt Ordinance **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to Adopt Ordinance No. 4022 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL**

No. 4022/ CU2568 **RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows and as amended by this Council:**

1. **This is an application for a conditional use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code, and the sign operation will be governed by the requirements of Section 115-161.1C(1).**
2. **The sign will be located on the Church's property, and it will be used to display information about the Church and its various activities and events.**
3. **The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.**
4. **The Church owns this property and others that are adjacent to it. The sign will not adversely affect neighboring properties or area roadways and traffic.**
5. **The site is located along Route 9, which is designated as a Principal Arterial Highway. This is an appropriate location for a sign such as this.**
6. **This Recommendation for approval is subject to all state and county agency approvals, including but not limited to the Delaware Department of Transportation.**
7. **A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning & Zoning Commission for approval.**
8. **This approval is subject to the sign being turned off at 10:00 p.m. each evening through 7:00 a.m. the next morning.**

Motion Adopted: **5 Yeas**

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

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

M 432 25 Urban Youth Golf Program Association **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give $1,000 ($1,000 from Mr. Lloyd's Councilmanic Grant Account) to Urban Youth Golf Program Association for their school and community program expansion.**

Motion Adopted: **5 Yeas**

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

Mr. Lloyd, Yea; Mr. Rieley, Yea;
Mr. Hudson, Yea

M 433 25 Downtown Seaford Association — **A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to give $2,000 ($1,500 from Mr. Lloyd's Councilmanic Grant Account and $500 from Mr. McCarron's Councilmanic Grant Account) to Downtown Seaford Association for their annual Christmas parade.**

Motion Adopted: **5 Yeas**

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

M 434 25 Seaford Tomorrow — **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to give $3,000 ($3,000 from Mr. Lloyd's Councilmanic Grant Account) to Seaford Tomorrow for their Friday Night Live event.**

Motion Adopted: **5 Yeas**

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

M 435 25 Sussex County Science Fair — **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give $1,000 ($1,000 from Countywide Youth Grant Account) to Sussex County Science Fair for their 2025-26 Science fair.**

Motion Adopted: **5 Yeas**

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

M 436 25 Jason Anderson Foundation — **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to give $1,500 ($1,500 from Countywide Youth Grant Account) to the Jason Anderson Foundation for Youth Sports for their youth sports grants and scholarships.**

Motion Adopted: **5 Yeas**

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

M 437 25 Cape — **A Motion was made by Mr. Hudson, seconded by Mr. McCarron to give $2,000 ($1,000 from Mr. Hudson's Councilmanic Grant Account and $1,000**

Henlopen Education Foundation

from Ms. Gruenebaum's Councilmanic Grant Account) to the Cape Henlopen Education Foundation for their teacher grant program.

Motion Adopted: 5 Yeas

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

M 438 25 Sussex County Land Trust

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give $1,500 ($750 from Ms. Gruenebaum's Councilmanic Grant Account and $750 from Mr. Rieley's Councilmanic Grant Account) to Sussex County Land Trust for their 25th anniversary event.

Motion Adopted: 5 Yeas

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

Proposed Ordinances Introduct-ions

Mr. McCarron introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 705 TO ALLOW FOR AN EXPANSION OF AN EXISTING CAMPGROUND TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 21.93 ACRES, MORE OR LESS" filed on behalf of Preston & Mason Dryer.

The Proposed Ordinance will be advertised for a Public Hearing.

CM Comments

There were no Council Member comments.

M 439 25 Go Into Executive Session

At 11:01 a.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to enter into an Executive Session for the purpose of discussing matters related to land acquisition and pending & potential litigation.

Motion Adopted: 5 Yeas

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

Executive Session

At 11:11 a.m., an Executive Session was held in the Basement Caucus Room to discuss matters related to land acquisition and pending and potential litigation. The Executive Session concluded at 11:56 a.m.

M 440 25

At 11:58 p.m., a Motion was made by Mr. McCarron, seconded by Ms.

Reconvene **Gruenebaum to come out of the Executive Session and go back into the Regular Session.**

Motion Adopted: **3 Yeas, 2 Absent**

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

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

M 441 25 Recess **A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to recess until 1:30 p.m. Public Hearings.**

Motion Adopted: **3 Yeas, 2 Absent**

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

M 442 25 Reconvene **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to reconvene.**

Motion Adopted: **5 Yeas**

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

Public Hearing/ Ghulam Dastgir, LLC Annexation into SCUSSD **A Public Hearing was held for the Lands of Ghulam Dastgir, LLC annexation into the Sussex County Unified Sanitary Sewer District (Western Sussex Area). Mr. Ashman provided background for the project and showed the location of the property.**

There were no public comments.

The Public Hearing and public record were closed.

M 443 25 Adopt Resolution No. R 022 25/ Ghulam Dastgir, LLC **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to Adopt Resolution No. R 022 25 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) WESTERN SUSSEX AREA, TO INCLUDE THE LANDS OF GHULAM DASTGIR ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.**

Motion Adopted: **5 Yeas**

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

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

Public Hearing/ CU2395 **A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS" (property is lying on the south side of Park Avenue [S.C.R. 318] at the intersection of Park Avenue [S.C.R. 318] and Cedar Lane [S.C.R. 321A]) (911 Address: 22318 Cedar Lane, Georgetown) (Tax Map Parcel: 135-20.00-81.00) filed on behalf of Breeze-A-Bella Land Group, LLC.**

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

The Council 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 the warehouse would serve as a relocation and expansion of the of their existing e-commerce operations located at multiple locations within Georgetown; 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 where 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, that sells 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

Public Hearing/ CU2395 (continued)

as quarters, halves and directs at local farmers markets; that they currently employ 24 individuals, of which the vast majority are full-time employees; that 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 the 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 he believes approval of the facility will offer several meaningful advantages including job creation by adding local full-time positions across logistics, warehousing, administration, warehouse management, and administration graphic design; 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 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 a.m. until 5:00 p.m., Monday through Saturday; that there will be no Sunday hours; 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

Public Hearing/ CU2395 (continued)

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 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 Monday through Friday; that delivery and pickups are to be between 9:00 a.m. and 4:00 p.m. 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 material 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 Council to approve the requested Conditional Use so that they could continue building a sustainable, community-minded business for Sussex County.

There were no public comments.

The Public Hearing and public record were closed.

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer

M 444 25 Defer Action/ CU2395

action on a Proposed Ordinance entitled "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".

Motion Adopted: **5 Yeas**

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

Public Hearing/ CZ2055

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

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

The Council found that Mr. David Roe was present on behalf of the application. Mr. Roe stated that the property has been in the family for decades, and he would like to establish a lot to place a single-family residence.

There were no public comments.

The Public Hearing and public record were closed.

M 445 25 Adopt Ordinance No. 4023/ CZ2055

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4023 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS" for the reasons given by the Planning Commission as follows:

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

M 445 25 Adopt Ordinance No. 4023/ CZ2055 (continued)

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

Motion Adopted: **5 Yeas**

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

Public Hearing/ CZ2037

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

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

The Council found that Mr. James Fuqua, Esq. of Fuqua, Willard & Schab, P.A. spoke on behalf of the Applicant, Mulberry Knoll Associates, LLC; that also present were Mr. Ben Hoskins on behalf of the Applicant, Mr. Steve Furtunato with Bohler Engineering, Ms. Nicole Kline with Bowman Consulting Group Traffic Engineering. Mr. Fuqua stated that a Project Support Narrative was submitted into the record, along with all the documentation required for the rezoning request; that the application proposes to rezone a parcel of land located on the northwest side of Route

Public Hearing/ CZ2037 (continued)

24 from AR-1 (Agricultural Residential) to C-4 (Planned Commercial District); that the C- 4 District is relatively new, and rather unique; that it was his understanding that the C-4 District had only been previously requested one time before the Council, with the Change of Zone request for C/Z 2001 Belmead Farm, which was held before the County Council on September 16, 2025; that the C-4 (Planned Commercial) District is similar to a Residential Planned Community (RPC), except that C-4 is predominantly commercial, and an RPC is predominantly residential; that similar to an RPC, a C-4 request requires as part of the application, a detailed Development Site Plan, addressing the site layout, the uses, and also providing information that is listed in the C-4 section of the Zoning Ordinance; that unlike other Change of Zone applications, which cannot be approved subject to conditions, a C-4 rezoning includes Site Plan review, and the ability for the County to place conditions on the approval of the application; that the Code states, the purpose of the C-4 Planned Commercial District, is to encourage carefully planned large-scale commercial retail and mixed-use developments, as a means of creating a superior working and living environment through unified developments; that the current application requests a C-4 Zoning designation for the proposed use of a large scale, superior designed commercial shopping center, to contain approximately 665,000 square feet of floor area, anchored by three prominent national retailers, with other best-in-class brand stores, which are not already located within Sussex County; that the commercial center would be called Atlantic Fields; that the property contains 73.5 acres of cleared farmland; that the property is currently owned by JG Townsend, Jr. Company; that the site is located on the northwest side of Route 24; that the site is less than one mile from the Route 24 and Route 1 intersection; that the site has approximately 2,515 feet of frontage along Route 24; that located to the east of the site are several residential homes, a Sussex County EMS paramedic station, the Plantation Medical Office, which is currently under construction, and Plantation Road; that also to the east, on the south side of Route 24, is the Beebe Specialty Surgical Hospital, which is a part of the Beebe Abessinio Health Campus; that across from the site, on the south side of Route 24, is a large parcel of agricultural lands, also owned by JG Townsend, Jr. Company; that on the south side of Route 24, located at the Route 24 and Mulberry Road intersection, is a parcel that was previously approved as a Conditional Use for the use of a convenience store and office building; that the site is currently under development and construction; that to the west of the site, is the location of the Beacon Middle School, and a Tidewater elevated water tower located on the school's property; that the west side of the property borders Mulberry Knoll Road, with 1,250 feet of road frontage; that across Mulberry Knoll Road from the property, there are several homes, Copp's Seafood, and the Delaware State Police Troop 7 Headquarters; that to the west of the previously mentioned properties is the location of the Love Creek Elementary School and the Four Seasons at Belle Terre subdivision; that to the rear of the site, are agricultural lands that are

Public Hearing/ CZ2037 (continued)

subject to an Agricultural Preservation easement; that he hoped to focus on three main topics regarding the application, being the applicable land use regulations, which fully support the requested C-4 rezoning and proposed use, the traffic impacts of the proposed use, the improvements and contributions that will be the Applicant's responsibility, and a review of the Atlantic Fields Development Site Plan, the infrastructure, the proposed uses, and the economic impact; that he will discuss the Commission's recommendation of approval and conditions; that the application had generated considerable interest; that a rezoning application is not a popularity contest, nor is it a political decision; that the courts of Delaware have ruled that public comments should be considered by the County, but ultimately, the County's decision must relate to the statutory mandates applicable to the rezoning request; that the most important consideration of any rezoning request is the relationship of the requested change to the provisions of the County's Comprehensive Plan; that the County is required by law to prepare and adopt a Comprehensive Land Use Plan for the purpose of planning future development and growth in the County; that the Comprehensive Land Use Plan is required to be updated every 10 years; that Sussex County is about to begin the cycle of the update, as the current Comprehensive Plan was last adopted in 2018; that work originally began in 2016 to begin preparing for the 2018 Comprehensive Plan; that the plan was a culmination of over two years of work, which involved dozens of presentations, workshops, and public meetings by the Commission and Council; that the approval of the 2018 Comprehensive Plan was recommended by the Planning & Zoning Commission, and was adopted by the Sussex County Council in December 2018; that subsequently, the plan was certified and signed by the Delaware Governor Carney in March 2019; that there are 13 Chapters in the Comprehensive Plan; that Chapter 4, the Future Land Use Chapter, is the centerpiece of the plan; that stated on Pages 4-1 and 4-8, the Future Land Use Plan is the most influential part of the Comprehensive Plan; that the plan further states on Page 4-20, that the County zoning regulations are intended to carry out the future land use plan; that the Future Land Use Plan includes a Future Land Use Map, which designates land in the unincorporated area of Sussex County, as being located in one of the described growth areas, or one of the rural areas; that the map represents the County's vision regarding the future of land development, and land preservation priorities through the year of 2045; that the entire Atlantic Fields site is designated on the Sussex County Future Land Use Map in red; that the red color indicates the Commercial Growth Area of the Future Land Use Map; that the Comprehensive Plan specifically addresses the uses that are envisioned in this commercial area; that the plan states that commercial areas should include concentrations of retail and services uses, that are mainly located along arterials and highways; that commercial areas should include commercial corridors, shopping centers, and other medium and large commercial of vicinities geared toward vehicular traffic; that the commercial areas are an appropriate place to locate primary

Public Hearing/ CZ2037 (continued)

shopping destinations and larger scale community uses; that the plan states on Page 4-17, that these more intense uses should be located along main roads or near major intersections; that in addition to the Plan, there is a table, being Table 4.5-2, which lists the zoning districts that are applicable to Future Land Use categories; that the C-4 Planned Commercial District is designated as an applicable zoning district in the Commercial Growth Area; that the County designated this Atlantic Fields site as a Commercial Area on the Future Land Use Map, per the Comprehensive Plan; that the County determined that a Commercial Area is appropriate for a primary shopping destination, such as shopping centers, and larger scale commercial uses, geared toward vehicular traffic; that the County determined that more intense uses should be located along a road, such as Route 24, or near a major intersection, such as less than a mile from the Route 24 and Route 1 intersection; that in reality, the Applicant did not choose the site; that the County actually chose the site, and through the Comprehensive Plan directed the Applicant to the location as being an appropriate place for the proposed use; that there were many written comments submitted in opposition to the application; that some people disagreed with the County's vision, as it is currently stated within the Comprehensive Plan; that some members of the public have a different vision of the future development and use of the property; that those members of the public are entitled to their opinion, and the Applicant respects their concerns, however those opinions cannot nullify, modify or change the provisions of the Sussex County Comprehensive Plan; that the Comprehensive Plan states that large-scale commercial uses, such as a primary shopping destination, had been envisioned by the County for the subject 73.5 acre parcel, since the plan was adopted in 2018; that the plan states on Page 1-6, that the Comprehensive Plan is the County's official policy guide for future development related decisions, and that the plan strives to set a foundation for decision-making, by providing the County with a road map; that the State Statute that requires the County to enact a Comprehensive Plan, addresses what the legal status of the plan is; that under Delaware Law, Title 9, Section 6959A it states that the land use map, forming part of the Comprehensive Plan, shall have the force of law; that this means it is more than just a guide or a suggestion; that based on the language of the plan and its designation on the Future Land Use Map, the Atlantic Fields C-4 rezoning request and proposed use for the subject site, is in full compliance in accordance with the Sussex County Comprehensive Plan; that the Delaware's 2020 Strategies for State Policies and Spending, is a State document, however, it is not a land use plan; that the document and its investment level maps indicate that where the State investments will be directed in the future; that under the Strategies Investment Level Maps, the Atlantic Field site is located within Investment Level 2, which is an area where growth is anticipated by local County and State plans in the near future; that it is the State's intent to promote well designed development within Investment Level 2 areas; that associated with the Level 2 designation, the Atlantic Fields rezoning application participated in the

Public Hearing/ CZ2037 (continued)

PLUS review process in May 2024; that the Office of State Planning Coordination issued its PLUS Review Letter on June 21, 2024, stating that the State had no objection to the proposed project; that the State had no objection to the proposed C-4 rezoning request, and proposed commercial development; that with all larger land use applications, traffic impacts are always an important, if not the most important consideration; that there is a very specific and detailed process that addresses those concerns; that Sussex County, as required by State law, has an agreement with DelDOT, providing a procedure for determining the traffic impact of any rezoning application; that the Memorandum of Understanding (MOU) between Sussex County and DelDOT requires that any development having a major impact, as defined by the MOU, is required to conduct a Traffic Impact Study (TIS), per DelDOT's specifications and requirements; that the Atlantic Fields site is located within the boundaries of the DelDOT Henlopen Transportation Improvement District (TID); that the TID was created in October 2020; that the TID is a planning concept that seeks to align transportation, infrastructure spending and improvements with land use projections and future development within the TID area; that a land use and transportation plan was prepared by DelDOT for the Henlopen TIS; that any proposed development located within the TID, and is consistent with the TID plan, is required to pay a TID fee, which is established by DelDOT, and is in lieu of performing a Traffic Impact Study (TIS); that the required fee satisfies the obligations for that development; that a proposed development that is determined to not be consistent with the TID, in addition to paying the TID fee, is required to also perform a Traffic Impact Study, to determine if the planned TID improvements are adequate, by considering the vehicle trips that are proposed to be associated with the new proposed use; that DelDOT determined that the Atlantic Fields development warranted a full Traffic Impact Study; that as a result, the Applicant retained Bowman Consulting Group to perform the Traffic Impact Study (TIS), in accordance with the parameters established by DelDOT; that the study involved 28 intersections in the general area of the Atlantic Fields site; that Bowman Consulting Group prepared the study, which was reviewed by DelDOT's traffic engineering consultants; that DelDOT's Traffic Impact Study Review Letter was issued on May 1, 2025, and was included into the record; that all improvements and responsibilities of the developer are listed on Pages 11 – 20 of the DelDOT Review Letter; that there were 16 improvements area, which DelDOT deemed the Applicant's responsibility; that the developer shall improve Route 24 and Mulberry Knoll Road, within the limits of the site's frontage to roadway specifications; that the Applicant will construct a single-lane roundabout at the site entrance 1A, located along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a single-lane roundabout at Entrance 2, along Mulberry Knoll Road, per DelDOT's design standards; that the Applicant will construct a full movement site entrance at Entrance 3A, along Route 24, with a left and

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right turn lane, as determined by DelDOT; that Entrance 3A will be the main entrance to Atlantic Fields; that the developer will enter into a Traffic Signal Agreement, to design and construct a traffic signal, with pedestrian crossing at Entrance 3A; that the Applicant will construct a right in, and right out site entrance at Entrance 3B along Route 24, and Entrance 3C; that the Applicant will improve the existing intersection of Plantation Road and Dot Sparrow Drive, by the way of an existing cross access easement, including a single-lane roundabout on Plantation Road; that this was granted at the time of the entrance permit issuance for the medical building; that the Applicant will enter into a Traffic Signal Agreement to design and construct improvements at the intersection of the Route 24, and Mulberry Knoll Road; that these improvements will include and/or will be in addition to improvements already proposed in the end loop and TID plan; that the concept and improvements within the TID are improvements planned for the future, and are then funded by developers as projects come in; that any additional improvements beyond what is planned, is also the developer's responsibility; that the developer is responsible to design and construct a raised median along Mulberry Knoll Road, between Route 24 and the site entrance, to the specifications necessary as determined by DelDOT; that this would prohibit certain turning on Mulberry Knoll Road; that the Applicant will design and construct a four-foot-high decorative fencing along the Route 24 property frontage to direct pedestrians toward signalized pedestrian crossings; that the location of the decorative fencing would be determined by DelDOT; that the Applicant will design and construct a single-lane roundabout at the Mulberry Knoll Road and Cedar Grove Road intersection, which will be located north of the site; that the developer will prepare for DelDOT review, a Traffic Signal Justification Study for the Robinsonville Road and Kendale Road intersection, located northwest of the site; that the developer will design and construct a single-lane will provide pedestrian and bicycle improvements, with bicycle lanes and symbols, as determined by DelDOT; there will be dedication of a 15 foot permanent easement from the right of way frontage on Route 24 and Mulberry Knoll Road, and construction of a 10 foot wide shared use path with an easement; that there will be internal sidewalks in the development that will connect with the shared use paths; that there will be bus stop pads constructed on both sides of Route 24, just east of Mulberry Knoll Road, as well as, at the main Entrance 3A; that a public bus service is available on Route 24; that all of these improvements will meet federal and State requirements regarding ADA compliance; that per the DelDOT TIS Review Letter, in addition to the items already stated, the Applicant shall pay the Henlopen TID fee again, as provided within the agreement and as determined by DelDOT; that all of the stated improvements and contributions will be completed in compliance with the provisions of the Henlopen Transportation Improvement District (TID); that as stated within the DelDOT TIS Review Letter, all required improvements and contributions will be implemented at the same time as the site construction;

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that as a result, the Applicant will be responsible for entrance and road improvements with an estimated cost of between three million to four million dollars, with an additional payment to the Henlopen TID, which will be approximately three million dollars; that the proposed development is in full compliance with the requirements of Sussex County and DelDOT, with the terms of the Sussex County and DelDOT Traffic Impact Memorandum, the Henlopen Transportation Improvement District, and the applicant will be responsible for the improvements and contributions as determined and required by DelDOT; that the development will be served with central public water, provided by Tidewater Utilities, for domestic use and fire protection; that Tidewater holds and existing Certificate of Public Convenience and Necessity (CPCN) to serve the property; that the site will be annexed as part of the contiguous Sussex County Unified Sanitary Sewer District; that the Sussex County Engineering Department indicated that Sussex County is willing and able to serve the site; that the project will require a pump station and a force main to connect the center to Sussex County's system; that electricity will be provided by Delaware Electric Cooperative; that natural gas service is available from Chesapeake Utilities; that the record contains Ability to Serve Letters from all four utility providers; that the entire 73.5 acre site is cleared farmland, which had been used for agricultural purposes for over a century; that the site is located within Flood Zone X per the FEMA Flood Insurance Maps, being located outside of the floodplain; that the Delaware Emergency Management Agency indicated that the property is within an area of minimal flood concern; that the County's Resource Buffer Ordinance is not applicable or relevant to the site or the design of the site, as there are no Tidal Wetlands, Non-Tidal Wetlands, perennial or intermediate streams or woodlands located on the site; that there were some comments in opposition concerned about the need for a Drainage Assessment Report for the site; that the Resource Buffer Ordinance does require such a report when a resource buffer is located adjacent to or the site contains a stream which is not part of a tax ditch; that the site does not contain any streams; that the site does not contain any resource that has been defined in the Ordinance, and therefore the Ordinance is not applicable to the application; that the State Historic Preservation Office (SHPO) indicated that due to the long-standing agricultural use of the property, and the lack of any known occupation, there was low potential for historic archaeological sites on the property; that the lands located across Route 24 from the site are subject to an agricultural preservation easement, located to the rear of the site; that the Atlantic Fields development, design, and operation will comply with all notice and setback requirements for agricultural use protection, as required by Title 3, Chapter 9 of the Delaware Code; that the development's Declaration of Restrictions, as well as all leases and deeds shall contain the agricultural use and activities notice, which is required by the Code; that in addition, the rear boundary of the site, which is adjacent to the agricultural lands, will be screened for the entire length of the rear boundary; that the proposed Atlantic Fields

Public Hearing/ CZ2037 (continued)

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

Public Hearing/ CZ2037 (continued)

replacement of these shared common facilities will be established in the Centers Declaration of Restrictions; that the easements that will be applicable to all leased or conveyed property; that for the center's vehicular traffic circulation, there will be a dualized drive from the main, signalized, entrance, being Entrance 3A, from Route 24; that the drive will extend from the entrance to a service road, which will be located along the rear of the property; that then connecting to that drive are two drives that run in an east and west orientation across the site; that the east to west drive will connect with Entrance 1A at Mulberry Knoll Road; that there will be a service road to the rear of the property that will connect the second entrance from Mulberry Knoll Road, with the eastern boundary of the site; that this road will continue on to Plantation Road by the way of an existing DelDOT cross access easement, which is being referred to as an ingress egress easement; that there was a letter submitted into the record, from the attorney for the medical center, expressing concern regarding the use of the easement; that the developer has no agreement, nor has had any discussion with the medical center regarding the easement; that DelDOT is requiring the developer to extend the road where the access easement is located; that from records he had obtained, the easement was placed on the plan when the entrance was granted by DelDOT for the medical office building; that the developer is responsible for completing the road and constructing the roundabout; that the easement concern is really between DelDOT and the medical center's property owner; that the developer of Atlantic Fields intends to do what is required by DelDOT, while attempting to make sure everyone is in agreement with what will be constructed; that parking is shown on the Site Plan; that per the Zoning Code, the proposed shopping center will require 3,317 parking spaces; that 3,405 parking spaces are proposed to be provided, including ADA compliant design spaces; that larger parking lots, such as what is proposed, require landscaped islands spaced within the parking areas; that for the proposed parking area, 136 islands would be required; that the Site Plan provides 242 islands, which considerably exceeds the requirement; that there will be sidewalks located adjacent to, and at minimum, the fronts of all stores, and will be marked; that designated pedestrian crosswalks will be located throughout the center; that there will be stop signs located where appropriate; that loading areas will be provided for all stores as required; that loading areas and trash enclosures will have appropriate landscaping and/or screening/fencing; that stormwater management facilities will be designed and constructed in compliance with DNREC regulations, and will be reviewed and approved by the Sussex Conservation District; that stormwater management and treatment will meet or exceed the current stormwater regulations, including management of water quality and quantity; that the system will be designed to direct all stormwater on the site to catch basins; that from the catch basin, stormwater will be routed to above ground and underground collection facilities by way of an underground closed storm system; that both the above-ground and underground facilities will be designed to infiltrate

Public Hearing/ CZ2037 (continued)

the collected stormwater up to the 100 year storm event; that an emergency outfall pipe will be installed as part of each facility that will be situated above the 100 Year Storm Water Peak Elevation; that it would route stormwater in that type of event to a DelDOT right-of-way; that as shown on the Site Plan, the undergrown facilities are located in parking lots; that there is a Wellhead Protection Area located in the southeast corner of the site; that this is the proposed location of the fuel station area; that the area will be graded and developed so that all stormwater runoff within the fuel station footprint will be collected and routed to an underground stormwater facility that will be located 300 feet from the Wellhead Protection Area; that there will be no infiltration of stormwater from the fuel station site in the Wellhead Protection Area; that the underground facility will provide quality treatment to that stormwater prior to its infiltration, and would be done at a distance far removed from the Wellhead Protection Area; that the stormwater facilities will meet or exceed DNREC requirements, and will be reviewed and approved by Sussex Conservation District; that the Development Plan, as required by the C-4 District, has a Landscape Plan, which details the landscaping and the types of plantings for the center; that there is a separate Landscaping Plan, as part of the original documents; that reflected on the plan, within the center, and along sections of the perimeter of the site, a total of 262 various types of canopy trees with a height at maturity of 12 to 14 feet, 186 evergreen trees with a maturity height of six to eight feet, 32 ornamental trees with a height of eight to 10 feet, and 929 shrubs, reaching a height of four to five feet in height; that each of the 242 parking lot islands will be mulched, and planted with a canopy tree; that parking areas along Route 24 will have shrubbery screening between the parking spaces and Route 24; that in addition, DelDOT required an ornamental fence between Route 24 and the parking spaces; that the western boundary of the center at Mulberry Knoll Road will have landscaped areas with evergreen trees, canopy trees and shrubs; that the eastern boundary will be screened by evergreen trees; that the screening will incorporate some existing trees that are located along that boundary; that to the rear of the site, there will be a continuous six-foot-high sight tight fence; that shrubs and canopy trees will be located along the service road; that the responsibility for the maintenance, upkeep and replacement of all the landscaping globally will be established in the center's Declaration of Restrictions; that the key factor in the successful operation of a shopping center is its anchor stores; that anchor stores are typically large, well-known, national retailer grocery stores, which serve as the primary draw for shoppers; that anchor stores attract a high volume of customers, and serve as a magnet for shoppers who most likely will also shop at the surrounding smaller stores in the center; that historically, most of the popular national brand retailers who serve as anchor stores relied on population to determine their new store sites; that previously, the year-round population of Sussex County did not meet the requirements of most of the national stores; that with the recent changes which have occurred in Sussex County, many national companies have

Public Hearing/ CZ2037 (continued)

reconsidered their location criteria; that Sussex County's year-round population has grown significantly; that it is projected by the Delaware Office of State Planning Coordination to continue growing well into the future; that there are other considerations unique to Sussex County; that eastern Sussex County has a significant seasonal population; that the demographics of Sussex County, being income levels and median age, are demographics factors that are very supportive of a successful retail operation; that other considerations are market opportunities, as determined by the stores site access from a major road, which is a major consideration, and community interest; that another factor would be the availability of suitable real estate at a location, which is suitable real estate, at a location that is available through land for sale; that based on those considerations, three national companies have committed to being anchor stores at Atlantic Fields; that Building O will be a Whole Food Grocery Store; that Building B, located in the center, will be a Target; that Building A, being the largest building, will be a Costco; that there are other popular retailers in discussions with the Applicant, but they have not yet committed; that the economic impact of Atlantic Fields center is a relevant consideration; that one of the purposes of the County's zoning authority is to promote the welfare and prosperity of present and future County residents; that the Applicant retained Sage Policy Group, an economic and policy consulting firm, who's headquarters are located within Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that the reported is dated August 2025, and was submitted into the record; that the permitting and construction phase of Atlantic Fields will take approximately three years; that the total development cost, including land acquisition, site preparation, infrastructure and building construction, will be approximately $175 million; that the construction of Atlantic Fields will support approximately 990 jobs in Sussex County, generating approximately $76,000,000 in labor income during the construction phase; that once fully built and operational, Atlantic Fields will support approximately 1,750 permanent jobs in Sussex County, with an annual labor income of approximately $79 million, and Atlantic Fields is project to contribute approximately $370,000 annually in school property taxes to the Cape Henlopen School District, without directly generating any additional pupil enrollment; that on October 15, 2025, the Commission recommended approval of the application; that the Council relies on the expertise of the Commission; that he believes that there is no error in the Commission's recommendation; that the Commission recommended 17 conditions of approval; that the conditions are acceptable to the applicant except for D and E; that condition D prohibits delivery truck use on Mulberry Knoll Road until improvements are constructed; that the concern is that the language that was used was vague; that they propose a revised condition that will identify required improvements by referencing the TIS letter that was discussed earlier; that once those improvements are completed, truck deliveries would be permitted but only between Route 24 and the rear

Public Hearing/ CZ2037 (continued)

entrance to the center; that trucks making deliveries would not be permitted to use Mulberry Knoll Road north of entrance 2 until the road is completed; that signage would be installed and language would be included in the declaration of restrictions; that proposed revised restrictions were submitted; that condition E prohibits parking along the 60-foot front yard setback along Route 24; that they believe that the condition disrupts the traffic flow and parking; that he believes that there is no zoning that prohibits parking in the front yard setback; that there is no standard of review of when it is or why it is discouraged; that along Route 1 and Route 24, there are numerous commercial sites with parking it the front yard; that there is a fairly new Residence Inn on Route 24 which is on the same side of Route 24 as this site that has parking in the front yard along the full Route 24 frontage; that the proposed revision provides that there be no parking or drive aisle within 30 feet of the front property line; that the 30 foot area would be landscaped with trees and 50 shrubs; that there would be fencing placed and the shared use path as required by the TIS letter; that copies of the revised conditions were submitted.

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

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

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

In conclusion, Mr. Fuqua stated that in his presentation, that by the policies and provisions of the Sussex County Comprehensive Plan and Future Land Use Map, Sussex County has determined that land designated commercial area by the plan such as this site is appropriate for a shopping center or large commercial use; that the more intense uses should be located on a main road like Route 24 or near a main intersection like Route 24 and Route 1 intersection; that Atlantic Fields requested C-4 rezoning and Development Site Plan fully complies with the C-4 Plan, commercial district design and use provisions; that all requirements regarding traffic impact, as set forth in the Sussex County DelDOT Memorandum of Understanding, the DelDOT Henlopen Traffic Improvement District, and the DelDOT Traffic Impact Study Review Letter had been complied with or would be complied with, and that those improvements would be concurrent with the development construction; that larger scale commercial uses and primary shopping destinations are appropriate in a commercial area, as described in the Comprehensive Plan, and as designated on the Future Land Use Map; that Atlantic Fields requested C-4 rezoning and the use is

Public Hearing/ CZ2037 (continued)

precisely located in total conformity with the Comprehensive Plan, and also with the Delaware State Investment Map; that the recommendations of revised conditions for D & E are appropriate; that the Applicant requested the Council's recommendation of approval, subject to conditions recommended by the Commission with the amendments as discussed.

Ms. Gruenebaum questioned if there has been a site risk assessment done on the potential risk caused by contamination. She then questioned if the amount of impervious cover within the wellhead protection area has been addressed. She then discussed the salaries of the jobs that this project would bring and questioned if there was any plan for affordable housing to accommodate this workforce. The average number of daily trips was discussed further. Ms. Gruenebaum then questioned the road improvements that would be made for the project.

Mr. Rieley questioned the numbers provided in the traffic count and then discussed the traffic that the proposed application would bring to the area. He then commented on potentially adding housing to the application. He then asked if any contribution to any conservation organization was considered. Mr. Rieley then discussed stormwater runoff.

Mr. Lloyd commented that he liked the shopping opportunities, jobs created and economic benefits that this project brings. However, the Council's job is to determine the suitability of the surrounding parcels. Mr. Lloyd then discussed the location of the project.

Mr. McCarron stated this application is for C-4 where there is no housing included. He commented on the additional jobs created and the opportunity for people not to be able to work where they live due to costs of living. He added that he agreed with the funding of the fire and ambulance

Representatives from DelDOT and McCormick Taylor, the consultant for the project, discussed the TID letter and provided updates on the CTP that were included in the letter. A discussion was held about traffic pending the improvements that have been discussed by DelDOT. Pedestrian and interconnectivity were also discussed.

Public comments were heard.

Dr. Chris Haffer spoke in support of the application.

Mr. Frederick Mitsdarfer, III spoke in opposition to the application.

M 446 25 Recess

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley to recess.

Motion Adopted: 5 Yeas

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

M 447 25 Reconvene **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to reconvene.**

Motion Adopted: **5 Yeas**

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

Public Hearing/ CZ2037 (continued)

Mr. Shawn Moloney spoke in opposition to the application.

Mr. Gary Vousheim spoke in opposition to the application.

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

Ms. Jill Hicks spoke in opposition to the application.

Mr. John Niemkiewicz spoke in opposition to the application.

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

Ms. Joan Barrell spoke in opposition to the application.

Ms. Cheryl Basset spoke in opposition to the application.

Mr. David Suter spoke in opposition to the application.

Ms. Lisa Dulany spoke in opposition to the application.

Ms. Peggy Mauiro spoke in opposition to the application.

Ms. Fran Goodheart spoke in opposition to the application.

Ms. Chris Kattak spoke in opposition to the application.

A member of the public spoke in opposition to the application.

Ms. Wendy Taylor spoke in opposition to the application.

Mr. Chris Hopkins spoke about the application.

Ms. Adrian Bosso spoke in opposition to the application.

Public Hearing/ CZ2037 (continued)

Mr. Eric Walden spoke in opposition to the application.

Mr. William Zack spoke in opposition to the application.

Ms. Sue Armstrong spoke in opposition to the application.

Mr. Dave Bower spoke in opposition to the application.

Ms. Judy Rose Siebert spoke in opposition to the application.

Mr. Jim O'Rourke spoke about the application.

Ms. Janet Ligabel spoke about the application.

Ms. Alison Anitsz spoke about the application.

Ms. Denise Crock spoke about the application.

The Public Hearing was closed.

M 448 25 Defer Action/ CZ2037

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 73.5 ACRES, MORE OR LESS" and to keep the record open to allow Council to submit their questions for DNREC, Sussex Conservation District and DelDOT for a period of two weeks from today to Mr. Whitehouse, then two weeks to allow the agencies to respond to those questions and then allow two weeks for any member of the public to respond to those responses all with close of business day deadlines.

Motion Adopted: **5 Yeas**

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

M 449 25 Recess

At 7:24 p.m., A Motion was made by Mr. Rieley, seconded by Mr. McCarron to recess.

Motion Adopted: **5 Yeas**

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

M 450 25 Reconvene

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to reconvene.

Motion Adopted: 5 Yeas

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

Public Hearing/ CZ2052

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

The Planning & Zoning Commission held a Public Hearing on the application on September 17, 2025. At the meeting of October 1, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons of approval and subject to the 18 recommended conditions of approval as outlined.

The Council found that Mr. Tim Willard, Esq., with Fuqua, Willard & Schab, P.A. was present on behalf of the Applicant Marlin Cove, LLC; that also present was Mr. Russ Garufi and Mr. Fabian Rodriguez, both Principals of Marlin Cove, LLC, along with Mr. Richard Polk and Mr. Eric Jones, Professional Engineers with Vista Design, Inc., and Mr. Edward Launary, Professional Wetland Scientist with Environmental Resources, Inc. Mr. Willard stated that the application proposed a Change of Zone, for a MR-RPC (Medium Density Residential - Residential Planned Community), that an RPC is a residential planned community that allows flexibility to design different lot sizes, and different housing types, subject to having the underlying zoning; that the current application requests that the underlying zoning be changed from AR-1 (Agricultural Residential) to MR (Medium Density Residential), increasing the permitted density from two units per acre to four units per acre; that the Commission recommended approval; that the applicant agrees with the conditions that were recommended by the Commission; that the application proposes a change of zone from AR-1 to MR-RPC for 210 residential lots, including 106 single-family detached lots, and 104 semi-detached duplex lots on land comprised of 6.84 acres; that the proposed RPC use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location, by utilizing MR Zoning in a Coastal Area,

Public Hearing/ CZ2052 (continued)

surrounded by similar density; that the project will not adversely affect neighboring properties, area roadways, or community facilities; that the proposed MR-RPC is consistent with the County's Comprehensive Plan; that the site is located within the Coastal Area according to the plan, which is designated as a growth area, where a range of housing types should be permitted, including single-family and multi-family units; that the surrounding area is also located within the Coastal Area, where MR (Medium Density Residential) zoning is appropriate; that the purpose of the MR Zoning is to provide Medium Density Residential developments in area that are expected to become urban or town-like, and where central sewer and water are available, when near sufficient commercial uses and employment centers, when keeping in character of the area, when located along a main road, or near a major intersection, and where there are adequate levels of services; that the proposed MR-RPC is located near the major intersection of Rt. 54 and Rt. 20; that the site frontage is located along New Road, only 100 feet from the intersection of Rt. 54 and 1,300 feet from Rt. 22; that the application consists of three parcels, located within the Coastal Area, and along New Road; that two of the parcels are owned by Marlin Cove, LLC, and the other parcel is owned by Atlantic Associates; that all three parcels are owned by Mr. Garufi and Mr. Rodriguez; that Mr. Garufi resides on a property along New Road; that the site is located .5 mile east of Williamsville, 100 feet north of Lighthouse Road, and 1,300 feet from Zion Road; that the proposed MR-RPC is surrounded by similarly zoned MR residential communities, being Bay Knolls and the Melson Property, which were approved for MR rezoning, by the Planning Commission in 2021; that RPCs must be a minimum of 40 acres in size; that to the north of the site is the Fox Haven community, with units of 10,000 square feet, which is zoned GR (General Residential), which allows for the same density as MR; that Bay Knolls has a density of 3.87, and the Melson Property has a density of 3.67; that the application proposes a density of 3.45; that there were some HR (High Density Residential) properties and commercial properties located closer to Fenwick; that the proposed RPC is located in close proximity to the intersection of Rt. 20 and Rt 54, where a commercial center had been established; that the surrounding area has higher residential density and is served by various commercial businesses; that there are an array of businesses that serve the whole area, which is the purpose of MR zoning having a higher density; that businesses within the area consist of Breasure's Pest Control, Breasure's Carpet Cleaning, Brandywine Fenwick Island by Monarch, Nemours Children's Health, Beebe Health, Bayside Wine & Spirit, Hometown Creamery, Maximum Hair, PNC Bank, Lucia's Pizza, Capstone Homes, Villas Hair Studio, Royal Farms, Vogue Salon, Lunas Cactus Café, and Coco's Massage Place; that there were multiple documents submitted into the record, including the Environmental Assessment, the conformance with Chapter 99-9C, the conformance with the Comprehensive Plan, the Drainage Assessment Report, the Resource Buffer Management Plan, the Forest Assessment, and the County's Staff Analysis; that multiple maps

Public Hearing/ CZ2052 (continued)

were submitted along with PLUS comments, and the engineer's responses to the PLUS comments; that there is an eight inch sewer manhole located just north of Zion Road; that there is a water main, and a gas main that runs down New Road; that there is underground electric; that there is a sewer manhole located by the Lighthouse intersection; that central sewer is available to the site; that Parcel No. 9 is required to be annexed into the area, however it is surrounded by a sewer zone area; that all central utilities are available; that submitted into the record was an intensive Forest Assessment Report, which indicates the diameter of all trees over a certain site; that in the forest buffer, they are reflected in there for the purposes of making sure they are preserved; that within the report, it indicates that the area had probably been forested since 1981; that the report indicates that the site consists of approximately 47% of unsalvageable forest; that the application intends to preserve most of the forest and the border, as that is where the majority of the mature trees are located; that there will be a 50 foot setback from active agricultural uses; that there will be a 30 foot retained forest perimeter buffer, where woodlands exist; that there will be 20 foot perimeter buffer where woodlands exist, which will result in a total of a 50 foot setback; that there will be a 30 foot landscape or perimeter buffer where no woodlands exist around the entire subdivision; that there is one area of Federal wetlands, being the area of Roy Creek, which runs through the property; that the buffer for this area results in approximately 1.2 acres +/-; that there is a 15 foot Zone A, located around the entire border of the wetlands; that additionally there is another 15 foot Zone B, which is also required; that there also is an expanded Zone B buffer, and an expanded forest retention around the outside reflected in yellow; that these areas result in 40 to 50 feet of buffer, which will be marked and preserved, and in compliance with the Sussex County Buffer laws; that the proposed subdivision was designed to comply with the intension of the Comprehensive Plan for the MR District, when located within the Coastal Area; that the higher density with townhouses and the duplexes are proposed to be placed closer to the intersection, with the single- family homes located further away; that the total density equals to 3.45; that there are two entrances; that the northern entrance accessed the single-family; that the single-family lots consists of a minimum of 7,500 square feet, with ample room for the parking; that there are buffers proposed all around; that the project will not disturb the wetland area, but will rather be buffering the wetland area; that they will be covering the one area, where it will cross over the creek, which remains dry most of the time; that this will be the area of the southern entrance; that there are locations of stormwater with access for maintenance; that the project will improve some of the flow coming from the fields; that the project does provide community open space; that 30% is the requirement; that the application provides for 18.25 acres of open space, resulting in 36.5% of the site; that this includes the forested buffer, the buffer protection area, the landscape buffer, the other resource buffers, and active and passive open

Public Hearing/ CZ2052 (continued)

space; that the New Road improvements will be widened to DelDOT standards across the frontage of the site; that there will be two 11 foot bike lanes, with five foot shoulders; that there will be a right turn lane at each subdivision; that there will be a shared-use path all along the entire side; that along Rt. 54 there will be two turn lanes and a separate right turn lane; that there will be a right turn from westbound New Road, and a left turn lane from eastbound Rt. 54; that in the area where no forest is located, the project proposes a three-foot buffer with a fence, located on the other side of the bike path; that amenities are to include a community bathhouse, changing rooms, pool desk, pool, bike racks, flagpole, picnic table area, and parking with EV charging equipment; that there will be a sidewalk located on at least one side of every subdivision road; that the site is not located within a Wellhead Protection Area; that submitted into the record was a Willing to Serve Letter from Artesian; that the majority of the site is located within the Sanitary Sewer District; that one parcel is not located within the Sewer District, however communications have already happened between the Applicant and the Engineering Department regarding annexation, as the infrastructure is located nearby, being down New Road; that the MR- RPC is appropriate, as the area is located within a Coastal Area, being a Growth Area of Sussex County; that sewer and water are available; that commercial uses are located nearby; that the higher density has been placed closer to Rt. 54; that the purpose of the MR-RPC is to allow flexibility to achieve the purpose of an RPC, which encourages large-scale development as a means of creating a superior living environment, and to provide design ingenuity, while achieving the goals of the Comprehensive Plan; that Marlin Cove offers alternative housing types, locating home sites together on environmentally suitable portions of the site, located outside of the wetland and mature woodland areas; that the project retains 36% of the total site for open space, preserving contiguous forest, and provides resource buffers along the federally regulated Roy Creek, and adjacent wetlands to promote wildlife corridors to and from the nearby adjacent woodlands, creating non-forested open spaces throughout the community for increased passive and active recreational uses; that the project provides a community recreational building, with areas of community events and gathering along with a bathhouse, community pool, and children's play area; the project establishes multiple wet ponds, stormwater management facilities designed to maintain natural drainage patterns to promote health and protection of area groundwater in accordance with State of Delaware water quality standards; that the project will construct pedestrian sidewalks through the community to promote safe pedestrian circulation, which will connect to the shared use path along New Road; that the project proposes preserving 30 feet of forest within the perimeter buffer, where woodland currently exist along the site's perimeter; that where woodlands do not currently exist, the project proposes to establish a 20 foot perimeter buffer protection area along the forest, and establishing a landscape berm; that they are not taking any property from the adjoining

Public Hearing/ CZ2052 (continued)

property owner on the corner; that the applicant confirmed that everything that was stated is true and correct; and Mr. Willard requested for the Council to approve the application.

Mr. Hudson questioned how far North on New Road DelDOT is going to make the applicant go for improvements.

Public comments were heard.

Ms. Ellen Magee spoke in opposition to the application.

Ms. Rebecca Snyder spoke in opposition to the application.

The Public Hearing and public record were closed.

M 451 25 Defer Action/ CZ2052

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT (210 UNITS) FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS".

Motion Adopted: **5 Yeas**

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

M 452 25 Adjourn

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 8:22 p.m.

Motion Adopted: **5 Yeas**

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

Respectfully submitted,

Tracy N. Torbert
Clerk of the Council

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

JAMIE WHITEHOUSE, AICP
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 29, 2025

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

The Planning and Zoning Department received an application (C/U 2395 filed on behalf of Breeze-a-Bella Land Group, LLC) for a distribution warehouse in an AR-1 Agricultural Residential Zoning District at Tax Parcel 135-20.00-81.00. The property is located at 22318 Cedar Lane, Georgetown. The parcel size is 10.896 acres. +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 2, 2025. At the meeting of July 23, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 14 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on October 21, 2025. At the conclusion of the Public Hearing, the Council closed the public record and deferred action on the application for further consideration. Below is a link to the minutes of the October 21, 2025, County Council meeting.

Link to the Minutes of the October 21, 2025, County Council Meeting

Below are the minutes from the Planning & Zoning Commission meeting on July 2, 2025, and July 23, 2025.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

C/U 2395 Breeze-A-Bella Land Group, LLC
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE

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

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's 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.

Minutes of the July 23, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since July 2, 2025.

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

1. The use is situated on 10.896 acres of a much larger 71.127-acre parcel of land. With the conditions and stipulations of approval, the use will not have a negative impact on the neighboring properties or surrounding area.
2. The purpose of this application is to create a centralized location for distribution warehouses with indoor storage. This site will allow the Applicant's business to consolidate at an appropriate location in Sussex County on the outskirts of Georgetown. The Applicant has stated that there is not any other suitable space for the consolidated distribution business in the Georgetown area.
3. The Property is located across Park Avenue from Sussex County's Delaware Coastal Airport & Business Park. The use is consistent with these surrounding uses.
4. The warehouses have been located in an area that is the farthest from any neighboring residential uses while preserving the existing forested areas on the property.
5. A portion of the property will remain to be used for the Applicant's cattle herd, which is permitted within the AR-1 zoning District.
6. No retail sales will occur from the property.
7. DelDOT has stated that the use will have a "negligible" impact upon local area roadways. The applicant has stated that the incoming and outgoing truck traffic is minimized, at approximately 2 or 3 trucks per week. As a result, the use will not have an adverse impact on the traffic or area roadways.
8. This Property is located within the Developing Area according to the Future Land Use Map contained in the Sussex County Comprehensive Plan. The Developing Area is a Growth Area where business and commercial uses such as this can be located.
9. This use promotes the economy of Sussex County at an appropriate location.
10. This recommendation is subject to the following conditions:

    A. The conditional use shall be limited to a distribution warehouse facility within buildings specifically designated for that purpose as depicted on the Final Site Plan.
    B. All work and storage shall only occur indoors.
    C. No retail sales shall occur from the site.
    D. No outside storage associated with the warehouse distribution business shall be permitted. This prohibition shall not apply to storage associated with the Applicant's

other uses that are permitted within the AR-1 Zoning District.

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

Motion by Ms. Wingate, seconded by Mr. Mears, and carried unanimously to recommend approval of C/U 2395 Breeze-A-Bella Land Group, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

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

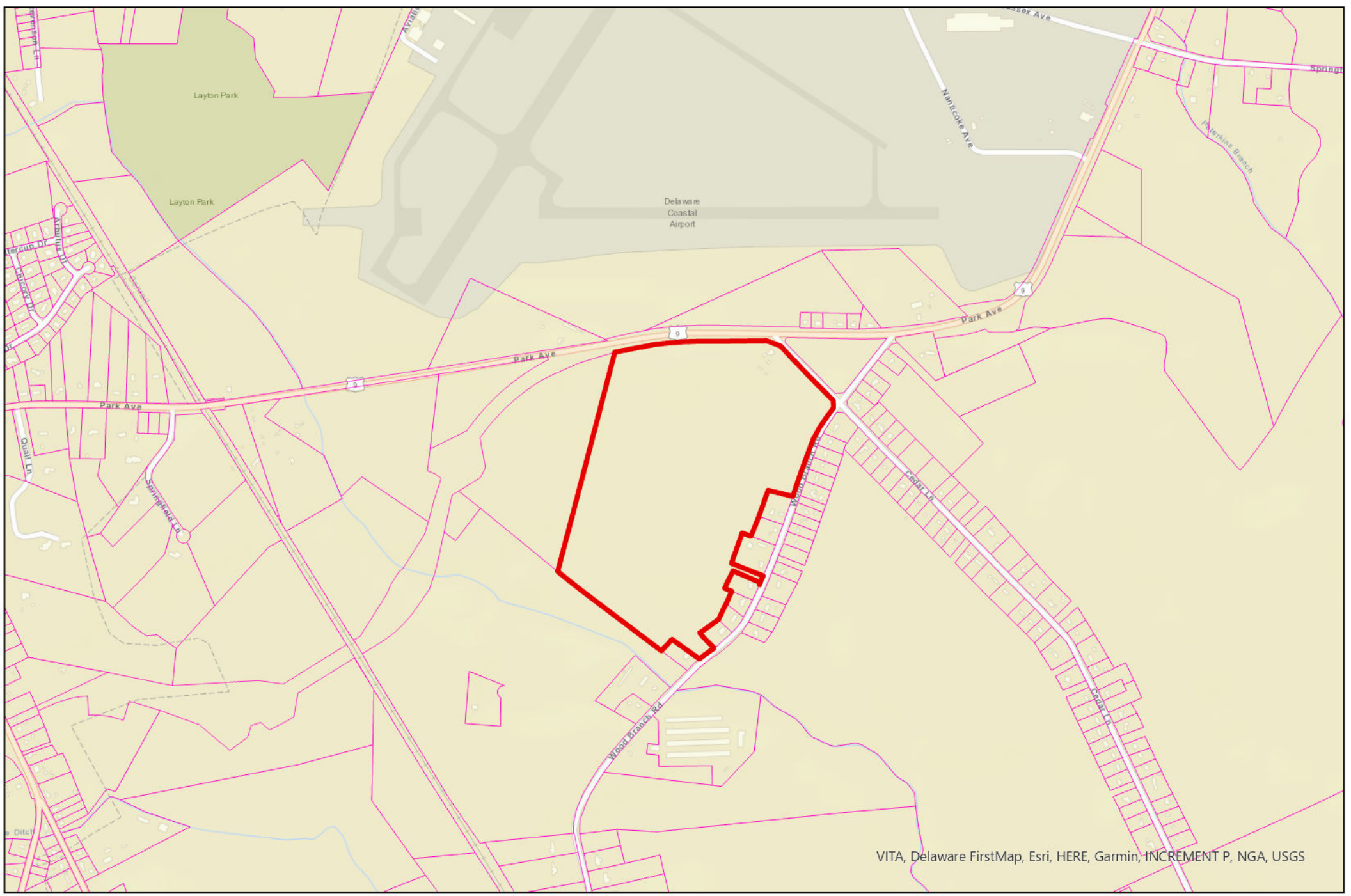


(CU 2395) Breeze-a-Bella
Aerial Map
TM#s 135-20.00-81.00

CU 2395 - Breeze-A-Bella

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0 250 500 1,000 Feet

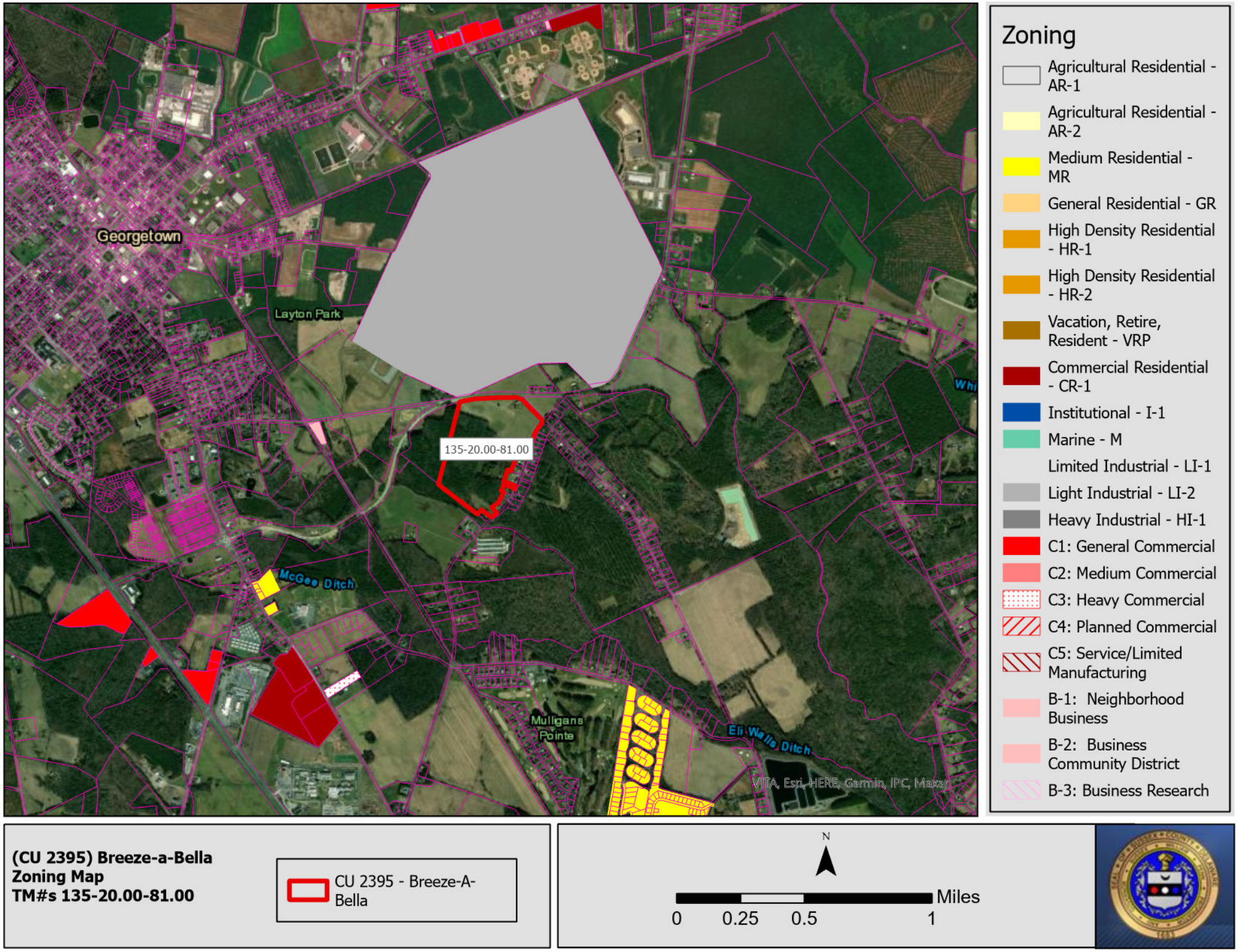


(CU 2395) Breeze-a-Bella
Streets Map
TM#s 135-20.00-81.00

CU 2395 - Breeze-A-Bella

N

0 0.13 0.25 0.5 Miles


Georgetown
Layton Park
135-20.00-81.00
McGee Ditch
Mulligans Pointe
Eli Wells Ditch
VITA, Esri, HERE, Garmin, IPC, Maxar
Zoning
Agricultural Residential - AR-1
Agricultural Residential - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential - HR-1
High Density Residential - HR-2
Vacation, Retire, Resident - VRP
Commercial Residential - CR-1
Institutional - I-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
C1: General Commercial
C2: Medium Commercial
C3: Heavy Commercial
C4: Planned Commercial
C5: Service/Limited Manufacturing
B-1: Neighborhood Business
B-2: Business Community District
B-3: Business Research
(CU 2395) Breeze-a-Bella
Zoning Map
TM#s 135-20.00-81.00
CU 2395 - Breeze-A-Bella
N
0
0.25
0.5
1
Miles

Introduced: 8/19/25

Council District: Mr. Rieley
Tax I.D. No.: 135-20.00-81.00
911 Address: 22318 Cedar Lane, Georgetown

ORDINANCE NO. ___

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2395 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A) and being more particularly described in the attached legal description prepared by Atwell, LLC, said portion of the parcel containing 10.896 acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 29, 2025

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

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

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

The County Council held a Public Hearing on the application at the meeting on September 16, 2025. At the conclusion of the meeting, the Council held the Public Record open for a period of 14 days to submit additional questions to State Agencies, with a subsequent period of 14 days for the State Agencies to respond to the Council's questions. The Public was then provided with 14 calendar days from October 14, 2025, to submit additional comments in relation to the State of Delaware's written responses. The Public Record automatically closed at the end of business on October 28, 2025.

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

Link to the Minutes of September 16, 2025, County Council Meeting

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

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

C/Z 2001 Belmead Farm, LLC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. The Delaware State Housing Authority supports this project according to its comments stated in the February 20, 2025, PLUS Report. According to the DSHA's Housing Reform Map, this project is in an Area of Opportunity where diverse housing types should be supported. This means that the area has high-quality schools, supportive infrastructure and the capacity to support diverse and affordable housing types.
13. The site is located along a bus transit route operated year-round by DART. In addition, the site is located near a wide variety of employment opportunities, including general commercial and retail uses, healthcare, education, institutional uses, and hospitality uses.
14. There are Resources on the site as defined by the Sussex County Zoning Code. The Developer has supplied a Drainage Assessment Report and an Environmental Assessment & Public Facilities Evaluation Report in support of the application. In addition, the site plan complies with the requirements for Resources and Resource Buffers set forth in the Zoning Code, and the design meets or exceeds the design standards for protecting these Resources.
15. Approximately ¾ of the site is currently used for agricultural purposes as a horse farm. The remaining ¼ of the site is wooded with Resources within it. In addition to the requirements for Resources protection, approximately 50% of the existing forest will be preserved by this design.
16. With conditions imposed, including the voluntary condition offered by the Applicant that ten percent of the units will be available to low and moderate income County residents the proposed C-4 Zoning meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
17. This recommendation is subject to the following conditions:

A. The complex shall be owned and operated as a mixed-use development with commercial spaces and apartments. No owner-occupied units shall be permitted. The maximum number of apartment units shall not exceed 334 units, consisting of 7 buildings containing 24 apartment units each and 4 mixed-use buildings containing 166 apartment units. The mixed-use buildings shall contain commercial uses on the first floor and residential apartments on the floors above. The commercial areas shall not exceed 75,000 square feet distributed among the pad sites and mixed-use buildings shown on the site plan

B. As offered by the Applicant, ten percent of the units shall be designated as "Restricted Units" for the purpose of providing affordable rental housing options subject to the following terms and conditions:

i. **Rent Restricted Units** – For a period of 30 years following the date the last building with residential units in it receives its certificate of occupancy, ten percent of the total number of units offered for lease (the "Restricted Units"), shall be rented to tenants with gross household incomes equal to or less than an appropriate percentage of the area median income for Sussex County ("Qualifying Tenants") as established by the U.S. Department of Housing and Urban Development ("HUD") and updated annually for a rental rate, adjusted

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

ii. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the minimum number of Restricted Units. At all times in which the number of Restricted Units is below the minimum number of Restricted Units, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as ten percent of the Restricted Units are rented.

iii. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
   1. Provide proof of citizenship.
   2. Be of eligible income as defined in the Ordinance approving the Application.
   3. Occupy the Restricted Unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
   4. Comply with other requirements that apply to tenants of Non-Restricted Units.

iv. **Unit Integration** – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of types of Restricted Units shall remain in proportion to the number of the same types of Market Rate Unit. For example, if 33% of the Market Rate Units are 3-Bedroom Units, then 33% of the Restricted Units must be 3-Bedroom Units.

v. **Restricted Unit Leases** – The following requirements shall apply to Restricted Unit Leases:
   1. The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined.
   2. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
   3. All lease agreements of Restricted Units shall cover a period of at least one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.

4. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
5. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.
6. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.

vi. **Examination by an Independent Certified Public Accountant** - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to certify compliance with the conditions of approval for the Project related to the rental of the "Restricted Units" and the "Qualifying Tenants" in the Project. In this engagement, the Delaware Certified Public Accountant will certify compliance with these conditions in accordance with attestation standards established by the American Institute of Certified Public Accountants. This shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant, the Office of Planning & Zoning and/or the Office of Community Development and Housing may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Office of Community Development & Housing no later than March 1 of each year.

vii. **Penalties** - In the event that more than ninety percent of the Units are rented at Market Rate because fewer than ten percent of the units are leased to Qualified Tenants (the "Excess Market Rate Units"), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.

C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination. In addition, there shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. The design and location of this signage shall be shown on the Final Site Plan. There shall not be any interconnectivity provided to the residential property to the south of this site.

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

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

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

S. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

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

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



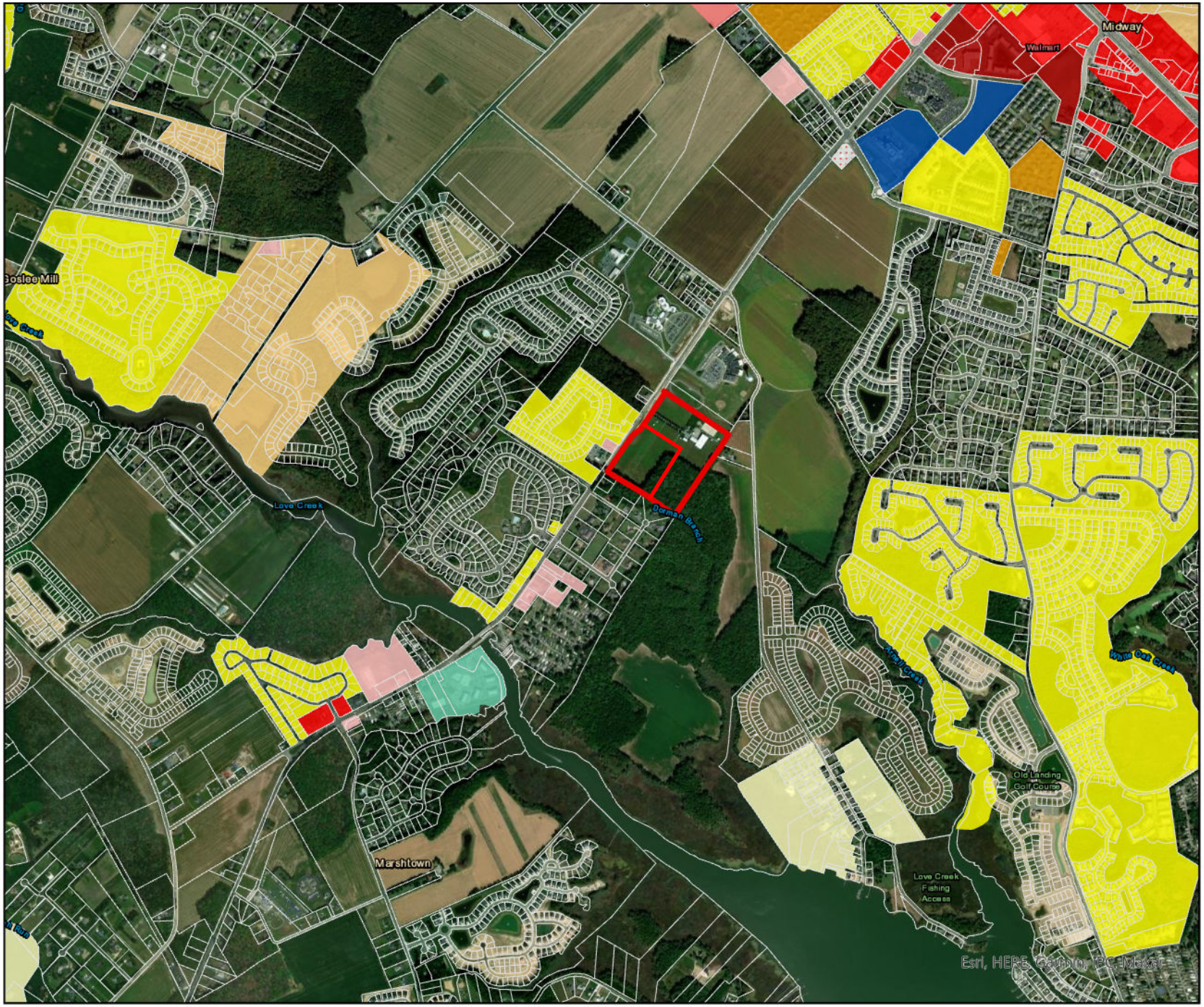
CZ 2001 Belmead Farm LLC
Aerial Map
TM#s 334-18.00-40.01

CZ 2001 Belmead Farm

N

0 250 500 Feet


© All EagleView Technolo



Zoning

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

CZ 2001 Belmead Farm LLC
Zoning Map
TM#s 334-18.00-40.01
334-18.00-40.06

CZ 2001 Belmead Farm

N

0 0.25 0.5 1 Miles

Reintroduced: 3/4/25

Council District: Ms. Gruenebaum
Tax I.D. Nos.: 334-18.00-40.01 & 40.06
911 Address: 20033 John J. Williams Highway, Lewes

ORDINANCE NO. ___

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

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

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 29, 2025

RE: County Council Report for C/Z 2024 filed on behalf of the Christopher Companies

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The Planning and Zoning Department received an application (C/Z 2024 filed on behalf of the Christopher Companies) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a Medium Density Residential District – Residential Planned Community at Tax Parcel 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 and 17.18. The property is located at 33736 and 33737 Jeans Alley, Frankford. The parcel size is 94.7 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on August 6, 2025. At the meeting of September 3, 2025, the Planning & Zoning Commission recommended **denial** of the application for the 7 reasons as outlined within the motion (copied below).

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

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

Link to the Minutes of the September 16, 2025, County Council Meeting

Below are the minutes from the Planning & Zoning Commission meeting on August 6, 2025, and September 3, 2025

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

C/Z 2024 The Christopher Companies
AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS. The properties are lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365). 911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945. Tax Map Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Preliminary Subdivision Plan, the applicant's environmental assessment and public facility evaluation report, the State PLUS comments, the Applicant's exhibit booklet which includes the TIS review and the 99-9C response, Staff review letters for the development, the DelDOT Service Level Evaluation Response, comments received from the Sussex County Engineering Department Utility Planning Division, Technical Advisory Committee (TAC) comments which include State Fire Marshal, Delaware Electric Co-op, Delmarva Power, State division of Watershed Stewardship and an additional letter from the Sussex County Engineering Department. Mr. Whitehouse advised that Commission that there were zero comments.

The Commission found that Mr. David Hutt, Esq., was present on behalf of the Applicant, The Christopher Companies; that also present are John Regan and Carmen Marinelli, representatives of the Christoper Companies, in the front row are the owners of the property, and Jim Eriksen, professional engineer with Solutions IPEM, who are the project engineers. Mr. Hutt stated that this public hearing is for a change of zone application that encompasses 6 tax parcels totaling 94.7 acres of land; that the application seeks to change the zoning classification of those properties from their current agricultural residential district classification (AR-1) to an MR-RPC designation, which is the county's medium density residential district with a residential plan community overlay; that this MR-RPC application proposes 320 units with a mixture of two styles of single family homes, with some within a condominium ownership regime and conventional lot ownership regime; that the other type of housing that would be provided is townhomes; that this property was carefully selected based upon the land planning tools that were promulgated by the state of Delaware, specifically the Office of State Planning Coordination and by Sussex County through the comprehensive Plan and the zoning code; that the site plan was carefully tailored when it was designed to match the physical characteristics of this property as well as the surrounding property which is within the town of Millville; that the property is located just off of Burtons Farm Road; that if you were to travel on Burton Farm Roard, on the western side of that road is Jones Road, on the eastern side of that road is Powell Farm Road, and if you turn on the Powell Farm Road that would take you to Route 17 (Roxana Road); that the community of Millville by the Sea is adjacent to this property and is within the town limits of Millville, and is currently still being developed; that the property to the south is within the 10-year Agricultural Preservation District and is known as Hudson's Heritage Expansion; that this property is located in Levels 2 and 3 of the State Investment Levels; that the state describes investment level 2 should support and encourage a wide range of uses and densities,

promote other transportation options, foster efficient use of existing public and private investments and enhanced community identity and integrity; that investments should encourage departure from typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable that the State's intent is to use its spending and management tools to promote well designed development in these areas so that development provides for a variety of housing types, user-friendly transportation systems, essential open spaces and recreational facilities, other public facilities and services to promote a sense of community; that this is where the state anticipates and encourages growth, and encourages a departure from single family dwelling developments; that this application is a mixture of housing types that are being provided for and is a well-designed Community; that the property is within the Coastal Area on the 2045 Sussex County Future Land Use Map which is one of the County's growth areas where a range of housing types should be permitted; that medium residential district is one of the applicable zoning classifications within the coastal area; that the property is adjacent to other properties within the coastal area and municipal areas; that as this development is adjacent to the municipal boundaries of Millville, however, it will not be annexed into the town as Millville would have to change their Comprehensive Plan to make that change; that the purpose of this district is to provide for medium density residential development in areas which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction; that this application is for the 320 units with that mixture of specifically is 87 single-family homes, 72 condominium ownership single-family detached homes and 161 townhomes; that the gross density for this application is 3.88 units to the acre; that this is consistent with the density of other residential projects in the area and less than some; that Millville by the Sea has a density of 4.2; that section 115-118 of the Sussex County Code states that the purpose of the RPC overlay, 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; that in order to create that superior living environment, or as it was referred to in the description, for level 2 in the Office of State Planning Coordination, State Strategies Manual, a well-designed community, the property was studied to determine its primary ecological factors which is consistent with good planning; that the wetlands were delineated and show an existence of 4.3 acres of non-tidal wetlands on the property; that there are two tax ditches on the property; that there are resource buffers A and B with some averaging to be included in the development; that all the resource buffers are the appropriate distances away a required by code and exceeding it in many places; that the area where the wetlands is located and which is the primary wooded area on the property, is left undisturbed; that the open space with area A that is along this side of the property is a 19.6 acre area which is 20% of the property which will also serve as a habitat area for wildlife; that the entrance to this development will be off of Burton Farm Road and is a full entrance with a right hand turn lane and a left hand turn lane; that as you enter the community you would go along the western boundary into a primary amenity area with a proposed clubhouse, pool and some sports courts; that this would be an ideal location for a school bus stop as parents could use the parking lot and the bus would not have to do any backup maneuvers; that in addition to the 19 acres of open space on the western side of the property there are additional open space including stormwater management areas; that the total area of open space is 43.2 acres or 45.6% of the site; that there will be a pocket park and a walking path throughout the community; that there will be sidewalks on both sides of the streets; that the property will have a minimum 20-foot landscape buffer but in areas next to Agricultural lands a 50-foot setback is shown on the plans; that the FEMA maps show this

property as being located within Zone X, which is an area outside of the 500 year floodplain; that public utilities are available for the site and Artesian Water Company has provided a letter stating they can provide central water and Artesian Wastewater Management can provide central sewer to the property; that the property is not located within a wellhead protection area, and the property is located in a fair groundwater recharge area; that a Property Owners Association will be created to manage and govern the common areas within the community, which would include the resource buffers, the amenities, and all of the other typical common ownership matters; that the property is located within the Indian River School District and the applicant will coordinate with the district on the location of a bus stop; that a Service Level Evaluation Request was filed with DelDOT and they indicated that the traffic impact for this proposed community is a major impact; that the next step was a Traffic Impact Study (TIS) was prepared by Betty Tustin with The Traffic Group; that DelDOT has provided a review of the TIS stating that the intersections show no deficiencies; that although there are no deficiencies in the intersections there are still requirements to include a full access entrance to the community including right hand and left hand turn lanes and making a contribution toward the future construction of a roundabout at Powell Farm Road, Peppers Road, and Roxanna Road; that this property is not well situated for the placement of Affordable Housing as it is not located on a collector road and access to public transportation would be more difficult from this site; that the Applicant recognizes that there is a need for Affordable Housing in Sussex County and is proffering a contribution of $2250 per building permit to be contributed to either the Sussex County Housing Trust Fund or Habitat for Humanity and the result is a contribution of $720,000 towards affordable housing from the Flyaway Farms community; that with respect to emergency services, the applicant is proffering a contribution of $250 be made with each building permit to the Roxana Volunteer Fire Department totaling $80,000; that in addition the applicant is proffering that the governing documents of the future Property Owners Association for the community will require, on average, each unit to contribute $10 per month to the Roxanna Volunteer Fire for an annual contribution of approximately $38,000; that the features of the site create a superior design to integrate the existing features of the property and then maintain the character of the area as Millville by the Sea expands West to meet this property; that the Comprehensive Plan states that the Coastal Area can accommodate development provided special environmental concerns are addressed; that it goes on to state that medium and higher densities, and it refers to medium and higher densities as something between 4:00 to 12:00 units per acre can be appropriate in certain locations, and has a series of factors that the Planning Commission and County Council would consider that those factors include where there is central water and sewer available, where the property is near sufficient commercial uses and employment centers where it's in keeping with the character of the area, where there is adequate level of service and then other or other considerations may exist; and that this property has central water and sewer available and that it is near commercial uses and employment centers.

Mr. Hutt submitted a proposed set of Finding of Fact and proposed declarations for the Properties Owners Association.

Mr. Mears stated that the referenced Millville by the Sea was located a couple of miles from the application's site, and when comparing the two sites, Millville by the Sea is located along an arterial roadway, whereas Burton Farm Road is not considered an arterial roadway.

Mr. Hutt stated that Millville by the Sea is located adjacent to the subject property; that the property is currently being developed; that the only sections of Millville by the Sea, which have received final approval

and have been recorded, are Phases A1 & A2; that those are the areas currently under construction; that the developer is permitted to construct phases in whichever order they desire; that along Burton Farm Road, there are townhomes, and the Millville by the Sea is located adjacent to the municipal limits of the Town of Millville.

Chair Wingate questioned where the back of properties meets up with Horse Play Way, and if there was an existing and active airstrip located in that location.

Mr. Whitehouse stated that there was not an active airport in that area, recognized by the Sussex County Comprehensive Plan, but that did not mean that there could not be an active airstrip in that location.

Chair Wingate stated that Artesian would be supplying the central sewer and water; that she questioned whether a private treatment system or private pumping system would be placed on the site, or if there was a nearby system, the project would tie into.

Mr. Hutt stated there would not be treatment on the site; that there would be a pump station, which would pump by force main into an Artesian network system for water and sewer, which he assumed would be Millville by the Sea's system.

Chair Wingate questioned if a response had been received from the local school district for the project.

Ms. Cecchine stated that notification was provided to the local school district; however, no response was received from the school district.

Mr. Robertson stated that within the submitted Proposed Conditions of Approval, Condition R, required $10.00 per unit, being an average of $38,400.00 in total contributions; that he questioned if the contribution would be from day one of when the first unit is built, or was is proposed to be an annual contribution as units are brought online.

Mr. Hutt stated that it is proposed as an annual contribution, as units are brought online; that the $38,400.00 would be at full build out; that within the first year the number would be much lower, and as the site is developed, the numbers would continue to go up to reach the $38,400.00 at full build out.

Mr. Robertson stated that it was proposed that with each building permit being pulled, a contribution of $250.00 would be made to Roxanna, and he questioned if that would then trigger the unit's required $10.00 from there forward.

Mr. Hutt stated that Mr. Robertson's understanding and statement were correct.

Chair Wingate questioned if there were any DelDOT improvements required by DelDOT to be performed along Burton Farm Road for the project.

Mr. Hutt stated that with the required entrance improvements, the site's frontage along the road is also required to be improved to the functional classification of the roadway and will essentially be a turn lane.

Chair Wingate stated that she did visit the property; that she is very familiar with Burton Farm Road; that it is a small road; that she felt that the entrance through the alley to access the property felt as if it was stuck in the middle of a farm field, and she felt the project could create a lot of traffic onto Burton Farm Road.

Mr. Mears stated he agreed with Chair Wingate's concerns, which had prompted his comments regarding the arterial roadway.

Mr. Collins stated he had concerns regarding the condition of the roadway, as it seemed very narrow with no shoulders; that he had concerns that there was no input from the local school district and questioned the odds that staff would receive a response from the school district.

Ms. Cecchine stated that staff could follow up with the school district for a response should the Commission desire to do so.

Mr. Collins stated he would like to hold the record open to allow for input from the school district.

Mr. Robertson stated that Ms. Cecchine (formally known as Ms. DeVore) had issued notice to the local Indian River School District on April 17, 2025, allowing the school district over three months to respond; that he did not want to hold up the process, and that the school district would still be permitted to provide comment, as the application was still required to go for a public hearing before Sussex County Council.

Mr. Whitehouse advised the Commission that Sussex County Council will be provided an application memorandum, as well as the meeting minutes from the Planning & Zoning Commission meeting; that staff could provide a copy of that same memorandum to the Indian River School District's contacts, allowing them to provide any additional comments to be reported to the Sussex County Council as an alternative.

Mr. Butler stated he had more concerns regarding the roadway.

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, Chair Wingate closed the public hearing.

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

In relation to C/Z 2024 The Christopher Companies. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5-0.

<u>Minutes of the September 3, 2025, Planning & Zoning Commission Meeting</u>

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

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

Mr. Mears moved that the Commission recommend denial of C/Z 2024 The Christopher Companies based upon the record made during the public hearing and for the following reasons:

1. The stated purpose of the MR Zoning District *"is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction…. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future."* While sewer and water will apparently be available at some point in the future, I do not believe that this site is "in an area that is, or is expected to become urban in character". I also do not believe that this vacant land "is considered appropriate" for MR zoning for the reasons that follow.
2. Although this site is technically adjacent to Millville's boundaries, it's the backside of Millville. This site only has indirect access to Burton Farm Road via only 80.14 feet of road frontage and it does not have any direct access to Millville's town center or its internal roadways. The site is also isolated from any other higher-density development because it is situated behind several larger two-acre lots that have frontage on Burton Farm Road. In this isolated location, separated from the rest of Millville and without any substantial road frontage of its own, I do not believe that this site is, or is expected to become, urban in character or that it is appropriate for MR development.
3. I do not believe that this is an appropriate location for the density that is permitted in the MR Zoning District. The MR Zone permits a density of up to four units per acre. Again, this location is immediately behind lots that are at least two acres in size. It is surrounded on a majority of the rest of its boundaries by land in agricultural use, with the entire southern boundary adjacent to lands under Agricultural Preservation. This proposed rezoning is inconsistent with the adjacent properties and uses.
4. This upzoning to a higher density is not entirely supported by the Sussex County Comprehensive Plan. p. 4-15 the current Comprehensive Plan provides the following guidance for increased densities in the Coastal Area where this property is located: *"Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density."* Applying those factors to this application:
    a. "*Near sufficient commercial uses and employment centers":* A corner of the property is adjacent to the Town limits of Millville and an undeveloped portion of the Millville By the Sea development. However, Millville By the Sea is largely oriented towards Roxana Road and not Burton Farm Road where this RPC would have its access. Other than a very small B-1 property near this site (along Roxana Road and Horse Play Way) there are no other commercial uses or employment centers in the immediate vicinity of these properties. This factor is not satisfied.
    b. *"Where it is in keeping with the character of the area":* Again, aside from the proximity to the Town of Millville and the limited area of shared border with Millville By The Sea, the rest of the character of the area is primarily AR-1 farmland and larger 2 acre strip lots in front of this property along Burton Farm Road. As confirmed in the hearing, the

property directly south of this RPC is in Ag Preservation, too. So, the MR medium density of 4 units an acre is generally out of character with area.

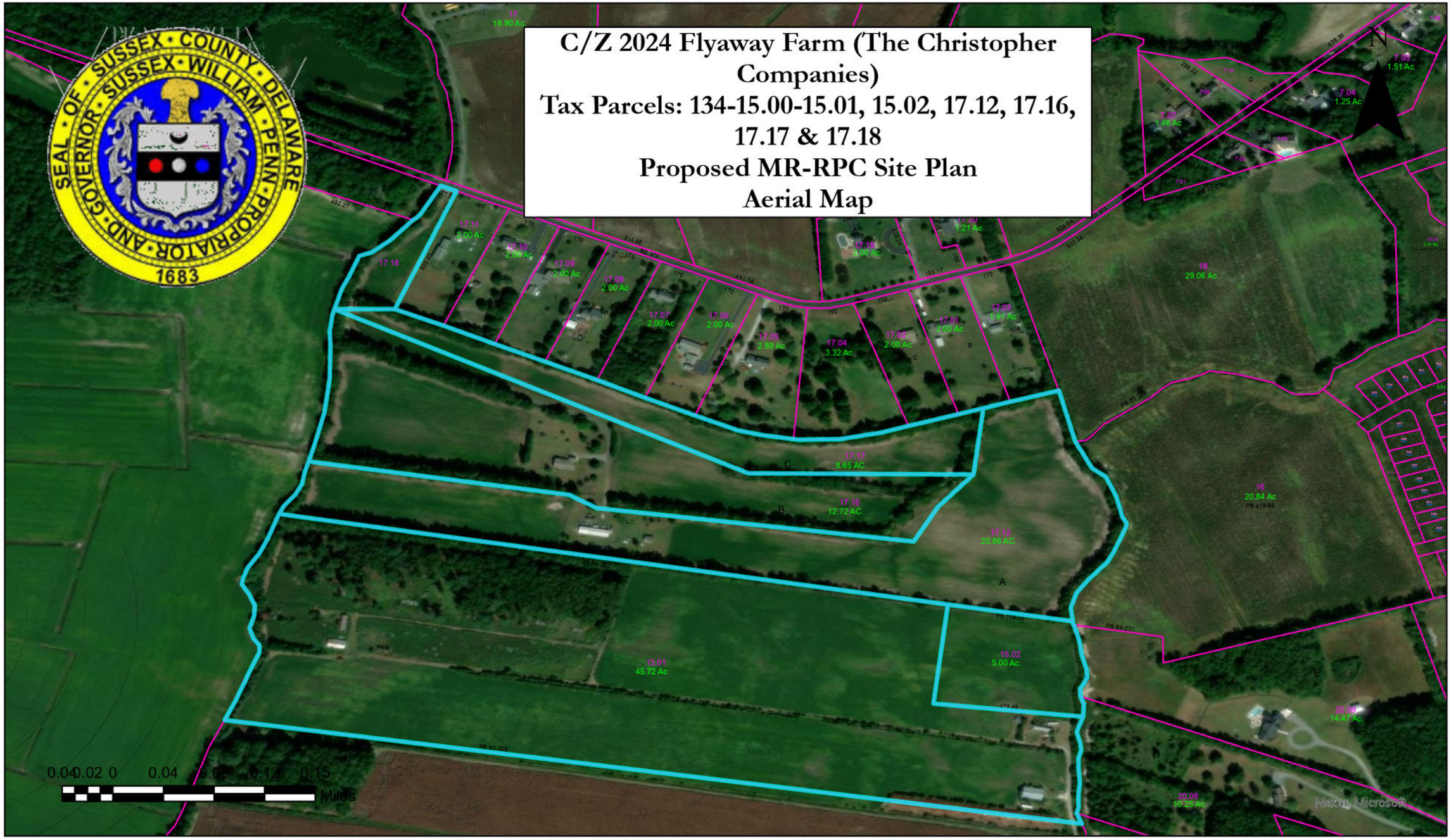
c. *"Where it is along a main road or at/near a major intersection":* This one is not satisfied since Burton Farm Road is not a main Road and there are no main intersections nearby. The road improvements imposed upon this development by DelDOT largely only cover the area of the road immediately adjacent to this site. In this case, the site only has 80.14 feet of road frontage, making material improvements to Burton Farm Road very limited. This factor is not satisfied, and the required DelDOT improvements along the site's limited road frontage do not mitigate the fact that Burton Farm Road is a narrow, two-lane roadway with limited shoulders.

d. *"Where there are other considerations that are relevant to the project and density* - While this MR-RPC is technically adjacent to Millville's boundaries, it's the backside of Millville, and Burton Farm Road does not have any direct access to Millville's town center and its internal roadways without having to travel across several roads to get to the center parts of the town. As a result, this project does not reflect a natural expansion or extension of the development trends within Millville since there is no direct connectivity between this project and the Town.

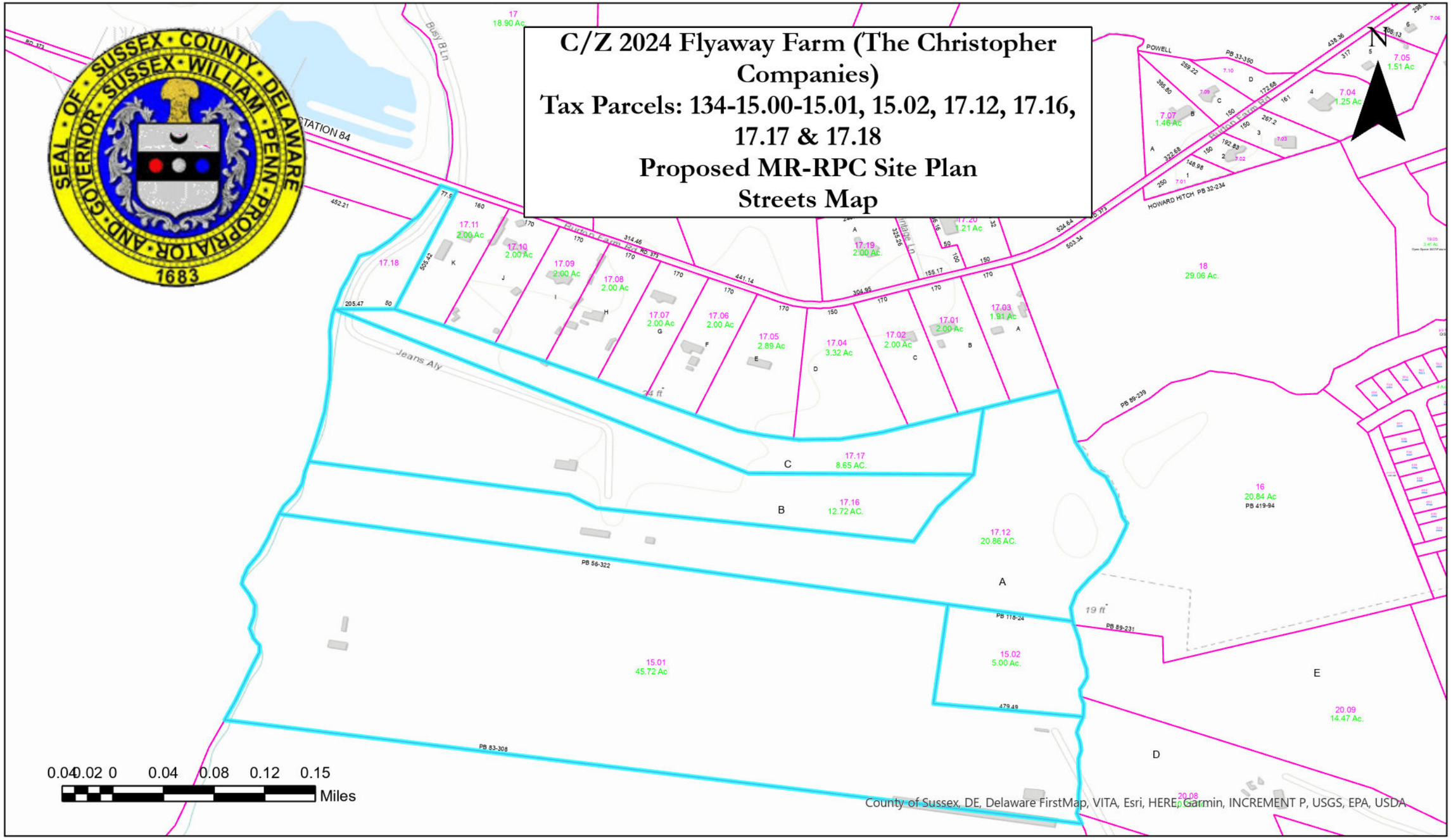
5. DelDOT has stated that Burton Farm Road in the vicinity of this site currently has a daily traffic volume of 329 vehicles per day. DelDOT has also stated that this development alone would create an additional 2,668 trips per day on this narrow roadway. This is more than eight times the current traffic volume of that road. Because it is more than 500 additional vehicles it is considered a Major impact to the area roadways. Again, the limited road and entrance improvements required by DelDOT can only occur within the site's 80.14 feet of frontage. This is not enough to mitigate the adverse impact of the substantial increase in the traffic volume on Burton Farm Road caused by this rezoning.
6. Because this is a recommendation for denial of the upzoning to MR, it is not necessary to also address the nature of the Residential Planned Community and the site plan associated with that part of the application. However, for the reasons stated in this motion, the purposes of a Residential Planned Community are also not satisfied because this application does not create "a superior living environment through unified developments". Instead, this RPC is neither unified nor consistent with a majority of the surrounding properties and uses. For the same reasons, this Residential Planned Community does not protect the "existing and future developments" in the area. And, as stated in Item #4 of this Motion, it is not "achieving the goals of the Comprehensive Plan".
7. For all of these reasons, it is my motion that the Commission recommend a denial of this MR-RPC.

Motion by Mr. Mears, seconded by Mr. Collins, and carried to recommend denial of C/Z 2024 The Christopher Companies, for the reasons stated in the motion. Motion carried 4-0.

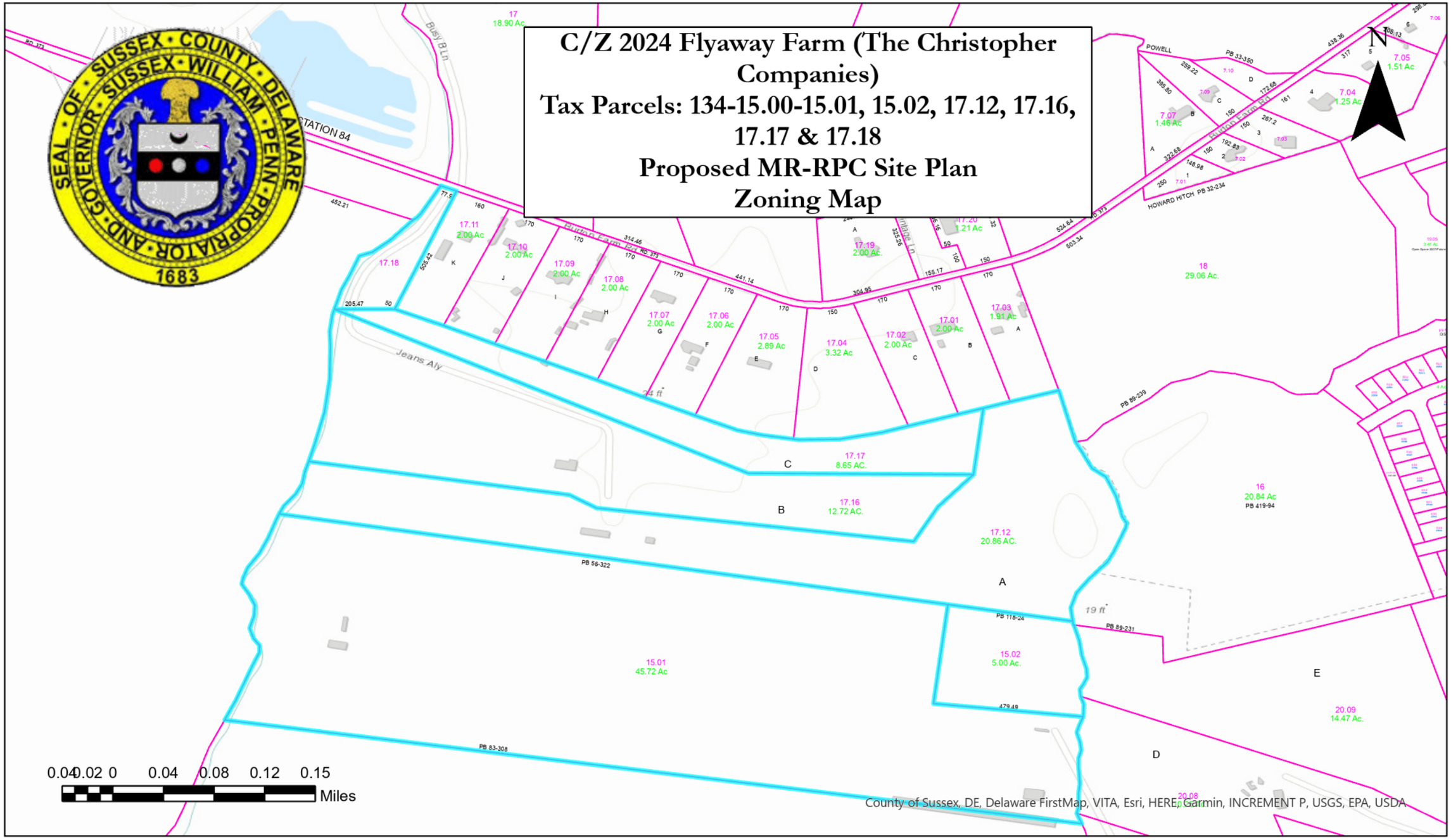
Vote by roll call: Chair Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Allen. Mr. Passwaters abstained.


C/Z 2024 Flyaway Farm (The Christopher Companies)
Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
Proposed MR-RPC Site Plan
Aerial Map
SEAL OF SUSSEX COUNTY DELAWARE
GOVERNOR SUSSEX WILLIAM PENN PROPRIATOR AND
1683
17.18
17.17
8.65 AC.
17.16
12.72 AC.
17.12
20.86 AC.
15.01
45.72 Ac
15.02
5.00 Ac.
18
29.06 Ac.
16
20.84 Ac
0.04 0.02 0 0.04 0.08 0.12 0.15
Miles
Maxar, Microsoft

C/Z 2024 Flyaway Farm (The Christopher Companies)
Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
Proposed MR-RPC Site Plan
Streets Map



C/Z 2024 Flyaway Farm (The Christopher Companies)
Tax Parcels: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
Proposed MR-RPC Site Plan
Zoning Map



Introduced: 7/15/25

Council District 4: Mr. Hudson
Tax I.D. No.: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18
911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945

ORDINANCE NO. ___

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2023, a zoning application, denominated Change of Zone No. 2024 was filed on behalf of The Christopher Companies; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2024 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and to the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. and D. Stephen Parsons, P.A. said parcels containing 94.7 acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 28, 2025

RE: County Council Report for Ordinance 23-07 relating to the Future Land Use Map Element of the Comprehensive Plan

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On April 14, 2023, the Planning and Zoning Department received a request to amend the Future Land Map element of the Comprehensive Plan in relation to Tax Parcels 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00. 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. The parcel size is 637 ac. +/-

Specifically, the request was to consider a change from the Low Density area designation to the Coastal Area designation.

The Planning & Zoning Commission held a Public Hearing on the Ordinance on May 7, 2025. At the meeting of July 2, 2025, the Commission recommended approval of the Ordinance for the 16 reasons of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 7, 2025, and July 2, 2025

Minutes of the May 7, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated that Ord. 23-07, C/Z 2010 CMF Cool Spring, LLC, C/U 2441 CMF Cool Spring, LLC, and C/U 2442 CMF Cool Spring, LLC were all applications for the same properties, with the same Applicant; that due to this, the Commission would allow the Applicant to consolidate the presentation for all four applications into one presentation. Chairman Wheatley

stated that the Commission will consider each application separately when making a motion.

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).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's 2023 application for the Ordinance, a copy of the Applicant's exhibit booklet and the Applicant's plans and exhibits, a copy of the PLUS comments that were received following that presentation to the State Planning Office, a copy of letters that have been exchanged with the Office of State Planning Coordination following that PLUS hearing, a copy of a letter received from the State Department of Agriculture, comments received from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's proposed findings of fact, a copy of the letter received from the local school districts, and we have received 336 responses which are included in the paperless packet.

Chairman Wheatley advised the Commission and the members of the public the order that the presentation and public hearing would proceed.

The Commission found that Mr. James Fuqua, Esq., of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicants, Carl Freeman Companies and CMF Cool Spring, LLC; that there are four (4) applications being presented to the Commission that involve 637 acres of land that's comprised of five (5) tax map parcels located on the north side of Route 9 at Cool. Spring; that the first application is a request to amend the Comprehensive Plans Future Land Use Map; that the 637 acres are currently designated as being in the low density rural area of the Future Land Use Map; that the amendment proposes a change from the existing designation to the coastal area designation, which is one of the planned growth areas; that the second application is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium Density) within a RPC (Residential Planned Community) overlay for the entire 637 acres; that the RPC would be called Cool Spring Crossing and it would consist of residential villages with single family and multifamily homes and the commercial Town Center; that the third application is a Conditional Use for educational facilities to be located in the Town Center; that the final application is for Conditional Use for an assisted living facility and associated medical offices that would be next to the Town Center; that all four (4) applications are interrelated; that these applications propose a significant large scale, single family and multifamily residential community consisting of 1922 residential units and a Town Center comprised of retail, service, educational and recreational uses, as well as an assisted living facility and medical offices; that the demand for residential housing in Sussex County is the reason Freeman filed these applications and the situation can be summarized in four (4) comments:

1. In 2022, 78% of all residential growth in the state of Delaware was in Sussex County.

2. More than 33,000 people have moved to Sussex County from other states over the past four (4) years and this migration is expected to keep rising for the next three (3) decades.
3. Growth is rapid in Sussex County.
4. There is a lack of affordable multifamily housing units to keep pace with the growing population.

That those four (4) comments are the comments made by David Edgell, the Director of the Delaware Office of State Planning Coordination, at a presentation made to the Sussex Preservation Coalition in February of 2024; that in agreement with Director Edgell's comments, on the land use issue in Sussex County, the two (2) issues that arise are a strong demand for residential housing and an even stronger need for affordable housing; that the Applicant is proposing Cool Spring Crossing as a Master Plan, a large scale mixed residential use community and a Town Center with a wide variety of uses; that the development is projected to be constructed in multiple phases over a 20 year build out time frame; that considering the zoning approval, site plan approval and agency permitting for this type of development will probably take two (2) to three (3) years, Cool Spring Crossing is not anticipated to be completed until 2048; that Freeman has an established history of developing large scale communities here in Sussex County and has proven it has the experience, the knowledge and the ability to develop a large scale mixed-use community like Cool Spring Crossing; that the request to amend Comprehensive Plans Future Land Use Map from low density, which is a rural area to a Coastal area which is a growth area under the plan is to ensure that the proposed MR-RPC development would be within compliance; that the Comprehensive Plan states that the proposed MR-RPC is not a zoning district designated as being appropriate in a low density area, but is appropriate within the Coastal area; that the Office of State Planning issued a PLUS review letter objecting and opposing this original request on January 13, 2022; that the current request for amendment brings up the question to the Commission as to whether the area of Cool Spring Crossing is still considered to be a rural area in which it would remain as low density on the Future Land Use Map; that following are the facts and reasons for supporting the Coastal Area change:

1. To the West of the Cool Spring Crossing proposed property is the Bay Health Emergency Center, with an additional land of residential development including approximately twelve (12) different subdivisions.
2. There is the Sussex Consortium, a special needs school, part of the Cape Henlopen School District not far from the proposed property.
3. There is a commercial corridor of land including a variety of businesses West of Fisher Road.
4. The Stephen Hudson Park is being developed on the South side of Route 9 at Cool Spring Road with a connection to the Lewes Georgetown Bike Trail.
5. The frontage of Cool Spring Crossing is along Route 9, which is a major Sussex County road, which is necessary for the Sussex County Zoning Ordinance to be located along a major arterial roadway.
6. The Delaware Transit Corporation operates a DART bus along Route 9 from Georgetown to the Lewes Park and Ride, with East and West stops all along Route 9, with the offer to install new stops near the Cool Spring Crossing development.
7. The Lewes Georgetown Bike Trail is adjacent to the property with a crossover of Route 9 located at Fisher Road and Route 9 where the Hudson Park is planned to be.
8. The proposed Cool Spring development will have a public bike trail going through it, connecting the existing trail to Hudson Road and a future extension to the Town of Milton.
9. Central public sewer is available from Artesian Wastewater Management, Inc. and they hold a Certificate of Public Convenience and Necessity for central water in this area.

10. The Delaware State Housing Authority indicated that the lands comprising Cool Spring Crossing are located within a Delaware State Housing Authority area of opportunity, which are strong, high value markets with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. They also noted that the need for affordable housing, particularly in the Coastal Area, is well documented, especially in the PLUS Review letter 2021-1287 and 2021-1288.
11. The Cool Spring Crossing property is contiguous with an existing Coastal Area on the Future Land Use Map all the way from the Northeast corner all the way to the coast.

All of these reasons support that the area of Cool Spring Crossing is not located within a rural area any longer and can support the amendment of the Future Land Use Map to a Coastal Area for this property; that the Delaware Supreme Court has ruled that the adoption of the a Comprehensive Plan in Sussex County is vested solely with the government of Sussex County; that Supreme Court case was Denmark versus Sussex County; that the Delaware Planning Act, Title 29, §9103 of the Delaware Code, states that as to the adoption of amendment update or revision of a Comprehensive Plan, the final decision is that of the County; that it is an irrefutable fact, that the 2020 Delaware Strategies for State Spending and Investment Level Maps are not a land use plan; that the Strategies document itself states that it is not a land use plan; that the plan states that the land use authority in Delaware has been delegated to the local government; that the decision to amend or not amend the Future Land Use Map is a Sussex County decision; that the Applicant's request to amend the Future Land Use Map is not unique; that County Council has amended the Future Land Use Map ten times since 2020; that the opposition would argue that the previous amendments were for smaller parcels; that this is a case were size is irrelevant; that it is important to look at the underlying facts to support if there is a basis or not for the change; that if there are solid facts supporting the amendment, it should be approved; that he believed that to be the case with the Cool Spring Crossing project; that next year, the Commission will begin its revision of the amendment of the County's Comprehensive Plan and Future Land Use Maps; that this is required to be completed every 10 years, resulting in an updated Comprehensive Plan in 2028; that regardless if the application was not before the Commission today, it is likely the Commission would be considering the very same issue as part of the plan update; that if the facts he presented support an amendment for the plan in three years, that those same facts support the amendment of the plan today; that in order for the MR-RPC development to proceed, the amendment of the Future Land Use Map to the Coastal Area is required; that if the amendment is not approved by the County, the 637 acres will remain designated as a rural, low density area; that this does not mean that the land will remain as farmland, nor does it mean that the land will remain undeveloped; that if the Cool Spring Crossing MR-RPC does not proceed, the land would be developed with single-family homes on individual lots; that the AR-1 (Agricultural Residential) zoned land, located within the low-density area, is permitted by the Sussex County Zoning Ordinance to be developed as a cluster subdivision; that subject to the design requirements of the Ordinance, a cluster subdivision is permitted to contain two lots per acre; that with a minimum lot size of 7,500 sq. ft., the 637 acres would support a phased cluster subdivision or multiple subdivisions containing 1,274 single-family homes on individual lots; that a subdivision would have none of the numerous benefits of the completed livable community and with these comments, Mr. Fuqua concluded his comments regarding the proposed Future Land Use Map amendment.

In regard to the Cool Spring Crossing, MR-RPC, and the two Conditional Use applications for the educational facility, assisted living facility, and medical offices Mr. Fuqua stated that Cool Spring Crossing is designed as a mixed-use community containing several seven residential villages and a town center that the villages will contain a mixture of housing types being single-family homes, and

various types of multi-family dwellings; that the variety of housing types will result in a range of housing options and prices for both purchase and rental; that the homes in the villages will be located on new developed streets, interconnected with existing public roads, with pedestrian and bicycle network of sidewalk and shared use paths, to create a walkable and bikeable community; that a network of recreational uses, parks, and open space area will be interspaced throughout the development; that the Town Center is adjacent and easily accessible from the residential villages; that the Town Center will offer a variety of retail and service businesses, educational facilities and recreational opportunities; that this will reduce the need for vehicle dependency for residents of Cool Spring Crossing; that the project has road frontage along the northside of Rt. 9, the east side of Hudson Road, and along both sides of Cool Spring Road and Log Cabin Road; that the Town Center would front Rt. 9, bordering the western side of Cool Spring Road, and the eastern side of the Bay Health emergency facility; that there are seven distinct residential villages; that three villages, being Village A, B & C are located south of Log Cabin Road; that four villages, being Villages D, E, F & G are similar in nature, as they all contain a mixture of single-family homes, on individual lot, and a variety of multi-family dwellings; that Village C is located to the west, on the west side of Josephs Road; that this village will only contain 34 single-family lots; that it is envisioned as the community of higher end, custom build type homes; that Village A is located to the north of the Town Center; that Village A will contain 700 multi-family dwellings and a mixture of housing type; that there will be 50 patio homes, 144 quadplexes, 30 villas, 188 townhomes, and 288 condominium units; that Village A is planned and designed as the more affordable village and community, with residential units both for sale and for rent; that 175 of the Village 8 units, being 25%, of the 700 units will be made subject to the Sussex County Rental Program (SCRP) Ordinance; that the Ordinance was enacted by Sussex County Council to encourage the creation of the affordable rental housing, particularly for County workers in the easter part of Sussex County; that the rental program ordinance controls both the eligibility criteria for tenants and the rent schedule for tenants based on the tenant's family income; that as required by the Ordinance, the types of units participating in the rental program must be the same ratio as the different types of units in Village A; that the units must be integrated, not separated from, the other units in Village A; that the units must be the same design and floor layout as the other units of Village A; that Village A would have the same access from Cool Spring Road, Log Cabin Road, and from the main entrance to the Town Center, located off Rt. 9; that Village A will be comprised of approximately 115 acres, of which 61 acres will be open space, including five interior park areas; that the open space; that the open space amounts to approximately 53% of the Village A area; that upon full completion of all of the villages, Cool Spring Crossing will contain 1,922 residential units, made up of 534 single-family homes, and 1,388 multi-family units of various types; that the proposed number of units is less than the maximum number of units that would be permitted within the residential planned community (RPC); that there is a special formula to calculate permitted density of RPC's; that for the project containing 637 acres, the area was reduced by the streets, resulting in 63.46 acres; that they took a conservative approach when performing the Town Center reductions calculations, by deducting the entire Town Center area, which contains 57.94 acres; that this calculation results in the permitted development area; that when deducting the streets and Town Center acreage from the gross development area, it results in a net area of 515.6 acres; that when one divides the net area of 515.6 acres by 10,000 sq. ft., being the minimum lot size permitted within the MR (Medium-Density Residential) district, the result of permitted density within the RPC would be 2,245 residential units, with a density of 3.52 units per acre; that the project is only proposing 1,922 units, with a density of 3.01 units per acre, being significantly less than the permitted density for the MR-RPC; that their result of the 3.1 units per acre density, was determined solely by using the MR (Medium-Density Residential) density; that they did not use any of the bonus density that is permitted under the Sussex County Rental Program, which would have allowed the density to increase up to 12 units per acre; that regarding the Town Center,

the Town Center fronts on Rt. 9, being bordered by Cool Springs Road on the east, and the Bayhealth emergency urgent care center on the west, with Village A being located to the north; that the main entrance to the Town Center is from Rt. 9, with an additional entrance from Cool Spring Rd.; that there are several access streets from Village a that connect to the Town Center; that the center will include a variety of retail, service and educational and recreational uses to serve the Cool Spring residents, as well as the area residents; that the proposed uses will include a grocery store, bank, a convenience store with a gas service, four restaurants, five retail stores, an art & theater facility, which would be the Cultural Center of the community; that it is envisioned to be operated by a local theater group, who would provide live theater workshops and other live performances, as well as painting and similar art classes, workshops and displays; that the Town Center would also include a 100 room hotel, a modern YMCA, or similar type of facility with a full gym, indoor and outdoor pools, indoor and outdoor pickleball, indoor tennis courts, multi-purpose meeting rooms, and an early childhood program for the care and instruction of preschool ages children; that the Town Center would include the two requested Conditional Uses; that the educational facilities would be located in two buildings with classrooms, resources areas, study areas, and administrative offices; that one building would be the college level instruction, potentially with the University of Delaware offering associate degree courses and professional certifications; that the second building would be for adult learning, potentially operated by the University of Delaware's Osher Lifelong Learning Center, which is a volunteer driven educational cooperative for adults aged 50 plus; that this project offers a wide variety of subjects, often taught by experienced retired residents; that the other Conditional Use to be located within the Town Center would be the assisted living facility; that the facility would have a capacity of 100 residents; that it would also have the associated medical office building, focusing on senior healthcare, which could possibly be associated with Bayhealth, who operates the emergency and urgent care center, located adjacent to the Town Center; that at the core of the Town Center, there are two large area of landscape open space, which will consist of a village green, and an event lawn for various community events and activities; that the Town Center would create economic development and employment opportunities, as well as convenient access to shopping and services to both residents of the community and residents in the area; that the Town Center would have a built-in advantage of having customers from the Cool Spring Villages, who would have the opportunity to access the Town Center without the need to drive; that in an RPC, commercial uses is one acre for each 100 dwelling units; that the 1,922 units being requested would equate to 19.22 acres of commercial use; that the planned commercial uses in the Town Center would utilize 18.52 acres of lands, being within the commercial use calculation; that regarding the entire community, and the recreational and social aspects of the development, the project is designed to be a walkable and bikeable community; that the project offers extensive opportunities for recreational activities and residential interaction, with sidewalks on both sides of community streets; that a DelDOT design shared use path will be provided along one side of the site frontage, along Rt. 9, Cool Spring Road, Hudson Road, Log Cabin Road, and on the extension of Cool Spring Road that comes through the development; that those shared use paths will be interconnected with the Lewes Georgetown Bike trail, which boarders the property along Rt. 9; that the Town Center has the village green, the event lawn, and other recreational, educational, and entertainment opportunities for residents; that the main recreational complex is located between Villages D, E, F & G; that this complex will include a clubhouse, with a minimum of 7,500 sq. ft. of floor area, accommodating areas for group fitness exercise, children's play, teen gathering, meeting rooms, casual seating area, staffed offices, restrooms and a refreshment and storage area; that located adjacent to the clubhouse, will be an outdoor, resort style swimming pool, separate kids pool with a splash play area, and a hot tub area, which will be surrounded by an expansive deck with shaded and unshaded areas; that there will be tennis, pickleball, and bocce ball courts; that also in this area will be a green space picnic area, with fire pits, gas tabletop grills, seating and open space for special events

and entertainment; that there will be four additional outdoor swimming pools, with bathhouses, to be located in Villages B, D, G and also between Villages E & F; that there are several larger village parks, along with smaller neighborhood parks, with other recreational features, to be determined at a later time, but part of the site plan review approval for each phase of the development as it goes on; that there will be approximately 1.5 mile nature trail that will meander along the western edge of the Martin Branch Conservation area; that all of the homeowners within Cool Spring Crossing, with the exception of the owners located within Village A, will be required to be members of the Recreational Association, with quarterly or annual assessments to cover the expenses of operating and maintaining the recreational facilities; that Village A is planned and designed to be the more affordable village within the development; that in keeping with that goal, the owners of Village A will not be required to be members of the REC Association; that the owners of Village A, will have the option of joining the Recreational Association, subject to the same recreation fee as the other members of the Recreational Association; that the village as five internal open space park areas; that those areas contain 3.3, 2.3, 1.3, 1.2, and .9 acres; that the specific design of the parks has not been finalized; that the spaces would be focused on spaces to gather, to exercise and to play; that the parks will include pavilions, numerous shades areas with benches, a walking loop, a children's bike/scooter loop track, two playgrounds, a yoga lawn area, open play areas, outdoor fitness stations and a possible dog park; that the idea in Village A was to amenities that would not be high in maintenance or high in design; that Cool Spring Crossing will be served by public central sewer by Artesian Wastewater Management Company; that public central water will be provided by Artesian Waster Company; that Artesian has stated they are willing and able to provide sewer and water to the development; that Artesian has been issue a majority of the water and sewer certificates of Public Convenience and Necessity by the Delaware Public Service Commission to serve the area; that Artesian owns two properties that are surrounded by or located adjacent to the Cool Spring Crossing property, being the undeveloped parcel at the southeast intersection of the Cool Spring Road and Log Cabin Hill Road, and the elevated water storage tower, located along Cool Spring Road; that Artesian' s Ability to Serve letter, dated April 9, 025, is located within the Applicant's submitted exhibit booklet; that stormwater management facilities, are required and will be designed and constructed to meet or exceed the requirements of DNREC's Sediment and Stormwater Management regulations, and also the Inland Bays Pollution Control Strategies; that the development of Cool Spring Crossing will occur over a 20 year period, in construction phases; that each phase will have its own Sediment and Erosion Control Plan, approved by the Sussex Conservation District, prior to the start of the construction phases; that there are multiple stormwater ponds integrated in the site design; that because the sites well drained sandy soil, and the relatively low water table, bioretention and infiltration practices will be utilized; that the development's stormwater will be directed to treatment ponds, and other management facilities for pretreatment, prior to any infiltration or discharge; that this will create significant improvement compared to the current condition of unfiltered stormwater runoff from land in agricultural use; that traffic impacts are almost always the main issue involved in any proposed development application; that Sussex County is required by law to have an agreement with DelDOT to provide a procedure to determine the traffic impact of any rezoning application; that in September 2020, Sussex County Council approved and executed an update Memorandum of Understanding (MOU) between the County and DelDOT establishing this agreement; that the Cool Spring Crossing application will have a significant impact on traffic; that provided within the MOU, at the Applicant, at the Applicant's expense, is required to conduct a Traffic Impact Study (TIS); that on Page 7 of the MOU, it states the Sussex County and DelDOT should encourage Master Planning for large scale development on large parcels or groups of parcels located within the Coastal Area; that Century Engineering was retained by Carl Freeman Companies to perform a Traffic Impact Study (TIS), in accordance with the scope and parameters established by DelDOT; that the Century studied reviewed the impact at all proposed access points

to the development, and approximately 48 intersections in the surrounding area; that the TIS dated June 30, 2022, was reviewed by DelDOT, and subsequently DelDOT issued there TIS Review letter on January 10th, 2023; that subsequent to the issuance of the DelDOT Review letter, the applicant made some changes to the Cool Spring Crossing site design; that those changes reduced the number of proposed dwellings, and reduced the number of access points from ten to six; that those changes resulted in a reduction of the daily and peak hour trips; that as a result of those changes, DelDOT did require an updated review of the TIS, taking into consideration the revision of the land use, and the site entrances; that in additional, DelDOT also required a supplemental Sensitivity Analysis, to identify when improvements, to help mitigate traffic deficiencies should be constructed; that the Sensitivity Analysis was prepared by JMT Engineering, being DelDOT's consulting traffic engineering firm; that the final Revised TIS Review letter was issued by DelDOT on January 14th, 2025, and is about 150 pages in length; that both the original and the revised TIS letters are included into the record; that DelDOT's revised letter provides that the Applicant is responsible for 22 specific roadway and intersection improvements, and also monetary contribution to several current DelDOT projects; that the required improvements are listed in detail on Pages 17 through 23 of the Revised TIS Review letter; that the Revised TIS Review letter also discusses the Sensitivity Analysis, and provides a time frame of when required improvements must be constructed; that the majority of the intersection improvements must be constructed at the beginning of the site plan construction; that the Applicant has fully complied with the requirements and provisions of the Sussex County and DelDOT Memorandum of Understanding for land development coordination; that the Applicant will be responsible for all the improvements and contributions as determined by DelDOT; that those applications will be implemented concurrently with the development, as determined by DelDOT's Sensitivity Analysis; that the entire site contains 637 acres; that based on DNREC's Wetlands Maps, there are no State regulated Tidal wetlands located on the property; that there is a single perennial stream, known as Martin Branch, located along the eastern boundary of the property; that as identified on the FEMA Flood Insurance Maps and the National Wetland Inventory Maps, federally regulated Non-Tidal wetlands exist on the low-lying area, adjacent to Martin Branch; that a Wetland Boundary Determination was performed by Mr. Edward Launay, with Environmental Resources, Inc., which found that there were 29.6 acres of stream and Non-Tidal wetlands existing on the site, being Martin Branch and the adjacent area wetlands; that the U.S. Army Corp of Engineers Office confirmed the determination, an issued a Jurisdictional Determination Letter on April 17, 2024; that there are no additional Tidal or Non-Tidal wetlands located on the property; that with the exception of the 29.6 acres containing Martin Branch, and the adjacent wetland, the remainder of the property is uplands, comprised of well drained, sandy soil, with an average elevation between 25 to 35 feet; that the site currently contains 217 wooded acres; that the development plan will result in approximately 103 acres of the existing woodlands to be removed, and 114 acres (53%) of the existing woodlands to be preserved; that except for a large portion of forested area adjacent to Martin Branch, historical aerial photos and land owner records, indicate that most of the other woodlands have been timbered in the past, being considered mid-succession, containing tree species typica of previously timbered land; that almost all tree clearing being proposed is located in the location of the pre-timbered areas; that the most important, natural and environmentally sensitive portion of the site, is located on the eastern boundary of the site; that this is the location of Martin Branch; that the Applicant recognizes and acknowledges the environmentally sensitive nature of this area, and accepts the responsibility of protecting and preserving the natural feature; that in 2022, the County enacted the Sussex County Resource Buffer Ordinance, which does apply to the Cool Spring Crossing applications; that this Ordinance would require a 50 foot wide resource buffer from Martin Branch; that it would require a 30 foot wide resource buffer from the edge of all Non-Tidal wetlands; that the Cool Spring Crossing development will far exceed the resource buffer requirements, by providing an expansive Martin

Branch Conservation Area, consisting of the required resource buffers and additional land voluntarily included in the conservation; that as permitted by the Resource Buffer Ordinance, the Applicant elected to voluntarily expand the resource buffer by an additional 15 foot in width; that the Applicant is not requesting any buffer averaging; that the area would result in a total Non-Tidal Wetland Resource Buffer of 45 feet, which results in a total of 13.73 acres of forested, Non-Tidal wetlands; that the required 50 foot buffer from the perennial stream lies within the wetland area; that the 50 foot buffer is provided, as it overlaps with the wetland and other buffers; that the additional conservation area contains 61.61 acres of forested land, with the exception of 2.6 acres of open field; that the open field will be maintained as a natural meadow; that the meadow will be planted with pollinator wildflower seed mix that is targeted to support the Monarch butterfly during its migration; that the Monarch butterfly is a candidate for listing as a threatened species by the U.S. Fish and Wildlife Service; that the additional conservation area, borders the Non-Tidal wetland resource buffer, resulting in a substantial increase in the width of the buffer from the wetland line; that the buffer varies considerably, but on average the buffer is about 130 feet in width, compared to the required 30 foot wide buffer; that the buffer consisting of the required buffer, the expanded resource buffer, and the 61.61 acres of voluntarily provided conservation area, results in a total buffer of 75.34 acres, resulting in more than eight times the required resource buffer area; that the entire Martin Branch Conservation Area, consisting of Martin Branch, the adjacent Non-Tidal wetlands, the resource buffers, and the voluntary Conservation Area will permanently preserve and protect 104.93 acres of the most natural and environmentally sensitive portion of the site; that this protected area also includes all of the Cool Spring Crossing site that is located within a Flood Hazard Area according to the FEMA Flood Insurance Maps; that all of the area proposed for development is located outside of the floodplain as designated by FEMA's Floodplain maps; that the Martin Branch Conservation Area will also be made subject to a Declaration of Restrictions, permanently preserving it as a natural area, and a Resource Buffer Management Plan, providing the management and stewardship of the protected area; that three are three additional areas, containing an additional 12 acres, that will also be subject to the conservation documents; that those lands are located on the western side of the property, near Hudson Road; that there are three or four trees that will be preserved in that area; that in total, the entire conservation area, including the Hudson Road portion of the forest, will contain approximately 117 acres, being over 18% of the Cool Spring Crossing site; that in addition to the Environmental Protection, the Martin Branch conservation area will also preserve and protect the archaeological integrity of the site; that the State Historical Preservation Office (SHPO) indicated that the majority of the site had low potential for prehistoric archaeological sites, except for a low to moderate potential, located on the eastern side of the site, near Martin Branch; that the Applicant retained Mr. Edward Otter to perform and Archaeological Assessment of the property; that the assessment confirmed that the area of near Martin Branch had the most potential for Native American sites; that all of the areas identified by SHPO and Mr. Otter, are located the Martin Branch Conservation Area, that will be permanently preserved and protected by the conservation restrictions and the conservation management plan; that Mr. Otter also conducted an archaeological study and delineation of the known cemetery site, located south of Log Cabin Road, just west of Cool Spring Road; that the cemetery area is located on the eastern side of Village A; that the study determined that there were four marked graves, and possibly more members of the Warrington family, who owned the land and passed between 1843 and 1849; that the delineation determined that the cemetery is 30 feet by 30 feet in size; that this area is two feet higher in elevation that the surrounding farm field; that this is due a loss of two feet in elevation, with over a century of rain and plowing; that the delineation excavated soils around the identified cemetery to confirm that no graves or human remains were present outside of the 30 ft. x 30 ft. cemetery area; that markers were placed at the cemetery corners; that the cemetery, as part of the Cool Spring Crossing Development, will be restored; that a fence will be erected, marking

the cemetery boundaries; that there will be a 25 foot buffer established from the fence line, and a marker will be placed to provide historical data or information regarding the cemetery; that including the 117 acres in the superior design conservation area, altogether the Cool Spring Crossing development will contain 295 acres of open space, being approximately 46% of the site; that the project will provide positive economic benefits, since one of the purposes of the Sussex County Zoning Authority is to promote the welfare and prosperity of the present and future county; that the Applicant retained Sage Policy Group, Inc., an economic and policy consulting firm out of Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that Sage was also the firm to perform analysis for the Northstar development; that the report indicates that over the estimated 20 year build out, will result in the following impacts being, the construction phases, consisting of site preparation, infrastructure installation, and residential and non-residential building construction is estimated to cost $836 million; that the construction phase will support thousands of jobs in Sussex County, the majority of which will be in the construction trades, with an estimated $475,000,000 in labor income; that after completion, the development will support approximately, 1,500 permanent Sussex County jobs, generating an estimated $80 million in annual labor income; that transfer taxes from the initial land purchases will generate $12.5 billion to Sussex County, and $20.9 million of revenue to the State; that future resales will be sold in additional transfer tax revenue; that the Cape Henlopen School District, as a response to receiving notice about the application, recommended that no additional residential development be approved until such time that a school construction impact fee or voluntary school assessment can be implemented; that it was his understanding, that the District's response was not personal to their application, rather a stronger tact that the District is taking on the issue; that the District had provided similar responses on other applications; that the Applicant believed that funding for future school construction is an important issue that needs resolution; that County Council considered the School Impact Fee issue on January 30, 2024; that County Council unanimously rejected the fee for a number of reasons, but mostly for the reason that future school construction was deemed to be the responsibility of the State government, not the County; that there is no reasonable basis to delay the current applications, because of that issue; that the current applications were filed two years ago; that Sage determined, assuming the demographic of the 1,222 units, being all units except for Village A, that pupil generation from the development on the Cape Henlopen School District, would align with the demographics of Lewes and Milton, based on the U.S. Census Bureau's data; that Village A, being 700 more affordable workforce units, they were assumed to have similar demographics as the entirety of Sussex County; that the report projects, that once the development is at full build, would generate an estimate of 449 public school pupils in the Cape Henlopen School District; that with a 20 year build out, 449 pupils would average to 20 new pupils per year; that the Sage report estimates that the pupils from Cool Spring Crossing would increase the school district's annual expenditure by $4.1 million; that those expenditures would be offset by annual property tax revenue in the district of $4.7 million; that this would generate an annual net surplus of $550,000 to the district; that regarding fire and emergency services, the closest fire companies to the development are the Milton Fire Department and the Lewes Fire Department; that the Applicant did meet with the fire department representatives; that the Applicant has offered, that rather than the fire departments relying on individual contributions from Cool Spring Crossing homeowners, there would be a provision in the covenants stating upon issuance of the certificate of occupancy for each residential unit, each unit will be responsible for an annual fee of $100; that the fee will be collected as part of the HOA fees; that the HOA or condo association will pay the fire department; that non-residential uses of the Town Center, will be responsible for an annual fire company fee of $58,000, that will be correlated as it is built in the percentage of completion, and will progress as the Town Center progresses build out; that at build out the fire company fee would total $250,000 per year, with half of the fee being paid to the Milton Fire Department and the

other half of the fee being paid to the Lewes Fire Department; that this proffer contained on caveat condition that in the even the State or the County enact a fire or EMS fee ordinance in the future, applying to residential units or the Town Center, the condition shall be terminated; that there was a letter of opposition submitted on behalf of SHARP, which is a coalition of HOA's; that the letter opposed the proposed fire company contribution as unjustified and being against the intent of both public policy and homeowners; that the Applicant strongly disagrees; that the proposed fee is a fee restriction; that it is a private matter between the buyer and the seller; that if the potential buyer is offended by the annual $100 fee, they do not have to buy within the community; that any potential buyer will be well aware that this fee is one of the requirements; that the SHARP letter alleges that the HOA can amend or nullify the fee, by amending the condition or amending the Declaration of Restrictions; that this required fee will be placed as a proposed Conditions of Approval for the project; that the Applicant did receive a letter from the Milton Fire Department, extending its appreciation for the offer and the proactive approach that Carl Freeman Companies is taking, to address the fire departments concerns; that the letter noted that Carl Freeman was the only developer to contact the department regarding the matter; that he submitted to the Commission proposed Findings and Conditions of Approval for all four applications; that the Applicant has the option of proceeding with the development of a cluster subdivision; that the Applicant could have submitted for a cluster subdivision four years ago; that the reason the approval for the MR-RPC continued to be pursued in the Carl Freeman firmly believes that the Cool Spring Crossing MR-RPC is a type of Master Planned Mixed-Use development that is by far in the best interested of both the applicant, and the current and future residents of Sussex County; that the plan is in accordance with the concepts of smart growth; that for example, the 2020 Delaware Strategies for State Polices and Spending documents, advocates the designing and building of what the State refers to as "complete communities" which are described as including integrated pedestrian and bike networks, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within the development; that the strategy states that this type of development would result in more diverse range of transportation and housing options, with more economical extension of public service utilities; that Cool Spring Crossing will be a complete community; that the Sussex County Comprehensive Plan states that in a Coastal Area, residential planned communities are encouraged to allow for a mix of housing types, to preserve open space and natural areas and resources; that the plan further stated that master planning should be encouraged, especially for large-scale developments on large parcels or groups of parcels, where higher density and mixed use developments are provided flexibility and site design; that Cool Spring Crossing will be a Master Plan Residential Planned Community; that even the Sussex Preservation Coalition endorsed an agenda for what they referred to as livable communities; that the agenda for livable communities includes consideration of open space and protection of wetlands and streams, providing adequate infrastructure for residential growth, including safe roads, bike lanes, and public transportation, adequate healthcare, educational facilities, and the ability of affordable housing units for young families and local workers; that per the Sussex Preservation Coalitions agenda, Cool Spring Crossing will be a livable community; that the Coalition's opinion is the project is not the right use, at the right place, at the right time; that the Commission's opinion must be based on the facts placed into the record; that the project is the right use, being a mixed-use development, with a variety of housing options, located adjacent to a Town Center; that the project's design is consistent with the criteria of a complete community of a Master Plan community, or a livable community; that for the reasons previously stated regarding the Future Land Use Map amendment, the area is an appropriate place for the proposed project; that the site will have central sewer and water, and located near medical facilities; that the proposed site is possibly the only suitable land in the area for large scale development; that the Applicant has been working on the application for four years; that the Applicant could have requested a cluster subdivision; that this plan

cannot wait for the revision of the Comprehensive Plan; that the decision for the application must stand on its own merits; that the Commission's recommendation on the four applications is extremely important, having significant influence on the County Council's decision and he requested that the Commission base their decision on the factual records and the reasons presented into the record.

Ms. Wingate questioned whether it was the developer's intention to construct the phases in alpha order, as they are reflected in the Phasing Plan; that she questioned if an explanation could be provided regarding the traffic impact and traffic numbers for the building out of each phase over the next 20 to 24 years of build-out, and questioned if there were only two entrances to the project, and why the hotel was labeled as non-commercial on the plan.

Mr. Fuqua stated that the plan reflects the names of the villages; that they normally would start in the front and back; that the idea is that Village A would be part of the initial construction; that in the Ordinance for a residential planned community, any permitted use in any residential district, is considered a permitted use; that a hotel is a permitted use in the HR District; that therefore the hotel is a permitted use in an RPC, and is not considered commercial; that within an RPC you can have one acre of commercial use for each 100 units, and what they were designating was that the hotel was not being counted against that one acre, because it is a permitted use.

Mr. Drew Boyce with Century Engineering stated that there is no assessment of per unit or per phase currently; that within the supplemental review letter issued by DelDOT, they commissioned their own consultant to do a high-level phasing analysis to provide and idea of when improvements may be triggered or may require to come online to support the traffic impacts; that there is a single entrance off Rt. 9; that there is an entrance for Village A and B off Cool Spring Road; that there is an entrance to Village D off Log Cabin Hill Road; that the extension of Cool Spring Road provides some additional infrastructure; that this area would be privately maintained, but look similar to the local infrastructure that DelDOT has in the surrounding area; that the entrance off Hudson Road, is considered the fourth leg of the two intersecting roads that come in being Carpenter Road and Walker Road and those are anticipated based on the information in the TIS roundabouts at those locations.

Mr. Whitehouse stated that as a discussion with the Applicant's team as to whether the requirements for an RPC, which has a maximum commercial area that may be proposed, were complied with; that he does concur with Mr. Fuqua's answer, and staff did meet with the Applicant's team chairs.

Ms. Wingate stated she was happy to see the letter from the Milton Fire Department, as our first responders need all the support they can get; that she would like to go on record to state that the schools need support as well, and she questioned if there was a possibility for all the interior roads to be per DelDOT specifications and maintain budget.

Mr. Fuqua stated that there are five state-maintained roads involved in the application, being Cool Spring Road, Old Cabin Hill Road, Hudson Road, Joseph Road, and Rt. 9; that if you look at all the other interior roads, they are no different than any other subdivision; that the interior roadways would be built to Sussex County standards, and the interior roads will not bear any more traffic than a standard subdivision.

Ms. Wingate stated she would like to see the overhead bridge, similar to that of Baywood, to provide access to the trails, but she understood that it would most likely be up to DelDOT.

Mr. Fuqua stated that the Land Trust was fortunate enough to have the piece come up for sale, which became the source of Hudson Park; that DelDOT had a crossing located at the next light, which is where DelDOT preferred the crossing to be; the Carl Freeman got involved with the Land Trust; that there was preliminary work done; that there are sketches of what is being proposed; that he would be located where the park is located; that it would provide for a much safer crossing across Rt. 9, and the future of that is uncertain, as it is still being proposed.

Ms. Wingate questioned if it was the intention of the developer to complete the buffer strips as the phases are completed, and there have been issues in the past with communities waiting for the entire project to be completed before the buffer strips are placed.

Mr. Fuqua stated that the buffer strips would be completed as each phase is completed.

Mr. Mears stated that the Phasing Plan does not shade the Town Center area, and he questioned if the Town Center build-out will be constructed as part of Village Section A.

Mr. Fuqua stated he would envision those areas on the southernmost portion of the site, being Village A and the Town Center, would progress at the same time; that they do not know this for certain; that the Applicant would have to present that Phasing Plan before the Commission, and they recognize that Village A is top priority for the County.
Mr. Collins questioned whether there are any other alternative locations anywhere in the County, where a similar development could be placed, potentially within closer proximity to Rt.1, or consideration given to redevelopment of existing properties that may be underutilized.

Mr. Fuqua stated that off the top of his head, he absolutely could not think of another area, closer to Rt. 1, for this type of development; that one could renovate any existing property if one could purchase it; that this project was a product of the owners wanting to sell the land, and the vast majority of the land is existing cleared farmland, with little environmental impact, and that with the protections the Applicant is providing for the environmentally sensitive area, the site is an ideal piece.

Mr. Collins stated he was happy to see the voluntary contributions placed into the covenants for the fire and EMS services; that he questioned if there was any consideration given to the placement of residential units above some of the commercial uses; that although some people do not like high density, the higher the density, the less land is required to be used; that land is precious in Sussex County, and the Commission wants to preserve as much land as possible as natural habitat.

Mr. Fuqua stated that he could not say whether consideration was given to the placement of residential use being placed above commercial uses; that he believed the main concept was that not everyone wants to live in a commercial area either; that the 700 units located within Village A, adjacent to the Town Center is a lot of units, and they believed those units served the same purpose.

Mr. Butler questioned if the developer would build the bridge for the crossing of Rt. 9.

Mr. Fuqua stated he felt the bridge was cost-prohibitive; that he would talk to his client about the bridge in the future; that Carl Freeman had spent money to make a good design; that the Applicant has been working with DelDOT; that if the bridge can come to be, there could be some type of arrangement, as it certainly would be beneficial for the project, as well as the public, and that it is an idea that is being pursued.

Mr. Robertson stated that the roads laid out on the site plan do not match the current DelDOT layout, and that it appeared that there may need to be some road abandonment and relocation.

Mr. Fuqua stated that he believed that the one end of Log Cabin Road will be realigned; that the arch that connects to Hudson Road will be a brand new State road.

Mr. Robertson questioned if the fire company donation would be per unit or per fee simple unit, as there will be ownership, rental, and SCRP units with the development.

Mr. Fuqua stated they had discussed if they should exclude the SCRP units from the fee; that he hated to need to go back to the Fire Department stating they were going to exclude units from anything; that he then realized it is not the renters paying the fee, that it will be the owners; that the fee will be paid per unit, and the owner will be paying the fee, not the renting tenant.

Mr. Robertson questioned what the open space for special events and entertainment means or would look like.

Mr. Fuqua stated it is a designated community area for periodic events, such as Fourth of July, Halloween, and potentially for weekly farmers markets, and the area is not proposed to be the new Freeman Stage North.

Ms. Wingate stated she was disappointed to hear it would not be a Freeman State North; that she felt that Bayside has been a wonderful asset to the community; that she questioned if the development roads will be connected to the medical center.

Mr. Fuqua stated that they envisioned a connection there; that they do not know at this point who will have the doctors' offices; that if it were Bayhealth it would make it easier; that they are going to have some type of connection, however interconnection becomes tricky because you do not want to create an unintentional thoroughfare.

RECESS

2:25 pm – 2:35 pm

The Commission found, by a show of hands, that there were 58 people present in support of the applications, and nine people present who wished to speak in support of the applications.

Dr. David Tam, MD, the President of Beebe Healthcare spoke in support of the applications. Dr. Tam requested that the Commission consider not only Beebe Healthcare of overall healthcare in general; that he had previously spoke before the Commission and County Council regarding the current physician shortage and the healthcare workforce housing shortage issues; that Sussex County will need more healthcare workers as more retirees move to the area; that if growth stopped today, the retiree community will continue to require three times more healthcare than non-retirees; that he supported the smart growth proposal by Cool Springs; that the plan provides 700 workforce housing units, with 175 units being rent restricted units; that for every doctor he would bring in, he will also require junior nurses, pharmacy technicians, laboratory technicians and radiology technicians, as well as many others that are required to support healthcare services; that he recently had contacted medical

professionals, who stated they would love to work for Beebe Healthcare, but could not afford to live in Sussex County; that the YMCA plan will provide childcare; that the people they are looking to recruit are people with children and families, that will require childcare for their 12 hour work days; that the plan supports community integration; that Blue Zone studies have shown that people who live in congregate housing with multigenerational utilization, such as the ability to walk to places, being able to converse with each other, help improve healthcare outcomes; that he felt the proposed design was a good one, and regardless of what healthcare system is proposed to go in that location, they will all have the same issues with the aging and challenging population, with a workforce that cannot serve that group of people.

Mr. Tim Kriebel spoke in support of the applications. Mr. Kriebel stated that he recently purchased property in close proximity to the site, where he plans to build a part-time retirement home; that he resides full time in Vendor City, New Jersey, where he currently serves as the Mayo, Commissioner of Public Safety, and has sat as a member of their Planning & Zoning Board for nine years; that his support for the project comes from a decade of public service and a 30 year career in Design & Planning; that he has seen the consequences of resisting thoughtful planning and development; that he has seen the development benefits when a community chooses managed growth instead of fearing it; that he experienced a similar proposal in his hometown; that after superstorm Sandy, the project was abandoned; that for the next 10 years the town declined; that there were no investments; that the ratables were in a nine year consecutive decline; that he felt the Master Plan offered walkability, affordability, and infrastructure investment; that the proposed plan was not development sprawl; that the plan offered a balanced, community focused development approach; that the plan offered a rare opportunity to shape growth, and he agreed the project would create increased traffic, but felt the plan provided a smart way to manage growth.

Ms. Linda Risk, Chief Operating Officer of the Delaware State YMCA, spoke in support of the applications. Ms. Risk stated that the YMCA of Delaware has been the cornerstone of the community in Sussex County; that this is achieved by their many programs including, after school care, early childhood education, summer camps, swim lessons, exercise classes, and chronic disease programs; that during the pandemic, they offered emergency child care services and food assistance across the State; that as the Sussex County population grows, so does their program; that the demand for their high quality programs has never been greater; that they support the Cool Springs Master Plan as the development presents a meaningful solution to pressing challenges facing local families; that the plan provides 700 workforce housing units, directly addressing the housing needs for the essential workers in the community; that the diverse housing options support families of all sizes, young professionals, first time homebuyers, and empty nesters; that the plan will make it easier for people to live where they work, while raising children in a stable, supportive environment; that by integrating a YMCA into the thoughtfully designed, walkable community, they can reduce barriers to access families; that if approved, Cool Spring Crossing would provide a unique opportunity, bringing the YMCA mission to life in a new and impactful way, through arts programming, workforce development, teen programs, college and career readiness programming, and other inclusive initiatives that benefit every age and background; that the projects emphasis on walkability, sustainability, and lifelong learning aligns directly with the YMCA's mission and their promises to Delaware; that ensure youth have a pathway to success, improve the health and wellbeing of individuals and families, and bringing communities together to inspire and serve others, and she respectfully requested the Commission support the forward thinking plan, and the long term benefits the plan would bring to the families of Sussex County.

Ms. Kelly Basile, Chief Operating Officer of the Delaware State Chamber of Commerce, spoke in support of the applications. Ms. Basile stated the most pressing concern the Chamber of Commerce hears from Sussex County members is regarding the lack of affordable and diverse housing; that they recently released a report on the State's demographics and trends that will shape the State's future, which reinforces that between 2025 to 2035, the State's population is projected to increase by 6.4%, while the number of households are expected to rise by only 5.7%; that the supply is not meeting the demand; that house affordability is a key factor; that home prices have surged 56.2% over the past four years, which is outpacing the national average of 51.8%; that Sussex County is the fastest growing county by percentage in the Mid Atlantic; that employees are finding it increasingly more difficult to secure affordable housing near their places of work; that she questioned where the doctors, nurses, teachers, first responders and hospitality workers will live; that entry level wages for these positions do not allow people to live in the current available housing near their workplaces; that this makes people less likely to accept employment opportunities, because they do not want to drive an hour or more to work daily; that to maintain economic strength and competitiveness, Delaware must confront the housing shortages and the cost of living concerns; that the Cool Springs Crossing project directly addresses these issues with a thoughtfully planned mix of homes; that beyond housing, the project brings a significant economic impact; that potential construction activity along is estimated to generate a one-time economic impact of 1.3 billion statewide and will support approximately 6,400 full-time jobs, that the developer's investment in transportation infrastructure will help ensure that growth is manageable and forward thinking; that the proposed job creation, paired with significant infrastructure improvements is a win, and she requested the Commission approve the Cool Springs Crossing project, which will help to build a more sustainable and inclusive future for Sussex County.

Mr. Jonathan Contant, Land Planning Manager for K Hovanian Homes, spoke in support of the applications. Mr. Contant stated that with the proposed Master Plan, three minutes would be the approximate amount of time it would take someone to get from one end of the project to the other, to access groceries, gas, access to restaurants, doctor's offices, the gym, the YMCA and more; that the currently the closest grocery store to the site, is the Redners on Rt. 9, which would exceed three minute drive to; that it also adds to the traffic along Rt. 9; that the proposed Master Plan community would keep most daily necessities accessible from inside the community without creating additional traffic along the major roadways; that K Hovanian is the builder in Monarch Glen, located across the street; that the proposed plan provides closer access to these services for their buyers as well; that he felt having high density, multi-purpose, mixed-use, multi-price level communities, will help to reduce the traffic; that smart growth is a partnership; that partnership is not only what Sussex County wants, or what DelDOT wants; that the partnership is also what the land owners want to do; that this proposed development will help expand public water, and public sewer; that there are many DelDOT projects, identified in the Traffic Impact Study (TIS), that the project is proposed to impact by providing DelDOT more funding; that the developer will have to improve intersections rather than just providing a contribution; that he had not taken a look at the Traffic Impact Study, but he was willing to bet that most of the intersections are either currently failing; that the project will provide a partnership between the developer, DelDOT and the County, providing an opportunity to rectify those situations, and improve everyone's level of living and travel in the area; that he agreed with many other points of support that had already been mentioned; that he requested the Commission consider the need for workforce housing, and stated that K Hovanian supports the proposal for additional housing, increased inventory and options for those who are retiring here, as well as those who work here.

Mr. Brian Rashley, Manager of Bayside Golf Club, spoke in support of the applications. Mr. Rashley stated that Sussex County continues to grow, and so does the urgent need for thoughtful and sustainable housing solutions, particularly for the local workforce; that he witnesses this need at Bayside and across the hospitality industry; that many of their employees struggle to find affordable housing; that he currently has associates who travel from Virginia and Pocomoke City to Bayside daily; that the issue is not unique to hospitality, as it impacts the healthcare workers, teachers, first responders and retail employees; that workforce housing is not just a housing issue, it is an economic and community issue; that if the community desires for businesses to thrive, and the communities to stay vibrant, we need employees to work close to where they work; that the Cool Springs Crossing project represents the comprehensive, forward-thinking development that Sussex County needs; that the project does not just check boxes on a site plan; that the plan offers a long-term solution by providing diverse housing options, thoughtfully planned amenities and a stronger foundation for the workforce and local economy, and he stated that by approving the project, the Commission would be voting for balance, inclusivity, and long term sustainability for Sussex County.

Mr. Greg Hurley, resident of Tower Hill within Sussex County, spoke in support of the applications. Mr. Hurley stated he felt the Tower Hill community is the most significant project of Carl Freeman, prior to the proposal of the Cool Spring Crossing project; that he serves as a member of the Tower hill Property Association Bord of Directors; that he had frequently interacted with the developer, Carl Freeman Companies and its team for the past two years; that he has found Carl Freeman Companies to be responsive to the needs of the residents, during the continuing development of Tower Hill; that they have made additions and changes in response to the request of the residents and the association, and based on past performance, he had no reason to change his view regarding Carl Freeman Companies.

Mr. Dave Carey, resident of Lewes, spoke in support of the applications. Mr. Carey stated he is one of the property owners in Cool Springs Crossing; that the property came to his father in 1969; that the decision to sell the property was difficult, and was made based on analyzing many factors, challenges, and risks; that one of his considerations was the ever increasing number of overlays on the property, which he felt served to diminish his private property rights; that water, sewer, three phase electric, and fire protection has been on the property for a decade; that the increasing traffic on Hudson Road, clearly explain the reasoning as to why the property should not be located within Level 4; that his support for Carl Freeman was based on three points, being the project is a mixed-use, smart growth community; that from his research there are at least 5,000 homes located within three miles of the property, that are required to drive to Milton, Long Neck, Rt. 1 or Lewes; that he feels the County needs to provide employment for the working age people, and those just graduating; that construction activities will generate $1.3 billion, of which the vast majority of it will stay in Sussex County, and he stated he would prefer to see a smart growth community over another community of single-family homes.

Ms. Patti Grimes, resident of Americana Bayside within Sussex County, spoke in support of the applications. Ms. Grimes stated that Americana Bayside is a completed community that offers similar amenities to the Cool Springs Crossing project; that her family has enjoyed being homeowners in Carl Freeman's communities; that she has been able to enjoy a walkable community for many years as a Bayside resident; that she is able to walk to work; that she is able to walk safely along sidewalks with streetlamps; that she often gets to meet and converse with her neighbors during walks and bike rides; that she is able to walk to the Bayside commercial corridor to the grocery store, pharmacy, restaurants, and bank without leaving the community; that this allows for less traffic on the roads, while still

allowing the public to enjoy the benefits of their Master Plan community; that the project protects the environment by reducing the carbon footprint; that there is diversity in the community, allowing people to stay in place as they age; that it is important that we continue to grow Sussex County; that recommending a Master Plan community, with an amenity core, for not only the residents, but the public to enjoy, is very important; that there is quite a difference in the livability for people residing in a subdivision versus a Master Plan community, and she urged the Commission to approve the Cool Springs Crossing project.

Chairman Wheatley advised the Commission and the members of the public that the representatives from DelDOT are not presenting in support of or in opposition to the applications, and that the DelDOT representatives are present as a resource for the Commission only.

The Commission found that Mr. Todd Sammons, Assistant Director with DelDOT's Development Coordination Division, was present at the request of the Commission; that also present were Ms. Pamela Steinebach, former Director of Planning, newly appointed Director of Maintenance and Operations, Ms. Sireen Muhtaseb, Traffic Impact Study Engineer, Ms. Joanne Arellano, Senior Traffic Engineer with JMT Transportation Engineering firm.

Ms. Wingate requested an explanation of the impact the 1,922 units will have on the area, compared to the 1,200 to 1,300 units that would be permitted by right within a standard subdivision, given that the project is projected to be constructed over a 24-year span.

Mr. Sammons stated he was just presented that question that morning; that the Applicant is conducting a traffic analysis based on just single-family use, and that they currently do not have the apple to oranges to compare.

Ms. Muhtaseb stated they just received the preliminary Traffic Impact Analysis, and they are currently reviewing the analysis.

Mr. Sammons stated that if the current project is not approved, the Applicant is moving forward with a separate submission for a major subdivision, for single-family lots based on the by-right density permitted within the zoning district; that DelDOT is currently undertaking that requested analysis, and because they are in the early stages of the analysis, they are not able to provide an apples to oranges response at that time.

Ms. Wingate stated that she realized the amount of time the analysis would take and questioned if four separate people purchased four separate properties, and they all decided to develop at the same time, the impact on the roadways would be very different than what the Commission is currently considering.

Ms. Sammons stated that it could look different; that the analysis was a massive undertaking with having to review 43 intersections, all of the committed developments, collectively painting a broad picture to do serious planning on it from a transportation impact; that if it was broken into small properties, being developed individually, they would have to comply with any warrants for analysis if required; that even if a project does not meet the warrants for a Traffic Impact Study or Traffic Operational Analysis, DelDOT still performs some form of analysis on the project; that if a project were to be piecemealed, it could result in piecemealed improvements to the roadways, creating a less holistic approach, and that it all comes down to timing.

Ms. Wingate questioned whether DelDOT was in support of constructing the walking bridge, which is proposed to be similar to what is at Baywoods and would take traffic off the crosswalks.

Mr. Sammons stated DelDOT has extended the trail down to Hudson Road and Rt. 9; that there is currently a pedestrian crossing there; that bicyclists also cross at this area, rather than the location of Cool Springs Road; that they initially looked at the area, as it was the proposed location for a bridge or tunnel; that these proposal are not technically off the table; that the proposed bridge or tunnel is out of realm of what they do, and at this time is not something the department is planning for.

Ms. Steinebach stated the current crossing is a safe crossing; that DelDOT does not currently have plans to perform a DelDOT funded project for a bridge or a tunnel; that they are completely on board with supporting it potentially with a federal grant, but it will not be funded as a DelDOT Capital Transportation (CPT) Project, as they do have an existing crossing in that location.

Mr. Sammons stated DelDOT has placed a crossing, and DelDOT may consider a bridge or tunnel in the future; that there are challenges with the proposal, which is the reasoning it has not already occurred; that the department took the initiative to build the path farther down to make that at-grade crossing; that people do not like to walk or bike across bridges, and tunnels present different challenges from a homeland security perspective.

Ms. Wingate stated that both bridges and tunnels are very effective and questioned if DelDOT would have any objection to allowing a roadway from the development to the medical center.

Mr. Sammons stated DelDOT fully supports interconnectivity within the department, subject to it being constructed in a sound and safe way; that many times the Planning Commission, County Council, and DelDOT plan for interconnectivity, which is followed up by public opposition from the development community; that interconnectivity must be designed in a proper way, as cut throughs can become unsafe; that there are ways to mitigate that, and without interconnection it defeats the purposed of planned communities.

Mr. Collins questioned what DelDOT's estimate in trip reduction would be for a Residential Planned Community with amenities, employment centers, shopping, etc. built in versus a by-right standard subdivision.

Mr. Sammons stated that DelDOT refers to that as Internal Capture; that if you have a standard single family subdivision, residents will have to leave and return for every amenity; that when a project proposes multiple uses, like Cool Spring Crossing, that DelDOT provides credit to the project, and can calculate what the internal capture will be, which will pull those estimated trips off the roadways; that there is a huge benefit to internal capture; that DelDOT is not present to support the project; that DelDOT remains neutral to the proposed project; that there is a huge benefit to having these types of planned communities, with provided amenities, from a transportation perspective, and overall planned communities reduce vehicular traffic all together, because many people will walk or take a bike.

Ms. Arellano suggested keeping in mind that with internal capture, is the type of uses internal capture is applied to; that primarily it is residential to retail, residential to office or restaurants, and vice versa,

and not every proposed land use within the development has an internal capture according to the ITE Trip Generation Manual.

Mr. Robertson requested further explanation of how the Traffic Impact Study (TIS) is facilitated.

Mr. Sammons stated that everything is time sensitive; that to be able to perform the analysis, a certain time and build out must be chosen; that they are dependent on the developer to tell them their schedule; that in the current case it was 2044, realistically now probably adjusted to 2048 for the full build out presented during the presentation; that when the counts are analyzed, it must be performed at a certain time, so that they can begin the analysis process; that they do apply annual growth factors and seasonal adjustment factors depending on when the counts were taken; that growth factors take into account the growth that is going to occur over the years, and committed developments as well; that it takes some time to perform an analysis of this magnitude, and DelDOT attempts to account for all the committed developments, add in growth factors which takes into account build out as well.

Ms. Steinebach stated that DelDOT also maintains nearly 90% of the roads, they do large scale planning; that one of the large scale areas is the coastal corridors; that they have completed the final report for those; that they will continue to analysis as they understand there is a lot of growth in the area; that the Henlopen Transportation Improvement District (TID) is located to the east; that they are not going to stop with that one formalized analysis; that they will continue to perform additional counts and forecasting; that; that they are a monitoring entity, and will have a pulse on all the new developments; that they are trying to hone in on growth factors; that there are many factors that contribute to growth factors, such as population, number of households, and employment areas; that DelDOT is monitoring the coastal corridors, while including input from stakeholders throughout the area and the input includes comments from the County and business owners, who are on the ground, and can voice any current issues or potential issues.

Mr. Robertson stated that there is a Traffic Impact Study (TIS), which is separate from the Coastal Corridor Analysis, and he questioned how those two documents work with one another, how the Coastal Corridor study impacts the project, how the Coastal Corridor study should impact the Commission's consideration of the project, and what the interplay between the two studies are.

Ms. Steinebach stated the Traffic Impact Study (TIS) placed responsibility on the Developer for certain infrastructure that they will be responsible for, to avoid the project negatively impacting the transportation system; that this responsibility is only one cog in all development County-wide, not in one specific area; that this is part of DelDOT's long range planning; that the Coastal Corridors studies are to provide a regional analysis of impacts to the transportation system, separate from the specific developer requirements for specific projects and the current planning vision takes in account longer forecasting to approximately 2050 and beyond.

Mr. Sammons stated that DelDOT attacks the analysis, admiring the roadways and infrastructure from multiple sections and approaches; that these areas overlap each other; that just like the current letter for Cool Spring Crossing, which mentions the TID, the Coastal Corridor study and the CPT projects; that all these studies are independent of each other, but all overlap each other, while analyzing and attacking the same issues; that the main issue is traffic mitigation with regards to end growth and those types of things; that these individual studies are performed not only by their group, but multiple other groups, and this is the reasoning why it can be so cumbersome to pull these letters together, coordinating with multiple different sections and groups.

Mr. Collins questioned what the project timeline will be for the Lewes Georgetown Highway (Rt. 9) roadway dualization and expressed the voiced concern from the public that the property that may potentially need to be acquired may be developed on.

Ms. Steinebach stated that there are two projects in the DelDOT Capital Transportation Project (CTP); that construction for the project located from Coastal Highway (Rt. 1) to Old Vine Blvd. is projected to begin in FY27; that construction for the Rt. 9 dualization between Old Vine Blvd. to Dairy Farm Rd.; that the preliminary engineering is slated to begin in FY27 – FY28; that currently DelDOT does not have an estimated construction timing for that project; that DelDOT will need to accomplish the professional engineering, acquisition process and utility relocation first; that the Coastal Corridors monitoring is what will indicate when Rt. 9 will require dualization further west; that the intersection creating a lot of constraint is the intersection of Rt. 9 and Rt. 5; that there are many sensitive areas at that location, creating many complex problems, which will be the hardest for them to tackle; that DelDOT is aware of the concerns and growth of the area, but transportation projects take a very long time to get on the ground; that DelDOT has great partnerships with Director Whitehouse and the Sussex County Planning staff; that they are working on the Rt. 9 dualization to the east; that they have a good footprint of what it will be; that it is extremely important that DelDOT's ensure that information is placed in the Traffic Impact Studies; that this helps provide the information to Sussex County, allowing the Commission and County Council to place requirements or stipulations if needed, and the developer has agreed and accepted the reservation.

Mr. Sammons stated that within Item 21 of the Traffic Impact Study states that the developer should enter into an agreement built for right of way reservation along Rt. 9 site frontage, to allow for the potential future U.S. Rt. 9 road widening; that DelDOT may not know at this time how much right away will be required, but as the developer proceeds through the approval process, those are items that will be addressed, and if DelDOT cannot achieve an exact determination, they will project and obtain the reservations as they proceed through the process, ultimately the property would be acquired when the dualization or widening occurs in the future.

OPPOSITION

The Commission found that, by showing of hands, there were 39 people present who were in opposition to the applications, and 12 people present who wished to speak in opposition to the applications.

The Commission found that representatives of the Sussex Preservation Coalition (SPC) being, Mr. Richard Barasso, Mr. Jim Dick, Mr. Joe Pika, Mr. Johannes Sayre, and Ms. Jill Hicks spoke in opposition to the applications and submitted an 1,800-signature petition in opposition for the records.

Mr. Barasso stated that the Sussex Preservation Coalition (SPC) consists of organizations and individuals who have interest or concerns regarding land use in the county; that their effort is not to unduly delay, interfere or obstruct the process, but rather be part of the process; that the Sussex Preservation Coalition (SPC) represents at least 4,000 people; that the SPC was organized about three years ago; that it was an outgrowth of other organizations including Sussex 2030 and Sussex Alliance Responsible Growth (SARG), which was an organization that he had co-founded; that SPC efforts are to focus on sustainability in the County as it relates to our natural resources, but more importantly, focuses on how best to balance growth, economic growth, and preservation of the roads, schools and

emergency services; that he is proud to state that the former president of the Sussex Preservation Coalition now sits as a member of the Sussex County Council; that often land use decisions are focused on the future, and fail to recognize the unintended consequences to the here and now; that he complimented Carl Freeman Company in the presence of their management and organization at the meeting, unlike what the public has experienced from past developers; the SPC designated a team to work on the Cool Spring Crossing project for the past 18 to 20 months; that the team had interactions with hundreds of local residents, state agencies, homeowners associations, including HOAs where Carl Freeman was their developer; that they have spoken with land use professionals, traffic engineers and others; that the current application was the fifth application to come before the Commission for the proposed area, after previous efforts in 2021 and 2023; that if it were an easy decision, a decision would have already been made; that the current issues of concern are design changes, specifically as it relates to housing and housing expectations; that he has no doubt that the land will be developed in 20 to 25 years from now; that SPC wants to ensure that development was completed in the right way, not just for the benefit of the landowner or the developer, but for the people in the surrounding area; that the public understands that the Commission has total discretion on the four applications; that SPC believes currently, all four applications must be denied for the following five reasons; that the subject properties are zoned AR-1 (Agricultural Residential); that according to the current Future Land Use Map the properties are not located within a designated growth area; that based on the scale and scope, any decision on these applications would be premature, neglecting the recent commitment and investment made by the County in formally assigning a Land Use Reform group to analyze land use development in Sussex County, set forth to make recommendations that could result in new ordinance to amend the current County Cod and Comprehensive Plan; that working group consists of ten people; that within seven months, extensive work will begin in casting what will serve as the standard for how development occurs and how land use is governed in Sussex County over the next 20 years; this will be performed through the process of updating the Sussex County Comprehensive Plan; that this plan is essential in updating and establishing land use policies and identifying growth areas; that the plan will also consider various other community concerns, such as affordable housing, agriculture preservation, open space protection, historic preservation, etc.; that Sussex County must learn from other jurisdictions to begin to implement land development plans utilizing carrying capacity, which regulates the maximum intensity of a development based on actual infrastructure capacity; that proposed residential or commercial occupancy needs to be aligned and sequenced with capacity; that capacity is dependent on required road improvements; that although Sussex County does not have responsibility for roads, Sussex County certainly has responsibility for land use decisions for cars on the road; that the SCP's main questions are, is this the right use, is this the right place, and is this the right time; that every development must be sequenced, and must be sequenced relative to the road improvements to provide for the needed capacity

Mr. Jim Dick spoke on behalf of the Sussex Coalition Preservation in opposition of the applications with legal questions, and to provide explanation as to why SCP believes it would be wrong to accept a rewrite of the Future Land Use Map. Mr. Dick stated that according to the Sussex County website, the Sussex County Comprehensive Plan, adopted by Sussex County Council in December 2018, and certified by Governor Carney in March 2019, represented "*the culmination of more than two years' worth of work with scores of public meetings, workshops, outreach that attracted hundreds of comments, suggestions, and ideas from residents, business owners, government officials and others*"; that the Future Land Use Map is a legally required part of the Comprehensive Land Use Plan, and according to Delaware Code, it "*shall have the force of law, and no development shall be permitted except in conformity with the Land Use Map*"; that the current FLUM divides County land into seven growth areas, where development is encouraged, and two rural restricted growth areas, where growth is not encouraged; that Cool Spring Crossing is located within

the Low Density Area, being one of the two restricted growth areas; that the primary uses within the Low Density Area are agricultural uses and single-family homes on individual lots; that this area does not permit for large commercial developments or for multifamily residential buildings; that this is why the Cool Spring Crossing proposal cannot proceed unless the FLUM is amended to change the area from Low Density to a growth designation, such as the adjacent Coastal Area; that they have found only nine instances where County Council has used its authority to amend the current FLUM, since it was adopted about six years ago; that Mr. Fuqua had referred to ten instances, with one of those amendments pertaining to the Sewer Tier Map; that two of the nine instances were to correct technical errors; that one case was to transfer less than 1.5 acres, which had mistakenly been included in the Bethany Beach municipal FLUM to the Coastal Area within Sussex County's FLUM; that the other case involved restoring a Growth Area designation to land that had been in a growth area under the 2008 plan and map, but was incorrectly designated as Low Density in connection with the 2018 FLUM revision, apparently by a computer software program without any instruction or direction from the Commission or County Council; that he presented a list of seven amendments, excluding the sewer tier amendments, and the two technical amendments; that most of the amendments involved a change from one growth area to another growth area; that only three of the previous amendments involved changing land from Low Density to a growth area; that a FLUM amendment the size of Cool Spring Crossing, being 637 acres, is unprecedented; that the average of the three amendments listed is 19.5 acres; that Cool Spring Crossing would be nearly 33 times as large; that the average of the three low density to growth area amendments is only six acres; that Cool Spring Crossing would be 106 times as large as the average of the low density to growth area amendments that have occurred since 2018 and 2019; that 637 acres is twice the geographic area of Ellendale, and is 30% greater than Greenwood; that the next largest request to change the FLUM involved the 247 acre Seaside application; that FLUM amendment requested a change from the Low Density area to the Coastal Area; that this request was denied in January 2023; that the SCP believes that, at this current time, a development of Cool Spring Crossing's size and location would have very significant adverse impacts on Sussex County residents, traffic, schools and the delivery of medical, fire and police services; that they believe the project would have a negative impact on the environment, health, safety, and general welfare; that the approval of the project will also have other, less tangible, but very real adverse impacts; that an amendment of this magnitude would undermine the purpose of the Comprehensive Plan and the Future Land Use Map; that the project would be inconsistent with the plans overall objective of focusing growth in designated growth areas, leaving low density areas for low density; that approval of the project would disregard the years of work, scores of public meetings, workshops, citizen involvement, and County efforts; that approval for an amendment of this size would set a dangerous precedent, allowing other developers to look for similar opportunities, claiming entitlement to the same rights as Cool Spring Crossing; that approval of the proposed FLUM would inevitable erode public confidence in the FLUM as a reliable land use planning tool with the force of law; it would be seen as no more than a toothless suggestion; that it would also preempt any future decision on whether or not to expand the Coastal Area, in the Cool Spring Crossing direction, in connection with the upcoming 2028 Comprehensive Plan and Future Land Use Map revision; that a decision of this magnitude should not be made in isolation before the 2028 revision, and without consideration of the cumulative impact of existing and approved developments, as well as the long range planning objectives for Sussex Count as a whole; that the decision should not be made without consideration of the results from the Land Use Reform Working Group, the Rt. 9 Corridor Study, and the other ongoing efforts that would impact the 2028 Comprehensive Plan; that Cool Spring Crossing is also located within Investment Level 4, which is not a designated growth area for the State; that the State tends to limit any investment in Level 4 areas to agricultural preservation and natural resource protection; that large residential developments and commercial activities are discouraged in these

areas; that Sussex County has the highest percentage of residential developments located within the Level 4 areas in the State; that all of the residential building permits issued for Level 4 areas from 2019 to 2023, nearly 81% of them were in Sussex County; that less than 20% of building permits were issued in Kent and New Castle counties combined; that nearly ¼ of all the residential building permits issued in Sussex County during that period were located within Investment Level 4 areas; that this information was taken from the 2024 publication from the Delaware Office of State Planning Coordination; that Cool Spring Crossing would add nearly 2,000 new residential units to the Investment Level 4 area, as well as the large commercial project; that this is the reasoning the Office of State Planning Coordination has opposed projects in April 2021, December 2021, January 2023, and December 2023; that the State has a huge financial interest in the way Sussex County is developing; that the State pays for a very significant proportion of our infrastructure and necessary services; that according to the Office of State Planning Coordination's 2024 Annual Report chart for State planning issues, the State funds 90% of the roads in Delaware, including Sussex County; that the State funds 100% of the State Police, 30% of the State's paramedic programs, 90% of the public school's transportation; 60% to 80% of public school's construction and 70% of public school's operations; that the State is not currently planning to make the type of infrastructure investments needed to handle a new development of Cool Spring Crossing's size; that the State is expecting the area to remain largely rural and agricultural; that if the FLUM is amended and the project is approved, the State can legally withhold financial assistance and infrastructure improvements to support the project; that the State has lawful authority to withhold support for any new development with the Office of State Planning determines it is substantially inconsistent with State development policies; that this is the determination the Office of State Planning Coordination has made four times in the past; that legal authority is Delaware Code, Title 9, Section 6958-B; that is the State does agree to invest in a Level 4 area, in order to support a project of the proposed scale and magnitude, the investment will necessarily divert money from planned investments in Levels 1 and 2, slowing down essential projects in more populated areas; that it will disrupt State agencies long term planning and budgeting processes, resulting in inefficient and inflated State spending; that this is happening at a time where any financial help from the Federal Government is uncertain at best; that the SPC request that the Commission recommend denial of the pending huge and unprecedented FLUM amendment sought by Cool Spring Crossing, in order to allay growing public concern of there being no effective constraints on development in Sussex County, that even a planning guide, with the force of law, can be circumvented, and to avoid a fiscally irresponsible decision, that undermines the State's planning and budgeting processes, as well as the State's major role in funding necessary infrastructure improvements in the County.

Mr. Joe Pika spoke on behalf of the Sussex Preservation Coalition, in opposition to the applications, regarding the impact the project would have on the nearby area communities. Mr. Pika stated that he has been involved in public policy issues in Delaware for a long time; that he is a resident of Lewes, a retired faculty member from the University of Delaware, and previously served as President of the State Board of Education; that he wanted to discuss service infrastructure, which is much more than water, sewer, electric, natural gas and broadband services; that service infrastructure includes school, fire, police, and medical service providers, as well as the impact on neighboring towns, who provide many of those services; that the concern of SPC is regarding the new demands Cool Spring Crossing will place on all the previously mentioned services, placing those services under even greater stress than they already are under; that their interpretation is that Sussex County's growth has been so rapid that those services have been unable to keep up; that we have had residential growth on properties in the area, but the growth has not been synchronized with the expansion of those services; that as a result, the demand has exceeded capacity; that there are strains we all experience when trying to get a

medical appointment; that the recent examples, seen in the news, is the discussion regarding emergency services, particularly from Lewes, the issues the Cape Henlopen School District has raised, and medical services; that they believe the impact of Cool Spring Crossing go well beyond those that were explored in the economic and physical analysis submitted by the Applicant, which primarily focused on the economic benefits of the development and the tax revenue it will produce; that Cool Spring Crossing is going to cause big ripples; that he believes the project's population will top out at approximately 5,600; that even when allowing for the growth of Laurel and Milton, the project will be within the vicinity of the fourth largest to the sixth largest community within the County; that there are consequences from that; that one of these consequences is the position that the Cape Henlopen School District has taken regarding many proposed developments; that the Cape School District has expressed that they do not want to take on any further students until they can settle on a way to accommodate the students; that he has had previous conversations with Mr. Jason Hale, Cape Henlopen Director of Operations, regarding the current issues with enrollments; that the Cape Henlopen School District's concern is that they are being inundated with students, which must be placed somewhere; that the estimates from the Developer had been inconsistent; that the 2023 estimate was 566 students; that the current estimate in the materials before the Commission, the estimate total is 409 students; that the number of residential units had not changed, rather the methodology changes; that the 2023 estimate was based on a projection, founded on a questionnaire given to the residents of Americana Bayside, questioning how many of those households had school aged children; that the Developer than used that census data to make that projection; that the newest estimate is based solely on the estimate referred to by Mr. Fuqua on the census; that in both cases, Mr. Hale suggested that the estimates were too low; that Mr. Hale believed the census would be higher; that neither estimate takes into account the issues of overcrowded classrooms, how the school district will accommodate, or the disruption to families as a result of the school district being unable to accommodate them; that it will require the school district to redesign the attendance boundaries; that he can confirm that those changes can be tremendously disruptive, as he is a father of three children who went through attendance boundary changes in the past; that the arrangement that they had learned about, only as a result of the Milton Fire Department letter; that there is no other description of this document within the 900 page exhibit book; that within the drafted HOA documents, there is no mention of this obligation, and there is nothing in writing addressing this from the Developer; that they did hear during the presentation how it would operate and that it would also apply to Lewes; that it has been made clear that EMS needs more support; that currently there is a report being performed on the financial status of the volunteer fire departments in the County; that the fire departments are confronted with too few volunteers, moving towards using more professional, resulting in much higher expenses; that Lewes Fire Department have been providing monthly reports, expressing their higher demands; that according to their February report, only 14% of the Lewes Fire responses happened within city limits; that according to a recently uploaded document, the Cool Spring Crossing project would be served by the Lewes Fire Department; that he believed that providing some compensation to both fire district would be a good idea; that only 23% of emergency responses are located within the city limits; that between February 2024 and February 2025, the fire calls increased by 26%; that EMS calls increased by 15% as an indication of growth in the area; that Lewes' agreement is that growth has exceeded their capacity; that SPC is concerned that the project will place pressure and exceed capacity in all of the service areas; that Lewes has been considering discontinuing ambulance service; that police service, within unincorporated areas, relies on the Delaware State Police; that Town of Milton is adding two officers, resulting in a force of 12 officers; that the Milton Police have a reciprocity arrangement with the State Police; that in the last six months of 2024, the Milton Police responded to an average of 16 calls per month for areas outside of city limits, resulting in about 200 calls per year outside of their city limits; that after conversing with city officials, there is

concern that the project will place a burden on the Milton police and fire departments; that Lewes is also adding officers to their police force; that Cool Spring Crossing would be an unincorporated community and would not have either police or fire service; that it was suggested that Cool Spring Crossing be considered a new town, but he was unsure if that suggestion had ever been considered; that growth has impacts on neighboring communities; that Dr. Tam and the Beebe Healthcare staff recently presented a valuable briefing to the County Council; that the briefing pointed out that currently we have a shortage of 336 clinicians, doctors, nurse practitioners, and physicians assistants, resulting in a total shortage of 2.400 medical support staff; that there are about six medical support staff required for every clinician; that this current issue will worsen by 2030; that Dr. Tam estimated that Sussex County will need 11,120 additional clinicians, and 7,800 medical support staff by 2030; that our area has been identified nationally as a shortage area for healthcare professionals, including dentist, and mental health providers; that regarding medical services, Cool Spring Crossing will provide the benefit of 175 affordable housing units to assist with recruitment and retention; that the affordable housing unit rates will be fixed and limited; that the 525 workforce units will be rented at market rates; that the project will provide medical space, to be located next to Bayhealth; that the consequences of the project would be an additional 5,600 new patients creating a new set of demands; that the project must account for both full-time and part-time residents; that part-time residents are staying for nine months now, rather than three months out of the year; that the market rates will place a lot of the support staff outside of the group that will be able to afford to live in the 525 units; that during Dr. Tam's presentation he mentioned three kinds of positions he needed to find housing, being for nurses, care coordinators, and lab technicians; that all of those positions would qualify for Sussex County's Rental Program housing; that none of them would equal at 100% Area Medium Income (AMI), which is presumably where the market rates would be; that the challenge is not being met for the needs of medical service housing; that SPC has sought to mitigate several of its impacts, by providing the financial support to Milton and Lewes Fire Departments, providing the medical office space, the 175 affordable units; that SHARP has raised the question if an HOA payment is the correct way to provide additional money to EMS services; that everything he had mentioned demonstrates the problems of meeting capacity on the service side, exceeds any one developers capacity to mitigate the issues; that the issues require managed growth; that this will require plans to be put into place on how the issues will be addressed; that the required planning will not be achieved by making piece meal decisions; that these plans are derived during the Comprehensive Plan, when all of these issues are on the table at the same time; that SPC is not stating that the Cool Spring Crossing plan is a bad idea, and they acknowledge that the plan offers many desirable things, and that SPC believes that the project is not a good idea at this current time.

Ms. Wingate stated for the record that within the Applicant's proposed Conditions of Approval, the Applicant proposed a fee of $100,000 to be paid by the applicable homeowners or condominium association fees, being $100 per house, and that the Applicant appeared committed to that proposal, by their submitted conditions.

Mr. Johannes Sayre, resident of Lewes, spoke on behalf of the Sussex Preservation Coalition on the impact of traffic and what the Traffic Impact Study (TIS) revealed. Mr. Sayre stated that he had reviewed all the information of the TIS, but acknowledged that he was not a traffic professional that the SPC had vetted their observations with Mr. Dennis Hughes, a professional traffic engineer in Delaware, and therefore felt their beliefs were accurate and relevant; that Cool Spring Crossing is proposed to be one of the largest developments in eastern Sussex County to date; that the project could be considered a new community, or a separate town, consisting of 5,000 people in a space of 20 years; that the project is estimated to bring 33,359 added vehicle trips to area roads; that in review the

TIS, they noted that DelDOT regulations require a TIS to consider roadways and intersections out two to three intersections, beyond the planned boundaries of the proposed development; that the Cool Spring Crossing TIS goes well beyond that requirement, considering intersections as far away as Rt. 9 and Shingle Point Road, located 4.5 miles west of the site, and planned DelDOT projects on Rt. 1, starting 2.5 miles north at Hudson Road and moving southeast from there; that the TIS is considering a much larger area for traffic impacts of the project, than what the regulations mandate; that they found the analysis of the TIS identified about 20 intersections whose level of service (LOS) will degrade below the standard for failure, unless local roadway improvements are made or planned build out projects are completed; that the TIS identifies remedies like those for most of the mentioned intersections; that recalling that the TIS considers intersections up to four miles away from the project, there are several new developments at that distance or closer, that the TIS did not consider, notably the Northstar development, located about two miles east of the project's perimeter; that there were also developments located between three to four miles north of the site, which were not considered; that the understand the absence of these developments from the TIS is not due to negligence, as these developments were proposed, approved for finished build out after work was in progress on the Cool Spring Crossing proposal; that this does not change the fact that these developments will contribute significantly to the traffic impact within the same area as the Cool Spring Crossing project, within the Rt. 9 corridor; that they found six developments, with a total of 3,132 homes located within four miles of the project, that were not considered within the Cool Spring Crossing TIS; that the Rt. 9 corridor is already a subject of the Coastal Corridor Study, consisting of Rt. 9 and Rt. 16; that as they just heard, there is currently a study being performed specifically to Rt. 9, which just began; that dualization of Rt. 9 is in some stage of planning, west of Five Points to Sweet Briar road, ending about one mile east of the project site; that the TIS performed a segment analysis of the impact of the project traffic contribution to Rt. 9, projecting completion from 2044 to 2048; that the Rt. 9 level of service will fall below the failure threshold; that the TIS does not recommend dualization of Rt. 9, considering the scale of the traffic impact of the Cool Spring Crossing project, as well as other developments within the immediate area; that it appears that no one yet has a whole plan to ensure that Rt. 9 does not fail to bear up under the projected load; that the DelDOT Memorandum of Understanding (MOU) states that DelDOT and Sussex County shall endeavor to maintain a service level of D, also known as Delta, on roads affected by an application; that there are conditions and exceptions on that mentioned within the MOU; that DelDOT's Level of Service Scale runs from A, being the best condition, to F, being the worst condition; that from the point of the MOU, failure means dropping to a Level E or Level F; that the TIS identifies multiple intersections, failing with a level of service less than Level D at different stages of the Cool Spring Crossing build out at 100%, 75% and even only 25% build out; that this creates impacts on access to neighborhoods and congestion conditions on roadways, at intersections, and area roadways, notably being Rt. 1, Rt. 9, Rt. 5, Cave Neck Road, and Hudson Road; that the TIS identifies local improvements such as added lanes, signalization or planned build out projects that can prevent that failing state from occurring; that completion of those roadway improvements is required in order to prevent failure; that SPC also found cases where failure is predicted, but no improvements are planned; that the presented to the Commission a list of intersections listed within the TIS, where failure conditions levels of service E or F are predicted at some stage of build out; that two of the roads are smaller neighborhood roads, being Joseph Road and Arabian Acres Road; that it does not appear that the TIS suggested improvements to avoid any service level failure; that he presented to the Commission an aerial map of the neighborhood entrances, with the Cool Spring Crossing project being outline in pink; that all of the entrances reflected are located along Rt. 9 and the Cool Spring Crossing area; that reflected within the middle of the map are the Hunters Mill and Beaver Creek developments, which the TIS does propose improvements to prevent service level failures; that further west on the map, there is Prettyman Road

and Shingle Point Road; that the TIS proposes improvements to avoid failures at the Prettyman Road location; that at Shingle Point Road and Rt. 9, the DelDOT Park Avenue Relocation project, will address any potential failures in that location; that on the lower left of the map, there was a small red notch, labeled as Hawthorne development, which is one of the six areas found that was not considered in the TIS; that within the reflected class of neighborhoods, where traffic is entering and exiting, the neighborhoods may be impacted and suffer with a failure to their level of service; that the list of area roadways with intersections, where the TIS predicts that service level failures will occur were the intersection of Rt. 1 and Cave Neck Road, and the intersections of Rt. 9, Hudson Road, and Fisher Road; that they counted nine, of which six are listed as depending on planned build out projects avoid failure; that the other three depend on the local improvements, such as added lanes, or signalization; that he presented and referenced an aerial map, which was provided within the TIS; that he stated the areas to take note of are the areas of the red dots, which represent planned DelDOT projects; that these projects include the Rt. 1, Eagle Crest and Oyster Rocks intersection, the Rt. 1 and Cave Neck Road intersection and the DelDOT Grade Separated Intersection project at that location, the Minos Conaway Road and Rt. 1 and another DelDOT Grade Separated Intersection at that location, Dairy Farm Road and Beaver Dam Road, and the DelDOT traffic circle project at that location, and the Rt. 9 and Rt. 30 intersection; that the TIS identified that area of Rt. 30 as requiring dualization to avoid failure; that Rt. 9 and Shingle Point Road intersection, depends on the Park Avenue Relocation project; that the Cave Neck Road, Sweetbriar Road, and Hudson Road intersection, and the DelDOT five-legged traffic circle project planned at that location; that he wanted to references these improvements, as well as all the local ones, as they are required to be completed in order to avoid failing levels of service at the mentioned intersections; that there are six developments, with a total of 3,132 homes, equaling about 1.5 times the size of the Cool Spring Crossing project, located within four miles of the project's perimeter that were not considered within the TIS; that the Villages at Red Mill Pond, with 177 homes, is listed within the TIS, but does not appear to provide any trip generation data; that the remaining developments are not mentioned within the TIS at all; that these developments will be contributing traffic, at their scale, to the roadways were Cool Spring Crossing traffic will also be added to the Rt. 9 corridor; that the Cool Spring Crossing project proposes 1,922 homes; that the Villages of Red Mill Pond has 177 homes; that the approved Northstar development will have 852 homes; that Hawthrone has 254 homes; that the Granary will have 1,350 homes; that Scarlet Oaks will have 163 homes; that Four Winds will have 336 homes; that these are developments, equaling to 3,132 homes within a four mile radius of the Cool Spring Crossing project; that these developments are incrementally changing the area to something other than rural area; that the questions to be asked if we want to accept this process, do we want it to continue and do we want to facilitate it or not; that whatever the reason of why this data was not included in the TIS, these homes will contribute massively to the area traffic, while Cool Spring Crossing builds out; that SPC urged that for the Cool Spring Crossing proposal to be complete, an analysis of the Cool Spring Crossing traffic impact must include the traffic contributions of the missing developments; that the TIS identifies Rt. 9 as failing at Service Level E by 2044 or 2048, at 100% build out, specifically from Shing Point Road and Sweetbriar Road; that on Page 5 of the TIS, it explicitly states not to recommend Rt. 9 dualization; that the 2024 Coastal Corridor Study projected a failing Service Level E, at the location of the Rt. 9 and Rt. 5 intersection, without the consideration of the Cool Spring Crossing or Northstar projects; that the recommended second study for specifically Rt. 9, had just began; that currently, the daily vehicle trip estimate for Rt. 9 is 17,000 trips, which is close to the threshold of 20,000 trips, where dualization is recommended; that there will be a total of 47,000 additional trips added to area roadways when combining the total trips proposed for Cool Spring Crossing and Northstar; that given the service level failures the TIS predicts on Rt. 9 in the project's area, SPC question why mitigations for that, including dualization are not proposed; that it appears that there is an analysis, which currently

anticipates service level failure on a major local roadway, while still missing information and results need to support an accurate review of the proposed project; that the SPC concludes that the road improvements which the TIS identifies as preventing service level failures must be carried out; that otherwise, per the TIS, those failures will occur; that to avoid those failures, the Phasing Plan for the Cool Spring Crossing project must synchronize completion of the roadway improvements with the project build out; that the project must establish concurrency; that the development cannot grow fast than the roadwork is completed; that the Cool Spring Crossing parcels are currently classified within State Investment Level 4, meaning there is no support planned for infrastructure investment; that funding and timing of improvements must be assured; that if this does not happen, per the TIS, there will be failure conditions on the affected roadways; that the TIS is missing information that is required in order for the TIS analysis for Cool Springs Crossing traffic impacts to be complete, and the Rt. 9 and corridor traffic studies, the land use review, State Investment Level review and Sussex County Comprehensive Plan update for 2028 need to be finalized before approving the proposed Cool Spring Crossing project, given the scale of the proposed traffic impact.

Chairman Wheatley requested to ask additional questions of the DelDOT representatives.

Chairman Wheatley questioned if the Delaware Office of State Planning Coordination had any authority over DelDOT's budget or had the ability to provide or take away funding to planned projects.

Ms. Steinebach stated that she was not aware of that being the case; that DelDOT goes through the Capital Transportation Project (CPT) full public process through MPO's and counties; that the projects get prioritized as part of the Delaware Code, and proceed through the Council of Transportation's public process; that as part of the CTP prioritization process, there is a local priority, and if it is located within a Transportation Improvement District (TID); that within the list of nominations DelDOT receives, some of the ranking does receive more points, if a project is endorsed by an agency, and it is a very long process.

Mr. Sammons stated that DelDOT attempts to account for all government and state agencies, and they have the TIS to mitigate the specific impacts of the developments themselves.

The Commission found that Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, was able to provide additional information. Mr. Edgell stated his office does not have the budgetary authority to stop any project at any State agency; that however, all of the State projects for infrastructure and operating budgets for service, do adhere to the Strategies for State Policies and Spending, which is developed by the Cabinet Committee on State planning issues, which are enacted by the Governor by executive order; that through the capital budgeting process and operating budgeting process, all of the projects are all evaluated based on those metrics and determined; that DelDOT has a very detailed process for Capital Transportation projects; that location, in accordance to the State Strategies, is part of that process; that this is a statewide evaluation, broken down by county; that if they have priorities in any given cycle in Investment Levels 1 and 2, they might outweigh Investment Levels 3 and 4; that projects proceed through an entire matrix of evaluations from DelDOT, and the whole Capital Transportation Project and budgeting process.

Ms. Wingate stated that she understood Mr. Sammon's previous comments testified that DelDOT does take other projects into consideration, and that all projects are factored in, at some point as a whole.

Mr. Sammons stated the Sussex Preservation Coalition has been reviewing the DelDOT analysis since January 2025; that they had only received SPC's presentation earlier that morning; that DelDOT attempts to account for all communities and developments, but as he previously mentioned, there must be a cutoff point; that the Northstar application was submitted after the Cool Spring Crossing application; that at the time, the Northstar project was not considered a committed development; that they can only analyze the information they have at the time; that if there is something significant, the department is willing to review and consider anything, and that the current application has been scrutinized and torn apart multiple times to date.

Ms. Steinebach stated that DelDOT knew how intensive the project would be; that as part of the Development Coordination Manual, DelDOT technically only had to review three intersections; that due to the magnitude of the project, they made the extra effort, going above and beyond, analyzing 46 intersections to review the ripple effects, and to provide a hypothesis of when phasing would be required to be done; that they performed a Segment analysis as well, which the DCM does not require, and DelDOT was sensitive to the impacts, which led to their additional efforts of analysis.

Ms. Jill Hicks, spoke on behalf of the Sussex Preservation Coalition, and presented a petition of opposition containing 1,803 signatures. Ms. Hicks stated the subject area is a rural area, with only pockets of developments around the area; that Mr. Fuqua previously stated that the project size is irrelevant; that she disagreed; that the project and it size will impact the roads, schools, fire and ambulance services, and infrastructure, and therefore is relevant; that the option of building a cluster subdivision, from her understanding, would take an additional two years to proceed through the zoning process; that she believed that Sussex County would be well into the FLUM and the Land Use Reform Work Group would be done with its work; that she does not know if a cluster subdivision proposal would be a viable option; that she questioned if the 515 acres included the Martin Branch area and the resources around it; that the impact to the schools and other infrastructure is one reason that the Land Use Reform Working Group was designed; that she felt between those two issues, it warrants waiting; that the estimation of 23 additional students per year, equals to a classroom per year; that she questioned if the $100 per unit would be added into the rent figure, whether it be for affordable housing, or the market rate affordable housing; that she was pleased that the Applicant referenced smart growth; that the SPC is about smart growth, but she stated it does have to do with if it is the right time for the project and if the project is the right size; that there is a lot of information being presented for the estimated traffic count; that Mr. Sayre had provided some traffic analysis information; that she questioned if the Commission would want to hold the record open to the receipt of the traffic count information for the 1,200 unit application; that livable communities is not an internal look; that it is a look at the entire community area of the County; that what makes an area livable is the quality of life, including infrastructure, as well as the environment; that another area of consideration should be that Rt. 9 is a major evacuation route, placing more importance on the traffic analysis; that currently Sussex County is short about 13,400 residential units, based on a study done by Cabinet Committee on State Planning; that 80% of those are required for homeowners, and 20% for renters; that the shortage varies by income; that the shortage is more pronounced in eastern Sussex County; that the project proposes 175 units to participate in the Sussex County Rental program, with the remaining 525 units, being considered workforce housing, that will be subject to market rates affordable house; that she considered this an oxymoron, particularly when located within Sussex County; that the market rate is not affordable to the workforce, thus the reason Sussex County is in the predicament it is in; that affordable relates to what is affordable to a household at 30% if the gross

monthly income; that if they are renters, that includes rent and utilities; that if it is a homeowner, it is a mortgage, utilities, property tax and insurance; that in 2023, it was stated that the Area Median Income (AMI) was $71,200; that she recently saw a report stating it is $78,000; that affordable housing and workforce housing are used interchangeably; that workforce housing is generally considered housing affordable to persons below 100% AMI, that meets the needs of wage and service industry workers; that when referring to workforce housing units, there needs to be specification given to the workers the unit would be affordable to; that a unit geared toward a teacher, making 100% AMI, is not going to be affordable to a cashier making 50% AMI; that she questioned which workers the housing needs will meet with the Cool Spring Crossing project; that at 100% AMI, a person should be able to afford close to $1,800; that she questioned if he proffered $100 would be tacked onto the rent or not; that she is part of a homeowners association; that she felt an HOA is not where the proffered $100 fee should be handled; that people do not pay their dues; that an HOA will not want to be responsible for paying something that the developer committed to; that she felt the intent was good, but it would be a bad way to administer; that she felt the Commission should wait for the impact fees that the Council is currently working on; that she felt the administration of those monies would have to come through the County, potentially as a County tax; that HOA will change their covenants; that public service people, and some of the people Dr. Tam had mentioned do not come up to 100% AMI; that when considering the market rate affordable housing, the 525 units will not apply; that only the 175 units will apply; that average rents in Sussex County for a one bedroom unit is $1,800; that for a four bedroom unit, it is $2,900; that for a unit to be affordable, it requires an income from $72,000 to $116,000; that average rent in Lewes, including the outer area, is $2,800 per month at market rate; that those 525 units are not going to be affordable to the workforce the County is trying to take care of; that examples of this are, at the Vineyards a one bedroom unit cost $1,669 to $1,729; that two bedroom units range from $1,810 to $2,600; that the Vineyard Mendocino, consisting of two bedrooms and two bathrooms, ranges from $2,050 to $2,280; that she questioned if Cool Spring Crossings net contribution of 175 units of workforce housing reduce the County's need; that she questioned if the 175 units would even support the 1,900 units that are being proposed; that based on her research from the U.S. Census Data, for a subdivision, one would need about 6% of the project to be for workforce housing, to be able to handle the rest of the subdivision; that for the Cool Spring Crossing project at 5,600, the project would need 337 workforce people; that she questioned if the 175 units will get the County out of the hole, or will they dig the County deeper; that she questioned if all of the concessions being discussed are worth making; that the proposal appears to be progress, but in reality it is far more modest, and may even create a negative impact; that she advised the Commission to not rush to judgement; that amending the Future Land Use Map at this time, for a project of its magnitude would be irresponsible; that the County needs to lead with the planning process for the County as a whole, not react piecemeal to developers' site-focused business plans, which has been happening over the past five to eight years; that Sussex County should avoid a fiscally irresponsible decision that undermines the State's planning and budgeting process; that the project will place undue burden on all Delaware taxpayers; that if Sussex County builds 24% of its homes within State Investment Level 4, all of Delaware taxpayers will be paying for that; the Future Land Use Map carries a force of law and should not be easily circumvented; that Sussex County should allay the growing public concern that there are no effective constraints on development in Sussex County; that the way to achieve this is to let the planning process play out; that a decision on the project should not preempt the upcoming 2028 Comprehensive Plan work; that the State Investment Level work should be completed at the end of the year; that the work of the Land Use Reform Working Group and the current Rt. 9 Corridor Study should not be subverted or undermined; that public welfare is at risk; that a project of its magnitude needs construction to be concurrent with all the Traffic Impact Study road improvements, and the dualization of Rt. 9; that the data is incomplete and inconclusive;

that the County and State must collaborate to align infrastructure with growth, school space, staffing needs, medical services, and emergency services; that this cannot be another example of let the County build it, and the State will fix it; that SPC supports the County's effort to increase workforce housing; that the County needs metrics to know if proposals, such as the current, are going to help or exacerbate the problem; that the County needs to be more prudent in its expectations; that the County needs to commit to more affordable housing units, priced in line with Area Median Income guidelines, not market rate affordable housing; that smart growth is questioning if a project is the right use, at the right place, at the right time, and the current project is not the right size, at the right time, until we have more answers.

Mr. Collins questioned whether SPC preferred the by-right subdivision application of 1,200 units over the current proposal.

Ms. Hicks stated that the SPC does not prefer one application over the other; that if the Applicant were to come back with a 1,200 unit application, the two applications hearings would be two years apart; that during the two year time period, working will be started on the Comprehensive Plan; that work will be completed for the Land Use Reform Working Group, and the State Investment Level studies should be completed, and she was implying that the County needs to complete the Comprehensive Plan on where they want to see this area go.

Mr. Collins questioned if the Applicant was to resubmit next week, what rules would the application fall under?

Chairman Wheatley stated that if the applicant were to propose any affordable housing component, their application would be expedited.

Ms. Hicks stated in the secondary application, being the 1,200-unit subdivision, she did not see any affordable housing proposed, and again questioned at what point affordable housing would be getting the County out of the hole or even covering its own proposed residents.

Chairman Wheatley stated he felt everyone needed to keep in mind that sewer lines are not built on speculation; that sewer lines are built upon demand; that the idea that the County will catch up, and things will be in equilibrium, will never happen; that he hoped the County could do a better job than what is currently being done; that the County is currently trying to do that; that infrastructure will always be behind because taxpayers do not want to pay the cost of speculative ventures and there is always going to be an inconvenient period.

Ms. Hicks stated that the Commission needed to consider if they wanted to amend the Future Land Use Map for 637 acres, when every other developer watching will request the same, claiming a precedent had been set.

Mr. Robertson stated he disagreed with Ms. Hicks' statement, as a mentioned development was Seaside, which was quite large, and was denied, and he stated that developers can ask, but it does not mean the request will be granted.

Chairman Wheatley stated that each application must stand on its own; that the subject site has water and sewer services, with development all around, and the area might be currently classified as Level 4, but the area is not rural.

Mr. Collins stated that Level 4 only becomes Level 3 or Level 2, when all the infrastructure is in place.

Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, spoke in opposition to the applications. Mr. Edgell stated that as required by Delaware Code, the Sussex County application submitted the plan amendment for review through the Preliminary Land Use service in December 2021; that the PLUS review determined that the plan amendment was inconsistent with the Strategies for State Policies and Spending; that their PLUS response letter, dated January 13th, 2022, identified a number of concerns related to the proposed amendment, notable the location and Investment Level, as well as their environmental, transportation and archaeological concerns due to the large size of the amendment and the potential significant impact on State resources; that the letter was ended stating that the State looked forward to working with the County on a process that will evaluate the application in conjunction with the Coastal Corridors study, and a robust community planning effort led by the County; that it had been three years since the State's initial review; that to date, there had been no robust community planning effort led by the County to consider the plan amendment in relation to its cumulative impact on the area and corridor; that after waiting patiently for over two years, the Office decided to formally object the plan amendment in February 2024; that the objection triggered a 45 day period of negotiations with the County that they hoped would be an opportunity to discuss the amendment, and ways for collaboration, moving forward together to evaluate the impacts; that instead the County's position was that they were unable to discuss the amendment at that time; that they learned from the County, that the current public hearing process, is the way they gather information and data about the plan amendment; that after the 45 day period concluded, he referred the matter to the Cabinet Committee on State Planning Issues; that the committee met with representatives of Sussex County on April 8th, 2024; that at the meeting, the County further explained the importance of holding hearings before discussing potential plan amendments with the State; at that meeting, a mutually agreeable course of action was decided upon; that the County would hold hearings before the Planning & Zoning Commission and Sussex County Council, and before action was taken, reengage the 45 day period of negotiations; that another meeting between Sussex County and the Cabinet Committee on State Planning issues will be held during this 45 day period to further discuss the amendment; that he prepared and submitted the letters of correspondence, along with his comments for the Commission; that Comprehensive Plan amendments of the proposed type, are required to go through the Cabinet Committee of State Planning issues, then onto the Governor; that the current process is very unusual, and they are feeling their way through it; that they have worked closely with Mr. Robertson; that they have crafted the process before the State's DAG, and it was important that he present before the Commission to share what the process was, so that they public was informed.

Mr. Robertson stated that it has been an evolving process working with the State Planning Coordination on map amendments; that they heard two different sides of it; that he supposed the County was somewhere in the middle; that the County had a couple of applications where the County was at the forefront of requesting a map amendment on behalf of the applicant; that an issue was that the County did not have sufficient information to understand why the request may be appropriate or not; that this needed information was not provided until the public hearing process; that Mr. Whitehouse was placed in the awkward position of having to appear at the Office of State Planning Coordination to advocate or explain a map amendment that he had no information on, which would allow him to present a meaningful, background reason, because it had not proceeded through the public hearing process; that through this process, they realized that this was not the best way to proceed; that the best way to proceed in all the matters is to have all the information available to

everyone, to allow for an informed decision to be made; that at the time, no one had all the relevant information, and therefore it was the County's opinion that an informed decision could not be made; that there was mention of a delay in getting this application before the Office of State Planning Coordination; that he would disagree, as the County was trying to work out the process to do that; that the County has drafted a Memorandum of Understanding (MOU), with the Office of State Planning Coordination to document the process; that the MOU has not yet been signed by the Office; that they our currently proceeding this way because it enables the County to create a record, and the County is trying to work out the process to allow clear understanding on how to move forward.

Mr. Jack Young, resident of Rehoboth, spoke in opposition to the applications. Mr. Young stated that the Cool Spring Crossing applications failed the primary tests of the Sussex County Code §99-3 and §115-3; that the Sussex County Code §99-3 provides for the orderly growth and welfare of the citizens with proper development; that Sussex County Code §115-3 establishes the purposes of the zoning process; that the zoning process should provide for present and future needs, including lessening congestions, and providing adequate provisions for public requirements, transportation and education opportunities; that the Cool Spring Crossing applications do not and are not supported by sufficient service infrastructure at the current time; that given the Code requirements, more needs to be done to satisfy the Code requirements or adequate provisions of public requirements, transportation and educational opportunities, and more must be done before we can satisfy ourselves of the primary task that the Zoning Code tells us to do in both Chapters 99 and 115.

Mr. John Montanez with SHARP (Sussex Homeowners Advocacy Resource Partnership) spoke in opposition to the applications. Mr. Montanez stated that SHARP has been in existence for approximately three years, and is comprised of 19 volunteer communities, servicing approximately 6,000 households in Lewes and Rehoboth; that SHARP's purpose is to serve the homeowners and residents of Sussex County; that SHARP is in full agreement with the Milton Fire Department; that they have witnessed first-hand all of the exponential growth that has occurred in the area; that they are equally concerned about their ability to meet those growing needs; that where they disagree is the belief that issues can be remedied by an agreement between a developer and HOAs; that they feel it is not justified and not sustainable to ask homeowners to pay an additional fee; that you are asking the residents to pay an additional fee for the same service that everyone in the room is currently receiving; that while the State allows the HOA to levy fees, homeowners can rescind those fees by vote; that this creates the fee to be unsustainable and non-binding; that everyone agrees that they trust the local government to make the services of roads, schools and emergency services provided in a fair and equal manner; that the idea of having an HOA provide these services is a stopgap measure that undermines the agreement that SHARP is trying to make; that the emergency services are being taxed, requiring a response from the County; that the response should be done through local governance, not through a relationship between the HOA and developer; that SHARP, and its 19 communities, fully support the local schools, emergency services and fire department, but do not agree with the idea that an HOA should be used as a mean of leveraging the proposed fee; that SHARP is not advocating for taxes; that they are suggesting that we need to look at the problem; that for the long-term, it is not going to be achieved by a Band-Aid approach, by having the HOA attempting to fill a void; that his personal opinion is that people will assume that the HOA will be able to make up that money, and they will not have to pay it; that as a taxpayer, this would be a County-wide issue; that by the fee going through the County, it would create a fair and equitable way to ensure all residents bear the burden, and not just the residents of Cool Spring Crossing.

Ms. Wingate stated she has spoken with one of the fire chiefs in the local departments, who stated they have sent out thousands of letters requesting homeowners to contribute to the local fire department, and they receive very few back, and this is the reasoning why, in her opinion, the proposed method would work.

Ms. Carolin Velardi, resident of Hawthrone in Sussex County, spoke in opposition to the applications. Ms. Veladri stated that three years ago, she attended a meet and greet with the House of Representatives; that it was filled with angry EMS workers, teachers, and many people concerned with housing; that at that time, it was told to them that they needed to get involved with local County administration; that the State does not handle those issues, and that the local government does; that it was said that it is not the State; that the State had identified areas of concern, and placed things into progress to address the issues; that the issue was the local government allowing too much growth, which was outpacing the State plans; that she lives in the area; that just because she has a Dollar General store, does not mean that the area is not rural; that within the area there are farms all around; that there are different perceptions of what rural area looks like; that the State has identified the area as rural; that it is up to the Commission to deem whether it is an appropriate area or not; that there are a million reasons why the area is not the appropriate place and she is listening to her State representative, voicing her objection and now it is in the Commission's hands.

Mr. Fuqua stated that he would like to clarify the question regarding the fire company; that the fee has been proposed as a Condition of Approval, but more importantly, will be placed as one of the restrictions, and that the restriction would have a type of provision that it would not be permitted to be deleted, amended or modified, without the consent of the Lewes and Milton Volunteer Fire Departments.

Ms. Alison White, resident of Red Mill in Sussex County, spoke in opposition to the applications and submitted a petition of opposition containing 250 signatures. Ms. White stated that the proposed project will degrade their quality of life, safety and property values; that the project would add a town of 5,600 additional residents in 1,922 residential units with commercial development; that the project would add 33,359 daily vehicle trips to area roadways and remove 108 acres of forest cover on the parcel; that Rt. 9 is near capacity; that the community would triple traffic on Rt. 9 and its surrounding roads; that this will further impair vehicle entry and exit for the Villages of Red Mill Pond and degrade the residents daily driving experience; that there are insufficient plans for corridor expansion to manage additional traffic; that the site was classified by the State as being within Investment Level 4; that DelDOT will not consider, much less implement road improvements on Hudson Road, or Rt. 9 west of Old Vine Blvd until well after 2030; that Rt. 9 is one of the few emergency evacuation route for the Sussex Shore area; that Rt. 9 supports residents of Lewes, Rehoboth, and the growing Rt. 9 corridor; that adding 5,000 residents will make it more unviable than it currently is; that the property is not located within a growth area in the County's land use plans; that because of this, the developer is requesting the parcel to be amended to the Coastal Area, being considered a growth area; that the Coastal Area stretches from roughly Sweet Briar Road to the shore, and is already a scene of rampant overdevelopment; that the request to amend the FLUM violates State strategies, by building within State Investment Level 4, which is an area designated for conservation and preservation; that the massive number of added residents would further strain schools, emergency services, and healthcare facilities; that the amount of forest removal and pavement will endanger environmentally sensitive areas; that she urged the Commission to not recommend the applications for approval; that Red Mill Pond South has 177 homes with one entrance along Rt. 9; that the entrance has already been impacted by current traffic, creating a queue of four to five cars waiting to exit; that there was one occasion

where a resident was attempting to get a relative to the hospital, who had to wait six to eight minutes to get onto Rt. 9; that urgently needing medical care can be critical; that there had been discussions regarding signalization at this entrance and about the dualization of Rt. 9; that any such plans are at minimum five years away from being realized; that their entrance is just over one mile west of the future Northstar community and 2.5 miles east of the proposed projects Site Entrance A; that they are located in the middle of the two projects, and considering the two project will add an estimated total of 46,000 additional vehicle trips to area roads, and the unfinished plans for improving Rt. 9, she has grave concerns about the project's impact to her community and their driving safety.

Ms. Alison Monroe, Sussex County resident along Walker Road, spoke in opposition to the applications and submitted two separate petitions of opposition, one containing 760 signatures from the last application in 2024, and 175 signatures for the current application of 2025. Ms. Monroe stated that the primary purpose of the Commission is to protect the interests of the current residents in the area, not the wishes of those who would like to move to the area; that she would argue that every name on the petition carries as much weight, if not more, than any developer, real estate agent or builder, as the individuals will be the ones most impacted; that the opposition rate in the nearby area is 98.3%; that as of May 1st, 2025, there were 287 public comments submitted through the County's website, equaling to an opposition rate of 83%; that the other related applications had opposition rates of 73%, 88.9% and 90.1%; that as a native to the immediate area, she had watched her hometown be altered almost past recognition; that she understands when she hears complaints regarding how busy the area has become, or when the newest transplants lament on the explosion of growth; that she believed many of the new residents feel they were sold a bill of goods of a pretty new house, on a quarter acre lot, located in the middle of farmland and forest along quiet country roads; that the realtors and developers sell this dream to one person after another; that this is all done while generational community members, longtime residents and newcomers alike, are left watching feeling helpless as slower, lower Delaware is being sold out of existence; that many natives are heartbroken, but too attached to leave; that she questioned is there a tipping point, to where sacrificing our quality of living is not worth the extra dollar, when it takes an hour to get home, when it used to take 15 minutes, when a person no longer feels safe walking along the road on which they have lived for years, or when the family doctor cannot accept you as an patient, when there are no more turtles in your yard, and no more cows in the field, and no more solitude to be found on the beaches; that she questioned if the extra income will be enough, or will the man-made improvements be enough to replace what the area has lost; that as she watches the farm fields being bulldozed and back country roads becoming thoroughfares, she implored the Commission to make the only correct decision, to help protect what makes Sussex County a rural gem, and requested the Commission to not recommend the Cool Spring Crossing application for approval.

Ms. Barbara Capuano, resident of Independence in Sussex County, spoke in opposition to the application. Ms. Capuano stated that there has been massive growth over the past four years; that now every one of us sits in traffic, on roads, trying to catch up with the growth; that on the peninsula, we live on the coast; that there could be an emergency or 24 hour mandatory evacuation at any time, like what northern New Jersey, and New York have had; that the area cannot handle the traffic now; that the roads need to be built or corrected before laying plans to place this development; that the roads have not caught up with what is already here; that this issue will cost lives, should anything happen, and she requested the Commission to pause to look at the infrastructure, to figure out ways to handle what had already been approved before moving forward, as it is concerning life and death.

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

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

In relation to Ord. 23-07. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

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.

Exhibit A : Potential
Comprehensive Plan Amendment
Total Area = 637.63 Ac. +/-

Sussex County

N
W E
S

Legend

- FLUM Map Revision
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

0 0.13 0.25 0.5 0.75 1 Miles

Sussex County Government Maxar

ORDINANCE NO. _____

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.

WHEREAS, on April 13th, 2023, the Sussex County Planning and Zoning Office received an application for a requested Comprehensive Plan Amendment to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 from the Low Density Area to the Coastal Area; and

WHEREAS, the Parcel is comprised of 796.26 acres of land, lying and being within Broadkill Hundred, and are located 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).

WHEREAS, The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 from the Low Density Area to the Coastal Area. The entirety of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

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

Introduced: 4/8/25
Council District 5: Mr. Rieley

ORDINANCE NO. _____

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.

WHEREAS, on April 13th, 2023, the Sussex County Planning and Zoning Office received an application for a requested Comprehensive Plan Amendment to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel Nos. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 from the Low Density Area to the Coastal Area; and

WHEREAS, the Parcel comprises 796.26 acres of land, lying and being within Broadkill Hundred, and are located on the north and south sides of Log Cabin Hill Road (S.C.R. 247), the east and west sides 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).

WHEREAS, The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 & 14.00 from the Low-Density Area to the Coastal Area. The entirety of Sussex County Parcel No. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00, & 14.00 so changed as identified in Exhibit A, attached hereto and incorporated herein.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 28, 2025

RE: County Council Report for C/Z 2010 filed on behalf of CMF Cool Spring, LLC

The Planning and Zoning Department received an application (C/Z 2010 filed on behalf of CMF Cool Spring, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a MR-RPC Medium Density Residential Zoning District – Residential Planned Community at Tax Parcels 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00. 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. The parcel size is 637 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 7, 2025. At the meeting of July 2, 2025, the Commission recommended approval of the application for the 23 reasons of approval and subject to the 26 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 7, 2025, and July 2, 2025

Minutes of the May 7, 2025, Planning & Zoning Commission Meeting

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 BROADKILL HUNDRED, 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.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual master plan documents, a copy of the Applicant's exhibit booklets, slides and maps, and additional exhibits which include the Applicant shared parking study, the proposed deed restrictions for the property including the Applicant's Wellhead Protection Map, a copy of the Applicant's Environmental Assessments and Public Facilities Evaluation Reports, a copy of the Applicant's Drainage Assessments, a copy of the Applicant's Chapter 99-9C Reports, a Technical Advisory Committee comments, including responses from the Sussex County Engineering Department, Utility Planning Division, DNREC Department of Drainage, the Delaware Electric Co-op, the State Department of Agriculture and the Forestry Section, a copy of written responses received from DNREC Waste and Hazardous Substances, a response from Delaware Department of Transportation, a copy of comments received from the State Fire Marshall, a letter received from the local school district and the States PLUS comments, and the Applicant's response to the States PLUS comments, a copy of the Staff Review letters and the Applicant's responses to those staff review letters, a copy of the staff suggested conditions document, a copy of the Applicant's TIS which is a traffic impact study and the DelDOT response letter to the Applicant's TIS and we have 237 written responses which are included in your paperless packet.

Chairman Wheatley advised the Commission and the members of the public the order that the presentation and public hearing would proceed.

The Commission found that Mr. James Fuqua, Esq., of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicants, Carl Freeman Companies and CMF Cool Spring, LLC; that there are four (4) applications being presented to the Commission that involve 637 acres of land that's comprised of five (5) tax map parcels located on the north side of Route 9 at Cool. Spring; that the first application is a request to amend the Comprehensive Plans Future Land Use Map; that the 637 acres are currently designated as being in the low density rural area of the Future Land Use Map; that the amendment proposes a change from the existing designation to the coastal area designation, which is one of the planned growth areas; that the second application is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium Density) within a RPC (Residential Planned Community) overlay for the entire 637 acres; that the RPC would be called Cool Spring Crossing and it would consist of residential villages with single family and multifamily homes and the commercial Town Center; that the third application is a Conditional Use for educational facilities to be located in the Town Center; that the final application is for Conditional Use for an assisted living facility and associated medical offices that would be next to the Town Center; that all four (4) applications are interrelated; that these applications propose a significant large scale, single family and multifamily residential community consisting of 1922 residential units and a Town Center comprised of retail, service, educational and recreational uses, as well as an assisted living facility and medical offices; that the demand for residential housing

in Sussex County is the reason Freeman filed these applications and the situation can be summarized in four (4) comments:

1. In 2022, 78% of all residential growth in the state of Delaware was in Sussex County.
2. More than 33,000 people have moved to Sussex County from other states over the past four (4) years and this migration is expected to keep rising for the next three (3) decades.
3. Growth is rapid in Sussex County.
4. There is a lack of affordable multifamily housing units to keep pace with the growing population.

That those four (4) comments are the comments made by David Edgell, the Director of the Delaware Office of State Planning Coordination, at a presentation made to the Sussex Preservation Coalition in February of 2024; that in agreement with Director Edgell's comments, on the land use issue in Sussex County, the two (2) issues that arise are a strong demand for residential housing and an even stronger need for affordable housing; that the Applicant is proposing Cool Spring Crossing as a Master Plan, a large scale mixed residential use community and a Town Center with a wide variety of uses; that the development is projected to be constructed in multiple phases over a 20 year build out time frame; that considering the zoning approval, site plan approval and agency permitting for this type of development will probably take two (2) to three (3) years, Cool Spring Crossing is not anticipated to be completed until 2048; that Freeman has an established history of developing large scale communities here in Sussex County and has proven it has the experience, the knowledge and the ability to develop a large scale mixed-use community like Cool Spring Crossing; that the request to amend Comprehensive Plans Future Land Use Map from low density, which is a rural area to a Coastal area which is a growth area under the plan is to ensure that the proposed MR-RPC development would be within compliance; that the Comprehensive Plan states that the proposed MR-RPC is not a zoning district designated as being appropriate in a low density area, but is appropriate within the Coastal area; that the Office of State Planning issued a PLUS review letter objecting and opposing this original request on January 13, 2022; that the current request for amendment brings up the question to the Commission as to whether the area of Cool Spring Crossing is still considered to be a rural area in which it would remain as low density on the Future Land Use Map; that following are the facts and reasons for supporting the Coastal Area change:

1. To the West of the Cool Spring Crossing proposed property is the Bay Health Emergency Center, with an additional land of residential development including approximately twelve (12) different subdivisions.
2. There is the Sussex Consortium, a special needs school, part of the Cape Henlopen School District not far from the proposed property.
3. There is a commercial corridor of land including a variety of businesses West of Fisher Road.
4. The Stephen Hudson Park is being developed on the South side of Route 9 at Cool Spring Road with a connection to the Lewes Georgetown Bike Trail.
5. The frontage of Cool Spring Crossing is along Route 9, which is a major Sussex County road, which is necessary for the Sussex County Zoning Ordinance to be located along a major arterial roadway.
6. The Delaware Transit Corporation operates a DART bus along Route 9 from Georgetown to the Lewes Park and Ride, with East and West stops all along Route 9, with the offer to install new stops near the Cool Spring Crossing development.
7. The Lewes Georgetown Bike Trail is adjacent to the property with a crossover of Route 9 located at Fisher Road and Route 9 where the Hudson Park is planned to be.

8. The proposed Cool Spring development will have a public bike trail going through it, connecting the existing trail to Hudson Road and a future extension to the Town of Milton.
9. Central public sewer is available from Artesian Wastewater Management, Inc. and they hold a Certificate of Public Convenience and Necessity for central water in this area.
10. The Delaware State Housing Authority indicated that the lands comprising Cool Spring Crossing are located within a Delaware State Housing Authority area of opportunity, which are strong, high value markets with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. They also noted that the need for affordable housing, particularly in the Coastal Area, is well documented, especially in the PLUS Review letter 2021-1287 and 2021-1288.
11. The Cool Spring Crossing property is contiguous with an existing Coastal Area on the Future Land Use Map all the way from the Northeast corner all the way to the coast.

All of these reasons support that the area of Cool Spring Crossing is not located within a rural area any longer and can support the amendment of the Future Land Use Map to a Coastal Area for this property; that the Delaware Supreme Court has ruled that the adoption of the a Comprehensive Plan in Sussex County is vested solely with the government of Sussex County; that Supreme Court case was Denmark versus Sussex County; that the Delaware Planning Act, Title 29, §9103 of the Delaware Code, states that as to the adoption of amendment update or revision of a Comprehensive Plan, the final decision is that of the County; that it is an irrefutable fact, that the 2020 Delaware Strategies for State Spending and Investment Level Maps are not a land use plan; that the Strategies document itself states that it is not a land use plan; that the plan states that the land use authority in Delaware has been delegated to the local government; that the decision to amend or not amend the Future Land Use Map is a Sussex County decision; that the Applicant's request to amend the Future Land Use Map is not unique; that County Council has amended the Future Land Use Map ten times since 2020; that the opposition would argue that the previous amendments were for smaller parcels; that this is a case were size is irrelevant; that it is important to look at the underlying facts to support if there is a basis or not for the change; that if there are solid facts supporting the amendment, it should be approved; that he believed that to be the case with the Cool Spring Crossing project; that next year, the Commission will begin its revision of the amendment of the County's Comprehensive Plan and Future Land Use Maps; that this is required to be completed every 10 years, resulting in an updated Comprehensive Plan in 2028; that regardless if the application was not before the Commission today, it is likely the Commission would be considering the very same issue as part of the plan update; that if the facts he presented support an amendment for the plan in three years, that those same facts support the amendment of the plan today; that in order for the MR-RPC development to proceed, the amendment of the Future Land Use Map to the Coastal Area is required; that if the amendment is not approved by the County, the 637 acres will remain designated as a rural, low density area; that this does not mean that the land will remain as farmland, nor does it mean that the land will remain undeveloped; that if the Cool Spring Crossing MR-RPC does not proceed, the land would be developed with single-family homes on individual lots; that the AR-1 (Agricultural Residential) zoned land, located within the low-density area, is permitted by the Sussex County Zoning Ordinance to be developed as a cluster subdivision; that subject to the design requirements of the Ordinance, a cluster subdivision is permitted to contain two lots per acre; that with a minimum lot size of 7,500 sq. ft., the 637 acres would support a phased cluster subdivision or multiple subdivisions containing 1,274 single-family homes on individual lots; that a subdivision would have none of the numerous benefits of the completed livable community and with these comments, Mr. Fuqua concluded his comments regarding the proposed Future Land Use Map amendment.

In regard to the Cool Spring Crossing, MR-RPC, and the two Conditional Use applications for the educational facility, assisted living facility, and medical offices Mr. Fuqua stated that Cool Spring Crossing is designed as a mixed-use community containing several seven residential villages and a town center that the villages will contain a mixture of housing types being single-family homes, and various types of multi-family dwellings; that the variety of housing types will result in a range of housing options and prices for both purchase and rental; that the homes in the villages will be located on new developed streets, interconnected with existing public roads, with pedestrian and bicycle network of sidewalk and shared use paths, to create a walkable and bikeable community; that a network of recreational uses, parks, and open space area will be interspaced throughout the development; that the Town Center is adjacent and easily accessible from the residential villages; that the Town Center will offer a variety of retail and service businesses, educational facilities and recreational opportunities; that this will reduce the need for vehicle dependency for residents of Cool Spring Crossing; that the project has road frontage along the northside of Rt. 9, the east side of Hudson Road, and along both sides of Cool Spring Road and Log Cabin Road; that the Town Center would front Rt. 9, bordering the western side of Cool Spring Road, and the eastern side of the Bay Health emergency facility; that there are seven distinct residential villages; that three villages, being Village A, B & C are located south of Log Cabin Road; that four villages, being Villages D, E, F & G are similar in nature, as they all contain a mixture of single-family homes, on individual lot, and a variety of multi-family dwellings; that Village C is located to the west, on the west side of Josephs Road; that this village will only contain 34 single-family lots; that it is envisioned as the community of higher end, custom build type homes; that Village A is located to the north of the Town Center; that Village A will contain 700 multi-family dwellings and a mixture of housing type; that there will be 50 patio homes, 144 quadplexes, 30 villas, 188 townhomes, and 288 condominium units; that Village A is planned and designed as the more affordable village and community, with residential units both for sale and for rent; that 175 of the Village 8 units, being 25%, of the 700 units will be made subject to the Sussex County Rental Program (SCRP) Ordinance; that the Ordinance was enacted by Sussex County Council to encourage the creation of the affordable rental housing, particularly for County workers in the easter part of Sussex County; that the rental program ordinance controls both the eligibility criteria for tenants and the rent schedule for tenants based on the tenant's family income; that as required by the Ordinance, the types of units participating in the rental program must be the same ratio as the different types of units in Village A; that the units must be integrated, not separated from, the other units in Village A; that the units must be the same design and floor layout as the other units of Village A; that Village A would have the same access from Cool Spring Road, Log Cabin Road, and from the main entrance to the Town Center, located off Rt. 9; that Village A will be comprised of approximately 115 acres, of which 61 acres will be open space, including five interior park areas; that the open space; that the open space amounts to approximately 53% of the Village A area; that upon full completion of all of the villages, Cool Spring Crossing will contain 1,922 residential units, made up of 534 single-family homes, and 1,388 multi-family units of various types; that the proposed number of units is less than the maximum number of units that would be permitted within the residential planned community (RPC); that there is a special formula to calculate permitted density of RPC's; that for the project containing 637 acres, the area was reduced by the streets, resulting in 63.46 acres; that they took a conservative approach when performing the Town Center reductions calculations, by deducting the entire Town Center area, which contains 57.94 acres; that this calculation results in the permitted development area; that when deducting the streets and Town Center acreage from the gross development area, it results in a net area of 515.6 acres; that when one divides the net area of 515.6 acres by 10,000 sq. ft., being the minimum lot size permitted within the MR (Medium-Density Residential) district, the result of permitted density within the RPC would be 2,245 residential units, with a density of 3.52 units per acre; that the project is only proposing 1,922 units, with a density of 3.01 units per acre, being

significantly less than the permitted density for the MR-RPC; that their result of the 3.1 units per acre density, was determined solely by using the MR (Medium-Density Residential) density; that they did not use any of the bonus density that is permitted under the Sussex County Rental Program, which would have allowed the density to increase up to 12 units per acre; that regarding the Town Center, the Town Center fronts on Rt. 9, being bordered by Cool Springs Road on the east, and the Bayhealth emergency urgent care center on the west, with Village A being located to the north; that the main entrance to the Town Center is from Rt. 9, with an additional entrance from Cool Spring Rd.; that there are several access streets from Village a that connect to the Town Center; that the center will include a variety of retail, service and educational and recreational uses to serve the Cool Spring residents, as well as the area residents; that the proposed uses will include a grocery store, bank, a convenience store with a gas service, four restaurants, five retail stores, an art & theater facility, which would be the Cultural Center of the community; that it is envisioned to be operated by a local theater group, who would provide live theater workshops and other live performances, as well as painting and similar art classes, workshops and displays; that the Town Center would also include a 100 room hotel, a modern YMCA, or similar type of facility with a full gym, indoor and outdoor pools, indoor and outdoor pickleball, indoor tennis courts, multi-purpose meeting rooms, and an early childhood program for the care and instruction of preschool ages children; that the Town Center would include the two requested Conditional Uses; that the educational facilities would be located in two buildings with classrooms, resources areas, study areas, and administrative offices; that one building would be the college level instruction, potentially with the University of Delaware offering associate degree courses and professional certifications; that the second building would be for adult learning, potentially operated by the University of Delaware's Osher Lifelong Learning Center, which is a volunteer driven educational cooperative for adults aged 50 plus; that this project offers a wide variety of subjects, often taught by experienced retired residents; that the other Conditional Use to be located within the Town Center would be the assisted living facility; that the facility would have a capacity of 100 residents; that it would also have the associated medical office building, focusing on senior healthcare, which could possibly be associated with Bayhealth, who operates the emergency and urgent care center, located adjacent to the Town Center; that at the core of the Town Center, there are two large area of landscape open space, which will consist of a village green, and an event lawn for various community events and activities; that the Town Center would create economic development and employment opportunities, as well as convenient access to shopping and services to both residents of the community and residents in the area; that the Town Center would have a built-in advantage of having customers from the Cool Spring Villages, who would have the opportunity to access the Town Center without the need to drive; that in an RPC, commercial uses is one acre for each 100 dwelling units; that the 1,922 units being requested would equate to 19.22 acres of commercial use; that the planned commercial uses in the Town Center would utilize 18.52 acres of lands, being within the commercial use calculation; that regarding the entire community, and the recreational and social aspects of the development, the project is designed to be a walkable and bikeable community; that the project offers extensive opportunities for recreational activities and residential interaction, with sidewalks on both sides of community streets; that a DelDOT design shared use path will be provided along one side of the site frontage, along Rt. 9, Cool Spring Road, Hudson Road, Log Cabin Road, and on the extension of Cool Spring Road that comes through the development; that those shared use paths will be interconnected with the Lewes Georgetown Bike trail, which boarders the property along Rt. 9; that the Town Center has the village green, the event lawn, and other recreational, educational, and entertainment opportunities for residents; that the main recreational complex is located between Villages D, E, F & G; that this complex will include a clubhouse, with a minimum of 7,500 sq. ft. of floor area, accommodating areas for group fitness exercise, children's play, teen gathering, meeting rooms, casual seating area, staffed offices, restrooms and a refreshment and storage area; that located

adjacent to the clubhouse, will be an outdoor, resort style swimming pool, separate kids pool with a splash play area, and a hot tub area, which will be surrounded by an expansive deck with shaded and unshaded areas; that there will be tennis, pickleball, and bocce ball courts; that also in this area will be a green space picnic area, with fire pits, gas tabletop grills, seating and open space for special events and entertainment; that there will be four additional outdoor swimming pools, with bathhouses, to be located in Villages B, D, G and also between Villages E & F; that there are several larger village parks, along with smaller neighborhood parks, with other recreational features, to be determined at a later time, but part of the site plan review approval for each phase of the development as it goes on; that there will be approximately 1.5 mile nature trail that will meander along the western edge of the Martin Branch Conservation area; that all of the homeowners within Cool Spring Crossing, with the exception of the owners located within Village A, will be required to be members of the Recreational Association, with quarterly or annual assessments to cover the expenses of operating and maintaining the recreational facilities; that Village A is planned and designed to be the more affordable village within the development; that in keeping with that goal, the owners of Village A will not be required to be members of the REC Association; that the owners of Village A, will have the option of joining the Recreational Association, subject to the same recreation fee as the other members of the Recreational Association; that the village as five internal open space park areas; that those areas contain 3.3, 2.3, 1.3, 1.2, and .9 acres; that the specific design of the parks has not been finalized; that the spaces would be focused on spaces to gather, to exercise and to play; that the parks will include pavilions, numerous shades areas with benches, a walking loop, a children's bike/scooter loop track, two playgrounds, a yoga lawn area, open play areas, outdoor fitness stations and a possible dog park; that the idea in Village A was to amenities that would not be high in maintenance or high in design; that Cool Spring Crossing will be served by public central sewer by Artesian Wastewater Management Company; that public central water will be provided by Artesian Waster Company; that Artesian has stated they are willing and able to provide sewer and water to the development; that Artesian has been issue a majority of the water and sewer certificates of Public Convenience and Necessity by the Delaware Public Service Commission to serve the area; that Artesian owns two properties that are surrounded by or located adjacent to the Cool Spring Crossing property, being the undeveloped parcel at the southeast intersection of the Cool Spring Road and Log Cabin Hill Road, and the elevated water storage tower, located along Cool Spring Road; that Artesian' s Ability to Serve letter, dated April 9, 025, is located within the Applicant's submitted exhibit booklet; that stormwater management facilities, are required and will be designed and constructed to meet or exceed the requirements of DNREC's Sediment and Stormwater Management regulations, and also the Inland Bays Pollution Control Strategies; that the development of Cool Spring Crossing will occur over a 20 year period, in construction phases; that each phase will have its own Sediment and Erosion Control Plan, approved by the Sussex Conservation District, prior to the start of the construction phases; that there are multiple stormwater ponds integrated in the site design; that because the sites well drained sandy soil, and the relatively low water table, bioretention and infiltration practices will be utilized; that the development's stormwater will be directed to treatment ponds, and other management facilities for pretreatment, prior to any infiltration or discharge; that this will create significant improvement compared to the current condition of unfiltered stormwater runoff from land in agricultural use; that traffic impacts are almost always the main issue involved in any proposed development application; that Sussex County is required by law to have an agreement with DelDOT to provide a procedure to determine the traffic impact of any rezoning application; that in September 2020, Sussex County Council approved and executed an update Memorandum of Understanding (MOU) between the County and DelDOT establishing this agreement; that the Cool Spring Crossing application will have a significant impact on traffic; that provided within the MOU, at the Applicant, at the Applicant's expense, is required to conduct a Traffic Impact Study (TIS); that on Page 7 of the MOU, it states the Sussex County and

DelDOT should encourage Master Planning for large scale development on large parcels or groups of parcels located within the Coastal Area; that Century Engineering was retained by Carl Freeman Companies to perform a Traffic Impact Study (TIS), in accordance with the scope and parameters established by DelDOT; that the Century studied reviewed the impact at all proposed access points to the development, and approximately 48 intersections in the surrounding area; that the TIS dated June 30, 2022, was reviewed by DelDOT, and subsequently DelDOT issued there TIS Review letter on January 10th, 2023; that subsequent to the issuance of the DelDOT Review letter, the applicant made some changes to the Cool Spring Crossing site design; that those changes reduced the number of proposed dwellings, and reduced the number of access points from ten to six; that those changes resulted in a reduction of the daily and peak hour trips; that as a result of those changes, DelDOT did require an updated review of the TIS, taking into consideration the revision of the land use, and the site entrances; that in additional, DelDOT also required a supplemental Sensitivity Analysis, to identify when improvements, to help mitigate traffic deficiencies should be constructed; that the Sensitivity Analysis was prepared by JMT Engineering, being DelDOT's consulting traffic engineering firm; that the final Revised TIS Review letter was issued by DelDOT on January 14th, 2025, and is about 150 pages in length; that both the original and the revised TIS letters are included into the record; that DelDOT's revised letter provides that the Applicant is responsible for 22 specific roadway and intersection improvements, and also monetary contribution to several current DelDOT projects; that the required improvements are listed in detail on Pages 17 through 23 of the Revised TIS Review letter; that the Revised TIS Review letter also discusses the Sensitivity Analysis, and provides a time frame of when required improvements must be constructed; that the majority of the intersection improvements must be constructed at the beginning of the site plan construction; that the Applicant has fully complied with the requirements and provisions of the Sussex County and DelDOT Memorandum of Understanding for land development coordination; that the Applicant will be responsible for all the improvements and contributions as determined by DelDOT; that those applications will be implemented concurrently with the development, as determined by DelDOT's Sensitivity Analysis; that the entire site contains 637 acres; that based on DNREC's Wetlands Maps, there are no State regulated Tidal wetlands located on the property; that there is a single perennial stream, known as Martin Branch, located along the eastern boundary of the property; that as identified on the FEMA Flood Insurance Maps and the National Wetland Inventory Maps, federally regulated Non-Tidal wetlands exist on the low-lying area, adjacent to Martin Branch; that a Wetland Boundary Determination was performed by Mr. Edward Launay, with Environmental Resources, Inc., which found that there were 29.6 acres of stream and Non-Tidal wetlands existing on the site, being Martin Branch and the adjacent area wetlands; that the U.S. Army Corp of Engineers Office confirmed the determination, an issued a Jurisdictional Determination Letter on April 17, 2024; that there are no additional Tidal or Non-Tidal wetlands located on the property; that with the exception of the 29.6 acres containing Martin Branch, and the adjacent wetland, the remainder of the property is uplands, comprised of well drained, sandy soil, with an average elevation between 25 to 35 feet; that the site currently contains 217 wooded acres; that the development plan will result in approximately 103 acres of the existing woodlands to be removed, and 114 acres (53%) of the existing woodlands to be preserved; that except for a large portion of forested area adjacent to Martin Branch, historical aerial photos and land owner records, indicate that most of the other woodlands have been timbered in the past, being considered mid-succession, containing tree species typica of previously timbered land; that almost all tree clearing being proposed is located in the location of the pre-timbered areas; that the most important, natural and environmentally sensitive portion of the site, is located on the eastern boundary of the site; that this is the location of Martin Branch; that the Applicant recognizes and acknowledges the environmentally sensitive nature of this area, and accepts the responsibility of protecting and preserving the natural feature; that in 2022, the County enacted the Sussex County

Resource Buffer Ordinance, which does apply to the Cool Spring Crossing applications; that this Ordinance would require a 50 foot wide resource buffer from Martin Branch; that it would require a 30 foot wide resource buffer from the edge of all Non-Tidal wetlands; that the Cool Spring Crossing development will far exceed the resource buffer requirements, by providing an expansive Martin Branch Conservation Area, consisting of the required resource buffers and additional land voluntarily included in the conservation; that as permitted by the Resource Buffer Ordinance, the Applicant elected to voluntarily expand the resource buffer by an additional 15 foot in width; that the Applicant is not requesting any buffer averaging; that the area would result in a total Non-Tidal Wetland Resource Buffer of 45 feet, which results in a total of 13.73 acres of forested, Non-Tidal wetlands; that the required 50 foot buffer from the perennial stream lies within the wetland area; that the 50 foot buffer is provided, as it overlaps with the wetland and other buffers; that the additional conservation area contains 61.61 acres of forested land, with the exception of 2.6 acres of open field; that the open field will be maintained as a natural meadow; that the meadow will be planted with pollinator wildflower seed mix that is targeted to support the Monarch butterfly during its migration; that the Monarch butterfly is a candidate for listing as a threatened species by the U.S. Fish and Wildlife Service; that the additional conservation area, borders the Non-Tidal wetland resource buffer, resulting in a substantial increase in the width of the buffer from the wetland line; that the buffer varies considerably, but on average the buffer is about 130 feet in width, compared to the required 30 foot wide buffer; that the buffer consisting of the required buffer, the expanded resource buffer, and the 61.61 acres of voluntarily provided conservation area, results in a total buffer of 75.34 acres, resulting in more than eight times the required resource buffer area; that the entire Martin Branch Conservation Area, consisting of Martin Branch, the adjacent Non-Tidal wetlands, the resource buffers, and the voluntary Conservation Area will permanently preserve and protect 104.93 acres of the most natural and environmentally sensitive portion of the site; that this protected area also includes all of the Cool Spring Crossing site that is located within a Flood Hazard Area according to the FEMA Flood Insurance Maps; that all of the area proposed for development is located outside of the floodplain as designated by FEMA's Floodplain maps; that the Martin Branch Conservation Area will also be made subject to a Declaration of Restrictions, permanently preserving it as a natural area, and a Resource Buffer Management Plan, providing the management and stewardship of the protected area; that three are three additional areas, containing an additional 12 acres, that will also be subject to the conservation documents; that those lands are located on the western side of the property, near Hudson Road; that there are three or four trees that will be preserved in that area; that in total, the entire conservation area, including the Hudson Road portion of the forest, will contain approximately 117 acres, being over 18% of the Cool Spring Crossing site; that in addition to the Environmental Protection, the Martin Branch conservation area will also preserve and protect the archaeological integrity of the site; that the State Historical Preservation Office (SHPO) indicated that the majority of the site had low potential for prehistoric archaeological sites, except for a low to moderate potential, located on the eastern side of the site, near Martin Branch; that the Applicant retained Mr. Edward Otter to perform and Archaeological Assessment of the property; that the assessment confirmed that the area of near Martin Branch had the most potential for Native American sites; that all of the areas identified by SHPO and Mr. Otter, are located the Martin Branch Conservation Area, that will be permanently preserved and protected by the conservation restrictions and the conservation management plan; that Mr. Otter also conducted an archaeological study and delineation of the known cemetery site, located south of Log Cabin Road, just west of Cool Spring Road; that the cemetery area is located on the eastern side of Village A; that the study determined that there were four marked graves, and possibly more members of the Warrington family, who owned the land and passed between 1843 and 1849; that the delineation determined that the cemetery is 30 feet by 30 feet in size; that this area is two feet higher in elevation that the surrounding farm field; that this is due a loss of

two feet in elevation, with over a century of rain and plowing; that the delineation excavated soils around the identified cemetery to confirm that no graves or human remains were present outside of the 30 ft. x 30 ft. cemetery area; that markers were placed at the cemetery corners; that the cemetery, as part of the Cool Spring Crossing Development, will be restored; that a fence will be erected, marking the cemetery boundaries; that there will be a 25 foot buffer established from the fence line, and a marker will be placed to provide historical data or information regarding the cemetery; that including the 117 acres in the superior design conservation area, altogether the Cool Spring Crossing development will contain 295 acres of open space, being approximately 46% of the site; that the project will provide positive economic benefits, since one of the purposes of the Sussex County Zoning Authority is to promote the welfare and prosperity of the present and future county; that the Applicant retained Sage Policy Group, Inc., an economic and policy consulting firm out of Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development; that Sage was also the firm to perform analysis for the Northstar development; that the report indicates that over the estimated 20 year build out, will result in the following impacts being, the construction phases, consisting of site preparation, infrastructure installation, and residential and non-residential building construction is estimated to cost $836 million; that the construction phase will support thousands of jobs in Sussex County, the majority of which will be in the construction trades, with an estimated $475,000,000 in labor income; that after completion, the development will support approximately, 1,500 permanent Sussex County jobs, generating an estimated $80 million in annual labor income; that transfer taxes from the initial land purchases will generate $12.5 billion to Sussex County, and $20.9 million of revenue to the State; that future resales will be sold in additional transfer tax revenue; that the Cape Henlopen School District, as a response to receiving notice about the application, recommended that no additional residential development be approved until such time that a school construction impact fee or voluntary school assessment can be implemented; that it was his understanding, that the District's response was not personal to their application, rather a stronger tact that the District is taking on the issue; that the District had provided similar responses on other applications; that the Applicant believed that funding for future school construction is an important issue that needs resolution; that County Council considered the School Impact Fee issue on January 30, 2024; that County Council unanimously rejected the fee for a number of reasons, but mostly for the reason that future school construction was deemed to be the responsibility of the State government, not the County; that there is no reasonable basis to delay the current applications, because of that issue; that the current applications were filed two years ago; that Sage determined, assuming the demographic of the 1,222 units, being all units except for Village A, that pupil generation from the development on the Cape Henlopen School District, would align with the demographics of Lewes and Milton, based on the U.S. Census Bureau's data; that Village A, being 700 more affordable workforce units, they were assumed to have similar demographics as the entirety of Sussex County; that the report projects, that once the development is at full build, would generate an estimate of 449 public school pupils in the Cape Henlopen School District; that with a 20 year build out, 449 pupils would average to 20 new pupils per year; that the Sage report estimates that the pupils from Cool Spring Crossing would increase the school district's annual expenditure by $4.1 million; that those expenditures would be offset by annual property tax revenue in the district of $4.7 million; that this would generate an annual net surplus of $550,000 to the district; that regarding fire and emergency services, the closest fire companies to the development are the Milton Fire Department and the Lewes Fire Department; that the Applicant did meet with the fire department representatives; that the Applicant has offered, that rather than the fire departments relying on individual contributions from Cool Spring Crossing homeowners, there would be a provision in the covenants stating upon issuance of the certificate of occupancy for each residential unit, each unit will be responsible for an annual fee of $100; that the fee will be collected as part of the HOA fees; that the HOA or condo association

will pay the fire department; that non-residential uses of the Town Center, will be responsible for an annual fire company fee of $58,000, that will be correlated as it is built in the percentage of completion, and will progress as the Town Center progresses build out; that at build out the fire company fee would total $250,000 per year, with half of the fee being paid to the Milton Fire Department and the other half of the fee being paid to the Lewes Fire Department; that this proffer contained on caveat condition that in the even the State or the County enact a fire or EMS fee ordinance in the future, applying to residential units or the Town Center, the condition shall be terminated; that there was a letter of opposition submitted on behalf of SHARP, which is a coalition of HOA's; that the letter opposed the proposed fire company contribution as unjustified and being against the intent of both public policy and homeowners; that the Applicant strongly disagrees; that the proposed fee is a fee restriction; that it is a private matter between the buyer and the seller; that if the potential buyer is offended by the annual $100 fee, they do not have to buy within the community; that any potential buyer will be well aware that this fee is one of the requirements; that the SHARP letter alleges that the HOA can amend or nullify the fee, by amending the condition or amending the Declaration of Restrictions; that this required fee will be placed as a proposed Conditions of Approval for the project; that the Applicant did receive a letter from the Milton Fire Department, extending its appreciation for the offer and the proactive approach that Carl Freeman Companies is taking, to address the fire departments concerns; that the letter noted that Carl Freeman was the only developer to contact the department regarding the matter; that he submitted to the Commission proposed Findings and Conditions of Approval for all four applications; that the Applicant has the option of proceeding with the development of a cluster subdivision; that the Applicant could have submitted for a cluster subdivision four years ago; that the reason the approval for the MR-RPC continued to be pursued in the Carl Freeman firmly believes that the Cool Spring Crossing MR-RPC is a type of Master Planned Mixed-Use development that is by far in the best interested of both the applicant, and the current and future residents of Sussex County; that the plan is in accordance with the concepts of smart growth; that for example, the 2020 Delaware Strategies for State Polices and Spending documents, advocates the designing and building of what the State refers to as "complete communities" which are described as including integrated pedestrian and bike networks, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within the development; that the strategy states that this type of development would result in more diverse range of transportation and housing options, with more economical extension of public service utilities; that Cool Spring Crossing will be a complete community; that the Sussex County Comprehensive Plan states that in a Coastal Area, residential planned communities are encouraged to allow for a mix of housing types, to preserve open space and natural areas and resources; that the plan further stated that master planning should be encouraged, especially for large-scale developments on large parcels or groups of parcels, where higher density and mixed use developments are provided flexibility and site design; that Cool Spring Crossing will be a Master Plan Residential Planned Community; that even the Sussex Preservation Coalition endorsed an agenda for what they referred to as livable communities; that the agenda for livable communities includes consideration of open space and protection of wetlands and streams, providing adequate infrastructure for residential growth, including safe roads, bike lanes, and public transportation, adequate healthcare, educational facilities, and the ability of affordable housing units for young families and local workers; that per the Sussex Preservation Coalitions agenda, Cool Spring Crossing will be a livable community; that the Coalition's opinion is the project is not the right use, at the right place, at the right time; that the Commission's opinion must be based on the facts placed into the record; that the project is the right use, being a mixed-use development, with a variety of housing options, located adjacent to a Town Center; that the project's design is consistent with the criteria of a complete community of a Master Plan community, or a livable community; that for the reasons previously stated regarding the Future

Land Use Map amendment, the area is an appropriate place for the proposed project; that the site will have central sewer and water, and located near medical facilities; that the proposed site is possibly the only suitable land in the area for large scale development; that the Applicant has been working on the application for four years; that the Applicant could have requested a cluster subdivision; that this plan cannot wait for the revision of the Comprehensive Plan; that the decision for the application must stand on its own merits; that the Commission's recommendation on the four applications is extremely important, having significant influence on the County Council's decision and he requested that the Commission base their decision on the factual records and the reasons presented into the record.

Ms. Wingate questioned whether it was the developer's intention to construct the phases in alpha order, as they are reflected in the Phasing Plan; that she questioned if an explanation could be provided regarding the traffic impact and traffic numbers for the building out of each phase over the next 20 to 24 years of build-out, and questioned if there were only two entrances to the project, and why the hotel was labeled as non-commercial on the plan.

Mr. Fuqua stated that the plan reflects the names of the villages; that they normally would start in the front and back; that the idea is that Village A would be part of the initial construction; that in the Ordinance for a residential planned community, any permitted use in any residential district, is considered a permitted use; that a hotel is a permitted use in the HR District; that therefore the hotel is a permitted use in an RPC, and is not considered commercial; that within an RPC you can have one acre of commercial use for each 100 units, and what they were designating was that the hotel was not being counted against that one acre, because it is a permitted use.

Mr. Drew Boyce with Century Engineering stated that there is no assessment of per unit or per phase currently; that within the supplemental review letter issued by DelDOT, they commissioned their own consultant to do a high-level phasing analysis to provide and idea of when improvements may be triggered or may require to come online to support the traffic impacts; that there is a single entrance off Rt. 9; that there is an entrance for Village A and B off Cool Spring Road; that there is an entrance to Village D off Log Cabin Hill Road; that the extension of Cool Spring Road provides some additional infrastructure; that this area would be privately maintained, but look similar to the local infrastructure that DelDOT has in the surrounding area; that the entrance off Hudson Road, is considered the fourth leg of the two intersecting roads that come in being Carpenter Road and Walker Road and those are anticipated based on the information in the TIS roundabouts at those locations.

Mr. Whitehouse stated that as a discussion with the Applicant's team as to whether the requirements for an RPC, which has a maximum commercial area that may be proposed, were complied with; that he does concur with Mr. Fuqua's answer, and staff did meet with the Applicant's team chairs.

Ms. Wingate stated she was happy to see the letter from the Milton Fire Department, as our first responders need all the support they can get; that she would like to go on record to state that the schools need support as well, and she questioned if there was a possibility for all the interior roads to be per DelDOT specifications and maintain budget.

Mr. Fuqua stated that there are five state-maintained roads involved in the application, being Cool Spring Road, Old Cabin Hill Road, Hudson Road, Joseph Road, and Rt. 9; that if you look at all the other interior roads, they are no different than any other subdivision; that the interior roadways would be built to Sussex County standards, and the interior roads will not bear any more traffic than a standard subdivision.

Ms. Wingate stated she would like to see the overhead bridge, similar to that of Baywood, to provide access to the trails, but she understood that it would most likely be up to DelDOT.

Mr. Fuqua stated that the Land Trust was fortunate enough to have the piece come up for sale, which became the source of Hudson Park; that DelDOT had a crossing located at the next light, which is where DelDOT preferred the crossing to be; the Carl Freeman got involved with the Land Trust; that there was preliminary work done; that there are sketches of what is being proposed; that he would be located where the park is located; that it would provide for a much safer crossing across Rt. 9, and the future of that is uncertain, as it is still being proposed.

Ms. Wingate questioned if it was the intention of the developer to complete the buffer strips as the phases are completed, and there have been issues in the past with communities waiting for the entire project to be completed before the buffer strips are placed.

Mr. Fuqua stated that the buffer strips would be completed as each phase is completed.

Mr. Mears stated that the Phasing Plan does not shade the Town Center area, and he questioned if the Town Center build-out will be constructed as part of Village Section A.

Mr. Fuqua stated he would envision those areas on the southernmost portion of the site, being Village A and the Town Center, would progress at the same time; that they do not know this for certain; that the Applicant would have to present that Phasing Plan before the Commission, and they recognize that Village A is top priority for the County.
Mr. Collins questioned whether there are any other alternative locations anywhere in the County, where a similar development could be placed, potentially within closer proximity to Rt.1, or consideration given to redevelopment of existing properties that may be underutilized.

Mr. Fuqua stated that off the top of his head, he absolutely could not think of another area, closer to Rt. 1, for this type of development; that one could renovate any existing property if one could purchase it; that this project was a product of the owners wanting to sell the land, and the vast majority of the land is existing cleared farmland, with little environmental impact, and that with the protections the Applicant is providing for the environmentally sensitive area, the site is an ideal piece.

Mr. Collins stated he was happy to see the voluntary contributions placed into the covenants for the fire and EMS services; that he questioned if there was any consideration given to the placement of residential units above some of the commercial uses; that although some people do not like high density, the higher the density, the less land is required to be used; that land is precious in Sussex County, and the Commission wants to preserve as much land as possible as natural habitat.

Mr. Fuqua stated that he could not say whether consideration was given to the placement of residential use being placed above commercial uses; that he believed the main concept was that not everyone wants to live in a commercial area either; that the 700 units located within Village A, adjacent to the Town Center is a lot of units, and they believed those units served the same purpose.

Mr. Butler questioned if the developer would build the bridge for the crossing of Rt. 9.

Mr. Fuqua stated he felt the bridge was cost-prohibitive; that he would talk to his client about the bridge in the future; that Carl Freeman had spent money to make a good design; that the Applicant has been working with DelDOT; that if the bridge can come to be, there could be some type of arrangement, as it certainly would be beneficial for the project, as well as the public, and that it is an idea that is being pursued.

Mr. Robertson stated that the roads laid out on the site plan do not match the current DelDOT layout, and that it appeared that there may need to be some road abandonment and relocation.

Mr. Fuqua stated that he believed that the one end of Log Cabin Road will be realigned; that the arch that connects to Hudson Road will be a brand new State road.

Mr. Robertson questioned if the fire company donation would be per unit or per fee simple unit, as there will be ownership, rental, and SCRP units with the development.

Mr. Fuqua stated they had discussed if they should exclude the SCRP units from the fee; that he hated to need to go back to the Fire Department stating they were going to exclude units from anything; that he then realized it is not the renters paying the fee, that it will be the owners; that the fee will be paid per unit, and the owner will be paying the fee, not the renting tenant.

Mr. Robertson questioned what the open space for special events and entertainment means or would look like.

Mr. Fuqua stated it is a designated community area for periodic events, such as Fourth of July, Halloween, and potentially for weekly farmers markets, and the area is not proposed to be the new Freeman Stage North.

Ms. Wingate stated she was disappointed to hear it would not be a Freeman State North; that she felt that Bayside has been a wonderful asset to the community; that she questioned if the development roads will be connected to the medical center.

Mr. Fuqua stated that they envisioned a connection there; that they do not know at this point who will have the doctors' offices; that if it were Bayhealth it would make it easier; that they are going to have some type of connection, however interconnection becomes tricky because you do not want to create an unintentional thoroughfare.

RECESS

2:25 pm – 2:35 pm

The Commission found, by a show of hands, that there were 58 people present in support of the applications, and nine people present who wished to speak in support of the applications.

Dr. David Tam, MD, the President of Beebe Healthcare spoke in support of the applications. Dr. Tam requested that the Commission consider not only Beebe Healthcare of overall healthcare in general; that he had previously spoke before the Commission and County Council regarding the current physician shortage and the healthcare workforce housing shortage issues; that Sussex County will need more healthcare workers as more retirees move to the area; that if growth stopped today,

the retiree community will continue to require three times more healthcare than non-retirees; that he supported the smart growth proposal by Cool Springs; that the plan provides 700 workforce housing units, with 175 units being rent restricted units; that for every doctor he would bring in, he will also require junior nurses, pharmacy technicians, laboratory technicians and radiology technicians, as well as many others that are required to support healthcare services; that he recently had contacted medical professionals, who stated they would love to work for Beebe Healthcare, but could not afford to live in Sussex County; that the YMCA plan will provide childcare; that the people they are looking to recruit are people with children and families, that will require childcare for their 12 hour work days; that the plan supports community integration; that Blue Zone studies have shown that people who live in congregate housing with multigenerational utilization, such as the ability to walk to places, being able to converse with each other, help improve healthcare outcomes; that he felt the proposed design was a good one, and regardless of what healthcare system is proposed to go in that location, they will all have the same issues with the aging and challenging population, with a workforce that cannot serve that group of people.

Mr. Tim Kriebel spoke in support of the applications. Mr. Kriebel stated that he recently purchased property in close proximity to the site, where he plans to build a part-time retirement home; that he resides full time in Vendor City, New Jersey, where he currently serves as the Mayo, Commissioner of Public Safety, and has sat as a member of their Planning & Zoning Board for nine years; that his support for the project comes from a decade of public service and a 30 year career in Design & Planning; that he has seen the consequences of resisting thoughtful planning and development; that he has seen the development benefits when a community chooses managed growth instead of fearing it; that he experienced a similar proposal in his hometown; that after superstorm Sandy, the project was abandoned; that for the next 10 years the town declined; that there were no investments; that the ratables were in a nine year consecutive decline; that he felt the Master Plan offered walkability, affordability, and infrastructure investment; that the proposed plan was not development sprawl; that the plan offered a balanced, community focused development approach; that the plan offered a rare opportunity to shape growth, and he agreed the project would create increased traffic, but felt the plan provided a smart way to manage growth.

Ms. Linda Risk, Chief Operating Officer of the Delaware State YMCA, spoke in support of the applications. Ms. Risk stated that the YMCA of Delaware has been the cornerstone of the community in Sussex County; that this is achieved by their many programs including, after school care, early childhood education, summer camps, swim lessons, exercise classes, and chronic disease programs; that during the pandemic, they offered emergency child care services and food assistance across the State; that as the Sussex County population grows, so does their program; that the demand for their high quality programs has never been greater; that they support the Cool Springs Master Plan as the development presents a meaningful solution to pressing challenges facing local families; that the plan provides 700 workforce housing units, directly addressing the housing needs for the essential workers in the community; that the diverse housing options support families of all sizes, young professionals, first time homebuyers, and empty nesters; that the plan will make it easier for people to live where they work, while raising children in a stable, supportive environment; that by integrating a YMCA into the thoughtfully designed, walkable community, they can reduce barriers to access families; that if approved, Cool Spring Crossing would provide a unique opportunity, bringing the YMCA mission to life in a new and impactful way, through arts programming, workforce development, teen programs, college and career readiness programming, and other inclusive initiatives that benefit every age and background; that the projects emphasis on walkability, sustainability, and lifelong learning aligns directly with the YMCA's mission and their promises to Delaware; that ensure youth have a pathway

to success, improve the health and wellbeing of individuals and families, and bringing communities together to inspire and serve others, and she respectfully requested the Commission support the forward thinking plan, and the long term benefits the plan would bring to the families of Sussex County.

Ms. Kelly Basile, Chief Operating Officer of the Delaware State Chamber of Commerce, spoke in support of the applications. Ms. Basile stated the most pressing concern the Chamber of Commerce hears from Sussex County members is regarding the lack of affordable and diverse housing; that they recently released a report on the State's demographics and trends that will shape the State's future, which reinforces that between 2025 to 2035, the State's population is projected to increase by 6.4%, while the number of households are expected to rise by only 5.7%; that the supply is not meeting the demand; that house affordability is a key factor; that home prices have surged 56.2% over the past four years, which is outpacing the national average of 51.8%; that Sussex County is the fastest growing county by percentage in the Mid Atlantic; that employees are finding it increasingly more difficult to secure affordable housing near their places of work; that she questioned where the doctors, nurses, teachers, first responders and hospitality workers will live; that entry level wages for these positions do not allow people to live in the current available housing near their workplaces; that this makes people less likely to accept employment opportunities, because they do not want to drive an hour or more to work daily; that to maintain economic strength and competitiveness, Delaware must confront the housing shortages and the cost of living concerns; that the Cool Springs Crossing project directly addresses these issues with a thoughtfully planned mix of homes; that beyond housing, the project brings a significant economic impact; that potential construction activity along is estimated to generate a one-time economic impact of 1.3 billion statewide and will support approximately 6,400 full-time jobs, that the developer's investment in transportation infrastructure will help ensure that growth is manageable and forward thinking; that the proposed job creation, paired with significant infrastructure improvements is a win, and she requested the Commission approve the Cool Springs Crossing project, which will help to build a more sustainable and inclusive future for Sussex County.

Mr. Jonathan Contant, Land Planning Manager for K Hovanian Homes, spoke in support of the applications. Mr. Contant stated that with the proposed Master Plan, three minutes would be the approximate amount of time it would take someone to get from one end of the project to the other, to access groceries, gas, access to restaurants, doctor's offices, the gym, the YMCA and more; that the currently the closest grocery store to the site, is the Redners on Rt. 9, which would exceed three minute drive to; that it also adds to the traffic along Rt. 9; that the proposed Master Plan community would keep most daily necessities accessible from inside the community without creating additional traffic along the major roadways; that K Hovanian is the builder in Monarch Glen, located across the street; that the proposed plan provides closer access to these services for their buyers as well; that he felt having high density, multi-purpose, mixed-use, multi-price level communities, will help to reduce the traffic; that smart growth is a partnership; that partnership is not only what Sussex County wants, or what DelDOT wants; that the partnership is also what the land owners want to do; that this proposed development will help expand public water, and public sewer; that there are many DelDOT projects, identified in the Traffic Impact Study (TIS), that the project is proposed to impact by providing DelDOT more funding; that the developer will have to improve intersections rather than just providing a contribution; that he had not taken a look at the Traffic Impact Study, but he was willing to bet that most of the intersections are either currently failing; that the project will provide a partnership between the developer, DelDOT and the County, providing an opportunity to rectify those situations, and improve everyone's level of living and travel in the area; that he agreed with many other points of support that had already been mentioned; that he requested the Commission consider

the need for workforce housing, and stated that K Hovanian supports the proposal for additional housing, increased inventory and options for those who are retiring here, as well as those who work here.

Mr. Brian Rashley, Manager of Bayside Golf Club, spoke in support of the applications. Mr. Rashley stated that Sussex County continues to grow, and so does the urgent need for thoughtful and sustainable housing solutions, particularly for the local workforce; that he witnesses this need at Bayside and across the hospitality industry; that many of their employees struggle to find affordable housing; that he currently has associates who travel from Virginia and Pocomoke City to Bayside daily; that the issue is not unique to hospitality, as it impacts the healthcare workers, teachers, first responders and retail employees; that workforce housing is not just a housing issue, it is an economic and community issue; that if the community desires for businesses to thrive, and the communities to stay vibrant, we need employees to work close to where they work; that the Cool Springs Crossing project represents the comprehensive, forward-thinking development that Sussex County needs; that the project does not just check boxes on a site plan; that the plan offers a long-term solution by providing diverse housing options, thoughtfully planned amenities and a stronger foundation for the workforce and local economy, and he stated that by approving the project, the Commission would be voting for balance, inclusivity, and long term sustainability for Sussex County.

Mr. Greg Hurley, resident of Tower Hill within Sussex County, spoke in support of the applications. Mr. Hurley stated he felt the Tower Hill community is the most significant project of Carl Freeman, prior to the proposal of the Cool Spring Crossing project; that he serves as a member of the Tower hill Property Association Bord of Directors; that he had frequently interacted with the developer, Carl Freeman Companies and its team for the past two years; that he has found Carl Freeman Companies to be responsive to the needs of the residents, during the continuing development of Tower Hill; that they have made additions and changes in response to the request of the residents and the association, and based on past performance, he had no reason to change his view regarding Carl Freeman Companies.

Mr. Dave Carey, resident of Lewes, spoke in support of the applications. Mr. Carey stated he is one of the property owners in Cool Springs Crossing; that the property came to his father in 1969; that the decision to sell the property was difficult, and was made based on analyzing many factors, challenges, and risks; that one of his considerations was the ever increasing number of overlays on the property, which he felt served to diminish his private property rights; that water, sewer, three phase electric, and fire protection has been on the property for a decade; that the increasing traffic on Hudson Road, clearly explain the reasoning as to why the property should not be located within Level 4; that his support for Carl Freeman was based on three points, being the project is a mixed-use, smart growth community; that from his research there are at least 5,000 homes located within three miles of the property, that are required to drive to Milton, Long Neck, Rt. 1 or Lewes; that he feels the County needs to provide employment for the working age people, and those just graduating; that construction activities will generate $1.3 billion, of which the vast majority of it will stay in Sussex County, and he stated he would prefer to see a smart growth community over another community of single-family homes.

Ms. Patti Grimes, resident of Americana Bayside within Sussex County, spoke in support of the applications. Ms. Grimes stated that Americana Bayside is a completed community that offers similar amenities to the Cool Springs Crossing project; that her family has enjoyed being homeowners in Carl Freeman's communities; that she has been able to enjoy a walkable community for many years as a

Bayside resident; that she is able to walk to work; that she is able to walk safely along sidewalks with streetlamps; that she often gets to meet and converse with her neighbors during walks and bike rides; that she is able to walk to the Bayside commercial corridor to the grocery store, pharmacy, restaurants, and bank without leaving the community; that this allows for less traffic on the roads, while still allowing the public to enjoy the benefits of their Master Plan community; that the project protects the environment by reducing the carbon footprint; that there is diversity in the community, allowing people to stay in place as they age; that it is important that we continue to grow Sussex County; that recommending a Master Plan community, with an amenity core, for not only the residents, but the public to enjoy, is very important; that there is quite a difference in the livability for people residing in a subdivision versus a Master Plan community, and she urged the Commission to approve the Cool Springs Crossing project.

Chairman Wheatley advised the Commission and the members of the public that the representatives from DelDOT are not presenting in support of or in opposition to the applications, and that the DelDOT representatives are present as a resource for the Commission only.

The Commission found that Mr. Todd Sammons, Assistant Director with DelDOT's Development Coordination Division, was present at the request of the Commission; that also present were Ms. Pamela Steinebach, former Director of Planning, newly appointed Director of Maintenance and Operations, Ms. Sireen Muhtaseb, Traffic Impact Study Engineer, Ms. Joanne Arellano, Senior Traffic Engineer with JMT Transportation Engineering firm.

Ms. Wingate requested an explanation of the impact the 1,922 units will have on the area, compared to the 1,200 to 1,300 units that would be permitted by right within a standard subdivision, given that the project is projected to be constructed over a 24-year span.

Mr. Sammons stated he was just presented that question that morning; that the Applicant is conducting a traffic analysis based on just single-family use, and that they currently do not have the apple to oranges to compare.

Ms. Muhtaseb stated they just received the preliminary Traffic Impact Analysis, and they are currently reviewing the analysis.

Mr. Sammons stated that if the current project is not approved, the Applicant is moving forward with a separate submission for a major subdivision, for single-family lots based on the by-right density permitted within the zoning district; that DelDOT is currently undertaking that requested analysis, and because they are in the early stages of the analysis, they are not able to provide an apples to oranges response at that time.

Ms. Wingate stated that she realized the amount of time the analysis would take and questioned if four separate people purchased four separate properties, and they all decided to develop at the same time, the impact on the roadways would be very different than what the Commission is currently considering.

Ms. Sammons stated that it could look different; that the analysis was a massive undertaking with having to review 43 intersections, all of the committed developments, collectively painting a broad picture to do serious planning on it from a transportation impact; that if it was broken into small properties, being developed individually, they would have to comply with any warrants for analysis if

required; that even if a project does not meet the warrants for a Traffic Impact Study or Traffic Operational Analysis, DelDOT still performs some form of analysis on the project; that if a project were to be piecemealed, it could result in piecemealed improvements to the roadways, creating a less holistic approach, and that it all comes down to timing.

Ms. Wingate questioned whether DelDOT was in support of constructing the walking bridge, which is proposed to be similar to what is at Baywoods and would take traffic off the crosswalks.

Mr. Sammons stated DelDOT has extended the trail down to Hudson Road and Rt. 9; that there is currently a pedestrian crossing there; that bicyclists also cross at this area, rather than the location of Cool Springs Road; that they initially looked at the area, as it was the proposed location for a bridge or tunnel; that these proposal are not technically off the table; that the proposed bridge or tunnel is out of realm of what they do, and at this time is not something the department is planning for.

Ms. Steinebach stated the current crossing is a safe crossing; that DelDOT does not currently have plans to perform a DelDOT funded project for a bridge or a tunnel; that they are completely on board with supporting it potentially with a federal grant, but it will not be funded as a DelDOT Capital Transportation (CPT) Project, as they do have an existing crossing in that location.

Mr. Sammons stated DelDOT has placed a crossing, and DelDOT may consider a bridge or tunnel in the future; that there are challenges with the proposal, which is the reasoning it has not already occurred; that the department took the initiative to build the path farther down to make that at-grade crossing; that people do not like to walk or bike across bridges, and tunnels present different challenges from a homeland security perspective.

Ms. Wingate stated that both bridges and tunnels are very effective and questioned if DelDOT would have any objection to allowing a roadway from the development to the medical center.

Mr. Sammons stated DelDOT fully supports interconnectivity within the department, subject to it being constructed in a sound and safe way; that many times the Planning Commission, County Council, and DelDOT plan for interconnectivity, which is followed up by public opposition from the development community; that interconnectivity must be designed in a proper way, as cut throughs can become unsafe; that there are ways to mitigate that, and without interconnection it defeats the purposed of planned communities.

Mr. Collins questioned what DelDOT's estimate in trip reduction would be for a Residential Planned Community with amenities, employment centers, shopping, etc. built in versus a by-right standard subdivision.

Mr. Sammons stated that DelDOT refers to that as Internal Capture; that if you have a standard single family subdivision, residents will have to leave and return for every amenity; that when a project proposes multiple uses, like Cool Spring Crossing, that DelDOT provides credit to the project, and can calculate what the internal capture will be, which will pull those estimated trips off the roadways; that there is a huge benefit to internal capture; that DelDOT is not present to support the project; that DelDOT remains neutral to the proposed project; that there is a huge benefit to having these types of planned communities, with provided amenities, from a transportation perspective, and overall planned communities reduce vehicular traffic all together, because many people will walk or take a bike.

Ms. Arellano suggested keeping in mind that with internal capture, is the type of uses internal capture is applied to; that primarily it is residential to retail, residential to office or restaurants, and vice versa, and not every proposed land use within the development has an internal capture according to the ITE Trip Generation Manual.

Mr. Robertson requested further explanation of how the Traffic Impact Study (TIS) is facilitated.

Mr. Sammons stated that everything is time sensitive; that to be able to perform the analysis, a certain time and build out must be chosen; that they are dependent on the developer to tell them their schedule; that in the current case it was 2044, realistically now probably adjusted to 2048 for the full build out presented during the presentation; that when the counts are analyzed, it must be performed at a certain time, so that they can begin the analysis process; that they do apply annual growth factors and seasonal adjustment factors depending on when the counts were taken; that growth factors take into account the growth that is going to occur over the years, and committed developments as well; that it takes some time to perform an analysis of this magnitude, and DelDOT attempts to account for all the committed developments, add in growth factors which takes into account build out as well.

Ms. Steinebach stated that DelDOT also maintains nearly 90% of the roads, they do large scale planning; that one of the large scale areas is the coastal corridors; that they have completed the final report for those; that they will continue to analysis as they understand there is a lot of growth in the area; that the Henlopen Transportation Improvement District (TID) is located to the east; that they are not going to stop with that one formalized analysis; that they will continue to perform additional counts and forecasting; that; that they are a monitoring entity, and will have a pulse on all the new developments; that they are trying to hone in on growth factors; that there are many factors that contribute to growth factors, such as population, number of households, and employment areas; that DelDOT is monitoring the coastal corridors, while including input from stakeholders throughout the area and the input includes comments from the County and business owners, who are on the ground, and can voice any current issues or potential issues.

Mr. Robertson stated that there is a Traffic Impact Study (TIS), which is separate from the Coastal Corridor Analysis, and he questioned how those two documents work with one another, how the Coastal Corridor study impacts the project, how the Coastal Corridor study should impact the Commission's consideration of the project, and what the interplay between the two studies are.

Ms. Steinebach stated the Traffic Impact Study (TIS) placed responsibility on the Developer for certain infrastructure that they will be responsible for, to avoid the project negatively impacting the transportation system; that this responsibility is only one cog in all development County-wide, not in one specific area; that this is part of DelDOT's long range planning; that the Coastal Corridors studies are to provide a regional analysis of impacts to the transportation system, separate from the specific developer requirements for specific projects and the current planning vision takes in account longer forecasting to approximately 2050 and beyond.

Mr. Sammons stated that DelDOT attacks the analysis, admiring the roadways and infrastructure from multiple sections and approaches; that these areas overlap each other; that just like the current letter for Cool Spring Crossing, which mentions the TID, the Coastal Corridor study and the CPT projects; that all these studies are independent of each other, but all overlap each other, while analyzing and attacking the same issues; that the main issue is traffic mitigation with regards to end growth and those

types of things; that these individual studies are performed not only by their group, but multiple other groups, and this is the reasoning why it can be so cumbersome to pull these letters together, coordinating with multiple different sections and groups.

Mr. Collins questioned what the project timeline will be for the Lewes Georgetown Highway (Rt. 9) roadway dualization and expressed the voiced concern from the public that the property that may potentially need to be acquired may be developed on.

Ms. Steinebach stated that there are two projects in the DelDOT Capital Transportation Project (CTP); that construction for the project located from Coastal Highway (Rt. 1) to Old Vine Blvd. is projected to begin in FY27; that construction for the Rt. 9 dualization between Old Vine Blvd. to Dairy Farm Rd.; that the preliminary engineering is slated to begin in FY27 – FY28; that currently DelDOT does not have an estimated construction timing for that project; that DelDOT will need to accomplish the professional engineering, acquisition process and utility relocation first; that the Coastal Corridors monitoring is what will indicate when Rt. 9 will require dualization further west; that the intersection creating a lot of constraint is the intersection of Rt. 9 and Rt. 5; that there are many sensitive areas at that location, creating many complex problems, which will be the hardest for them to tackle; that DelDOT is aware of the concerns and growth of the area, but transportation projects take a very long time to get on the ground; that DelDOT has great partnerships with Director Whitehouse and the Sussex County Planning staff; that they are working on the Rt. 9 dualization to the east; that they have a good footprint of what it will be; that it is extremely important that DelDOT's ensure that information is placed in the Traffic Impact Studies; that this helps provide the information to Sussex County, allowing the Commission and County Council to place requirements or stipulations if needed, and the developer has agreed and accepted the reservation.

Mr. Sammons stated that within Item 21 of the Traffic Impact Study states that the developer should enter into an agreement built for right of way reservation along Rt. 9 site frontage, to allow for the potential future U.S. Rt. 9 road widening; that DelDOT may not know at this time how much right away will be required, but as the developer proceeds through the approval process, those are items that will be addressed, and if DelDOT cannot achieve an exact determination, they will project and obtain the reservations as they proceed through the process, ultimately the property would be acquired when the dualization or widening occurs in the future.

OPPOSITION

The Commission found that, by showing of hands, there were 39 people present who were in opposition to the applications, and 12 people present who wished to speak in opposition to the applications.

The Commission found that representatives of the Sussex Preservation Coalition (SPC) being, Mr. Richard Barasso, Mr. Jim Dick, Mr. Joe Pika, Mr. Johannes Sayre, and Ms. Jill Hicks spoke in opposition to the applications and submitted an 1,800-signature petition in opposition for the records.

Mr. Barasso stated that the Sussex Preservation Coalition (SPC) consists of organizations and individuals who have interest or concerns regarding land use in the county; that their effort is not to unduly delay, interfere or obstruct the process, but rather be part of the process; that the Sussex Preservation Coalition (SPC) represents at least 4,000 people; that the SPC was organized about three years ago; that it was an outgrowth of other organizations including Sussex 2030 and Sussex Alliance

Responsible Growth (SARG), which was an organization that he had co-founded; that SPC efforts are to focus on sustainability in the County as it relates to our natural resources, but more importantly, focuses on how best to balance growth, economic growth, and preservation of the roads, schools and emergency services; that he is proud to state that the former president of the Sussex Preservation Coalition now sits as a member of the Sussex County Council; that often land use decisions are focused on the future, and fail to recognize the unintended consequences to the here and now; that he complimented Carl Freeman Company in the presence of their management and organization at the meeting, unlike what the public has experienced from past developers; the SPC designated a team to work on the Cool Spring Crossing project for the past 18 to 20 months; that the team had interactions with hundreds of local residents, state agencies, homeowners associations, including HOAs where Carl Freeman was their developer; that they have spoken with land use professionals, traffic engineers and others; that the current application was the fifth application to come before the Commission for the proposed area, after previous efforts in 2021 and 2023; that if it were an easy decision, a decision would have already been made; that the current issues of concern are design changes, specifically as it relates to housing and housing expectations; that he has no doubt that the land will be developed in 20 to 25 years from now; that SPC wants to ensure that development was completed in the right way, not just for the benefit of the landowner or the developer, but for the people in the surrounding area; that the public understands that the Commission has total discretion on the four applications; that SPC believes currently, all four applications must be denied for the following five reasons; that the subject properties are zoned AR-1 (Agricultural Residential); that according to the current Future Land Use Map the properties are not located within a designated growth area; that based on the scale and scope, any decision on these applications would be premature, neglecting the recent commitment and investment made by the County in formally assigning a Land Use Reform group to analyze land use development in Sussex County, set forth to make recommendations that could result in new ordinance to amend the current County Cod and Comprehensive Plan; that working group consists of ten people; that within seven months, extensive work will begin in casting what will serve as the standard for how development occurs and how land use is governed in Sussex County over the next 20 years; this will be performed through the process of updating the Sussex County Comprehensive Plan; that this plan is essential in updating and establishing land use policies and identifying growth areas; that the plan will also consider various other community concerns, such as affordable housing, agriculture preservation, open space protection, historic preservation, etc.; that Sussex County must learn from other jurisdictions to begin to implement land development plans utilizing carrying capacity, which regulates the maximum intensity of a development based on actual infrastructure capacity; that proposed residential or commercial occupancy needs to be aligned and sequenced with capacity; that capacity is dependent on required road improvements; that although Sussex County does not have responsibility for roads, Sussex County certainly has responsibility for land use decisions for cars on the road; that the SCP's main questions are, is this the right use, is this the right place, and is this the right time; that every development must be sequenced, and must be sequenced relative to the road improvements to provide for the needed capacity

Mr. Jim Dick spoke on behalf of the Sussex Coalition Preservation in opposition of the applications with legal questions, and to provide explanation as to why SCP believes it would be wrong to accept a rewrite of the Future Land Use Map. Mr. Dick stated that according to the Sussex County website, the Sussex County Comprehensive Plan, adopted by Sussex County Council in December 2018, and certified by Governor Carney in March 2019, represented "*the culmination of more than two years' worth of work with scores of public meetings, workshops, outreach that attracted hundreds of comments, suggestions, and ideas from residents, business owners, government officials and others*"; that the Future Land Use Map is a legally required part of the Comprehensive Land Use Plan, and according to Delaware Code, it "*shall have the*

force of law, and no development shall be permitted except in conformity with the Land Use Map"; that the current FLUM divides County land into seven growth areas, where development is encouraged, and two rural restricted growth areas, where growth is not encouraged; that Cool Spring Crossing is located within the Low Density Area, being one of the two restricted growth areas; that the primary uses within the Low Density Area are agricultural uses and single-family homes on individual lots; that this area does not permit for large commercial developments or for multifamily residential buildings; that this is why the Cool Spring Crossing proposal cannot proceed unless the FLUM is amended to change the area from Low Density to a growth designation, such as the adjacent Coastal Area; that they have found only nine instances where County Council has used its authority to amend the current FLUM, since it was adopted about six years ago; that Mr. Fuqua had referred to ten instances, with one of those amendments pertaining to the Sewer Tier Map; that two of the nine instances were to correct technical errors; that one case was to transfer less than 1.5 acres, which had mistakenly been included in the Bethany Beach municipal FLUM to the Coastal Area within Sussex County's FLUM; that the other case involved restoring a Growth Area designation to land that had been in a growth area under the 2008 plan and map, but was incorrectly designated as Low Density in connection with the 2018 FLUM revision, apparently by a computer software program without any instruction or direction from the Commission or County Council; that he presented a list of seven amendments, excluding the sewer tier amendments, and the two technical amendments; that most of the amendments involved a change from one growth area to another growth area; that only three of the previous amendments involved changing land from Low Density to a growth area; that a FLUM amendment the size of Cool Spring Crossing, being 637 acres, is unprecedented; that the average of the three amendments listed is 19.5 acres; that Cool Spring Crossing would be nearly 33 times as large; that the average of the three low density to growth area amendments is only six acres; that Cool Spring Crossing would be 106 times as large as the average of the low density to growth area amendments that have occurred since 2018 and 2019; that 637 acres is twice the geographic area of Ellendale, and is 30% greater than Greenwood; that the next largest request to change the FLUM involved the 247 acre Seaside application; that FLUM amendment requested a change from the Low Density area to the Coastal Area; that this request was denied in January 2023; that the SCP believes that, at this current time, a development of Cool Spring Crossing's size and location would have very significant adverse impacts on Sussex County residents, traffic, schools and the delivery of medical, fire and police services; that they believe the project would have a negative impact on the environment, health, safety, and general welfare; that the approval of the project will also have other, less tangible, but very real adverse impacts; that an amendment of this magnitude would undermine the purpose of the Comprehensive Plan and the Future Land Use Map; that the project would be inconsistent with the plans overall objective of focusing growth in designated growth areas, leaving low density areas for low density; that approval of the project would disregard the years of work, scores of public meetings, workshops, citizen involvement, and County efforts; that approval for an amendment of this size would set a dangerous precedent, allowing other developers to look for similar opportunities, claiming entitlement to the same rights as Cool Spring Crossing; that approval of the proposed FLUM would inevitable erode public confidence in the FLUM as a reliable land use planning tool with the force of law; it would be seen as no more than a toothless suggestion; that it would also preempt any future decision on whether or not to expand the Coastal Area, in the Cool Spring Crossing direction, in connection with the upcoming 2028 Comprehensive Plan and Future Land Use Map revision; that a decision of this magnitude should not be made in isolation before the 2028 revision, and without consideration of the cumulative impact of existing and approved developments, as well as the long range planning objectives for Sussex Count as a whole; that the decision should not be made without consideration of the results from the Land Use Reform Working Group, the Rt. 9 Corridor Study, and the other ongoing efforts that would impact the 2028 Comprehensive Plan; that Cool Spring Crossing is also

located within Investment Level 4, which is not a designated growth area for the State; that the State tends to limit any investment in Level 4 areas to agricultural preservation and natural resource protection; that large residential developments and commercial activities are discouraged in these areas; that Sussex County has the highest percentage of residential developments located within the Level 4 areas in the State; that all of the residential building permits issued for Level 4 areas from 2019 to 2023, nearly 81% of them were in Sussex County; that less than 20% of building permits were issued in Kent and New Castle counties combined; that nearly ¼ of all the residential building permits issued in Sussex County during that period were located within Investment Level 4 areas; that this information was taken from the 2024 publication from the Delaware Office of State Planning Coordination; that Cool Spring Crossing would add nearly 2,000 new residential units to the Investment Level 4 area, as well as the large commercial project; that this is the reasoning the Office of State Planning Coordination has opposed projects in April 2021, December 2021, January 2023, and December 2023; that the State has a huge financial interest in the way Sussex County is developing; that the State pays for a very significant proportion of our infrastructure and necessary services; that according to the Office of State Planning Coordination's 2024 Annual Report chart for State planning issues, the State funds 90% of the roads in Delaware, including Sussex County; that the State funds 100% of the State Police, 30% of the State's paramedic programs, 90% of the public school's transportation; 60% to 80% of public school's construction and 70% of public school's operations; that the State is not currently planning to make the type of infrastructure investments needed to handle a new development of Cool Spring Crossing's size; that the State is expecting the area to remain largely rural and agricultural; that if the FLUM is amended and the project is approved, the State can legally withhold financial assistance and infrastructure improvements to support the project; that the State has lawful authority to withhold support for any new development with the Office of State Planning determines it is substantially inconsistent with State development policies; that this is the determination the Office of State Planning Coordination has made four times in the past; that legal authority is Delaware Code, Title 9, Section 6958-B; that is the State does agree to invest in a Level 4 area, in order to support a project of the proposed scale and magnitude, the investment will necessarily divert money from planned investments in Levels 1 and 2, slowing down essential projects in more populated areas; that it will disrupt State agencies long term planning and budgeting processes, resulting in inefficient and inflated State spending; that this is happening at a time where any financial help from the Federal Government is uncertain at best; that the SPC request that the Commission recommend denial of the pending huge and unprecedented FLUM amendment sought by Cool Spring Crossing, in order to allay growing public concern of there being no effective constraints on development in Sussex County, that even a planning guide, with the force of law, can be circumvented, and to avoid a fiscally irresponsible decision, that undermines the State's planning and budgeting processes, as well as the State's major role in funding necessary infrastructure improvements in the County.

Mr. Joe Pika spoke on behalf of the Sussex Preservation Coalition, in opposition to the applications, regarding the impact the project would have on the nearby area communities. Mr. Pika stated that he has been involved in public policy issues in Delaware for a long time; that he is a resident of Lewes, a retired faculty member from the University of Delaware, and previously served as President of the State Board of Education; that he wanted to discuss service infrastructure, which is much more than water, sewer, electric, natural gas and broadband services; that service infrastructure includes school, fire, police, and medical service providers, as well as the impact on neighboring towns, who provide many of those services; that the concern of SPC is regarding the new demands Cool Spring Crossing will place on all the previously mentioned services, placing those services under even greater stress than they already are under; that their interpretation is that Sussex County's growth has been so rapid

that those services have been unable to keep up; that we have had residential growth on properties in the area, but the growth has not been synchronized with the expansion of those services; that as a result, the demand has exceeded capacity; that there are strains we all experience when trying to get a medical appointment; that the recent examples, seen in the news, is the discussion regarding emergency services, particularly from Lewes, the issues the Cape Henlopen School District has raised, and medical services; that they believe the impact of Cool Spring Crossing go well beyond those that were explored in the economic and physical analysis submitted by the Applicant, which primarily focused on the economic benefits of the development and the tax revenue it will produce; that Cool Spring Crossing is going to cause big ripples; that he believes the project's population will top out at approximately 5,600; that even when allowing for the growth of Laurel and Milton, the project will be within the vicinity of the fourth largest to the sixth largest community within the County; that there are consequences from that; that one of these consequences is the position that the Cape Henlopen School District has taken regarding many proposed developments; that the Cape School District has expressed that they do not want to take on any further students until they can settle on a way to accommodate the students; that he has had previous conversations with Mr. Jason Hale, Cape Henlopen Director of Operations, regarding the current issues with enrollments; that the Cape Henlopen School District's concern is that they are being inundated with students, which must be placed somewhere; that the estimates from the Developer had been inconsistent; that the 2023 estimate was 566 students; that the current estimate in the materials before the Commission, the estimate total is 409 students; that the number of residential units had not changed, rather the methodology changes; that the 2023 estimate was based on a projection, founded on a questionnaire given to the residents of Americana Bayside, questioning how many of those households had school aged children; that the Developer than used that census data to make that projection; that the newest estimate is based solely on the estimate referred to by Mr. Fuqua on the census; that in both cases, Mr. Hale suggested that the estimates were too low; that Mr. Hale believed the census would be higher; that neither estimate takes into account the issues of overcrowded classrooms, how the school district will accommodate, or the disruption to families as a result of the school district being unable to accommodate them; that it will require the school district to redesign the attendance boundaries; that he can confirm that those changes can be tremendously disruptive, as he is a father of three children who went through attendance boundary changes in the past; that the arrangement that they had learned about, only as a result of the Milton Fire Department letter; that there is no other description of this document within the 900 page exhibit book; that within the drafted HOA documents, there is no mention of this obligation, and there is nothing in writing addressing this from the Developer; that they did hear during the presentation how it would operate and that it would also apply to Lewes; that it has been made clear that EMS needs more support; that currently there is a report being performed on the financial status of the volunteer fire departments in the County; that the fire departments are confronted with too few volunteers, moving towards using more professional, resulting in much higher expenses; that Lewes Fire Department have been providing monthly reports, expressing their higher demands; that according to their February report, only 14% of the Lewes Fire responses happened within city limits; that according to a recently uploaded document, the Cool Spring Crossing project would be served by the Lewes Fire Department; that he believed that providing some compensation to both fire district would be a good idea; that only 23% of emergency responses are located within the city limits; that between February 2024 and February 2025, the fire calls increased by 26%; that EMS calls increased by 15% as an indication of growth in the area; that Lewes' agreement is that growth has exceeded their capacity; that SPC is concerned that the project will place pressure and exceed capacity in all of the service areas; that Lewes has been considering discontinuing ambulance service; that police service, within unincorporated areas, relies on the Delaware State Police; that Town of Milton is adding two officers, resulting in a force of 12 officers; that the Milton

Police have a reciprocity arrangement with the State Police; that in the last six months of 2024, the Milton Police responded to an average of 16 calls per month for areas outside of city limits, resulting in about 200 calls per year outside of their city limits; that after conversing with city officials, there is concern that the project will place a burden on the Milton police and fire departments; that Lewes is also adding officers to their police force; that Cool Spring Crossing would be an unincorporated community and would not have either police or fire service; that it was suggested that Cool Spring Crossing be considered a new town, but he was unsure if that suggestion had ever been considered; that growth has impacts on neighboring communities; that Dr. Tam and the Beebe Healthcare staff recently presented a valuable briefing to the County Council; that the briefing pointed out that currently we have a shortage of 336 clinicians, doctors, nurse practitioners, and physicians assistants, resulting in a total shortage of 2.400 medical support staff; that there are about six medical support staff required for every clinician; that this current issue will worsen by 2030; that Dr. Tam estimated that Sussex County will need 11,120 additional clinicians, and 7,800 medical support staff by 2030; that our area has been identified nationally as a shortage area for healthcare professionals, including dentist, and mental health providers; that regarding medical services, Cool Spring Crossing will provide the benefit of 175 affordable housing units to assist with recruitment and retention; that the affordable housing unit rates will be fixed and limited; that the 525 workforce units will be rented at market rates; that the project will provide medical space, to be located next to Bayhealth; that the consequences of the project would be an additional 5,600 new patients creating a new set of demands; that the project must account for both full-time and part-time residents; that part-time residents are staying for nine months now, rather than three months out of the year; that the market rates will place a lot of the support staff outside of the group that will be able to afford to live in the 525 units; that during Dr. Tam's presentation he mentioned three kinds of positions he needed to find housing, being for nurses, care coordinators, and lab technicians; that all of those positions would qualify for Sussex County's Rental Program housing; that none of them would equal at 100% Area Medium Income (AMI), which is presumably where the market rates would be; that the challenge is not being met for the needs of medical service housing; that SPC has sought to mitigate several of its impacts, by providing the financial support to Milton and Lewes Fire Departments, providing the medical office space, the 175 affordable units; that SHARP has raised the question if an HOA payment is the correct way to provide additional money to EMS services; that everything he had mentioned demonstrates the problems of meeting capacity on the service side, exceeds any one developers capacity to mitigate the issues; that the issues require managed growth; that this will require plans to be put into place on how the issues will be addressed; that the required planning will not be achieved by making piece meal decisions; that these plans are derived during the Comprehensive Plan, when all of these issues are on the table at the same time; that SPC is not stating that the Cool Spring Crossing plan is a bad idea, and they acknowledge that the plan offers many desirable things, and that SPC believes that the project is not a good idea at this current time.

Ms. Wingate stated for the record that within the Applicant's proposed Conditions of Approval, the Applicant proposed a fee of $100,000 to be paid by the applicable homeowners or condominium association fees, being $100 per house, and that the Applicant appeared committed to that proposal, by their submitted conditions.

Mr. Johannes Sayre, resident of Lewes, spoke on behalf of the Sussex Preservation Coalition on the impact of traffic and what the Traffic Impact Study (TIS) revealed. Mr. Sayre stated that he had reviewed all the information of the TIS, but acknowledged that he was not a traffic professional that the SPC had vetted their observations with Mr. Dennis Hughes, a professional traffic engineer in Delaware, and therefore felt their beliefs were accurate and relevant; that Cool Spring Crossing is

proposed to be one of the largest developments in eastern Sussex County to date; that the project could be considered a new community, or a separate town, consisting of 5,000 people in a space of 20 years; that the project is estimated to bring 33,359 added vehicle trips to area roads; that in review the TIS, they noted that DelDOT regulations require a TIS to consider roadways and intersections out two to three intersections, beyond the planned boundaries of the proposed development; that the Cool Spring Crossing TIS goes well beyond that requirement, considering intersections as far away as Rt. 9 and Shingle Point Road, located 4.5 miles west of the site, and planned DelDOT projects on Rt. 1, starting 2.5 miles north at Hudson Road and moving southeast from there; that the TIS is considering a much larger area for traffic impacts of the project, than what the regulations mandate; that they found the analysis of the TIS identified about 20 intersections whose level of service (LOS) will degrade below the standard for failure, unless local roadway improvements are made or planned build out projects are completed; that the TIS identifies remedies like those for most of the mentioned intersections; that recalling that the TIS considers intersections up to four miles away from the project, there are several new developments at that distance or closer, that the TIS did not consider, notably the Northstar development, located about two miles east of the project's perimeter; that there were also developments located between three to four miles north of the site, which were not considered; that the understand the absence of these developments from the TIS is not due to negligence, as these developments were proposed, approved for finished build out after work was in progress on the Cool Spring Crossing proposal; that this does not change the fact that these developments will contribute significantly to the traffic impact within the same area as the Cool Spring Crossing project, within the Rt. 9 corridor; that they found six developments, with a total of 3,132 homes located within four miles of the project, that were not considered within the Cool Spring Crossing TIS; that the Rt. 9 corridor is already a subject of the Coastal Corridor Study, consisting of Rt. 9 and Rt. 16; that as they just heard, there is currently a study being performed specifically to Rt. 9, which just began; that dualization of Rt. 9 is in some stage of planning, west of Five Points to Sweet Briar road, ending about one mile east of the project site; that the TIS performed a segment analysis of the impact of the project traffic contribution to Rt. 9, projecting completion from 2044 to 2048; that the Rt. 9 level of service will fall below the failure threshold; that the TIS does not recommend dualization of Rt. 9, considering the scale of the traffic impact of the Cool Spring Crossing project, as well as other developments within the immediate area; that it appears that no one yet has a whole plan to ensure that Rt. 9 does not fail to bear up under the projected load; that the DelDOT Memorandum of Understanding (MOU) states that DelDOT and Sussex County shall endeavor to maintain a service level of D, also known as Delta, on roads affected by an application; that there are conditions and exceptions on that mentioned within the MOU; that DelDOT's Level of Service Scale runs from A, being the best condition, to F, being the worst condition; that from the point of the MOU, failure means dropping to a Level E or Level F; that the TIS identifies multiple intersections, failing with a level of service less than Level D at different stages of the Cool Spring Crossing build out at 100%, 75% and even only 25% build out; that this creates impacts on access to neighborhoods and congestion conditions on roadways, at intersections, and area roadways, notably being Rt. 1, Rt. 9, Rt. 5, Cave Neck Road, and Hudson Road; that the TIS identifies local improvements such as added lanes, signalization or planned build out projects that can prevent that failing state from occurring; that completion of those roadway improvements is required in order to prevent failure; that SPC also found cases where failure is predicted, but no improvements are planned; that the presented to the Commission a list of intersections listed within the TIS, where failure conditions levels of service E or F are predicted at some stage of build out; that two of the roads are smaller neighborhood roads, being Joseph Road and Arabian Acres Road; that it does not appear that the TIS suggested improvements to avoid any service level failure; that he presented to the Commission an aerial map of the neighborhood entrances, with the Cool Spring Crossing project being outline in pink; that all of the entrances

reflected are located along Rt. 9 and the Cool Spring Crossing area; that reflected within the middle of the map are the Hunters Mill and Beaver Creek developments, which the TIS does propose improvements to prevent service level failures; that further west on the map, there is Prettyman Road and Shingle Point Road; that the TIS proposes improvements to avoid failures at the Prettyman Road location; that at Shingle Point Road and Rt. 9, the DelDOT Park Avenue Relocation project, will address any potential failures in that location; that on the lower left of the map, there was a small red notch, labeled as Hawthorne development, which is one of the six areas found that was not considered in the TIS; that within the reflected class of neighborhoods, where traffic is entering and exiting, the neighborhoods may be impacted and suffer with a failure to their level of service; that the list of area roadways with intersections, where the TIS predicts that service level failures will occur were the intersection of Rt. 1 and Cave Neck Road, and the intersections of Rt. 9, Hudson Road, and Fisher Road; that they counted nine, of which six are listed as depending on planned build out projects avoid failure; that the other three depend on the local improvements, such as added lanes, or signalization; that he presented and referenced an aerial map, which was provided within the TIS; that he stated the areas to take note of are the areas of the red dots, which represent planned DelDOT projects; that these projects include the Rt. 1, Eagle Crest and Oyster Rocks intersection, the Rt. 1 and Cave Neck Road intersection and the DelDOT Grade Separated Intersection project at that location, the Minos Conaway Road and Rt. 1 and another DelDOT Grade Separated Intersection at that location, Dairy Farm Road and Beaver Dam Road, and the DelDOT traffic circle project at that location, and the Rt. 9 and Rt. 30 intersection; that the TIS identified that area of Rt. 30 as requiring dualization to avoid failure; that Rt. 9 and Shingle Point Road intersection, depends on the Park Avenue Relocation project; that the Cave Neck Road, Sweetbriar Road, and Hudson Road intersection, and the DelDOT five-legged traffic circle project planned at that location; that he wanted to references these improvements, as well as all the local ones, as they are required to be completed in order to avoid failing levels of service at the mentioned intersections; that there are six developments, with a total of 3,132 homes, equaling about 1.5 times the size of the Cool Spring Crossing project, located within four miles of the project's perimeter that were not considered within the TIS; that the Villages at Red Mill Pond, with 177 homes, is listed within the TIS, but does not appear to provide any trip generation data; that the remaining developments are not mentioned within the TIS at all; that these developments will be contributing traffic, at their scale, to the roadways were Cool Spring Crossing traffic will also be added to the Rt. 9 corridor; that the Cool Spring Crossing project proposes 1,922 homes; that the Villages of Red Mill Pond has 177 homes; that the approved Northstar development will have 852 homes; that Hawthrone has 254 homes; that the Granary will have 1,350 homes; that Scarlet Oaks will have 163 homes; that Four Winds will have 336 homes; that these are developments, equaling to 3,132 homes within a four mile radius of the Cool Spring Crossing project; that these developments are incrementally changing the area to something other than rural area; that the questions to be asked if we want to accept this process, do we want it to continue and do we want to facilitate it or not; that whatever the reason of why this data was not included in the TIS, these homes will contribute massively to the area traffic, while Cool Spring Crossing builds out; that SPC urged that for the Cool Spring Crossing proposal to be complete, an analysis of the Cool Spring Crossing traffic impact must include the traffic contributions of the missing developments; that the TIS identifies Rt. 9 as failing at Service Level E by 2044 or 2048, at 100% build out, specifically from Shing Point Road and Sweetbriar Road; that on Page 5 of the TIS, it explicitly states not to recommend Rt. 9 dualization; that the 2024 Coastal Corridor Study projected a failing Service Level E, at the location of the Rt. 9 and Rt. 5 intersection, without the consideration of the Cool Spring Crossing or Northstar projects; that the recommended second study for specifically Rt. 9, had just began; that currently, the daily vehicle trip estimate for Rt. 9 is 17,000 trips, which is close to the threshold of 20,000 trips, where dualization is recommended; that there will be a total of 47,000 additional trips added to area roadways when

combining the total trips proposed for Cool Spring Crossing and Northstar; that given the service level failures the TIS predicts on Rt. 9 in the project's area, SPC question why mitigations for that, including dualization are not proposed; that it appears that there is an analysis, which currently anticipates service level failure on a major local roadway, while still missing information and results need to support an accurate review of the proposed project; that the SPC concludes that the road improvements which the TIS identifies as preventing service level failures must be carried out; that otherwise, per the TIS, those failures will occur; that to avoid those failures, the Phasing Plan for the Cool Spring Crossing project must synchronize completion of the roadway improvements with the project build out; that the project must establish concurrency; that the development cannot grow fast than the roadwork is completed; that the Cool Spring Crossing parcels are currently classified within State Investment Level 4, meaning there is no support planned for infrastructure investment; that funding and timing of improvements must be assured; that if this does not happen, per the TIS, there will be failure conditions on the affected roadways; that the TIS is missing information that is required in order for the TIS analysis for Cool Springs Crossing traffic impacts to be complete, and the Rt. 9 and corridor traffic studies, the land use review, State Investment Level review and Sussex County Comprehensive Plan update for 2028 need to be finalized before approving the proposed Cool Spring Crossing project, given the scale of the proposed traffic impact.

Chairman Wheatley requested to ask additional questions of the DelDOT representatives.

Chairman Wheatley questioned if the Delaware Office of State Planning Coordination had any authority over DelDOT's budget or had the ability to provide or take away funding to planned projects.

Ms. Steinebach stated that she was not aware of that being the case; that DelDOT goes through the Capital Transportation Project (CPT) full public process through MPO's and counties; that the projects get prioritized as part of the Delaware Code, and proceed through the Council of Transportation's public process; that as part of the CTP prioritization process, there is a local priority, and if it is located within a Transportation Improvement District (TID); that within the list of nominations DelDOT receives, some of the ranking does receive more points, if a project is endorsed by an agency, and it is a very long process.

Mr. Sammons stated that DelDOT attempts to account for all government and state agencies, and they have the TIS to mitigate the specific impacts of the developments themselves.

The Commission found that Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, was able to provide additional information. Mr. Edgell stated his office does not have the budgetary authority to stop any project at any State agency; that however, all of the State projects for infrastructure and operating budgets for service, do adhere to the Strategies for State Policies and Spending, which is developed by the Cabinet Committee on State planning issues, which are enacted by the Governor by executive order; that through the capital budgeting process and operating budgeting process, all of the projects are all evaluated based on those metrics and determined; that DelDOT has a very detailed process for Capital Transportation projects; that location, in accordance to the State Strategies, is part of that process; that this is a statewide evaluation, broken down by county; that if they have priorities in any given cycle in Investment Levels 1 and 2, they might outweigh Investment Levels 3 and 4; that projects proceed through an entire matrix of evaluations from DelDOT, and the whole Capital Transportation Project and budgeting process.

Ms. Wingate stated that she understood Mr. Sammon's previous comments testified that DelDOT does take other projects into consideration, and that all projects are factored in, at some point as a whole.

Mr. Sammons stated the Sussex Preservation Coalition has been reviewing the DelDOT analysis since January 2025; that they had only received SPC's presentation earlier that morning; that DelDOT attempts to account for all communities and developments, but as he previously mentioned, there must be a cutoff point; that the Northstar application was submitted after the Cool Spring Crossing application; that at the time, the Northstar project was not considered a committed development; that they can only analyze the information they have at the time; that if there is something significant, the department is willing to review and consider anything, and that the current application has been scrutinized and torn apart multiple times to date.

Ms. Steinebach stated that DelDOT knew how intensive the project would be; that as part of the Development Coordination Manual, DelDOT technically only had to review three intersections; that due to the magnitude of the project, they made the extra effort, going above and beyond, analyzing 46 intersections to review the ripple effects, and to provide a hypothesis of when phasing would be required to be done; that they performed a Segment analysis as well, which the DCM does not require, and DelDOT was sensitive to the impacts, which led to their additional efforts of analysis.

Ms. Jill Hicks, spoke on behalf of the Sussex Preservation Coalition, and presented a petition of opposition containing 1,803 signatures. Ms. Hicks stated the subject area is a rural area, with only pockets of developments around the area; that Mr. Fuqua previously stated that the project size is irrelevant; that she disagreed; that the project and it size will impact the roads, schools, fire and ambulance services, and infrastructure, and therefore is relevant; that the option of building a cluster subdivision, from her understanding, would take an additional two years to proceed through the zoning process; that she believed that Sussex County would be well into the FLUM and the Land Use Reform Work Group would be done with its work; that she does not know if a cluster subdivision proposal would be a viable option; that she questioned if the 515 acres included the Martin Branch area and the resources around it; that the impact to the schools and other infrastructure is one reason that the Land Use Reform Working Group was designed; that she felt between those two issues, it warrants waiting; that the estimation of 23 additional students per year, equals to a classroom per year; that she questioned if the $100 per unit would be added into the rent figure, whether it be for affordable housing, or the market rate affordable housing; that she was pleased that the Applicant referenced smart growth; that the SPC is about smart growth, but she stated it does have to do with if it is the right time for the project and if the project is the right size; that there is a lot of information being presented for the estimated traffic count; that Mr. Sayre had provided some traffic analysis information; that she questioned if the Commission would want to hold the record open to the receipt of the traffic count information for the 1,200 unit application; that livable communities is not an internal look; that it is a look at the entire community area of the County; that what makes an area livable is the quality of life, including infrastructure, as well as the environment; that another area of consideration should be that Rt. 9 is a major evacuation route, placing more importance on the traffic analysis; that currently Sussex County is short about 13,400 residential units, based on a study done by Cabinet Committee on State Planning; that 80% of those are required for homeowners, and 20% for renters; that the shortage varies by income; that the shortage is more pronounced in eastern Sussex County; that the project proposes 175 units to participate in the Sussex County Rental program, with the remaining 525 units, being considered workforce housing, that will be subject to market rates

affordable house; that she considered this an oxymoron, particularly when located within Sussex County; that the market rate is not affordable to the workforce, thus the reason Sussex County is in the predicament it is in; that affordable relates to what is affordable to a household at 30% if the gross monthly income; that if they are renters, that includes rent and utilities; that if it is a homeowner, it is a mortgage, utilities, property tax and insurance; that in 2023, it was stated that the Area Median Income (AMI) was $71,200; that she recently saw a report stating it is $78,000; that affordable housing and workforce housing are used interchangeably; that workforce housing is generally considered housing affordable to persons below 100% AMI, that meets the needs of wage and service industry workers; that when referring to workforce housing units, there needs to be specification given to the workers the unit would be affordable to; that a unit geared toward a teacher, making 100% AMI, is not going to be affordable to a cashier making 50% AMI; that she questioned which workers the housing needs will meet with the Cool Spring Crossing project; that at 100% AMI, a person should be able to afford close to $1,800; that she questioned if he proffered $100 would be tacked onto the rent or not; that she is part of a homeowners association; that she felt an HOA is not where the proffered $100 fee should be handled; that people do not pay their dues; that an HOA will not want to be responsible for paying something that the developer committed to; that she felt the intent was good, but it would be a bad way to administer; that she felt the Commission should wait for the impact fees that the Council is currently working on; that she felt the administration of those monies would have to come through the County, potentially as a County tax; that HOA will change their covenants; that public service people, and some of the people Dr. Tam had mentioned do not come up to 100% AMI; that when considering the market rate affordable housing, the 525 units will not apply; that only the 175 units will apply; that average rents in Sussex County for a one bedroom unit is $1,800; that for a four bedroom unit, it is $2,900; that for a unit to be affordable, it requires an income from $72,000 to $116,000; that average rent in Lewes, including the outer area, is $2,800 per month at market rate; that those 525 units are not going to be affordable to the workforce the County is trying to take care of; that examples of this are, at the Vineyards a one bedroom unit cost $1,669 to $1,729; that two bedroom units range from $1,810 to $2,600; that the Vineyard Mendocino, consisting of two bedrooms and two bathrooms, ranges from $2,050 to $2,280; that she questioned if Cool Spring Crossings net contribution of 175 units of workforce housing reduce the County's need; that she questioned if the 175 units would even support the 1,900 units that are being proposed; that based on her research from the U.S. Census Data, for a subdivision, one would need about 6% of the project to be for workforce housing, to be able to handle the rest of the subdivision; that for the Cool Spring Crossing project at 5,600, the project would need 337 workforce people; that she questioned if the 175 units will get the County out of the hole, or will they dig the County deeper; that she questioned if all of the concessions being discussed are worth making; that the proposal appears to be progress, but in reality it is far more modest, and may even create a negative impact; that she advised the Commission to not rush to judgement; that amending the Future Land Use Map at this time, for a project of its magnitude would be irresponsible; that the County needs to lead with the planning process for the County as a whole, not react piecemeal to developers' site-focused business plans, which has been happening over the past five to eight years; that Sussex County should avoid a fiscally irresponsible decision that undermines the State's planning and budgeting process; that the project will place undue burden on all Delaware taxpayers; that if Sussex County builds 24% of its homes within State Investment Level 4, all of Delaware taxpayers will be paying for that; the Future Land Use Map carries a force of law and should not be easily circumvented; that Sussex County should allay the growing public concern that there are no effective constraints on development in Sussex County; that the way to achieve this is to let the planning process play out; that a decision on the project should not preempt the upcoming 2028 Comprehensive Plan work; that the State Investment Level work should be completed at the end of the year; that the work of the Land Use Reform Working Group

and the current Rt. 9 Corridor Study should not be subverted or undermined; that public welfare is at risk; that a project of its magnitude needs construction to be concurrent with all the Traffic Impact Study road improvements, and the dualization of Rt. 9; that the data is incomplete and inconclusive; that the County and State must collaborate to align infrastructure with growth, school space, staffing needs, medical services, and emergency services; that this cannot be another example of let the County build it, and the State will fix it; that SPC supports the County's effort to increase workforce housing; that the County needs metrics to know if proposals, such as the current, are going to help or exacerbate the problem; that the County needs to be more prudent in its expectations; that the County needs to commit to more affordable housing units, priced in line with Area Median Income guidelines, not market rate affordable housing; that smart growth is questioning if a project is the right use, at the right place, at the right time, and the current project is not the right size, at the right time, until we have more answers.

Mr. Collins questioned whether SPC preferred the by-right subdivision application of 1,200 units over the current proposal.

Ms. Hicks stated that the SPC does not prefer one application over the other; that if the Applicant were to come back with a 1,200 unit application, the two applications hearings would be two years apart; that during the two year time period, working will be started on the Comprehensive Plan; that work will be completed for the Land Use Reform Working Group, and the State Investment Level studies should be completed, and she was implying that the County needs to complete the Comprehensive Plan on where they want to see this area go.

Mr. Collins questioned if the Applicant was to resubmit next week, what rules would the application fall under?

Chairman Wheatley stated that if the applicant were to propose any affordable housing component, their application would be expedited.

Ms. Hicks stated in the secondary application, being the 1,200-unit subdivision, she did not see any affordable housing proposed, and again questioned at what point affordable housing would be getting the County out of the hole or even covering its own proposed residents.

Chairman Wheatley stated he felt everyone needed to keep in mind that sewer lines are not built on speculation; that sewer lines are built upon demand; that the idea that the County will catch up, and things will be in equilibrium, will never happen; that he hoped the County could do a better job than what is currently being done; that the County is currently trying to do that; that infrastructure will always be behind because taxpayers do not want to pay the cost of speculative ventures and there is always going to be an inconvenient period.

Ms. Hicks stated that the Commission needed to consider if they wanted to amend the Future Land Use Map for 637 acres, when every other developer watching will request the same, claiming a precedent had been set.

Mr. Robertson stated he disagreed with Ms. Hicks' statement, as a mentioned development was Seaside, which was quite large, and was denied, and he stated that developers can ask, but it does not mean the request will be granted.

Chairman Wheatley stated that each application must stand on its own; that the subject site has water and sewer services, with development all around, and the area might be currently classified as Level 4, but the area is not rural.

Mr. Collins stated that Level 4 only becomes Level 3 or Level 2, when all the infrastructure is in place.

Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, spoke in opposition to the applications. Mr. Edgell stated that as required by Delaware Code, the Sussex County application submitted the plan amendment for review through the Preliminary Land Use service in December 2021; that the PLUS review determined that the plan amendment was inconsistent with the Strategies for State Policies and Spending; that their PLUS response letter, dated January 13th, 2022, identified a number of concerns related to the proposed amendment, notable the location and Investment Level, as well as their environmental, transportation and archaeological concerns due to the large size of the amendment and the potential significant impact on State resources; that the letter was ended stating that the State looked forward to working with the County on a process that will evaluate the application in conjunction with the Coastal Corridors study, and a robust community planning effort led by the County; that it had been three years since the State's initial review; that to date, there had been no robust community planning effort led by the County to consider the plan amendment in relation to its cumulative impact on the area and corridor; that after waiting patiently for over two years, the Office decided to formally object the plan amendment in February 2024; that the objection triggered a 45 day period of negotiations with the County that they hoped would be an opportunity to discuss the amendment, and ways for collaboration, moving forward together to evaluate the impacts; that instead the County's position was that they were unable to discuss the amendment at that time; that they learned from the County, that the current public hearing process, is the way they gather information and data about the plan amendment; that after the 45 day period concluded, he referred the matter to the Cabinet Committee on State Planning Issues; that the committee met with representatives of Sussex County on April 8th, 2024; that at the meeting, the County further explained the importance of holding hearings before discussing potential plan amendments with the State; at that meeting, a mutually agreeable course of action was decided upon; that the County would hold hearings before the Planning & Zoning Commission and Sussex County Council, and before action was taken, reengage the 45 day period of negotiations; that another meeting between Sussex County and the Cabinet Committee on State Planning issues will be held during this 45 day period to further discuss the amendment; that he prepared and submitted the letters of correspondence, along with his comments for the Commission; that Comprehensive Plan amendments of the proposed type, are required to go through the Cabinet Committee of State Planning issues, then onto the Governor; that the current process is very unusual, and they are feeling their way through it; that they have worked closely with Mr. Robertson; that they have crafted the process before the State's DAG, and it was important that he present before the Commission to share what the process was, so that they public was informed.

Mr. Robertson stated that it has been an evolving process working with the State Planning Coordination on map amendments; that they heard two different sides of it; that he supposed the County was somewhere in the middle; that the County had a couple of applications where the County was at the forefront of requesting a map amendment on behalf of the applicant; that an issue was that the County did not have sufficient information to understand why the request may be appropriate or not; that this needed information was not provided until the public hearing process; that Mr. Whitehouse was placed in the awkward position of having to appear at the Office of State Planning Coordination to advocate or explain a map amendment that he had no information on, which would

allow him to present a meaningful, background reason, because it had not proceeded through the public hearing process; that through this process, they realized that this was not the best way to proceed; that the best way to proceed in all the matters is to have all the information available to everyone, to allow for an informed decision to be made; that at the time, no one had all the relevant information, and therefore it was the County's opinion that an informed decision could not be made; that there was mention of a delay in getting this application before the Office of State Planning Coordination; that he would disagree, as the County was trying to work out the process to do that; that the County has drafted a Memorandum of Understanding (MOU), with the Office of State Planning Coordination to document the process; that the MOU has not yet been signed by the Office; that they our currently proceeding this way because it enables the County to create a record, and the County is trying to work out the process to allow clear understanding on how to move forward.

Mr. Jack Young, resident of Rehoboth, spoke in opposition to the applications. Mr. Young stated that the Cool Spring Crossing applications failed the primary tests of the Sussex County Code §99-3 and §115-3; that the Sussex County Code §99-3 provides for the orderly growth and welfare of the citizens with proper development; that Sussex County Code §115-3 establishes the purposes of the zoning process; that the zoning process should provide for present and future needs, including lessening congestions, and providing adequate provisions for public requirements, transportation and education opportunities; that the Cool Spring Crossing applications do not and are not supported by sufficient service infrastructure at the current time; that given the Code requirements, more needs to be done to satisfy the Code requirements or adequate provisions of public requirements, transportation and educational opportunities, and more must be done before we can satisfy ourselves of the primary task that the Zoning Code tells us to do in both Chapters 99 and 115.

Mr. John Montanez with SHARP (Sussex Homeowners Advocacy Resource Partnership) spoke in opposition to the applications. Mr. Montanez stated that SHARP has been in existence for approximately three years, and is comprised of 19 volunteer communities, servicing approximately 6,000 households in Lewes and Rehoboth; that SHARP's purpose is to serve the homeowners and residents of Sussex County; that SHARP is in full agreement with the Milton Fire Department; that they have witnessed first-hand all of the exponential growth that has occurred in the area; that they are equally concerned about their ability to meet those growing needs; that where they disagree is the belief that issues can be remedied by an agreement between a developer and HOAs; that they feel it is not justified and not sustainable to ask homeowners to pay an additional fee; that you are asking the residents to pay an additional fee for the same service that everyone in the room is currently receiving; that while the State allows the HOA to levy fees, homeowners can rescind those fees by vote; that this creates the fee to be unsustainable and non-binding; that everyone agrees that they trust the local government to make the services of roads, schools and emergency services provided in a fair and equal manner; that the idea of having an HOA provide these services is a stopgap measure that undermines the agreement that SHARP is trying to make; that the emergency services are being taxed, requiring a response from the County; that the response should be done through local governance, not through a relationship between the HOA and developer; that SHARP, and its 19 communities, fully support the local schools, emergency services and fire department, but do not agree with the idea that an HOA should be used as a mean of leveraging the proposed fee; that SHARP is not advocating for taxes; that they are suggesting that we need to look at the problem; that for the long-term, it is not going to be achieved by a Band-Aid approach, by having the HOA attempting to fill a void; that his personal opinion is that people will assume that the HOA will be able to make up that money, and they will not have to pay it; that as a taxpayer, this would be a County-wide issue; that by the fee going through

the County, it would create a fair and equitable way to ensure all residents bear the burden, and not just the residents of Cool Spring Crossing.

Ms. Wingate stated she has spoken with one of the fire chiefs in the local departments, who stated they have sent out thousands of letters requesting homeowners to contribute to the local fire department, and they receive very few back, and this is the reasoning why, in her opinion, the proposed method would work.

Ms. Carolin Velardi, resident of Hawthrone in Sussex County, spoke in opposition to the applications. Ms. Veladri stated that three years ago, she attended a meet and greet with the House of Representatives; that it was filled with angry EMS workers, teachers, and many people concerned with housing; that at that time, it was told to them that they needed to get involved with local County administration; that the State does not handle those issues, and that the local government does; that it was said that it is not the State; that the State had identified areas of concern, and placed things into progress to address the issues; that the issue was the local government allowing too much growth, which was outpacing the State plans; that she lives in the area; that just because she has a Dollar General store, does not mean that the area is not rural; that within the area there are farms all around; that there are different perceptions of what rural area looks like; that the State has identified the area as rural; that it is up to the Commission to deem whether it is an appropriate area or not; that there are a million reasons why the area is not the appropriate place and she is listening to her State representative, voicing her objection and now it is in the Commission's hands.

Mr. Fuqua stated that he would like to clarify the question regarding the fire company; that the fee has been proposed as a Condition of Approval, but more importantly, will be placed as one of the restrictions, and that the restriction would have a type of provision that it would not be permitted to be deleted, amended or modified, without the consent of the Lewes and Milton Volunteer Fire Departments.

Ms. Alison White, resident of Red Mill in Sussex County, spoke in opposition to the applications and submitted a petition of opposition containing 250 signatures. Ms. White stated that the proposed project will degrade their quality of life, safety and property values; that the project would add a town of 5,600 additional residents in 1,922 residential units with commercial development; that the project would add 33,359 daily vehicle trips to area roadways and remove 108 acres of forest cover on the parcel; that Rt. 9 is near capacity; that the community would triple traffic on Rt. 9 and its surrounding roads; that this will further impair vehicle entry and exit for the Villages of Red Mill Pond and degrade the residents daily driving experience; that there are insufficient plans for corridor expansion to manage additional traffic; that the site was classified by the State as being within Investment Level 4; that DelDOT will not consider, much less implement road improvements on Hudson Road, or Rt. 9 west of Old Vine Blvd until well after 2030; that Rt. 9 is one of the few emergency evacuation route for the Sussex Shore area; that Rt. 9 supports residents of Lewes, Rehoboth, and the growing Rt. 9 corridor; that adding 5,000 residents will make it more unviable than it currently is; that the property is not located within a growth area in the County's land use plans; that because of this, the developer is requesting the parcel to be amended to the Coastal Area, being considered a growth area; that the Coastal Area stretches from roughly Sweet Briar Road to the shore, and is already a scene of rampant overdevelopment; that the request to amend the FLUM violates State strategies, by building within State Investment Level 4, which is an area designated for conservation and preservation; that the massive number of added residents would further strain schools, emergency services, and healthcare facilities; that the amount of forest removal and pavement will endanger environmentally sensitive

areas; that she urged the Commission to not recommend the applications for approval; that Red Mill Pond South has 177 homes with one entrance along Rt. 9; that the entrance has already been impacted by current traffic, creating a queue of four to five cars waiting to exit; that there was one occasion where a resident was attempting to get a relative to the hospital, who had to wait six to eight minutes to get onto Rt. 9; that urgently needing medical care can be critical; that there had been discussions regarding signalization at this entrance and about the dualization of Rt. 9; that any such plans are at minimum five years away from being realized; that their entrance is just over one mile west of the future Northstar community and 2.5 miles east of the proposed projects Site Entrance A; that they are located in the middle of the two projects, and considering the two project will add an estimated total of 46,000 additional vehicle trips to area roads, and the unfinished plans for improving Rt. 9, she has grave concerns about the project's impact to her community and their driving safety.

Ms. Alison Monroe, Sussex County resident along Walker Road, spoke in opposition to the applications and submitted two separate petitions of opposition, one containing 760 signatures from the last application in 2024, and 175 signatures for the current application of 2025. Ms. Monroe stated that the primary purpose of the Commission is to protect the interests of the current residents in the area, not the wishes of those who would like to move to the area; that she would argue that every name on the petition carries as much weight, if not more, than any developer, real estate agent or builder, as the individuals will be the ones most impacted; that the opposition rate in the nearby area is 98.3%; that as of May 1st, 2025, there were 287 public comments submitted through the County's website, equaling to an opposition rate of 83%; that the other related applications had opposition rates of 73%, 88.9% and 90.1%; that as a native to the immediate area, she had watched her hometown be altered almost past recognition; that she understands when she hears complaints regarding how busy the area has become, or when the newest transplants lament on the explosion of growth; that she believed many of the new residents feel they were sold a bill of goods of a pretty new house, on a quarter acre lot, located in the middle of farmland and forest along quiet country roads; that the realtors and developers sell this dream to one person after another; that this is all done while generational community members, longtime residents and newcomers alike, are left watching feeling helpless as slower, lower Delaware is being sold out of existence; that many natives are heartbroken, but too attached to leave; that she questioned is there a tipping point, to where sacrificing our quality of living is not worth the extra dollar, when it takes an hour to get home, when it used to take 15 minutes, when a person no longer feels safe walking along the road on which they have lived for years, or when the family doctor cannot accept you as an patient, when there are no more turtles in your yard, and no more cows in the field, and no more solitude to be found on the beaches; that she questioned if the extra income will be enough, or will the man-made improvements be enough to replace what the area has lost; that as she watches the farm fields being bulldozed and back country roads becoming thoroughfares, she implored the Commission to make the only correct decision, to help protect what makes Sussex County a rural gem, and requested the Commission to not recommend the Cool Spring Crossing application for approval.

Ms. Barbara Capuano, resident of Independence in Sussex County, spoke in opposition to the application. Ms. Capuano stated that there has been massive growth over the past four years; that now every one of us sits in traffic, on roads, trying to catch up with the growth; that on the peninsula, we live on the coast; that there could be an emergency or 24 hour mandatory evacuation at any time, like what northern New Jersey, and New York have had; that the area cannot handle the traffic now; that the roads need to be built or corrected before laying plans to place this development; that the roads have not caught up with what is already here; that this issue will cost lives, should anything happen,

and she requested the Commission to pause to look at the infrastructure, to figure out ways to handle what had already been approved before moving forward, as it is concerning life and death.

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

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

In relation to C/Z 2010 CMF Cool Spring, LLC. Motion by Ms. Wingate defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Butler, and carried unanimously. Motion carried 5-0.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

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.

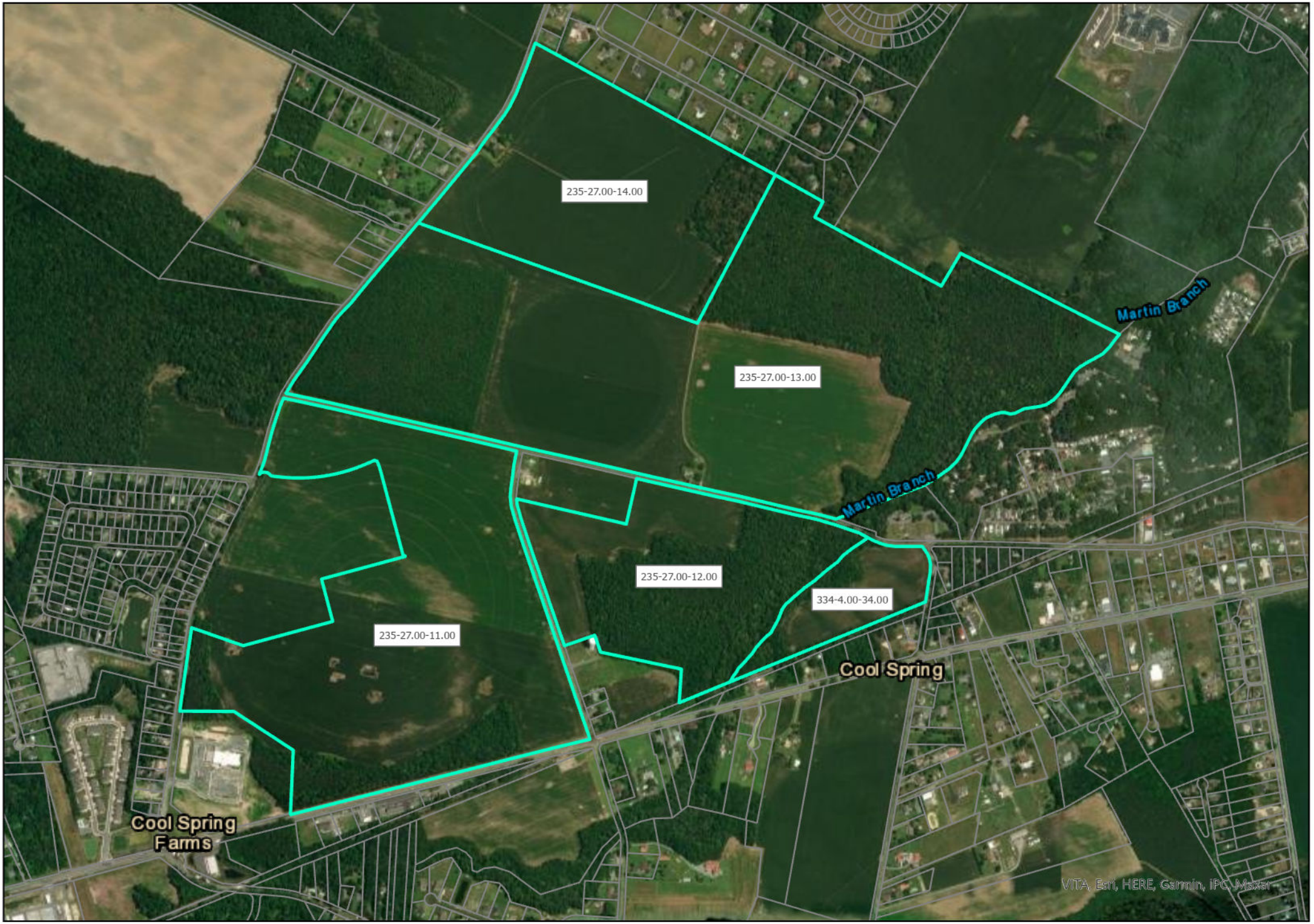
Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

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.

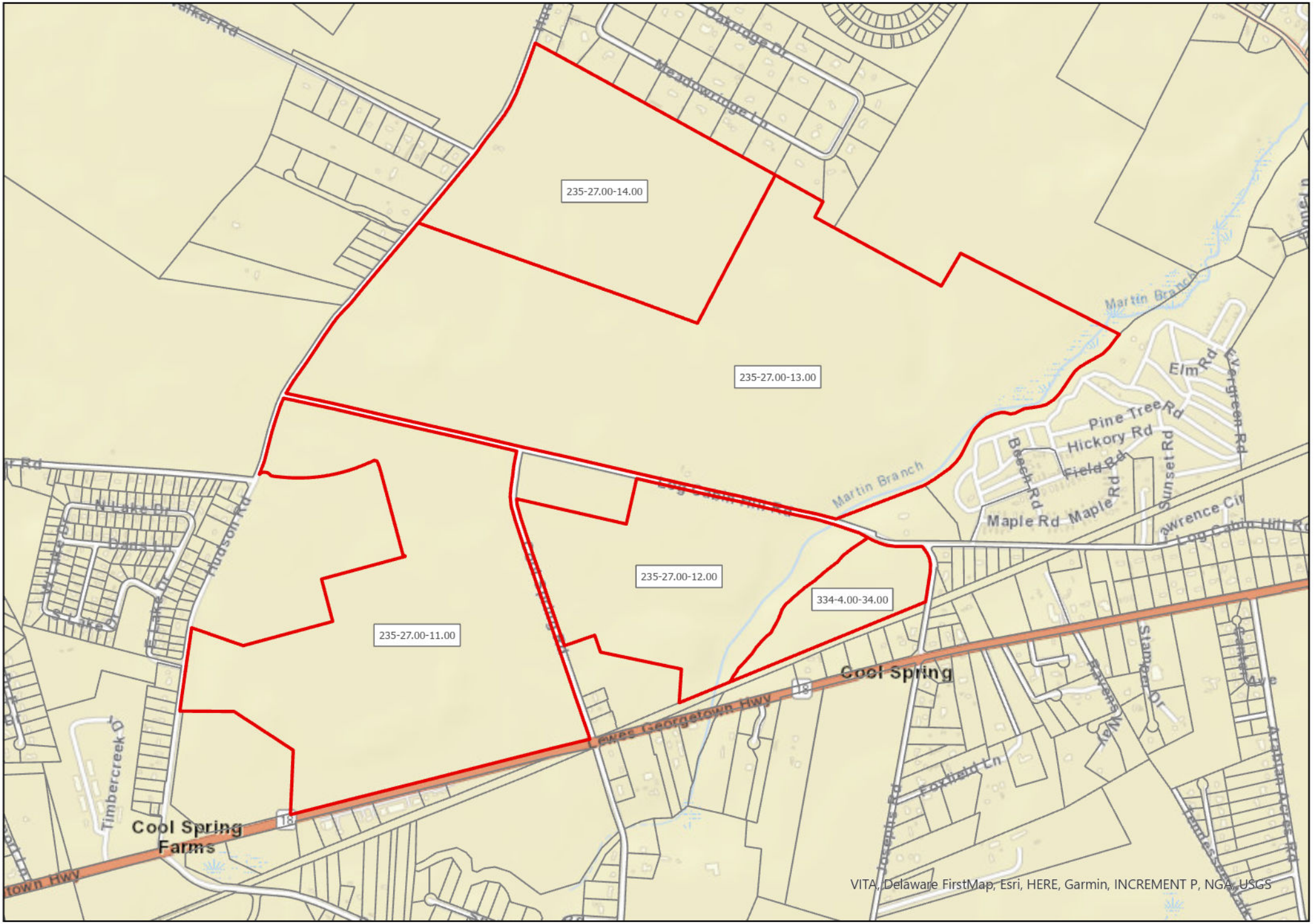


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Aerial Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet

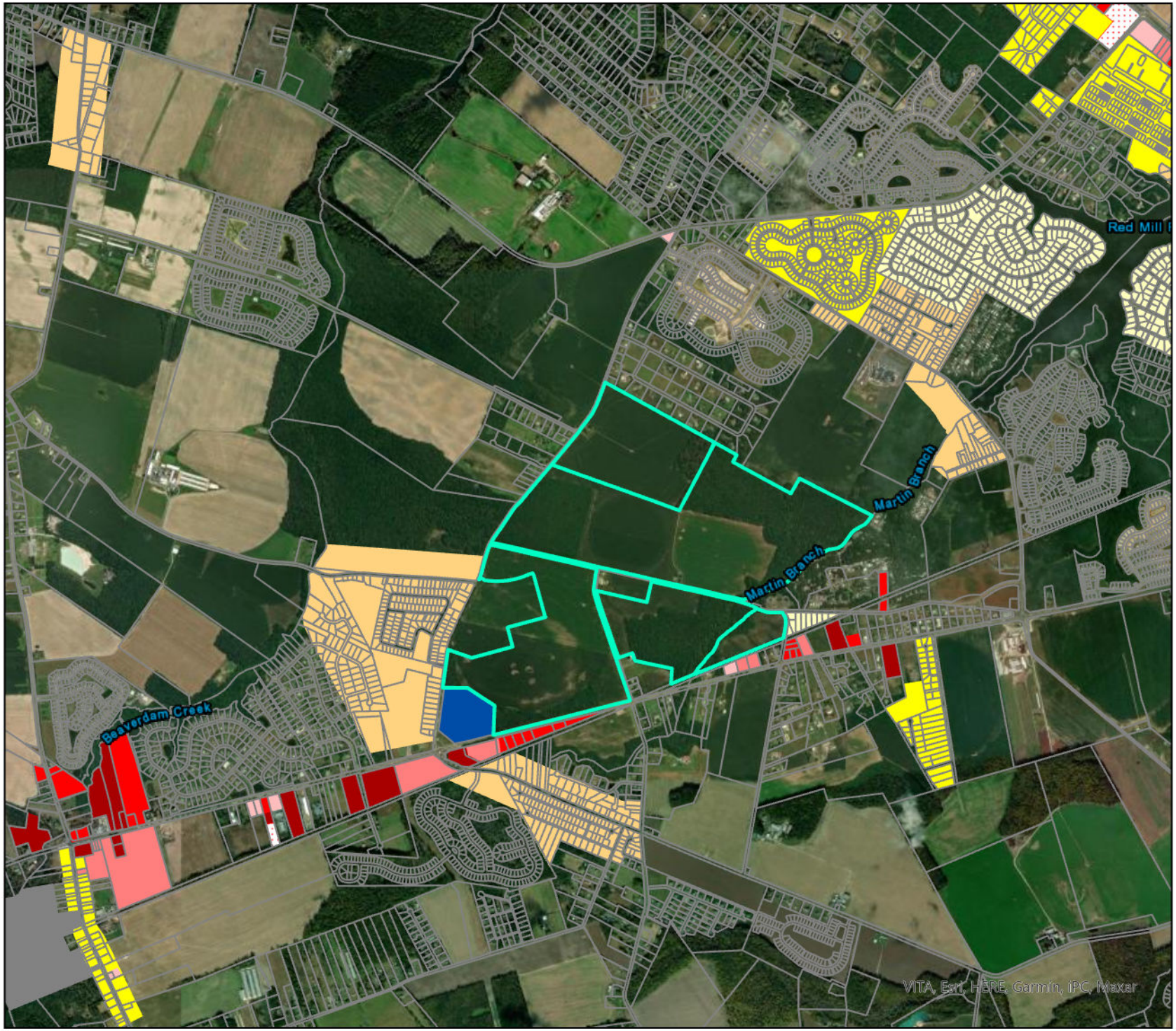


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Street Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet



Zoning

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

Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Zoning Map

Cool Spring Crossing - Parcels

0 0.25 0.5 1 Miles

N

Introduced: 4/8/25

Council District 5: Mr. Rieley
Tax I.D. No.: 235-27.00-11.00, 12.00, 13.00, 14.00 & 334-4.00-34.00
911 Address: N/A, 28645 Log Cabin Hill Road, Lewes, & 16915 Hudson Road, Milton

ORDINANCE NO. ___

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a zoning application, denominated Change of Zone No. 2010 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the ____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2010 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and 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) and being more particularly described in the attached legal description prepared by_____, said parcels containing 637 acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 29, 2025

RE: County Council Report for C/U 2441 filed on behalf of CMF Cool Spring, LLC

The Planning and Zoning Department received an application (C/U 2441 filed on behalf of CMF Cool Spring, LLC) for a Conditional Use in an MR-RPC Medium Density Residential Zoning District – Residential Planned Community for an educational facility at Tax Parcel 235-27.00-11.00. The property is located at 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). The parcel size is 194.17 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 7, 2025. At the meeting of July 2, 2025, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and subject to the 7 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 7, 2025, and July 2, 2025

Minutes of the May 7, 2025, Planning & Zoning Commission Meeting

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 BROADKILL HUNDRED, 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.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the Applicant's exhibits and slides, a copy of the Applicant's proposed findings of facts, a copy of the staff analysis letter, a copy of the States PLUS comments, a copy of a letter received from the Cape Henlopen School District, copies of the Technical Advisory Committee comments, including letters received from Delaware Forestry, DNREC Waste and Hazardous Substances Division, DNREC Drainage Program, the State Historic Preservation Office (SHPO), a copy of the letter received from DelDOT, a copy of the comments received from the State Fire Marshall and the Sussex County Engineering Department Utility Planning Division, along with a letter from the State Department of Agriculture and a letter received from the Delaware Electric Co-op and we have received 190 responses which are included in your paperless packet.

Chairman Wheatley advised the Commission and the members of the public the order that the presentation and public hearing would proceed.

The Commission found that Mr. James Fuqua, Esq., of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicants, Carl Freeman Companies and CMF Cool Spring, LLC; that there are four (4) applications being presented to the Commission that involve 637 acres of land that's comprised of five (5) tax map parcels located on the north side of Route 9 at Cool. Spring; that the first application is a request to amend the Comprehensive Plans Future Land Use Map; that the 637 acres are currently designated as being in the low density rural area of the Future Land Use Map; that the amendment proposes a change from the existing designation to the coastal area designation, which is one of the planned growth areas; that the second application is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium Density) within a RPC (Residential Planned Community) overlay for the entire 637 acres; that the RPC would be called Cool Spring Crossing and it would consist of residential villages with single family and multifamily homes and the commercial Town Center; that the third application is a Conditional Use for educational facilities to be located in the Town Center; that the final application is for Conditional Use for an assisted living facility and associated medical offices that would be next to the Town Center; that all four (4) applications are interrelated; that these applications propose a significant large scale, single family and multifamily residential community consisting of 1922 residential units and a Town Center comprised of retail, service, educational and recreational uses, as well as an assisted living facility and medical offices; that the demand for residential housing in Sussex County is the reason Freeman filed these applications and the situation can be summarized in four (4) comments:

1. In 2022, 78% of all residential growth in the state of Delaware was in Sussex County.
2. More than 33,000 people have moved to Sussex County from other states over the past four (4) years and this migration is expected to keep rising for the next three (3) decades.
3. Growth is rapid in Sussex County.
4. There is a lack of affordable multifamily housing units to keep pace with the growing population.

That those four (4) comments are the comments made by David Edgell, the Director of the Delaware Office of State Planning Coordination, at a presentation made to the Sussex Preservation Coalition in

February of 2024; that in agreement with Director Edgell's comments, on the land use issue in Sussex County, the two (2) issues that arise are a strong demand for residential housing and an even stronger need for affordable housing; that the Applicant is proposing Cool Spring Crossing as a Master Plan, a large scale mixed residential use community and a Town Center with a wide variety of uses; that the development is projected to be constructed in multiple phases over a 20 year build out time frame; that considering the zoning approval, site plan approval and agency permitting for this type of development will probably take two (2) to three (3) years, Cool Spring Crossing is not anticipated to be completed until 2048; that Freeman has an established history of developing large scale communities here in Sussex County and has proven it has the experience, the knowledge and the ability to develop a large scale mixed-use community like Cool Spring Crossing; that the request to amend Comprehensive Plans Future Land Use Map from low density, which is a rural area to a Coastal area which is a growth area under the plan is to ensure that the proposed MR-RPC development would be within compliance; that the Comprehensive Plan states that the proposed MR-RPC is not a zoning district designated as being appropriate in a low density area, but is appropriate within the Coastal area; that the Office of State Planning issued a PLUS review letter objecting and opposing this original request on January 13, 2022; that the current request for amendment brings up the question to the Commission as to whether the area of Cool Spring Crossing is still considered to be a rural area in which it would remain as low density on the Future Land Use Map; that following are the facts and reasons for supporting the Coastal Area change:

1. To the West of the Cool Spring Crossing proposed property is the Bay Health Emergency Center, with an additional land of residential development including approximately twelve (12) different subdivisions.
2. There is the Sussex Consortium, a special needs school, part of the Cape Henlopen School District not far from the proposed property.
3. There is a commercial corridor of land including a variety of businesses West of Fisher Road.
4. The Stephen Hudson Park is being developed on the South side of Route 9 at Cool Spring Road with a connection to the Lewes Georgetown Bike Trail.
5. The frontage of Cool Spring Crossing is along Route 9, which is a major Sussex County road, which is necessary for the Sussex County Zoning Ordinance to be located along a major arterial roadway.
6. The Delaware Transit Corporation operates a DART bus along Route 9 from Georgetown to the Lewes Park and Ride, with East and West stops all along Route 9, with the offer to install new stops near the Cool Spring Crossing development.
7. The Lewes Georgetown Bike Trail is adjacent to the property with a crossover of Route 9 located at Fisher Road and Route 9 where the Hudson Park is planned to be.
8. The proposed Cool Spring development will have a public bike trail going through it, connecting the existing trail to Hudson Road and a future extension to the Town of Milton.
9. Central public sewer is available from Artesian Wastewater Management, Inc. and they hold a Certificate of Public Convenience and Necessity for central water in this area.
10. The Delaware State Housing Authority indicated that the lands comprising Cool Spring Crossing are located within a Delaware State Housing Authority area of opportunity, which are strong, high value markets with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. They also noted that the need for affordable housing, particularly in the Coastal Area, is well documented, especially in the PLUS Review letter 2021-1287 and 2021-1288.
11. The Cool Spring Crossing property is contiguous with an existing Coastal Area on the Future Land Use Map all the way from the Northeast corner all the way to the coast.

All of these reasons support that the area of Cool Spring Crossing is not located within a rural area any longer and can support the amendment of the Future Land Use Map to a Coastal Area for this property; that the Delaware Supreme Court has ruled that the adoption of the a Comprehensive Plan in Sussex County is vested solely with the government of Sussex County; that Supreme Court case was Denmark versus Sussex County; that the Delaware Planning Act, Title 29, §9103 of the Delaware Code, states that as to the adoption of amendment update or revision of a Comprehensive Plan, the final decision is that of the County; that it is an irrefutable fact, that the 2020 Delaware Strategies for State Spending and Investment Level Maps are not a land use plan; that the Strategies document itself states that it is not a land use plan; that the plan states that the land use authority in Delaware has been delegated to the local government; that the decision to amend or not amend the Future Land Use Map is a Sussex County decision; that the Applicant's request to amend the Future Land Use Map is not unique; that County Council has amended the Future Land Use Map ten times since 2020; that the opposition would argue that the previous amendments were for smaller parcels; that this is a case were size is irrelevant; that it is important to look at the underlying facts to support if there is a basis or not for the change; that if there are solid facts supporting the amendment, it should be approved; that he believed that to be the case with the Cool Spring Crossing project; that next year, the Commission will begin its revision of the amendment of the County's Comprehensive Plan and Future Land Use Maps; that this is required to be completed every 10 years, resulting in an updated Comprehensive Plan in 2028; that regardless if the application was not before the Commission today, it is likely the Commission would be considering the very same issue as part of the plan update; that if the facts he presented support an amendment for the plan in three years, that those same facts support the amendment of the plan today; that in order for the MR-RPC development to proceed, the amendment of the Future Land Use Map to the Coastal Area is required; that if the amendment is not approved by the County, the 637 acres will remain designated as a rural, low density area; that this does not mean that the land will remain as farmland, nor does it mean that the land will remain undeveloped; that if the Cool Spring Crossing MR-RPC does not proceed, the land would be developed with single-family homes on individual lots; that the AR-1 (Agricultural Residential) zoned land, located within the low-density area, is permitted by the Sussex County Zoning Ordinance to be developed as a cluster subdivision; that subject to the design requirements of the Ordinance, a cluster subdivision is permitted to contain two lots per acre; that with a minimum lot size of 7,500 sq. ft., the 637 acres would support a phased cluster subdivision or multiple subdivisions containing 1,274 single-family homes on individual lots; that a subdivision would have none of the numerous benefits of the completed livable community and with these comments, Mr. Fuqua concluded his comments regarding the proposed Future Land Use Map amendment.

In regard to the Cool Spring Crossing, MR-RPC, and the two Conditional Use applications for the educational facility, assisted living facility, and medical offices Mr. Fuqua stated that Cool Spring Crossing is designed as a mixed-use community containing several seven residential villages and a town center that the villages will contain a mixture of housing types being single-family homes, and various types of multi-family dwellings; that the variety of housing types will result in a range of housing options and prices for both purchase and rental; that the homes in the villages will be located on new developed streets, interconnected with existing public roads, with pedestrian and bicycle network of sidewalk and shared use paths, to create a walkable and bikeable community; that a network of recreational uses, parks, and open space area will be interspaced throughout the development; that the Town Center is adjacent and easily accessible from the residential villages; that the Town Center will offer a variety of retail and service businesses, educational facilities and recreational opportunities; that this will reduce the need for vehicle dependency for residents of Cool Spring Crossing; that the

project has road frontage along the northside of Rt. 9, the east side of Hudson Road, and along both sides of Cool Spring Road and Log Cabin Road; that the Town Center would front Rt. 9, bordering the western side of Cool Spring Road, and the eastern side of the Bay Health emergency facility; that there are seven distinct residential villages; that three villages, being Village A, B & C are located south of Log Cabin Road; that four villages, being Villages D, E, F & G are similar in nature, as they all contain a mixture of single-family homes, on individual lot, and a variety of multi-family dwellings; that Village C is located to the west, on the west side of Josephs Road; that this village will only contain 34 single-family lots; that it is envisioned as the community of higher end, custom build type homes; that Village A is located to the north of the Town Center; that Village A will contain 700 multi-family dwellings and a mixture of housing type; that there will be 50 patio homes, 144 quadplexes, 30 villas, 188 townhomes, and 288 condominium units; that Village A is planned and designed as the more affordable village and community, with residential units both for sale and for rent; that 175 of the Village 8 units, being 25%, of the 700 units will be made subject to the Sussex County Rental Program (SCRP) Ordinance; that the Ordinance was enacted by Sussex County Council to encourage the creation of the affordable rental housing, particularly for County workers in the easter part of Sussex County; that the rental program ordinance controls both the eligibility criteria for tenants and the rent schedule for tenants based on the tenant's family income; that as required by the Ordinance, the types of units participating in the rental program must be the same ratio as the different types of units in Village A; that the units must be integrated, not separated from, the other units in Village A; that the units must be the same design and floor layout as the other units of Village A; that Village A would have the same access from Cool Spring Road, Log Cabin Road, and from the main entrance to the Town Center, located off Rt. 9; that Village A will be comprised of approximately 115 acres, of which 61 acres will be open space, including five interior park areas; that the open space; that the open space amounts to approximately 53% of the Village A area; that upon full completion of all of the villages, Cool Spring Crossing will contain 1,922 residential units, made up of 534 single-family homes, and 1,388 multi-family units of various types; that the proposed number of units is less than the maximum number of units that would be permitted within the residential planned community (RPC); that there is a special formula to calculate permitted density of RPC's; that for the project containing 637 acres, the area was reduced by the streets, resulting in 63.46 acres; that they took a conservative approach when performing the Town Center reductions calculations, by deducting the entire Town Center area, which contains 57.94 acres; that this calculation results in the permitted development area; that when deducting the streets and Town Center acreage from the gross development area, it results in a net area of 515.6 acres; that when one divides the net area of 515.6 acres by 10,000 sq. ft., being the minimum lot size permitted within the MR (Medium-Density Residential) district, the result of permitted density within the RPC would be 2,245 residential units, with a density of 3.52 units per acre; that the project is only proposing 1,922 units, with a density of 3.01 units per acre, being significantly less than the permitted density for the MR-RPC; that their result of the 3.1 units per acre density, was determined solely by using the MR (Medium-Density Residential) density; that they did not use any of the bonus density that is permitted under the Sussex County Rental Program, which would have allowed the density to increase up to 12 units per acre; that regarding the Town Center, the Town Center fronts on Rt. 9, being bordered by Cool Springs Road on the east, and the Bayhealth emergency urgent care center on the west, with Village A being located to the north; that the main entrance to the Town Center is from Rt. 9, with an additional entrance from Cool Spring Rd.; that there are several access streets from Village a that connect to the Town Center; that the center will include a variety of retail, service and educational and recreational uses to serve the Cool Spring residents, as well as the area residents; that the proposed uses will include a grocery store, bank, a convenience store with a gas service, four restaurants, five retail stores, an art & theater facility, which would be the Cultural Center of the community; that it is envisioned to be operated by a local theater

group, who would provide live theater workshops and other live performances, as well as painting and similar art classes, workshops and displays; that the Town Center would also include a 100 room hotel, a modern YMCA, or similar type of facility with a full gym, indoor and outdoor pools, indoor and outdoor pickleball, indoor tennis courts, multi-purpose meeting rooms, and an early childhood program for the care and instruction of preschool ages children; that the Town Center would include the two requested Conditional Uses; that the educational facilities would be located in two buildings with classrooms, resources areas, study areas, and administrative offices; that one building would be the college level instruction, potentially with the University of Delaware offering associate degree courses and professional certifications; that the second building would be for adult learning, potentially operated by the University of Delaware's Osher Lifelong Learning Center, which is a volunteer driven educational cooperative for adults aged 50 plus; that this project offers a wide variety of subjects, often taught by experienced retired residents; that the other Conditional Use to be located within the Town Center would be the assisted living facility; that the facility would have a capacity of 100 residents; that it would also have the associated medical office building, focusing on senior healthcare, which could possibly be associated with Bayhealth, who operates the emergency and urgent care center, located adjacent to the Town Center; that at the core of the Town Center, there are two large area of landscape open space, which will consist of a village green, and an event lawn for various community events and activities; that the Town Center would create economic development and employment opportunities, as well as convenient access to shopping and services to both residents of the community and residents in the area; that the Town Center would have a built-in advantage of having customers from the Cool Spring Villages, who would have the opportunity to access the Town Center without the need to drive; that in an RPC, commercial uses is one acre for each 100 dwelling units; that the 1,922 units being requested would equate to 19.22 acres of commercial use; that the planned commercial uses in the Town Center would utilize 18.52 acres of lands, being within the commercial use calculation; that regarding the entire community, and the recreational and social aspects of the development, the project is designed to be a walkable and bikeable community; that the project offers extensive opportunities for recreational activities and residential interaction, with sidewalks on both sides of community streets; that a DelDOT design shared use path will be provided along one side of the site frontage, along Rt. 9, Cool Spring Road, Hudson Road, Log Cabin Road, and on the extension of Cool Spring Road that comes through the development; that those shared use paths will be interconnected with the Lewes Georgetown Bike trail, which boarders the property along Rt. 9; that the Town Center has the village green, the event lawn, and other recreational, educational, and entertainment opportunities for residents; that the main recreational complex is located between Villages D, E, F & G; that this complex will include a clubhouse, with a minimum of 7,500 sq. ft. of floor area, accommodating areas for group fitness exercise, children's play, teen gathering, meeting rooms, casual seating area, staffed offices, restrooms and a refreshment and storage area; that located adjacent to the clubhouse, will be an outdoor, resort style swimming pool, separate kids pool with a splash play area, and a hot tub area, which will be surrounded by an expansive deck with shaded and unshaded areas; that there will be tennis, pickleball, and bocce ball courts; that also in this area will be a green space picnic area, with fire pits, gas tabletop grills, seating and open space for special events and entertainment; that there will be four additional outdoor swimming pools, with bathhouses, to be located in Villages B, D, G and also between Villages E & F; that there are several larger village parks, along with smaller neighborhood parks, with other recreational features, to be determined at a later time, but part of the site plan review approval for each phase of the development as it goes on; that there will be approximately 1.5 mile nature trail that will meander along the western edge of the Martin Branch Conservation area; that all of the homeowners within Cool Spring Crossing, with the exception of the owners located within Village A, will be required to be members of the Recreational Association, with quarterly or annual assessments to cover the expenses of operating and maintaining the

recreational facilities; that Village A is planned and designed to be the more affordable village within the development; that in keeping with that goal, the owners of Village A will not be required to be members of the REC Association; that the owners of Village A, will have the option of joining the Recreational Association, subject to the same recreation fee as the other members of the Recreational Association; that the village as five internal open space park areas; that those areas contain 3.3, 2.3, 1.3, 1.2, and .9 acres; that the specific design of the parks has not been finalized; that the spaces would be focused on spaces to gather, to exercise and to play; that the parks will include pavilions, numerous shades areas with benches, a walking loop, a children's bike/scooter loop track, two playgrounds, a yoga lawn area, open play areas, outdoor fitness stations and a possible dog park; that the idea in Village A was to amenities that would not be high in maintenance or high in design; that Cool Spring Crossing will be served by public central sewer by Artesian Wastewater Management Company; that public central water will be provided by Artesian Waster Company; that Artesian has stated they are willing and able to provide sewer and water to the development; that Artesian has been issue a majority of the water and sewer certificates of Public Convenience and Necessity by the Delaware Public Service Commission to serve the area; that Artesian owns two properties that are surrounded by or located adjacent to the Cool Spring Crossing property, being the undeveloped parcel at the southeast intersection of the Cool Spring Road and Log Cabin Hill Road, and the elevated water storage tower, located along Cool Spring Road; that Artesian' s Ability to Serve letter, dated April 9, 025, is located within the Applicant's submitted exhibit booklet; that stormwater management facilities, are required and will be designed and constructed to meet or exceed the requirements of DNREC's Sediment and Stormwater Management regulations, and also the Inland Bays Pollution Control Strategies; that the development of Cool Spring Crossing will occur over a 20 year period, in construction phases; that each phase will have its own Sediment and Erosion Control Plan, approved by the Sussex Conservation District, prior to the start of the construction phases; that there are multiple stormwater ponds integrated in the site design; that because the sites well drained sandy soil, and the relatively low water table, bioretention and infiltration practices will be utilized; that the development's stormwater will be directed to treatment ponds, and other management facilities for pretreatment, prior to any infiltration or discharge; that this will create significant improvement compared to the current condition of unfiltered stormwater runoff from land in agricultural use; that traffic impacts are almost always the main issue involved in any proposed development application; that Sussex County is required by law to have an agreement with DelDOT to provide a procedure to determine the traffic impact of any rezoning application; that in September 2020, Sussex County Council approved and executed an update Memorandum of Understanding (MOU) between the County and DelDOT establishing this agreement; that the Cool Spring Crossing application will have a significant impact on traffic; that provided within the MOU, at the Applicant, at the Applicant's expense, is required to conduct a Traffic Impact Study (TIS); that on Page 7 of the MOU, it states the Sussex County and DelDOT should encourage Master Planning for large scale development on large parcels or groups of parcels located within the Coastal Area; that Century Engineering was retained by Carl Freeman Companies to perform a Traffic Impact Study (TIS), in accordance with the scope and parameters established by DelDOT; that the Century studied reviewed the impact at all proposed access points to the development, and approximately 48 intersections in the surrounding area; that the TIS dated June 30, 2022, was reviewed by DelDOT, and subsequently DelDOT issued there TIS Review letter on January 10th, 2023; that subsequent to the issuance of the DelDOT Review letter, the applicant made some changes to the Cool Spring Crossing site design; that those changes reduced the number of proposed dwellings, and reduced the number of access points from ten to six; that those changes resulted in a reduction of the daily and peak hour trips; that as a result of those changes, DelDOT did require an updated review of the TIS, taking into consideration the revision of the land use, and the site entrances; that in additional, DelDOT also required a supplemental Sensitivity Analysis, to identify

when improvements, to help mitigate traffic deficiencies should be constructed; that the Sensitivity Analysis was prepared by JMT Engineering, being DelDOT's consulting traffic engineering firm; that the final Revised TIS Review letter was issued by DelDOT on January 14th, 2025, and is about 150 pages in length; that both the original and the revised TIS letters are included into the record; that DelDOT's revised letter provides that the Applicant is responsible for 22 specific roadway and intersection improvements, and also monetary contribution to several current DelDOT projects; that the required improvements are listed in detail on Pages 17 through 23 of the Revised TIS Review letter; that the Revised TIS Review letter also discusses the Sensitivity Analysis, and provides a time frame of when required improvements must be constructed; that the majority of the intersection improvements must be constructed at the beginning of the site plan construction; that the Applicant has fully complied with the requirements and provisions of the Sussex County and DelDOT Memorandum of Understanding for land development coordination; that the Applicant will be responsible for all the improvements and contributions as determined by DelDOT; that those applications will be implemented concurrently with the development, as determined by DelDOT's Sensitivity Analysis; that the entire site contains 637 acres; that based on DNREC's Wetlands Maps, there are no State regulated Tidal wetlands located on the property; that there is a single perennial stream, known as Martin Branch, located along the eastern boundary of the property; that as identified on the FEMA Flood Insurance Maps and the National Wetland Inventory Maps, federally regulated Non-Tidal wetlands exist on the low-lying area, adjacent to Martin Branch; that a Wetland Boundary Determination was performed by Mr. Edward Launay, with Environmental Resources, Inc., which found that there were 29.6 acres of stream and Non-Tidal wetlands existing on the site, being Martin Branch and the adjacent area wetlands; that the U.S. Army Corp of Engineers Office confirmed the determination, an issued a Jurisdictional Determination Letter on April 17, 2024; that there are no additional Tidal or Non-Tidal wetlands located on the property; that with the exception of the 29.6 acres containing Martin Branch, and the adjacent wetland, the remainder of the property is uplands, comprised of well drained, sandy soil, with an average elevation between 25 to 35 feet; that the site currently contains 217 wooded acres; that the development plan will result in approximately 103 acres of the existing woodlands to be removed, and 114 acres (53%) of the existing woodlands to be preserved; that except for a large portion of forested area adjacent to Martin Branch, historical aerial photos and land owner records, indicate that most of the other woodlands have been timbered in the past, being considered mid-succession, containing tree species typica of previously timbered land; that almost all tree clearing being proposed is located in the location of the pre-timbered areas; that the most important, natural and environmentally sensitive portion of the site, is located on the eastern boundary of the site; that this is the location of Martin Branch; that the Applicant recognizes and acknowledges the environmentally sensitive nature of this area, and accepts the responsibility of protecting and preserving the natural feature; that in 2022, the County enacted the Sussex County Resource Buffer Ordinance, which does apply to the Cool Spring Crossing applications; that this Ordinance would require a 50 foot wide resource buffer from Martin Branch; that it would require a 30 foot wide resource buffer from the edge of all Non-Tidal wetlands; that the Cool Spring Crossing development will far exceed the resource buffer requirements, by providing an expansive Martin Branch Conservation Area, consisting of the required resource buffers and additional land voluntarily included in the conservation; that as permitted by the Resource Buffer Ordinance, the Applicant elected to voluntarily expand the resource buffer by an additional 15 foot in width; that the Applicant is not requesting any buffer averaging; that the area would result in a total Non-Tidal Wetland Resource Buffer of 45 feet, which results in a total of 13.73 acres of forested, Non-Tidal wetlands; that the required 50 foot buffer from the perennial stream lies within the wetland area; that the 50 foot buffer is provided, as it overlaps with the wetland and other buffers; that the additional conservation area contains 61.61 acres of forested land, with the exception of 2.6 acres of open field;

that the open field will be maintained as a natural meadow; that the meadow will be planted with pollinator wildflower seed mix that is targeted to support the Monarch butterfly during its migration; that the Monarch butterfly is a candidate for listing as a threatened species by the U.S. Fish and Wildlife Service; that the additional conservation area, borders the Non-Tidal wetland resource buffer, resulting in a substantial increase in the width of the buffer from the wetland line; that the buffer varies considerably, but on average the buffer is about 130 feet in width, compared to the required 30 foot wide buffer; that the buffer consisting of the required buffer, the expanded resource buffer, and the 61.61 acres of voluntarily provided conservation area, results in a total buffer of 75.34 acres, resulting in more than eight times the required resource buffer area; that the entire Martin Branch Conservation Area, consisting of Martin Branch, the adjacent Non-Tidal wetlands, the resource buffers, and the voluntary Conservation Area will permanently preserve and protect 104.93 acres of the most natural and environmentally sensitive portion of the site; that this protected area also includes all of the Cool Spring Crossing site that is located within a Flood Hazard Area according to the FEMA Flood Insurance Maps; that all of the area proposed for development is located outside of the floodplain as designated by FEMA's Floodplain maps; that the Martin Branch Conservation Area will also be made subject to a Declaration of Restrictions, permanently preserving it as a natural area, and a Resource Buffer Management Plan, providing the management and stewardship of the protected area; that three are three additional areas, containing an additional 12 acres, that will also be subject to the conservation documents; that those lands are located on the western side of the property, near Hudson Road; that there are three or four trees that will be preserved in that area; that in total, the entire conservation area, including the Hudson Road portion of the forest, will contain approximately 117 acres, being over 18% of the Cool Spring Crossing site; that in addition to the Environmental Protection, the Martin Branch conservation area will also preserve and protect the archaeological integrity of the site; that the State Historical Preservation Office (SHPO) indicated that the majority of the site had low potential for prehistoric archaeological sites, except for a low to moderate potential, located on the eastern side of the site, near Martin Branch; that the Applicant retained Mr. Edward Otter to perform and Archaeological Assessment of the property; that the assessment confirmed that the area of near Martin Branch had the most potential for Native American sites; that all of the areas identified by SHPO and Mr. Otter, are located the Martin Branch Conservation Area, that will be permanently preserved and protected by the conservation restrictions and the conservation management plan; that Mr. Otter also conducted an archaeological study and delineation of the known cemetery site, located south of Log Cabin Road, just west of Cool Spring Road; that the cemetery area is located on the eastern side of Village A; that the study determined that there were four marked graves, and possibly more members of the Warrington family, who owned the land and passed between 1843 and 1849; that the delineation determined that the cemetery is 30 feet by 30 feet in size; that this area is two feet higher in elevation that the surrounding farm field; that this is due a loss of two feet in elevation, with over a century of rain and plowing; that the delineation excavated soils around the identified cemetery to confirm that no graves or human remains were present outside of the 30 ft. x 30 ft. cemetery area; that markers were placed at the cemetery corners; that the cemetery, as part of the Cool Spring Crossing Development, will be restored; that a fence will be erected, marking the cemetery boundaries; that there will be a 25 foot buffer established from the fence line, and a marker will be placed to provide historical data or information regarding the cemetery; that including the 117 acres in the superior design conservation area, altogether the Cool Spring Crossing development will contain 295 acres of open space, being approximately 46% of the site; that the project will provide positive economic benefits, since one of the purposes of the Sussex County Zoning Authority is to promote the welfare and prosperity of the present and future county; that the Applicant retained Sage Policy Group, Inc., an economic and policy consulting firm out of Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development;

that Sage was also the firm to perform analysis for the Northstar development; that the report indicates that over the estimated 20 year build out, will result in the following impacts being, the construction phases, consisting of site preparation, infrastructure installation, and residential and non-residential building construction is estimated to cost $836 million; that the construction phase will support thousands of jobs in Sussex County, the majority of which will be in the construction trades, with an estimated $475,000,000 in labor income; that after completion, the development will support approximately, 1,500 permanent Sussex County jobs, generating an estimated $80 million in annual labor income; that transfer taxes from the initial land purchases will generate $12.5 billion to Sussex County, and $20.9 million of revenue to the State; that future resales will be sold in additional transfer tax revenue; that the Cape Henlopen School District, as a response to receiving notice about the application, recommended that no additional residential development be approved until such time that a school construction impact fee or voluntary school assessment can be implemented; that it was his understanding, that the District's response was not personal to their application, rather a stronger tact that the District is taking on the issue; that the District had provided similar responses on other applications; that the Applicant believed that funding for future school construction is an important issue that needs resolution; that County Council considered the School Impact Fee issue on January 30, 2024; that County Council unanimously rejected the fee for a number of reasons, but mostly for the reason that future school construction was deemed to be the responsibility of the State government, not the County; that there is no reasonable basis to delay the current applications, because of that issue; that the current applications were filed two years ago; that Sage determined, assuming the demographic of the 1,222 units, being all units except for Village A, that pupil generation from the development on the Cape Henlopen School District, would align with the demographics of Lewes and Milton, based on the U.S. Census Bureau's data; that Village A, being 700 more affordable workforce units, they were assumed to have similar demographics as the entirety of Sussex County; that the report projects, that once the development is at full build, would generate an estimate of 449 public school pupils in the Cape Henlopen School District; that with a 20 year build out, 449 pupils would average to 20 new pupils per year; that the Sage report estimates that the pupils from Cool Spring Crossing would increase the school district's annual expenditure by $4.1 million; that those expenditures would be offset by annual property tax revenue in the district of $4.7 million; that this would generate an annual net surplus of $550,000 to the district; that regarding fire and emergency services, the closest fire companies to the development are the Milton Fire Department and the Lewes Fire Department; that the Applicant did meet with the fire department representatives; that the Applicant has offered, that rather than the fire departments relying on individual contributions from Cool Spring Crossing homeowners, there would be a provision in the covenants stating upon issuance of the certificate of occupancy for each residential unit, each unit will be responsible for an annual fee of $100; that the fee will be collected as part of the HOA fees; that the HOA or condo association will pay the fire department; that non-residential uses of the Town Center, will be responsible for an annual fire company fee of $58,000, that will be correlated as it is built in the percentage of completion, and will progress as the Town Center progresses build out; that at build out the fire company fee would total $250,000 per year, with half of the fee being paid to the Milton Fire Department and the other half of the fee being paid to the Lewes Fire Department; that this proffer contained on caveat condition that in the even the State or the County enact a fire or EMS fee ordinance in the future, applying to residential units or the Town Center, the condition shall be terminated; that there was a letter of opposition submitted on behalf of SHARP, which is a coalition of HOA's; that the letter opposed the proposed fire company contribution as unjustified and being against the intent of both public policy and homeowners; that the Applicant strongly disagrees; that the proposed fee is a fee restriction; that it is a private matter between the buyer and the seller; that if the potential buyer is offended by the annual $100 fee, they do not have to buy within the community; that any potential

buyer will be well aware that this fee is one of the requirements; that the SHARP letter alleges that the HOA can amend or nullify the fee, by amending the condition or amending the Declaration of Restrictions; that this required fee will be placed as a proposed Conditions of Approval for the project; that the Applicant did receive a letter from the Milton Fire Department, extending its appreciation for the offer and the proactive approach that Carl Freeman Companies is taking, to address the fire departments concerns; that the letter noted that Carl Freeman was the only developer to contact the department regarding the matter; that he submitted to the Commission proposed Findings and Conditions of Approval for all four applications; that the Applicant has the option of proceeding with the development of a cluster subdivision; that the Applicant could have submitted for a cluster subdivision four years ago; that the reason the approval for the MR-RPC continued to be pursued in the Carl Freeman firmly believes that the Cool Spring Crossing MR-RPC is a type of Master Planned Mixed-Use development that is by far in the best interested of both the applicant, and the current and future residents of Sussex County; that the plan is in accordance with the concepts of smart growth; that for example, the 2020 Delaware Strategies for State Polices and Spending documents, advocates the designing and building of what the State refers to as "complete communities" which are described as including integrated pedestrian and bike networks, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within the development; that the strategy states that this type of development would result in more diverse range of transportation and housing options, with more economical extension of public service utilities; that Cool Spring Crossing will be a complete community; that the Sussex County Comprehensive Plan states that in a Coastal Area, residential planned communities are encouraged to allow for a mix of housing types, to preserve open space and natural areas and resources; that the plan further stated that master planning should be encouraged, especially for large-scale developments on large parcels or groups of parcels, where higher density and mixed use developments are provided flexibility and site design; that Cool Spring Crossing will be a Master Plan Residential Planned Community; that even the Sussex Preservation Coalition endorsed an agenda for what they referred to as livable communities; that the agenda for livable communities includes consideration of open space and protection of wetlands and streams, providing adequate infrastructure for residential growth, including safe roads, bike lanes, and public transportation, adequate healthcare, educational facilities, and the ability of affordable housing units for young families and local workers; that per the Sussex Preservation Coalitions agenda, Cool Spring Crossing will be a livable community; that the Coalition's opinion is the project is not the right use, at the right place, at the right time; that the Commission's opinion must be based on the facts placed into the record; that the project is the right use, being a mixed-use development, with a variety of housing options, located adjacent to a Town Center; that the project's design is consistent with the criteria of a complete community of a Master Plan community, or a livable community; that for the reasons previously stated regarding the Future Land Use Map amendment, the area is an appropriate place for the proposed project; that the site will have central sewer and water, and located near medical facilities; that the proposed site is possibly the only suitable land in the area for large scale development; that the Applicant has been working on the application for four years; that the Applicant could have requested a cluster subdivision; that this plan cannot wait for the revision of the Comprehensive Plan; that the decision for the application must stand on its own merits; that the Commission's recommendation on the four applications is extremely important, having significant influence on the County Council's decision and he requested that the Commission base their decision on the factual records and the reasons presented into the record.

Ms. Wingate questioned whether it was the developer's intention to construct the phases in alpha order, as they are reflected in the Phasing Plan; that she questioned if an explanation could be provided regarding the traffic impact and traffic numbers for the building out of each phase over the next 20

to 24 years of build-out, and questioned if there were only two entrances to the project, and why the hotel was labeled as non-commercial on the plan.

Mr. Fuqua stated that the plan reflects the names of the villages; that they normally would start in the front and back; that the idea is that Village A would be part of the initial construction; that in the Ordinance for a residential planned community, any permitted use in any residential district, is considered a permitted use; that a hotel is a permitted use in the HR District; that therefore the hotel is a permitted use in an RPC, and is not considered commercial; that within an RPC you can have one acre of commercial use for each 100 units, and what they were designating was that the hotel was not being counted against that one acre, because it is a permitted use.

Mr. Drew Boyce with Century Engineering stated that there is no assessment of per unit or per phase currently; that within the supplemental review letter issued by DelDOT, they commissioned their own consultant to do a high-level phasing analysis to provide and idea of when improvements may be triggered or may require to come online to support the traffic impacts; that there is a single entrance off Rt. 9; that there is an entrance for Village A and B off Cool Spring Road; that there is an entrance to Village D off Log Cabin Hill Road; that the extension of Cool Spring Road provides some additional infrastructure; that this area would be privately maintained, but look similar to the local infrastructure that DelDOT has in the surrounding area; that the entrance off Hudson Road, is considered the fourth leg of the two intersecting roads that come in being Carpenter Road and Walker Road and those are anticipated based on the information in the TIS roundabouts at those locations.

Mr. Whitehouse stated that as a discussion with the Applicant's team as to whether the requirements for an RPC, which has a maximum commercial area that may be proposed, were complied with; that he does concur with Mr. Fuqua's answer, and staff did meet with the Applicant's team chairs.

Ms. Wingate stated she was happy to see the letter from the Milton Fire Department, as our first responders need all the support they can get; that she would like to go on record to state that the schools need support as well, and she questioned if there was a possibility for all the interior roads to be per DelDOT specifications and maintain budget.

Mr. Fuqua stated that there are five state-maintained roads involved in the application, being Cool Spring Road, Old Cabin Hill Road, Hudson Road, Joseph Road, and Rt. 9; that if you look at all the other interior roads, they are no different than any other subdivision; that the interior roadways would be built to Sussex County standards, and the interior roads will not bear any more traffic than a standard subdivision.

Ms. Wingate stated she would like to see the overhead bridge, similar to that of Baywood, to provide access to the trails, but she understood that it would most likely be up to DelDOT.

Mr. Fuqua stated that the Land Trust was fortunate enough to have the piece come up for sale, which became the source of Hudson Park; that DelDOT had a crossing located at the next light, which is where DelDOT preferred the crossing to be; the Carl Freeman got involved with the Land Trust; that there was preliminary work done; that there are sketches of what is being proposed; that he would be located where the park is located; that it would provide for a much safer crossing across Rt. 9, and the future of that is uncertain, as it is still being proposed.

Ms. Wingate questioned if it was the intention of the developer to complete the buffer strips as the phases are completed, and there have been issues in the past with communities waiting for the entire project to be completed before the buffer strips are placed.

Mr. Fuqua stated that the buffer strips would be completed as each phase is completed.

Mr. Mears stated that the Phasing Plan does not shade the Town Center area, and he questioned if the Town Center build-out will be constructed as part of Village Section A.

Mr. Fuqua stated he would envision those areas on the southernmost portion of the site, being Village A and the Town Center, would progress at the same time; that they do not know this for certain; that the Applicant would have to present that Phasing Plan before the Commission, and they recognize that Village A is top priority for the County.
Mr. Collins questioned whether there are any other alternative locations anywhere in the County, where a similar development could be placed, potentially within closer proximity to Rt.1, or consideration given to redevelopment of existing properties that may be underutilized.

Mr. Fuqua stated that off the top of his head, he absolutely could not think of another area, closer to Rt. 1, for this type of development; that one could renovate any existing property if one could purchase it; that this project was a product of the owners wanting to sell the land, and the vast majority of the land is existing cleared farmland, with little environmental impact, and that with the protections the Applicant is providing for the environmentally sensitive area, the site is an ideal piece.

Mr. Collins stated he was happy to see the voluntary contributions placed into the covenants for the fire and EMS services; that he questioned if there was any consideration given to the placement of residential units above some of the commercial uses; that although some people do not like high density, the higher the density, the less land is required to be used; that land is precious in Sussex County, and the Commission wants to preserve as much land as possible as natural habitat.

Mr. Fuqua stated that he could not say whether consideration was given to the placement of residential use being placed above commercial uses; that he believed the main concept was that not everyone wants to live in a commercial area either; that the 700 units located within Village A, adjacent to the Town Center is a lot of units, and they believed those units served the same purpose.

Mr. Butler questioned if the developer would build the bridge for the crossing of Rt. 9.

Mr. Fuqua stated he felt the bridge was cost-prohibitive; that he would talk to his client about the bridge in the future; that Carl Freeman had spent money to make a good design; that the Applicant has been working with DelDOT; that if the bridge can come to be, there could be some type of arrangement, as it certainly would be beneficial for the project, as well as the public, and that it is an idea that is being pursued.

Mr. Robertson stated that the roads laid out on the site plan do not match the current DelDOT layout, and that it appeared that there may need to be some road abandonment and relocation.

Mr. Fuqua stated that he believed that the one end of Log Cabin Road will be realigned; that the arch that connects to Hudson Road will be a brand new State road.

Mr. Robertson questioned if the fire company donation would be per unit or per fee simple unit, as there will be ownership, rental, and SCRP units with the development.

Mr. Fuqua stated they had discussed if they should exclude the SCRP units from the fee; that he hated to need to go back to the Fire Department stating they were going to exclude units from anything; that he then realized it is not the renters paying the fee, that it will be the owners; that the fee will be paid per unit, and the owner will be paying the fee, not the renting tenant.

Mr. Robertson questioned what the open space for special events and entertainment means or would look like.

Mr. Fuqua stated it is a designated community area for periodic events, such as Fourth of July, Halloween, and potentially for weekly farmers markets, and the area is not proposed to be the new Freeman Stage North.

Ms. Wingate stated she was disappointed to hear it would not be a Freeman State North; that she felt that Bayside has been a wonderful asset to the community; that she questioned if the development roads will be connected to the medical center.

Mr. Fuqua stated that they envisioned a connection there; that they do not know at this point who will have the doctors' offices; that if it were Bayhealth it would make it easier; that they are going to have some type of connection, however interconnection becomes tricky because you do not want to create an unintentional thoroughfare.

RECESS

2:25 pm – 2:35 pm

The Commission found, by a show of hands, that there were 58 people present in support of the applications, and nine people present who wished to speak in support of the applications.

Dr. David Tam, MD, the President of Beebe Healthcare spoke in support of the applications. Dr. Tam requested that the Commission consider not only Beebe Healthcare of overall healthcare in general; that he had previously spoke before the Commission and County Council regarding the current physician shortage and the healthcare workforce housing shortage issues; that Sussex County will need more healthcare workers as more retirees move to the area; that if growth stopped today, the retiree community will continue to require three times more healthcare than non-retirees; that he supported the smart growth proposal by Cool Springs; that the plan provides 700 workforce housing units, with 175 units being rent restricted units; that for every doctor he would bring in, he will also require junior nurses, pharmacy technicians, laboratory technicians and radiology technicians, as well as many others that are required to support healthcare services; that he recently had contacted medical professionals, who stated they would love to work for Beebe Healthcare, but could not afford to live in Sussex County; that the YMCA plan will provide childcare; that the people they are looking to recruit are people with children and families, that will require childcare for their 12 hour work days; that the plan supports community integration; that Blue Zone studies have shown that people who live in congregate housing with multigenerational utilization, such as the ability to walk to places, being able to converse with each other, help improve healthcare outcomes; that he felt the proposed design was a good one, and regardless of what healthcare system is proposed to go in that location, they will

all have the same issues with the aging and challenging population, with a workforce that cannot serve that group of people.

Mr. Tim Kriebel spoke in support of the applications. Mr. Kriebel stated that he recently purchased property in close proximity to the site, where he plans to build a part-time retirement home; that he resides full time in Vendor City, New Jersey, where he currently serves as the Mayo, Commissioner of Public Safety, and has sat as a member of their Planning & Zoning Board for nine years; that his support for the project comes from a decade of public service and a 30 year career in Design & Planning; that he has seen the consequences of resisting thoughtful planning and development; that he has seen the development benefits when a community chooses managed growth instead of fearing it; that he experienced a similar proposal in his hometown; that after superstorm Sandy, the project was abandoned; that for the next 10 years the town declined; that there were no investments; that the ratables were in a nine year consecutive decline; that he felt the Master Plan offered walkability, affordability, and infrastructure investment; that the proposed plan was not development sprawl; that the plan offered a balanced, community focused development approach; that the plan offered a rare opportunity to shape growth, and he agreed the project would create increased traffic, but felt the plan provided a smart way to manage growth.

Ms. Linda Risk, Chief Operating Officer of the Delaware State YMCA, spoke in support of the applications. Ms. Risk stated that the YMCA of Delaware has been the cornerstone of the community in Sussex County; that this is achieved by their many programs including, after school care, early childhood education, summer camps, swim lessons, exercise classes, and chronic disease programs; that during the pandemic, they offered emergency child care services and food assistance across the State; that as the Sussex County population grows, so does their program; that the demand for their high quality programs has never been greater; that they support the Cool Springs Master Plan as the development presents a meaningful solution to pressing challenges facing local families; that the plan provides 700 workforce housing units, directly addressing the housing needs for the essential workers in the community; that the diverse housing options support families of all sizes, young professionals, first time homebuyers, and empty nesters; that the plan will make it easier for people to live where they work, while raising children in a stable, supportive environment; that by integrating a YMCA into the thoughtfully designed, walkable community, they can reduce barriers to access families; that if approved, Cool Spring Crossing would provide a unique opportunity, bringing the YMCA mission to life in a new and impactful way, through arts programming, workforce development, teen programs, college and career readiness programming, and other inclusive initiatives that benefit every age and background; that the projects emphasis on walkability, sustainability, and lifelong learning aligns directly with the YMCA's mission and their promises to Delaware; that ensure youth have a pathway to success, improve the health and wellbeing of individuals and families, and bringing communities together to inspire and serve others, and she respectfully requested the Commission support the forward thinking plan, and the long term benefits the plan would bring to the families of Sussex County.

Ms. Kelly Basile, Chief Operating Officer of the Delaware State Chamber of Commerce, spoke in support of the applications. Ms. Basile stated the most pressing concern the Chamber of Commerce hears from Sussex County members is regarding the lack of affordable and diverse housing; that they recently released a report on the State's demographics and trends that will shape the State's future, which reinforces that between 2025 to 2035, the State's population is projected to increase by 6.4%, while the number of households are expected to rise by only 5.7%; that the supply is not meeting the demand; that house affordability is a key factor; that home prices have surged 56.2% over the past

four years, which is outpacing the national average of 51.8%; that Sussex County is the fastest growing county by percentage in the Mid Atlantic; that employees are finding it increasingly more difficult to secure affordable housing near their places of work; that she questioned where the doctors, nurses, teachers, first responders and hospitality workers will live; that entry level wages for these positions do not allow people to live in the current available housing near their workplaces; that this makes people less likely to accept employment opportunities, because they do not want to drive an hour or more to work daily; that to maintain economic strength and competitiveness, Delaware must confront the housing shortages and the cost of living concerns; that the Cool Springs Crossing project directly addresses these issues with a thoughtfully planned mix of homes; that beyond housing, the project brings a significant economic impact; that potential construction activity along is estimated to generate a one-time economic impact of 1.3 billion statewide and will support approximately 6,400 full-time jobs, that the developer's investment in transportation infrastructure will help ensure that growth is manageable and forward thinking; that the proposed job creation, paired with significant infrastructure improvements is a win, and she requested the Commission approve the Cool Springs Crossing project, which will help to build a more sustainable and inclusive future for Sussex County.

Mr. Jonathan Contant, Land Planning Manager for K Hovanian Homes, spoke in support of the applications. Mr. Contant stated that with the proposed Master Plan, three minutes would be the approximate amount of time it would take someone to get from one end of the project to the other, to access groceries, gas, access to restaurants, doctor's offices, the gym, the YMCA and more; that the currently the closest grocery store to the site, is the Redners on Rt. 9, which would exceed three minute drive to; that it also adds to the traffic along Rt. 9; that the proposed Master Plan community would keep most daily necessities accessible from inside the community without creating additional traffic along the major roadways; that K Hovanian is the builder in Monarch Glen, located across the street; that the proposed plan provides closer access to these services for their buyers as well; that he felt having high density, multi-purpose, mixed-use, multi-price level communities, will help to reduce the traffic; that smart growth is a partnership; that partnership is not only what Sussex County wants, or what DelDOT wants; that the partnership is also what the land owners want to do; that this proposed development will help expand public water, and public sewer; that there are many DelDOT projects, identified in the Traffic Impact Study (TIS), that the project is proposed to impact by providing DelDOT more funding; that the developer will have to improve intersections rather than just providing a contribution; that he had not taken a look at the Traffic Impact Study, but he was willing to bet that most of the intersections are either currently failing; that the project will provide a partnership between the developer, DelDOT and the County, providing an opportunity to rectify those situations, and improve everyone's level of living and travel in the area; that he agreed with many other points of support that had already been mentioned; that he requested the Commission consider the need for workforce housing, and stated that K Hovanian supports the proposal for additional housing, increased inventory and options for those who are retiring here, as well as those who work here.

Mr. Brian Rashley, Manager of Bayside Golf Club, spoke in support of the applications. Mr. Rashley stated that Sussex County continues to grow, and so does the urgent need for thoughtful and sustainable housing solutions, particularly for the local workforce; that he witnesses this need at Bayside and across the hospitality industry; that many of their employees struggle to find affordable housing; that he currently has associates who travel from Virginia and Pocomoke City to Bayside daily; that the issue is not unique to hospitality, as it impacts the healthcare workers, teachers, first responders and retail employees; that workforce housing is not just a housing issue, it is an economic and community issue; that if the community desires for businesses to thrive, and the communities to

stay vibrant, we need employees to work close to where they work; that the Cool Springs Crossing project represents the comprehensive, forward-thinking development that Sussex County needs; that the project does not just check boxes on a site plan; that the plan offers a long-term solution by providing diverse housing options, thoughtfully planned amenities and a stronger foundation for the workforce and local economy, and he stated that by approving the project, the Commission would be voting for balance, inclusivity, and long term sustainability for Sussex County.

Mr. Greg Hurley, resident of Tower Hill within Sussex County, spoke in support of the applications. Mr. Hurley stated he felt the Tower Hill community is the most significant project of Carl Freeman, prior to the proposal of the Cool Spring Crossing project; that he serves as a member of the Tower hill Property Association Bord of Directors; that he had frequently interacted with the developer, Carl Freeman Companies and its team for the past two years; that he has found Carl Freeman Companies to be responsive to the needs of the residents, during the continuing development of Tower Hill; that they have made additions and changes in response to the request of the residents and the association, and based on past performance, he had no reason to change his view regarding Carl Freeman Companies.

Mr. Dave Carey, resident of Lewes, spoke in support of the applications. Mr. Carey stated he is one of the property owners in Cool Springs Crossing; that the property came to his father in 1969; that the decision to sell the property was difficult, and was made based on analyzing many factors, challenges, and risks; that one of his considerations was the ever increasing number of overlays on the property, which he felt served to diminish his private property rights; that water, sewer, three phase electric, and fire protection has been on the property for a decade; that the increasing traffic on Hudson Road, clearly explain the reasoning as to why the property should not be located within Level 4; that his support for Carl Freeman was based on three points, being the project is a mixed-use, smart growth community; that from his research there are at least 5,000 homes located within three miles of the property, that are required to drive to Milton, Long Neck, Rt. 1 or Lewes; that he feels the County needs to provide employment for the working age people, and those just graduating; that construction activities will generate $1.3 billion, of which the vast majority of it will stay in Sussex County, and he stated he would prefer to see a smart growth community over another community of single-family homes.

Ms. Patti Grimes, resident of Americana Bayside within Sussex County, spoke in support of the applications. Ms. Grimes stated that Americana Bayside is a completed community that offers similar amenities to the Cool Springs Crossing project; that her family has enjoyed being homeowners in Carl Freeman's communities; that she has been able to enjoy a walkable community for many years as a Bayside resident; that she is able to walk to work; that she is able to walk safely along sidewalks with streetlamps; that she often gets to meet and converse with her neighbors during walks and bike rides; that she is able to walk to the Bayside commercial corridor to the grocery store, pharmacy, restaurants, and bank without leaving the community; that this allows for less traffic on the roads, while still allowing the public to enjoy the benefits of their Master Plan community; that the project protects the environment by reducing the carbon footprint; that there is diversity in the community, allowing people to stay in place as they age; that it is important that we continue to grow Sussex County; that recommending a Master Plan community, with an amenity core, for not only the residents, but the public to enjoy, is very important; that there is quite a difference in the livability for people residing in a subdivision versus a Master Plan community, and she urged the Commission to approve the Cool Springs Crossing project.

Chairman Wheatley advised the Commission and the members of the public that the representatives from DelDOT are not presenting in support of or in opposition to the applications, and that the DelDOT representatives are present as a resource for the Commission only.

The Commission found that Mr. Todd Sammons, Assistant Director with DelDOT's Development Coordination Division, was present at the request of the Commission; that also present were Ms. Pamela Steinebach, former Director of Planning, newly appointed Director of Maintenance and Operations, Ms. Sireen Muhtaseb, Traffic Impact Study Engineer, Ms. Joanne Arellano, Senior Traffic Engineer with JMT Transportation Engineering firm.

Ms. Wingate requested an explanation of the impact the 1,922 units will have on the area, compared to the 1,200 to 1,300 units that would be permitted by right within a standard subdivision, given that the project is projected to be constructed over a 24-year span.

Mr. Sammons stated he was just presented that question that morning; that the Applicant is conducting a traffic analysis based on just single-family use, and that they currently do not have the apple to oranges to compare.

Ms. Muhtaseb stated they just received the preliminary Traffic Impact Analysis, and they are currently reviewing the analysis.

Mr. Sammons stated that if the current project is not approved, the Applicant is moving forward with a separate submission for a major subdivision, for single-family lots based on the by-right density permitted within the zoning district; that DelDOT is currently undertaking that requested analysis, and because they are in the early stages of the analysis, they are not able to provide an apples to oranges response at that time.

Ms. Wingate stated that she realized the amount of time the analysis would take and questioned if four separate people purchased four separate properties, and they all decided to develop at the same time, the impact on the roadways would be very different than what the Commission is currently considering.

Ms. Sammons stated that it could look different; that the analysis was a massive undertaking with having to review 43 intersections, all of the committed developments, collectively painting a broad picture to do serious planning on it from a transportation impact; that if it was broken into small properties, being developed individually, they would have to comply with any warrants for analysis if required; that even if a project does not meet the warrants for a Traffic Impact Study or Traffic Operational Analysis, DelDOT still performs some form of analysis on the project; that if a project were to be piecemealed, it could result in piecemealed improvements to the roadways, creating a less holistic approach, and that it all comes down to timing.

Ms. Wingate questioned whether DelDOT was in support of constructing the walking bridge, which is proposed to be similar to what is at Baywoods and would take traffic off the crosswalks.

Mr. Sammons stated DelDOT has extended the trail down to Hudson Road and Rt. 9; that there is currently a pedestrian crossing there; that bicyclists also cross at this area, rather than the location of Cool Springs Road; that they initially looked at the area, as it was the proposed location for a bridge

or tunnel; that these proposal are not technically off the table; that the proposed bridge or tunnel is out of realm of what they do, and at this time is not something the department is planning for.

Ms. Steinebach stated the current crossing is a safe crossing; that DelDOT does not currently have plans to perform a DelDOT funded project for a bridge or a tunnel; that they are completely on board with supporting it potentially with a federal grant, but it will not be funded as a DelDOT Capital Transportation (CPT) Project, as they do have an existing crossing in that location.

Mr. Sammons stated DelDOT has placed a crossing, and DelDOT may consider a bridge or tunnel in the future; that there are challenges with the proposal, which is the reasoning it has not already occurred; that the department took the initiative to build the path farther down to make that at-grade crossing; that people do not like to walk or bike across bridges, and tunnels present different challenges from a homeland security perspective.

Ms. Wingate stated that both bridges and tunnels are very effective and questioned if DelDOT would have any objection to allowing a roadway from the development to the medical center.

Mr. Sammons stated DelDOT fully supports interconnectivity within the department, subject to it being constructed in a sound and safe way; that many times the Planning Commission, County Council, and DelDOT plan for interconnectivity, which is followed up by public opposition from the development community; that interconnectivity must be designed in a proper way, as cut throughs can become unsafe; that there are ways to mitigate that, and without interconnection it defeats the purposed of planned communities.

Mr. Collins questioned what DelDOT's estimate in trip reduction would be for a Residential Planned Community with amenities, employment centers, shopping, etc. built in versus a by-right standard subdivision.

Mr. Sammons stated that DelDOT refers to that as Internal Capture; that if you have a standard single family subdivision, residents will have to leave and return for every amenity; that when a project proposes multiple uses, like Cool Spring Crossing, that DelDOT provides credit to the project, and can calculate what the internal capture will be, which will pull those estimated trips off the roadways; that there is a huge benefit to internal capture; that DelDOT is not present to support the project; that DelDOT remains neutral to the proposed project; that there is a huge benefit to having these types of planned communities, with provided amenities, from a transportation perspective, and overall planned communities reduce vehicular traffic all together, because many people will walk or take a bike.

Ms. Arellano suggested keeping in mind that with internal capture, is the type of uses internal capture is applied to; that primarily it is residential to retail, residential to office or restaurants, and vice versa, and not every proposed land use within the development has an internal capture according to the ITE Trip Generation Manual.

Mr. Robertson requested further explanation of how the Traffic Impact Study (TIS) is facilitated.

Mr. Sammons stated that everything is time sensitive; that to be able to perform the analysis, a certain time and build out must be chosen; that they are dependent on the developer to tell them their schedule; that in the current case it was 2044, realistically now probably adjusted to 2048 for the full

build out presented during the presentation; that when the counts are analyzed, it must be performed at a certain time, so that they can begin the analysis process; that they do apply annual growth factors and seasonal adjustment factors depending on when the counts were taken; that growth factors take into account the growth that is going to occur over the years, and committed developments as well; that it takes some time to perform an analysis of this magnitude, and DelDOT attempts to account for all the committed developments, add in growth factors which takes into account build out as well.

Ms. Steinebach stated that DelDOT also maintains nearly 90% of the roads, they do large scale planning; that one of the large scale areas is the coastal corridors; that they have completed the final report for those; that they will continue to analysis as they understand there is a lot of growth in the area; that the Henlopen Transportation Improvement District (TID) is located to the east; that they are not going to stop with that one formalized analysis; that they will continue to perform additional counts and forecasting; that; that they are a monitoring entity, and will have a pulse on all the new developments; that they are trying to hone in on growth factors; that there are many factors that contribute to growth factors, such as population, number of households, and employment areas; that DelDOT is monitoring the coastal corridors, while including input from stakeholders throughout the area and the input includes comments from the County and business owners, who are on the ground, and can voice any current issues or potential issues.

Mr. Robertson stated that there is a Traffic Impact Study (TIS), which is separate from the Coastal Corridor Analysis, and he questioned how those two documents work with one another, how the Coastal Corridor study impacts the project, how the Coastal Corridor study should impact the Commission's consideration of the project, and what the interplay between the two studies are.

Ms. Steinebach stated the Traffic Impact Study (TIS) placed responsibility on the Developer for certain infrastructure that they will be responsible for, to avoid the project negatively impacting the transportation system; that this responsibility is only one cog in all development County-wide, not in one specific area; that this is part of DelDOT's long range planning; that the Coastal Corridors studies are to provide a regional analysis of impacts to the transportation system, separate from the specific developer requirements for specific projects and the current planning vision takes in account longer forecasting to approximately 2050 and beyond.

Mr. Sammons stated that DelDOT attacks the analysis, admiring the roadways and infrastructure from multiple sections and approaches; that these areas overlap each other; that just like the current letter for Cool Spring Crossing, which mentions the TID, the Coastal Corridor study and the CPT projects; that all these studies are independent of each other, but all overlap each other, while analyzing and attacking the same issues; that the main issue is traffic mitigation with regards to end growth and those types of things; that these individual studies are performed not only by their group, but multiple other groups, and this is the reasoning why it can be so cumbersome to pull these letters together, coordinating with multiple different sections and groups.

Mr. Collins questioned what the project timeline will be for the Lewes Georgetown Highway (Rt. 9) roadway dualization and expressed the voiced concern from the public that the property that may potentially need to be acquired may be developed on.

Ms. Steinebach stated that there are two projects in the DelDOT Capital Transportation Project (CTP); that construction for the project located from Coastal Highway (Rt. 1) to Old Vine Blvd. is projected to begin in FY27; that construction for the Rt. 9 dualization between Old Vine Blvd. to

Dairy Farm Rd.; that the preliminary engineering is slated to begin in FY27 – FY28; that currently DelDOT does not have an estimated construction timing for that project; that DelDOT will need to accomplish the professional engineering, acquisition process and utility relocation first; that the Coastal Corridors monitoring is what will indicate when Rt. 9 will require dualization further west; that the intersection creating a lot of constraint is the intersection of Rt. 9 and Rt. 5; that there are many sensitive areas at that location, creating many complex problems, which will be the hardest for them to tackle; that DelDOT is aware of the concerns and growth of the area, but transportation projects take a very long time to get on the ground; that DelDOT has great partnerships with Director Whitehouse and the Sussex County Planning staff; that they are working on the Rt. 9 dualization to the east; that they have a good footprint of what it will be; that it is extremely important that DelDOT's ensure that information is placed in the Traffic Impact Studies; that this helps provide the information to Sussex County, allowing the Commission and County Council to place requirements or stipulations if needed, and the developer has agreed and accepted the reservation.

Mr. Sammons stated that within Item 21 of the Traffic Impact Study states that the developer should enter into an agreement built for right of way reservation along Rt. 9 site frontage, to allow for the potential future U.S. Rt. 9 road widening; that DelDOT may not know at this time how much right away will be required, but as the developer proceeds through the approval process, those are items that will be addressed, and if DelDOT cannot achieve an exact determination, they will project and obtain the reservations as they proceed through the process, ultimately the property would be acquired when the dualization or widening occurs in the future.

OPPOSITION

The Commission found that, by showing of hands, there were 39 people present who were in opposition to the applications, and 12 people present who wished to speak in opposition to the applications.

The Commission found that representatives of the Sussex Preservation Coalition (SPC) being, Mr. Richard Barasso, Mr. Jim Dick, Mr. Joe Pika, Mr. Johannes Sayre, and Ms. Jill Hicks spoke in opposition to the applications and submitted an 1,800-signature petition in opposition for the records.

Mr. Barasso stated that the Sussex Preservation Coalition (SPC) consists of organizations and individuals who have interest or concerns regarding land use in the county; that their effort is not to unduly delay, interfere or obstruct the process, but rather be part of the process; that the Sussex Preservation Coalition (SPC) represents at least 4,000 people; that the SPC was organized about three years ago; that it was an outgrowth of other organizations including Sussex 2030 and Sussex Alliance Responsible Growth (SARG), which was an organization that he had co-founded; that SPC efforts are to focus on sustainability in the County as it relates to our natural resources, but more importantly, focuses on how best to balance growth, economic growth, and preservation of the roads, schools and emergency services; that he is proud to state that the former president of the Sussex Preservation Coalition now sits as a member of the Sussex County Council; that often land use decisions are focused on the future, and fail to recognize the unintended consequences to the here and now; that he complimented Carl Freeman Company in the presence of their management and organization at the meeting, unlike what the public has experienced from past developers; the SPC designated a team to work on the Cool Spring Crossing project for the past 18 to 20 months; that the team had interactions with hundreds of local residents, state agencies, homeowners associations, including HOAs where Carl Freeman was their developer; that they have spoken with land use professionals, traffic engineers

and others; that the current application was the fifth application to come before the Commission for the proposed area, after previous efforts in 2021 and 2023; that if it were an easy decision, a decision would have already been made; that the current issues of concern are design changes, specifically as it relates to housing and housing expectations; that he has no doubt that the land will be developed in 20 to 25 years from now; that SPC wants to ensure that development was completed in the right way, not just for the benefit of the landowner or the developer, but for the people in the surrounding area; that the public understands that the Commission has total discretion on the four applications; that SPC believes currently, all four applications must be denied for the following five reasons; that the subject properties are zoned AR-1 (Agricultural Residential); that according to the current Future Land Use Map the properties are not located within a designated growth area; that based on the scale and scope, any decision on these applications would be premature, neglecting the recent commitment and investment made by the County in formally assigning a Land Use Reform group to analyze land use development in Sussex County, set forth to make recommendations that could result in new ordinance to amend the current County Cod and Comprehensive Plan; that working group consists of ten people; that within seven months, extensive work will begin in casting what will serve as the standard for how development occurs and how land use is governed in Sussex County over the next 20 years; this will be performed through the process of updating the Sussex County Comprehensive Plan; that this plan is essential in updating and establishing land use policies and identifying growth areas; that the plan will also consider various other community concerns, such as affordable housing, agriculture preservation, open space protection, historic preservation, etc.; that Sussex County must learn from other jurisdictions to begin to implement land development plans utilizing carrying capacity, which regulates the maximum intensity of a development based on actual infrastructure capacity; that proposed residential or commercial occupancy needs to be aligned and sequenced with capacity; that capacity is dependent on required road improvements; that although Sussex County does not have responsibility for roads, Sussex County certainly has responsibility for land use decisions for cars on the road; that the SCP's main questions are, is this the right use, is this the right place, and is this the right time; that every development must be sequenced, and must be sequenced relative to the road improvements to provide for the needed capacity

Mr. Jim Dick spoke on behalf of the Sussex Coalition Preservation in opposition of the applications with legal questions, and to provide explanation as to why SCP believes it would be wrong to accept a rewrite of the Future Land Use Map. Mr. Dick stated that according to the Sussex County website, the Sussex County Comprehensive Plan, adopted by Sussex County Council in December 2018, and certified by Governor Carney in March 2019, represented "*the culmination of more than two years' worth of work with scores of public meetings, workshops, outreach that attracted hundreds of comments, suggestions, and ideas from residents, business owners, government officials and others*"; that the Future Land Use Map is a legally required part of the Comprehensive Land Use Plan, and according to Delaware Code, it "*shall have the force of law, and no development shall be permitted except in conformity with the Land Use Map*"; that the current FLUM divides County land into seven growth areas, where development is encouraged, and two rural restricted growth areas, where growth is not encouraged; that Cool Spring Crossing is located within the Low Density Area, being one of the two restricted growth areas; that the primary uses within the Low Density Area are agricultural uses and single-family homes on individual lots; that this area does not permit for large commercial developments or for multifamily residential buildings; that this is why the Cool Spring Crossing proposal cannot proceed unless the FLUM is amended to change the area from Low Density to a growth designation, such as the adjacent Coastal Area; that they have found only nine instances where County Council has used its authority to amend the current FLUM, since it was adopted about six years ago; that Mr. Fuqua had referred to ten instances, with one of those amendments pertaining to the Sewer Tier Map; that two of the nine instances were to correct technical

errors; that one case was to transfer less than 1.5 acres, which had mistakenly been included in the Bethany Beach municipal FLUM to the Coastal Area within Sussex County's FLUM; that the other case involved restoring a Growth Area designation to land that had been in a growth area under the 2008 plan and map, but was incorrectly designated as Low Density in connection with the 2018 FLUM revision, apparently by a computer software program without any instruction or direction from the Commission or County Council; that he presented a list of seven amendments, excluding the sewer tier amendments, and the two technical amendments; that most of the amendments involved a change from one growth area to another growth area; that only three of the previous amendments involved changing land from Low Density to a growth area; that a FLUM amendment the size of Cool Spring Crossing, being 637 acres, is unprecedented; that the average of the three amendments listed is 19.5 acres; that Cool Spring Crossing would be nearly 33 times as large; that the average of the three low density to growth area amendments is only six acres; that Cool Spring Crossing would be 106 times as large as the average of the low density to growth area amendments that have occurred since 2018 and 2019; that 637 acres is twice the geographic area of Ellendale, and is 30% greater than Greenwood; that the next largest request to change the FLUM involved the 247 acre Seaside application; that FLUM amendment requested a change from the Low Density area to the Coastal Area; that this request was denied in January 2023; that the SCP believes that, at this current time, a development of Cool Spring Crossing's size and location would have very significant adverse impacts on Sussex County residents, traffic, schools and the delivery of medical, fire and police services; that they believe the project would have a negative impact on the environment, health, safety, and general welfare; that the approval of the project will also have other, less tangible, but very real adverse impacts; that an amendment of this magnitude would undermine the purpose of the Comprehensive Plan and the Future Land Use Map; that the project would be inconsistent with the plans overall objective of focusing growth in designated growth areas, leaving low density areas for low density; that approval of the project would disregard the years of work, scores of public meetings, workshops, citizen involvement, and County efforts; that approval for an amendment of this size would set a dangerous precedent, allowing other developers to look for similar opportunities, claiming entitlement to the same rights as Cool Spring Crossing; that approval of the proposed FLUM would inevitable erode public confidence in the FLUM as a reliable land use planning tool with the force of law; it would be seen as no more than a toothless suggestion; that it would also preempt any future decision on whether or not to expand the Coastal Area, in the Cool Spring Crossing direction, in connection with the upcoming 2028 Comprehensive Plan and Future Land Use Map revision; that a decision of this magnitude should not be made in isolation before the 2028 revision, and without consideration of the cumulative impact of existing and approved developments, as well as the long range planning objectives for Sussex Count as a whole; that the decision should not be made without consideration of the results from the Land Use Reform Working Group, the Rt. 9 Corridor Study, and the other ongoing efforts that would impact the 2028 Comprehensive Plan; that Cool Spring Crossing is also located within Investment Level 4, which is not a designated growth area for the State; that the State tends to limit any investment in Level 4 areas to agricultural preservation and natural resource protection; that large residential developments and commercial activities are discouraged in these areas; that Sussex County has the highest percentage of residential developments located within the Level 4 areas in the State; that all of the residential building permits issued for Level 4 areas from 2019 to 2023, nearly 81% of them were in Sussex County; that less than 20% of building permits were issued in Kent and New Castle counties combined; that nearly ¼ of all the residential building permits issued in Sussex County during that period were located within Investment Level 4 areas; that this information was taken from the 2024 publication from the Delaware Office of State Planning Coordination; that Cool Spring Crossing would add nearly 2,000 new residential units to the Investment Level 4 area, as well as the large commercial project; that this is the reasoning the Office

of State Planning Coordination has opposed projects in April 2021, December 2021, January 2023, and December 2023; that the State has a huge financial interest in the way Sussex County is developing; that the State pays for a very significant proportion of our infrastructure and necessary services; that according to the Office of State Planning Coordination's 2024 Annual Report chart for State planning issues, the State funds 90% of the roads in Delaware, including Sussex County; that the State funds 100% of the State Police, 30% of the State's paramedic programs, 90% of the public school's transportation; 60% to 80% of public school's construction and 70% of public school's operations; that the State is not currently planning to make the type of infrastructure investments needed to handle a new development of Cool Spring Crossing's size; that the State is expecting the area to remain largely rural and agricultural; that if the FLUM is amended and the project is approved, the State can legally withhold financial assistance and infrastructure improvements to support the project; that the State has lawful authority to withhold support for any new development with the Office of State Planning determines it is substantially inconsistent with State development policies; that this is the determination the Office of State Planning Coordination has made four times in the past; that legal authority is Delaware Code, Title 9, Section 6958-B; that is the State does agree to invest in a Level 4 area, in order to support a project of the proposed scale and magnitude, the investment will necessarily divert money from planned investments in Levels 1 and 2, slowing down essential projects in more populated areas; that it will disrupt State agencies long term planning and budgeting processes, resulting in inefficient and inflated State spending; that this is happening at a time where any financial help from the Federal Government is uncertain at best; that the SPC request that the Commission recommend denial of the pending huge and unprecedented FLUM amendment sought by Cool Spring Crossing, in order to allay growing public concern of there being no effective constraints on development in Sussex County, that even a planning guide, with the force of law, can be circumvented, and to avoid a fiscally irresponsible decision, that undermines the State's planning and budgeting processes, as well as the State's major role in funding necessary infrastructure improvements in the County.

Mr. Joe Pika spoke on behalf of the Sussex Preservation Coalition, in opposition to the applications, regarding the impact the project would have on the nearby area communities. Mr. Pika stated that he has been involved in public policy issues in Delaware for a long time; that he is a resident of Lewes, a retired faculty member from the University of Delaware, and previously served as President of the State Board of Education; that he wanted to discuss service infrastructure, which is much more than water, sewer, electric, natural gas and broadband services; that service infrastructure includes school, fire, police, and medical service providers, as well as the impact on neighboring towns, who provide many of those services; that the concern of SPC is regarding the new demands Cool Spring Crossing will place on all the previously mentioned services, placing those services under even greater stress than they already are under; that their interpretation is that Sussex County's growth has been so rapid that those services have been unable to keep up; that we have had residential growth on properties in the area, but the growth has not been synchronized with the expansion of those services; that as a result, the demand has exceeded capacity; that there are strains we all experience when trying to get a medical appointment; that the recent examples, seen in the news, is the discussion regarding emergency services, particularly from Lewes, the issues the Cape Henlopen School District has raised, and medical services; that they believe the impact of Cool Spring Crossing go well beyond those that were explored in the economic and physical analysis submitted by the Applicant, which primarily focused on the economic benefits of the development and the tax revenue it will produce; that Cool Spring Crossing is going to cause big ripples; that he believes the project's population will top out at approximately 5,600; that even when allowing for the growth of Laurel and Milton, the project will be within the vicinity of the fourth largest to the sixth largest community within the County; that there

are consequences from that; that one of these consequences is the position that the Cape Henlopen School District has taken regarding many proposed developments; that the Cape School District has expressed that they do not want to take on any further students until they can settle on a way to accommodate the students; that he has had previous conversations with Mr. Jason Hale, Cape Henlopen Director of Operations, regarding the current issues with enrollments; that the Cape Henlopen School District's concern is that they are being inundated with students, which must be placed somewhere; that the estimates from the Developer had been inconsistent; that the 2023 estimate was 566 students; that the current estimate in the materials before the Commission, the estimate total is 409 students; that the number of residential units had not changed, rather the methodology changes; that the 2023 estimate was based on a projection, founded on a questionnaire given to the residents of Americana Bayside, questioning how many of those households had school aged children; that the Developer than used that census data to make that projection; that the newest estimate is based solely on the estimate referred to by Mr. Fuqua on the census; that in both cases, Mr. Hale suggested that the estimates were too low; that Mr. Hale believed the census would be higher; that neither estimate takes into account the issues of overcrowded classrooms, how the school district will accommodate, or the disruption to families as a result of the school district being unable to accommodate them; that it will require the school district to redesign the attendance boundaries; that he can confirm that those changes can be tremendously disruptive, as he is a father of three children who went through attendance boundary changes in the past; that the arrangement that they had learned about, only as a result of the Milton Fire Department letter; that there is no other description of this document within the 900 page exhibit book; that within the drafted HOA documents, there is no mention of this obligation, and there is nothing in writing addressing this from the Developer; that they did hear during the presentation how it would operate and that it would also apply to Lewes; that it has been made clear that EMS needs more support; that currently there is a report being performed on the financial status of the volunteer fire departments in the County; that the fire departments are confronted with too few volunteers, moving towards using more professional, resulting in much higher expenses; that Lewes Fire Department have been providing monthly reports, expressing their higher demands; that according to their February report, only 14% of the Lewes Fire responses happened within city limits; that according to a recently uploaded document, the Cool Spring Crossing project would be served by the Lewes Fire Department; that he believed that providing some compensation to both fire district would be a good idea; that only 23% of emergency responses are located within the city limits; that between February 2024 and February 2025, the fire calls increased by 26%; that EMS calls increased by 15% as an indication of growth in the area; that Lewes' agreement is that growth has exceeded their capacity; that SPC is concerned that the project will place pressure and exceed capacity in all of the service areas; that Lewes has been considering discontinuing ambulance service; that police service, within unincorporated areas, relies on the Delaware State Police; that Town of Milton is adding two officers, resulting in a force of 12 officers; that the Milton Police have a reciprocity arrangement with the State Police; that in the last six months of 2024, the Milton Police responded to an average of 16 calls per month for areas outside of city limits, resulting in about 200 calls per year outside of their city limits; that after conversing with city officials, there is concern that the project will place a burden on the Milton police and fire departments; that Lewes is also adding officers to their police force; that Cool Spring Crossing would be an unincorporated community and would not have either police or fire service; that it was suggested that Cool Spring Crossing be considered a new town, but he was unsure if that suggestion had ever been considered; that growth has impacts on neighboring communities; that Dr. Tam and the Beebe Healthcare staff recently presented a valuable briefing to the County Council; that the briefing pointed out that currently we have a shortage of 336 clinicians, doctors, nurse practitioners, and physicians assistants, resulting in a total shortage of 2.400 medical support staff; that there are about six medical support

staff required for every clinician; that this current issue will worsen by 2030; that Dr. Tam estimated that Sussex County will need 11,120 additional clinicians, and 7,800 medical support staff by 2030; that our area has been identified nationally as a shortage area for healthcare professionals, including dentist, and mental health providers; that regarding medical services, Cool Spring Crossing will provide the benefit of 175 affordable housing units to assist with recruitment and retention; that the affordable housing unit rates will be fixed and limited; that the 525 workforce units will be rented at market rates; that the project will provide medical space, to be located next to Bayhealth; that the consequences of the project would be an additional 5,600 new patients creating a new set of demands; that the project must account for both full-time and part-time residents; that part-time residents are staying for nine months now, rather than three months out of the year; that the market rates will place a lot of the support staff outside of the group that will be able to afford to live in the 525 units; that during Dr. Tam's presentation he mentioned three kinds of positions he needed to find housing, being for nurses, care coordinators, and lab technicians; that all of those positions would qualify for Sussex County's Rental Program housing; that none of them would equal at 100% Area Medium Income (AMI), which is presumably where the market rates would be; that the challenge is not being met for the needs of medical service housing; that SPC has sought to mitigate several of its impacts, by providing the financial support to Milton and Lewes Fire Departments, providing the medical office space, the 175 affordable units; that SHARP has raised the question if an HOA payment is the correct way to provide additional money to EMS services; that everything he had mentioned demonstrates the problems of meeting capacity on the service side, exceeds any one developers capacity to mitigate the issues; that the issues require managed growth; that this will require plans to be put into place on how the issues will be addressed; that the required planning will not be achieved by making piece meal decisions; that these plans are derived during the Comprehensive Plan, when all of these issues are on the table at the same time; that SPC is not stating that the Cool Spring Crossing plan is a bad idea, and they acknowledge that the plan offers many desirable things, and that SPC believes that the project is not a good idea at this current time.

Ms. Wingate stated for the record that within the Applicant's proposed Conditions of Approval, the Applicant proposed a fee of $100,000 to be paid by the applicable homeowners or condominium association fees, being $100 per house, and that the Applicant appeared committed to that proposal, by their submitted conditions.

Mr. Johannes Sayre, resident of Lewes, spoke on behalf of the Sussex Preservation Coalition on the impact of traffic and what the Traffic Impact Study (TIS) revealed. Mr. Sayre stated that he had reviewed all the information of the TIS, but acknowledged that he was not a traffic professional that the SPC had vetted their observations with Mr. Dennis Hughes, a professional traffic engineer in Delaware, and therefore felt their beliefs were accurate and relevant; that Cool Spring Crossing is proposed to be one of the largest developments in eastern Sussex County to date; that the project could be considered a new community, or a separate town, consisting of 5,000 people in a space of 20 years; that the project is estimated to bring 33,359 added vehicle trips to area roads; that in review the TIS, they noted that DelDOT regulations require a TIS to consider roadways and intersections out two to three intersections, beyond the planned boundaries of the proposed development; that the Cool Spring Crossing TIS goes well beyond that requirement, considering intersections as far away as Rt. 9 and Shingle Point Road, located 4.5 miles west of the site, and planned DelDOT projects on Rt. 1, starting 2.5 miles north at Hudson Road and moving southeast from there; that the TIS is considering a much larger area for traffic impacts of the project, than what the regulations mandate; that they found the analysis of the TIS identified about 20 intersections whose level of service (LOS) will degrade below the standard for failure, unless local roadway improvements are made or planned

build out projects are completed; that the TIS identifies remedies like those for most of the mentioned intersections; that recalling that the TIS considers intersections up to four miles away from the project, there are several new developments at that distance or closer, that the TIS did not consider, notably the Northstar development, located about two miles east of the project's perimeter; that there were also developments located between three to four miles north of the site, which were not considered; that the understand the absence of these developments from the TIS is not due to negligence, as these developments were proposed, approved for finished build out after work was in progress on the Cool Spring Crossing proposal; that this does not change the fact that these developments will contribute significantly to the traffic impact within the same area as the Cool Spring Crossing project, within the Rt. 9 corridor; that they found six developments, with a total of 3,132 homes located within four miles of the project, that were not considered within the Cool Spring Crossing TIS; that the Rt. 9 corridor is already a subject of the Coastal Corridor Study, consisting of Rt. 9 and Rt. 16; that as they just heard, there is currently a study being performed specifically to Rt. 9, which just began; that dualization of Rt. 9 is in some stage of planning, west of Five Points to Sweet Briar road, ending about one mile east of the project site; that the TIS performed a segment analysis of the impact of the project traffic contribution to Rt. 9, projecting completion from 2044 to 2048; that the Rt. 9 level of service will fall below the failure threshold; that the TIS does not recommend dualization of Rt. 9, considering the scale of the traffic impact of the Cool Spring Crossing project, as well as other developments within the immediate area; that it appears that no one yet has a whole plan to ensure that Rt. 9 does not fail to bear up under the projected load; that the DelDOT Memorandum of Understanding (MOU) states that DelDOT and Sussex County shall endeavor to maintain a service level of D, also known as Delta, on roads affected by an application; that there are conditions and exceptions on that mentioned within the MOU; that DelDOT's Level of Service Scale runs from A, being the best condition, to F, being the worst condition; that from the point of the MOU, failure means dropping to a Level E or Level F; that the TIS identifies multiple intersections, failing with a level of service less than Level D at different stages of the Cool Spring Crossing build out at 100%, 75% and even only 25% build out; that this creates impacts on access to neighborhoods and congestion conditions on roadways, at intersections, and area roadways, notably being Rt. 1, Rt. 9, Rt. 5, Cave Neck Road, and Hudson Road; that the TIS identifies local improvements such as added lanes, signalization or planned build out projects that can prevent that failing state from occurring; that completion of those roadway improvements is required in order to prevent failure; that SPC also found cases where failure is predicted, but no improvements are planned; that the presented to the Commission a list of intersections listed within the TIS, where failure conditions levels of service E or F are predicted at some stage of build out; that two of the roads are smaller neighborhood roads, being Joseph Road and Arabian Acres Road; that it does not appear that the TIS suggested improvements to avoid any service level failure; that he presented to the Commission an aerial map of the neighborhood entrances, with the Cool Spring Crossing project being outline in pink; that all of the entrances reflected are located along Rt. 9 and the Cool Spring Crossing area; that reflected within the middle of the map are the Hunters Mill and Beaver Creek developments, which the TIS does propose improvements to prevent service level failures; that further west on the map, there is Prettyman Road and Shingle Point Road; that the TIS proposes improvements to avoid failures at the Prettyman Road location; that at Shingle Point Road and Rt. 9, the DelDOT Park Avenue Relocation project, will address any potential failures in that location; that on the lower left of the map, there was a small red notch, labeled as Hawthorne development, which is one of the six areas found that was not considered in the TIS; that within the reflected class of neighborhoods, where traffic is entering and exiting, the neighborhoods may be impacted and suffer with a failure to their level of service; that the list of area roadways with intersections, where the TIS predicts that service level failures will occur were the intersection of Rt. 1 and Cave Neck Road, and the intersections of Rt. 9, Hudson Road, and Fisher

Road; that they counted nine, of which six are listed as depending on planned build out projects avoid failure; that the other three depend on the local improvements, such as added lanes, or signalization; that he presented and referenced an aerial map, which was provided within the TIS; that he stated the areas to take note of are the areas of the red dots, which represent planned DelDOT projects; that these projects include the Rt. 1, Eagle Crest and Oyster Rocks intersection, the Rt. 1 and Cave Neck Road intersection and the DelDOT Grade Separated Intersection project at that location, the Minos Conaway Road and Rt. 1 and another DelDOT Grade Separated Intersection at that location, Dairy Farm Road and Beaver Dam Road, and the DelDOT traffic circle project at that location, and the Rt. 9 and Rt. 30 intersection; that the TIS identified that area of Rt. 30 as requiring dualization to avoid failure; that Rt. 9 and Shingle Point Road intersection, depends on the Park Avenue Relocation project; that the Cave Neck Road, Sweetbriar Road, and Hudson Road intersection, and the DelDOT five-legged traffic circle project planned at that location; that he wanted to references these improvements, as well as all the local ones, as they are required to be completed in order to avoid failing levels of service at the mentioned intersections; that there are six developments, with a total of 3,132 homes, equaling about 1.5 times the size of the Cool Spring Crossing project, located within four miles of the project's perimeter that were not considered within the TIS; that the Villages at Red Mill Pond, with 177 homes, is listed within the TIS, but does not appear to provide any trip generation data; that the remaining developments are not mentioned within the TIS at all; that these developments will be contributing traffic, at their scale, to the roadways were Cool Spring Crossing traffic will also be added to the Rt. 9 corridor; that the Cool Spring Crossing project proposes 1,922 homes; that the Villages of Red Mill Pond has 177 homes; that the approved Northstar development will have 852 homes; that Hawthrone has 254 homes; that the Granary will have 1,350 homes; that Scarlet Oaks will have 163 homes; that Four Winds will have 336 homes; that these are developments, equaling to 3,132 homes within a four mile radius of the Cool Spring Crossing project; that these developments are incrementally changing the area to something other than rural area; that the questions to be asked if we want to accept this process, do we want it to continue and do we want to facilitate it or not; that whatever the reason of why this data was not included in the TIS, these homes will contribute massively to the area traffic, while Cool Spring Crossing builds out; that SPC urged that for the Cool Spring Crossing proposal to be complete, an analysis of the Cool Spring Crossing traffic impact must include the traffic contributions of the missing developments; that the TIS identifies Rt. 9 as failing at Service Level E by 2044 or 2048, at 100% build out, specifically from Shing Point Road and Sweetbriar Road; that on Page 5 of the TIS, it explicitly states not to recommend Rt. 9 dualization; that the 2024 Coastal Corridor Study projected a failing Service Level E, at the location of the Rt. 9 and Rt. 5 intersection, without the consideration of the Cool Spring Crossing or Northstar projects; that the recommended second study for specifically Rt. 9, had just began; that currently, the daily vehicle trip estimate for Rt. 9 is 17,000 trips, which is close to the threshold of 20,000 trips, where dualization is recommended; that there will be a total of 47,000 additional trips added to area roadways when combining the total trips proposed for Cool Spring Crossing and Northstar; that given the service level failures the TIS predicts on Rt. 9 in the project's area, SPC question why mitigations for that, including dualization are not proposed; that it appears that there is an analysis, which currently anticipates service level failure on a major local roadway, while still missing information and results need to support an accurate review of the proposed project; that the SPC concludes that the road improvements which the TIS identifies as preventing service level failures must be carried out; that otherwise, per the TIS, those failures will occur; that to avoid those failures, the Phasing Plan for the Cool Spring Crossing project must synchronize completion of the roadway improvements with the project build out; that the project must establish concurrency; that the development cannot grow fast than the roadwork is completed; that the Cool Spring Crossing parcels are currently classified within State Investment Level 4, meaning there is no support planned for infrastructure investment; that

funding and timing of improvements must be assured; that if this does not happen, per the TIS, there will be failure conditions on the affected roadways; that the TIS is missing information that is required in order for the TIS analysis for Cool Springs Crossing traffic impacts to be complete, and the Rt. 9 and corridor traffic studies, the land use review, State Investment Level review and Sussex County Comprehensive Plan update for 2028 need to be finalized before approving the proposed Cool Spring Crossing project, given the scale of the proposed traffic impact.

Chairman Wheatley requested to ask additional questions of the DelDOT representatives.

Chairman Wheatley questioned if the Delaware Office of State Planning Coordination had any authority over DelDOT's budget or had the ability to provide or take away funding to planned projects.

Ms. Steinebach stated that she was not aware of that being the case; that DelDOT goes through the Capital Transportation Project (CPT) full public process through MPO's and counties; that the projects get prioritized as part of the Delaware Code, and proceed through the Council of Transportation's public process; that as part of the CTP prioritization process, there is a local priority, and if it is located within a Transportation Improvement District (TID); that within the list of nominations DelDOT receives, some of the ranking does receive more points, if a project is endorsed by an agency, and it is a very long process.

Mr. Sammons stated that DelDOT attempts to account for all government and state agencies, and they have the TIS to mitigate the specific impacts of the developments themselves.

The Commission found that Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, was able to provide additional information. Mr. Edgell stated his office does not have the budgetary authority to stop any project at any State agency; that however, all of the State projects for infrastructure and operating budgets for service, do adhere to the Strategies for State Policies and Spending, which is developed by the Cabinet Committee on State planning issues, which are enacted by the Governor by executive order; that through the capital budgeting process and operating budgeting process, all of the projects are all evaluated based on those metrics and determined; that DelDOT has a very detailed process for Capital Transportation projects; that location, in accordance to the State Strategies, is part of that process; that this is a statewide evaluation, broken down by county; that if they have priorities in any given cycle in Investment Levels 1 and 2, they might outweigh Investment Levels 3 and 4; that projects proceed through an entire matrix of evaluations from DelDOT, and the whole Capital Transportation Project and budgeting process.

Ms. Wingate stated that she understood Mr. Sammon's previous comments testified that DelDOT does take other projects into consideration, and that all projects are factored in, at some point as a whole.

Mr. Sammons stated the Sussex Preservation Coalition has been reviewing the DelDOT analysis since January 2025; that they had only received SPC's presentation earlier that morning; that DelDOT attempts to account for all communities and developments, but as he previously mentioned, there must be a cutoff point; that the Northstar application was submitted after the Cool Spring Crossing application; that at the time, the Northstar project was not considered a committed development; that they can only analyze the information they have at the time; that if there is something significant, the

department is willing to review and consider anything, and that the current application has been scrutinized and torn apart multiple times to date.

Ms. Steinebach stated that DelDOT knew how intensive the project would be; that as part of the Development Coordination Manual, DelDOT technically only had to review three intersections; that due to the magnitude of the project, they made the extra effort, going above and beyond, analyzing 46 intersections to review the ripple effects, and to provide a hypothesis of when phasing would be required to be done; that they performed a Segment analysis as well, which the DCM does not require, and DelDOT was sensitive to the impacts, which led to their additional efforts of analysis.

Ms. Jill Hicks, spoke on behalf of the Sussex Preservation Coalition, and presented a petition of opposition containing 1,803 signatures. Ms. Hicks stated the subject area is a rural area, with only pockets of developments around the area; that Mr. Fuqua previously stated that the project size is irrelevant; that she disagreed; that the project and it size will impact the roads, schools, fire and ambulance services, and infrastructure, and therefore is relevant; that the option of building a cluster subdivision, from her understanding, would take an additional two years to proceed through the zoning process; that she believed that Sussex County would be well into the FLUM and the Land Use Reform Work Group would be done with its work; that she does not know if a cluster subdivision proposal would be a viable option; that she questioned if the 515 acres included the Martin Branch area and the resources around it; that the impact to the schools and other infrastructure is one reason that the Land Use Reform Working Group was designed; that she felt between those two issues, it warrants waiting; that the estimation of 23 additional students per year, equals to a classroom per year; that she questioned if the $100 per unit would be added into the rent figure, whether it be for affordable housing, or the market rate affordable housing; that she was pleased that the Applicant referenced smart growth; that the SPC is about smart growth, but she stated it does have to do with if it is the right time for the project and if the project is the right size; that there is a lot of information being presented for the estimated traffic count; that Mr. Sayre had provided some traffic analysis information; that she questioned if the Commission would want to hold the record open to the receipt of the traffic count information for the 1,200 unit application; that livable communities is not an internal look; that it is a look at the entire community area of the County; that what makes an area livable is the quality of life, including infrastructure, as well as the environment; that another area of consideration should be that Rt. 9 is a major evacuation route, placing more importance on the traffic analysis; that currently Sussex County is short about 13,400 residential units, based on a study done by Cabinet Committee on State Planning; that 80% of those are required for homeowners, and 20% for renters; that the shortage varies by income; that the shortage is more pronounced in eastern Sussex County; that the project proposes 175 units to participate in the Sussex County Rental program, with the remaining 525 units, being considered workforce housing, that will be subject to market rates affordable house; that she considered this an oxymoron, particularly when located within Sussex County; that the market rate is not affordable to the workforce, thus the reason Sussex County is in the predicament it is in; that affordable relates to what is affordable to a household at 30% if the gross monthly income; that if they are renters, that includes rent and utilities; that if it is a homeowner, it is a mortgage, utilities, property tax and insurance; that in 2023, it was stated that the Area Median Income (AMI) was $71,200; that she recently saw a report stating it is $78,000; that affordable housing and workforce housing are used interchangeably; that workforce housing is generally considered housing affordable to persons below 100% AMI, that meets the needs of wage and service industry workers; that when referring to workforce housing units, there needs to be specification given to the workers the unit would be affordable to; that a unit geared toward a teacher, making 100% AMI, is

not going to be affordable to a cashier making 50% AMI; that she questioned which workers the housing needs will meet with the Cool Spring Crossing project; that at 100% AMI, a person should be able to afford close to $1,800; that she questioned if he proffered $100 would be tacked onto the rent or not; that she is part of a homeowners association; that she felt an HOA is not where the proffered $100 fee should be handled; that people do not pay their dues; that an HOA will not want to be responsible for paying something that the developer committed to; that she felt the intent was good, but it would be a bad way to administer; that she felt the Commission should wait for the impact fees that the Council is currently working on; that she felt the administration of those monies would have to come through the County, potentially as a County tax; that HOA will change their covenants; that public service people, and some of the people Dr. Tam had mentioned do not come up to 100% AMI; that when considering the market rate affordable housing, the 525 units will not apply; that only the 175 units will apply; that average rents in Sussex County for a one bedroom unit is $1,800; that for a four bedroom unit, it is $2,900; that for a unit to be affordable, it requires an income from $72,000 to $116,000; that average rent in Lewes, including the outer area, is $2,800 per month at market rate; that those 525 units are not going to be affordable to the workforce the County is trying to take care of; that examples of this are, at the Vineyards a one bedroom unit cost $1,669 to $1,729; that two bedroom units range from $1,810 to $2,600; that the Vineyard Mendocino, consisting of two bedrooms and two bathrooms, ranges from $2,050 to $2,280; that she questioned if Cool Spring Crossings net contribution of 175 units of workforce housing reduce the County's need; that she questioned if the 175 units would even support the 1,900 units that are being proposed; that based on her research from the U.S. Census Data, for a subdivision, one would need about 6% of the project to be for workforce housing, to be able to handle the rest of the subdivision; that for the Cool Spring Crossing project at 5,600, the project would need 337 workforce people; that she questioned if the 175 units will get the County out of the hole, or will they dig the County deeper; that she questioned if all of the concessions being discussed are worth making; that the proposal appears to be progress, but in reality it is far more modest, and may even create a negative impact; that she advised the Commission to not rush to judgement; that amending the Future Land Use Map at this time, for a project of its magnitude would be irresponsible; that the County needs to lead with the planning process for the County as a whole, not react piecemeal to developers' site-focused business plans, which has been happening over the past five to eight years; that Sussex County should avoid a fiscally irresponsible decision that undermines the State's planning and budgeting process; that the project will place undue burden on all Delaware taxpayers; that if Sussex County builds 24% of its homes within State Investment Level 4, all of Delaware taxpayers will be paying for that; the Future Land Use Map carries a force of law and should not be easily circumvented; that Sussex County should allay the growing public concern that there are no effective constraints on development in Sussex County; that the way to achieve this is to let the planning process play out; that a decision on the project should not preempt the upcoming 2028 Comprehensive Plan work; that the State Investment Level work should be completed at the end of the year; that the work of the Land Use Reform Working Group and the current Rt. 9 Corridor Study should not be subverted or undermined; that public welfare is at risk; that a project of its magnitude needs construction to be concurrent with all the Traffic Impact Study road improvements, and the dualization of Rt. 9; that the data is incomplete and inconclusive; that the County and State must collaborate to align infrastructure with growth, school space, staffing needs, medical services, and emergency services; that this cannot be another example of let the County build it, and the State will fix it; that SPC supports the County's effort to increase workforce housing; that the County needs metrics to know if proposals, such as the current, are going to help or exacerbate the problem; that the County needs to be more prudent in its expectations; that the County needs to commit to more affordable housing units, priced in line with Area Median Income guidelines, not market rate affordable housing; that smart growth is questioning if a project is the right use, at the

right place, at the right time, and the current project is not the right size, at the right time, until we have more answers.

Mr. Collins questioned whether SPC preferred the by-right subdivision application of 1,200 units over the current proposal.

Ms. Hicks stated that the SPC does not prefer one application over the other; that if the Applicant were to come back with a 1,200 unit application, the two applications hearings would be two years apart; that during the two year time period, working will be started on the Comprehensive Plan; that work will be completed for the Land Use Reform Working Group, and the State Investment Level studies should be completed, and she was implying that the County needs to complete the Comprehensive Plan on where they want to see this area go.

Mr. Collins questioned if the Applicant was to resubmit next week, what rules would the application fall under?

Chairman Wheatley stated that if the applicant were to propose any affordable housing component, their application would be expedited.

Ms. Hicks stated in the secondary application, being the 1,200-unit subdivision, she did not see any affordable housing proposed, and again questioned at what point affordable housing would be getting the County out of the hole or even covering its own proposed residents.

Chairman Wheatley stated he felt everyone needed to keep in mind that sewer lines are not built on speculation; that sewer lines are built upon demand; that the idea that the County will catch up, and things will be in equilibrium, will never happen; that he hoped the County could do a better job than what is currently being done; that the County is currently trying to do that; that infrastructure will always be behind because taxpayers do not want to pay the cost of speculative ventures and there is always going to be an inconvenient period.

Ms. Hicks stated that the Commission needed to consider if they wanted to amend the Future Land Use Map for 637 acres, when every other developer watching will request the same, claiming a precedent had been set.

Mr. Robertson stated he disagreed with Ms. Hicks' statement, as a mentioned development was Seaside, which was quite large, and was denied, and he stated that developers can ask, but it does not mean the request will be granted.

Chairman Wheatley stated that each application must stand on its own; that the subject site has water and sewer services, with development all around, and the area might be currently classified as Level 4, but the area is not rural.

Mr. Collins stated that Level 4 only becomes Level 3 or Level 2, when all the infrastructure is in place.

Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, spoke in opposition to the applications. Mr. Edgell stated that as required by Delaware Code, the Sussex County application submitted the plan amendment for review through the Preliminary Land Use service in December 2021; that the PLUS review determined that the plan amendment was

inconsistent with the Strategies for State Policies and Spending; that their PLUS response letter, dated January 13th, 2022, identified a number of concerns related to the proposed amendment, notable the location and Investment Level, as well as their environmental, transportation and archaeological concerns due to the large size of the amendment and the potential significant impact on State resources; that the letter was ended stating that the State looked forward to working with the County on a process that will evaluate the application in conjunction with the Coastal Corridors study, and a robust community planning effort led by the County; that it had been three years since the State's initial review; that to date, there had been no robust community planning effort led by the County to consider the plan amendment in relation to its cumulative impact on the area and corridor; that after waiting patiently for over two years, the Office decided to formally object the plan amendment in February 2024; that the objection triggered a 45 day period of negotiations with the County that they hoped would be an opportunity to discuss the amendment, and ways for collaboration, moving forward together to evaluate the impacts; that instead the County's position was that they were unable to discuss the amendment at that time; that they learned from the County, that the current public hearing process, is the way they gather information and data about the plan amendment; that after the 45 day period concluded, he referred the matter to the Cabinet Committee on State Planning Issues; that the committee met with representatives of Sussex County on April 8th, 2024; that at the meeting, the County further explained the importance of holding hearings before discussing potential plan amendments with the State; at that meeting, a mutually agreeable course of action was decided upon; that the County would hold hearings before the Planning & Zoning Commission and Sussex County Council, and before action was taken, reengage the 45 day period of negotiations; that another meeting between Sussex County and the Cabinet Committee on State Planning issues will be held during this 45 day period to further discuss the amendment; that he prepared and submitted the letters of correspondence, along with his comments for the Commission; that Comprehensive Plan amendments of the proposed type, are required to go through the Cabinet Committee of State Planning issues, then onto the Governor; that the current process is very unusual, and they are feeling their way through it; that they have worked closely with Mr. Robertson; that they have crafted the process before the State's DAG, and it was important that he present before the Commission to share what the process was, so that they public was informed.

Mr. Robertson stated that it has been an evolving process working with the State Planning Coordination on map amendments; that they heard two different sides of it; that he supposed the County was somewhere in the middle; that the County had a couple of applications where the County was at the forefront of requesting a map amendment on behalf of the applicant; that an issue was that the County did not have sufficient information to understand why the request may be appropriate or not; that this needed information was not provided until the public hearing process; that Mr. Whitehouse was placed in the awkward position of having to appear at the Office of State Planning Coordination to advocate or explain a map amendment that he had no information on, which would allow him to present a meaningful, background reason, because it had not proceeded through the public hearing process; that through this process, they realized that this was not the best way to proceed; that the best way to proceed in all the matters is to have all the information available to everyone, to allow for an informed decision to be made; that at the time, no one had all the relevant information, and therefore it was the County's opinion that an informed decision could not be made; that there was mention of a delay in getting this application before the Office of State Planning Coordination; that he would disagree, as the County was trying to work out the process to do that; that the County has drafted a Memorandum of Understanding (MOU), with the Office of State Planning Coordination to document the process; that the MOU has not yet been signed by the Office;

that they our currently proceeding this way because it enables the County to create a record, and the County is trying to work out the process to allow clear understanding on how to move forward.

Mr. Jack Young, resident of Rehoboth, spoke in opposition to the applications. Mr. Young stated that the Cool Spring Crossing applications failed the primary tests of the Sussex County Code §99-3 and §115-3; that the Sussex County Code §99-3 provides for the orderly growth and welfare of the citizens with proper development; that Sussex County Code §115-3 establishes the purposes of the zoning process; that the zoning process should provide for present and future needs, including lessening congestions, and providing adequate provisions for public requirements, transportation and education opportunities; that the Cool Spring Crossing applications do not and are not supported by sufficient service infrastructure at the current time; that given the Code requirements, more needs to be done to satisfy the Code requirements or adequate provisions of public requirements, transportation and educational opportunities, and more must be done before we can satisfy ourselves of the primary task that the Zoning Code tells us to do in both Chapters 99 and 115.

Mr. John Montanez with SHARP (Sussex Homeowners Advocacy Resource Partnership) spoke in opposition to the applications. Mr. Montanez stated that SHARP has been in existence for approximately three years, and is comprised of 19 volunteer communities, servicing approximately 6,000 households in Lewes and Rehoboth; that SHARP's purpose is to serve the homeowners and residents of Sussex County; that SHARP is in full agreement with the Milton Fire Department; that they have witnessed first-hand all of the exponential growth that has occurred in the area; that they are equally concerned about their ability to meet those growing needs; that where they disagree is the belief that issues can be remedied by an agreement between a developer and HOAs; that they feel it is not justified and not sustainable to ask homeowners to pay an additional fee; that you are asking the residents to pay an additional fee for the same service that everyone in the room is currently receiving; that while the State allows the HOA to levy fees, homeowners can rescind those fees by vote; that this creates the fee to be unsustainable and non-binding; that everyone agrees that they trust the local government to make the services of roads, schools and emergency services provided in a fair and equal manner; that the idea of having an HOA provide these services is a stopgap measure that undermines the agreement that SHARP is trying to make; that the emergency services are being taxed, requiring a response from the County; that the response should be done through local governance, not through a relationship between the HOA and developer; that SHARP, and its 19 communities, fully support the local schools, emergency services and fire department, but do not agree with the idea that an HOA should be used as a mean of leveraging the proposed fee; that SHARP is not advocating for taxes; that they are suggesting that we need to look at the problem; that for the long-term, it is not going to be achieved by a Band-Aid approach, by having the HOA attempting to fill a void; that his personal opinion is that people will assume that the HOA will be able to make up that money, and they will not have to pay it; that as a taxpayer, this would be a County-wide issue; that by the fee going through the County, it would create a fair and equitable way to ensure all residents bear the burden, and not just the residents of Cool Spring Crossing.

Ms. Wingate stated she has spoken with one of the fire chiefs in the local departments, who stated they have sent out thousands of letters requesting homeowners to contribute to the local fire department, and they receive very few back, and this is the reasoning why, in her opinion, the proposed method would work.

Ms. Carolin Velardi, resident of Hawthrone in Sussex County, spoke in opposition to the applications. Ms. Veladri stated that three years ago, she attended a meet and greet with the House of

Representatives; that it was filled with angry EMS workers, teachers, and many people concerned with housing; that at that time, it was told to them that they needed to get involved with local County administration; that the State does not handle those issues, and that the local government does; that it was said that it is not the State; that the State had identified areas of concern, and placed things into progress to address the issues; that the issue was the local government allowing too much growth, which was outpacing the State plans; that she lives in the area; that just because she has a Dollar General store, does not mean that the area is not rural; that within the area there are farms all around; that there are different perceptions of what rural area looks like; that the State has identified the area as rural; that it is up to the Commission to deem whether it is an appropriate area or not; that there are a million reasons why the area is not the appropriate place and she is listening to her State representative, voicing her objection and now it is in the Commission's hands.

Mr. Fuqua stated that he would like to clarify the question regarding the fire company; that the fee has been proposed as a Condition of Approval, but more importantly, will be placed as one of the restrictions, and that the restriction would have a type of provision that it would not be permitted to be deleted, amended or modified, without the consent of the Lewes and Milton Volunteer Fire Departments.

Ms. Alison White, resident of Red Mill in Sussex County, spoke in opposition to the applications and submitted a petition of opposition containing 250 signatures. Ms. White stated that the proposed project will degrade their quality of life, safety and property values; that the project would add a town of 5,600 additional residents in 1,922 residential units with commercial development; that the project would add 33,359 daily vehicle trips to area roadways and remove 108 acres of forest cover on the parcel; that Rt. 9 is near capacity; that the community would triple traffic on Rt. 9 and its surrounding roads; that this will further impair vehicle entry and exit for the Villages of Red Mill Pond and degrade the residents daily driving experience; that there are insufficient plans for corridor expansion to manage additional traffic; that the site was classified by the State as being within Investment Level 4; that DelDOT will not consider, much less implement road improvements on Hudson Road, or Rt. 9 west of Old Vine Blvd until well after 2030; that Rt. 9 is one of the few emergency evacuation route for the Sussex Shore area; that Rt. 9 supports residents of Lewes, Rehoboth, and the growing Rt. 9 corridor; that adding 5,000 residents will make it more unviable than it currently is; that the property is not located within a growth area in the County's land use plans; that because of this, the developer is requesting the parcel to be amended to the Coastal Area, being considered a growth area; that the Coastal Area stretches from roughly Sweet Briar Road to the shore, and is already a scene of rampant overdevelopment; that the request to amend the FLUM violates State strategies, by building within State Investment Level 4, which is an area designated for conservation and preservation; that the massive number of added residents would further strain schools, emergency services, and healthcare facilities; that the amount of forest removal and pavement will endanger environmentally sensitive areas; that she urged the Commission to not recommend the applications for approval; that Red Mill Pond South has 177 homes with one entrance along Rt. 9; that the entrance has already been impacted by current traffic, creating a queue of four to five cars waiting to exit; that there was one occasion where a resident was attempting to get a relative to the hospital, who had to wait six to eight minutes to get onto Rt. 9; that urgently needing medical care can be critical; that there had been discussions regarding signalization at this entrance and about the dualization of Rt. 9; that any such plans are at minimum five years away from being realized; that their entrance is just over one mile west of the future Northstar community and 2.5 miles east of the proposed projects Site Entrance A; that they are located in the middle of the two projects, and considering the two project will add an estimated

total of 46,000 additional vehicle trips to area roads, and the unfinished plans for improving Rt. 9, she has grave concerns about the project's impact to her community and their driving safety.

Ms. Alison Monroe, Sussex County resident along Walker Road, spoke in opposition to the applications and submitted two separate petitions of opposition, one containing 760 signatures from the last application in 2024, and 175 signatures for the current application of 2025. Ms. Monroe stated that the primary purpose of the Commission is to protect the interests of the current residents in the area, not the wishes of those who would like to move to the area; that she would argue that every name on the petition carries as much weight, if not more, than any developer, real estate agent or builder, as the individuals will be the ones most impacted; that the opposition rate in the nearby area is 98.3%; that as of May 1st, 2025, there were 287 public comments submitted through the County's website, equaling to an opposition rate of 83%; that the other related applications had opposition rates of 73%, 88.9% and 90.1%; that as a native to the immediate area, she had watched her hometown be altered almost past recognition; that she understands when she hears complaints regarding how busy the area has become, or when the newest transplants lament on the explosion of growth; that she believed many of the new residents feel they were sold a bill of goods of a pretty new house, on a quarter acre lot, located in the middle of farmland and forest along quiet country roads; that the realtors and developers sell this dream to one person after another; that this is all done while generational community members, longtime residents and newcomers alike, are left watching feeling helpless as slower, lower Delaware is being sold out of existence; that many natives are heartbroken, but too attached to leave; that she questioned is there a tipping point, to where sacrificing our quality of living is not worth the extra dollar, when it takes an hour to get home, when it used to take 15 minutes, when a person no longer feels safe walking along the road on which they have lived for years, or when the family doctor cannot accept you as an patient, when there are no more turtles in your yard, and no more cows in the field, and no more solitude to be found on the beaches; that she questioned if the extra income will be enough, or will the man-made improvements be enough to replace what the area has lost; that as she watches the farm fields being bulldozed and back country roads becoming thoroughfares, she implored the Commission to make the only correct decision, to help protect what makes Sussex County a rural gem, and requested the Commission to not recommend the Cool Spring Crossing application for approval.

Ms. Barbara Capuano, resident of Independence in Sussex County, spoke in opposition to the application. Ms. Capuano stated that there has been massive growth over the past four years; that now every one of us sits in traffic, on roads, trying to catch up with the growth; that on the peninsula, we live on the coast; that there could be an emergency or 24 hour mandatory evacuation at any time, like what northern New Jersey, and New York have had; that the area cannot handle the traffic now; that the roads need to be built or corrected before laying plans to place this development; that the roads have not caught up with what is already here; that this issue will cost lives, should anything happen, and she requested the Commission to pause to look at the infrastructure, to figure out ways to handle what had already been approved before moving forward, as it is concerning life and death.

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

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

In relation to C/U 2441 CMF Cool Spring, LLC. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Butler, and carried unanimously. Motion carried 5-0.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

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.

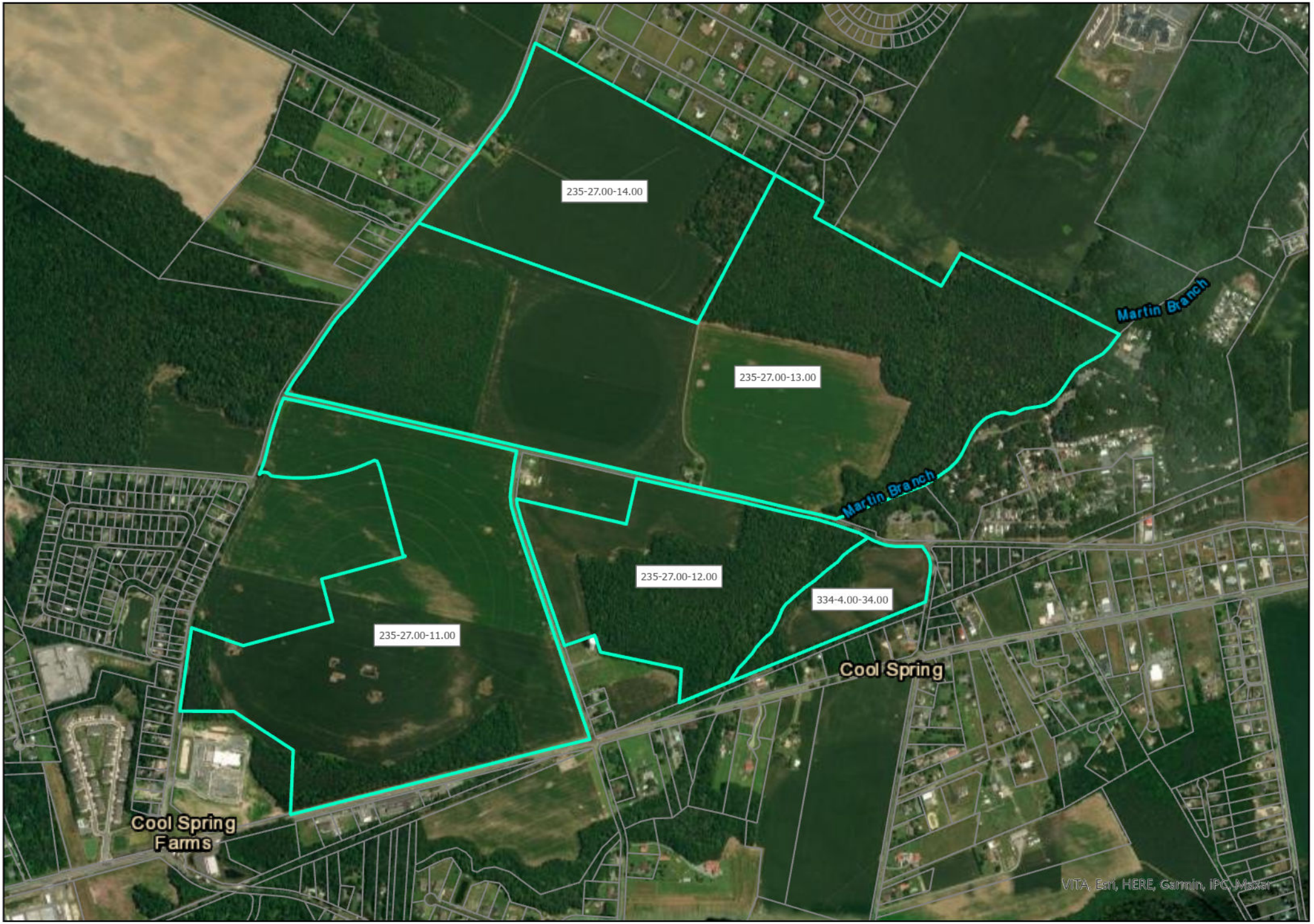
Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

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.

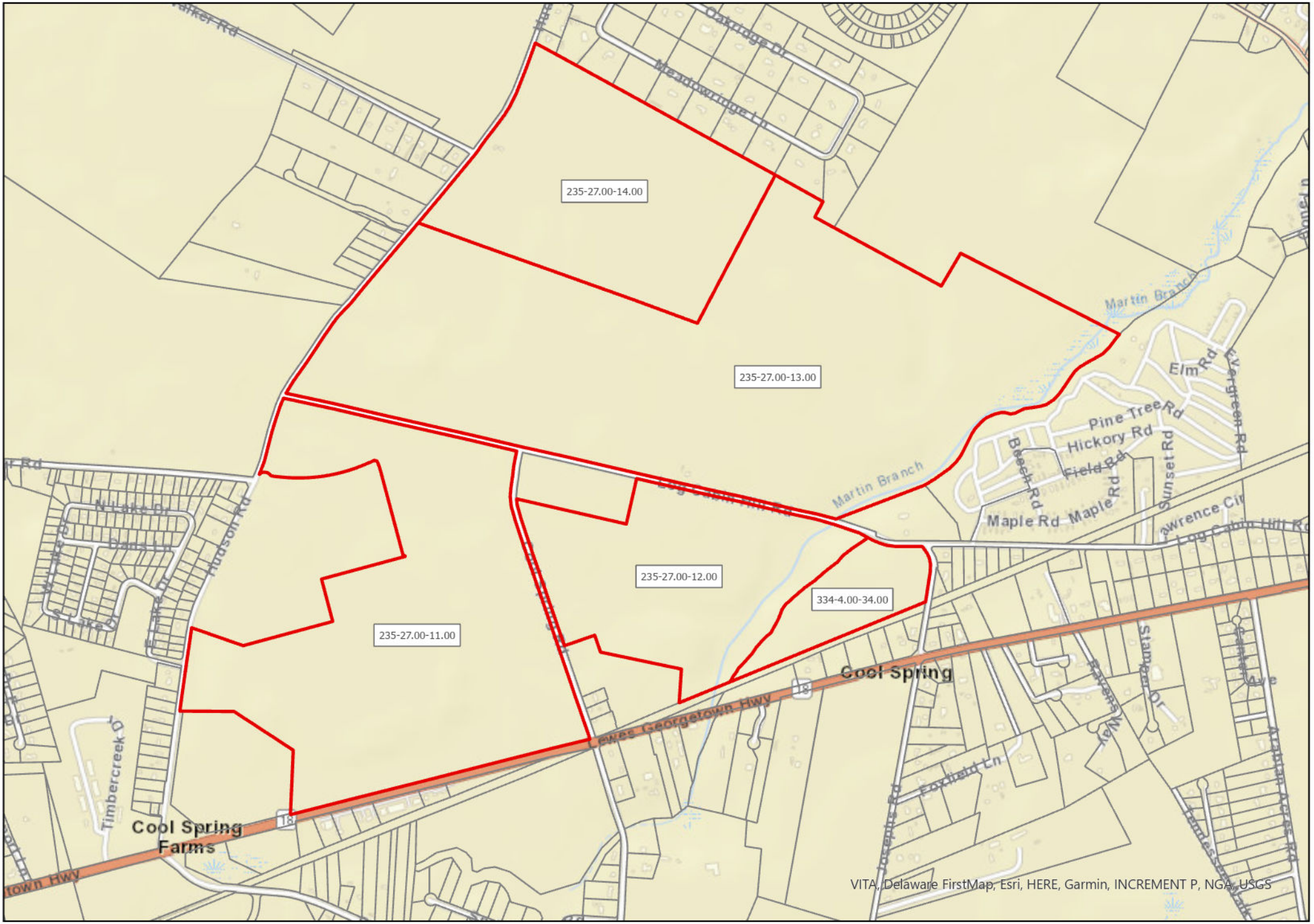


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Aerial Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet

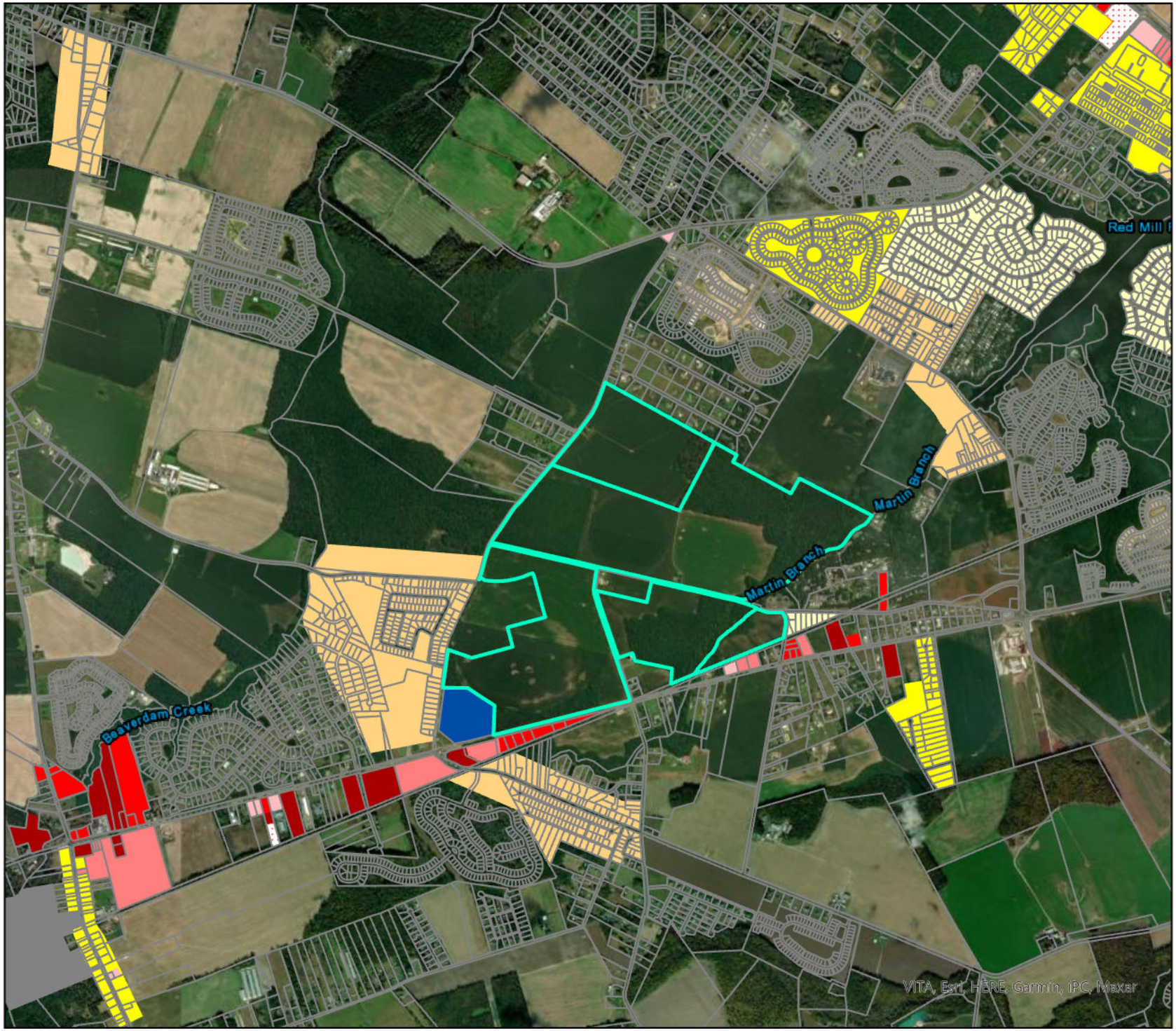


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Street Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet



Zoning

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

Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Zoning Map

Cool Spring Crossing - Parcels

0 0.25 0.5 1 Miles

N

Introduced: 4/8/25

Council District 5: Mr. Rieley
Tax I.D. No.: 235-27.00-11.00
911 Address: N/A

ORDINANCE NO. ___

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 CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2441 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the _____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2441 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2441 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and 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) and being more particularly described in the attached legal description prepared by_____, said parcel containing 194.17acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: October 29, 2025

RE: County Council Report for C/U 2442 filed on behalf of CMF Cool Spring, LLC

The Planning and Zoning Department received an application (C/U 2442 filed on behalf of CMF Cool Spring, LLC) for a Conditional Use in an MR-RPC Medium Density Residential Zoning District – Residential Planned Community for an assisted living facility and medical offices at Tax Parcel 235-27.00-11.00. The property is located at 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). The parcel size is 13.86 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 7, 2025. At the meeting of July 2, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 8 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on May 7, 2025, and July 2, 2025

Minutes of the May 7, 2025, Planning & Zoning Commission Meeting

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 BROADKILL HUNDRED, 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.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's conceptual site plan, a copy of the Applicant's exhibits, plans and slides, a copy of the staff analysis and the Applicant's response to the staff analysis, a copy of the Applicant's proposed findings of fact letter, a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of a letter received from the local school districts, a copy of the States PLUS comments, a copy of written responses received from the Technical Advisory Committee, including the State Fire Marshall's Office, the US Department of Agriculture, the Delaware Electric Co-op, Delaware Department of Transportation, and DNREC's Drainage Program and we have 185 comments submitted into the paperless packet.

Chairman Wheatley advised the Commission and the members of the public the order that the presentation and public hearing would proceed.

The Commission found that Mr. James Fuqua, Esq., of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicants, Carl Freeman Companies and CMF Cool Spring, LLC; that there are four (4) applications being presented to the Commission that involve 637 acres of land that's comprised of five (5) tax map parcels located on the north side of Route 9 at Cool. Spring; that the first application is a request to amend the Comprehensive Plans Future Land Use Map; that the 637 acres are currently designated as being in the low density rural area of the Future Land Use Map; that the amendment proposes a change from the existing designation to the coastal area designation, which is one of the planned growth areas; that the second application is for a Change of Zone from AR-1 (Agricultural Residential) to MR (Medium Density) within a RPC (Residential Planned Community) overlay for the entire 637 acres; that the RPC would be called Cool Spring Crossing and it would consist of residential villages with single family and multifamily homes and the commercial Town Center; that the third application is a Conditional Use for educational facilities to be located in the Town Center; that the final application is for Conditional Use for an assisted living facility and associated medical offices that would be next to the Town Center; that all four (4) applications are interrelated; that these applications propose a significant large scale, single family and multifamily residential community consisting of 1922 residential units and a Town Center comprised of retail, service, educational and recreational uses, as well as an assisted living facility and medical offices; that the demand for residential housing in Sussex County is the reason Freeman filed these applications and the situation can be summarized in four (4) comments:

1. In 2022, 78% of all residential growth in the state of Delaware was in Sussex County.
2. More than 33,000 people have moved to Sussex County from other states over the past four (4) years and this migration is expected to keep rising for the next three (3) decades.
3. Growth is rapid in Sussex County.
4. There is a lack of affordable multifamily housing units to keep pace with the growing population.

That those four (4) comments are the comments made by David Edgell, the Director of the Delaware Office of State Planning Coordination, at a presentation made to the Sussex Preservation Coalition in

February of 2024; that in agreement with Director Edgell's comments, on the land use issue in Sussex County, the two (2) issues that arise are a strong demand for residential housing and an even stronger need for affordable housing; that the Applicant is proposing Cool Spring Crossing as a Master Plan, a large scale mixed residential use community and a Town Center with a wide variety of uses; that the development is projected to be constructed in multiple phases over a 20 year build out time frame; that considering the zoning approval, site plan approval and agency permitting for this type of development will probably take two (2) to three (3) years, Cool Spring Crossing is not anticipated to be completed until 2048; that Freeman has an established history of developing large scale communities here in Sussex County and has proven it has the experience, the knowledge and the ability to develop a large scale mixed-use community like Cool Spring Crossing; that the request to amend Comprehensive Plans Future Land Use Map from low density, which is a rural area to a Coastal area which is a growth area under the plan is to ensure that the proposed MR-RPC development would be within compliance; that the Comprehensive Plan states that the proposed MR-RPC is not a zoning district designated as being appropriate in a low density area, but is appropriate within the Coastal area; that the Office of State Planning issued a PLUS review letter objecting and opposing this original request on January 13, 2022; that the current request for amendment brings up the question to the Commission as to whether the area of Cool Spring Crossing is still considered to be a rural area in which it would remain as low density on the Future Land Use Map; that following are the facts and reasons for supporting the Coastal Area change:

1. To the West of the Cool Spring Crossing proposed property is the Bay Health Emergency Center, with an additional land of residential development including approximately twelve (12) different subdivisions.
2. There is the Sussex Consortium, a special needs school, part of the Cape Henlopen School District not far from the proposed property.
3. There is a commercial corridor of land including a variety of businesses West of Fisher Road.
4. The Stephen Hudson Park is being developed on the South side of Route 9 at Cool Spring Road with a connection to the Lewes Georgetown Bike Trail.
5. The frontage of Cool Spring Crossing is along Route 9, which is a major Sussex County road, which is necessary for the Sussex County Zoning Ordinance to be located along a major arterial roadway.
6. The Delaware Transit Corporation operates a DART bus along Route 9 from Georgetown to the Lewes Park and Ride, with East and West stops all along Route 9, with the offer to install new stops near the Cool Spring Crossing development.
7. The Lewes Georgetown Bike Trail is adjacent to the property with a crossover of Route 9 located at Fisher Road and Route 9 where the Hudson Park is planned to be.
8. The proposed Cool Spring development will have a public bike trail going through it, connecting the existing trail to Hudson Road and a future extension to the Town of Milton.
9. Central public sewer is available from Artesian Wastewater Management, Inc. and they hold a Certificate of Public Convenience and Necessity for central water in this area.
10. The Delaware State Housing Authority indicated that the lands comprising Cool Spring Crossing are located within a Delaware State Housing Authority area of opportunity, which are strong, high value markets with close job proximity and economic opportunity, high performing schools, amenities and supportive infrastructure that help households succeed. They also noted that the need for affordable housing, particularly in the Coastal Area, is well documented, especially in the PLUS Review letter 2021-1287 and 2021-1288.
11. The Cool Spring Crossing property is contiguous with an existing Coastal Area on the Future Land Use Map all the way from the Northeast corner all the way to the coast.

All of these reasons support that the area of Cool Spring Crossing is not located within a rural area any longer and can support the amendment of the Future Land Use Map to a Coastal Area for this property; that the Delaware Supreme Court has ruled that the adoption of the a Comprehensive Plan in Sussex County is vested solely with the government of Sussex County; that Supreme Court case was Denmark versus Sussex County; that the Delaware Planning Act, Title 29, §9103 of the Delaware Code, states that as to the adoption of amendment update or revision of a Comprehensive Plan, the final decision is that of the County; that it is an irrefutable fact, that the 2020 Delaware Strategies for State Spending and Investment Level Maps are not a land use plan; that the Strategies document itself states that it is not a land use plan; that the plan states that the land use authority in Delaware has been delegated to the local government; that the decision to amend or not amend the Future Land Use Map is a Sussex County decision; that the Applicant's request to amend the Future Land Use Map is not unique; that County Council has amended the Future Land Use Map ten times since 2020; that the opposition would argue that the previous amendments were for smaller parcels; that this is a case were size is irrelevant; that it is important to look at the underlying facts to support if there is a basis or not for the change; that if there are solid facts supporting the amendment, it should be approved; that he believed that to be the case with the Cool Spring Crossing project; that next year, the Commission will begin its revision of the amendment of the County's Comprehensive Plan and Future Land Use Maps; that this is required to be completed every 10 years, resulting in an updated Comprehensive Plan in 2028; that regardless if the application was not before the Commission today, it is likely the Commission would be considering the very same issue as part of the plan update; that if the facts he presented support an amendment for the plan in three years, that those same facts support the amendment of the plan today; that in order for the MR-RPC development to proceed, the amendment of the Future Land Use Map to the Coastal Area is required; that if the amendment is not approved by the County, the 637 acres will remain designated as a rural, low density area; that this does not mean that the land will remain as farmland, nor does it mean that the land will remain undeveloped; that if the Cool Spring Crossing MR-RPC does not proceed, the land would be developed with single-family homes on individual lots; that the AR-1 (Agricultural Residential) zoned land, located within the low-density area, is permitted by the Sussex County Zoning Ordinance to be developed as a cluster subdivision; that subject to the design requirements of the Ordinance, a cluster subdivision is permitted to contain two lots per acre; that with a minimum lot size of 7,500 sq. ft., the 637 acres would support a phased cluster subdivision or multiple subdivisions containing 1,274 single-family homes on individual lots; that a subdivision would have none of the numerous benefits of the completed livable community and with these comments, Mr. Fuqua concluded his comments regarding the proposed Future Land Use Map amendment.

In regard to the Cool Spring Crossing, MR-RPC, and the two Conditional Use applications for the educational facility, assisted living facility, and medical offices Mr. Fuqua stated that Cool Spring Crossing is designed as a mixed-use community containing several seven residential villages and a town center that the villages will contain a mixture of housing types being single-family homes, and various types of multi-family dwellings; that the variety of housing types will result in a range of housing options and prices for both purchase and rental; that the homes in the villages will be located on new developed streets, interconnected with existing public roads, with pedestrian and bicycle network of sidewalk and shared use paths, to create a walkable and bikeable community; that a network of recreational uses, parks, and open space area will be interspaced throughout the development; that the Town Center is adjacent and easily accessible from the residential villages; that the Town Center will offer a variety of retail and service businesses, educational facilities and recreational opportunities; that this will reduce the need for vehicle dependency for residents of Cool Spring Crossing; that the

project has road frontage along the northside of Rt. 9, the east side of Hudson Road, and along both sides of Cool Spring Road and Log Cabin Road; that the Town Center would front Rt. 9, bordering the western side of Cool Spring Road, and the eastern side of the Bay Health emergency facility; that there are seven distinct residential villages; that three villages, being Village A, B & C are located south of Log Cabin Road; that four villages, being Villages D, E, F & G are similar in nature, as they all contain a mixture of single-family homes, on individual lot, and a variety of multi-family dwellings; that Village C is located to the west, on the west side of Josephs Road; that this village will only contain 34 single-family lots; that it is envisioned as the community of higher end, custom build type homes; that Village A is located to the north of the Town Center; that Village A will contain 700 multi-family dwellings and a mixture of housing type; that there will be 50 patio homes, 144 quadplexes, 30 villas, 188 townhomes, and 288 condominium units; that Village A is planned and designed as the more affordable village and community, with residential units both for sale and for rent; that 175 of the Village 8 units, being 25%, of the 700 units will be made subject to the Sussex County Rental Program (SCRP) Ordinance; that the Ordinance was enacted by Sussex County Council to encourage the creation of the affordable rental housing, particularly for County workers in the easter part of Sussex County; that the rental program ordinance controls both the eligibility criteria for tenants and the rent schedule for tenants based on the tenant's family income; that as required by the Ordinance, the types of units participating in the rental program must be the same ratio as the different types of units in Village A; that the units must be integrated, not separated from, the other units in Village A; that the units must be the same design and floor layout as the other units of Village A; that Village A would have the same access from Cool Spring Road, Log Cabin Road, and from the main entrance to the Town Center, located off Rt. 9; that Village A will be comprised of approximately 115 acres, of which 61 acres will be open space, including five interior park areas; that the open space; that the open space amounts to approximately 53% of the Village A area; that upon full completion of all of the villages, Cool Spring Crossing will contain 1,922 residential units, made up of 534 single-family homes, and 1,388 multi-family units of various types; that the proposed number of units is less than the maximum number of units that would be permitted within the residential planned community (RPC); that there is a special formula to calculate permitted density of RPC's; that for the project containing 637 acres, the area was reduced by the streets, resulting in 63.46 acres; that they took a conservative approach when performing the Town Center reductions calculations, by deducting the entire Town Center area, which contains 57.94 acres; that this calculation results in the permitted development area; that when deducting the streets and Town Center acreage from the gross development area, it results in a net area of 515.6 acres; that when one divides the net area of 515.6 acres by 10,000 sq. ft., being the minimum lot size permitted within the MR (Medium-Density Residential) district, the result of permitted density within the RPC would be 2,245 residential units, with a density of 3.52 units per acre; that the project is only proposing 1,922 units, with a density of 3.01 units per acre, being significantly less than the permitted density for the MR-RPC; that their result of the 3.1 units per acre density, was determined solely by using the MR (Medium-Density Residential) density; that they did not use any of the bonus density that is permitted under the Sussex County Rental Program, which would have allowed the density to increase up to 12 units per acre; that regarding the Town Center, the Town Center fronts on Rt. 9, being bordered by Cool Springs Road on the east, and the Bayhealth emergency urgent care center on the west, with Village A being located to the north; that the main entrance to the Town Center is from Rt. 9, with an additional entrance from Cool Spring Rd.; that there are several access streets from Village a that connect to the Town Center; that the center will include a variety of retail, service and educational and recreational uses to serve the Cool Spring residents, as well as the area residents; that the proposed uses will include a grocery store, bank, a convenience store with a gas service, four restaurants, five retail stores, an art & theater facility, which would be the Cultural Center of the community; that it is envisioned to be operated by a local theater

group, who would provide live theater workshops and other live performances, as well as painting and similar art classes, workshops and displays; that the Town Center would also include a 100 room hotel, a modern YMCA, or similar type of facility with a full gym, indoor and outdoor pools, indoor and outdoor pickleball, indoor tennis courts, multi-purpose meeting rooms, and an early childhood program for the care and instruction of preschool ages children; that the Town Center would include the two requested Conditional Uses; that the educational facilities would be located in two buildings with classrooms, resources areas, study areas, and administrative offices; that one building would be the college level instruction, potentially with the University of Delaware offering associate degree courses and professional certifications; that the second building would be for adult learning, potentially operated by the University of Delaware's Osher Lifelong Learning Center, which is a volunteer driven educational cooperative for adults aged 50 plus; that this project offers a wide variety of subjects, often taught by experienced retired residents; that the other Conditional Use to be located within the Town Center would be the assisted living facility; that the facility would have a capacity of 100 residents; that it would also have the associated medical office building, focusing on senior healthcare, which could possibly be associated with Bayhealth, who operates the emergency and urgent care center, located adjacent to the Town Center; that at the core of the Town Center, there are two large area of landscape open space, which will consist of a village green, and an event lawn for various community events and activities; that the Town Center would create economic development and employment opportunities, as well as convenient access to shopping and services to both residents of the community and residents in the area; that the Town Center would have a built-in advantage of having customers from the Cool Spring Villages, who would have the opportunity to access the Town Center without the need to drive; that in an RPC, commercial uses is one acre for each 100 dwelling units; that the 1,922 units being requested would equate to 19.22 acres of commercial use; that the planned commercial uses in the Town Center would utilize 18.52 acres of lands, being within the commercial use calculation; that regarding the entire community, and the recreational and social aspects of the development, the project is designed to be a walkable and bikeable community; that the project offers extensive opportunities for recreational activities and residential interaction, with sidewalks on both sides of community streets; that a DelDOT design shared use path will be provided along one side of the site frontage, along Rt. 9, Cool Spring Road, Hudson Road, Log Cabin Road, and on the extension of Cool Spring Road that comes through the development; that those shared use paths will be interconnected with the Lewes Georgetown Bike trail, which boarders the property along Rt. 9; that the Town Center has the village green, the event lawn, and other recreational, educational, and entertainment opportunities for residents; that the main recreational complex is located between Villages D, E, F & G; that this complex will include a clubhouse, with a minimum of 7,500 sq. ft. of floor area, accommodating areas for group fitness exercise, children's play, teen gathering, meeting rooms, casual seating area, staffed offices, restrooms and a refreshment and storage area; that located adjacent to the clubhouse, will be an outdoor, resort style swimming pool, separate kids pool with a splash play area, and a hot tub area, which will be surrounded by an expansive deck with shaded and unshaded areas; that there will be tennis, pickleball, and bocce ball courts; that also in this area will be a green space picnic area, with fire pits, gas tabletop grills, seating and open space for special events and entertainment; that there will be four additional outdoor swimming pools, with bathhouses, to be located in Villages B, D, G and also between Villages E & F; that there are several larger village parks, along with smaller neighborhood parks, with other recreational features, to be determined at a later time, but part of the site plan review approval for each phase of the development as it goes on; that there will be approximately 1.5 mile nature trail that will meander along the western edge of the Martin Branch Conservation area; that all of the homeowners within Cool Spring Crossing, with the exception of the owners located within Village A, will be required to be members of the Recreational Association, with quarterly or annual assessments to cover the expenses of operating and maintaining the

recreational facilities; that Village A is planned and designed to be the more affordable village within the development; that in keeping with that goal, the owners of Village A will not be required to be members of the REC Association; that the owners of Village A, will have the option of joining the Recreational Association, subject to the same recreation fee as the other members of the Recreational Association; that the village as five internal open space park areas; that those areas contain 3.3, 2.3, 1.3, 1.2, and .9 acres; that the specific design of the parks has not been finalized; that the spaces would be focused on spaces to gather, to exercise and to play; that the parks will include pavilions, numerous shades areas with benches, a walking loop, a children's bike/scooter loop track, two playgrounds, a yoga lawn area, open play areas, outdoor fitness stations and a possible dog park; that the idea in Village A was to amenities that would not be high in maintenance or high in design; that Cool Spring Crossing will be served by public central sewer by Artesian Wastewater Management Company; that public central water will be provided by Artesian Waster Company; that Artesian has stated they are willing and able to provide sewer and water to the development; that Artesian has been issue a majority of the water and sewer certificates of Public Convenience and Necessity by the Delaware Public Service Commission to serve the area; that Artesian owns two properties that are surrounded by or located adjacent to the Cool Spring Crossing property, being the undeveloped parcel at the southeast intersection of the Cool Spring Road and Log Cabin Hill Road, and the elevated water storage tower, located along Cool Spring Road; that Artesian' s Ability to Serve letter, dated April 9, 025, is located within the Applicant's submitted exhibit booklet; that stormwater management facilities, are required and will be designed and constructed to meet or exceed the requirements of DNREC's Sediment and Stormwater Management regulations, and also the Inland Bays Pollution Control Strategies; that the development of Cool Spring Crossing will occur over a 20 year period, in construction phases; that each phase will have its own Sediment and Erosion Control Plan, approved by the Sussex Conservation District, prior to the start of the construction phases; that there are multiple stormwater ponds integrated in the site design; that because the sites well drained sandy soil, and the relatively low water table, bioretention and infiltration practices will be utilized; that the development's stormwater will be directed to treatment ponds, and other management facilities for pretreatment, prior to any infiltration or discharge; that this will create significant improvement compared to the current condition of unfiltered stormwater runoff from land in agricultural use; that traffic impacts are almost always the main issue involved in any proposed development application; that Sussex County is required by law to have an agreement with DelDOT to provide a procedure to determine the traffic impact of any rezoning application; that in September 2020, Sussex County Council approved and executed an update Memorandum of Understanding (MOU) between the County and DelDOT establishing this agreement; that the Cool Spring Crossing application will have a significant impact on traffic; that provided within the MOU, at the Applicant, at the Applicant's expense, is required to conduct a Traffic Impact Study (TIS); that on Page 7 of the MOU, it states the Sussex County and DelDOT should encourage Master Planning for large scale development on large parcels or groups of parcels located within the Coastal Area; that Century Engineering was retained by Carl Freeman Companies to perform a Traffic Impact Study (TIS), in accordance with the scope and parameters established by DelDOT; that the Century studied reviewed the impact at all proposed access points to the development, and approximately 48 intersections in the surrounding area; that the TIS dated June 30, 2022, was reviewed by DelDOT, and subsequently DelDOT issued there TIS Review letter on January 10th, 2023; that subsequent to the issuance of the DelDOT Review letter, the applicant made some changes to the Cool Spring Crossing site design; that those changes reduced the number of proposed dwellings, and reduced the number of access points from ten to six; that those changes resulted in a reduction of the daily and peak hour trips; that as a result of those changes, DelDOT did require an updated review of the TIS, taking into consideration the revision of the land use, and the site entrances; that in additional, DelDOT also required a supplemental Sensitivity Analysis, to identify

when improvements, to help mitigate traffic deficiencies should be constructed; that the Sensitivity Analysis was prepared by JMT Engineering, being DelDOT's consulting traffic engineering firm; that the final Revised TIS Review letter was issued by DelDOT on January 14th, 2025, and is about 150 pages in length; that both the original and the revised TIS letters are included into the record; that DelDOT's revised letter provides that the Applicant is responsible for 22 specific roadway and intersection improvements, and also monetary contribution to several current DelDOT projects; that the required improvements are listed in detail on Pages 17 through 23 of the Revised TIS Review letter; that the Revised TIS Review letter also discusses the Sensitivity Analysis, and provides a time frame of when required improvements must be constructed; that the majority of the intersection improvements must be constructed at the beginning of the site plan construction; that the Applicant has fully complied with the requirements and provisions of the Sussex County and DelDOT Memorandum of Understanding for land development coordination; that the Applicant will be responsible for all the improvements and contributions as determined by DelDOT; that those applications will be implemented concurrently with the development, as determined by DelDOT's Sensitivity Analysis; that the entire site contains 637 acres; that based on DNREC's Wetlands Maps, there are no State regulated Tidal wetlands located on the property; that there is a single perennial stream, known as Martin Branch, located along the eastern boundary of the property; that as identified on the FEMA Flood Insurance Maps and the National Wetland Inventory Maps, federally regulated Non-Tidal wetlands exist on the low-lying area, adjacent to Martin Branch; that a Wetland Boundary Determination was performed by Mr. Edward Launay, with Environmental Resources, Inc., which found that there were 29.6 acres of stream and Non-Tidal wetlands existing on the site, being Martin Branch and the adjacent area wetlands; that the U.S. Army Corp of Engineers Office confirmed the determination, an issued a Jurisdictional Determination Letter on April 17, 2024; that there are no additional Tidal or Non-Tidal wetlands located on the property; that with the exception of the 29.6 acres containing Martin Branch, and the adjacent wetland, the remainder of the property is uplands, comprised of well drained, sandy soil, with an average elevation between 25 to 35 feet; that the site currently contains 217 wooded acres; that the development plan will result in approximately 103 acres of the existing woodlands to be removed, and 114 acres (53%) of the existing woodlands to be preserved; that except for a large portion of forested area adjacent to Martin Branch, historical aerial photos and land owner records, indicate that most of the other woodlands have been timbered in the past, being considered mid-succession, containing tree species typica of previously timbered land; that almost all tree clearing being proposed is located in the location of the pre-timbered areas; that the most important, natural and environmentally sensitive portion of the site, is located on the eastern boundary of the site; that this is the location of Martin Branch; that the Applicant recognizes and acknowledges the environmentally sensitive nature of this area, and accepts the responsibility of protecting and preserving the natural feature; that in 2022, the County enacted the Sussex County Resource Buffer Ordinance, which does apply to the Cool Spring Crossing applications; that this Ordinance would require a 50 foot wide resource buffer from Martin Branch; that it would require a 30 foot wide resource buffer from the edge of all Non-Tidal wetlands; that the Cool Spring Crossing development will far exceed the resource buffer requirements, by providing an expansive Martin Branch Conservation Area, consisting of the required resource buffers and additional land voluntarily included in the conservation; that as permitted by the Resource Buffer Ordinance, the Applicant elected to voluntarily expand the resource buffer by an additional 15 foot in width; that the Applicant is not requesting any buffer averaging; that the area would result in a total Non-Tidal Wetland Resource Buffer of 45 feet, which results in a total of 13.73 acres of forested, Non-Tidal wetlands; that the required 50 foot buffer from the perennial stream lies within the wetland area; that the 50 foot buffer is provided, as it overlaps with the wetland and other buffers; that the additional conservation area contains 61.61 acres of forested land, with the exception of 2.6 acres of open field;

that the open field will be maintained as a natural meadow; that the meadow will be planted with pollinator wildflower seed mix that is targeted to support the Monarch butterfly during its migration; that the Monarch butterfly is a candidate for listing as a threatened species by the U.S. Fish and Wildlife Service; that the additional conservation area, borders the Non-Tidal wetland resource buffer, resulting in a substantial increase in the width of the buffer from the wetland line; that the buffer varies considerably, but on average the buffer is about 130 feet in width, compared to the required 30 foot wide buffer; that the buffer consisting of the required buffer, the expanded resource buffer, and the 61.61 acres of voluntarily provided conservation area, results in a total buffer of 75.34 acres, resulting in more than eight times the required resource buffer area; that the entire Martin Branch Conservation Area, consisting of Martin Branch, the adjacent Non-Tidal wetlands, the resource buffers, and the voluntary Conservation Area will permanently preserve and protect 104.93 acres of the most natural and environmentally sensitive portion of the site; that this protected area also includes all of the Cool Spring Crossing site that is located within a Flood Hazard Area according to the FEMA Flood Insurance Maps; that all of the area proposed for development is located outside of the floodplain as designated by FEMA's Floodplain maps; that the Martin Branch Conservation Area will also be made subject to a Declaration of Restrictions, permanently preserving it as a natural area, and a Resource Buffer Management Plan, providing the management and stewardship of the protected area; that three are three additional areas, containing an additional 12 acres, that will also be subject to the conservation documents; that those lands are located on the western side of the property, near Hudson Road; that there are three or four trees that will be preserved in that area; that in total, the entire conservation area, including the Hudson Road portion of the forest, will contain approximately 117 acres, being over 18% of the Cool Spring Crossing site; that in addition to the Environmental Protection, the Martin Branch conservation area will also preserve and protect the archaeological integrity of the site; that the State Historical Preservation Office (SHPO) indicated that the majority of the site had low potential for prehistoric archaeological sites, except for a low to moderate potential, located on the eastern side of the site, near Martin Branch; that the Applicant retained Mr. Edward Otter to perform and Archaeological Assessment of the property; that the assessment confirmed that the area of near Martin Branch had the most potential for Native American sites; that all of the areas identified by SHPO and Mr. Otter, are located the Martin Branch Conservation Area, that will be permanently preserved and protected by the conservation restrictions and the conservation management plan; that Mr. Otter also conducted an archaeological study and delineation of the known cemetery site, located south of Log Cabin Road, just west of Cool Spring Road; that the cemetery area is located on the eastern side of Village A; that the study determined that there were four marked graves, and possibly more members of the Warrington family, who owned the land and passed between 1843 and 1849; that the delineation determined that the cemetery is 30 feet by 30 feet in size; that this area is two feet higher in elevation that the surrounding farm field; that this is due a loss of two feet in elevation, with over a century of rain and plowing; that the delineation excavated soils around the identified cemetery to confirm that no graves or human remains were present outside of the 30 ft. x 30 ft. cemetery area; that markers were placed at the cemetery corners; that the cemetery, as part of the Cool Spring Crossing Development, will be restored; that a fence will be erected, marking the cemetery boundaries; that there will be a 25 foot buffer established from the fence line, and a marker will be placed to provide historical data or information regarding the cemetery; that including the 117 acres in the superior design conservation area, altogether the Cool Spring Crossing development will contain 295 acres of open space, being approximately 46% of the site; that the project will provide positive economic benefits, since one of the purposes of the Sussex County Zoning Authority is to promote the welfare and prosperity of the present and future county; that the Applicant retained Sage Policy Group, Inc., an economic and policy consulting firm out of Baltimore, Maryland, to prepare a report analyzing the economic and fiscal impacts of the proposed development;

that Sage was also the firm to perform analysis for the Northstar development; that the report indicates that over the estimated 20 year build out, will result in the following impacts being, the construction phases, consisting of site preparation, infrastructure installation, and residential and non-residential building construction is estimated to cost $836 million; that the construction phase will support thousands of jobs in Sussex County, the majority of which will be in the construction trades, with an estimated $475,000,000 in labor income; that after completion, the development will support approximately, 1,500 permanent Sussex County jobs, generating an estimated $80 million in annual labor income; that transfer taxes from the initial land purchases will generate $12.5 billion to Sussex County, and $20.9 million of revenue to the State; that future resales will be sold in additional transfer tax revenue; that the Cape Henlopen School District, as a response to receiving notice about the application, recommended that no additional residential development be approved until such time that a school construction impact fee or voluntary school assessment can be implemented; that it was his understanding, that the District's response was not personal to their application, rather a stronger tact that the District is taking on the issue; that the District had provided similar responses on other applications; that the Applicant believed that funding for future school construction is an important issue that needs resolution; that County Council considered the School Impact Fee issue on January 30, 2024; that County Council unanimously rejected the fee for a number of reasons, but mostly for the reason that future school construction was deemed to be the responsibility of the State government, not the County; that there is no reasonable basis to delay the current applications, because of that issue; that the current applications were filed two years ago; that Sage determined, assuming the demographic of the 1,222 units, being all units except for Village A, that pupil generation from the development on the Cape Henlopen School District, would align with the demographics of Lewes and Milton, based on the U.S. Census Bureau's data; that Village A, being 700 more affordable workforce units, they were assumed to have similar demographics as the entirety of Sussex County; that the report projects, that once the development is at full build, would generate an estimate of 449 public school pupils in the Cape Henlopen School District; that with a 20 year build out, 449 pupils would average to 20 new pupils per year; that the Sage report estimates that the pupils from Cool Spring Crossing would increase the school district's annual expenditure by $4.1 million; that those expenditures would be offset by annual property tax revenue in the district of $4.7 million; that this would generate an annual net surplus of $550,000 to the district; that regarding fire and emergency services, the closest fire companies to the development are the Milton Fire Department and the Lewes Fire Department; that the Applicant did meet with the fire department representatives; that the Applicant has offered, that rather than the fire departments relying on individual contributions from Cool Spring Crossing homeowners, there would be a provision in the covenants stating upon issuance of the certificate of occupancy for each residential unit, each unit will be responsible for an annual fee of $100; that the fee will be collected as part of the HOA fees; that the HOA or condo association will pay the fire department; that non-residential uses of the Town Center, will be responsible for an annual fire company fee of $58,000, that will be correlated as it is built in the percentage of completion, and will progress as the Town Center progresses build out; that at build out the fire company fee would total $250,000 per year, with half of the fee being paid to the Milton Fire Department and the other half of the fee being paid to the Lewes Fire Department; that this proffer contained on caveat condition that in the even the State or the County enact a fire or EMS fee ordinance in the future, applying to residential units or the Town Center, the condition shall be terminated; that there was a letter of opposition submitted on behalf of SHARP, which is a coalition of HOA's; that the letter opposed the proposed fire company contribution as unjustified and being against the intent of both public policy and homeowners; that the Applicant strongly disagrees; that the proposed fee is a fee restriction; that it is a private matter between the buyer and the seller; that if the potential buyer is offended by the annual $100 fee, they do not have to buy within the community; that any potential

buyer will be well aware that this fee is one of the requirements; that the SHARP letter alleges that the HOA can amend or nullify the fee, by amending the condition or amending the Declaration of Restrictions; that this required fee will be placed as a proposed Conditions of Approval for the project; that the Applicant did receive a letter from the Milton Fire Department, extending its appreciation for the offer and the proactive approach that Carl Freeman Companies is taking, to address the fire departments concerns; that the letter noted that Carl Freeman was the only developer to contact the department regarding the matter; that he submitted to the Commission proposed Findings and Conditions of Approval for all four applications; that the Applicant has the option of proceeding with the development of a cluster subdivision; that the Applicant could have submitted for a cluster subdivision four years ago; that the reason the approval for the MR-RPC continued to be pursued in the Carl Freeman firmly believes that the Cool Spring Crossing MR-RPC is a type of Master Planned Mixed-Use development that is by far in the best interested of both the applicant, and the current and future residents of Sussex County; that the plan is in accordance with the concepts of smart growth; that for example, the 2020 Delaware Strategies for State Polices and Spending documents, advocates the designing and building of what the State refers to as "complete communities" which are described as including integrated pedestrian and bike networks, new streets interconnected with existing streets, intermingling of residential and commercial uses, and the inclusion of parks or open space networks within the development; that the strategy states that this type of development would result in more diverse range of transportation and housing options, with more economical extension of public service utilities; that Cool Spring Crossing will be a complete community; that the Sussex County Comprehensive Plan states that in a Coastal Area, residential planned communities are encouraged to allow for a mix of housing types, to preserve open space and natural areas and resources; that the plan further stated that master planning should be encouraged, especially for large-scale developments on large parcels or groups of parcels, where higher density and mixed use developments are provided flexibility and site design; that Cool Spring Crossing will be a Master Plan Residential Planned Community; that even the Sussex Preservation Coalition endorsed an agenda for what they referred to as livable communities; that the agenda for livable communities includes consideration of open space and protection of wetlands and streams, providing adequate infrastructure for residential growth, including safe roads, bike lanes, and public transportation, adequate healthcare, educational facilities, and the ability of affordable housing units for young families and local workers; that per the Sussex Preservation Coalitions agenda, Cool Spring Crossing will be a livable community; that the Coalition's opinion is the project is not the right use, at the right place, at the right time; that the Commission's opinion must be based on the facts placed into the record; that the project is the right use, being a mixed-use development, with a variety of housing options, located adjacent to a Town Center; that the project's design is consistent with the criteria of a complete community of a Master Plan community, or a livable community; that for the reasons previously stated regarding the Future Land Use Map amendment, the area is an appropriate place for the proposed project; that the site will have central sewer and water, and located near medical facilities; that the proposed site is possibly the only suitable land in the area for large scale development; that the Applicant has been working on the application for four years; that the Applicant could have requested a cluster subdivision; that this plan cannot wait for the revision of the Comprehensive Plan; that the decision for the application must stand on its own merits; that the Commission's recommendation on the four applications is extremely important, having significant influence on the County Council's decision and he requested that the Commission base their decision on the factual records and the reasons presented into the record.

Ms. Wingate questioned whether it was the developer's intention to construct the phases in alpha order, as they are reflected in the Phasing Plan; that she questioned if an explanation could be provided regarding the traffic impact and traffic numbers for the building out of each phase over the next 20

to 24 years of build-out, and questioned if there were only two entrances to the project, and why the hotel was labeled as non-commercial on the plan.

Mr. Fuqua stated that the plan reflects the names of the villages; that they normally would start in the front and back; that the idea is that Village A would be part of the initial construction; that in the Ordinance for a residential planned community, any permitted use in any residential district, is considered a permitted use; that a hotel is a permitted use in the HR District; that therefore the hotel is a permitted use in an RPC, and is not considered commercial; that within an RPC you can have one acre of commercial use for each 100 units, and what they were designating was that the hotel was not being counted against that one acre, because it is a permitted use.

Mr. Drew Boyce with Century Engineering stated that there is no assessment of per unit or per phase currently; that within the supplemental review letter issued by DelDOT, they commissioned their own consultant to do a high-level phasing analysis to provide and idea of when improvements may be triggered or may require to come online to support the traffic impacts; that there is a single entrance off Rt. 9; that there is an entrance for Village A and B off Cool Spring Road; that there is an entrance to Village D off Log Cabin Hill Road; that the extension of Cool Spring Road provides some additional infrastructure; that this area would be privately maintained, but look similar to the local infrastructure that DelDOT has in the surrounding area; that the entrance off Hudson Road, is considered the fourth leg of the two intersecting roads that come in being Carpenter Road and Walker Road and those are anticipated based on the information in the TIS roundabouts at those locations.

Mr. Whitehouse stated that as a discussion with the Applicant's team as to whether the requirements for an RPC, which has a maximum commercial area that may be proposed, were complied with; that he does concur with Mr. Fuqua's answer, and staff did meet with the Applicant's team chairs.

Ms. Wingate stated she was happy to see the letter from the Milton Fire Department, as our first responders need all the support they can get; that she would like to go on record to state that the schools need support as well, and she questioned if there was a possibility for all the interior roads to be per DelDOT specifications and maintain budget.

Mr. Fuqua stated that there are five state-maintained roads involved in the application, being Cool Spring Road, Old Cabin Hill Road, Hudson Road, Joseph Road, and Rt. 9; that if you look at all the other interior roads, they are no different than any other subdivision; that the interior roadways would be built to Sussex County standards, and the interior roads will not bear any more traffic than a standard subdivision.

Ms. Wingate stated she would like to see the overhead bridge, similar to that of Baywood, to provide access to the trails, but she understood that it would most likely be up to DelDOT.

Mr. Fuqua stated that the Land Trust was fortunate enough to have the piece come up for sale, which became the source of Hudson Park; that DelDOT had a crossing located at the next light, which is where DelDOT preferred the crossing to be; the Carl Freeman got involved with the Land Trust; that there was preliminary work done; that there are sketches of what is being proposed; that he would be located where the park is located; that it would provide for a much safer crossing across Rt. 9, and the future of that is uncertain, as it is still being proposed.

Ms. Wingate questioned if it was the intention of the developer to complete the buffer strips as the phases are completed, and there have been issues in the past with communities waiting for the entire project to be completed before the buffer strips are placed.

Mr. Fuqua stated that the buffer strips would be completed as each phase is completed.

Mr. Mears stated that the Phasing Plan does not shade the Town Center area, and he questioned if the Town Center build-out will be constructed as part of Village Section A.

Mr. Fuqua stated he would envision those areas on the southernmost portion of the site, being Village A and the Town Center, would progress at the same time; that they do not know this for certain; that the Applicant would have to present that Phasing Plan before the Commission, and they recognize that Village A is top priority for the County.
Mr. Collins questioned whether there are any other alternative locations anywhere in the County, where a similar development could be placed, potentially within closer proximity to Rt.1, or consideration given to redevelopment of existing properties that may be underutilized.

Mr. Fuqua stated that off the top of his head, he absolutely could not think of another area, closer to Rt. 1, for this type of development; that one could renovate any existing property if one could purchase it; that this project was a product of the owners wanting to sell the land, and the vast majority of the land is existing cleared farmland, with little environmental impact, and that with the protections the Applicant is providing for the environmentally sensitive area, the site is an ideal piece.

Mr. Collins stated he was happy to see the voluntary contributions placed into the covenants for the fire and EMS services; that he questioned if there was any consideration given to the placement of residential units above some of the commercial uses; that although some people do not like high density, the higher the density, the less land is required to be used; that land is precious in Sussex County, and the Commission wants to preserve as much land as possible as natural habitat.

Mr. Fuqua stated that he could not say whether consideration was given to the placement of residential use being placed above commercial uses; that he believed the main concept was that not everyone wants to live in a commercial area either; that the 700 units located within Village A, adjacent to the Town Center is a lot of units, and they believed those units served the same purpose.

Mr. Butler questioned if the developer would build the bridge for the crossing of Rt. 9.

Mr. Fuqua stated he felt the bridge was cost-prohibitive; that he would talk to his client about the bridge in the future; that Carl Freeman had spent money to make a good design; that the Applicant has been working with DelDOT; that if the bridge can come to be, there could be some type of arrangement, as it certainly would be beneficial for the project, as well as the public, and that it is an idea that is being pursued.

Mr. Robertson stated that the roads laid out on the site plan do not match the current DelDOT layout, and that it appeared that there may need to be some road abandonment and relocation.

Mr. Fuqua stated that he believed that the one end of Log Cabin Road will be realigned; that the arch that connects to Hudson Road will be a brand new State road.

Mr. Robertson questioned if the fire company donation would be per unit or per fee simple unit, as there will be ownership, rental, and SCRP units with the development.

Mr. Fuqua stated they had discussed if they should exclude the SCRP units from the fee; that he hated to need to go back to the Fire Department stating they were going to exclude units from anything; that he then realized it is not the renters paying the fee, that it will be the owners; that the fee will be paid per unit, and the owner will be paying the fee, not the renting tenant.

Mr. Robertson questioned what the open space for special events and entertainment means or would look like.

Mr. Fuqua stated it is a designated community area for periodic events, such as Fourth of July, Halloween, and potentially for weekly farmers markets, and the area is not proposed to be the new Freeman Stage North.

Ms. Wingate stated she was disappointed to hear it would not be a Freeman State North; that she felt that Bayside has been a wonderful asset to the community; that she questioned if the development roads will be connected to the medical center.

Mr. Fuqua stated that they envisioned a connection there; that they do not know at this point who will have the doctors' offices; that if it were Bayhealth it would make it easier; that they are going to have some type of connection, however interconnection becomes tricky because you do not want to create an unintentional thoroughfare.

RECESS

2:25 pm – 2:35 pm

The Commission found, by a show of hands, that there were 58 people present in support of the applications, and nine people present who wished to speak in support of the applications.

Dr. David Tam, MD, the President of Beebe Healthcare spoke in support of the applications. Dr. Tam requested that the Commission consider not only Beebe Healthcare of overall healthcare in general; that he had previously spoke before the Commission and County Council regarding the current physician shortage and the healthcare workforce housing shortage issues; that Sussex County will need more healthcare workers as more retirees move to the area; that if growth stopped today, the retiree community will continue to require three times more healthcare than non-retirees; that he supported the smart growth proposal by Cool Springs; that the plan provides 700 workforce housing units, with 175 units being rent restricted units; that for every doctor he would bring in, he will also require junior nurses, pharmacy technicians, laboratory technicians and radiology technicians, as well as many others that are required to support healthcare services; that he recently had contacted medical professionals, who stated they would love to work for Beebe Healthcare, but could not afford to live in Sussex County; that the YMCA plan will provide childcare; that the people they are looking to recruit are people with children and families, that will require childcare for their 12 hour work days; that the plan supports community integration; that Blue Zone studies have shown that people who live in congregate housing with multigenerational utilization, such as the ability to walk to places, being able to converse with each other, help improve healthcare outcomes; that he felt the proposed design was a good one, and regardless of what healthcare system is proposed to go in that location, they will

all have the same issues with the aging and challenging population, with a workforce that cannot serve that group of people.

Mr. Tim Kriebel spoke in support of the applications. Mr. Kriebel stated that he recently purchased property in close proximity to the site, where he plans to build a part-time retirement home; that he resides full time in Vendor City, New Jersey, where he currently serves as the Mayo, Commissioner of Public Safety, and has sat as a member of their Planning & Zoning Board for nine years; that his support for the project comes from a decade of public service and a 30 year career in Design & Planning; that he has seen the consequences of resisting thoughtful planning and development; that he has seen the development benefits when a community chooses managed growth instead of fearing it; that he experienced a similar proposal in his hometown; that after superstorm Sandy, the project was abandoned; that for the next 10 years the town declined; that there were no investments; that the ratables were in a nine year consecutive decline; that he felt the Master Plan offered walkability, affordability, and infrastructure investment; that the proposed plan was not development sprawl; that the plan offered a balanced, community focused development approach; that the plan offered a rare opportunity to shape growth, and he agreed the project would create increased traffic, but felt the plan provided a smart way to manage growth.

Ms. Linda Risk, Chief Operating Officer of the Delaware State YMCA, spoke in support of the applications. Ms. Risk stated that the YMCA of Delaware has been the cornerstone of the community in Sussex County; that this is achieved by their many programs including, after school care, early childhood education, summer camps, swim lessons, exercise classes, and chronic disease programs; that during the pandemic, they offered emergency child care services and food assistance across the State; that as the Sussex County population grows, so does their program; that the demand for their high quality programs has never been greater; that they support the Cool Springs Master Plan as the development presents a meaningful solution to pressing challenges facing local families; that the plan provides 700 workforce housing units, directly addressing the housing needs for the essential workers in the community; that the diverse housing options support families of all sizes, young professionals, first time homebuyers, and empty nesters; that the plan will make it easier for people to live where they work, while raising children in a stable, supportive environment; that by integrating a YMCA into the thoughtfully designed, walkable community, they can reduce barriers to access families; that if approved, Cool Spring Crossing would provide a unique opportunity, bringing the YMCA mission to life in a new and impactful way, through arts programming, workforce development, teen programs, college and career readiness programming, and other inclusive initiatives that benefit every age and background; that the projects emphasis on walkability, sustainability, and lifelong learning aligns directly with the YMCA's mission and their promises to Delaware; that ensure youth have a pathway to success, improve the health and wellbeing of individuals and families, and bringing communities together to inspire and serve others, and she respectfully requested the Commission support the forward thinking plan, and the long term benefits the plan would bring to the families of Sussex County.

Ms. Kelly Basile, Chief Operating Officer of the Delaware State Chamber of Commerce, spoke in support of the applications. Ms. Basile stated the most pressing concern the Chamber of Commerce hears from Sussex County members is regarding the lack of affordable and diverse housing; that they recently released a report on the State's demographics and trends that will shape the State's future, which reinforces that between 2025 to 2035, the State's population is projected to increase by 6.4%, while the number of households are expected to rise by only 5.7%; that the supply is not meeting the demand; that house affordability is a key factor; that home prices have surged 56.2% over the past

four years, which is outpacing the national average of 51.8%; that Sussex County is the fastest growing county by percentage in the Mid Atlantic; that employees are finding it increasingly more difficult to secure affordable housing near their places of work; that she questioned where the doctors, nurses, teachers, first responders and hospitality workers will live; that entry level wages for these positions do not allow people to live in the current available housing near their workplaces; that this makes people less likely to accept employment opportunities, because they do not want to drive an hour or more to work daily; that to maintain economic strength and competitiveness, Delaware must confront the housing shortages and the cost of living concerns; that the Cool Springs Crossing project directly addresses these issues with a thoughtfully planned mix of homes; that beyond housing, the project brings a significant economic impact; that potential construction activity along is estimated to generate a one-time economic impact of 1.3 billion statewide and will support approximately 6,400 full-time jobs, that the developer's investment in transportation infrastructure will help ensure that growth is manageable and forward thinking; that the proposed job creation, paired with significant infrastructure improvements is a win, and she requested the Commission approve the Cool Springs Crossing project, which will help to build a more sustainable and inclusive future for Sussex County.

Mr. Jonathan Contant, Land Planning Manager for K Hovanian Homes, spoke in support of the applications. Mr. Contant stated that with the proposed Master Plan, three minutes would be the approximate amount of time it would take someone to get from one end of the project to the other, to access groceries, gas, access to restaurants, doctor's offices, the gym, the YMCA and more; that the currently the closest grocery store to the site, is the Redners on Rt. 9, which would exceed three minute drive to; that it also adds to the traffic along Rt. 9; that the proposed Master Plan community would keep most daily necessities accessible from inside the community without creating additional traffic along the major roadways; that K Hovanian is the builder in Monarch Glen, located across the street; that the proposed plan provides closer access to these services for their buyers as well; that he felt having high density, multi-purpose, mixed-use, multi-price level communities, will help to reduce the traffic; that smart growth is a partnership; that partnership is not only what Sussex County wants, or what DelDOT wants; that the partnership is also what the land owners want to do; that this proposed development will help expand public water, and public sewer; that there are many DelDOT projects, identified in the Traffic Impact Study (TIS), that the project is proposed to impact by providing DelDOT more funding; that the developer will have to improve intersections rather than just providing a contribution; that he had not taken a look at the Traffic Impact Study, but he was willing to bet that most of the intersections are either currently failing; that the project will provide a partnership between the developer, DelDOT and the County, providing an opportunity to rectify those situations, and improve everyone's level of living and travel in the area; that he agreed with many other points of support that had already been mentioned; that he requested the Commission consider the need for workforce housing, and stated that K Hovanian supports the proposal for additional housing, increased inventory and options for those who are retiring here, as well as those who work here.

Mr. Brian Rashley, Manager of Bayside Golf Club, spoke in support of the applications. Mr. Rashley stated that Sussex County continues to grow, and so does the urgent need for thoughtful and sustainable housing solutions, particularly for the local workforce; that he witnesses this need at Bayside and across the hospitality industry; that many of their employees struggle to find affordable housing; that he currently has associates who travel from Virginia and Pocomoke City to Bayside daily; that the issue is not unique to hospitality, as it impacts the healthcare workers, teachers, first responders and retail employees; that workforce housing is not just a housing issue, it is an economic and community issue; that if the community desires for businesses to thrive, and the communities to

stay vibrant, we need employees to work close to where they work; that the Cool Springs Crossing project represents the comprehensive, forward-thinking development that Sussex County needs; that the project does not just check boxes on a site plan; that the plan offers a long-term solution by providing diverse housing options, thoughtfully planned amenities and a stronger foundation for the workforce and local economy, and he stated that by approving the project, the Commission would be voting for balance, inclusivity, and long term sustainability for Sussex County.

Mr. Greg Hurley, resident of Tower Hill within Sussex County, spoke in support of the applications. Mr. Hurley stated he felt the Tower Hill community is the most significant project of Carl Freeman, prior to the proposal of the Cool Spring Crossing project; that he serves as a member of the Tower hill Property Association Bord of Directors; that he had frequently interacted with the developer, Carl Freeman Companies and its team for the past two years; that he has found Carl Freeman Companies to be responsive to the needs of the residents, during the continuing development of Tower Hill; that they have made additions and changes in response to the request of the residents and the association, and based on past performance, he had no reason to change his view regarding Carl Freeman Companies.

Mr. Dave Carey, resident of Lewes, spoke in support of the applications. Mr. Carey stated he is one of the property owners in Cool Springs Crossing; that the property came to his father in 1969; that the decision to sell the property was difficult, and was made based on analyzing many factors, challenges, and risks; that one of his considerations was the ever increasing number of overlays on the property, which he felt served to diminish his private property rights; that water, sewer, three phase electric, and fire protection has been on the property for a decade; that the increasing traffic on Hudson Road, clearly explain the reasoning as to why the property should not be located within Level 4; that his support for Carl Freeman was based on three points, being the project is a mixed-use, smart growth community; that from his research there are at least 5,000 homes located within three miles of the property, that are required to drive to Milton, Long Neck, Rt. 1 or Lewes; that he feels the County needs to provide employment for the working age people, and those just graduating; that construction activities will generate $1.3 billion, of which the vast majority of it will stay in Sussex County, and he stated he would prefer to see a smart growth community over another community of single-family homes.

Ms. Patti Grimes, resident of Americana Bayside within Sussex County, spoke in support of the applications. Ms. Grimes stated that Americana Bayside is a completed community that offers similar amenities to the Cool Springs Crossing project; that her family has enjoyed being homeowners in Carl Freeman's communities; that she has been able to enjoy a walkable community for many years as a Bayside resident; that she is able to walk to work; that she is able to walk safely along sidewalks with streetlamps; that she often gets to meet and converse with her neighbors during walks and bike rides; that she is able to walk to the Bayside commercial corridor to the grocery store, pharmacy, restaurants, and bank without leaving the community; that this allows for less traffic on the roads, while still allowing the public to enjoy the benefits of their Master Plan community; that the project protects the environment by reducing the carbon footprint; that there is diversity in the community, allowing people to stay in place as they age; that it is important that we continue to grow Sussex County; that recommending a Master Plan community, with an amenity core, for not only the residents, but the public to enjoy, is very important; that there is quite a difference in the livability for people residing in a subdivision versus a Master Plan community, and she urged the Commission to approve the Cool Springs Crossing project.

Chairman Wheatley advised the Commission and the members of the public that the representatives from DelDOT are not presenting in support of or in opposition to the applications, and that the DelDOT representatives are present as a resource for the Commission only.

The Commission found that Mr. Todd Sammons, Assistant Director with DelDOT's Development Coordination Division, was present at the request of the Commission; that also present were Ms. Pamela Steinebach, former Director of Planning, newly appointed Director of Maintenance and Operations, Ms. Sireen Muhtaseb, Traffic Impact Study Engineer, Ms. Joanne Arellano, Senior Traffic Engineer with JMT Transportation Engineering firm.

Ms. Wingate requested an explanation of the impact the 1,922 units will have on the area, compared to the 1,200 to 1,300 units that would be permitted by right within a standard subdivision, given that the project is projected to be constructed over a 24-year span.

Mr. Sammons stated he was just presented that question that morning; that the Applicant is conducting a traffic analysis based on just single-family use, and that they currently do not have the apple to oranges to compare.

Ms. Muhtaseb stated they just received the preliminary Traffic Impact Analysis, and they are currently reviewing the analysis.

Mr. Sammons stated that if the current project is not approved, the Applicant is moving forward with a separate submission for a major subdivision, for single-family lots based on the by-right density permitted within the zoning district; that DelDOT is currently undertaking that requested analysis, and because they are in the early stages of the analysis, they are not able to provide an apples to oranges response at that time.

Ms. Wingate stated that she realized the amount of time the analysis would take and questioned if four separate people purchased four separate properties, and they all decided to develop at the same time, the impact on the roadways would be very different than what the Commission is currently considering.

Ms. Sammons stated that it could look different; that the analysis was a massive undertaking with having to review 43 intersections, all of the committed developments, collectively painting a broad picture to do serious planning on it from a transportation impact; that if it was broken into small properties, being developed individually, they would have to comply with any warrants for analysis if required; that even if a project does not meet the warrants for a Traffic Impact Study or Traffic Operational Analysis, DelDOT still performs some form of analysis on the project; that if a project were to be piecemealed, it could result in piecemealed improvements to the roadways, creating a less holistic approach, and that it all comes down to timing.

Ms. Wingate questioned whether DelDOT was in support of constructing the walking bridge, which is proposed to be similar to what is at Baywoods and would take traffic off the crosswalks.

Mr. Sammons stated DelDOT has extended the trail down to Hudson Road and Rt. 9; that there is currently a pedestrian crossing there; that bicyclists also cross at this area, rather than the location of Cool Springs Road; that they initially looked at the area, as it was the proposed location for a bridge

or tunnel; that these proposal are not technically off the table; that the proposed bridge or tunnel is out of realm of what they do, and at this time is not something the department is planning for.

Ms. Steinebach stated the current crossing is a safe crossing; that DelDOT does not currently have plans to perform a DelDOT funded project for a bridge or a tunnel; that they are completely on board with supporting it potentially with a federal grant, but it will not be funded as a DelDOT Capital Transportation (CPT) Project, as they do have an existing crossing in that location.

Mr. Sammons stated DelDOT has placed a crossing, and DelDOT may consider a bridge or tunnel in the future; that there are challenges with the proposal, which is the reasoning it has not already occurred; that the department took the initiative to build the path farther down to make that at-grade crossing; that people do not like to walk or bike across bridges, and tunnels present different challenges from a homeland security perspective.

Ms. Wingate stated that both bridges and tunnels are very effective and questioned if DelDOT would have any objection to allowing a roadway from the development to the medical center.

Mr. Sammons stated DelDOT fully supports interconnectivity within the department, subject to it being constructed in a sound and safe way; that many times the Planning Commission, County Council, and DelDOT plan for interconnectivity, which is followed up by public opposition from the development community; that interconnectivity must be designed in a proper way, as cut throughs can become unsafe; that there are ways to mitigate that, and without interconnection it defeats the purposed of planned communities.

Mr. Collins questioned what DelDOT's estimate in trip reduction would be for a Residential Planned Community with amenities, employment centers, shopping, etc. built in versus a by-right standard subdivision.

Mr. Sammons stated that DelDOT refers to that as Internal Capture; that if you have a standard single family subdivision, residents will have to leave and return for every amenity; that when a project proposes multiple uses, like Cool Spring Crossing, that DelDOT provides credit to the project, and can calculate what the internal capture will be, which will pull those estimated trips off the roadways; that there is a huge benefit to internal capture; that DelDOT is not present to support the project; that DelDOT remains neutral to the proposed project; that there is a huge benefit to having these types of planned communities, with provided amenities, from a transportation perspective, and overall planned communities reduce vehicular traffic all together, because many people will walk or take a bike.

Ms. Arellano suggested keeping in mind that with internal capture, is the type of uses internal capture is applied to; that primarily it is residential to retail, residential to office or restaurants, and vice versa, and not every proposed land use within the development has an internal capture according to the ITE Trip Generation Manual.

Mr. Robertson requested further explanation of how the Traffic Impact Study (TIS) is facilitated.

Mr. Sammons stated that everything is time sensitive; that to be able to perform the analysis, a certain time and build out must be chosen; that they are dependent on the developer to tell them their schedule; that in the current case it was 2044, realistically now probably adjusted to 2048 for the full

build out presented during the presentation; that when the counts are analyzed, it must be performed at a certain time, so that they can begin the analysis process; that they do apply annual growth factors and seasonal adjustment factors depending on when the counts were taken; that growth factors take into account the growth that is going to occur over the years, and committed developments as well; that it takes some time to perform an analysis of this magnitude, and DelDOT attempts to account for all the committed developments, add in growth factors which takes into account build out as well.

Ms. Steinebach stated that DelDOT also maintains nearly 90% of the roads, they do large scale planning; that one of the large scale areas is the coastal corridors; that they have completed the final report for those; that they will continue to analysis as they understand there is a lot of growth in the area; that the Henlopen Transportation Improvement District (TID) is located to the east; that they are not going to stop with that one formalized analysis; that they will continue to perform additional counts and forecasting; that; that they are a monitoring entity, and will have a pulse on all the new developments; that they are trying to hone in on growth factors; that there are many factors that contribute to growth factors, such as population, number of households, and employment areas; that DelDOT is monitoring the coastal corridors, while including input from stakeholders throughout the area and the input includes comments from the County and business owners, who are on the ground, and can voice any current issues or potential issues.

Mr. Robertson stated that there is a Traffic Impact Study (TIS), which is separate from the Coastal Corridor Analysis, and he questioned how those two documents work with one another, how the Coastal Corridor study impacts the project, how the Coastal Corridor study should impact the Commission's consideration of the project, and what the interplay between the two studies are.

Ms. Steinebach stated the Traffic Impact Study (TIS) placed responsibility on the Developer for certain infrastructure that they will be responsible for, to avoid the project negatively impacting the transportation system; that this responsibility is only one cog in all development County-wide, not in one specific area; that this is part of DelDOT's long range planning; that the Coastal Corridors studies are to provide a regional analysis of impacts to the transportation system, separate from the specific developer requirements for specific projects and the current planning vision takes in account longer forecasting to approximately 2050 and beyond.

Mr. Sammons stated that DelDOT attacks the analysis, admiring the roadways and infrastructure from multiple sections and approaches; that these areas overlap each other; that just like the current letter for Cool Spring Crossing, which mentions the TID, the Coastal Corridor study and the CPT projects; that all these studies are independent of each other, but all overlap each other, while analyzing and attacking the same issues; that the main issue is traffic mitigation with regards to end growth and those types of things; that these individual studies are performed not only by their group, but multiple other groups, and this is the reasoning why it can be so cumbersome to pull these letters together, coordinating with multiple different sections and groups.

Mr. Collins questioned what the project timeline will be for the Lewes Georgetown Highway (Rt. 9) roadway dualization and expressed the voiced concern from the public that the property that may potentially need to be acquired may be developed on.

Ms. Steinebach stated that there are two projects in the DelDOT Capital Transportation Project (CTP); that construction for the project located from Coastal Highway (Rt. 1) to Old Vine Blvd. is projected to begin in FY27; that construction for the Rt. 9 dualization between Old Vine Blvd. to

Dairy Farm Rd.; that the preliminary engineering is slated to begin in FY27 – FY28; that currently DelDOT does not have an estimated construction timing for that project; that DelDOT will need to accomplish the professional engineering, acquisition process and utility relocation first; that the Coastal Corridors monitoring is what will indicate when Rt. 9 will require dualization further west; that the intersection creating a lot of constraint is the intersection of Rt. 9 and Rt. 5; that there are many sensitive areas at that location, creating many complex problems, which will be the hardest for them to tackle; that DelDOT is aware of the concerns and growth of the area, but transportation projects take a very long time to get on the ground; that DelDOT has great partnerships with Director Whitehouse and the Sussex County Planning staff; that they are working on the Rt. 9 dualization to the east; that they have a good footprint of what it will be; that it is extremely important that DelDOT's ensure that information is placed in the Traffic Impact Studies; that this helps provide the information to Sussex County, allowing the Commission and County Council to place requirements or stipulations if needed, and the developer has agreed and accepted the reservation.

Mr. Sammons stated that within Item 21 of the Traffic Impact Study states that the developer should enter into an agreement built for right of way reservation along Rt. 9 site frontage, to allow for the potential future U.S. Rt. 9 road widening; that DelDOT may not know at this time how much right away will be required, but as the developer proceeds through the approval process, those are items that will be addressed, and if DelDOT cannot achieve an exact determination, they will project and obtain the reservations as they proceed through the process, ultimately the property would be acquired when the dualization or widening occurs in the future.

OPPOSITION

The Commission found that, by showing of hands, there were 39 people present who were in opposition to the applications, and 12 people present who wished to speak in opposition to the applications.

The Commission found that representatives of the Sussex Preservation Coalition (SPC) being, Mr. Richard Barasso, Mr. Jim Dick, Mr. Joe Pika, Mr. Johannes Sayre, and Ms. Jill Hicks spoke in opposition to the applications and submitted an 1,800-signature petition in opposition for the records.

Mr. Barasso stated that the Sussex Preservation Coalition (SPC) consists of organizations and individuals who have interest or concerns regarding land use in the county; that their effort is not to unduly delay, interfere or obstruct the process, but rather be part of the process; that the Sussex Preservation Coalition (SPC) represents at least 4,000 people; that the SPC was organized about three years ago; that it was an outgrowth of other organizations including Sussex 2030 and Sussex Alliance Responsible Growth (SARG), which was an organization that he had co-founded; that SPC efforts are to focus on sustainability in the County as it relates to our natural resources, but more importantly, focuses on how best to balance growth, economic growth, and preservation of the roads, schools and emergency services; that he is proud to state that the former president of the Sussex Preservation Coalition now sits as a member of the Sussex County Council; that often land use decisions are focused on the future, and fail to recognize the unintended consequences to the here and now; that he complimented Carl Freeman Company in the presence of their management and organization at the meeting, unlike what the public has experienced from past developers; the SPC designated a team to work on the Cool Spring Crossing project for the past 18 to 20 months; that the team had interactions with hundreds of local residents, state agencies, homeowners associations, including HOAs where Carl Freeman was their developer; that they have spoken with land use professionals, traffic engineers

and others; that the current application was the fifth application to come before the Commission for the proposed area, after previous efforts in 2021 and 2023; that if it were an easy decision, a decision would have already been made; that the current issues of concern are design changes, specifically as it relates to housing and housing expectations; that he has no doubt that the land will be developed in 20 to 25 years from now; that SPC wants to ensure that development was completed in the right way, not just for the benefit of the landowner or the developer, but for the people in the surrounding area; that the public understands that the Commission has total discretion on the four applications; that SPC believes currently, all four applications must be denied for the following five reasons; that the subject properties are zoned AR-1 (Agricultural Residential); that according to the current Future Land Use Map the properties are not located within a designated growth area; that based on the scale and scope, any decision on these applications would be premature, neglecting the recent commitment and investment made by the County in formally assigning a Land Use Reform group to analyze land use development in Sussex County, set forth to make recommendations that could result in new ordinance to amend the current County Cod and Comprehensive Plan; that working group consists of ten people; that within seven months, extensive work will begin in casting what will serve as the standard for how development occurs and how land use is governed in Sussex County over the next 20 years; this will be performed through the process of updating the Sussex County Comprehensive Plan; that this plan is essential in updating and establishing land use policies and identifying growth areas; that the plan will also consider various other community concerns, such as affordable housing, agriculture preservation, open space protection, historic preservation, etc.; that Sussex County must learn from other jurisdictions to begin to implement land development plans utilizing carrying capacity, which regulates the maximum intensity of a development based on actual infrastructure capacity; that proposed residential or commercial occupancy needs to be aligned and sequenced with capacity; that capacity is dependent on required road improvements; that although Sussex County does not have responsibility for roads, Sussex County certainly has responsibility for land use decisions for cars on the road; that the SCP's main questions are, is this the right use, is this the right place, and is this the right time; that every development must be sequenced, and must be sequenced relative to the road improvements to provide for the needed capacity

Mr. Jim Dick spoke on behalf of the Sussex Coalition Preservation in opposition of the applications with legal questions, and to provide explanation as to why SCP believes it would be wrong to accept a rewrite of the Future Land Use Map. Mr. Dick stated that according to the Sussex County website, the Sussex County Comprehensive Plan, adopted by Sussex County Council in December 2018, and certified by Governor Carney in March 2019, represented "*the culmination of more than two years' worth of work with scores of public meetings, workshops, outreach that attracted hundreds of comments, suggestions, and ideas from residents, business owners, government officials and others*"; that the Future Land Use Map is a legally required part of the Comprehensive Land Use Plan, and according to Delaware Code, it "*shall have the force of law, and no development shall be permitted except in conformity with the Land Use Map*"; that the current FLUM divides County land into seven growth areas, where development is encouraged, and two rural restricted growth areas, where growth is not encouraged; that Cool Spring Crossing is located within the Low Density Area, being one of the two restricted growth areas; that the primary uses within the Low Density Area are agricultural uses and single-family homes on individual lots; that this area does not permit for large commercial developments or for multifamily residential buildings; that this is why the Cool Spring Crossing proposal cannot proceed unless the FLUM is amended to change the area from Low Density to a growth designation, such as the adjacent Coastal Area; that they have found only nine instances where County Council has used its authority to amend the current FLUM, since it was adopted about six years ago; that Mr. Fuqua had referred to ten instances, with one of those amendments pertaining to the Sewer Tier Map; that two of the nine instances were to correct technical

errors; that one case was to transfer less than 1.5 acres, which had mistakenly been included in the Bethany Beach municipal FLUM to the Coastal Area within Sussex County's FLUM; that the other case involved restoring a Growth Area designation to land that had been in a growth area under the 2008 plan and map, but was incorrectly designated as Low Density in connection with the 2018 FLUM revision, apparently by a computer software program without any instruction or direction from the Commission or County Council; that he presented a list of seven amendments, excluding the sewer tier amendments, and the two technical amendments; that most of the amendments involved a change from one growth area to another growth area; that only three of the previous amendments involved changing land from Low Density to a growth area; that a FLUM amendment the size of Cool Spring Crossing, being 637 acres, is unprecedented; that the average of the three amendments listed is 19.5 acres; that Cool Spring Crossing would be nearly 33 times as large; that the average of the three low density to growth area amendments is only six acres; that Cool Spring Crossing would be 106 times as large as the average of the low density to growth area amendments that have occurred since 2018 and 2019; that 637 acres is twice the geographic area of Ellendale, and is 30% greater than Greenwood; that the next largest request to change the FLUM involved the 247 acre Seaside application; that FLUM amendment requested a change from the Low Density area to the Coastal Area; that this request was denied in January 2023; that the SCP believes that, at this current time, a development of Cool Spring Crossing's size and location would have very significant adverse impacts on Sussex County residents, traffic, schools and the delivery of medical, fire and police services; that they believe the project would have a negative impact on the environment, health, safety, and general welfare; that the approval of the project will also have other, less tangible, but very real adverse impacts; that an amendment of this magnitude would undermine the purpose of the Comprehensive Plan and the Future Land Use Map; that the project would be inconsistent with the plans overall objective of focusing growth in designated growth areas, leaving low density areas for low density; that approval of the project would disregard the years of work, scores of public meetings, workshops, citizen involvement, and County efforts; that approval for an amendment of this size would set a dangerous precedent, allowing other developers to look for similar opportunities, claiming entitlement to the same rights as Cool Spring Crossing; that approval of the proposed FLUM would inevitable erode public confidence in the FLUM as a reliable land use planning tool with the force of law; it would be seen as no more than a toothless suggestion; that it would also preempt any future decision on whether or not to expand the Coastal Area, in the Cool Spring Crossing direction, in connection with the upcoming 2028 Comprehensive Plan and Future Land Use Map revision; that a decision of this magnitude should not be made in isolation before the 2028 revision, and without consideration of the cumulative impact of existing and approved developments, as well as the long range planning objectives for Sussex Count as a whole; that the decision should not be made without consideration of the results from the Land Use Reform Working Group, the Rt. 9 Corridor Study, and the other ongoing efforts that would impact the 2028 Comprehensive Plan; that Cool Spring Crossing is also located within Investment Level 4, which is not a designated growth area for the State; that the State tends to limit any investment in Level 4 areas to agricultural preservation and natural resource protection; that large residential developments and commercial activities are discouraged in these areas; that Sussex County has the highest percentage of residential developments located within the Level 4 areas in the State; that all of the residential building permits issued for Level 4 areas from 2019 to 2023, nearly 81% of them were in Sussex County; that less than 20% of building permits were issued in Kent and New Castle counties combined; that nearly ¼ of all the residential building permits issued in Sussex County during that period were located within Investment Level 4 areas; that this information was taken from the 2024 publication from the Delaware Office of State Planning Coordination; that Cool Spring Crossing would add nearly 2,000 new residential units to the Investment Level 4 area, as well as the large commercial project; that this is the reasoning the Office

of State Planning Coordination has opposed projects in April 2021, December 2021, January 2023, and December 2023; that the State has a huge financial interest in the way Sussex County is developing; that the State pays for a very significant proportion of our infrastructure and necessary services; that according to the Office of State Planning Coordination's 2024 Annual Report chart for State planning issues, the State funds 90% of the roads in Delaware, including Sussex County; that the State funds 100% of the State Police, 30% of the State's paramedic programs, 90% of the public school's transportation; 60% to 80% of public school's construction and 70% of public school's operations; that the State is not currently planning to make the type of infrastructure investments needed to handle a new development of Cool Spring Crossing's size; that the State is expecting the area to remain largely rural and agricultural; that if the FLUM is amended and the project is approved, the State can legally withhold financial assistance and infrastructure improvements to support the project; that the State has lawful authority to withhold support for any new development with the Office of State Planning determines it is substantially inconsistent with State development policies; that this is the determination the Office of State Planning Coordination has made four times in the past; that legal authority is Delaware Code, Title 9, Section 6958-B; that is the State does agree to invest in a Level 4 area, in order to support a project of the proposed scale and magnitude, the investment will necessarily divert money from planned investments in Levels 1 and 2, slowing down essential projects in more populated areas; that it will disrupt State agencies long term planning and budgeting processes, resulting in inefficient and inflated State spending; that this is happening at a time where any financial help from the Federal Government is uncertain at best; that the SPC request that the Commission recommend denial of the pending huge and unprecedented FLUM amendment sought by Cool Spring Crossing, in order to allay growing public concern of there being no effective constraints on development in Sussex County, that even a planning guide, with the force of law, can be circumvented, and to avoid a fiscally irresponsible decision, that undermines the State's planning and budgeting processes, as well as the State's major role in funding necessary infrastructure improvements in the County.

Mr. Joe Pika spoke on behalf of the Sussex Preservation Coalition, in opposition to the applications, regarding the impact the project would have on the nearby area communities. Mr. Pika stated that he has been involved in public policy issues in Delaware for a long time; that he is a resident of Lewes, a retired faculty member from the University of Delaware, and previously served as President of the State Board of Education; that he wanted to discuss service infrastructure, which is much more than water, sewer, electric, natural gas and broadband services; that service infrastructure includes school, fire, police, and medical service providers, as well as the impact on neighboring towns, who provide many of those services; that the concern of SPC is regarding the new demands Cool Spring Crossing will place on all the previously mentioned services, placing those services under even greater stress than they already are under; that their interpretation is that Sussex County's growth has been so rapid that those services have been unable to keep up; that we have had residential growth on properties in the area, but the growth has not been synchronized with the expansion of those services; that as a result, the demand has exceeded capacity; that there are strains we all experience when trying to get a medical appointment; that the recent examples, seen in the news, is the discussion regarding emergency services, particularly from Lewes, the issues the Cape Henlopen School District has raised, and medical services; that they believe the impact of Cool Spring Crossing go well beyond those that were explored in the economic and physical analysis submitted by the Applicant, which primarily focused on the economic benefits of the development and the tax revenue it will produce; that Cool Spring Crossing is going to cause big ripples; that he believes the project's population will top out at approximately 5,600; that even when allowing for the growth of Laurel and Milton, the project will be within the vicinity of the fourth largest to the sixth largest community within the County; that there

are consequences from that; that one of these consequences is the position that the Cape Henlopen School District has taken regarding many proposed developments; that the Cape School District has expressed that they do not want to take on any further students until they can settle on a way to accommodate the students; that he has had previous conversations with Mr. Jason Hale, Cape Henlopen Director of Operations, regarding the current issues with enrollments; that the Cape Henlopen School District's concern is that they are being inundated with students, which must be placed somewhere; that the estimates from the Developer had been inconsistent; that the 2023 estimate was 566 students; that the current estimate in the materials before the Commission, the estimate total is 409 students; that the number of residential units had not changed, rather the methodology changes; that the 2023 estimate was based on a projection, founded on a questionnaire given to the residents of Americana Bayside, questioning how many of those households had school aged children; that the Developer than used that census data to make that projection; that the newest estimate is based solely on the estimate referred to by Mr. Fuqua on the census; that in both cases, Mr. Hale suggested that the estimates were too low; that Mr. Hale believed the census would be higher; that neither estimate takes into account the issues of overcrowded classrooms, how the school district will accommodate, or the disruption to families as a result of the school district being unable to accommodate them; that it will require the school district to redesign the attendance boundaries; that he can confirm that those changes can be tremendously disruptive, as he is a father of three children who went through attendance boundary changes in the past; that the arrangement that they had learned about, only as a result of the Milton Fire Department letter; that there is no other description of this document within the 900 page exhibit book; that within the drafted HOA documents, there is no mention of this obligation, and there is nothing in writing addressing this from the Developer; that they did hear during the presentation how it would operate and that it would also apply to Lewes; that it has been made clear that EMS needs more support; that currently there is a report being performed on the financial status of the volunteer fire departments in the County; that the fire departments are confronted with too few volunteers, moving towards using more professional, resulting in much higher expenses; that Lewes Fire Department have been providing monthly reports, expressing their higher demands; that according to their February report, only 14% of the Lewes Fire responses happened within city limits; that according to a recently uploaded document, the Cool Spring Crossing project would be served by the Lewes Fire Department; that he believed that providing some compensation to both fire district would be a good idea; that only 23% of emergency responses are located within the city limits; that between February 2024 and February 2025, the fire calls increased by 26%; that EMS calls increased by 15% as an indication of growth in the area; that Lewes' agreement is that growth has exceeded their capacity; that SPC is concerned that the project will place pressure and exceed capacity in all of the service areas; that Lewes has been considering discontinuing ambulance service; that police service, within unincorporated areas, relies on the Delaware State Police; that Town of Milton is adding two officers, resulting in a force of 12 officers; that the Milton Police have a reciprocity arrangement with the State Police; that in the last six months of 2024, the Milton Police responded to an average of 16 calls per month for areas outside of city limits, resulting in about 200 calls per year outside of their city limits; that after conversing with city officials, there is concern that the project will place a burden on the Milton police and fire departments; that Lewes is also adding officers to their police force; that Cool Spring Crossing would be an unincorporated community and would not have either police or fire service; that it was suggested that Cool Spring Crossing be considered a new town, but he was unsure if that suggestion had ever been considered; that growth has impacts on neighboring communities; that Dr. Tam and the Beebe Healthcare staff recently presented a valuable briefing to the County Council; that the briefing pointed out that currently we have a shortage of 336 clinicians, doctors, nurse practitioners, and physicians assistants, resulting in a total shortage of 2.400 medical support staff; that there are about six medical support

staff required for every clinician; that this current issue will worsen by 2030; that Dr. Tam estimated that Sussex County will need 11,120 additional clinicians, and 7,800 medical support staff by 2030; that our area has been identified nationally as a shortage area for healthcare professionals, including dentist, and mental health providers; that regarding medical services, Cool Spring Crossing will provide the benefit of 175 affordable housing units to assist with recruitment and retention; that the affordable housing unit rates will be fixed and limited; that the 525 workforce units will be rented at market rates; that the project will provide medical space, to be located next to Bayhealth; that the consequences of the project would be an additional 5,600 new patients creating a new set of demands; that the project must account for both full-time and part-time residents; that part-time residents are staying for nine months now, rather than three months out of the year; that the market rates will place a lot of the support staff outside of the group that will be able to afford to live in the 525 units; that during Dr. Tam's presentation he mentioned three kinds of positions he needed to find housing, being for nurses, care coordinators, and lab technicians; that all of those positions would qualify for Sussex County's Rental Program housing; that none of them would equal at 100% Area Medium Income (AMI), which is presumably where the market rates would be; that the challenge is not being met for the needs of medical service housing; that SPC has sought to mitigate several of its impacts, by providing the financial support to Milton and Lewes Fire Departments, providing the medical office space, the 175 affordable units; that SHARP has raised the question if an HOA payment is the correct way to provide additional money to EMS services; that everything he had mentioned demonstrates the problems of meeting capacity on the service side, exceeds any one developers capacity to mitigate the issues; that the issues require managed growth; that this will require plans to be put into place on how the issues will be addressed; that the required planning will not be achieved by making piece meal decisions; that these plans are derived during the Comprehensive Plan, when all of these issues are on the table at the same time; that SPC is not stating that the Cool Spring Crossing plan is a bad idea, and they acknowledge that the plan offers many desirable things, and that SPC believes that the project is not a good idea at this current time.

Ms. Wingate stated for the record that within the Applicant's proposed Conditions of Approval, the Applicant proposed a fee of $100,000 to be paid by the applicable homeowners or condominium association fees, being $100 per house, and that the Applicant appeared committed to that proposal, by their submitted conditions.

Mr. Johannes Sayre, resident of Lewes, spoke on behalf of the Sussex Preservation Coalition on the impact of traffic and what the Traffic Impact Study (TIS) revealed. Mr. Sayre stated that he had reviewed all the information of the TIS, but acknowledged that he was not a traffic professional that the SPC had vetted their observations with Mr. Dennis Hughes, a professional traffic engineer in Delaware, and therefore felt their beliefs were accurate and relevant; that Cool Spring Crossing is proposed to be one of the largest developments in eastern Sussex County to date; that the project could be considered a new community, or a separate town, consisting of 5,000 people in a space of 20 years; that the project is estimated to bring 33,359 added vehicle trips to area roads; that in review the TIS, they noted that DelDOT regulations require a TIS to consider roadways and intersections out two to three intersections, beyond the planned boundaries of the proposed development; that the Cool Spring Crossing TIS goes well beyond that requirement, considering intersections as far away as Rt. 9 and Shingle Point Road, located 4.5 miles west of the site, and planned DelDOT projects on Rt. 1, starting 2.5 miles north at Hudson Road and moving southeast from there; that the TIS is considering a much larger area for traffic impacts of the project, than what the regulations mandate; that they found the analysis of the TIS identified about 20 intersections whose level of service (LOS) will degrade below the standard for failure, unless local roadway improvements are made or planned

build out projects are completed; that the TIS identifies remedies like those for most of the mentioned intersections; that recalling that the TIS considers intersections up to four miles away from the project, there are several new developments at that distance or closer, that the TIS did not consider, notably the Northstar development, located about two miles east of the project's perimeter; that there were also developments located between three to four miles north of the site, which were not considered; that the understand the absence of these developments from the TIS is not due to negligence, as these developments were proposed, approved for finished build out after work was in progress on the Cool Spring Crossing proposal; that this does not change the fact that these developments will contribute significantly to the traffic impact within the same area as the Cool Spring Crossing project, within the Rt. 9 corridor; that they found six developments, with a total of 3,132 homes located within four miles of the project, that were not considered within the Cool Spring Crossing TIS; that the Rt. 9 corridor is already a subject of the Coastal Corridor Study, consisting of Rt. 9 and Rt. 16; that as they just heard, there is currently a study being performed specifically to Rt. 9, which just began; that dualization of Rt. 9 is in some stage of planning, west of Five Points to Sweet Briar road, ending about one mile east of the project site; that the TIS performed a segment analysis of the impact of the project traffic contribution to Rt. 9, projecting completion from 2044 to 2048; that the Rt. 9 level of service will fall below the failure threshold; that the TIS does not recommend dualization of Rt. 9, considering the scale of the traffic impact of the Cool Spring Crossing project, as well as other developments within the immediate area; that it appears that no one yet has a whole plan to ensure that Rt. 9 does not fail to bear up under the projected load; that the DelDOT Memorandum of Understanding (MOU) states that DelDOT and Sussex County shall endeavor to maintain a service level of D, also known as Delta, on roads affected by an application; that there are conditions and exceptions on that mentioned within the MOU; that DelDOT's Level of Service Scale runs from A, being the best condition, to F, being the worst condition; that from the point of the MOU, failure means dropping to a Level E or Level F; that the TIS identifies multiple intersections, failing with a level of service less than Level D at different stages of the Cool Spring Crossing build out at 100%, 75% and even only 25% build out; that this creates impacts on access to neighborhoods and congestion conditions on roadways, at intersections, and area roadways, notably being Rt. 1, Rt. 9, Rt. 5, Cave Neck Road, and Hudson Road; that the TIS identifies local improvements such as added lanes, signalization or planned build out projects that can prevent that failing state from occurring; that completion of those roadway improvements is required in order to prevent failure; that SPC also found cases where failure is predicted, but no improvements are planned; that the presented to the Commission a list of intersections listed within the TIS, where failure conditions levels of service E or F are predicted at some stage of build out; that two of the roads are smaller neighborhood roads, being Joseph Road and Arabian Acres Road; that it does not appear that the TIS suggested improvements to avoid any service level failure; that he presented to the Commission an aerial map of the neighborhood entrances, with the Cool Spring Crossing project being outline in pink; that all of the entrances reflected are located along Rt. 9 and the Cool Spring Crossing area; that reflected within the middle of the map are the Hunters Mill and Beaver Creek developments, which the TIS does propose improvements to prevent service level failures; that further west on the map, there is Prettyman Road and Shingle Point Road; that the TIS proposes improvements to avoid failures at the Prettyman Road location; that at Shingle Point Road and Rt. 9, the DelDOT Park Avenue Relocation project, will address any potential failures in that location; that on the lower left of the map, there was a small red notch, labeled as Hawthorne development, which is one of the six areas found that was not considered in the TIS; that within the reflected class of neighborhoods, where traffic is entering and exiting, the neighborhoods may be impacted and suffer with a failure to their level of service; that the list of area roadways with intersections, where the TIS predicts that service level failures will occur were the intersection of Rt. 1 and Cave Neck Road, and the intersections of Rt. 9, Hudson Road, and Fisher

Road; that they counted nine, of which six are listed as depending on planned build out projects avoid failure; that the other three depend on the local improvements, such as added lanes, or signalization; that he presented and referenced an aerial map, which was provided within the TIS; that he stated the areas to take note of are the areas of the red dots, which represent planned DelDOT projects; that these projects include the Rt. 1, Eagle Crest and Oyster Rocks intersection, the Rt. 1 and Cave Neck Road intersection and the DelDOT Grade Separated Intersection project at that location, the Minos Conaway Road and Rt. 1 and another DelDOT Grade Separated Intersection at that location, Dairy Farm Road and Beaver Dam Road, and the DelDOT traffic circle project at that location, and the Rt. 9 and Rt. 30 intersection; that the TIS identified that area of Rt. 30 as requiring dualization to avoid failure; that Rt. 9 and Shingle Point Road intersection, depends on the Park Avenue Relocation project; that the Cave Neck Road, Sweetbriar Road, and Hudson Road intersection, and the DelDOT five-legged traffic circle project planned at that location; that he wanted to references these improvements, as well as all the local ones, as they are required to be completed in order to avoid failing levels of service at the mentioned intersections; that there are six developments, with a total of 3,132 homes, equaling about 1.5 times the size of the Cool Spring Crossing project, located within four miles of the project's perimeter that were not considered within the TIS; that the Villages at Red Mill Pond, with 177 homes, is listed within the TIS, but does not appear to provide any trip generation data; that the remaining developments are not mentioned within the TIS at all; that these developments will be contributing traffic, at their scale, to the roadways were Cool Spring Crossing traffic will also be added to the Rt. 9 corridor; that the Cool Spring Crossing project proposes 1,922 homes; that the Villages of Red Mill Pond has 177 homes; that the approved Northstar development will have 852 homes; that Hawthrone has 254 homes; that the Granary will have 1,350 homes; that Scarlet Oaks will have 163 homes; that Four Winds will have 336 homes; that these are developments, equaling to 3,132 homes within a four mile radius of the Cool Spring Crossing project; that these developments are incrementally changing the area to something other than rural area; that the questions to be asked if we want to accept this process, do we want it to continue and do we want to facilitate it or not; that whatever the reason of why this data was not included in the TIS, these homes will contribute massively to the area traffic, while Cool Spring Crossing builds out; that SPC urged that for the Cool Spring Crossing proposal to be complete, an analysis of the Cool Spring Crossing traffic impact must include the traffic contributions of the missing developments; that the TIS identifies Rt. 9 as failing at Service Level E by 2044 or 2048, at 100% build out, specifically from Shing Point Road and Sweetbriar Road; that on Page 5 of the TIS, it explicitly states not to recommend Rt. 9 dualization; that the 2024 Coastal Corridor Study projected a failing Service Level E, at the location of the Rt. 9 and Rt. 5 intersection, without the consideration of the Cool Spring Crossing or Northstar projects; that the recommended second study for specifically Rt. 9, had just began; that currently, the daily vehicle trip estimate for Rt. 9 is 17,000 trips, which is close to the threshold of 20,000 trips, where dualization is recommended; that there will be a total of 47,000 additional trips added to area roadways when combining the total trips proposed for Cool Spring Crossing and Northstar; that given the service level failures the TIS predicts on Rt. 9 in the project's area, SPC question why mitigations for that, including dualization are not proposed; that it appears that there is an analysis, which currently anticipates service level failure on a major local roadway, while still missing information and results need to support an accurate review of the proposed project; that the SPC concludes that the road improvements which the TIS identifies as preventing service level failures must be carried out; that otherwise, per the TIS, those failures will occur; that to avoid those failures, the Phasing Plan for the Cool Spring Crossing project must synchronize completion of the roadway improvements with the project build out; that the project must establish concurrency; that the development cannot grow fast than the roadwork is completed; that the Cool Spring Crossing parcels are currently classified within State Investment Level 4, meaning there is no support planned for infrastructure investment; that

funding and timing of improvements must be assured; that if this does not happen, per the TIS, there will be failure conditions on the affected roadways; that the TIS is missing information that is required in order for the TIS analysis for Cool Springs Crossing traffic impacts to be complete, and the Rt. 9 and corridor traffic studies, the land use review, State Investment Level review and Sussex County Comprehensive Plan update for 2028 need to be finalized before approving the proposed Cool Spring Crossing project, given the scale of the proposed traffic impact.

Chairman Wheatley requested to ask additional questions of the DelDOT representatives.

Chairman Wheatley questioned if the Delaware Office of State Planning Coordination had any authority over DelDOT's budget or had the ability to provide or take away funding to planned projects.

Ms. Steinebach stated that she was not aware of that being the case; that DelDOT goes through the Capital Transportation Project (CPT) full public process through MPO's and counties; that the projects get prioritized as part of the Delaware Code, and proceed through the Council of Transportation's public process; that as part of the CTP prioritization process, there is a local priority, and if it is located within a Transportation Improvement District (TID); that within the list of nominations DelDOT receives, some of the ranking does receive more points, if a project is endorsed by an agency, and it is a very long process.

Mr. Sammons stated that DelDOT attempts to account for all government and state agencies, and they have the TIS to mitigate the specific impacts of the developments themselves.

The Commission found that Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, was able to provide additional information. Mr. Edgell stated his office does not have the budgetary authority to stop any project at any State agency; that however, all of the State projects for infrastructure and operating budgets for service, do adhere to the Strategies for State Policies and Spending, which is developed by the Cabinet Committee on State planning issues, which are enacted by the Governor by executive order; that through the capital budgeting process and operating budgeting process, all of the projects are all evaluated based on those metrics and determined; that DelDOT has a very detailed process for Capital Transportation projects; that location, in accordance to the State Strategies, is part of that process; that this is a statewide evaluation, broken down by county; that if they have priorities in any given cycle in Investment Levels 1 and 2, they might outweigh Investment Levels 3 and 4; that projects proceed through an entire matrix of evaluations from DelDOT, and the whole Capital Transportation Project and budgeting process.

Ms. Wingate stated that she understood Mr. Sammon's previous comments testified that DelDOT does take other projects into consideration, and that all projects are factored in, at some point as a whole.

Mr. Sammons stated the Sussex Preservation Coalition has been reviewing the DelDOT analysis since January 2025; that they had only received SPC's presentation earlier that morning; that DelDOT attempts to account for all communities and developments, but as he previously mentioned, there must be a cutoff point; that the Northstar application was submitted after the Cool Spring Crossing application; that at the time, the Northstar project was not considered a committed development; that they can only analyze the information they have at the time; that if there is something significant, the

department is willing to review and consider anything, and that the current application has been scrutinized and torn apart multiple times to date.

Ms. Steinebach stated that DelDOT knew how intensive the project would be; that as part of the Development Coordination Manual, DelDOT technically only had to review three intersections; that due to the magnitude of the project, they made the extra effort, going above and beyond, analyzing 46 intersections to review the ripple effects, and to provide a hypothesis of when phasing would be required to be done; that they performed a Segment analysis as well, which the DCM does not require, and DelDOT was sensitive to the impacts, which led to their additional efforts of analysis.

Ms. Jill Hicks, spoke on behalf of the Sussex Preservation Coalition, and presented a petition of opposition containing 1,803 signatures. Ms. Hicks stated the subject area is a rural area, with only pockets of developments around the area; that Mr. Fuqua previously stated that the project size is irrelevant; that she disagreed; that the project and it size will impact the roads, schools, fire and ambulance services, and infrastructure, and therefore is relevant; that the option of building a cluster subdivision, from her understanding, would take an additional two years to proceed through the zoning process; that she believed that Sussex County would be well into the FLUM and the Land Use Reform Work Group would be done with its work; that she does not know if a cluster subdivision proposal would be a viable option; that she questioned if the 515 acres included the Martin Branch area and the resources around it; that the impact to the schools and other infrastructure is one reason that the Land Use Reform Working Group was designed; that she felt between those two issues, it warrants waiting; that the estimation of 23 additional students per year, equals to a classroom per year; that she questioned if the $100 per unit would be added into the rent figure, whether it be for affordable housing, or the market rate affordable housing; that she was pleased that the Applicant referenced smart growth; that the SPC is about smart growth, but she stated it does have to do with if it is the right time for the project and if the project is the right size; that there is a lot of information being presented for the estimated traffic count; that Mr. Sayre had provided some traffic analysis information; that she questioned if the Commission would want to hold the record open to the receipt of the traffic count information for the 1,200 unit application; that livable communities is not an internal look; that it is a look at the entire community area of the County; that what makes an area livable is the quality of life, including infrastructure, as well as the environment; that another area of consideration should be that Rt. 9 is a major evacuation route, placing more importance on the traffic analysis; that currently Sussex County is short about 13,400 residential units, based on a study done by Cabinet Committee on State Planning; that 80% of those are required for homeowners, and 20% for renters; that the shortage varies by income; that the shortage is more pronounced in eastern Sussex County; that the project proposes 175 units to participate in the Sussex County Rental program, with the remaining 525 units, being considered workforce housing, that will be subject to market rates affordable house; that she considered this an oxymoron, particularly when located within Sussex County; that the market rate is not affordable to the workforce, thus the reason Sussex County is in the predicament it is in; that affordable relates to what is affordable to a household at 30% if the gross monthly income; that if they are renters, that includes rent and utilities; that if it is a homeowner, it is a mortgage, utilities, property tax and insurance; that in 2023, it was stated that the Area Median Income (AMI) was $71,200; that she recently saw a report stating it is $78,000; that affordable housing and workforce housing are used interchangeably; that workforce housing is generally considered housing affordable to persons below 100% AMI, that meets the needs of wage and service industry workers; that when referring to workforce housing units, there needs to be specification given to the workers the unit would be affordable to; that a unit geared toward a teacher, making 100% AMI, is

not going to be affordable to a cashier making 50% AMI; that she questioned which workers the housing needs will meet with the Cool Spring Crossing project; that at 100% AMI, a person should be able to afford close to $1,800; that she questioned if he proffered $100 would be tacked onto the rent or not; that she is part of a homeowners association; that she felt an HOA is not where the proffered $100 fee should be handled; that people do not pay their dues; that an HOA will not want to be responsible for paying something that the developer committed to; that she felt the intent was good, but it would be a bad way to administer; that she felt the Commission should wait for the impact fees that the Council is currently working on; that she felt the administration of those monies would have to come through the County, potentially as a County tax; that HOA will change their covenants; that public service people, and some of the people Dr. Tam had mentioned do not come up to 100% AMI; that when considering the market rate affordable housing, the 525 units will not apply; that only the 175 units will apply; that average rents in Sussex County for a one bedroom unit is $1,800; that for a four bedroom unit, it is $2,900; that for a unit to be affordable, it requires an income from $72,000 to $116,000; that average rent in Lewes, including the outer area, is $2,800 per month at market rate; that those 525 units are not going to be affordable to the workforce the County is trying to take care of; that examples of this are, at the Vineyards a one bedroom unit cost $1,669 to $1,729; that two bedroom units range from $1,810 to $2,600; that the Vineyard Mendocino, consisting of two bedrooms and two bathrooms, ranges from $2,050 to $2,280; that she questioned if Cool Spring Crossings net contribution of 175 units of workforce housing reduce the County's need; that she questioned if the 175 units would even support the 1,900 units that are being proposed; that based on her research from the U.S. Census Data, for a subdivision, one would need about 6% of the project to be for workforce housing, to be able to handle the rest of the subdivision; that for the Cool Spring Crossing project at 5,600, the project would need 337 workforce people; that she questioned if the 175 units will get the County out of the hole, or will they dig the County deeper; that she questioned if all of the concessions being discussed are worth making; that the proposal appears to be progress, but in reality it is far more modest, and may even create a negative impact; that she advised the Commission to not rush to judgement; that amending the Future Land Use Map at this time, for a project of its magnitude would be irresponsible; that the County needs to lead with the planning process for the County as a whole, not react piecemeal to developers' site-focused business plans, which has been happening over the past five to eight years; that Sussex County should avoid a fiscally irresponsible decision that undermines the State's planning and budgeting process; that the project will place undue burden on all Delaware taxpayers; that if Sussex County builds 24% of its homes within State Investment Level 4, all of Delaware taxpayers will be paying for that; the Future Land Use Map carries a force of law and should not be easily circumvented; that Sussex County should allay the growing public concern that there are no effective constraints on development in Sussex County; that the way to achieve this is to let the planning process play out; that a decision on the project should not preempt the upcoming 2028 Comprehensive Plan work; that the State Investment Level work should be completed at the end of the year; that the work of the Land Use Reform Working Group and the current Rt. 9 Corridor Study should not be subverted or undermined; that public welfare is at risk; that a project of its magnitude needs construction to be concurrent with all the Traffic Impact Study road improvements, and the dualization of Rt. 9; that the data is incomplete and inconclusive; that the County and State must collaborate to align infrastructure with growth, school space, staffing needs, medical services, and emergency services; that this cannot be another example of let the County build it, and the State will fix it; that SPC supports the County's effort to increase workforce housing; that the County needs metrics to know if proposals, such as the current, are going to help or exacerbate the problem; that the County needs to be more prudent in its expectations; that the County needs to commit to more affordable housing units, priced in line with Area Median Income guidelines, not market rate affordable housing; that smart growth is questioning if a project is the right use, at the

right place, at the right time, and the current project is not the right size, at the right time, until we have more answers.

Mr. Collins questioned whether SPC preferred the by-right subdivision application of 1,200 units over the current proposal.

Ms. Hicks stated that the SPC does not prefer one application over the other; that if the Applicant were to come back with a 1,200 unit application, the two applications hearings would be two years apart; that during the two year time period, working will be started on the Comprehensive Plan; that work will be completed for the Land Use Reform Working Group, and the State Investment Level studies should be completed, and she was implying that the County needs to complete the Comprehensive Plan on where they want to see this area go.

Mr. Collins questioned if the Applicant was to resubmit next week, what rules would the application fall under?

Chairman Wheatley stated that if the applicant were to propose any affordable housing component, their application would be expedited.

Ms. Hicks stated in the secondary application, being the 1,200-unit subdivision, she did not see any affordable housing proposed, and again questioned at what point affordable housing would be getting the County out of the hole or even covering its own proposed residents.

Chairman Wheatley stated he felt everyone needed to keep in mind that sewer lines are not built on speculation; that sewer lines are built upon demand; that the idea that the County will catch up, and things will be in equilibrium, will never happen; that he hoped the County could do a better job than what is currently being done; that the County is currently trying to do that; that infrastructure will always be behind because taxpayers do not want to pay the cost of speculative ventures and there is always going to be an inconvenient period.

Ms. Hicks stated that the Commission needed to consider if they wanted to amend the Future Land Use Map for 637 acres, when every other developer watching will request the same, claiming a precedent had been set.

Mr. Robertson stated he disagreed with Ms. Hicks' statement, as a mentioned development was Seaside, which was quite large, and was denied, and he stated that developers can ask, but it does not mean the request will be granted.

Chairman Wheatley stated that each application must stand on its own; that the subject site has water and sewer services, with development all around, and the area might be currently classified as Level 4, but the area is not rural.

Mr. Collins stated that Level 4 only becomes Level 3 or Level 2, when all the infrastructure is in place.

Mr. David Edgell, Planning Director with the Delaware Office of State Planning Coordination, spoke in opposition to the applications. Mr. Edgell stated that as required by Delaware Code, the Sussex County application submitted the plan amendment for review through the Preliminary Land Use service in December 2021; that the PLUS review determined that the plan amendment was

inconsistent with the Strategies for State Policies and Spending; that their PLUS response letter, dated January 13th, 2022, identified a number of concerns related to the proposed amendment, notable the location and Investment Level, as well as their environmental, transportation and archaeological concerns due to the large size of the amendment and the potential significant impact on State resources; that the letter was ended stating that the State looked forward to working with the County on a process that will evaluate the application in conjunction with the Coastal Corridors study, and a robust community planning effort led by the County; that it had been three years since the State's initial review; that to date, there had been no robust community planning effort led by the County to consider the plan amendment in relation to its cumulative impact on the area and corridor; that after waiting patiently for over two years, the Office decided to formally object the plan amendment in February 2024; that the objection triggered a 45 day period of negotiations with the County that they hoped would be an opportunity to discuss the amendment, and ways for collaboration, moving forward together to evaluate the impacts; that instead the County's position was that they were unable to discuss the amendment at that time; that they learned from the County, that the current public hearing process, is the way they gather information and data about the plan amendment; that after the 45 day period concluded, he referred the matter to the Cabinet Committee on State Planning Issues; that the committee met with representatives of Sussex County on April 8th, 2024; that at the meeting, the County further explained the importance of holding hearings before discussing potential plan amendments with the State; at that meeting, a mutually agreeable course of action was decided upon; that the County would hold hearings before the Planning & Zoning Commission and Sussex County Council, and before action was taken, reengage the 45 day period of negotiations; that another meeting between Sussex County and the Cabinet Committee on State Planning issues will be held during this 45 day period to further discuss the amendment; that he prepared and submitted the letters of correspondence, along with his comments for the Commission; that Comprehensive Plan amendments of the proposed type, are required to go through the Cabinet Committee of State Planning issues, then onto the Governor; that the current process is very unusual, and they are feeling their way through it; that they have worked closely with Mr. Robertson; that they have crafted the process before the State's DAG, and it was important that he present before the Commission to share what the process was, so that they public was informed.

Mr. Robertson stated that it has been an evolving process working with the State Planning Coordination on map amendments; that they heard two different sides of it; that he supposed the County was somewhere in the middle; that the County had a couple of applications where the County was at the forefront of requesting a map amendment on behalf of the applicant; that an issue was that the County did not have sufficient information to understand why the request may be appropriate or not; that this needed information was not provided until the public hearing process; that Mr. Whitehouse was placed in the awkward position of having to appear at the Office of State Planning Coordination to advocate or explain a map amendment that he had no information on, which would allow him to present a meaningful, background reason, because it had not proceeded through the public hearing process; that through this process, they realized that this was not the best way to proceed; that the best way to proceed in all the matters is to have all the information available to everyone, to allow for an informed decision to be made; that at the time, no one had all the relevant information, and therefore it was the County's opinion that an informed decision could not be made; that there was mention of a delay in getting this application before the Office of State Planning Coordination; that he would disagree, as the County was trying to work out the process to do that; that the County has drafted a Memorandum of Understanding (MOU), with the Office of State Planning Coordination to document the process; that the MOU has not yet been signed by the Office;

that they our currently proceeding this way because it enables the County to create a record, and the County is trying to work out the process to allow clear understanding on how to move forward.

Mr. Jack Young, resident of Rehoboth, spoke in opposition to the applications. Mr. Young stated that the Cool Spring Crossing applications failed the primary tests of the Sussex County Code §99-3 and §115-3; that the Sussex County Code §99-3 provides for the orderly growth and welfare of the citizens with proper development; that Sussex County Code §115-3 establishes the purposes of the zoning process; that the zoning process should provide for present and future needs, including lessening congestions, and providing adequate provisions for public requirements, transportation and education opportunities; that the Cool Spring Crossing applications do not and are not supported by sufficient service infrastructure at the current time; that given the Code requirements, more needs to be done to satisfy the Code requirements or adequate provisions of public requirements, transportation and educational opportunities, and more must be done before we can satisfy ourselves of the primary task that the Zoning Code tells us to do in both Chapters 99 and 115.

Mr. John Montanez with SHARP (Sussex Homeowners Advocacy Resource Partnership) spoke in opposition to the applications. Mr. Montanez stated that SHARP has been in existence for approximately three years, and is comprised of 19 volunteer communities, servicing approximately 6,000 households in Lewes and Rehoboth; that SHARP's purpose is to serve the homeowners and residents of Sussex County; that SHARP is in full agreement with the Milton Fire Department; that they have witnessed first-hand all of the exponential growth that has occurred in the area; that they are equally concerned about their ability to meet those growing needs; that where they disagree is the belief that issues can be remedied by an agreement between a developer and HOAs; that they feel it is not justified and not sustainable to ask homeowners to pay an additional fee; that you are asking the residents to pay an additional fee for the same service that everyone in the room is currently receiving; that while the State allows the HOA to levy fees, homeowners can rescind those fees by vote; that this creates the fee to be unsustainable and non-binding; that everyone agrees that they trust the local government to make the services of roads, schools and emergency services provided in a fair and equal manner; that the idea of having an HOA provide these services is a stopgap measure that undermines the agreement that SHARP is trying to make; that the emergency services are being taxed, requiring a response from the County; that the response should be done through local governance, not through a relationship between the HOA and developer; that SHARP, and its 19 communities, fully support the local schools, emergency services and fire department, but do not agree with the idea that an HOA should be used as a mean of leveraging the proposed fee; that SHARP is not advocating for taxes; that they are suggesting that we need to look at the problem; that for the long-term, it is not going to be achieved by a Band-Aid approach, by having the HOA attempting to fill a void; that his personal opinion is that people will assume that the HOA will be able to make up that money, and they will not have to pay it; that as a taxpayer, this would be a County-wide issue; that by the fee going through the County, it would create a fair and equitable way to ensure all residents bear the burden, and not just the residents of Cool Spring Crossing.

Ms. Wingate stated she has spoken with one of the fire chiefs in the local departments, who stated they have sent out thousands of letters requesting homeowners to contribute to the local fire department, and they receive very few back, and this is the reasoning why, in her opinion, the proposed method would work.

Ms. Carolin Velardi, resident of Hawthrone in Sussex County, spoke in opposition to the applications. Ms. Veladri stated that three years ago, she attended a meet and greet with the House of

Representatives; that it was filled with angry EMS workers, teachers, and many people concerned with housing; that at that time, it was told to them that they needed to get involved with local County administration; that the State does not handle those issues, and that the local government does; that it was said that it is not the State; that the State had identified areas of concern, and placed things into progress to address the issues; that the issue was the local government allowing too much growth, which was outpacing the State plans; that she lives in the area; that just because she has a Dollar General store, does not mean that the area is not rural; that within the area there are farms all around; that there are different perceptions of what rural area looks like; that the State has identified the area as rural; that it is up to the Commission to deem whether it is an appropriate area or not; that there are a million reasons why the area is not the appropriate place and she is listening to her State representative, voicing her objection and now it is in the Commission's hands.

Mr. Fuqua stated that he would like to clarify the question regarding the fire company; that the fee has been proposed as a Condition of Approval, but more importantly, will be placed as one of the restrictions, and that the restriction would have a type of provision that it would not be permitted to be deleted, amended or modified, without the consent of the Lewes and Milton Volunteer Fire Departments.

Ms. Alison White, resident of Red Mill in Sussex County, spoke in opposition to the applications and submitted a petition of opposition containing 250 signatures. Ms. White stated that the proposed project will degrade their quality of life, safety and property values; that the project would add a town of 5,600 additional residents in 1,922 residential units with commercial development; that the project would add 33,359 daily vehicle trips to area roadways and remove 108 acres of forest cover on the parcel; that Rt. 9 is near capacity; that the community would triple traffic on Rt. 9 and its surrounding roads; that this will further impair vehicle entry and exit for the Villages of Red Mill Pond and degrade the residents daily driving experience; that there are insufficient plans for corridor expansion to manage additional traffic; that the site was classified by the State as being within Investment Level 4; that DelDOT will not consider, much less implement road improvements on Hudson Road, or Rt. 9 west of Old Vine Blvd until well after 2030; that Rt. 9 is one of the few emergency evacuation route for the Sussex Shore area; that Rt. 9 supports residents of Lewes, Rehoboth, and the growing Rt. 9 corridor; that adding 5,000 residents will make it more unviable than it currently is; that the property is not located within a growth area in the County's land use plans; that because of this, the developer is requesting the parcel to be amended to the Coastal Area, being considered a growth area; that the Coastal Area stretches from roughly Sweet Briar Road to the shore, and is already a scene of rampant overdevelopment; that the request to amend the FLUM violates State strategies, by building within State Investment Level 4, which is an area designated for conservation and preservation; that the massive number of added residents would further strain schools, emergency services, and healthcare facilities; that the amount of forest removal and pavement will endanger environmentally sensitive areas; that she urged the Commission to not recommend the applications for approval; that Red Mill Pond South has 177 homes with one entrance along Rt. 9; that the entrance has already been impacted by current traffic, creating a queue of four to five cars waiting to exit; that there was one occasion where a resident was attempting to get a relative to the hospital, who had to wait six to eight minutes to get onto Rt. 9; that urgently needing medical care can be critical; that there had been discussions regarding signalization at this entrance and about the dualization of Rt. 9; that any such plans are at minimum five years away from being realized; that their entrance is just over one mile west of the future Northstar community and 2.5 miles east of the proposed projects Site Entrance A; that they are located in the middle of the two projects, and considering the two project will add an estimated

total of 46,000 additional vehicle trips to area roads, and the unfinished plans for improving Rt. 9, she has grave concerns about the project's impact to her community and their driving safety.

Ms. Alison Monroe, Sussex County resident along Walker Road, spoke in opposition to the applications and submitted two separate petitions of opposition, one containing 760 signatures from the last application in 2024, and 175 signatures for the current application of 2025. Ms. Monroe stated that the primary purpose of the Commission is to protect the interests of the current residents in the area, not the wishes of those who would like to move to the area; that she would argue that every name on the petition carries as much weight, if not more, than any developer, real estate agent or builder, as the individuals will be the ones most impacted; that the opposition rate in the nearby area is 98.3%; that as of May 1st, 2025, there were 287 public comments submitted through the County's website, equaling to an opposition rate of 83%; that the other related applications had opposition rates of 73%, 88.9% and 90.1%; that as a native to the immediate area, she had watched her hometown be altered almost past recognition; that she understands when she hears complaints regarding how busy the area has become, or when the newest transplants lament on the explosion of growth; that she believed many of the new residents feel they were sold a bill of goods of a pretty new house, on a quarter acre lot, located in the middle of farmland and forest along quiet country roads; that the realtors and developers sell this dream to one person after another; that this is all done while generational community members, longtime residents and newcomers alike, are left watching feeling helpless as slower, lower Delaware is being sold out of existence; that many natives are heartbroken, but too attached to leave; that she questioned is there a tipping point, to where sacrificing our quality of living is not worth the extra dollar, when it takes an hour to get home, when it used to take 15 minutes, when a person no longer feels safe walking along the road on which they have lived for years, or when the family doctor cannot accept you as an patient, when there are no more turtles in your yard, and no more cows in the field, and no more solitude to be found on the beaches; that she questioned if the extra income will be enough, or will the man-made improvements be enough to replace what the area has lost; that as she watches the farm fields being bulldozed and back country roads becoming thoroughfares, she implored the Commission to make the only correct decision, to help protect what makes Sussex County a rural gem, and requested the Commission to not recommend the Cool Spring Crossing application for approval.

Ms. Barbara Capuano, resident of Independence in Sussex County, spoke in opposition to the application. Ms. Capuano stated that there has been massive growth over the past four years; that now every one of us sits in traffic, on roads, trying to catch up with the growth; that on the peninsula, we live on the coast; that there could be an emergency or 24 hour mandatory evacuation at any time, like what northern New Jersey, and New York have had; that the area cannot handle the traffic now; that the roads need to be built or corrected before laying plans to place this development; that the roads have not caught up with what is already here; that this issue will cost lives, should anything happen, and she requested the Commission to pause to look at the infrastructure, to figure out ways to handle what had already been approved before moving forward, as it is concerning life and death.

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

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

In relation to C/U 2442 CMF Cool Spring, LLC. Motion by Ms. Wingate to defer action, holding the record open for ten business days, for the sole purpose of receiving additional written public comments on the document submitted by the Delaware Office of State Planning Coordination, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

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

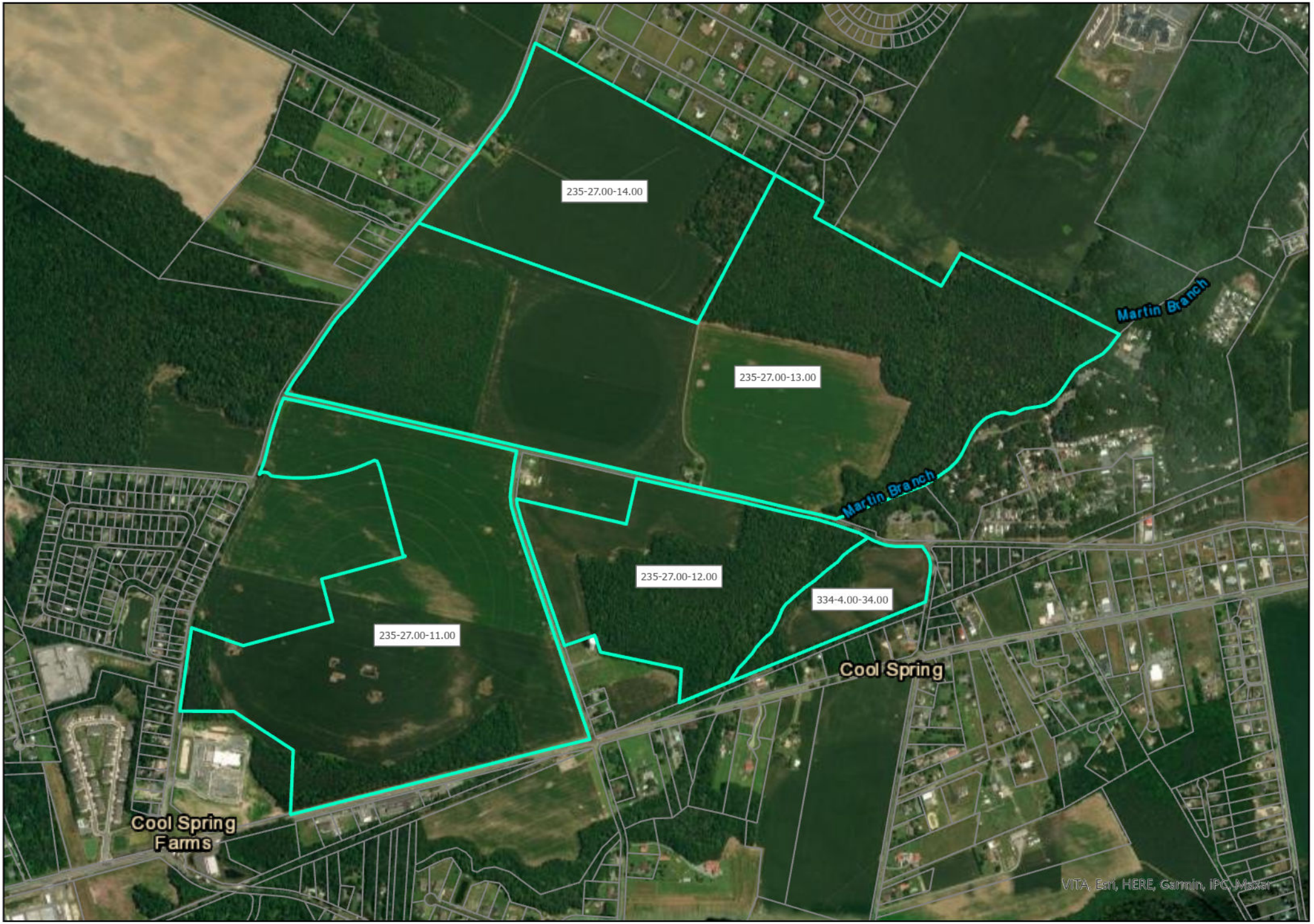
Ms. Wingate moved that the Commission recommend approval of C/U 2442 CMF Coolspring, LLC for a Conditional Use within an MR-RPC Medium Density-Residential Planned Community District for an assisted living facility and medical office based on the record made during the public hearing and for the following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

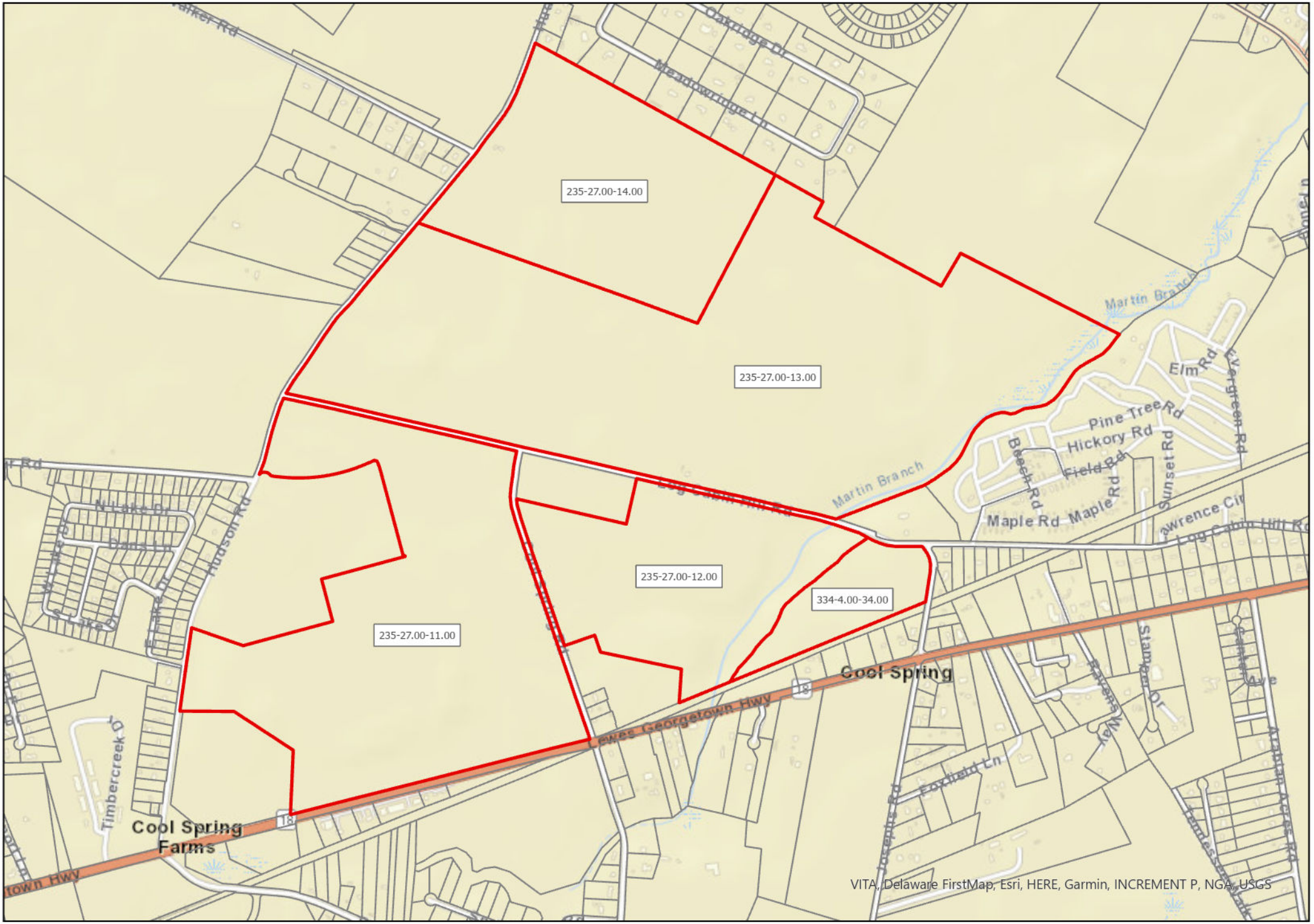


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Aerial Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet

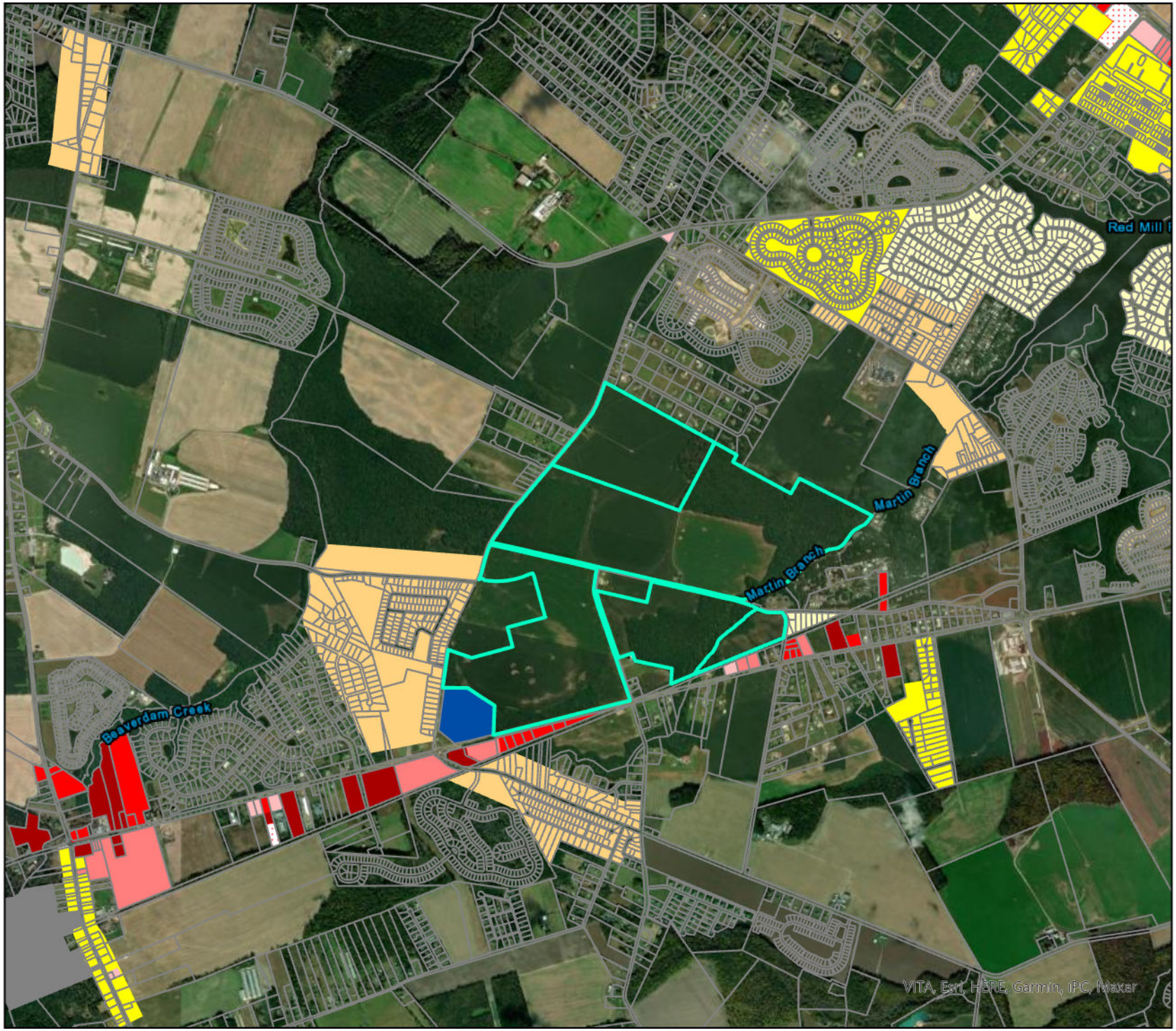


Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Street Map

Cool Spring Crossing - Parcels

N

0 1,250 2,500 5,000 Feet



Zoning

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

Cool Spring Crossing - Residential Planned Community
(Ord.23-07) (C/Z 2010) (C/U 2441) (C/U 2442)
TM#s 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &14.00
Zoning Map

Cool Spring Crossing - Parcels

0 0.25 0.5 1 Miles

N

Introduced: 4/8/25

Council District 5: Mr. Rieley
Tax I.D. No.: 235-27.00-11.00
911 Address: N/A

ORDINANCE NO. ___

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 CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2442 was filed on behalf of CMF Cool Spring, LLC; and

WHEREAS, on the _____ day of _____ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2442 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2442 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and 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) and being more particularly described in the attached legal description prepared by_____, said parcel containing 194.17acres, more or less.

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