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

June 16, 2026

10:00 AM

***** AMENDED ON June 10, 2026 at 10:00 a.m.**

Call to Order

Approval of Agenda

Approval of Minutes - June 9, 2026

Minutes 060926

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Reappointment of Board of Adjustment Member John Williamson *****
2. **Reappointment of Planning & Zoning Commissioners *****

   a. Gregory Scott Collins

   b. John Passwaters

   c. David Pettyjohn
3. **Administrator's Report**

10:15 a.m. Public Hearings

1. **Fiscal Year 2027 Budget and Related Ordinances**

   ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS

   "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS"

   "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, § 62-7, ENTITLED, "FEES FOR PERMITS AND APPLICATIONS," TO ADD A NEW § 62-7J., WHICH SHALL ESTABLISH A SCHOOL SURCHARGE ON BUILDING PERMIT APPLICATIONS TO GENERATE REVENUE FOR CAPITAL IMPROVEMENTS FOR LOCAL SCHOOL DISTRICTS AND SUSSEX TECHNICAL HIGH SCHOOL"

   "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2027"

   Sewer and Water Rates 2027
   Chapter 62 Section 62-7 (School Building Permit Fees)
   FY27 Budget

Karen Brewington, Human Resources Director

1. **Second Quarter Shining Star Employee Recognition**

Mike Harmer, County Engineer

1. **Inland Bays Loop, Project S24-01**

   A. Change Order No. 4
   IBRWF Loop CO4 CP

2. **South Coastal Library HVAC Replacements, Project G23-24**

   A. Final Balancing Change Order & Substantial Completion
   SC Library CO1 SC CP

Old Business

1. **Conditional Use No. 2631 filed on behalf of Zion Church Ventures, LLC**

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

   Old Business CU 2631

2. **Conditional Use No. 2614 filed on behalf of FFP DE Vines Creek, LLC**

   "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS" (property is lying on the north side of Vines Creek Road [Rt. 26], approximately 0.31 mile west of Sandy Landing Road [S.C.R. 342]) (911 Address: 32507 Vines Creek Road, Dagsboro) (Tax Map Parcel: 134-10.00-31.00)

   Old Business CU 2614

3. **Change of Zone No. 2053 filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC**

   "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS" (properties are lying on the northeast side of Coastal Highway [Rt. 1], directly north of Cave Neck Road [S.C.R. 88]) (911 Address: N/A) (Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 [P/O]) TO CLOSE PUBLIC RECORD

   Old Business CZ 2053

4. **Conditional Use No. 2540 filed on behalf of La Dolce Far Niente, LLC**

   "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS" (property is lying on the west side of DuPont Boulevard [Route 113], approximately 0.19 mile north of East Piney Grove Road [S.C.R. 329]) (911 Address: N/A) (Tax Map Parcel: 133-11.00-1.02) TO CLOSE PUBLIC RECORD

   Old Business CU 2540

5. **Conditional Use No. 2604 filed on behalf of Alvaro E. Perez Roblero**

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

   Old Business CU 2604

Grant Requests

1. **Town of Laurel for their 4th of July fireworks**
   Town of Laurel
2. **True Blue Jazz, Inc. for their 14th Anniversary True Blue Jazz festival**
   True Blue Jazz Inc.

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

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

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 9, 2026 at 4:30 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, JUNE 9, 2026

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 9, 2026, at 12:30 p.m., in Council Chambers, with the following present:

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

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

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

M 240 26 Approve Agenda **A Motion was made by Mr. Lloyd, 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 June 2, 2026, were approved by consensus.**

Corre-spondence **Mr. Moore reported that correspondence was received from House of David, Milford, Inc. thanking Council for their support.**

Public Comments **There were no public comments.**

M 241 26 Approve Consent Agenda **A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum, to approve the following item under the Consent Agenda:**

Proclamation Request – Cape Henlopen High School Girls Lacrosse State Champions

Motion Adopted: **5 Yeas**

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

Administrator's Report

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

Delaware Animal Services Annual Performance Report 2025

The Delaware Animal Services Annual Performance report for 2025 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 5,984 new calls for service in 2025.

EMS Blood Drive

Sussex County would like to thank the community for its support during the recent EMS Blood Drive held on Thursday, May 21, 2026, at the Public Safety Complex in partnership with the Blood Bank of Delmarva. Donors provided 45 units of blood. The third annual event was held to coincide with the anniversary of the County EMS launch of the "Whole Blood Program," which began in 2023. Sussex County EMS and the Blood Bank of Delmarva look forward to hosting the event again next year to continue supporting lifesaving efforts for citizens throughout Sussex County.

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

FY27 Insurance

Andrea Wall, Manager of Accounting, presented a recommendation for FY27 insurance renewal for Council's consideration.

M 242 26 Approve FY27 Insurance Renewal

A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved based on the recommendation of Alliant Insurance Services, Insurance Buyers Council and the Sussex County Finance Department that Sussex County Council authorizes the placement of insurance coverage as presented for the period of July 1, 2026 through June 30, 2027 for a cost not to exceed $2,543,139.00.

Motion Adopted: 5 Yeas

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

Old Business/ Ordinance No. 26-01

Under Old Business, Mr. Robertson presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP)

PROGRAM".

M 243 26 Amend Section 1/ Ord No. 26-01

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, that be it moved that the rental requirements for SCRP units be amended at Section 1 of the Ordinance, regarding §72-24 "Rent" at Lines 74 though 80, so that this section now states as follows:

§72-24 SCRP Units

A. Rent

(1) Rent shall be established and updated annually by the Department for the SCRP units based on 25% of the household income in the amounts of 60%, 70% or 80% of the area median income adjusted for household size and unit size of the respective unit (not including trash services, parking, water and sewer utilities and any other charges to be paid by the tenant) based on the following unit allocations:

(a) The number of units in the SCRP charging rent at 25% of household income for 60% of the area median income adjusted for household size shall be multiplied by a factor of 1.67.

(b) The number of units in the SCRP charging rent at 25% of household income for 70% of the area median income adjusted for household size shall be multiplied by a factor of 1.25.

(c) The number of units in the SCRP charging rent at 25% of household income for 80% of the area median income adjusted for household size shall be multiplied by a factor of 1.00.

There shall always be a mixture of units described in (a), (b) and (c) above. The total value of the multipliers for all of the units must exceed 25% of the total number of units in the SCRP and must include a mixture of units at 60%, 70% and 80% AMI.

Provided, however, that the rent charged for market rate units similar to SCRP units in the SCRP development shall not be within 20% of the countywide SCRP rents for that type of SCRP unit. If this occurs, the Department shall adjust the SCRP rate table for the SCRP development so that the rent for the SCRP unit is 20% less than the market rate rent for comparable units in the SCRP development.

Motion Adopted: 5 Yeas

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

M 244 26 A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron, that

Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Allocation Calculation

be it moved that the SCRP requirements be amended at Sections 2, 3, 4, 5, and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding "Permitted Uses" at Lines 95-99, 159-163, 222-225, 286-290 and 350-354 so that these sections now state a follows in each instance:

A Sussex County Rental Program, or SCRP development governed by, and subject to, Chapter 72, where there are SCRP units provided in accordance with minimum allocation calculation required by §72-24 herein. The SCRP development must also satisfy the following criteria: …

Motion Adopted: 5 Yeas

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

M 245 26 Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Setback

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it moved that the SCRP requirements be amended at Sections 2, 3, 4, 5 and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding "Permitted Uses" at Lines 120-124, 184-188, 247-251, 311-315 and 375-379 so that these sections now state as follows in each instance:

There shall be a setback around the entire site as follows:

50 feet from any boundary adjoining a residential district and from all state road rights of way. This setback shall incorporate perimeter buffers and perimeter buffer protection areas (if required) set forth in §99-21A.

10 feet from any boundary adjoining a commercial, business, marine, institutional or industrial district. Perimeter buffers and perimeter buffer protection areas shall not be required.

Motion Adopted: 5 Yeas

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

M 246 26 Amend Sections 2, 3, 4, 5 & 6/ Permitted Uses/ Building Height

A Motion was made by Mr. McCarron, seconded by Ms. Gruenbaum that be it moved that the SCRP requirements be amended at Sections 2, 3, 4, 5 and 6 of the Ordinance, regarding §§115-20, 115-29, 115-37, 115-45 and 115-53 regarding "Permitted Uses" at Lines 129-135, 189-199, 252-262, 316-326 and 380-390 so that these sections now state as follows in each instance: The height of any building shall not exceed 60 feet, provided, however, that if the height exceeds 42 feet and the site is adjacent to a residential district, the building(s) shall include a setback design above 42 feet and/or an increased setback to ensure an appropriate relationship between the higher density SCRP project and uses of low intensity or height, existing or future,

outside the proposed SCRP project. The linear dimensional requirements, including length and building separation, contained in §115-118D.(6) and E.(1) and (2) shall not apply.

Motion Adopted: **5 Yeas**

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

M 247 26 Adopt Ordinance No. 4060/ Ordinance No. 26-01

A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to Adopt Ordinance No. 4060 entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72, ARTICLE II, SECTION 72-24 AND CHAPTER 115, ARTICLE IV, V, VI, VII AND VIII SECTIONS 115-20, 115-29, 115-37, 115-45 AND 115-53 REGARDING AFFORDABLY PRICED RENTAL UNITS AND THE SUSSEX COUNTY RENTAL UNIT (SCRP) PROGRAM" as amended.

Motion Adopted: **5 Yeas**

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

Old Business/ Ordinance No. 26-03

Under Old Business, Mr. Robertson presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" AND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS"

M 248 26 Amend Section 1/ View Screening Ordinance No. 26-03

A Motion was made by Ms. Gruenebaum, seconded by Mr. Rieley that be it moved that the Introduced Ordinance regarding Section 99-9C of the Code of Sussex County be amended at Section 1 of the Ordinance, regarding Section 99-9C(10) at Lines 105 through 107, so that this subsection now includes view screening within a subdivision as well as for neighboring properties outside of the subdivision and states as follows:

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

Motion Adopted: **5 Yeas**

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

Mr. Hudson, Yea

M 249 26 Amend Section 1/ Street Design Standards/ Ordinance No. 26-03

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved that the Introduced Ordinance regarding Section 99-9C of the Code of Sussex County be amended at Section 1 of the Ordinance, regarding Section 99-9C(16) at Line 133 to cross-reference additional street design standards and state as follows:

(16) No lots shall have direct access to any state-maintained roads and the proposed subdivision shall conform to the requirements of Sections 99-17 and 99-18 regarding street layout and street design.

Motion Adopted: 5 Yeas

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

M 250 26 Amend Street Layout/ Ordinance No. 26-03

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum that be it moved that the Introduced Ordinance regarding Section 99-17C "Street Layout" of the Code of Sussex County be amended at Section 2 of the Ordinance, regarding Section 99-17E at Lines 182-196 to clarify the design and construction requirements of interconnectivity and state as follows:

E. Where interconnectivity is required to adjacent tracts that are not presently subdivided, proposed collector streets in the subdivision shall be extended to the boundary lines with such adjacent tracts. Where there is not currently interconnectivity designed or constructed on the adjacent tract(s) such interconnectivity shall be designed and shown to the property boundary or boundaries on the Final Site Plan. The Final Site Plan shall also include a Temporary Construction Easement for the benefit of the adjacent tract to be used to facilitate the completion of the fully constructed interconnectivity. Permanent signage shall be installed at the point of interconnectivity stating that this is the location of future interconnectivity with the adjacent tract. Where there is currently interconnectivity designed or constructed on the adjacent tract(s), then the interconnectivity shall be fully engineered and constructed within the subdivision and on the adjacent tract(s) unless the Commission determines that such construction within the adjacent tract is not possible for legal or engineering reasons. Whenever possible, such interconnectivity shall be designed at a perpendicular alignment to the property boundary. No buildings, structures or stormwater management features shall be located within the areas of interconnectivity.

Motion Adopted: 5 Yeas

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

Mr. Hudson, Yea

M 251 26 Amend Ordinance No. 26-03/ Effective Date

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley that be it moved that the "Effective Date" in Section 4 of the Introduced Ordinance at Lines 353-359 be amended to state as follows:

Section 4. Effective Date.
This ordinance shall become effective upon adoption. Provided, however, that it shall not apply to any subdivision or residential planned community district applications that have been submitted to the Office of Planning & Zoning with the appropriate application fee fully paid.

Motion Adopted: 5 Yeas

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

M 252 26 Adopt Ordinance No. 4061/ Ord No. 26-03

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4061 entitled "AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" AND CHAPTER 115, ARTICLE IV, §115-25 "HEIGHT, AREA AND BULK REQUIREMENTS" OF THE CODE OF SUSSEX COUNTY REGARDING DESIGN CRITERIA FOR ALL SUBDIVISIONS" as amended.

Motion Adopted: 5 Yeas

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

Old Business/ CU2631

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION "D" AND CONDITION "N" OF THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2581 (ORDINANCE NO. 4009) TO ALLOW FOR OFFICE SPACES WITHIN THE WAREHOUSE UNITS AND TO REMOVE THE REQUIREMENT THAT AN ON-SITE MANAGEMENT OFFICE BE ESTABLISHED FOR THE MAINTENANCE AND OPERATION OF THE WAREHOUSE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.55 ACRES, MORE OR LESS" filed on behalf of Zion Church Ventures, LLC.

Mr. Whitehouse reported that on June 3, 2026, the Commission recommended a partial approval/partial denial of the Applicant's request to modify conditions of approval.

Old Business/ CU2554

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS" filed on behalf of E. Johnson Holdings, LLC.

The County Council held a Public Hearing on the application at the meeting on April 28, 2026, and then deferred action for further consideration.

M 253 26 Adopt Ordinance No. 4062/ CU2554

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4062 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY CONTAINING 12.05 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

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

M 253 26 Adopt Ordinance No. 4062/ CU2554 (continued)

connections.

b. Any security lights shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.

c. The perimeter of the storage area shall be fenced and gated. The location and type of fencing shall be shown on the Final Site Plan.

d. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.

e. There shall be only two indirectly lit signs allowed on the site of no more than 32 square feet per side. One may be located on Central Avenue and the other on Lizzard Hill Road.

f. Stormwater management shall be maintained on site, using Best Management Practices.

g. The hours of operation and access to the facility will be as follows: gate access will be available daily from 6:00 a.m. to 9:00 p.m., seven days per week.

h. The site shall be fenced on all sides with a controlled access gate. The gate shall be located at least 40 feet from the Lizzard Hill Road right-of-way so that waiting vehicles do not line up on that roadway.

i. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.

j. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.

k. No maintenance of vehicles or equipment shall occur on the site. No hazardous materials or fuel shall be stored on the site. No junked or unregistered vehicles or trailers shall be stored on the site.

l. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.

m. The Final Site Plan shall clearly depict the portion of the larger property that is being occupied by this Conditional Use, and it shall be subject to approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

Old Business/ CU2555

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS" filed on

behalf of Bittersweet Investments, LLC.

The County Council held a Public Hearing on the application at the meeting on April 28, 2026 and deferred action for further consideration.

M 254 26 Adopt Ordinance No. 4063/ CU2555

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 4063 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 45.78 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission as follows:

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

M 254 26 Adopt Ordinance No. 4063/ CU2555 (continued)

d. There shall be only one lighted sign allowed on the site. It shall be no larger than 32 square feet per side.
e. Stormwater management shall be maintained on site as required.
f. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.
g. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.
h. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.
i. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas

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

Solar Array

Jamie Whitehouse, Planning & Zoning Director, presented information relating to Solar Arrays for Council's information.

Grant Request

Mrs. Jennings presented a grant request for Council's consideration.

M 255 26 Downtown Milford Inc.

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to give $5,000 ($5,000 from Mr. McCarron's Grant Account) to Downtown Milford Inc. for their Independence Day celebration.

Motion Adopted: 5 Yeas

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

Proposed Ordinance Introduction

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING UNITS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN, SUSSEX COUNTY, CONTAINING 61.67 ACRES, MORE OR LESS" filed on behalf of Greens Rentals, LLC.

CM Comments

There were no Council Member comments.

M 256 26 Go Into Executive Session

At 1:18 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to go into Executive Session for the purpose of discussing matters relating to land acquisition.

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

There was a slight delay due to technical issues.

M 257 26 Reconvene **At 1:53 p.m., a Motion was made by Mr. Lloyd, seconded by Mr. McCarron to come out of Executive Session back into Regular Session.**

Motion Adopted: **5 Yeas**

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

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

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

Public Hearing/ CZ2053 **A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS" (properties are lying on the northeast side of Coastal Highway [Rt. 1], directly north of Cave Neck Road [S.C.R. 88]) (911 Address: N/A) (Tax Map Parcel: 235-23.00-1.04 & 235-23.00-1.00 [P/O]) filed on behalf of Seaside at Lewes, LLC & Derrickson Properties, LLC.**

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

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

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

Public Hearing/ CZ2053 (continued)

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

Public Hearing/ CZ2053 (continued)

consumer goods, and service-related businesses and offices, such as a grocery store, restaurant, boutique, retail shop, coffee shop, medical or other professional offices; that this would be a continuation of businesses and commercial uses that exist along the corridor already; that when going from Cave Neck Road, down to the Minos Conaway Road intersection, being around the Nassau area, when staying on the western side of Route 1, is the location of Heritage Antiques, followed by Harvard Business, and then Red Mill Inn; that there was a brand new multi-story storage called American Storage, also being the home of Graulich Builders; that just past that, was the location of the Delaware Guidance Services office and Beach Babies; that right before one would reach Red Mill Pond, there was a cardiovascular medical office; that after that, there was more residential uses on the other side of Red Mill Pond, along Route 1; that beginning just north of the Nassau Bridge, is the location of Tyndall's Casual Furniture; that as one were to move further north on the eastern side of Route 1, is the location of Patriots Plaza, the Lighthouse of Lewes, the Meineke Car Servicing Garage, the Surfing Crab, Estate Farm, then the Red Mill Center, which contained Floors & More; that as one moved north, closer to the site, was the location of Willow Creek Plaza, being located right off Willow Creek Road, where one would see all of the residential development that had happened, particularly along Cave Neck Road, as one would move west away from Route 1; that per the 2020 State Strategies Map, the property was located within the Investment Level 4; that when this map was compared to the 2025 State Strategies Map, one could see a bit of an increase in the State Strategies Level for a number of properties; that for instance, the property on the northwest corner of the intersection between Cave Neck Road and Route 1; that in addition, there were a number of instances where one could see that the State had indicated that the area had intensified in its use, because things that were once designated Level 3, were currently designated Level 2 and Level 1; that when going back to 2020, one could see the amount of area designated as Level 2 versus Level 3, and even Level 1; that all of that had increased, and he wanted to recognize the growth that had occurred within the area; that when thinking about the State Strategies Map, oftentimes people talk about funding; that the State was presently in the design stage for a Grade Separated Intersection at Cave Neck Road; that according to the DelDOT CTP's (Capital Transportation Program) Development Plan for fiscal years 2025 to 2030, it was currently a $62,321,005.00 project; that while this was a Level 4 area, the impact of the intersection and the corridor had been noted by the State, regarding the uses of the property; that on the 2045 Future Land Use Map, the property was designated as being within the Low Density Area; that in the Low Density Area, there are business and commercial uses that the Comprehensive Plan would indicated are appropriate; that those include business development that was confined to businesses addressing the needs of the two uses, being agricultural activities and homes, which predominated the rural areas; that within Chapter 4, the focus of retail and office uses should be providing convenience goods and services to nearby

Public Hearing/ CZ2053 (continued)

residents; that this was the purpose of the proposed application; that Table 4.5-2 provided applicable zoning districts to various designations on the Future Land Use Map; that the C-2 (Medium Commercial) Zoning District was an applicable zoning district in the Low Density Area; that the next tool the County often uses to consider applications is the Sussex County Zoning Map; that the property and the surrounding area on the eastern side of Route 1 were zoned AR-1 (Agricultural Residential); that south of the site, along the eastern side of Route 1, one would see all of the various shades of red being the C-1 (General Commercial) Properties; that the darker shade of red indicated CR-1 (Commercial Residential) zoning; that there was also C-2 (Medium Commercial) mixed in as one would get closer to the Nassau Bridge; that if he were to realign the uses with the map, those were the locations where all the previously mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodates community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near

Public Hearing/ CZ2053 (continued)

arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly typical of a Change of Zone application, where the use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing

Public Hearing/ CZ2053 (continued)

those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time, Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider with respect to stormwater management, parking, and other details of the site, being how it would interact with the subdivision behind it; that all of those things that are going to be designed in accordance with the Sussex County Zoning Code; that the site was located within a growing area, and the nature of the growth was reflected in the State Strategies Map changes presented to the Commission; that there were more recent Change of Zone applications that had been approved by the County; that in addition, it had been recognized that the growth in the area had been recognized by DelDOT; that DelDOT would be investing more than $62 million at the intersection of Cave Neck

Public Hearing/ CZ2053 (continued)

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

Ms. Sireen Muhtaseb, PE from DelDOT, was present to answer any

Public Hearing/ CZ2053 (continued)

questions regarding the application. Ms. Gruenebaum expressed concerns regarding going west on Cave Neck Road and the time of the analysis of done. She questioned if there has been an update due to the developments that have been approved since the time the analysis was completed. Ms. Muhtaseb reported that the analysis was updated in 2024, and she added that information about how it was designed to plan for growth in the area. Mr. McCarron commented that he thought that this would take the burden off other areas and reduce traffic.

Public comments were heard.

Mr. Rich Borrasso spoke in support of the application.

The Public Hearing was closed.

M 258 26 Defer Action/ CZ2053

A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron 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-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 29.97 ACRES, MORE OR LESS" for the reasons given by Planning & Zoning and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 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

Public Hearing/ CU2540

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 SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS" (property is lying on the west side of DuPont Boulevard [Route 113], approximately 0.19 mile north of East Piney Grove Road [S.C.R. 329]) (911 Address: N/A) (Tax Map Parcel: 133-11.00-1.02) filed on behalf of La Dolce Far Niente, LLC.

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

The Planning & Zoning Commission held a Public Hearing on the application on May 6, 2026. At the meeting of May 20, 2026, the Planning & Zoning Commission recommended approval of the application for 6 reasons and subject to the 12 recommended conditions of approval as outlined.
The Council found that Mr. David Hutt, Esq. with Morris James, LLP

Public Hearing/ CU2540 (continued)

spoke on behalf of the Applicant and Owner of the property, La Dolce Far Niente, LLC; that also present were Mr. Dennis McMann, Mr. Matt Kirks and Mr. Carter Kirks, Principals of La Dolce Far Niente, LLC, and Mr. Eric Wahl, Registered Landscape Architect and Land Planner with Pennoni, and President of the Native Plant Society of Delaware.

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

Public Hearing/ CU2540 (continued)

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

Public Hearing/ CU2540 (continued)

the Code stated that the uses are generally of public or semi-public character, and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of the relationship to the Comprehensive Plan, and possible impact not only on neighboring properties, but on a large section of the County, require the exercise of planning judgement on location and site plan; that the AR-1 (Agricultural Residential) Zoning District allows Conditional Uses for something that the Planning Commission considered on a somewhat regular basis for self-storage; that there were application for self-storage uses that had been recommended for approval just earlier that evening by the Commission; that through those, the County had established that self-storage was a use that was of a public or semi-pubic character, being essential and desirable for the County; that another example of a Conditional Use on AR-1 (Agricultural Residential) property would be the Sharp Energy building itself, located immediately adjacent to the site; that the Sharp Energy application was a previous Conditional Use for commercial propane storage, CNG propane dispensing and for an office and warehouse, designated as Conditional Use No. 1997; that the Sussex County Council adopted the use as Ordinance No. 2370 on October 14, 2014; that planning judgement on location and site plan, referred to in the Code's definition of what a Conditional Use was, could be described in a number of ways; that five factors that the Planning Commission and County Council evaluate were things like the compatibility of the proposed conditional use, regarding traffic impacts, any environmental considerations, public safety concerns, and the overarching orderly growth of the County; that the application's primary use was a self-storage facility, with buildings and indoor self-storage; that the plan proposed single-story buildings, to be fully enclosed units; that on the right-hand side, there was an amendment to the Conditional Use application to add a temporary use, being boat, trailer, and RV parking, while the site is being built out; that it was anticipated that not all of the buildings, for financial reasons, would be constructed at once; that the portions of the property that did not have storage buildings on them would be able to be used for storage purposes; that this would be done through a Phasing Plan, which was a part of the submitted application files; that within Phase 1, two storage buildings are proposed at the entrance, as well as the stormwater management; that Phase 2 was located in the center of the site; that Phase 1 would provide the initial storage buildings, the site access, and the temporary boat and RV storage surrounding that; that Phase 2 would add approximately four buildings in the middle of the site; that Phase 3, as well as the other various phases, would continue to add storage buildings around the perimeter of the site; that the timing would be based on demand for those buildings; that as reflected on the Phasing Plan, Phases 1 and 2 showed storage buildings within those areas; that then what was proposed, was trailer, boat and RV parking to be located within Phases 3, 4 and 5; that as the demand increased for the indoor storage, the parking would be eliminated and reduced with the various phasing provided; that reflected within the Key Notes of the Site Plan, there were letters and

Public Hearing/ CU2540 (continued)

numbers that applied to each one of those things; that Building A, regarding Key Note No. 1, reflected the location of where the office would be located; that the office would not be staffed at all times; that the office would only be staffed when an appointment was made for a customer who wanted to meet on site; that generally, there would not be a person on the site; that Key Note No. 2 related to gated access; that Key Note No. 3 indicated that there would be a fence around the entire perimeter; that Key Note No. 4 referenced parking spaces, which related to the office use, and customers who would want to meet onsite; that to the left of proposed Building A, there would be a water tank and pump house, to provide fire suppression for all the buildings; that next to the water tank was an area for septic; that out by the road, there would be an area for a sign; that the buildings would be single-storage buildings of neutral color; that there would be fenced screening around the entire perimeter of the site; that in addition, due to the size of the buildings, all buildings would be fully sprinkled, which would require Fire Marshal approval and coordination with the local fire company; that a DelDOT Service Level Evaluation Request (SLER) was filed with DelDOT, which stated that the traffic impact would be "negligible" and would generate minimal traffic, being fewer than 50 vehicle trips in any hour, and fewer than 500 vehicle trips in any day; that the property is not located within a floodplain; that the area is designated as Zone X on the FEMA Flood maps; that there are no Federal or State Jurisdictional wetlands on the site; that the property does not have any Wellhead Protection or Excellent Groundwater Recharge Areas located on the site; that the stormwater management will meet or exceed the requirements of the Engineering Department and the Sussex Conservation District; that with respect to compatible use with the surrounding area, he believed that the Council typically thought of nuisance factors, such as sound, light, and smells; that self-storage was a quiet, low-impact use; that the nearest neighbor to the site was Sharp Energy, being commercial use; that the nearest residence was located more than 1,000 feet away, along Route 113; that there was a community benefit derived from storage, as it provided a location for businesses and homes to safely store things in a secure area; that the Commission recommended provide 6 reasons and 12 proposed conditions of approval; that he reviewed those with the Council.

The landscape plan was further discussed.

There were no public comments.

The Public Hearing was closed.

M 259 26 Defer Action/ CU2540

A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A

CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS" for the reasons and conditions given by Planning & Zoning and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 p.m.

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

Public Hearing/ CU2604

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 LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (property is lying on the west side of Cedar Corners Road [S.C.R. 638], approximately 410 feet south of Redden Road [Rt. 40]) (911 Address: 16694 Cedar Corners Road, Bridgeville) (Tax Map Parcel: 430-17.00-23.01) filed on behalf of Alvaro E. Perez Roblero.

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

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

The Council found that Mr. Alvaro Perez spoke on behalf of his application. Mr. Perez stated that the middle of the property will be fenced in; that there will be 50x100 pole building for storage; that there are parking spaces proposed; that he was requesting to store his equipment and store leftover materials on the site; that he may return with a yard of mulch left; that there will be open space for dump trailers for trash and yard waste; that it will be kept on the trailer and then it will go to the dump; that there will be lighting for the parking spaces.

Public comments were heard.

Mr. Anthony Fasano spoke in opposition of the application.

Ms. April Torrey spoke in opposition of the application.

The Public Hearing was closed.

M 260 26 Defer Action/ CU2604

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd to defer a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH

OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" and to leave the record open to allow any written comments to the P&Z office by June 15, 2026 by 4:30 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**

M 261 26 Adjourn **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to adjourn at 4:09 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.}

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Water District are established as follows:

(a) For an EDU annual service charge: $540.00 per EDU; or

(b) For a meter service charge: current tariff and rates approved by the Public Service Commission for the applicable regulated utility.

(c) For water irrigation system service charge will be billed one EDU; $540 per connection.

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

(a) For an annual service charge: $388.00 per EDU;

(b) For an assessment rate per billable front foot for distribution: see below;

(c) For an assessment rate per billable front foot for transmission and/or treatment, see below; and

(d) For assessment rate by EDU, see below.

	Annual Assessment Charge		
Area	**Distribution or Collection $/foot**	**Transmission and/or Treatment $/foot**	**Total $/foot**
OCEAN WAY ESTATES I & II	1.82	.00	1.82
CEDAR NECK EXPANSION	2.05	.62	2.67
NORTH MILLVILLE EXPANSION	2.61	.37	2.98
FENWICK ISLAND SEWER	.23	.03	.26
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT	3.41	.22	3.63
WEST REHOBOTH SEWER EXPANSION	.83	.47	1.30
MILLER CREEK SEWER	3.87	.34	4.21
ELLENDALE SEWER	.37	.36	.73
NEW MARKET VILLAGE SUBDISTRICT	-	.36	.36
OAK ORCHARD SEWER	1.21	1.24	2.45

Area	Annual Assessment Charge - continued		
	Distribution or Collection $/foot	**Transmission and/or Treatment $/foot**	**Total $/foot**
OAK ORCHARD EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	2.54	1.66	4.20
ANGOLA NORTH SEWER	.81	6.34	7.15
GOLF VILLAGE SEWER	1.47	-	1.47
WOODLANDS OF MILLSBORO	-	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES / ROUTE 113 AREA	4.24	-	4.24
HERRING CREEK SEWER	4.12	4.12	8.24
MULBERRY KNOLL	-	2.91	2.91
WINDING CREEK WATER	-	-	6.94
	$/EDU		
BRIARWOOD ESTATES	800.00		
DEWEY BEACH AND HENLOPEN ACRES	318.54		
CHAPEL BRANCH	680.00		
JOY BEACH	540.00		
LOCHWOOD	708.00		
LONG NECK COMMUNITIES	633.00		
MALLARD CREEK	540.00		
OAK ACRES – TANGLEWOOD	644.00		
WARWICK COVE – GULL POINT	325.00		
WESTERN SUSSEX	196.11		
PINTAIL POINTE	985.92		

(e) Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.

(f) For a connection charge per equivalent dwelling unit, see below:

District	Connection Charge		Total System Connection Charge $/EDU
	Transmission $/EDU	**Treatment $/EDU**	
UNIFIED WATER	1,500	-	1,500
UNIFIED SEWER	2,490	8,210	10,700
GOLF VILLAGE SEWER[1]	-	-	-
WOODLANDS OF MILLSBORO[2]	-	-	-

Notes: 1. Amount equal to the Town of Georgetown's Impact Fee.
2. Amount equal to the Town of Millsboro's Impact Fee.

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

(a) For a one-time septic installation charge, per equivalent dwelling unit: $2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2026.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ___TH DAY OF JUNE 2026.

TRACY N. TORBERT
CLERK OF THE COUNCIL

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, § 62-7, ENTITLED, "FEES FOR PERMITS AND APPLICATIONS," TO ADD A NEW § 62-7J., WHICH SHALL ESTABLISH A SCHOOL SURCHARGE ON BUILDING PERMIT APPLICATIONS TO GENERATE REVENUE FOR CAPITAL IMPROVEMENTS FOR LOCAL SCHOOL DISTRICTS AND SUSSEX TECHNICAL HIGH SCHOOL.

WHEREAS, Sussex County Code, Chapter 62, Article III, § 62-7 establishes the fees to be charged for permits and applications; and

WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 62, Article III, by adding a new § 62-7J., which shall establish a school surcharge on all building permit applications, except as specifically exempted therein; and

WHEREAS, the school surcharge shall generate revenue for the construction of capital improvements needed to address student capacity issues in Sussex County for both the local school districts and Sussex Technical High School; and

WHEREAS, the school surcharge shall be determined during the budget process, and shall be collected and held in an account for each local school district and Sussex Technical High School; and

WHEREAS, the school surcharge funds collected for the preceding fiscal year shall be distributed to each local school district and Sussex Technical High School during the budget process upon proper application.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 62, Article III, Chapter 62, "Fees for permits and applications", is hereby amended by adding a new § 62-7J. by inserting the underlined language as follows:

J. School surcharge.

(1) All applications for building permits shall be subject to a surcharge of the proposed construction valuation for the local school district and a separate surcharge of the proposed construction valuation for Sussex Technical High School. Both surcharges will be established annually during the budget process. The purpose of the surcharge is to establish financial assistance to individual school districts, distributions limited to student capacity -related capital improvements eligible for state matching funds pursuant to an approved certificate of necessity issued by the State Department of Education.

(2) The surcharge on the building permits for construction of buildings not involving residential use and occupancy shall be limited to the first $1,000,000 of construction value.

(3) The surcharge on building permits for construction of buildings for residential use shall not be limited. Notwithstanding the above, applications for building permits where the proposed construction value as determined by the Planning & Zoning Department is less

than $150,000 and such application is submitted following the issuance of the original certificate of occupancy shall be exempted from this article.

(4) Exemptions. The following shall be exempt from the building permit surcharge:

a. Building permits applied for by an organization exempt under 501c3 of the Federal Internal Revenue Code which provides owner-occupied housing to low-income households by rehabilitation of residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority, nor to any applicant funded by the Delaware State Housing Authority;

b. Building permits on an improvement approved through the Sussex County Rental Program;

c. Building permits applied for by state or local government department or agency;

d. Building permits applied for by any organization from tax under §501c3 of the Federal Internal Revenue Code regardless of the residential or nonresidential use of the proposed structure. Such organizations shall provide proof of tax-exempt status at the time of building permit application;

e. Buildings and structures, other than residential structures, devoted primarily to active agricultural use as defined in 9 Del. C. § 8330 or public safety uses, including, but not limited to, fire and ambulance companies and state and local police organizations, which shall be considered public safety uses; and

f. Existing structures destroyed or demolished will not be assessed a surcharge for the reconstruction, provided that the replacement structure has the same or less square footage and occurs within 24 months of the demolition. If the square footage is greater than the original structure, the surcharge shall be assessed based upon the value of the additional square footage. As part of the building permit application for the replacement structure, applicant shall provide competent evidence that the replacement structure is on the same footprint as the existing structure destroyed or demolished.

(5) The funds collected will be held in an account with a designation to each of the following school districts: Cape, Delmar, Indian River, Laurel, Milford, Seaford, Woodbridge, and Sussex Tech. Funds collected for building permits in each school district shall be accounted for by the school district.

(6) Sussex County shall, as part of the budget process, distribute to each school district the funds collected during the preceding fiscal year, provided that:

a. The school district has student capacity-related capital improvements for the ensuing fiscal year that are eligible for state matching funds pursuant to a certificate of necessity issued by the State Department of Education (DOE) for such capital improvements.

b. The proceeds have been qualified as the school district's matching local share towards capital improvements for purposes of the certificate of necessity in Subsection (6)a. above.

(7) Funds not expended in the manner set forth above shall continue to be held by Sussex County for the school district from year to year until such time as they are expended. Sussex County may retain interest, if any, accruing on such accounts, as an administration fee; provided, however, said administration fee shall not exceed $100,000 per year. School districts seeking disbursements of the funds shall file an application with the County 's Finance Department identifying the qualifying capital improvement project and committing the school district to expend the funds in accordance with the application.

Section 2. Effective Date. This Ordinance shall become effective on July 1, 2026.

Synopsis

This Ordinance amends Sussex County Code, Chapter 62, Article III "Building Fees", § 62-7, entitled, "Fees for permits and applications," by adding a new § 62-7J., which establishes a school surcharge on all building permit applications, except as specifically exempted therein. The school surcharge is being imposed to generate revenue to fund student capacity-related capital improvements for local school districts and Sussex Technical High School. The amount of the school surcharge shall be established annually through the County's budget process. All revenues derived from such surcharge shall be held in an account that is allocated for the benefit of each local school district and Sussex Technical High School. Funds collected during the preceding fiscal year shall be distributed to the respective local school districts and Sussex Technical High School during the County's budget process, subject to proper application and in accordance with such procedures as may be prescribed by the County.

No text has been deleted. Additional text is underlined.

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2027

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2027, is as follows:

Revenues:	**Amount Year Ending June 30, 2027**
Taxes	
Real Property - County	$ 17,785,000
Real Property – Library	2,142,000
Realty Transfer	39,000,000
Fire Service	1,000,000
Lodging Tax	2,000,000
Penalties and Interest	140,000
Intergovernmental	
Federal Grants	
Emergency Operations	240,000
Housing and Urban Development	2,714,411
Payment in Lieu of Taxes	7,360
State Grants	
Economic Development	200,000
Local Emergency Planning Commission	78,915
Library	490,000
Other	200,000
Paramedic	8,126,160
Charges for Services	
Constitutional Office Fees	
Marriage Bureau	205,000
Recorder of Deeds	4,150,000
Recorder of Deeds – Maintenance	45,000
Recorder of Deeds – Town Realty Transfer Tax	145,000
Register of Wills	1,850,000
Sheriff	850,000
General Government Fees	
Building Permits & Zoning Fees	2,600,000
9-1-1 System Fee	559,630

	Amount Year Ending June 30, 2027
General Government Fees – continued	
Manufactured Home Placement Fee	$ 200,000
Building Inspection Fees	1,680,000
Airport Operations/Economic Development	116,000
Miscellaneous Fees	65,000
Private Road Review & Inspection Fess	1,550,000
Miscellaneous Revenue	
Fines and Forfeits	90,000
Investment Income	5,000,000
Miscellaneous Revenues	1,131,500
Other Financing Sources	
Appropriated Reserve	12,827,651
Total Revenues	**$107,188,627**

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2027, is as follows:

Expenditures:

	Amount Year Ending June 30, 2027
General Government	
County Council	804,564
Administration	1,367,572
Legal	400,000
Finance	3,191,576
Assessment	4,221,424
GIO	1,242,356
Human Resources & General Employment	1,442,047
Records Management	349,014
Facilities Management	2,767,546
Information Technology	3,295,580
Planning and Zoning	
Planning and Zoning	3,232,274
Constable	1,825,420
Building Code	1,742,478

Expenditures:	**Amount Year Ending June 30, 2027**
Public Safety	$ 32,740,283
Engineering	
Engineering Administration	3,038,348
Solid Waste	259,300
Library	
Administration	733,583
Operations	2,946,330
Economic Development	
Economic Development	635,918
Safety and Security	702,132
Airport and Business Park	1,766,354
Community Development	3,315,413
Grant-in-Aid	31,984,199
Constitutional Offices	
Marriage Bureau	320,042
Recorder of Deeds	1,070,781
Register of Wills	847,820
Sheriff	830,773
Other Financing Uses	
Transfers Out	115,500
Total Expenditures	**$107,188,627**

Section 3. The Tax Rate, Fireman's Enhancement Funding Program, School Capital Enhancement Funding Program, Cluster Fees, fee increases and new sources of revenue for the Fiscal Year Ending June 30, 2027, are as follows:

(a) County Property Tax Rate $.0214 per $100.00 of taxable assessed valuation.

(b) Firemen's Enhancement Funding Program - Building Permit surcharge fifteen hundredths of one percent (0.15%) of construction values. Distribution will be made to fire companies and ambulance companies who are in good standing with the Sussex County Volunteer Fire Association.

(c) Pursuant to County Council adopting the School Surcharge Ordinance that adds §62-7J in County Code, the school building permit surcharge shall be $5 per $1,000/construction values whereas $4.70 is set aside to the local school district and $0.30 is set aside for Sussex Tech. If the ordinance is adopted, it is anticipated that $5 to $7 million will be generated to set aside for expenditures in a future budget.

Section 3. (continued)

(d) Cluster Fee for density bonus.

1.) For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - $15,000 per unit in excess of two dwelling units per acre.

2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - $15,000 per unit in excess of two dwelling units per acre.

3.) For the Environmentally Sensitive Developing Area - $20,000 per unit in excess of two dwelling units per acre.

(e) Fee increases

a. Utility Enterprise - Water Annual Service Charge based on EDU - increased from $450 per EDU to $540.
b. Utility Enterprise - Sewer Annual Service Charge - increased from $352 per EDU to $388.
c. Building Code – All residential projects that require and additional plan review – increased from $30 to $60

(f) Methodology Change in determining Construction Costs used to Calculate Building Permit Fee

a. Construction costs shall be based on verifiable submitted costs except for the following projects where the following calculation applies:
   i. Residential projects including duplexes and townhomes - $128.10/sq ft
   ii. Garages/pole barns - $52.23/sq ft
   iii. Decks/sheds/unfinished basements/porches - $23.36/sq ft
   iv. Apartment/condo buildings - $116.34/sq ft
   v. Farm buildings - $6/sq ft
b. The fee for the building permit shall be $5.00 for the first $1,000 of construction costs; or $1.50 for each $1,000 thereafter for properties within an incorporated municipality that has their own zoning code or $2.50 for each $1,000 thereafter for properties with no other zoning code.
c. The fee for the fire enhancement funding has changed to 0.15% of the construction costs of the building permit due to the change in construction costs. Although the rate was reduced, some construction projects will see an increase in the fire fee due to the change in construction cost calculations.

(g) Methodology and Rate Change for Building Code Inspections – residential fees cover 5 inspections with any additional inspection increasing from $40 to $60

Project Type	**Old Base Fee**	**New Base Fee**
Manufactured Homes	$120	$120
Modular Homes	$150	Based on non-attached residential permits structure below
Non-Attached Residential – 0-599 sq ft	$120	$120
Non-Attached Residential – 600-999 sq ft	$205	$120
Non-Attached Residential – 1,000-2,349 sq ft	$205	$240
Non-Attached Residential – 2,350-2,999 sq ft	$230	$240
Non-Attached Residential – 3,000-3,499 sq ft	$255	$360
Non-Attached Residential – 3,500-3,999 sq ft	$280	$360
Non-Attached Residential – 4,000-4,499 sq ft	$305	$360
Non-Attached Residential – 4,500-4,999 sq ft	$330	$360

Section 3. (g) (continued)

Project Type	Old Base Fee	New Base Fee
Non-Attached Residential – 5,000-5,999 sq ft	$450	$360
Non-Attached Residential – above 5,999 sq ft	$550	$360
Attached Residential – no matter what size	$120 plus $5/$1,000 of construction value	$560
Commercial	$120 plus $5/$1,000 of construction value	$360 plus $5/$1,000 of construction value

(h) New Sources of Revenue

1.) Building Code - Building Plan Replacement Fee - $120 fee for replacing building plans requiring staff re-review
2.) Planning & Zoning Office - Public Hearing Readvertisement Fee - $500 fee for readvertising public hearings at applicant's request
3.) Planning & Zoning Plan Re-review Fee - $150 fee per additional review required due to applicant error
4.) Planning & Zoning By-Right Application Fee - $300 fee for by-right applications without floor area
5.) Planning & Zoning Record Plan Modification - $1,000 fee for making changes after initial recordation, or revising conditions of approval
6.) Enterprise Utility - Construction Phase Design Modification Fee - Tier 2 $1,000 fee for reviews involving constructability/site conditions
7.) Geographic Information Office - Street Naming Fee - $50/hour fee for additional street name change requests
8.) School Building Permit Surcharge (subsequent County Council adopting the School Surcharge Ordinance that sets the parameters of when the surcharge applies) - $5/$1,000 of construction cost of a building permit

Section 4. Fees and Charges required to be set annually during the budget:

Area	*Fee Description*	*Rate*	*Unit of Measure*
Building Code	Building Plan Replacement Fee	$120	Per plan set
Building Code	Additional Plan Review - Revised project after approval of original application	$60	Minimum fee, plus additional permit fees for additional square footage
Building Code	Building Permit (all projects)	$5.00 for the first $1,000 of construction estimate; $2.50 for each $1,000 thereafter for properties without another zoning code.	
Building Code	Building Permit (all projects)	$5.00 for the first $1,000 of construction estimate; $1.50 for each $1,000 thereafter for properties within incorporated municipalities that have their own Zoning Code	
Building Code	Inspections- Residential (includes all manufactured and applicable modular homes) under 1,000 SF	$120	Base fee includes up to five inspections

Area	*Fee Description*	*Rate*	*Unit of Measure*
Building Code	Inspections- Non-attached Residential (includes applicable modular homes) 1,000 to 2,999 SF	$240	Base fee includes up to five inspections
Building Code	Inspections- Non-attached Residential (includes applicable modular homes) 3,000 SF and over	$360	Base fee includes up to five inspections
Building Code	Inspections- Attached Residential (townhomes/duplexes)	$560	Base fee includes up to five inspections
Building Code	Residential Inspections- over the five base inspections	$60	Per inspection
Building Code	Inspections- Commercial	$360 then $5.00 per $1,000 of construction cost; no cap on inspections	
Engineering	Plan Review Fees - Chapter 99 - flat fee for (2) reviews of submitted plans	$3,500	Flat fee
Engineering	Plan Review Fees - Chapter 99 - per unit for (2) reviews of submitted plans -	$55	Per unit (addition to flat fee)
Engineering	Plan Review Fees - Chapter 99 - Per multi-unit building for (2) reviews of submitted plans	$20	Per unit (addition to flat fee)
Engineering	Chapter 99 Third Additional reviews - after first (2) reviews based on 60% fees calculated for original plans submitted	60%	Original plan review fees
Engineering	Plan Review Fees - Chapter 99 fourth additional reviews - after first (3) reviews based on 50% fees calculated for original plans submitted	50%	Original plan review fees
Engineering	Plan Review Fees - Chapter 99 - fifth additional reviews - after first (4) reviews based on 40% fees calculated for original plans submitted	40%	Original plan review fees
Engineering	Plan Review Fees - Plan Revisions - Chapter 99 - after obtaining County approval	$2,000	Each
Engineering	Plan Review Resubmittal Fee	$300	Per occurrence
Engineering	Field Inspection Fees - Chapter 99	$1,225	Per equivalent dwelling unit including as-built asset
Engineering	Field Inspection - Overtime - Holiday or Weekend Hours	$70	Per hour
Planning & Zoning	Minor subdivision (2-5 lots)	$200 plus $20 per lot	
Planning & Zoning	Minor lot line adjustment/lot consolidation	$150	Per occurrence
Planning & Zoning	Administrative variance	$50	Per occurrence
Planning & Zoning	Re-Advertisement of Public Hearing at Applicant's Request (all cases except for medical emergencies)	$500	Per occurrence

Area	*Fee Description*	*Rate*	*Unit of Measure*
Planning & Zoning	Additional Review/ Stamping of Surveys, Lot Line Adjustments and Other Plans where additional staff review required due to inaccuracy/error	$150	Per review
Planning & Zoning	Zoning and certificate of occupancy verification letters	$150	Per occurrence
Planning & Zoning	Subsequent reviews to release bond	$150	Per review
Planning & Zoning	Board of Adjustment application	$500	1 – 6 variances
Planning & Zoning	Board of Adjustment application	$600	7 – 9 variances
Planning & Zoning	Board of Adjustment application	$800	10 or more variances
Planning & Zoning	Board of Adjustment application	$500	Per special use exception
Planning & Zoning	Board of Adjustment code interpretation or administrative appeal	$600	Per occurrence
Planning & Zoning	Board of Adjustment accessory dwelling unit application fee	$500	Per variance
Planning & Zoning	Variance modification request within 1 year	$500	Per occurrence
Planning & Zoning	Change of zone application	$1,000	Per occurrence
Planning & Zoning	Application to amend zoning ordinance	$1,000	Per occurrence
Planning & Zoning	Small scale conditional use (CU) application (small scale is when the proposed CU is to operate as an accessory/ancillary manner to a dwelling on the parcel	$500	Per occurrence
Planning & Zoning	Conditional Use application (not small scale)	$1,000 plus $50 per dwelling unit	
Planning & Zoning	Conditional Use application for business, commercial, industrial, and other buildings	$100 per 1,000 square feet, capped at $5,000 per phase	
Planning & Zoning	Major subdivision/RPC application	$1,000 plus $50 per dwelling unit	
Planning & Zoning	Major subdivision/RPC application (where forested buffer plan is required)	$1,750 plus $50 per dwelling unit	
Planning & Zoning	Re-subdivision or revised record plan – nonresidential	$1,000	Per occurrence
Planning & Zoning	Temporary removable vendor permits	$100	Per permit
Planning & Zoning	Re-subdivision or revised record plan – residential	$1,000 plus $50 per dwelling unit	

Area	*Fee Description*	*Rate*	*Unit of Measure*
Planning & Zoning	Plan expiration extension	$1,000	Per occurrence
Planning & Zoning	By-Right Application Fee	$300 fee for by-right applications without floor area	
Planning & Zoning	Appeal from any finding, decision, or recommendation of the Department with regard to subdivision standards affecting an individual residential lot or use and/or affecting other residential and nonresidential lots or uses	$3,000	Per appeal
Planning & Zoning	Appeal of revised landscape plan	$500	Per appeal
Planning & Zoning	Appeal of record plan modification	$1,000	Per appeal
Planning & Zoning	Appeal of sunset plan review/determination as to whether substantially underway	$1,000	Per appeal
Planning & Zoning	Construction sign permits fee	$0.50 per square foot minimum charge of $25 per sign for signs larger than 32 square feet	
Planning & Zoning	Sign permits larger than 32 square feet	$0.25 per square foot minimum charge of $25 per sign annual fee.	
Planning & Zoning	Sign permits equal to or smaller than 32 square feet	$7.50	onetime fee
Planning & Zoning	Demolition Fee	No charge	
Planning & Zoning	Plan Review Resubmittal Fee	$300.00	Per occurrence
Planning & Zoning	Subdivision Record Plan Modification (i.e. changing amenities and/or design after initial recordation, or revising conditions of approval)	$1,000	Per occurrence
Planning & Zoning	Site plan review fee - Multifamily residential	$50 minimum, plus $2 per dwelling unit in excess of 10 dwelling units.	
Planning & Zoning	Site plan review for business, commercial, industrial, and other buildings (hospitals, schools, institutional, and places of worship are exempt)	$300 where no floor area created. Otherwise, $100 per 1,000 square feet, capped at $5,000 per phase	
Planning & Zoning	Site plan review fee – Manufactured home parks, parks, and campgrounds for mobile campers and tent camping	$50 minimum, plus $2 per site in excess of 10 manufactured homes or campsites.	

Area	*Fee Description*	*Rate*	*Unit of Measure*
Utility Enterprise	Damage to County infrastructure from outside sources	Varies	Actual costs or equipment rates based on FEMA schedule
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat Fee including (2) reviews of submitted plans	$3,000	Flat fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	$30	Per unit
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per multi-unit building (2) reviews of submitted plans	$10	Per unit
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	$3,000	Flat fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Per Unit including (2) reviews of submitted plans	$20	Per unit
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Water - Per multi-unit building (2) reviews of submitted plans	$10	Per unit
Utility Enterprise	Plan Review Fees - Chapter 110 - third additional reviews - after first (2) Sewer/Water plan review	60%	Original plan fees
Utility Enterprise	Plan Review Fees - Chapter 110 - fourth additional reviews - after first (3) Sewer/Water plan review	50%	Original plan fees
Utility Enterprise	Plan Review Fees - Chapter 110 - fifth additional reviews - after first (4) Sewer/Water plan review	40%	Original plan fees
Utility Enterprise	Plan Review Fees - Sewer/Water Plan Revisions - Chapter 110 - after obtaining County approval.	$2,000	Each
Utility Enterprise	Construction Phase Design Modification Fee - Tier 1	$500	Per request - technical bulletin
Utility Enterprise	Commercial Sewer Site Review Fee	$1,000	Flat fee
Utility Enterprise	Construction Phase Design Modification Fee - Tier 2	$1,000	Per request - constructability/site conditions

Area	*Fee Description*	*Rate*	*Unit of Measure*
Utility Enterprise	Pump Station Review Fees – Chapter 110 – Sussex County Sewer District	$2,500	Flat fee (including 2 reviews of submitted plans)
Utility Enterprise	Plan Review Resubmittal Fee	$300	Per occurrence
Utility Enterprise	Field Inspection Fees - Chapter 110	$875	Per equivalent dwelling unit including as-built asset
Utility Enterprise	Field Inspection - Overtime	$70	Per hour
Utility Enterprise	Field Inspection Trip Charge – rescheduled connection inspections – each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	$100	Per occurrence
Utility Enterprise	Sewer/Water Connection Permits	$130	Per permit
Utility Enterprise	Availability fee for Private Fire Service	$300	Annually
Utility Enterprise	Waste Hauler's Annual License Fee	$250	Annually
Utility Enterprise	Waste Hauler Fee - Septage Treatment Charges	$0.08	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	$100	Each
Utility Enterprise	Water Turn Off or On Fee	$300	Each
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	$50	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	$30	5,000 Gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	$6	1,000 Gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	$500	Per issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	$250	Per issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	$250	Per issuance

Area	*Fee Description*	*Rate*	*Unit of Measure*
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring, Inspection, and Surveillance Fee	$250	Annually
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	$500	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	$750	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	$1,500	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water – Greater than 150.0 Acres	$2,500	Each
Utility Enterprise	Irrigation Fee - Water District	Additional 1 EDU on water bill	
Utility Enterprise	Water Fire Service Fee	$300	Per connection - annual
Utility Enterprise	Sewer Service Concept Evaluation Fee	$1,000	Per evaluation
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charge
Utility Enterprise	Sewer Inspection Camera Fee	$150	Per hour for equipment and crew; charge per based on hourly increments
Utility Enterprise	Flagger services	$50	Per hour for flagger; charge per based on hourly increments
Utility Enterprise	Bio-solids Processing Fees		Per agreed contract pricing.
Utility Enterprise	Enterprise Employee Hourly Rate for Services	Various	Employee hourly rate plus 65.0% OH charge
Utility Enterprise	Enterprise Employee Premium Hourly Rate for Services for After Hour and Holiday Hours	Various	Employee premium hourly rate plus 40.0% OH charge

Section 5. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2027, is as follows:

	Amount Year Ending June 30, 2027
Revenues and Other Financing Sources:	
Appropriated Reserves	$20,685,450
Federal Grant	7,578,900
Investment Income	680,000
State Grant	421,050
Total Revenues and Other Financing Sources	**$ 29,365,400**
Expenditures:	
Administrative	12,303,000
Airport and Business Park	13,626,000
Engineering	250,000
Library	95,000
Public Safety	3,091,400
Total Capital Improvement Expenditures	**$ 29.365,400**

Section 6. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2027, is as follows:

	Amount Year Ending June 30, 2027
Revenues and Other Financing Sources:	
Operating Revenue	
Service Charges	$ 39,275,284
Holding Tank Fees	620,000
Licenses, Permit, and Review Fees	1,950,040
Miscellaneous Fees	639,300
Non-Operating Revenue	
Assessment Charges	9,477,375
Capitalized Ord. 38 Fees	3,655,896
Connection Fees	13,134,000
Investment Results	3,264,150
Miscellaneous Revenues	761,625
Other Financing Sources	
Appropriated Reserves	2,296,006
Grants	972,550
Transfers	115,500
Total Revenues and Other Financing Sources	**$ 76,161,726**
Expenses	
Administrative	$ 12,702,397
Operations and Maintenance Costs	38,713,706
Capital Expenditures	9,139,944
Debt Service	15,605,679
Total Expenses and Debt Service	**$ 76,161,726**

Section 7. Supplemental funding provided by the American Rescue Plan Act as follows:

Revenues and Other Financing Sources:

Coronavirus State and Local Fiscal Recovery Grant	$ 222,010

Expenses and Other Financing Uses

Coronavirus State and Local Fiscal Recovery Eligible Expenses	$ 222,010

Section 8. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 9. The County Pay Plan and Salary Structure for employees not in a collective bargaining unit for Fiscal Year Ending June 30, 2027, shall be:

FY 2027 Pay Sale – Non-exempt (non-union)			
Grade	**Minimum**	**Midpoint**	**Maximum**
1	$ 15.14	$ 18.93	$ 22.71
2	$ 15.90	$ 19.88	$ 23.85
3	$ 16.70	$ 20.87	$ 25.04
4	$ 17.53	$ 21.91	$ 26.29
5	$ 18.41	$ 23.01	$ 27.61
6	$ 19.34	$ 24.16	$ 28.99
7	$ 20.29	$ 25.37	$ 30.44
8	$ 21.31	$ 26.63	$ 31.96
9	$ 22.37	$ 27.97	$ 33.56
10	$ 23.49	$ 29.36	$ 35.24
11	$ 24.67	$ 30.83	$ 37.00
12	$ 25.90	$ 32.37	$ 38.85
13	$ 27.19	$ 34.00	$ 40.80
14	$ 28.56	$ 35.70	$ 42.83
15	$ 29.98	$ 37.48	$ 44.98
16	$ 31.49	$ 39.35	$ 47.22
17	$ 33.05	$ 41.33	$ 49.58
18	$ 34.71	$ 43.38	$ 52.06
19	$ 36.44	$ 45.55	$ 54.66
20	$ 38.27	$ 47.83	$ 57.40

FY 2027 Salary Scale - Exempt			
Grade	**Minimum**	**Midpoint**	**Maximum**
E1	$ 65,484	$ 81,855	$ 98,226
E2	$ 68,758	$ 85,948	$ 103,137
E3	$ 72,196	$ 90,245	$ 108,294
E4	$ 75,806	$ 94,757	$ 113,709
E5	$ 79,596	$ 99,495	$ 119,394
E6	$ 83,576	$ 104,470	$ 125,364
E7	$ 87,755	$ 109,694	$ 131,632
E8	$ 92,143	$ 115,178	$ 138,214
E9	$ 96,750	$ 120,937	$ 145,125
E10	$ 101,587	$ 126,984	$ 152,381
E11	$ 106,667	$ 133,333	$ 160,000
E12	$ 112,000	$ 140,000	$ 168,000
E13	$ 117,600	$ 147,000	$ 176,400
E14	$ 123,480	$ 154,350	$ 185,220
E15	$ 129,654	$ 162,067	$ 194,481
E16	$ 136,137	$ 170,171	$ 204,205
E17	$ 142,943	$ 178,679	$ 214,415
E18	$ 150,091	$ 187,613	$ 225,136
E19	$ 157,595	$ 196,994	$ 236,393

* Salary based on 40 hours a week

Section 10. The County has invested $10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee of the Sussex County Volunteer Firefighters Association, but at the discretion of the Sussex County Council. The County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after the County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. The County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 11. This Ordinance shall become effective on July 1, 2026.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____TH DAY OF JUNE 2026.

TRACY N. TORBERT
CLERK OF THE COUNCIL

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Mike Harmer, P.E., County Engineer

RE: ***Inland Bays Loop Project, S24-01***
A. Change Order No. 4

DATE: June 16, 2026

The Inland Bays Loop Project, S24-01, included over 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) locations where effluent disposal is planned. Most of the work occurs on Sussex County owned lands, with some portions of the pipeline crossing or running within DelDOT right-of-way. On February 20, 2024, Council approved a Utility Agreement with DelDOT for an applicable segment of Mount Joy Road.

The Loop Project was publicly advertised, and twelve (12) contractors attended a pre-bid meeting on February 21, 2024. On March 14, 2024, seven (7) bids were received, with Atlantic Contracting & Material Co., Inc. submitting the lowest responsible base bid. The Engineering Department reviewed all bid pricing and considered Base Bid with Alternate Bid 9A, in the amount of $7,649,916.00, as serving the best project interests of Sussex County.

On April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of $7,649,916.00.

The Loop Project was the initial step towards constructing a treated effluent distribution system at the Inland Bays Regional Wastewater Facility (IBRWF). Design and permitting continued for anticipated components of the Loop system, including forested spray-field header piping; forested spray-field diffuser piping; treated effluent storage; and electrical powering and communication control of the actuated control valves via integration to the Supervisory Control and Data Acquisition (SCADA) Systems.

The Engineering Department completed supplemental construction drawings for forested spray-field header piping, where Change Order No. 1 provided for construction of the forested spray-field header piping using current unit pricing with new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and ACM labor associated with atypical "bullhead" pipe assemblies. These "bullhead" assemblies allowed for future connection of the individual header pipes to distribution piping for diffusing treated effluent in a spray-field.

A DP&L electrical transmission right-of-way with three (3) separate overhead circuits exists on County property at the IBRWF. The Loop Project included three (3) locations where the buried effluent loop pipeline crosses the DP&L right-of-way. Coordination of construction with DP&L resulted in the shift of pipeline alignment further away from existing utility poles. The Engineering Department requested ACM develop costs for additional tree clearing and field survey associated with revisions to the Loop Project alignment. As requested, ACM presented Change Order No. 2.

Change Orders No. 1 and No. 2 were presented to and approved by County Council on October 15, 2024.

The Engineering Department coordinated a small pilot test of spray field diffuser options using polyethylene (PE) distribution piping. Additional testing to further review flow rates and performance are planned to occur, however the initial effort confirmed the distribution piping spray-field approach. Therefore, the Department requested ACM to develop new unit pricing associated with 4-inch PE distribution piping materials coupled with a per diem unit price for labor and equipment. This approach permits flexibility for the Engineering Department to direct field changes as needed within the forested sites.

In addition to the spray field distribution piping, the Engineering Department requested ACM review owner-directed changes, such as revisions to Loop piping around the proposed elevated storage tank and installation of access gates at several locations where the tree clearing associated with the project approached public road crossings. As requested, ACM presented Change Order No. 3 to incorporate an initial quantity of spray field diffuser piping along with the owner directed changes.

Change Order No. 3 was presented to and approved by County Council on September 9, 2025.

The Loop Project's base scope of work stands at approximately 95% complete, and all spray field header pipes have been constructed pursuant to change orders no. 1 and 2. Additionally, a majority of 4-inch PE distribution pipe inside the initial forested area, Spray Field D, is fused. To complete necessary meter vault elements, the Engineering Department requested ACM develop new unit price items to furnish and install metering equipment, to install valving materials procured directly by Sussex County, and to furnish all related pipe and fittings to fully construct meter vault mechanics. Final power and communication needs will be addressed in the near future via IBRWF plant upgrade contracts.

As requested, ACM presented Change Order No. 4 to incorporate meter vault mechanicals, along with owner directed modifications including forested spray field clearing, meter

equipment storage and additional PE spray field diffuser piping at current material pricing. Also included are several credits associated with unused contract work items. One credit being the elimination of previously proposed modifications to the treated effluent submerged gravel wetlands determined unnecessary after further operational review. A 365-day contract extension is provided for coordination of remaining Loop Project work and its start-up with the overall IBRWF plant upgrade project.

The Engineering Department recommends Council approve Change Order No.4 for Project S24-01 in the amount of $227,215.40.

SUSSEX COUNTY
CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **IBRWF – LOOP PROJECT**

2. Sussex County Project No. S24-01

3. Change Order No. 4

4. Date Change Order Initiated - 06/16/2026

5. a. Original Contract Sum $ 7,649,916.00

   b. Net Change by Previous Change Orders $ 3,226,049.98

   c. Contract Sum Prior to Change Order $ 10,875,965.98

   d. Requested Change $ 227,215.40

   e. Net Change (No. of days) 365

   f. New Contract Amount $ 11,103,181.38

6. Contact Person: Patrick Brown, P.E.

   Telephone No. (302) 855-7785

B. REASON FOR CHANGE ORDER (CHECK ONE)

- X 1. Differing Site Conditions
- _ 2. Errors and Omissions in Construction Drawings and Specifications
- _ 3. Changes Instituted by Regulatory Requirements
- X 4. Design Change
- X 5. Overrun/Underrun in Quantity
- _ 6. Factors Affecting Time of Completion
- X 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Development of new unit prices for owner-directed changes to loop project, including furnishing and/or installing metering equipment with related valves and piping inside base contract meter vaults; additional forested spray field clearing; additional treated effluent spray field PE piping; and credits associated with balancing unused contract work items. A 365-day contract extension is included for coordination of remaining loop project elements and start-up with the overall IBRWF plant upgrade project.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes _____X_____ No _____

E. <u>APPROVALS</u>

1. Atlantic Contracting & Materials Co., Inc., Contractor

_____
Signature Date

_____
Representative's Name in Block Letters

2. Sussex County Engineer

_____
Signature Date

3. Sussex County Council President

_____
Signature Date

ATLANTIC
CONTRACTING & MATERIAL CO., INC.
9712 DORVAL AVENUE
OFFICE: (301) 868-3227
UPPER MARLBORO, MD 20772
FAX: (301) 868-8862

CHANGE ORDER #04

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

ACM Project No.: 975
Project Name: **Inland Bays Regional Wastewater Facility Loop Project**

Date:	June 9, 2026
Original Contract Value:	$7,649,916.00
Total Previous Change Order(s):	$3,226,049.98
Amount This Change:	$227,215.40
Revised Contract Amount:	$11,103,181.38

Description of Change Order: Inland Bays vault equipment furnishings, along with an installation price including furnishing the fittings needed. This change order also has a storage unit for putting the meters in until they are needed. ACM has priced in a forestry mulcher for the cleanup throughout sprayfields and credited unused items as requested. Also in this change order is requesting a 365 calendar day extension to the contract per county discussion.

	UNIT PRICE	UNITS	QTY	VALUE
CHANGE ORDER 4				
4.1 Furnish Mag Meters				
9 EA 12" and 3 EA 8" Mag Meters including grounding and warranty startup	$114,379.00	LS	1	$114,379.00
4.2 Vault Equipment Install				
Install vault equipment and	$126,000.00	LS	1	$126,000.00
Provide additional spool piece, and flange adapter, and single pipe stand at each vault	$36,000.00	LS	1	$36,000.00
4.3 Vault Equipment Storge				
Provide a conex for storage	$4,800.00	EA	1	$4,800.00
4.4 Forestry Mulcher				
Forestry Mulcher for clearing (One Month)	$20,000.00	EA	2	$40,000.00

ATLANTIC
CONTRACTING & MATERIAL CO., INC.
9712 DORVAL AVENUE
UPPER MARLBORO, MD 20772
OFFICE: (301) 868-3227
FAX: (301) 868-8862

4.5 Additional 4" HDPE				
4" DR 13 HDPE PIPE IPS	$3.91	LF	43,760	$171,101.60
4.6 Contract Time Extension	365	DAYS		
****ITEM DEDUCTS****				
4.7 Base Bid- Item 11 Jack and Bore	($2,400.00)	LF	35	($84,000.00)
4.8 CO-3.1 SGW Auxiliary Irragation	($59,850.00)	LS	1	($59,850.00)
4.9 CO-3.3 4" DR13 HDPE	(2.77)	LF	43,760	($121,215.20)
****QUANTITIES TO BE MEASURED IN FIELD**				
TOTAL COST				**$227,215.40**

Sussex County Engineering Department

By: _____

Name:

Title:

Atlantic Contracting & Material Co., Inc.

By: _____

Name: Thomas Madden

Title: President

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County
DELAWARE
sussexcountyde.gov

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

FROM: Mike Harmer, P.E., County Engineer

RE: ***South Coastal Library HVAC Replacements, Project G23-24***
A. Final Balancing Change Order & Substantial Completion

DATE June 16, 2026

As you may recall, the South Coastal Library HVAC systems which serve the General Collections Area, Teen Center, Lobby, Office and Supply areas were at the end of their service life. Refrigerant leaks and issues with the heat exchangers plagued both units. Prior to the HVAC Replacement Project, the Office and Supply areas had to rely on portable cooling units starting in the Summer of 2024 as the refrigerant leaks could not be repaired.

Because of the urgency and complexities of the design, installation, and desired features of the new HVAC equipment, the Engineering Department worked with Carrier Commercial Systems for direct procurement of the air handling units, condensing units and a new Building Automation System (BAS), using the Sourcewell cooperative purchasing program. Because of the proximity to the ocean, every corrosion resistant option available on the equipment was selected to maximize the service life of the new units. Additionally, the new equipment is more energy efficient than the existing equipment, and has a greater ability to modulate capacity, ensuring occupancy comfort is maximized throughout the year.

A roof replacement of the Library's shingled roof has taken place in conjunction with the HVAC Replacements, as the only way to get the new equipment into the attic was through the roof. The Engineering Department contracted directly with Tecta America for the roof replacement utilizing the Omnia Partners cooperative purchasing agreement.

The HVAC Equipment Installation project was advertised for public bid on August 1st, 2025 and August 8th, 2025. On August 12th, 2025, a pre-bid meeting was held with three (3) vendors in attendance. On August 26th, 2025, one (1) bid was received.

The low bidder was Joseph T. Richardson Inc. with a total bid of $344,000.00, which included two (2) bid alternates for temporary cooling and heating, and two (2) allowance items. Based on a recommendation for award by the Engineering Department, following a detailed review

of the bid on September 9, 2025, Council approved award of the project to Joseph T. Richardson Inc. for a total amount of $344,000.00.

Careful coordination with the Library staff and contractors was required leading up to the scheduled closure of the Library to the public from December 3rd through December 14th. On December 4th the roof demolition began, and the existing equipment was demolished and taken out of the attic through the roof. The new equipment was then broken into sections and lowered into the attic. Contractors worked all through the weekend to ensure the most disruptive portion of the project would be complete before the Library opened.

During the roof replacement, the roofing contractor encountered several unforeseen conditions where poor flashing and water intrusion damaged the building sheathing and framing. Project contingency funds were used to fully expose the damage and make the appropriate repairs.

As the new heating system was enabled, work progressed on the new Building Automation System, Energy Recovery Unit and cooling components of the system.

The project is currently at the Substantial Completion level, with all new equipment up and running, testing and balancing complete and final construction punch list issued to the contractor on June 9th. With the recent warm weather, the cooling equipment has had several good tests and has kept the Library at the desired temperature. The new systems are now delivering air conditioning with greater efficiency and capacity modulation than the previous systems.

There were two (2) bid alternates and two (2) construction allowances included in the Contract. The bid alternates were included to cover temporary cooling and heating for the General Collection Area and temporary heating for the Office Area. A general construction allowance was included to cover miscellaneous items found during construction and a duct cleaning allowance was included to cover duct cleaning expenses in the event it was deemed necessary.

Only temporary heating in the Office Area was needed during construction, therefore the other bid alternate and both construction allowances are returned to the Contract amount in the form of a credit. As outlined in attached Change Order 1, the total of the unused bid alternate and allowance items is $45,000.00.

Based on the above, the Engineering Department recommends approval of final balancing Change Order No. 1 in the credit amount of $45,000.00 reducing the overall Contract from $344,000.00 to $299,000.00 and granting substantial completion as of June 16th, 2026, with any held retainage released in accordance with the contract documents.

SUSSEX COUNTY
CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **South Coastal Library HVAC Replacements**
2. Sussex County Project No. G24-23
3. Change Order No. 1
4. Date Change Order Initiated - 6/16/26
5. a. Original Contract Sum $ 344,000.00
   b. Net Change by Previous Change Orders $ 0
   c. Contract Sum Prior to Change Order $ 344,000.00
   d. Requested Change ($45,000.00)
   e. Net Change (No. of days) _____
   f. New Contract Amount $ 299,000.00
6. Contact Person: Mike Harmer, P.E.

   Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

_ 1. Differing Site Conditions

_ 2. Errors and Omissions in Construction Drawings and Specifications

_ 3. Changes Instituted by Regulatory Requirements

_ 4. Design Change

_ 5. Overrun/Underrun in Quantity

_ 6. Factors Affecting Time of Completion

_X_ 7. Other (explain below): Balancing final quantities

C. BRIEF DESCRIPTION OF CHANGE ORDER:

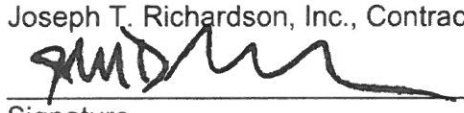
Balancing final quantities.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes _____X_____ No _____

E. APPROVALS

1. Joseph T. Richardson, Inc., Contractor



6/5/2026

Signature Date

John Dunbar, President

Representative's Name in Block Letters

2. Sussex County Engineer

_____

Signature Date

3. Sussex County Council President

_____

Signature Date

Contract G24-23

SOUTH COASTAL LIBRARY HVAC REPLACEMENTS
Final Balancing Change Order No. 1 - Cost Summary Sheet

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits

Line Item No.	Description of Individual PCO Line Items	Proposed Quantity	Unit	Unit Price	Actual Quantity	Add	Deduct
A-1	Remove Existing Air Handler	1	LS	$ 15,000.00	1		
A-2	Install AHU-1 and CU-1	1	LS	$ 155,000.00	1		
A-3	Install AHU-2 and CU-2	1	LS	$ 104,000.00	1		
A-4	Furnish & Install Structural Supports needed for new HVAC Equipment	1	LS	$ 20,000.00	1		
B-1	Provide Temporary Cooling & Heating for Areas Served by AHU-1	1	LS	$ 15,000.00	0		$ (15,000.00)
B-2	Provide Tempoary heating for Areas Served by AHU-2	1	LS	$ 5,000.00	1		$ -
C-1	Allowance	1	LS	$ 20,000.00	0		$ (20,000.00)
C-2	Duct Cleaning Allowance	1	LS	$ 10,000.00	0		$ (10,000.00)

Total Balancing Change Order No. 1	**$**	**(45,000.00)**
Original Contract Amount	**$**	**344,000.00**
Balancing Change Order No. 1	**$**	**(45,000.00)**
Revised Contract Total	**$**	**299,000.00**

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 11, 2026

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

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

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

The County Council held a Public Hearing on the application at the meeting on June 2, 2026. As the Commission had not yet made a recommendation at the time of the County Council meeting, the Council left the record open to allow for receipt of the Commission's recommendation. At the meeting on June 9, 2026, staff announced the Commission's recommendation to the County Council.

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

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

C/U 2631 Zion Church Ventures, LLC
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH (TO AMEND CONDITION "D" AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Robertson questioned the number of individual units proposed.

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

Mr. Collins questioned whether the Commission was considering a 172-office park.
Mr. Passwaters questioned the difference the Applicant was proposing; that the bay already consisted of four-walls, with an approved bathroom, and he questioned whether the Applicant was proposing to build another room inside of the bay unit, which could be considered an office anyway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend partial approval for C/U 2631 Zion Church Ventures, LLC, by recommending denial of the requested amendment for Condition D, regarding individual unit offices, and recommended approval of the requested deletion of Condition N, regarding the requirement for a central on-site office, as required within the Conditions of Approval for Conditional Use No. 2581 (Ordinance No. 4009), for the reasons stated in motion. Motion carried 5-0.

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

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

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

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

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

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

PLANNING & ZONING COMMISSION
HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
DAVID PETTYJOHN
JOHN PASSWATERS

Sussex County
DELAWARE
SUSSEXCOUNTYDE.GOV
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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 15th, 2026
Sussex County Council Hearing Date: June 2nd, 2026

Application:	C/U 2631 Zion Church Ventures, LLC
Applicant:	Mr. Bradley A. Absher 35322 Bayard Road Frankford, DE 19945
Owner:	Zion Church Ventures, LLC 35322 Bayard Road Frankford, DE 19945
Site Location:	Lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) at 36054 Zion Church Road.
Current Zoning:	MR (Medium Density Residential District)
Proposed Zoning:	MR (Medium Density Residential District)
Proposed Use:	Amendment to Existing Conditional Use No. 2581 (Ordinance No. 4009) to allow for office spaces within units & removal of an on-site Office.
Comprehensive Land Use Plan Reference:	Coastal Area
Councilmanic District:	District 4 - Mr. Hudson
School District:	Indian River School District
Fire District:	Roxana Fire Company
Sewer:	Sussex County (central sewer)
Water:	Tidewater (central water)
Site Area:	29.55 acres +/-
Tax Map ID.:	533-11.00-23.00

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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Lauren Cecchine, AICP, Planning & Zoning Manager
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 13th, 2026
RE: Staff Analysis for C/U 2631 Zion Church Ventures, LLC

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

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

Tax Parcel ID: 533-11.00-23.00

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

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

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

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

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

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

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

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

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

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

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

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

Compliance with Comprehensive Plan

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

Further Site Considerations:

- **Density:** N/A

- **Open Space Provisions:** N/A

- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use. This includes the Parcels to the north.

- **Interconnectivity:** Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur on the Parcel. Please add an easement or other means of providing alternative access to the property.

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

- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).

- **Forested Areas:** Staff note that there is an existing forested area on the northeast portion of the subject property. Though not Conditional Use for single-family or multi-family dwellings, Staff request that a 30-ft buffer be provided in accordance with the recent approval of Ordinance No. 3038 "Perimeter Buffers Around Residential Developments" as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).

- **Wetlands Buffers/Waterways:** Staff note per the County's Online Mapping System that there appears to be a large area of lotic wetlands on the Property that also appear to exist in conjunction with the existing agricultural ditch which appears to bisect the property and run to the southeast of the property between Parcels 24.00, 23.03, 24.01 and 23.04. (This information has been included in a Supplemental Map for the Commission and Council's review.)

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones "X" – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcel is classified as within an area of "Fair" Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that there are two (2) Tax Ditch Areas (the Batson Branch Tax Ditch Area and the Bear Hole Tax Ditch Area) and a related Tax Ditch Right-Of-Way (ROW) which runs along the northeast side (along Parcels 22.00 and 22.01) which is measured 80-ft from the centerline (CL) of the Tax Ditch and another Tax Ditch Right-Of-Way (ROW) which runs along the southeast side of the property which is measured 50-ft from the Top of Bank (TOB) of the Ditch which was reduced through Court Order Change No. 16. ((This information has been included in a Supplemental Map for the Commission and Council's review.)

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

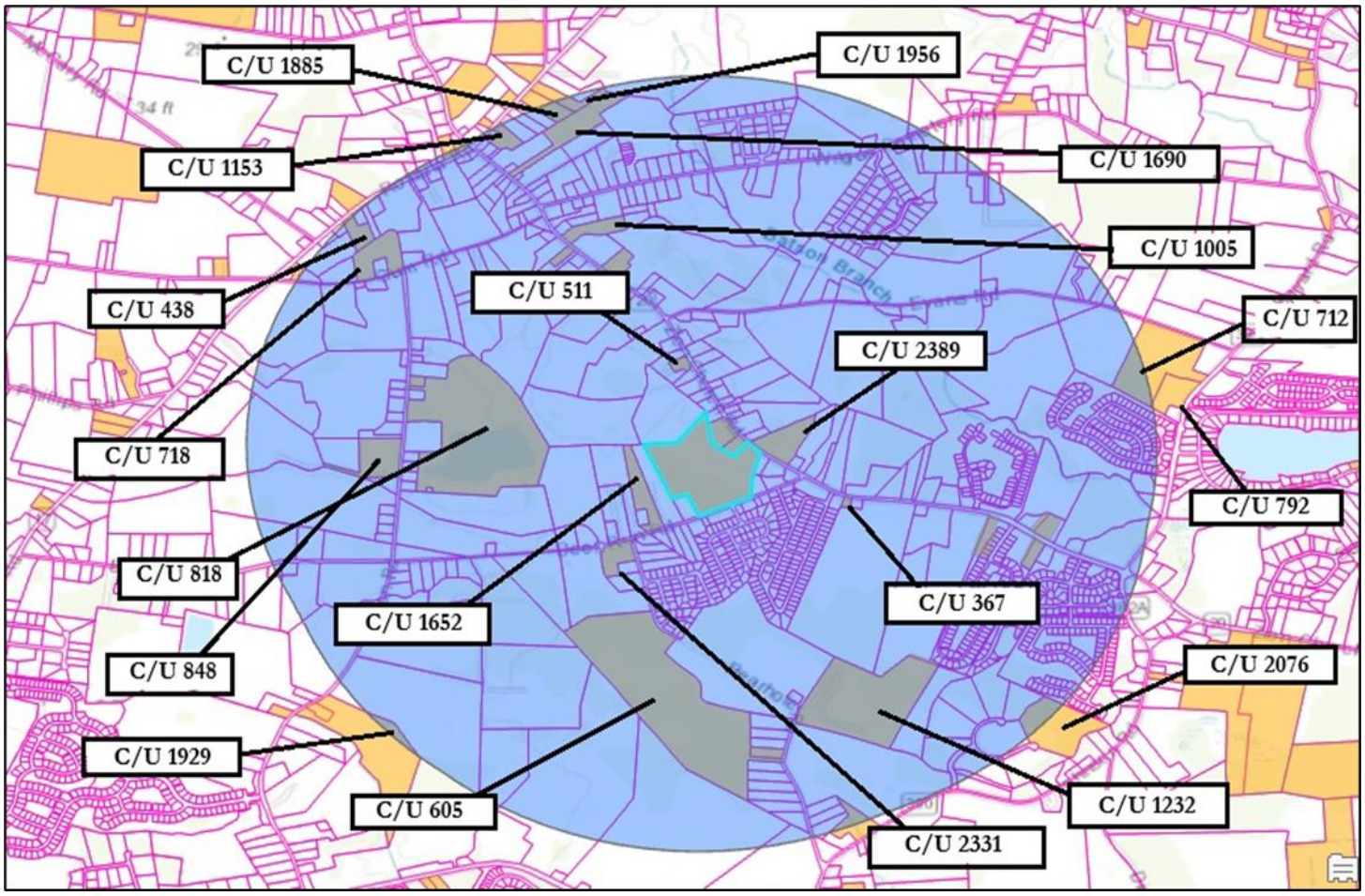
established for the maintenance and operation of the warehouse units at the site, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Existing Conditional Uses within the Vicinity of the Subject Site:

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

Conditional Use Applications
(Within a 1-mile radius of the subject site)

Conditional Use Number	APPLICANT	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
12	Fenwick Properties	AR-1	manufactured home park	N/A	Approved	N/A
1929	Everett Dennis & David Harbin	AR-1	Farm Tractor and Auto Repair	6/5/2012	Approved	2258
605	Cee Bee, Inc.	AR-1	Borrow Pit	N/A	Approved	N/A
438	Jessie E Bivens	AR-1	poultry house on less than 5-acres	N/A	Approved	N/A
718	Hazel J. Lynch	AR-1	antique sales & storage shop	4/12/1983	Approved	N/A
367	George P. Fountain	GR	automobile & truck repair shop	N/A	Approved	N/A
1329	John & Mary Frey	AR-1	used car sales	4/11/2000	Denied	N/A
1232	William D. & Karen L. Simpson	AR-1	Recreational Vehicle Park/Campground & Boat Storage	3/17/1998	Approved	1222
848	Bruce G. & Mary Jane Bennett	AR-1	borrow pit	7/29/1986	Approved	372
1885	James Mershon	AR-1	Bait/tackle shop	4/12/2011	Approved	2187
1956	Mark A. Giblin	AR-1	Towing Service and Landscape Business	3/19/2013	Approved	2297
1804	Wayne Drywall	AR-1	office/warehousing	1/5/2010	Approved	2093
916	James W. Ward	AR-1	multi-family	10/9/1990	Denied	N/A
1153	Mark Beam & Keith Smith	AR-1	storage	N/A	Withdrawn	N/A
1641	Carroll & Diane Brasure	AR-1	service vehicles parking	3/28/2006	Approved	1838
1812	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	12/7/2009	Withdrawn	N/A
2088	Billy Banning Enterprises, LLC	AR-1	dance studio	N/A	Withdrawn	N/A
818	Cygnet Construction Corp	AR-1	borrow pit expansion	5/7/1985	Approved	246
1914	Steven Krebs & Barbara Krebs	AR-1	Barbeque Prep and Sales	1/17/2012	Approved	2233
1005	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	7/14/1992	Approved	843
426	Ronald Chandler & Kathleen	AR-1	repair & service all type of motor vehicles	N/A	Approved	N/A
511	Charles & Holly Carmack	AR-1	drywall contractor, building material sales & warehouse of building materials	N/A	Approved	N/A
1704	PMP Associates	GR	Health Care & Medical Offices	1/8/2008	Approved	1950
1273	Roxana Vol. Fire Company	AR-1	expansion of fire station	3/30/1999	Approved	1296
712	Harvey C. Becker, etux.	AR-1	manufactured home park	5/17/1983	Denied	N/A
1690	Delmar Plumbing, Inc.	AR-1	Plumbing	8/7/2007	Approved	1917
2087	John F. and Brenda L. Fegelein, Trustees	AR-1	Auto Repair Shop	8/22/2017	Approved	2517
1713	Keith Smith	AR-1	Commercial Storage Building	4/1/2008	Approved	1961
1652	Ken Gillam & Joan Gillam	AR-1	boat storage	6/5/2006	Withdrawn	N/A
2076	Joseph Mark Zdurienick	AR-1	event facility/center	6/13/2017	Approved	2504
156	Roxana Volunteer Fire Co	AR-1	Equipment Storage	8/21/1973	Approved	N/A
365	Gladys Swann	AR-1	Manufactured Home Park	9/7/1976	Denied	N/A
517	Cygnet Construction Corp.	AR-1	Borrow Pit	3/17/1981	Approved	N/A
808	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
816	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
1795	Steven Krebs (Kreative Garden Center)	B-1	Garden Center	11/10/2009	Approved	2087
1933	Mark A. Giblin	AR-1	Towing Service and Landscape Business	12/11/2012	Approved	2283
2331	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. overnight accomodations	1/10/2023	Approved	2899
2389	AWH Properties, LLC	AR-1	Boat/RV Storage	4/9/2024	Approved	2998
2493	Rennie Hunt	AR-1	operation of a Site Development business office w/ employees	PENDING	PENDING	PENDING
2546	James Mershon	AR-1	Boat Storage	PENDING	PENDING	PENDING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C/U 792
C/U 818
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C/U 1232
C/U 605
C/U 2331

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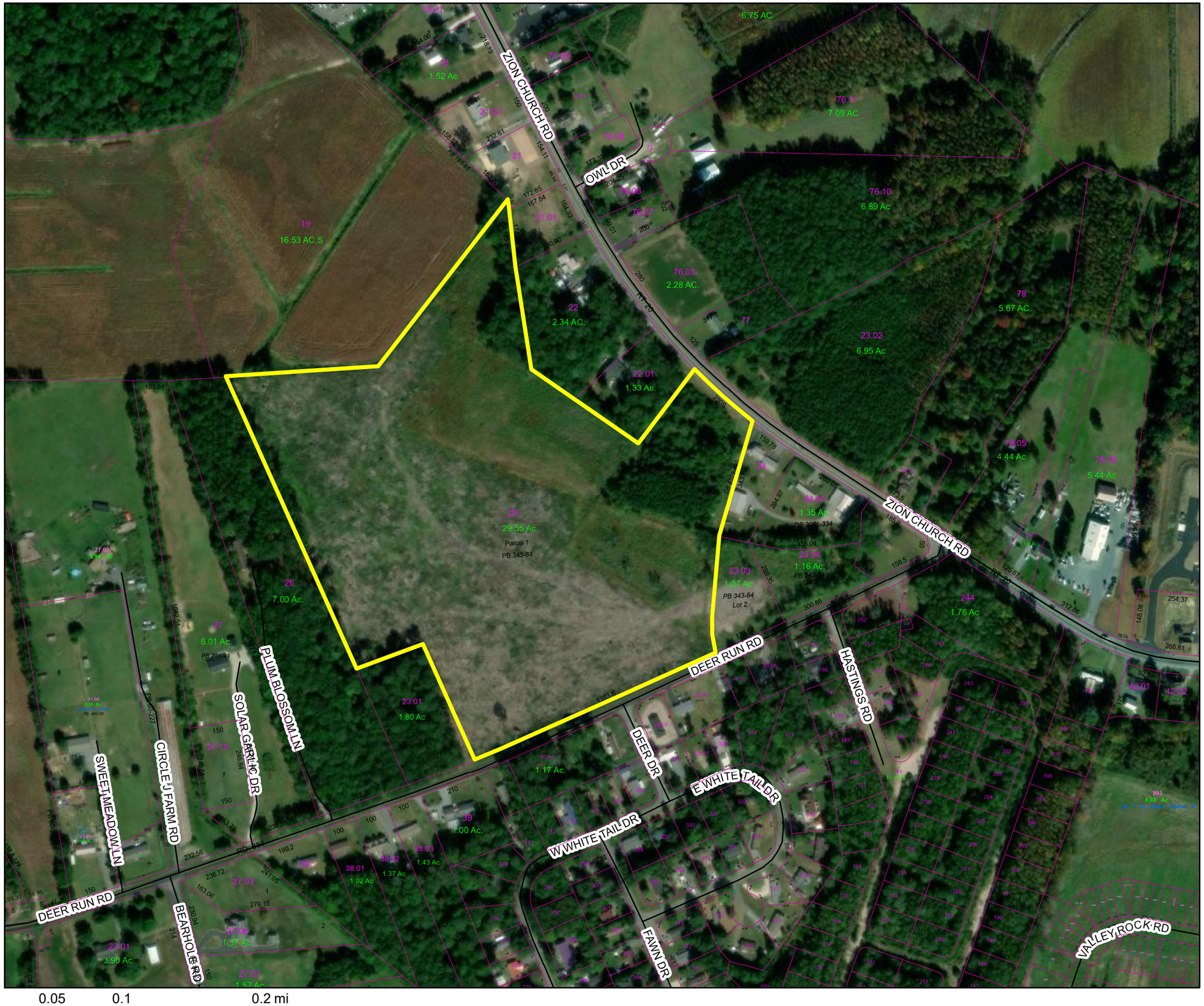

PIN:	533-11.00-23.00
Owner Name	ZION CHURCH VENTURES LLC
Book	5467
Mailing Address	35322 BAYARD RD
City	FRANKFORD
State	DE
Description	
Description 2	
Description 3	
Land Code	

- Tax Parcels
- TaxParcel
- Encumbrance
- Condo
- Streets
- County Boundaries
- GIOLandRecords.PARCELFABRIC.Condo
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata

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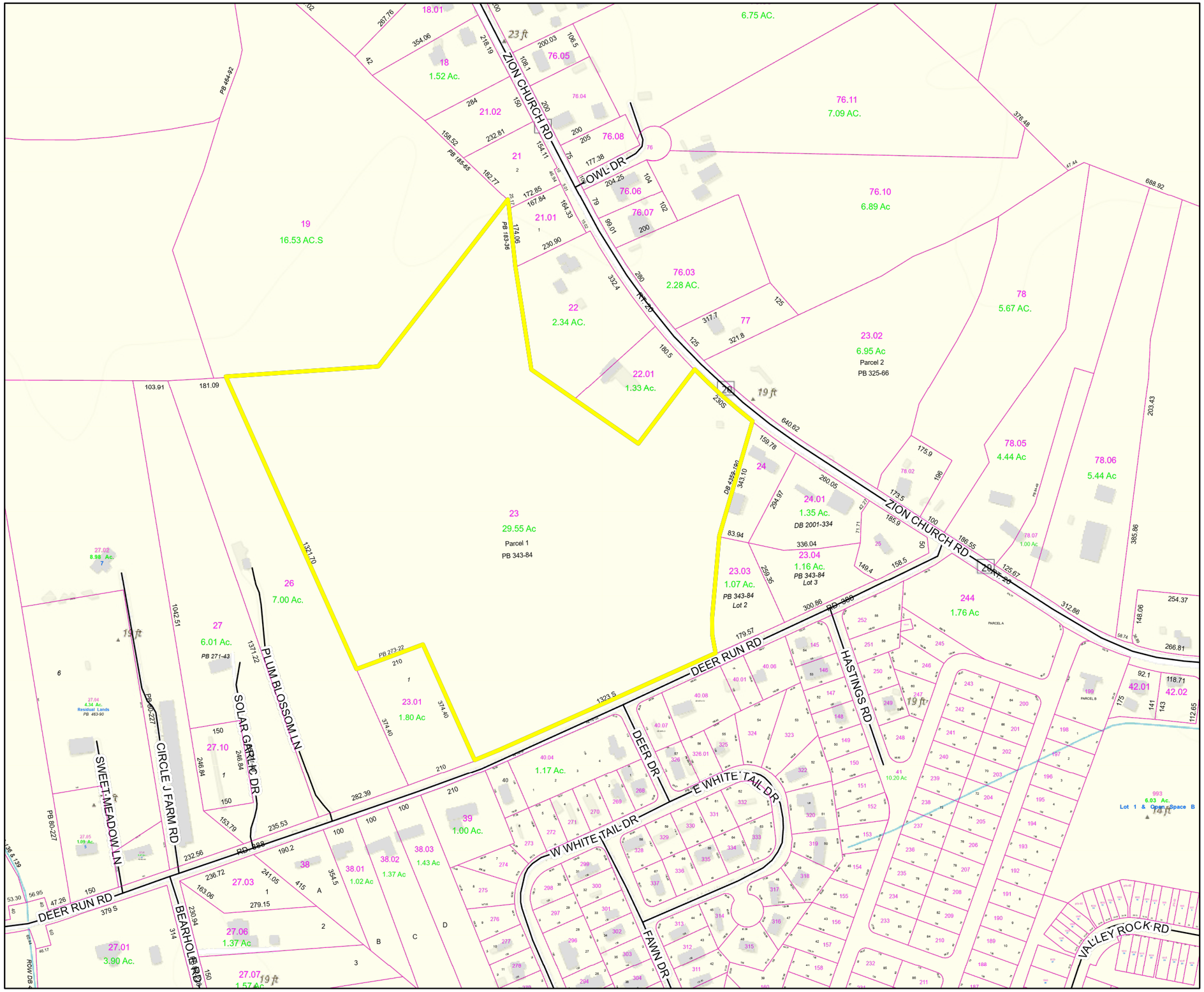
March 13, 2026

A3 Landscape Parcel Details



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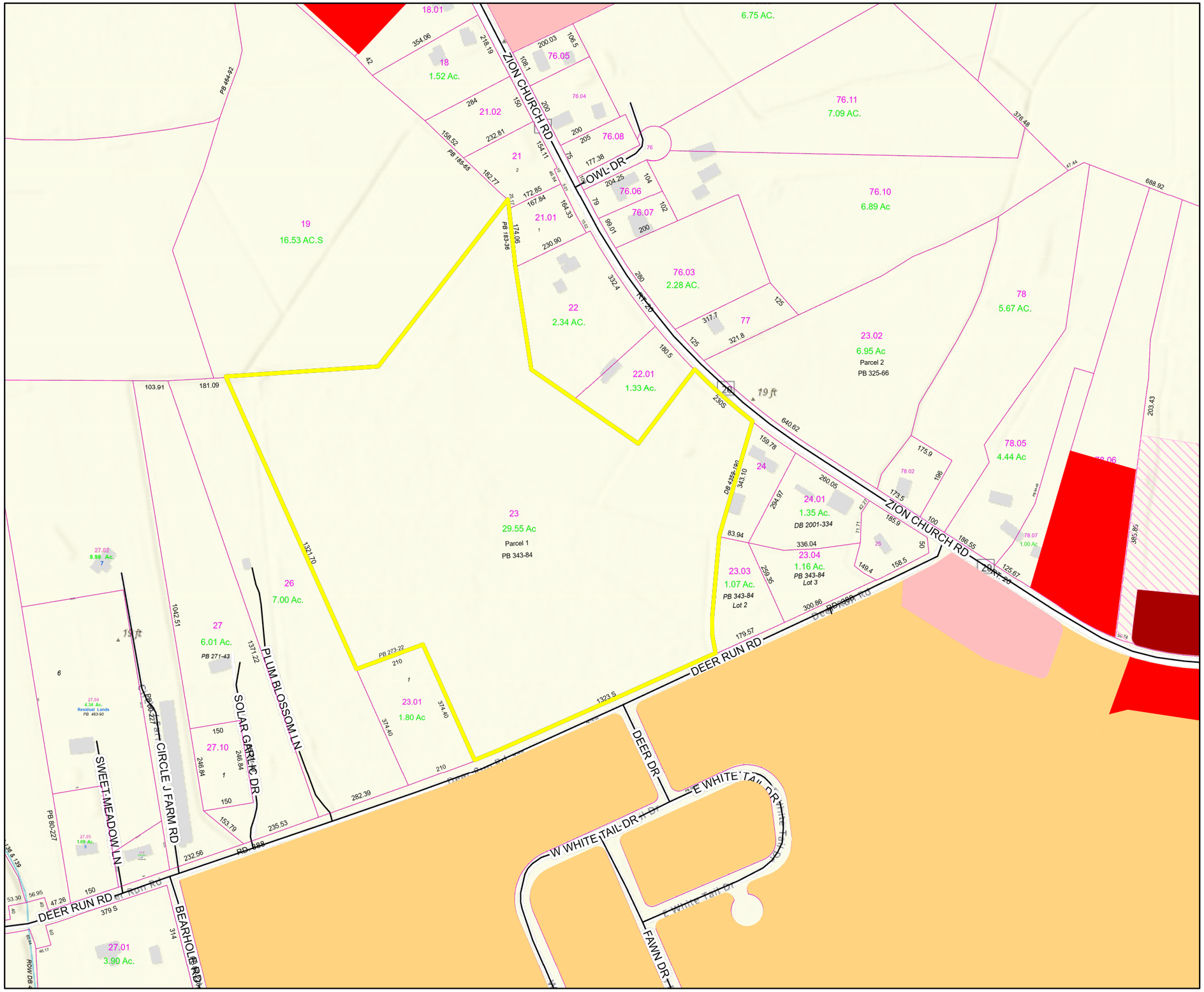
- GIOLandRecords.PARCELFABRIC.Condo
- Citations

1:

March 13, 2026

A3 Landscape Parcel Details



March 13, 2026

PIN:	533-11.00-23.00
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Description	
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Description 3	
Land Code	

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

1:

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

June 11, 2026

To whom it may concern,

Representatives for Zion Church Ventures, LLC did not attend due to a miscommunication between the County and Applicant that caused confusion as to whether attendance was necessary. Therefore, the Applicant would like to formally petition the Council to re-consider the application. The applicant will, of course, attend, should a new Public Hearing be scheduled.

Sincerely,



Bradley A. Absher
Member

Introduced: 3/3/26

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

ORDINANCE NO. ___

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

WHEREAS, on the 19th day of December 19, 2025, a Conditional Use Application, denominated Conditional Use No. 2631, was filed on behalf of Zion Church Ventures, LLC; and

WHEREAS, on the _____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2631 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2631 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situated in Sussex County, Delaware, and lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 29.55 acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 11, 2026

RE: County Council Report for C/U 2614 filed on behalf of FFP DE Vines Creek, LLC

The Planning and Zoning Department received an application (C/U 2614 filed on behalf of FFP DE Vines Creek, LLC) for solar arrays to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 134-10.00-31.00. The property is located at 32507 Vines Creek Road, Dagsboro. The parcel size is 24.97 ac. +/-

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

The County Council held a Public Hearing on the application at the meeting on April 14, 2026. At the conclusion of the Public Hearing, the Council deferred action for further consideration. Below is a link to the minutes of the April 14, 2026 County Council meeting.

Link to the Minutes of the April 14, 2026 County Council Meeting

Below are the minutes from the Planning & Zoning Commission meeting on February 18, 2026, and March 18, 2026.

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

C/U 2614 FFP DE Vines Creek, LLC
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED

ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS. The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342). 911 Address: 32507 Vines Creek Road, Dagsboro. Tax Map Parcel: 134-10.00-31.00.

Mr. Whitehouse advised the Commission that submitting into the record were the Applicant's presentation materials, the Staff Analysis Report, the Applicant's Conceptual Site Plan, the DelDOT Service Level Evaluation Response Letter, and a copy of a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no public comment had been received regarding the application.

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

Mr. Roseberry, P.E. stated that they had contacted the Millville Fire Department regarding the project; that the Millville Fire Department currently had no solar projects within their jurisdiction; that they visited the Millville Fire Department a few weeks back to provide an education session with them regarding the project; that during the session they discussed how they would fight a fire; that the Delaware State Fire Marshal also attended that meeting; that they had agreed that right before the project were to go live, they would provide an on-site meeting with the fire department, allowing them a walk through of everything; that this will allow them to know were all the disconnects are, how the systems operates, and to familiarize themselves with the project, and they had received pretty positive feedback from the fire department.

Mr. Allen questioned whether it would be acceptable to not propose a buffer due to the existing vegetation.

Mr. Robertson stated that the Code requires a landscape buffer strip of open space, with a minimum of 100 feet from any street lines, and 50 feet from all property lines, and he was uncertain whether it applied in the current application's situation, given the dimensional requirements.

Mr. Roseberry, P.E. stated the project met the dimensional requirements; that the site was very overgrown; that the site is currently vacant; that they are proposing to keep the existing vegetation, and to only carve out what is required to develop the project.

Mr. Robertson stated that the project is a 24.92-acre site and requested confirmation on the total acreage being proposed for the solar arrays.

Ms. Crane stated that she believed the project proposed to use a little over 10 acres for the project.

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

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

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

In relation to C/U 2614 FFP DE Vines Creek, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins, and carried unanimously. Motion carried 5-0.

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

The Commission discussed the Application, which had been deferred since February 18, 2026.

Mr. Allen moved that the Commission recommend approval of Conditional Use No. 2614 for FFP Vines Creek, LLC for a solar energy facility in the AR-1 District based on the record made during the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The solar array will be located on approximately 10.5 acres of a larger 25-acre tract.
3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar arrays. There was testimony that this solar array will benefit residential, business, and municipal subscribers with lower power costs.
4. The proposed solar array is located on a parcel of land that is bordered by agricultural land including poultry houses as well as wooded tracts.
5. The land is designated as being within the "Coastal Area" according to Sussex County's Future Land Use Map. The Coastal Area is considered a "Growth Area" and this is an appropriate location for a solar array with a minimal need for infrastructure or other governmental-related services.
6. This Application generally complies with Ordinance No. 2920 regarding solar arrays.
7. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways, and DelDOT has stated that the traffic impact will be "Diminutive." There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.

8. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
9. There is no evidence in the record in opposition to this Application.
10. This recommendation is subject to the conditions set forth in Ordinance No. 2920 and the following additional conditions:

    A. The use shall be for a ground-mounted solar array. No other types of electric generation shall be permitted at the site.
    B. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar array as well as the remaining acreage that is not part of this Conditional Use.
    C. The entire area of the solar array shall be surrounded by a seven-foot-tall fence to comply with the height requirement of the National Electric Code. The fencing shall include interwoven screening. The fence location and type of screening shall be shown on the Final Site Plan. In addition, the existing vegetation outside of the solar array area shall be preserved to comply with the buffer requirements of Section 115-172I(1) of the Sussex County Zoning Code. These areas of non-disturbance shall be included on the Final Site Plan and clearly marked on the site itself.
    D. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
    E. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
    F. All transformers or similar equipment or structures shall be centrally located within the solar array, and they shall be shown on the Final Site Plan.
    G. 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 using Best Management Practices.
    H. The Final Site Plan shall include a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
    I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Mr. Robertson recommended that the Commission delete a portion of Condition F which stated "*In addition, a sound barrier shall be installed along the northern side of this equipment to reduce the noise that may travel to nearby neighboring properties"* as this condition did not apply to the site.

Motion by Mr. Allen, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2614 FFP Vines Creek, LLC, for the reasons and the conditions stated in the revised motion. Motion carried 4-0. Mr. Pettyjohn abstained.

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

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

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

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

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

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

Sussex County
DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 18, 2026

Application:	C/U 2614 FFP DE Vines Creek, LLC
Applicant:	FFP DE Vines Creek, LLC 100 Montgomery Street, #725 San Francisco, CA 94104
Owner:	The Old Place Limited Partnership 32485 Vines Creek Road Dagsboro, DE 19939
Site Location:	The property is lying on the north side of Vines Creek Road (Rt. 26), approximately 0.31 miles west of Sandy Landing Road (S.C.R. 342). Address: 32507 Vines Creek Road, Dagsboro
Current Zoning:	AR-1 (Agricultural Residential)
Proposed Zoning:	AR-1 (Agricultural Residential)
Proposed Use:	A Solar Facility
Comprehensive Land Use Plan Reference:	Coastal Area
Councilmanic District:	District 4 - Mr. Hudson
School District:	Indian River
Fire District:	Dagsboro Fire Company
Sewer:	N/A
Water:	Tidewater Utilities, Inc.
Site Area:	10.92 acres +/-
Tax Map ID.:	134-10.00-31.00

EQUAL HOUSING OPPORTUNITY

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

Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Susan Isaacs, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 11, 2026
RE: Staff Analysis for C/U 2614 FFP DE Vines Creek, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2614 FFP DE Vines Creek, LLC to be reviewed during the February 18, 2026, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 134-10.00-31.00 (Portion of)

Proposal: The request is for a Conditional Use for Tax Parcel 134-10.00-31.00 to allow for a Solar Facility on a parcel lying on the north side of Vines Creek Road (Route 26), approximately 0.31 miles west of Sandy Landing Road (S.C.R. 342). The parcel is comprised of 25.66 acres +/-.

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

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

Applicability to Comprehensive Plan: in Comprehensive Plan: Coastal Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map (FLUM) in the Plan indicates that the subject property is designated has a Growth Area designation of "Coastal Area." The adjacent properties to the north, south, east and on the opposite site of Vines Creek Road (Route 25) and west of the subject property also have a Future Land Use Map designation of Coastal Area.

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

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

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

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

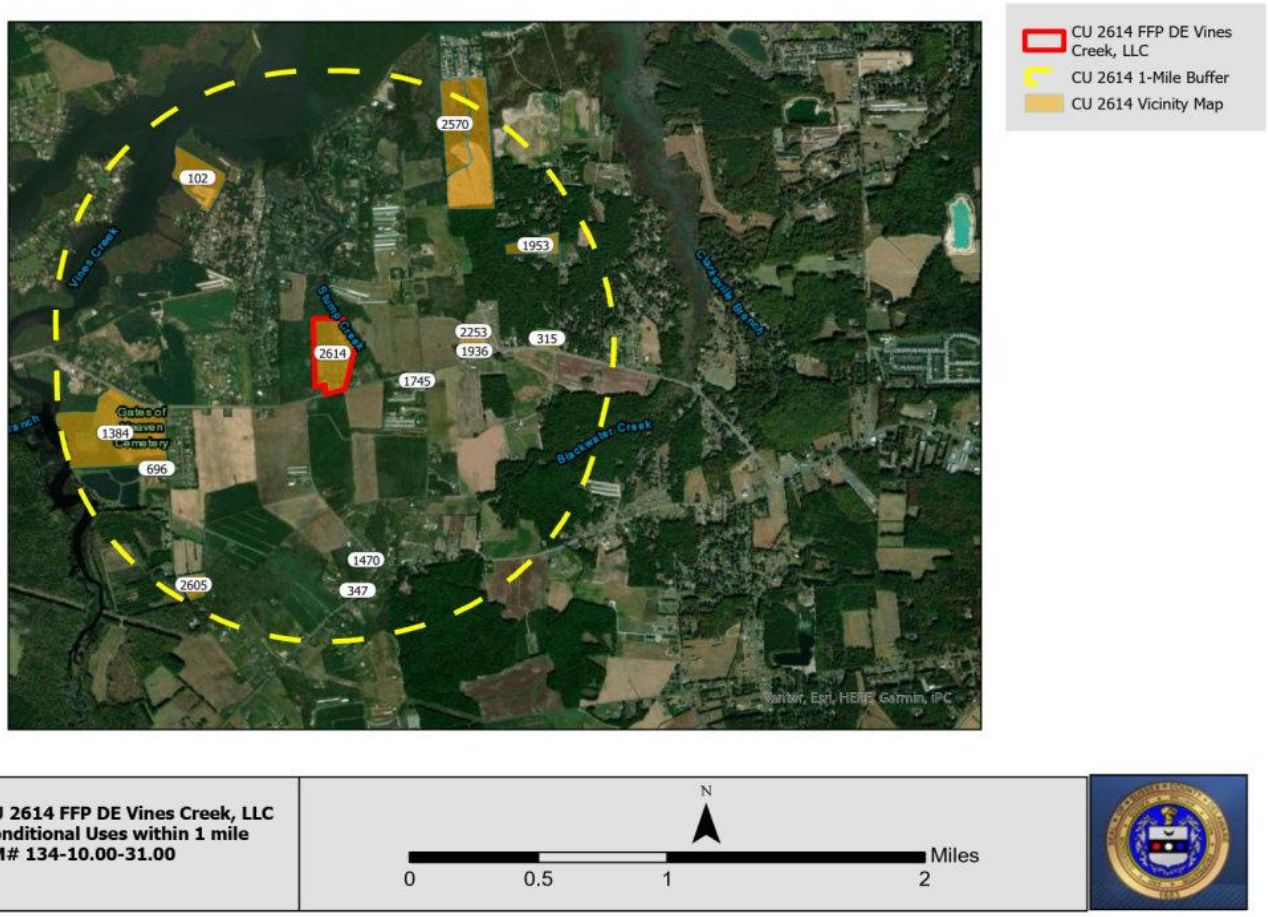
Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not located within any established Transportation Improvement District (TIDs).
- **Forested Areas:** Staff notes that the Parcel appears to have existing forest/vegetation cover on a majority of the subject Property.
- **Wetlands Buffers/Waterways:** Staff note that there does appear to be wetlands encroaching the rear of the Property based on Delaware's FirstMap data system in GIS.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone "X" and "AE" and staff note the property is not located within a Wellhead Protection Area. The subject Property is located within an area of "Good" Groundwater Recharge Area with a small portion of the upper northeast corner is within and "Excellent" Groundwater Recharge Area.

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

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

Conditional Use Applications				(Within a 1-Mile Radius)	
Change of Zone No.	**Applicant**	**Proposed Use**	**CC Decision**	**CC Decision Date**	**Ordinance No.**
102	Elmer Marvel	Manufactured Home Park	Denied	1/23/1973	N/A
315	Stanley Marvel	Poultry Houss on less than 5-acres	Approved	1/27/1975	N/A
347	Russell Garrison	Barber Shop	Approved	6/1/1976	N/A
696	Roy Townsend	Beauty Shop	Approved	9/14/1982	N/A
1384	Catholic Cemeteries, Inc.	Cemetery	Approved	2/13/2001	1434
1470	Jonathan Gruzanski	Multi-Family	Withdrawn	10/30/2002	N/A
71745	Gray's Creative Touch	Landscaping Garden Center	Approved	10/14/2008	1998
1936	Chester Townsend IV	Food Vendor	Approved	9/11/2012	2275
1953	Thomas Milspaw	Multi-Family Dwelling Structure	Approved	2/5/2013	2292
2253	Chester & Shirley Townsend	Event Venue	Approved	8/31/2021	2795
2570	Greens Landing	Multi-Family	Pending		
2605	John Gray	Boat/RV Outdoor Storage	Pending		

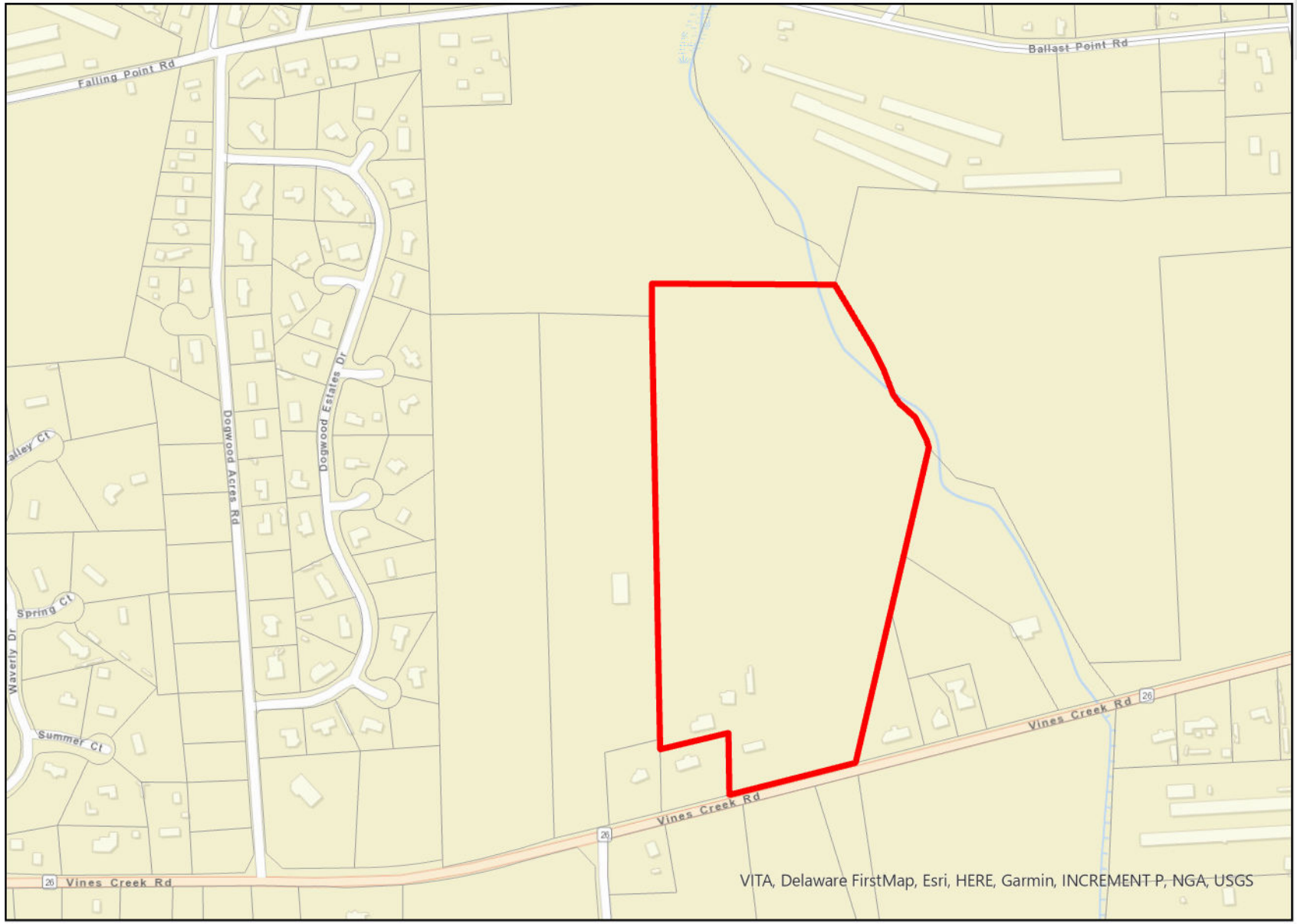

CU 2614 FFP DE Vines Creek, LLC
CU 2614 1-Mile Buffer
CU 2614 Vicinity Map
2570
102
1953
2253
1936
315
2614
1745
1384
696
1470
2605
347
Vines Creek
Swamp Creek
Blackwater Creek
Gates of Heaven Cemetery
Tanner, Esri, HERE, Garmin, iPC
CU 2614 FFP DE Vines Creek, LLC
Conditional Uses within 1 mile
TM# 134-10.00-31.00
N
0
0.5
1
2
Miles



CU 2614 FFP DE Vines Creek, LLC
Aerial Map
TM# 331-2.00-18.20

N

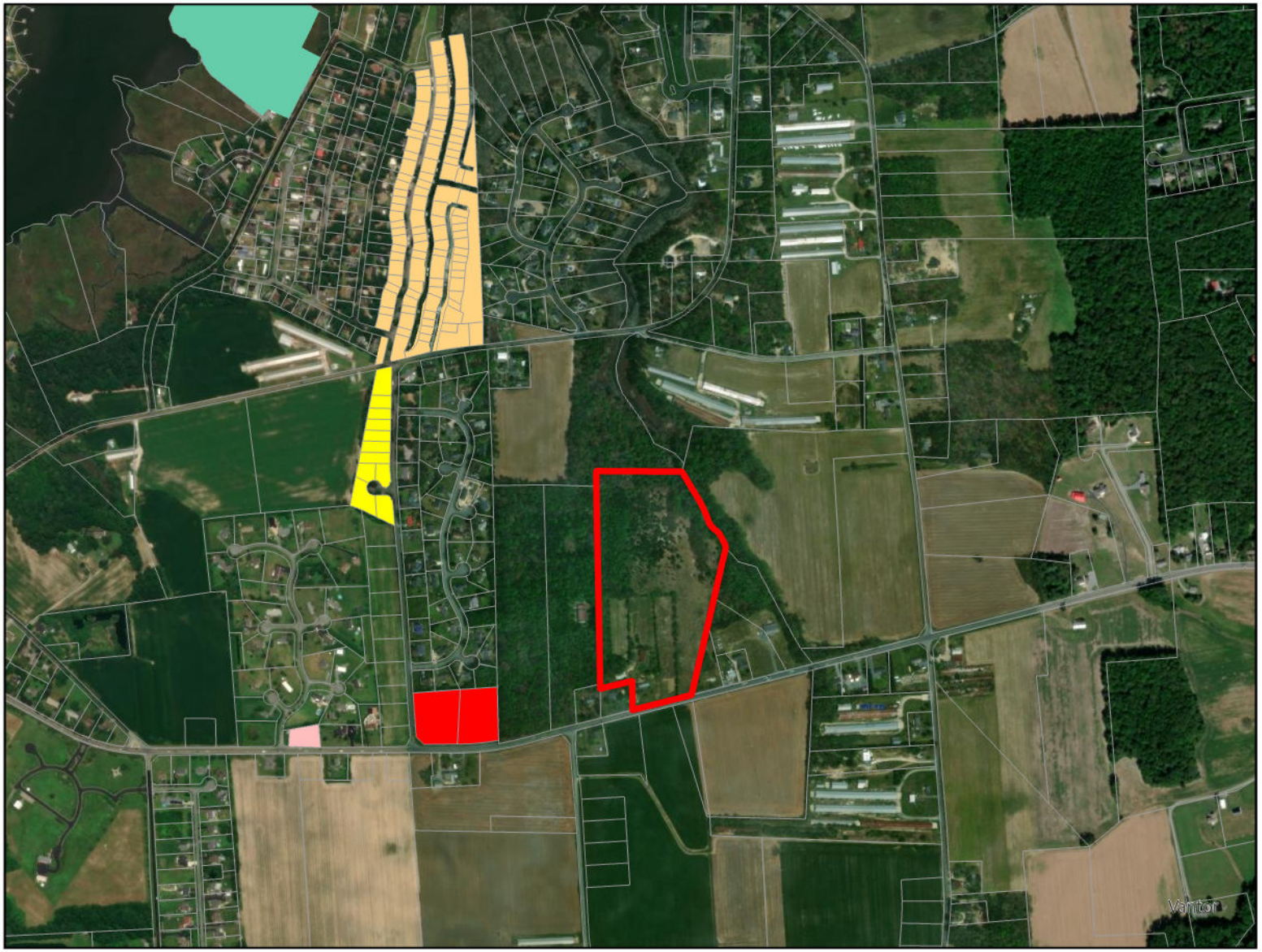
0 0.13 0.25 0.5 Miles



CU 2614 FFP DE Vines Creek, LLC
Street Map
TM# 134-10.00-31.00

N

0 0.13 0.25 0.5 Miles



CU 2614 FFP DE Vines Creek, LLC

Zoning

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

CU 2614 FFP DE Vines Creek, LLC
Zoning Map
TM# 134-10.00-31.00

N

0 0.25 0.5 1 Miles

Introduced: 2/3/26

Council District 4: Mr. Hudson
Tax I.D. No.: 134-10.00-31.00
911 Address: 32507 Vines Creek Road, Dagsboro

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOLAR ARRAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.97 ACRES, MORE OR LESS

WHEREAS, on the 30th day of September 2025, a Conditional Use application, denominated Conditional Use No. 2614, was filed on behalf of FFP DE Vines Creek, LLC; and

WHEREAS, on the _____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2614 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2614 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 side of Vines Creek Road (Rt. 26), approximately 0.31 mile west of Sandy Landing Road (S.C.R. 342), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. said parcel containing 24.97 acres, more or less.

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 11, 2026

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

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

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

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday June 15, 2026 for receipt of additional comments.

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

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

Mr. Robertson recused himself and left Council Chambers.

Mr. Whitehouse advised the Commission that the documents submitted into the record were the Applicant's Conceptual Site Plan, the property deed, the Applicant's exhibit booklet, the Applicant's

exhibits and presentation materials, an Artesian Willing to Serve letter, the Staff Analysis Report, the DelDOT Service Level Evaluation Response (SLER), and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission the no written public comments had been received regarding the application.
The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant and property owners, Seaside at Lewes, LLC and Mr. Joe Reed; that also present were Mr. Brent Reed, and Mr. Ring Lardner, Professional Engineer with Davis Bowen & Friedel, Inc. (DBF).

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

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

mentioned businesses were located along Route 1; that when one were to cross over Route 1, there was C-1 (General Commercial) zoning, located right across from the site, as well as C-3 (Heavy Commercial); that as one were to move further south, there was B-1 (Neighborhood Business) zoning, and some C-2 (Medium Commercial), with some further areas being within the C-1 (General Commercial) zoning classification; that the growth of the area that had been recognized on the State Strategies Map was likely because of some of the more recent, being within the last five to six years, Change of Zone applications that had occurred in the area; that at the intersection of Cave Neck Road and Route 1, there was the Chapel Farm project, which had two Change of Zone applications; that one application was C/Z 1891, requesting to change 6.40 acres from AR-1 (Agricultural Residential) to MR (Medium Density Residential); that the application was adopted by the County Council on June 22, 2021, under adopted Ordinance No. 2783; that directly next to that property, was a property that was changed from AR-1 (Agricultural Residential) to C-3 (Heavy Commercial), for 8.53 acres; that this application was C/Z 1892, and was approved by the County Council on June 22, 2001, by adopted Ordinance No. 2784; that it was significant to note, that the MR (Medium Density Residential) portion permitted a higher density, being 10 units to the acre, based upon the project that was presented as part of the Chapel Farm application; that the year prior, just to the south, there were properties who's zonings were changed; that the zoning designation was changed from AR-1 (Agricultural Residential) to C-2 (Medium Commercial) for 3.03 acres, which was the same designation being requested for the current application; that the application was C/Z 1916, and was approved by the County Council on June 28, 2020, by adopted Ordinance No. 2727; that the Zoning Code described the purpose of the requested C-2 (Medium Commercial) District, as being able to support uses that include retail sales and performance of consumer services; that it permitted a variety of retail professional and service businesses; that the district would be primarily responsible for located near arterial and collector streets; that it accommodated community commercial uses that did not have outside storage or sales; that while the current application was on all fours, with all parts of that purpose, the part he requested to focus on was that the district shall be primarily located near arterial and collector streets; that the site certainly met this purpose, as it had significant road frontage along Route 1, which was a major arterial roadway, as defined by the Sussex County Code; that DelDOT defines Route 1, as a principal arterial; that everyone readily recognized that Coastal Highway (Route 1) was one of Delaware's primary north-south corridors; that with more than 1,100 feet of frontage, the property qualified as being located along a major arterial; that under the Code, the C-2 (Medium Commercial) District required a minimum of 15,000 square feet; that the property just met the requirement at 30 acres, and would be adequate to meet all of those requirements; that the Code required a width of 75 feet; that the site had 1,100 feet of frontage along Route 1; that the Code required a depth of 100 feet; that the site easily met as the areas are more than 750 feet deep; that there are no wetlands located on the property; that the wetlands along the area had been delineated by Mr. Edward Launay with Environmental Resources, Inc., as part of Davis, Bowen & Friedel, Inc.; that based on the delineations, that proximity of the parcel to those delineated wetlands was 1,890 feet from the proposed commercial area of the site; that the site was not located within a floodplain, as it was within Flood Zone X according to the FEMA maps; that Tidewater Utilities had provided a Willing & Able Letter, as well as Artesian for water and sewer respectively; that there were no Wellhead Protection Areas located on the site; that as noted within the Staff report, there was a large portion of the property that was located within the Excellent Recharge Area; that any future site plans that may come before the Planning Commission will have to comply with the Chapter 89 requirements for Excellent Recharge Areas; that

a Service Level Evaluation Request (SLER) was sent to DelDOT; that DelDOT responded that Sussex County should consider the application without a Traffic Impact Study (TIS) for a couple reasons; that one being, the specific use was not known; that the specific use will be what indicates the number of trips associated with the use; that this was fairly typical of a Change of Zone application, where the use was unknown; that in addition, there was the upcoming Grade Separated Intersection project that DelDOT had underway; that DelDOT had always planned for there to be a certain amount of traffic on the eastern side of that future Grade Separated Interchange; that included within the project book materials, were the minutes of the Scoping Meeting that occurred between the Applicant, Mr. Lardner's office, and DelDOT, as part of the Seaside Residential Community application; that in those minutes, it referenced the planned capacity on the eastern side of Route 1; that the planned capacity was for 217 single-family detached homes, and 300,000 square feet of retail spaced to be on the parcels that are on the eastern side of Route 1; that the approved Seaside Subdivision was for 359 lots, exceeding the number of anticipated single-family detached homes; that those numbers were modified accordingly or adjusted; that rather than 217 single-family detached homes and 300,000 square feet of retail space, those minutes from the DelDOT meeting indicated that there would be capacity for 360 single-family detached homes, and 224,732 square feet of shopping center; that when reviewing those minutes, it indicated that no TIS (Traffic Impact Study) or Traffic Operations Analysis (TOA) would be required, because the traffic capacity was anticipated and planned, as part of the Grade Separated Intersection; that the engineers at Davis, Bowen & Friedel, Inc. had communications with DelDOT; that from those communications, they understood that the design of the overpass was almost complete; that once the design is complete, the project would put out a bid, and DelDOT would begin acquiring the necessary right-of-way for the project; that reflected on DelDOT's Project Portal, one would currently see that construction was scheduled to begin in the Summer of 2027, projected to end in the Fall of 2029; that he presented the Commission with an exhibit from the DelDOT Project Portal, which reflected the selected alternative for the overpass; that all of the lanes of Route 1 would shift eastward to allow room for a frontage or service road to come along the western side of the property to serve all the businesses previously mentioned; that Cave Neck Road would go over top of Route 1; that there would be three new roundabouts in various locations; that two would be located on the western side, with one proposed on the eastern side, right where the site would take its entrance off of; that Willow Creek Road was located on the eastern site; that there was a connector road, which connected to Willow Creek Road, all the way up to a roundabout and the extension of Cave Neck Road; that this will come across Route 1 at that location; that when the Commission discussed land use applications, one of the topics most heard about was often, concurrency, which meant that the infrastructure improvements coincide with when the project or development occurs for whatever site is being discussed; that the completion of the Grade Separated Interchange was an expressed condition of the Seaside Subdivision, and was also a condition of a portion of the Chapel Farm project; that Change of Zone application cannot be conditioned, and could not be an imposed condition for the current application; that the Commission could take comfort knowing that the entrance to the proposed commercial area would be off the Grade Separated Interchange that DelDOT would construct; that there would not be an opportunity for the site to have commercial use until DelDOT completes the Grade Separated Interchange, and installs the roundabouts on the eastern side; that at that time, Davis, Bowen & Friedel, Inc. would present Site Plans for the Planning Commission to review regarding whatever use would be proposed for the site; that the Site Plan review was significant, not just for traffic, but also for individual uses, and all the types of things that one would consider

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

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

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

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

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

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

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

Mr. Robertson returned to Council Chambers.

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

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

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

1. The Applicant is seeking a change in zone from AR-1 to C-2 (Medium Commercial). The purpose of this district is to allow retail sales and consumer services. It is intended to be located near arterial and collector streets.
2. This property is located along the northbound lanes of Route One across from the intersection with Cave Neck Road. Route One is designated as a "Principle Arterial" roadway by DelDOT and a "Major Arterial Roadway" by the Sussex County Zoning Code. This is also the location of a new grade-separated intersection or overpass serving Cave Neck Road and this property and the large residential development to be built behind it. Both of these projects were taken into account by DelDOT during the design of the overpass project. This is an appropriate location for the C-2 Zoning District and the uses that are permitted within it.
3. There is a mixture of zoning classifications in this general area, including C-1, CR-1, B-1, C-2 and C-3 Districts nearby. This rezoning and the uses permitted within the C-2 Zone are consistent with the other zoning districts and uses in this area, particularly at the location of the new overpass.
4. This rezoning and the permitted uses within it will provide a convenient, nearby shopping and service location for residents of the adjacent residential development as well as other residents

of the Cave Neck Road and Route One area north of Nassau. This will eliminate the need for these residents to travel further to Milton or Nassau and Lewes for such services which will reduce traffic on area roadways.

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

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

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

PLANNING & ZONING COMMISSION

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

Sussex County
DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

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

Application:	C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC
Applicant:	Seaside at Lewes, LLC & Derrickson Properties, LLC 28855 Lewes-Georgetown Highway Lewes, Delaware 19958
Owner:	Seaside at Lewes, LLC & Derrickson Properties, LLC 28855 Lewes-Georgetown Highway Lewes, Delaware 19958
Site Location:	The properties are lying on the northeast side of Coastal Highway (Rt. 1), directly north of Cave Neck Road (S.C.R. 88). 911 Address: N/A.
Current Zoning:	Agricultural Residential (AR-1) Zoning District.
Proposed Zoning:	Medium Commercial (C-2) Zoning District
Comprehensive Land Use Plan Reference:	Low Density Area
Councilmanic District:	District 3 – Jane Gruenebaum
School District:	Cape Henlopen School District
Fire District:	Lewes Fire Department
Sewer:	Tidewater
Water:	Artesian
Site Area:	29.97 acres +/-
Tax Map ID:	235-23.00-1.04 & 235-23.00-1.00 (P/O)

EQUAL HOUSING OPPORTUNITY

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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner IV
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 24th, 2026
RE: Staff Analysis for C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2053 Seaside at Lewes, LLC & Derrickson Properties, LLC to be reviewed during the May 6th, 2026, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

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

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

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

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

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

Future Land Use Map Designation - (Comprehensive Plan): Low Density Area

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Low Density Area". All adjacent parcels on the east side of Coastal Highway also have a Future Land Use Map designation of "Low Density Area".

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

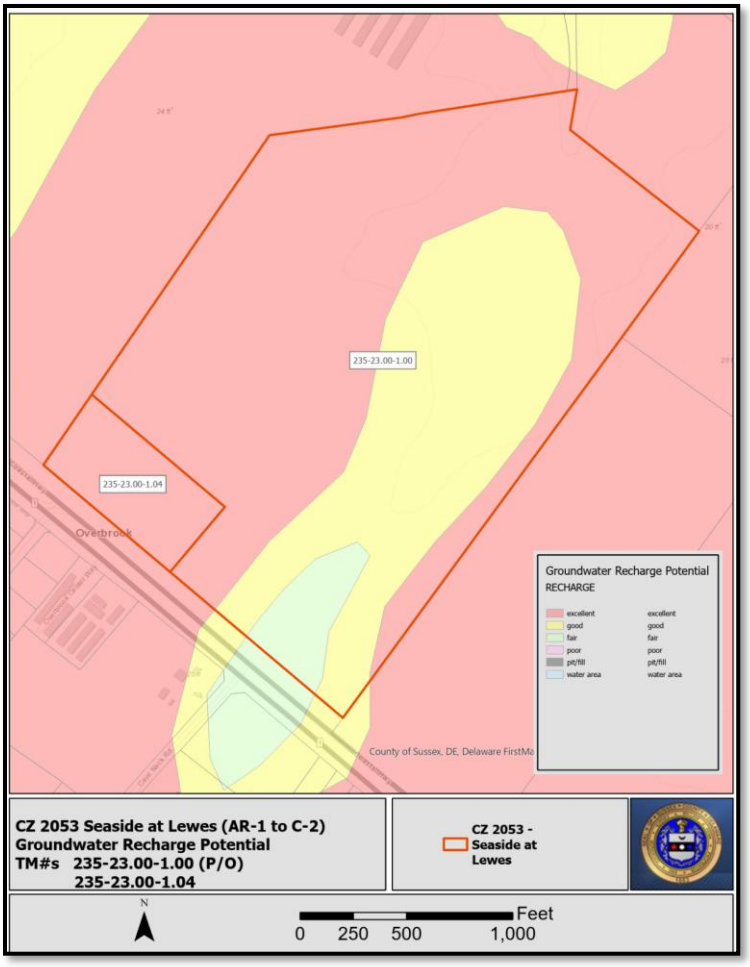
Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (C-2) in an applicable Zoning District within the "Low Density Area" per the Future Land Use Map Designation.

Site Considerations

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

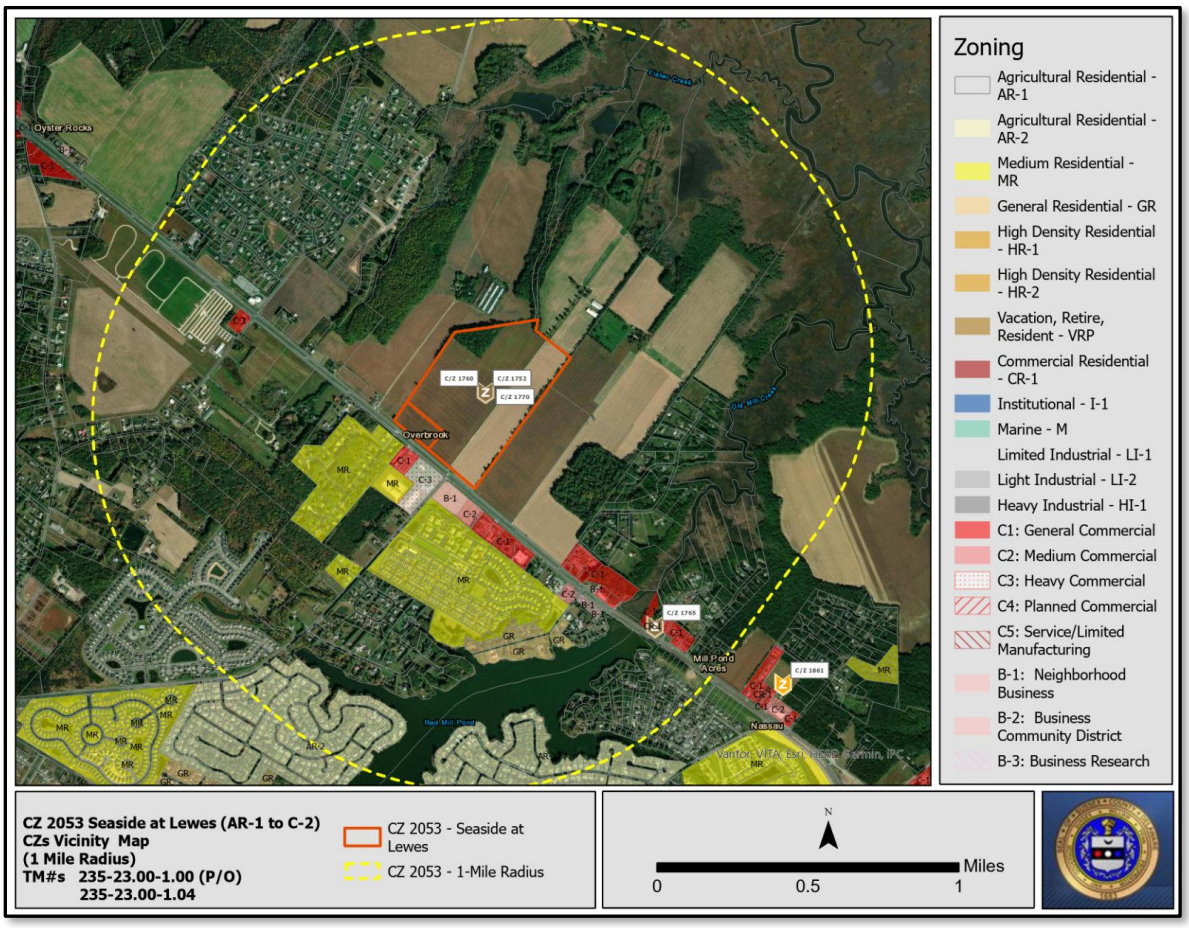
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the "X" Flood Zone and is located within an area of "Excellent" groundwater recharge. Staff note that a significant portion of the Parcels's area included in this application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

Groundwater Recharge Potential Map



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

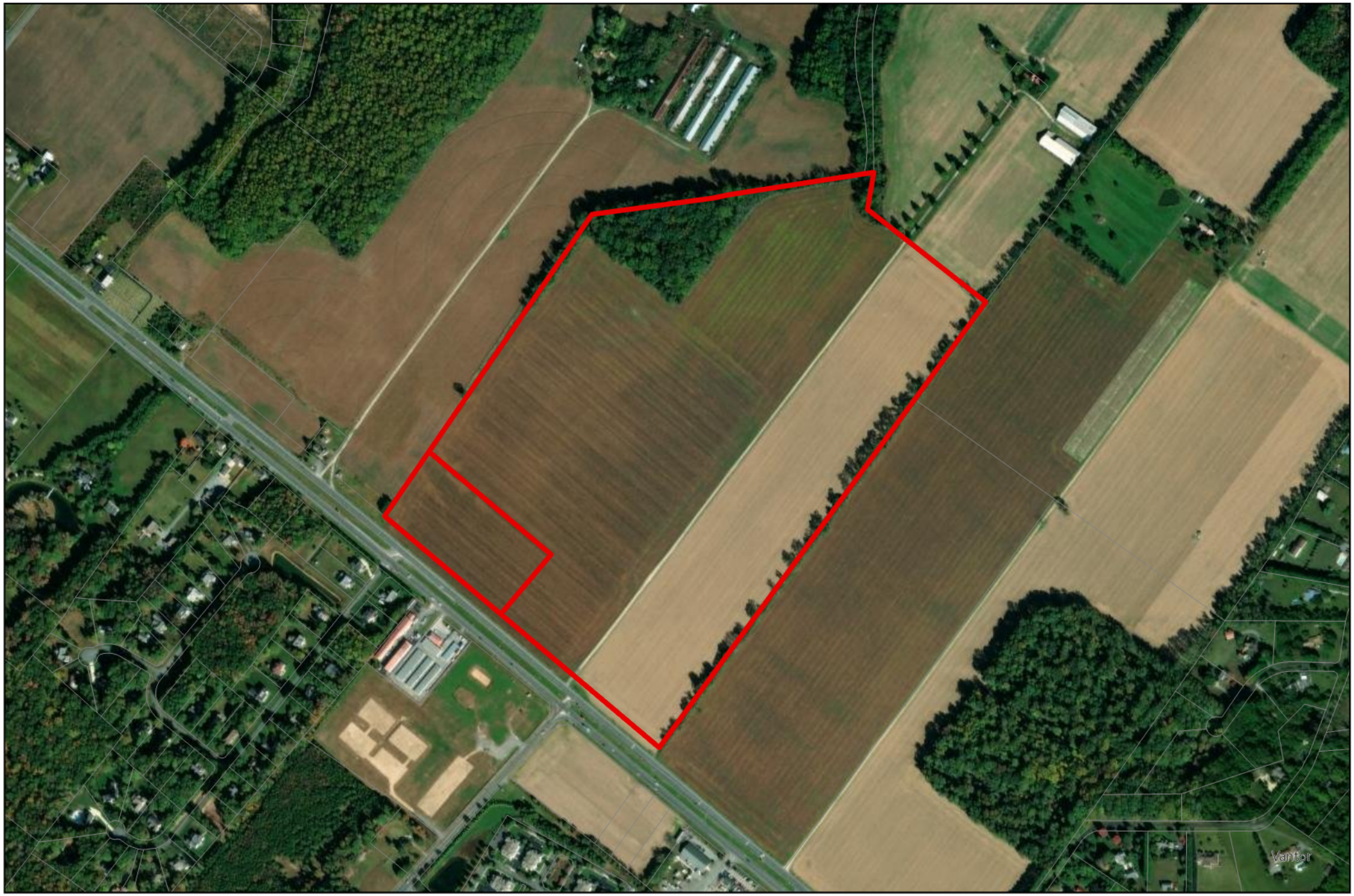
Existing Changes of Zone within the Vicinity of the Subject Site: There have been no historic Changes of Zone within a 1-mile radius of the site.



Change of Zone Applications

(Within a 1-mile radius of the subject site)

Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
CZ 1752	TD Rehoboth, LLC	AR-1	CR-1	**WITHDRAWN**	N/A	N/A
CZ 1760	TD Rehoboth, LLC	AR-1	CR-1	**WITHDRAWN**	N/A	N/A
CZ 1765	Red Mill Pointe, LLC	AR-1	CR-1	**DENIED**	2/2/2016	N/A
CZ 1770	TD Rehoboth, LLC	AR-1	CR-1	**DENIED**	4/12/2016 5/1/18	N/A

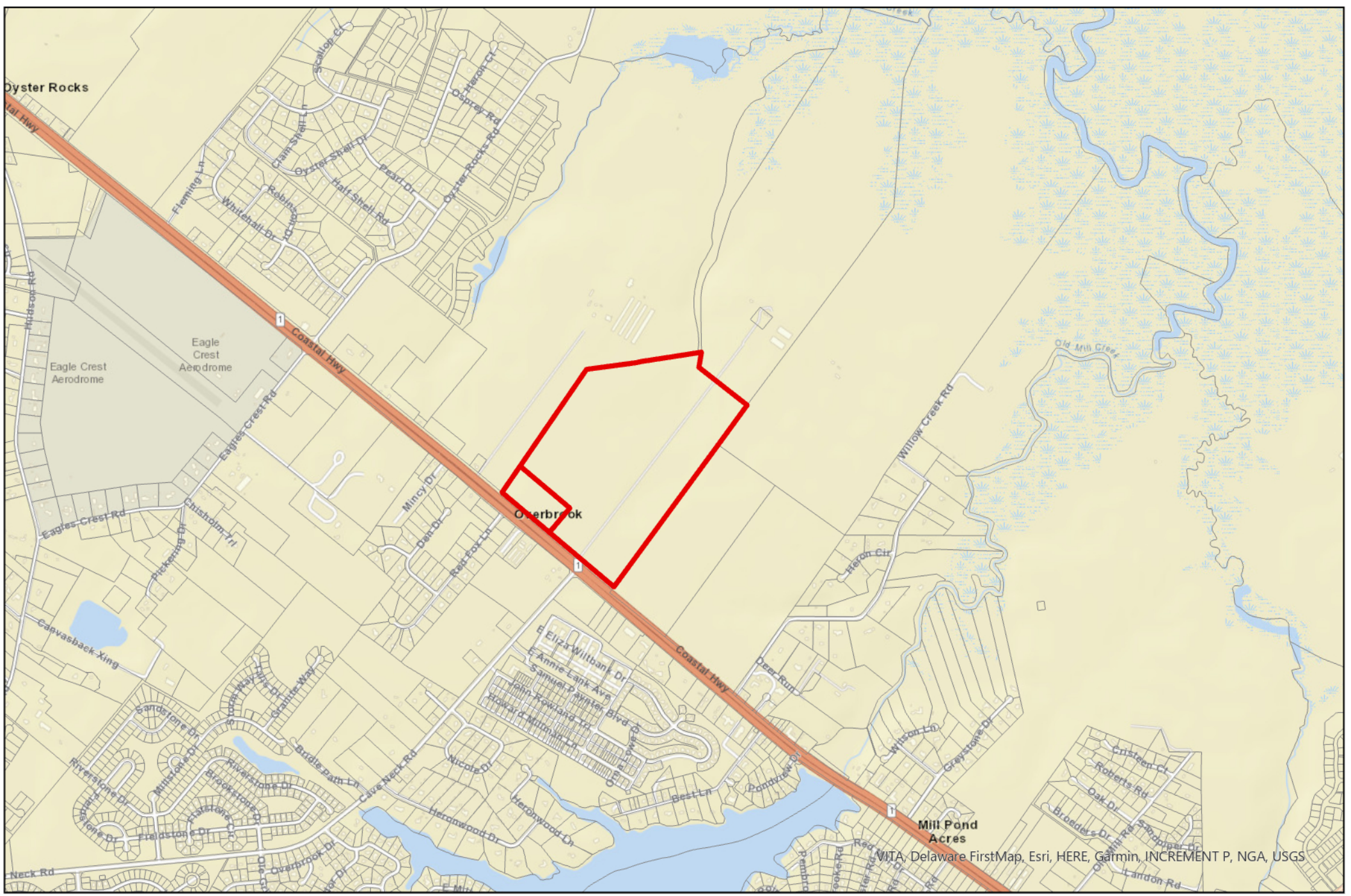


CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC
(AR-1 to C-2)
Aerial Map
TM# 235-23.00-1.04
235-23.00-1.00 (P/O)

CZ 2053 - Seaside
Tax Parcels

N

0 1,000 2,000 Feet

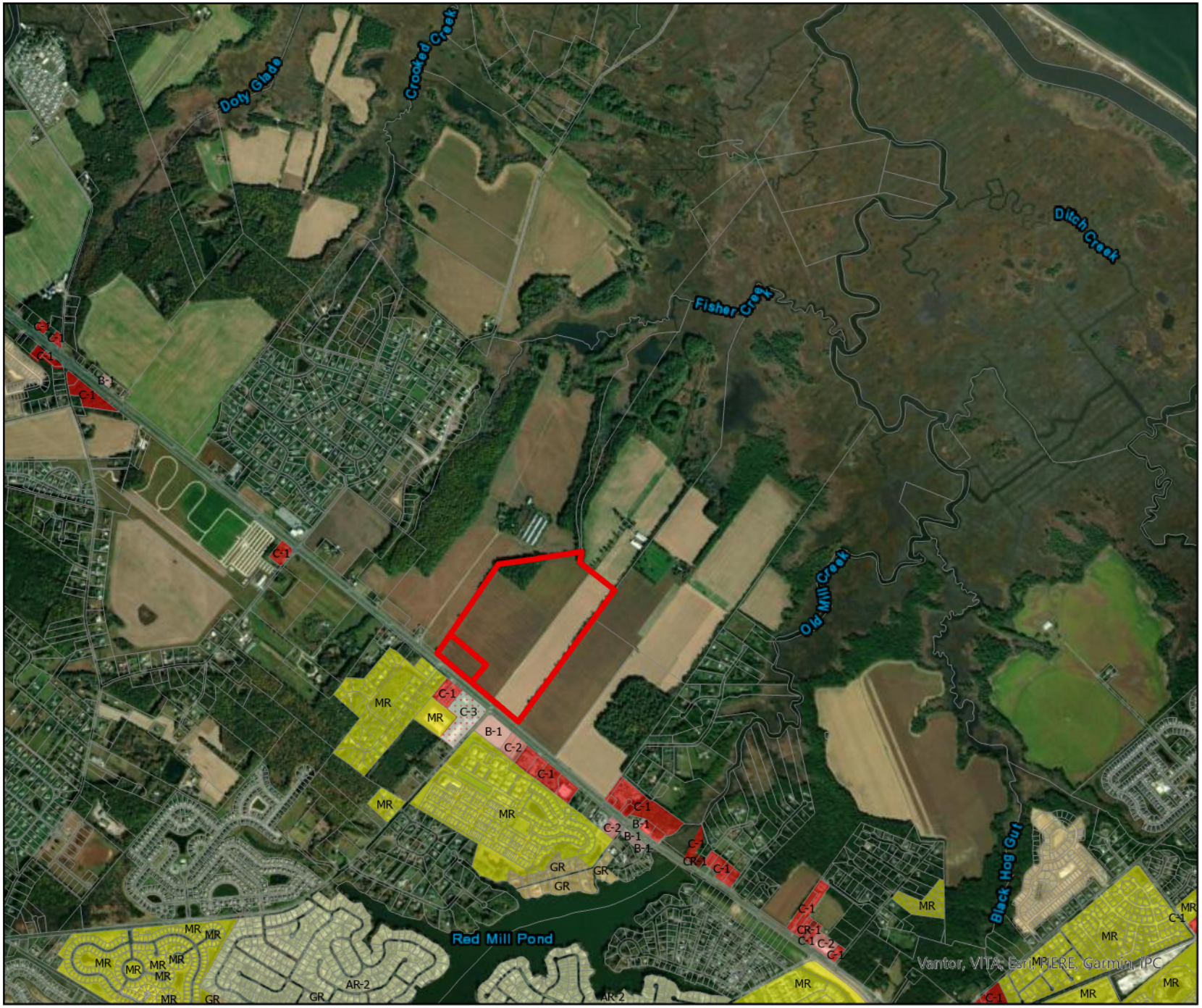


CZ 2053 Seaside at Lewes LLC & Derrickson Properties, LLC
(AR-1 to C-2)
Streets Map
TM# 235-23.00-1.04
235-23.00-1.00 (P/O)

CZ 2053 - Seaside
Tax Parcels

N

0 0.5 1 Miles



Zoning

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

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

- CZ 2053 - Seaside
- Tax Parcels

N

0 0.5 1 Miles



Zoning

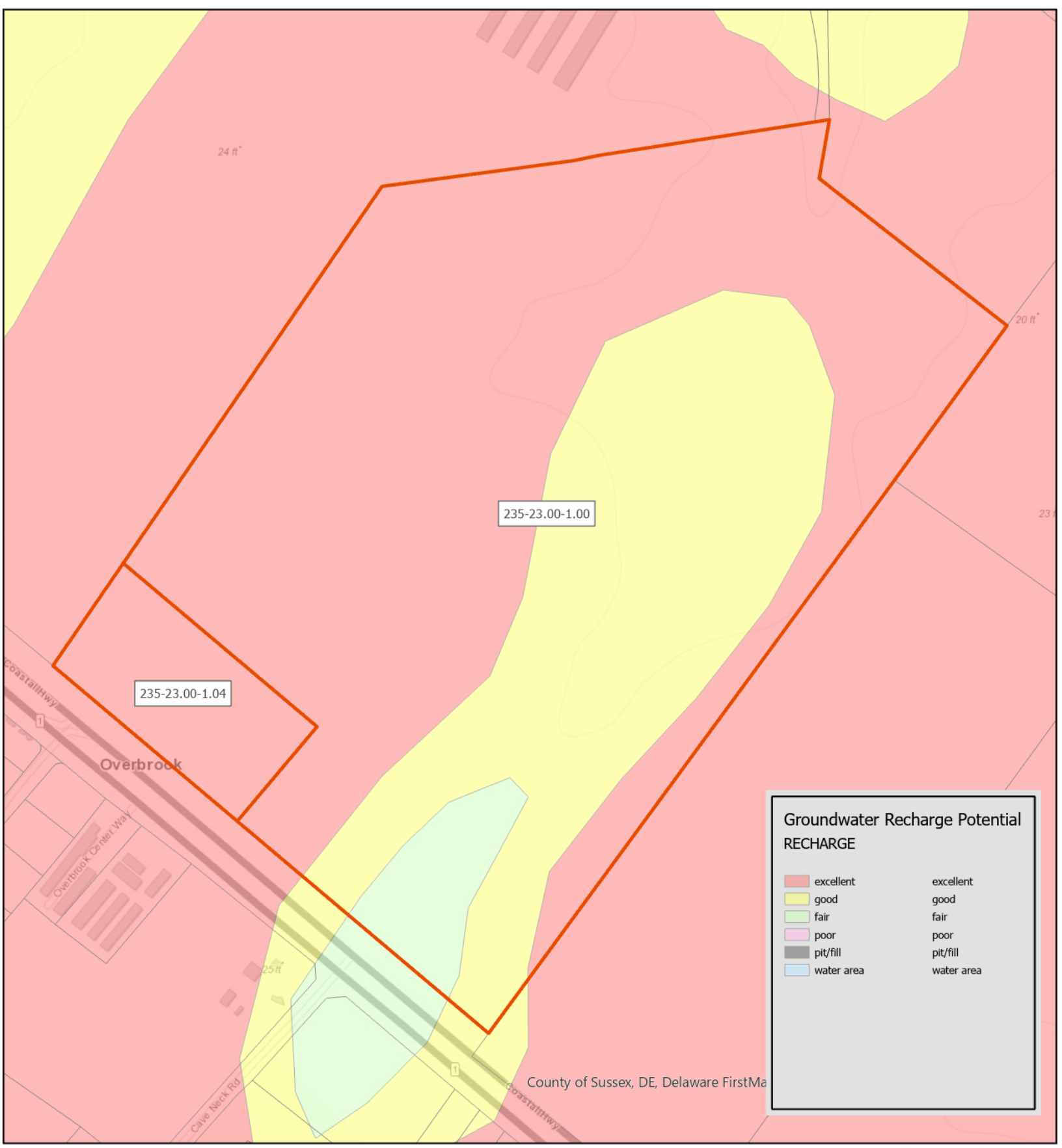
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited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

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

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

N

0 0.5 1 Miles



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

CZ 2053 - Seaside at Lewes

N

0 250 500 1,000 Feet

Introduced: 4/14/26

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

ORDINANCE NO. ___

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

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

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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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: June 11, 2026

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

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

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

At the meeting on June 9, 2026, the Council left the record open until June 15, 2026. Below are the minutes from the Planning & Zoning Commission meeting on May 6, 2026, and May 20, 2026.

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

C/U 2540 La Dolce Far Niente, LLC
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED, ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS. The property is lying on the west side of DuPont Boulevard (Route 113), approximately 0.19 mile north of East Piney Grove Road (S.C.R. 329). 911 Address: N/A. Tax Map Parcel: 133-11.00-1.02.

Mr. Whitehouse advised the Commission submitted into the record were the Applicant's Conditional Use Plan, the Applicant's exhibits and presentation materials, the property deed, the Staff Analysis Report, and a letter received from the Sussex County Engineering Department's Utility Planning Division. Mr. Whitehouse advised the Commission that no comments had been received regarding the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Eric Wahl stated only for fire safety reasons.

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

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

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

In relation to C/U 2540 La Dolce Far Niente, LLC. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Allen and carried unanimously. Motion carried 4-0.

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

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

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

1. The use as a storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
2. The use will be located along Route 113 which is a major arterial road with access via East Piney Grove Road. It is in an area between Georgetown and Millsboro where several business and commercial uses exist, including a large Sharp Energy facility next door. This is an appropriate location for this type of low-intensity use.
3. The use will be a storage facility. No manufacturing, assembling, fabrication, or similar activities will be permitted on this site.
4. There was testimony in the record that there is a need for storage facilities in Sussex County. This type of use compliments the residential development that is occurring in Sussex County, which do not have their own on-site parking for boats and RVs. It is also a benefit for small businesses that do not have their own on-site storage.
5. This type of storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways. DelDOT has stated that the traffic impact will be negligible.
6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. This recommendation for approval is subject to the following conditions and stipulations:

    A. The use shall be limited to 19 mini-storage buildings and the outside storage of boats and RVs phased as the storage buildings are constructed. None of the buildings shall have water or sewer connections except for Building A, which will contain the central office for the site.
    B. Security lighting shall be screened with downward illumination so that it does not shine on any neighboring properties or roadways.
    C. The perimeter of the storage area shall be fenced and gated with electronic access. The location and type of fencing shall be shown on the Final Site Plan. The entrance gate shall be located at least 40 feet from the East Piney Grove Road right-of-way so that waiting vehicles do not line up on that roadway.
    D. There shall not be any manufacturing, fabrication, or similar activities conducted on the site.
    E. Because this site has frontage on Route 113, which is a major arterial roadway, the signage for this use shall comply with the sign requirements of the C-2 Zoning District. This is also consistent with the signage allowed next door at the Sharp Energy site.

F. Stormwater management shall be maintained on site, using Best Management Practices.

G. Any trash receptables associated with the use shall be screened from neighboring properties and roadways.

H. The Final Site Plan shall indicate all RV and boat storage spaces and parking and drive aisles. The location of the outdoor storage and parking spaces shall also be clearly marked on the site itself.

I. The use shall be subject to all DelDOT requirements regarding entrance and roadway improvements necessary to provide access to the site.

J. No sales or maintenance of boats or RVs shall occur from the site. No hazardous materials or fuel shall be stored on the site other than what may be in the tanks of boats and RVs on the site. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.

K. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.

L. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission. The Final Site Plan shall include a Phasing Plan depicting the boat and RV storage areas that will exist until all of the phases and buildings are completed.

Motion by Mr. Pettyjohn, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2540 La Dolce Far Niente, LLC, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

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

Tax Parcel ID: 133-11.00-1.02

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

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

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

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

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

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

Further Site Considerations:

- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The parcel is adjacent to and in the vicinity of lands used for Agricultural Use.
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is adjacent to Mirey Branch. The property is located within an area of "Good/Fair" groundwater recharge protentional. There are no wellhead protection areas located within the property. The property is located within Flood Zone "X".

Existing Conditional Uses within the Vicinity of the Subject Site

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

CU Nc	Tax Parcel #	APPLICANT	Current Zonin	Proposed Use	CC Decision Dat	CC Decisio	Ordinance
2086	133-10.00-9.07	Martin Cove, LLC	AR-1	Beauty Shop	7/27/2017	Approved	2516
1570	133-7.00-7.00	Mountaire (Colony Tract)	AR-1	biosolids from wastewater treatment		Withdrawn	
14	133-6.00-44.00	William Adams	AR-1	poultry house on less than 5 acres		Approved	
770	133-11.00-3.00	Estate of G.T. White	AR-1	borrow pit	1/10/1984	Approved	
1656	133-6.00-125.04	M. L. Jospeh Construction	AR-1/C-1	grinding vegetated material	6/13/2006	Approved	1851
1251	133-6.00-154.00	Dale J. & Mary Gray T/A Gray's Paving, Inc.	AR-1	Paving Business with Equipment Storage	7/14/1998	Approved	1249
131	133-6.00-36.00	Shoremont Inc	AR-1	manufactured home park		Denied	
1844	133-10.00-37.00	Brad & Caroline Hawkes	AR-1	storage facility	8/10/2010	Approved	2141
1798	133-11.00-2.00	First State Crematory Center, Inc.	AR-1	Crematory	8/12/2008	Approved	1993
1997	133-11.00-1.00	Skip Jack, Inc.	AR-1	Commercial Propane/Storage and CNG/Propane Dispensing Office/Warehouse	10/14/2014	Approved	2370
444	133-10.00-39.02	Bartleson Truck Repairs	AR-1	motor vehicle repair shop		Approved	
1717	133-7.00-8.00	State of Delaware Division of Facilities	AR-1	State Health Care Facility	12/5/2006	Approved	1880
1537	133-6.00-260.00	Jeff Springfield Computer Service	AR-1	computer repair & training facility	8/10/2004	Approved	1712
1829	133-6.00-53.00	M. L. Joseph Sand & Gravel	AR-1	ext. borrow pit	6/8/2010	Approved	2122
1178	133-7.00-8.00	Delaware Commission of Veterans Affairs	AR-1	cemetery	5/13/1997	Approved	1134
1282	133-11.00-2.00	Woodlawn Memorial Park	AR-1	cemetery	6/8/1999	Approved	1313
1366	133-11.00-2.00	Melvin L. Joseph Construction Co.	AR-1	borrow pit	7/24/2001	Approved	1480
1408	133-7.00-8.00	ndian River School District(Stockley Site)	AR-1	public school	7/24/2001	Approved	1481
1628	133-7.00-8.00	State of Delaware	AR-1	Government Building	6/14/2005	Approved	1782
2566	133-6.00-154.00	Ismail Sen	AR-1	Tire Repair Shop		Pending	
2507	133-6.00-148.00	Kenneth R. Betts	AR-1	20,000 sq. ft. wrecked car parking lot		Withdrawn	
2477	133-7.00-8.00	State of Delaware	AR-1	Police Station	1/23/2024	Approved	2975
2607	133-7.00-8.00	State of Delaware	AR-1	Emergency Vehicle Operations	2/10/2026	Approved	4040

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

A3 Landscape Parcel Details



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

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

1:

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

April 1, 2026

A3 Landscape Parcel Details



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

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

1:

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

April 1, 2026

Sussex County



April 1, 2026

polygonLayer

- Override 1
- Override 2

Zoning

- General Residential - GR
- Institutional - I-1
- C1: General Commercial
- C2: Medium Commercial
- Tax Parcels
- TaxParcel
- Encumbrance
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata

1:9,028

0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km

VGIN, Vantor, Sussex County, Sussex County Government

Reintroduced: 4/14/26

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

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF STORAGE FACILITY, AN OFFICE AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.00 ACRES, MORE OR LESS.

WHEREAS, on the 11th day of July 2024, a Conditional Use application, denominated Conditional Use No. 2540 was filed on behalf of La Dolce Far Niente, LLC; and

WHEREAS, on the _____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2540 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2540 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

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

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

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: June 11, 2026

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

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

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

The County Council held a Public Hearing on the application at the meeting on June 9, 2026. At the conclusion of the Public Hearing, the Council left the Public Record open until 4:30 pm on Monday, June 15, 2026, for receipt of additional comments.

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

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

C/U 2604 Alvaro E. Perez Roblero
AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS. The property is lying on the west side of Cedar Corners Road (S.C.R.

638), approximately 410 feet south of Redden Road (Rt. 40). 911 Address: 16694 Cedar Corners Road, Bridgeville. Tax Map Parcel: 430-17.00-23.01.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Perez stated the rectangle area labeled as "Open Storage Area" was the proposed location for material storage; that he would need an area, approximately 10' x 40' to allow him to space them out, and right next to that area he would have two dumpsters for yard waste.
Madam Chair Wingate questioned what the purpose would be for the proposed pole shed.

Mr. Perez stated he intended to keep his lawn mowers, and other stuff to keep them out of the cold weather and rain.

Mr. Allen questioned whether any mechanical work would take place within the pole shed.

Mr. Perez stated that no mechanical work would take place in the pole shed.

Mr. Collins questioned whether any grinding of material happened on site, whether mulch was produced by a woodchipper, and if any chemicals, such as pesticides, were stored on the site.

Mr. Perez stated that no grinding material would be carried out on the site, and that no chemicals were stored on the site.

Madam Chair Wingate questioned whether any other commercial uses were located within the surrounding area.

Mr. Perez stated that he did not know of many, and there were some businesses, but he did not know whether they were deemed commercial or not.

Mr. Collins questioned whether there were any other landscape businesses or any other kind of business that may have dump trucks coming to and from their property located within a couple of miles of the site.

Mr. Perez stated probably on the opposite end of the street.

Mr. Pettyjohn questioned how Mr. Perez handled his fuel for his equipment, such as the mowers and tractors, and whether there was a bulk tank.

Mr. Perez stated that generally he would purchase fuel as he needed it; that every couple days, he would stop at the gas station to fill everything up; that did not have a bulk tank, and he would only keep a couple of gallons.

Mr. Robertson questioned whether the employees come to the site in the morning, get into company vehicles and leave for the job site with trailers hauling their lawn equipment.

Mr. Perez stated that he had a total of four employees; that two employees were full-time; that the business was seasonal; that in season, he may have four or six employees as he needed them; that it was 50-50; that about 50% of the time the employees would drive to the site, and other times he would pick the employees up.

Madam Chair Wingate questioned what the hours of operation would be.

Mr. Perez stated that the hours of operation would be from 7:00 am until 5:00 pm; that they start at 7:00 am, but his employees generally show up about 7:15 am.

Mr. Allen questioned whether they would work on weekends, and what the weekend hours would be.

Mr. Perez stated that they would work on weekends every now and then; that he would usually pick his employees up on the weekends to finish a job that they maybe did not finish on a Thursday or Friday, and the weekend hours of operation would be 7:00 am to 5:00 pm.

Madam Chair Wingate questioned whether snow removal services were provided.

Mr. Perez stated that his business did not provide snow removal services.

Mr. Pettyjohn questioned whether Mr. Perez lived in the existing home on the site.

Mr. Perez stated yes, he lived in the existing home on the site; that he was trying to fence in the whole three acres for all the equipment.

Mr. Pettyjohn questioned whether Mr. Perez serviced his own equipment or performed oil changes.

Mr. Perez stated that he did not perform service or oil changes to his equipment, and if the oil was running low, he would add oil but usually took it to the shop.

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

Mr. Brian Clairmont spoke in opposition to the application. Mr. Clairmont expressed concerns regarding noise, the negative impact of view from the proposed fence, and expressed the desire to keep the existing tree line.

Ms. Rita Fasano spoke in opposition to the application. Ms. Fasano expressed concerns regarding increased traffic, and the safety issues the increased traffic may cause, decrease in quality of life, and the negative impact on property values.

Mr. Anthony Fasano spoke in opposition to the application. Mr. Fasano expressed concerns regarding increased traffic and the impact on safety the increased traffic may cause.

Madam Chair Wingate questioned whether the application submission was initiated by an issued Notice of Violation or complaint.

Mr. Robertson stated he wanted to ensure the Applicant's testimony was accurate; that when looking at the Eagle View pictures from the County, it appeared that there was mulch on the site, however, it also appeared that trees were being grinded in the ground; that there appeared to be a grinding machine located on one corner of the property, despite being told that there was no grinding happening.

Mr. Perez stated that the grinder was not used on the property, and that he had been clearing the whole property.

Mr. Collins questioned whether Mr. Perez was indicating that the grinding was for the sake of his personal clearing of the property, and that the grinding was not for the sake of the business.

Mr. Perez stated exactly, yes; that there are big trees; that he got the grinder about a year ago; that with being busy he had not finished everything; that it was a very large property; that a neighbor had mentioned the property notice sign had been moved, but he had not touched it, and that the sign had remained in its place since Sussex County posted it.

Mr. Collins stated that he had visited the site a few days prior, at which time he did recall seeing the sign posting.

Madam Chair Wingate questioned whether the application was submitted as a result of an issued Notice of Violation.

Mr. Perez stated that he received a violation regarding having a lot of stuff in his yard; that he had been cleaning it up, and there was a lot of trash located on the site when he moved there.

Mr. Whitehouse advised the Commission that there was a Constable's case opened for the property dating back to June 2023.

Mr. Robertson stated that the Constables date was also consistent with the testimony regarding the tax sale.

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

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

In relation to C/U 2604 Alvaro E. Perez Roblero. Motion by Mr. Pettyjohn to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

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

Mr. Passwaters stated that he had reviewed the public hearing audio and the Application's public record, and therefore, was prepared and eligible to vote.

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

Mr. Passwaters moved that the Commission recommend denial of Conditional Use No. 2604 for Alvaro E. Perez Roblero for a landscaping business with outdoor storage and parking based upon the record made during the public hearing and for the following reasons:

1. This application is for a landscaping business on a 5.00-acre lot in an area adjacent to other residential properties.
2. The Planning & Zoning Commission is generally supportive of small businesses when they are appropriately located and operated. However, the record indicates that the Applicant has been operating his landscaping business from this property without the proper approvals in a location that is adversely affecting the area.
3. In addition, the Applicant has not satisfied the burden of creating an adequate record in support of the Application.

4. There was opposition to the Application from a neighboring property owner describing the current bad condition of the Property, and the neighbor expressed concerns that this would only get worse if the use is allowed to continue with a conditional use approval.
5. Photographs entered into the record show that there is a large accumulation of trash, logs, mulch and shredded wood and other materials throughout the property and along the boundary with neighboring properties. Under these conditions, it is not appropriate to grant a conditional use on this property.
6. There is testimony in the record that there is a title dispute as to a significant portion of the property. This should be resolved before further disturbance of the property can occur through the approval of a conditional use at this site.
7. There is evidence in the record that the existing condition of the property and proposed use and the materials, equipment and vehicles associated with it, adversely affects the neighboring and adjacent properties.
8. The current condition of the property and the proposed conditional use does not promote the health, safety and welfare of Sussex County and its residents and the record made by the Applicant is not sufficient to support an approval of the Application on these grounds.
9. Based on the record, the Applicant has not shown that the proposed use in this location will satisfy the purpose of a conditional use under the Sussex County Zoning Code. The record does not confirm that the use will be well-adjusted to its environment with full protection of

the neighboring properties and that it is desirable in this location for the general convenience and welfare of Sussex County residents and businesses.

10. For all of these reasons, I move that the Commission recommend a denial of this Conditional Use.

Motion by Mr. Passwaters, seconded by Mr. Pettyjohn, and carried unanimously to recommend denial of C/U 2604 Alvaro E. Perez Roblero, for the reasons stated in the motion. Motion carried 5-0.

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

Mr. Allen voted yea to recommend denial, for the reasons stated in the motion.

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

Mr. Collins voted yea to recommend denial, for the reasons stated in the motion.

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

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

PLANNING & ZONING COMMISSION
HOLLY J. WINGATE, CHAIR
JEFF ALLEN
G. SCOTT COLLINS
JOHN PASSWATERS
DAVID PETTYJOHN

Sussex County
DELAWARE
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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: May 6, 2026
Sussex County Council Public Hearing Date: June 9, 2026

Application:	CU 2604 Alvaro E. Perez Roblero
Applicant:	Alvaro E. Perez Roblero 16694 Cedar Corners Road Bridgeville, DE 19933
Owner:	Alvaro E. Perez Roblero 16694 Cedar Corners Road Bridgeville, DE 19933
Site Location:	16694 Cedar Corners Road, Bridgeville
Site Location:	Located on the west side of Cedar Corners Road (S.C.R. 638), approximately 0.35 mile south of Redden Road (Rt. 40).
Current Zoning:	Agricultural Residential (AR-1) Zoning District
Proposed Use:	Landscaping Business with Outdoor Storage and Parking
Comprehensive Land Use Plan Reference:	Low Density
Councilmanic District:	District 2 – Mr. McCarron
School District:	Woodbridge School District
Fire District:	Bridgeville Fire Company
Sewer:	Private Septic
Water:	Private Well
Site Area:	5.0-acre(s) +/-
Tax Map ID.:	430-17.00-23.01

EQUAL HOUSING OPPORTUNITY

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

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: April 29, 2026
RE: Staff Analysis for C/U 2604 Alvaro E. Perez Roblero

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2604 Alvaro E. Perez Roblero to be reviewed during the May 6, 2026, Planning and Zoning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the public hearing.

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

Tax Parcel ID: 430-17.00-23.01

Proposal: The request is for a Conditional Use for Tax Parcel: 430-17.00-23.01 to allow for a Landscaping Business within an Agricultural Residential (AR-1) District as required under §115-22 of the Sussex County Code. The property is lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 300 ft. south of Redden Road (Rt. 40). The property contains 5.00 acres more or less and is located at 16694 Cedars Corners Road in Bridgeville, Delaware.

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

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

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

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

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

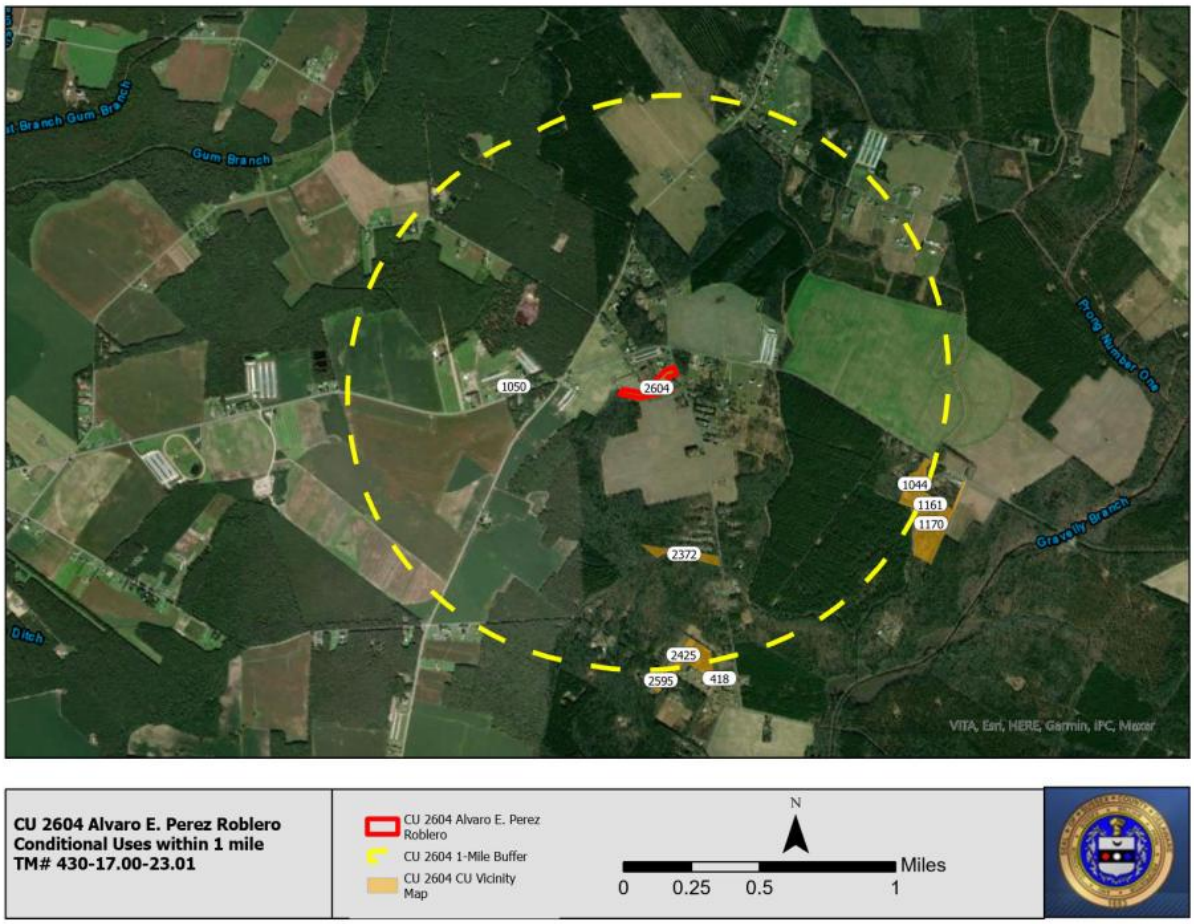
Further Site Considerations:

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

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been nine (9) Conditional Use Applications within a 1-mile radius of the Application Site.

CU No.	APPLICANT	Tax Parcel #	Current Zoning	Proposed Use	CC Decision Date	CC Decision	Ord. No.
418	Thurman Hicks & Carol	430-17.00-15.00	AR-1	Mobile home sales lot	7/26/1977	Approved	N/A
1044	Thomas & Elizabeth Johnson	430-17.00-34.00	AR-1	assembly of small products & sales	7/13/1993	Approved	908
1050	Harvey & Betty Warrington	430-17.00-1.06	AR-1	seasonal retail archery business	8/31/1993	Approved	917
1161	Joel & Nancy Kroeger	430-17.00-35.00	AR-1	recycling		WITHDRAWN	
1170	Joel & Nancy Kroeger	430-17.00-35.00	AR-1	recycling	11/12/1996	Approved	1115
2372	Augusto Morales Morales	430-17.00-62.00	AR-1	Landscaping Business	6/6/2023	Approved	2925
2425	Nasir Mahmood	430-17.00-15.17	AR-1	Multi-Family (5 units)		WITHDRAWN	
2595	The Restoration Group	430-17.00-15.10	AR-1	Construction Company		Pending	
2604	Alvaro E. Perez Roblero	430-17.00-23.01	AR-1	Landscaping Business		Pending	



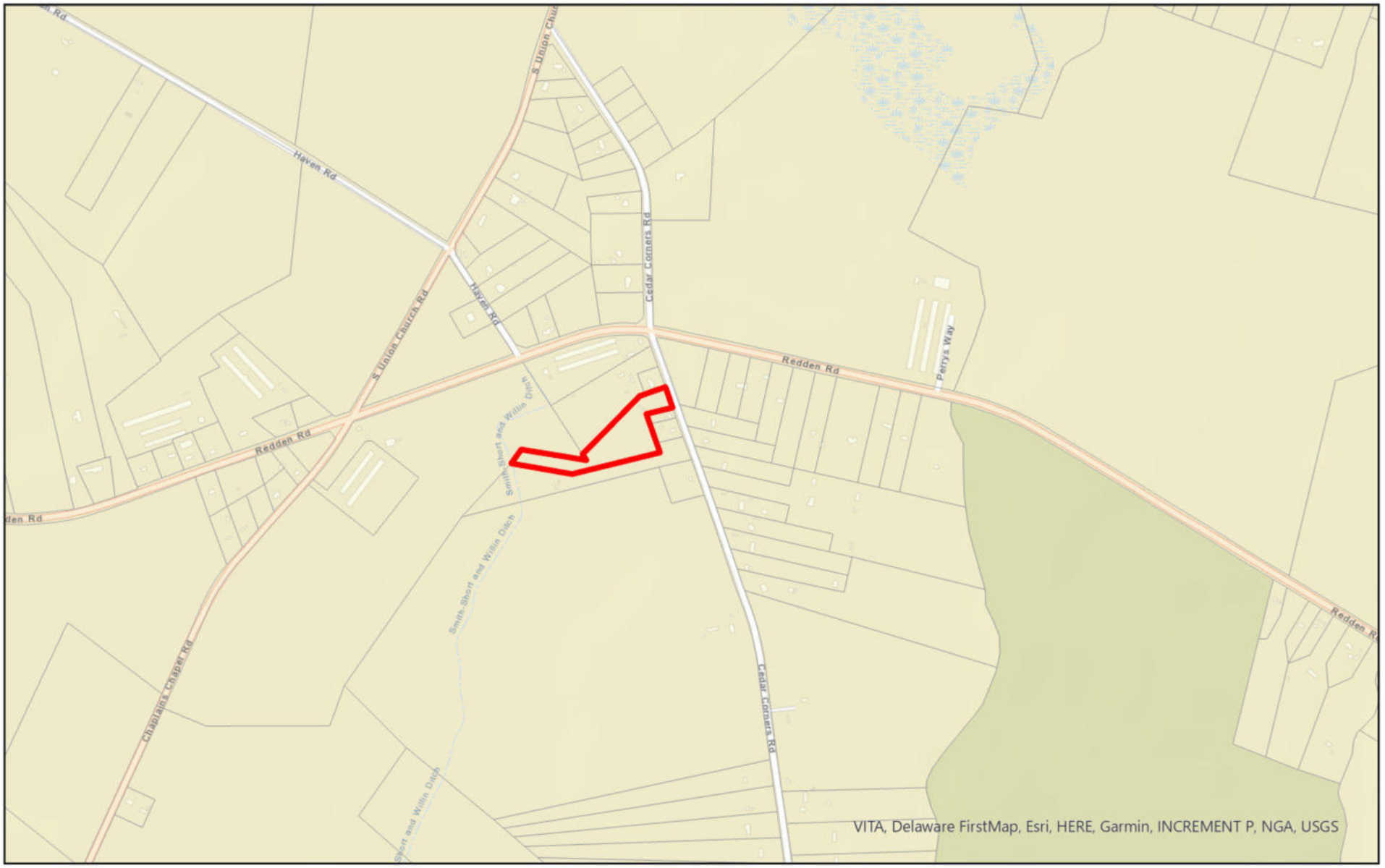
Based on the analysis provided, the Conditional Use to allow for a Landscaping Business could be consistent with the surrounding land uses, zoning, and general environment given considerations of scale and impact.



CU 2604 Alvaro E. Perez Roblero
Aerial Map
TM# 1430-17.00-23.01

N

0 0.25 0.5 1 Miles



CU 2604 Alvaro E. Perez Roblero
Street Map
TM# 1430-17.00-23.01

N

0 0.25 0.5 1 Miles



CU 2604 Alvaro E. Perez Roblero

Zoning

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

CU 2604 Alvaro E. Perez Roblero
Zoning Map
TM# 1430-17.00-23.01

N

0 0.25 0.5 1 Miles

Introduced: 3/3/26

Council District 2: Mr. McCarron
Tax I.D. No.: 430-17.00-23.01
911 Address: 16694 Cedar Corners Road, Bridgeville

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS

WHEREAS, on the 4th day of August 2025, a Conditional Use application, denominated Conditional Use No. 2604, was filed on behalf of Alvaro E. Perez Roblero; and

WHEREAS, on the _____ day of _____ 2026, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2604 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2604 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the west side of Cedar Corners Road (S.C.R. 638), approximately 410 feet south of Redden Road (Rt. 40), and being more particularly described in the attached legal description prepared by Aleman & Associates Attorneys at Law said parcel containing 5.0 acres, more or less.

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

Lloyd - Ok

Outlook

Form submission from: Council Grant Form

From notifications=d3forms.com@mg.d3forms.com <notifications=d3forms.com@mg.d3forms.com>
on behalf of
Sussex County DE <notifications@d3forms.com>

Date Tue 2026-06-09 10:55

To Morgan C. Stokes <morgan.stokes@sussexcountyde.gov>

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

Council Grant Form

Legal Name of Agency/Organization	The Town of Laurel
Project Name	4th of July Fireworks Display
Federal Tax ID	51-6000168
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To provide exceptional municipal services, promote public safety, and foster a vibrant, welcoming community where residents enjoy a high quality of life and visitors feel welcome. We are dedicated to preserving our small-town character while creating opportunities for growth, pride, and prosperity for all
Address	201 Mechanic Street
City	Laurel
State	DE

Zip Code	19956
Contact Person	Jamie Smith
Contact Title	Town Manager
Contact Phone Number	3028752277
Contact Email Address	laureltm@comcast.net
Total Funding Request	1400
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	4000
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	6
Program Category (choose all that apply)	Other
Program Category Other	Family Event Celebrating the 4th of July
Primary Beneficiary Category	Other

Beneficiary Category Other	community and surrounding communities
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	7000
Scope	Funds are being requested as an additional grant from Councilman Lloyd to help redue the gap in teh funds needed to coer the cost of the Annual Fireworks Display.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	12,000.00
Description	Fireworks
Amount	24,000.00
TOTAL EXPENDITURES	24,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-12,000.00
Name of Organization	The Town of Laurel
Applicant/Authorized Official	Jamie Smith
Date	06/09/2026

I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding	Yes
I understand that, if awarded grant funding, I will be required to provide receipts and/or supporting documentation showing how the funds were spent. Failure to provide the required documentation may result in ineligibility for future grant funding from Sussex County.	Yes

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

Morgan C. Stokes

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, May 29, 2026 11:46 AM
To: Morgan C. Stokes
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization	True Blue Jazz Inc.
Project Name	14th Anniveesary True Blue Jazz Festival
Federal Tax ID	47-1429059
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Preservation of American Jazz through Performance & Education.
Address	31408 Heron Circle
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	Peggy Raley

Contact Title	VP & Artistic Director
Contact Phone Number	302-448-1766
Contact Email Address	info@truebluejazz.org
Total Funding Request	10,000.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	7262.00
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Cultural Educational
Primary Beneficiary Category	Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	5000
Scope	Funding secured through this Sussex County Council Grant goes directly to our Youth Jazz Educational Initiative & Programs which keeps American Jazz alive for future generations, & the Jazz Fans that love this music in our audiences today. Your Sponsorship is a pledge of support for our Youth Jazz Education Workshops, Programs & Scholarships. Our Annual Festival, as well as year round Programs that we conduct benefit Jazz Students, serves a large community of Jazz Fans, & is a promotional mechanism generating Tourism for the entire Coastal Delaware Region by contributing to increased revenue for Hotels, Restaurants, & Businesses of all manner. The economic impact is dramatic & far-reaching...considering the ripple effect that we've seen by countless visitors attending our Shows, are introduced to our area, decide to move here or retire here...buy/build a house & become part of our local economy & tax base.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Venue Rental, Staging & Equipment Rent/Purchase
Amount	20,939.00
Description	Legal/Accounting/Professional Svcs
Amount	46,235.00

Description	Food & Beverage/Catering
Amount	4,597.00
Description	Transportation / Hotels
Amount	11,221.00
Description	Ad Design/Production & Promotions
Amount	11,252.00
Description	Office Supply/Svcs, Web Svc Fess, & Website Mgr
Amount	2,340.00
Description	Artist/Agent & Musician Fees
Amount	40,982.00
Description	True Blue Jazz Donations / Scholarships
Amount	3,000.00
TOTAL EXPENDITURES	140,566.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-140,566.00
Name of Organization	True Blue Jazz Inc.
Applicant/Authorized Official	Peggy Raley
Date	05/27/2026
I acknowledge and represent on behalf	Yes

of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding	
I understand that, if awarded grant funding, I will be required to provide receipts and/or supporting documentation showing how the funds were spent. Failure to provide the required documentation may result in ineligibility for future grant funding from	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
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